

**THE LAW OF THE REPUBLIC OF MOLDOVA**  
**on state regulation of external trade**

No. 1031-XIV from 08.06.2000

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The Parliament adopts the present organic Law.

The present law establishes the legal basis for the State regulation of external trade, the implication thereto of physical and legal persons from the Republic of Moldova and from abroad, the public authorities' rights, obligations and responsibilities for this issue.

**CHAPTER I**  
**GENERAL PROVISIONS**

**ARTICLE 1 OBJECTIVES OF THE PRESENT LAW**

The objectives of the present Law are:

- to maintain the sovereignty and assure the economic security of the state,
- to stimulate the national economy development through the promotion of foreign trade
- to create conditions for the effective integration of the Moldovan economy into the world economy.

**ARTICLE 2 DEFINITIONS**

In light of the present Law, the terms used hereinafter have the following meanings:

EXTERNAL TRADE – essential mean to achieve the global turnover of intellectual and material values, formed by a combination of operations and activities, in order to exchange goods, works and services at an international scale.

EXPORT - the totality of commercial operations, through which goods, works, services, as well as the results of intellectual activities, which are conveyed out of the territory of the Republic of Moldova with the transfer of the exclusive rights upon these results. The fact of export is concluded at the moment of movement of goods across the customs border of the Republic of Moldova, the provision of services and the transfer of rights on the results of intellectual activity.

IMPORT - the totality of commercial operations through which goods, works and services, as well as the results of intellectual activity, which are conveyed into the Republic of Moldova with the transfer of the exclusive rights upon these results. The fact of import is concluded at the moment of movement of goods across the customs border into the territory of Republic of Moldova, the receipt of services and the obtaining of the rights on the results of intellectual activity.

**ARTICLE 3 LEGAL REGULATION OF EXTERNAL TRADE**

(1). The external trade activity is established by the provisions of the Moldovan Constitution, by the present Law, by other normative acts, as well as by the international legal norms and agreements, to which the Republic of Moldova is a party.

(2). Where international agreements to which the Republic of Moldova is a party contain provisions, different from the ones, listed in the present Law and the normative acts related thereto, the provisions of the international agreements will be applied as a priority.

#### ***ARTICLE 4 STATE POLICY IN THE FIELD OF EXTERNAL TRADE***

(1). The State Policy in the field of external trade is fulfilled through economic and administrative methods, in accordance with the present Law, with other normative acts, as well as with the international treaties to which the Republic of Moldova is a party.

(2). The relations between the Republic of Moldova and other states in the field of external trade are based on the consideration of the generally accepted principles and norms of the international law and commitments resulting from the international treaties to which the Republic of Moldova is a party.

(3). Aiming its economic integration into the global economy, the Republic of Moldova may participate, according to the generally accepted principles and norms of international law, in international agreements regarding the customs unions and free trade zones.

#### ***ARTICLE 5 BASIC PRINCIPLES FOR STATE REGULATION OF EXTERNAL TRADE***

The basic principles for state regulation of external trade are:

- a. The promotion of an unified policy in the field of external trade, as a component part of the foreign policy of the Republic of Moldova;
- b. The centralisation of the state regulation system of external trade and the control over this activity;
- c. The unity of the customs territory of the Republic of Moldova;
- d. The priority of economic measures;
- e. The equality in rights and non-discrimination among persons, participating in external trade;
- f. The state protection of legal rights and interests, of participants in external trade, including the commercial secret.
- g. The freedom of international exchange. The international exchange can be subjected to certain interdictions and restrictions only in the situation and in the manner, provided by the present law, other normative acts and international treaties to which the Republic of Moldova is a party.

#### ***ARTICLE 6 THE PARTICIPANTS IN EXTERNAL TRADE***

(1). Participants in the Republic of Moldova's external trade may be the duly registered legal and natural persons, as well as the Republic of Moldova and the local public administration authorities.

(2). The Republic of Moldova and local public administration authorities directly carry on the external trade activity only when so is provided by legislation.

### ***CHAPTER 2***

#### ***FUNDAMENTAL PROVISIONS ON THE STATE REGULATION OF EXTERNAL TRADE***

#### ***ARTICLE 7 GOVERNMENT ATTRIBUTIONS***

(1). The Government will delegate its authority to a central public administration unit in order to coordinate and regulate external trade within the limits of its authorities.

(2). The Government:

- a. provides the promotion of the external trade state policy, passes decisions and provisions regarding the external trade activity and ensures their fulfilment;
- b. organises commercial exhibitions and fairs, symposia and specialised conferences;
- c. undertakes advertising campaigns and actions to promote the export of goods, works and services;
- d. provides the creation of an informational system and informational and consulting services in the field, applies different forms of the external trade activity stimulation and rousing;
- e. submits to the Parliament for approval national programs regarding the development of external trade;
- f. protects the economic interests of the Republic of Moldova and of its residents in the domain of external trade;
- g. establishes quantitative export and import restrictions according to the national legislation and international treaties to which the Republic of Moldova is a party;
- h. adopts, within its competence, decisions on negotiations and signing of international agreements;
- i. sets bans and restrictions on export and/or import, taking into account national interests and performs pre-shipment inspections of goods;
- j. operates other mandates in accordance with the legislation.

#### ***ARTICLE 8 METHODS OF STATE REGULATION OF EXTERNAL TRADE***

1. The State Policy within the external trade is implemented through the customs tariff regulation (application of customs tariffs on import and export), the appropriate introduction of exclusive taxes (special, antidumping, countervailing) and through non-tariff regulation (especially by quota and licences) of external trade in accordance with the present Law, other normative acts, as well as international agreements to which Moldova is a party. The use of other external trade regulatory methods is prohibited.

2. The State assures that the measures of protection, restrictions and bans, which are established in the field of external trade, will be fully justified by the motives that conditioned their application. At the same time, preference will be given to those protection measures, restrictions and bans which cause minimal prejudice to the external trade activity.

3. The legal basis for specific types of external trade, international collaboration within investments, production co-operation, joint entrepreneurial activities, international financial, banking, etc. transactions, which are not specified by the present law, is set by the laws and other normative acts in this field, as well as by international agreements to which Moldova is a party.

#### ***ARTICLE 9 THE CUSTOMS TARIFF REGULATION OF EXTERNAL TRADE.***

The customs tariff regulation of external trade is implemented in conformity with the in force domestic legislation and international agreements to which the Republic of Moldova is a party.

#### ***ARTICLE 10 QUANTATIVE RESTRICTIONS ON EXPORT AND IMPORT***

(1). The export from and import into the Republic of Moldova is not normally subjected to quantitative restrictions. The Government of the Republic of Moldova may, however, in exceptional cases, establish quantitative restrictions on export or import in accordance with the present law and the international treaties to which the Republic of Moldova is a party.

(2). Quantitative restrictions on export and import come into force not earlier than in 30 days after the publication of the respective Government decision, unless the decision states otherwise.

(3). In the case of quantitative restrictions on export and import establishment, quota distribution and issuance of licences is carried out by the authorised public administration authority, accordingly to the present law.

#### ***ARTICLE 11 INTERDICTIONS AND RESTRICTIONS ON EXPORT AND/OR IMPORT***

In accordance with the national legislation and international agreements to which Moldova is a party, and taking into consideration the national interests, the Government may establish interdictions and restrictions on export and/or import of goods, works, services, results of the intellectual activity, the transfer of the exclusive rights on the results thereof, paying special attention to:

- a. Respect for public order and traditions;
- b. Protection of life and health of the citizens, flora and fauna, and the general environmental protection;
- c. Cultural ethnic heritage preservation in the Republic of Moldova;
- d. National state security;
- e. Support for the Republic of Moldova's balance of payments
- f. Support (protection) of national producers;
- g. Fulfilment of the international commitments of the Republic of Moldova.

#### ***ARTICLE 12 PRE-SHIPMENT INSPECTION***

1. Pre-shipment inspection includes the control of goods' quantity and quality, their prices, as well as the verification of their customs classification.
2. Pre-shipment inspection is carried out by an organisation, having a world-wide infrastructure, within the territory of the country, delivering the goods, destined for export and /or import.
3. The Government sets the pre-shipment inspection procedures and the nomenclature of the inspected goods.

#### ***ARTICLE 13 STATE MONOPOLY ON EXPORT AND/OR IMPORT OF SOME TYPES OF GOODS***

1. The lists of certain types of goods for which the import and/or export is under the state monopoly are established by the Government
2. The State monopoly on export and/or import of some categories of goods is accomplished on the basis of export and /or import licences. The licenses are issued by the appropriate accredited public administration authority.
3. The transactions of the export and / or import of certain types of goods, which infringe state monopoly, are null and void. An authorised public administration authority is empowered to demand through the legal procedure the recognition of transactions as null and void in accordance with the Civil Code of the Republic of Moldova.

#### ***ARTICLE 14 REQUIREMENTS REFERRING TO THE IMPORTED GOODS***

1. Imported goods must correspond to provisions, stipulated in the standardisation normative documents, including to technical, pharmaceutical, sanitary, veterinary, phytosanitary and ecological requirements, established in the Republic of Moldova.

2. The evaluation of conformity, as well as the certification of imported goods is decided with reference to national legislation, and international treaties to which the Republic of Moldova is a party.

3. Goods, concerned as dangerous from the technical, pharmaceutical, sanitary, phytosanitary and ecological point of view, are on import, subjected to special control, in accordance with the national legislation and international treaties to which the Republic of Moldova is a party.

#### ***ARTICLE 15 IMPORT PROHIBITIONS OF GOODS***

(1) Import of the following goods is prohibited:

- a. Goods which do not meet national standards;
- b. Goods, which are unmarked or without conformity certificates, issued by the accredited certification bodies, in accordance with national legislation and international treaties to which the Republic of Moldova is a party.
- c. Goods that are unfit for consumption regarded as dangerous.
- d. Defective goods that present a consumer hazard.
- e. Goods, which threaten the national security, the public and veterinary health, the environment etc.

2. Imported goods, which infringe the provisions of subsection (1), must be re-exported, processed or destroyed on the basis of an order made under the national legislation. The cost of re-export, processing and/or destruction of such goods is a charge on the resident importer.

3. A resident importer has the right to appeal against the decision, setting the charges specified in Paragraph 2 of this Article.

### ***CHAPTER 3 SPECIAL TREATMENTS OF CERTAIN KINDS OF EXTERNAL TRADE***

#### ***ARTICLE 16 CROSS-BORDER TRADE***

1. Cross-border trade can be carried out between residents of the Republic of Moldova living near the borders of the country and the residents, living near the same borders of a country, adjacent to the Republic of Moldova, with which an appropriate treaty exists. The cross-border trade is designed exclusively to meet local consumption needs of goods, produced within the respective territory, as well as goods, destined for consumption within this territory.
2. The mode of implementation of such cross-border trade and the areas, in which it occurs, are established by the Government in accordance with the national legislation and with the international treaties, to which the Republic of Moldova is a party.

#### ***ARTICLE 17 FREE TRADE ZONES***

Special treatment of external economic activity, including the external commercial trade, inside Free Trade Zones, is established in conformity with the Law on Free Trade Zones, other normative acts, as well as in conformity with international treaties to which the Republic of Moldova is a party.

### ***CHAPTER 4***

#### ***DEVELOPMENT OF EXTERNAL TRADE***

#### ***ARTICLE 18 EXTERNAL TRADE DEVELOPMENT PROGRAMS***

The Government and the local public administration authorities contribute to the development of external trade, inclusively through the achievement of specific local and national programs in this field.

#### ***Article 19 INFORMATIONAL PROVIDENCE***

1. In order to develop external trade and to increase its efficiency degree, within the territory of the Republic of Moldova functions a special information system, financed from the state budget and coordinated by the accredited public administration authority.
2. The information system described in paragraph (1) provides data on:
  - a. National and foreign legislation in the field of foreign trade,
  - b. Technical regulations, standards, conformity evaluation and certification procedures,
  - c. Residents who have obtained quotas and licenses,
  - d. The activity of the Republic of Moldova's trade representations,
  - e. Activity of units providing credit services and assurance in the field,
  - f. Customs statistics of the Republic of Moldova,
  - g. Foreign market situation reports regarding the principal groups of goods,
  - h. List of goods, thereof import and export is limited or prohibited,
  - i. International treaties, to which the Republic of Moldova is a party,
  - j. Other aspects of existing foreign commercial activity.
3. The accredited public administration authority is obliged to present to residents and non-residents the necessary defrayed information.

#### ***ARTICLE 20 FOREIGN TRADE STATISTICS***

1. The Government, together with the National Bank of Moldova, ensures the creation, by a unique methodology, of a statistical system of recording, collection and processing statistical data, comparable at an international level, referring to:
  - a. Foreign trade, on the basis of the state statistic report and customs statistics,
  - b. Balance of payments of the Republic of Moldova, including statistical figures for imports and exports of goods, services, capital, securities, the credit obtaining and its services.
2. The Government, together with National Bank of Moldova annually and quarterly officially publishes the statistical information, indicated in paragraph 1 a) of the present article.

#### ***ARTICLE 21 BRANCHES AND REPRESENTATIVES OF NON-RESIDENTS IN THE REPUBLIC OF MOLDOVA***

Non-residents have the right to establish branches and representative offices within the territory of the Republic of Moldova in order to conduct external trade on their own behalf, respecting the laws and other normative acts of the republic of Moldova.

### ***CHAPTER 5 INTERSTATE RELATIONS IN EXTERNAL TRADE***

#### ***ARTICLE 22 ENSURING FAVORABLE CONDITIONS FOR ACCESS TO FOREIGN MARKETS***

The Government adopts measures directed at creating favourable conditions for its residents to obtain access to the market of other states, initiating bilateral and multilateral negotiations, signing international agreements, participating in the establishment and activity of international bodies and intergovernmental committees, aiming to increase economic and commercial relations between the Republic of Moldova and other countries.

***ARTICLE 23 COMMERCIAL-ECONOMIC REPRESENTATIVES OF THE REPUBLIC OF MOLDOVA***

1. The commercial-economic representatives are the state bodies, which represent the interests of the Republic of Moldova within foreign trade in different countries of residence and provide their protection.
2. The commercial-economic representatives work on the basis of international agreements signed by the Republic of Moldova with the respective countries.
3. The commercial-economic representatives have to provide informational and consultative services to residents of the countries concerned.

***ARTICLE 24 COMMERCIAL-ECONOMIC REPRESENTATIVES OF OTHER COUNTRIES IN THE REPUBLIC OF MOLDOVA***

The commercial-economic representative offices of other countries in the Republic of Moldova are established on the basis of international agreements signed between the Republic of Moldova and respective state.

***CHAPTER 6***

***CONTROL OF EXTERNAL TRADE  
RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION  
LITIGATIONS SETTLEMENT***

***ARTICLE 25 CONTROL OF EXTERNAL TRADE***

The appropriate public administration authorities of the Republic of Moldova exercise control over external trade in order to insure the compliance with the present law, other normative acts and international treaties to which the Republic of Moldova is party, in order to protect the economical interests of the state and its residents.

***ARTICLE 26 RESPONSIBILITIES***

Persons infringing the legislation in the pursuit of external trade bear, upon the case, disciplinary, administrative and criminal responsibility, according to the legislation.

***ARTICLE 27 LITIGATIONS SETTLEMENT***

Litigations between residents and non-residents on the one hand, and public administration authorities on the other hand, are settled before the court according to the norms of the international law.

***CHAPTER 7 RESPONSIBILITY OF THE PARTICIPANTS IN EXTERNAL TRADE***

***ARTICLE 28 STATE RESPONSIBILITY***

The state, as a party to external trade, bears responsibility for its obligations within the limits established by the international agreements in this field.

***ARTICLE 29 DELIMITATION OF RESPONSIBILITIES***

The Republic of Moldova is not responsible for the obligations of other participants in external trade, with the exception of cases provided by the in force legislation, conversely, other parties are not responsible for the obligations of the Republic of Moldova.

## ***CHAPTER 8***

### ***FINAL AND TRANSITORY PROVISIONS***

#### **ARTICLE 30**

The Government will set up the normative acts in accordance with the present law within two months.

#### **ARTICLE 31**

At the date of entering into force of the present law the following laws will be abrogated:

The Law Nr. 188-XII from 26 July 1990 on Regulation of import and export of goods and services;

The Law Nr. 849-XII from 3 January 1992 on The basis of External Economic activities in the Republic of Moldova.

**The Chairman of the Parliament  
Chishinau, June 8, 2000  
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**Dumitru DIACOV**