

**FREE TRADE AGREEMENT BETWEEN ROMANIA  
AND THE REPUBLIC OF MOLDOVA**

## **PREAMBLE**

Romania and the Republic of Moldova, hereinafter referred to as “*the Parties*”,

*Recalling* their intention to participate actively in the process of economic integration in Europe,

*Considering* the importance of the traditional, historical and spiritual links existing between Romania and the Republic of Moldova and the common values they share, and recognizing that Romania and the Republic of Moldova wish to strengthen these links and to establish close and lasting cooperation and economic integration relations,

*Reaffirming* their commitment to pluralistic democracy based on the rule of law, fundamental human rights and freedoms,

*Firmly convinced* that this Agreement will promote the increasing of bilateral mutually

advantageous trade exchanges, will foster to the creation of enlarged free-trade area, thus constituting an important contribution to the European integration process,

*Determined* to this end to eliminate progressively the barriers to their mutual trade, in accordance with the General Agreement on Tariffs and Trade (GATT),

*Considering* that no provision of this Agreement may be interpreted as exempting the States Parties to this Agreement from their obligations under other international agreements,

*Hereby agree as follows:*

#### Article 1 **Objectives**

1. Romania and the Republic of Moldova shall establish a free-trade area, in accordance with the provisions of the present Agreement.
2. The objectives of this Agreement are:
  - (a) to promote, by expanding mutual trade, the harmonious development of the economic relations between Romania and the Republic of Moldova, the improvement of living and employment standards, increasing of productivity and financial stability;
  - (b) to provide fair conditions of competition in trade between the States Parties to this Agreement;
  - (c) to contribute, in this way, by removal of barriers to trade, to the harmonious development and expansion of world trade.

#### Article 2 **Scope**

The Agreement shall apply to products originating in the States Parties to this Agreement.

#### Article 3 **Customs duties on imports and charges having equivalent effect**

1. No new customs duty on imports or charge having equivalent effect shall be introduced in trade between Romania and the Republic of Moldova.
2. Upon the date of entry into force of this Agreement, Romania and the Republic of Moldova shall abolish all customs duties on imports for products originating in Romania, and respectively, in the Republic of Moldova.
3. On the same date, Romania applies an import charge of 0.5 per cent *ad valorem* to all its imports, and the Republic of Moldova an import charge of 0.25 per cent.

#### Article 4 **Customs duties of a fiscal nature**

The provisions of Article 3 shall also apply to customs duties of a fiscal nature.

#### Article 5

##### **Customs duties on exports and charges having equivalent effect**

1. No new customs duty on exports or charge having equivalent effect shall be introduced in trade between Parties.
2. On the date of entry into force of the Agreement, Romania applies an export charge of 0.5 per cent *ad valorem* to all its exports, and the Republic of Moldova an export charge of 0.25 per cent.

#### Article 6

##### **Quantitative restrictions on imports and measures having equivalent effect**

No quantitative restrictions on imports or measures having equivalent effect shall be introduced in trade between Parties.

#### Article 7

##### **Quantitative restrictions on exports and measures having equivalent effect**

1. No quantitative restrictions on exports or measures having equivalent effect shall be introduced in trade between Parties.
2. Quantitative restrictions and measures having equivalent effect shall be abolished on the date of entry into force of the Agreement, except for those provided for in Annex I, for Romania, and those provided for in Annex II, for the Republic of Moldova.

#### Article 8

##### **Information procedure on draft technical regulations**

The Parties to this Agreement shall notify each other, at the earliest practicable stage, the draft technical regulations and draft amendments thereto which they intend to issue.

#### Article 9

##### **Rules of origin and co-operation in customs administration**

1. Protocol A lays down the rules of origin and methods of administrative co-operation.
2. The Parties to this Agreement shall take appropriate measures, including regular reviews by the *Joint Committee* and arrangements for administrative co-operation, to ensure that the provisions of the Protocol A and of the Agreement are effectively and harmoniously applied.

#### Article 10

##### **Internal taxation**

1. The Parties to this Agreement shall refrain from any measure or practice of internal fiscal nature establishing, whether directly or indirectly, discrimination between the products originating in the States Parties.

2. Products exported to the territory of one of the States Parties to this Agreement may not benefit from repayment of internal taxation exceeding the amount of direct or indirect taxation imposed on them.

#### Article 11

#### **Sanitary and phytosanitary measures**

The Parties shall apply their veterinary, phytosanitary and sanitary measures in a non-discriminatory manner and no new measure having trade restrictive effect shall be introduced.

#### Article 12

#### **General exceptions**

1. This Agreement shall not preclude application of prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; protection of life and health of humans, animals or plants and environment; protection of national treasures possessing artistic, historical or archaeological value; protection of intellectual property; regulations on gold or silver; regulations on conservation of exhaustible natural resources, if such measures are effectively applied in relation with domestic consumption or production restrictions.
2. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Parties to this Agreement.

#### Article 13

#### **Security exceptions**

1. Nothing in this Agreement shall prevent a State Party to this Agreement from taking any measures which it considers necessary:
  - (a) to prevent the disclosure of information contrary to its essential security interests;
  - (b) for the protection of its essential security interests or for the implementation of international obligations or national policies;
  - (c) relating to the traffic in arms, ammunition and implements of war, provided that such measures do not impair the conditions of competition in respect of products not intended for specific military purposes, and to such traffic in other goods, materials and services as is carried on directly or indirectly for the purpose of supplying a military establishment;
  - (d) relating to the non-proliferation of biological and chemical weapons, nuclear weapons or other nuclear explosive devices; or
  - (e) taken in time of war or other serious international tension constituting threat of war.

#### Article 14

#### **State monopolies**

The States Parties to this Agreement shall ensure that any state monopoly of a commercial character be adjusted, so that the objectives of the Agreement are not affected. At the end of the fifth year following the entry into force of the Agreement, there will be no discrimination on the conditions under which goods are procured or sold between the nationals of the two Parties to this Agreement. The Joint Committee will examine the necessary measures to fulfil this objective.

#### Article 15

##### **Payments**

1. Payments in free currency relating to trade between Parties and the transfer of such payments to the territory of the State Party to this Agreement, where the creditor resides, shall be free from any restrictions.
2. The Parties shall refrain from any exchange or administrative restrictions on the grant, repayment or acceptance of short or medium term credits covering commercial transactions in which a resident participates.
3. Until a full convertibility of the currency is introduced, in the meaning of Article VIII of the Agreement of the International Monetary Fund, the Parties reserve the right to apply exchange restrictions connected to the granting or taking of short and medium term credits, provided that these restrictions are applied in a non-discriminatory manner. They shall be applied in such a manner as to cause the least possible disruption to this Agreement. The Parties shall promptly inform the Joint Committee on the introduction of such measures and on any changes therein.

#### Article 16

##### **Rules of competition between economic agents**

1. The following are incompatible with the proper functioning of this Agreement insofar as they affect trade between Parties:
  - (a) all agreements between the economic agents, decisions taken by associations of economic agents and concerted practices between the economic agents which have as their objective or effect the prevention, restriction or distortion of competition;
  - (b) abuse by one or more economic agents of a dominant position in the territories of the States Parties to this Agreement as a whole or in a substantial part thereof..
2. If a State Party to this Agreement considers that a given practice is incompatible with the provisions of paragraph 1 and if such practice causes or threatens to cause serious prejudice to the interest of that State Party or material injury to its domestic industry, it may take appropriate measures, upon consultation within the Joint Committee or 30 days after a request for such consultations is made.

#### Article 17

##### **State aid**

1. Any aid granted by a State Party to this Agreement or from State resources, in whatever form, distorting or threatening to distort competition by favouring certain entrepreneurs or the production of certain goods shall be incompatible with the proper functioning of this Agreement, insofar as it may affect trade between the Parties.
2. The Joint Committee shall set out the basic criteria to verify any practices contrary to paragraph 1, and the rules of their application.
3. The Parties shall ensure transparency of state aid measures; they will submit each year a report to the Joint Committee on the whole volume of the state aid and its distribution and will provide, on the other Party's request, information on the support schemes in specific cases.
4. If a State Party to this Agreement considers that a given practice is incompatible with the provisions of paragraph 1, it may take appropriate measures against this practice, which shall not be in excess of the injury caused, under the conditions and in accordance with the procedures laid down in Article 25.

#### Article 18

#### **Government procurement**

1. The Parties consider the liberalization of their government procurement markets as an objective of this Agreement.
2. The Parties shall progressively develop regulations governing the government procurement, in order to ensure mutual access to contract award procedures, based on auctions on their government procurement markets.
3. The Joint Committee shall examine the development of regulations in this field, in order to fulfil the objective of this Article, and may recommend specific modalities to fulfil its provisions.

#### Article 19

#### **Intellectual property protection**

1. The States Parties to this Agreement shall grant and ensure adequate, effective and non-discriminatory protection of intellectual property rights, including measures for the enforcement of such rights against infringement, counterfeiting and piracy.
2. For the purposes of this Agreement, the protection of intellectual property rights includes mainly the protection of copyright, computer programs, databases and neighbouring rights, trademarks, geographical indications, industrial designs, patents, topographies of integrated circuits, as well as unpublished know-how information.
3. The Parties shall co-operate in intellectual property rights protection matters and, at the request of the other Party, consultations at expert level regarding these problems shall be held, mainly in areas dealing with the existing and future international treaties on harmonization, administration and enforcement of intellectual property rights, as well as international specialized organizations' activities.

#### Article 20

#### **Dumping**

If one of the Parties to this Agreement finds that dumping is practiced in trade with this state, the State Party concerned may take appropriate measures against this practice under the conditions and in accordance with the procedure laid down in Article 25.

Article 21  
**General safeguard actions**

Where a product is being imported in such increased quantities and under such conditions as to cause, or threaten to cause:

- (a) serious injury to domestic producers of similar or directly competitive products in the territory of the importing state, or
- (b) serious disturbance in any sector of the economy or difficulties which could bring about serious deterioration in the economic situation of a region,

the concerned State Party may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 25.

Article 22  
**Structural adjustment**

1. Exceptional measures of a limited duration which derogate from the provisions of Article 3 may be taken in the form of customs duties.
2. These measures may only concern infant industries, or certain sectors undergoing restructuring or facing serious difficulties, particularly where these difficulties produce important social problems.
3. The interested Party shall inform the Joint Committee of any exceptional measures it intends to take and, at the request of the other Party, consultations shall be held within the Joint Committee regarding such measures and the sectors to which they apply, even before they are put into force. When taking such measures, the Party concerned shall provide the Joint Committee with a schedule for the elimination of the customs duties introduced under this Article.

Article 23  
**Re-export and serious shortage**

Where the compliance with the provisions of this Agreement leads to:

- (a) re-export towards a third country against which the exporting State Party to this Agreement maintains for that product quantitative export restrictions, export duties or measures or charges having equivalent effect; or
- (b) a serious shortage, or threat thereof, of a product essential to the exporting State Party to this Agreement;

and where the situation referred to above gives rise or is likely to give rise to major difficulties for the exporting State Party, that Party may take appropriate measures under the conditions and

in accordance with the procedures laid down in Article 25.

Article 24  
**Fulfilment of obligations**

1. The States Parties to this Agreement shall take all necessary measures to ensure the fulfilment of their obligations under the Agreement.
2. If one State Party considers that the other Party has failed to fulfil an obligation under this Agreement, the State Party concerned may take the appropriate measures under the conditions and in accordance with the procedures laid down in Article 25.

Article 25  
**Procedure for the application of safeguard measures**

1. Before initiating the procedure for the application of safeguard measures set out in the following paragraphs of the present Article, the States Parties to this Agreement shall endeavour to solve any differences between them through direct consultations.
2. Without prejudice to paragraph 6 of the present Article, a State Party to this Agreement, which considers resorting to safeguard measures, shall promptly notify the other State Party and supply all relevant information. Consultations between the State Parties shall take place without delay with a view to finding a mutually acceptable solution.
3.
  - (a) As regards Article 17, the States Parties shall give the Joint Committee all the assistance required in order to examine the case. If the State Party fails to put an end to the practice objected to, within the period fixed by the Joint Committee, or if the Joint Committee fails to reach an agreement after consultations, or after 30 days following the referral for such consultations, the State Party concerned may adopt the appropriate measures to deal with the difficulties resulting from the practice in question.
  - (b) As regards Articles 20, 21 and 22, the Joint Committee shall examine the case or the situation and may take any decision needed to put an end to the difficulties notified by the State Party concerned. In the absence of such a decision within 30 days of the matter being referred to the Joint Committee, the State Party concerned may adopt the measures necessary in order to remedy the situation.
  - (c) As regards Article 24, the State Party concerned shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a mutually acceptable solution. If the Joint Committee fails to reach such a solution or if a period of 30 days has elapsed from the date of notification, the State Party concerned may take appropriate measures.
4. The safeguard measures taken shall be notified immediately to the other Party to this Agreement and to the Joint Committee. They will be restricted with regard to their extent and to their duration to what is strictly necessary in order to rectify the situation giving rise to their application and shall not be in excess of the injury caused by the practice or the difficulty in question. Priority shall be given to such measures as will least disturb the functioning of the Agreement.

5. The safeguard measures taken shall be the object of regular consultation within the Joint Committee with a view to their relaxation, substitution or abolition, as soon as possible.

6. Where exceptional circumstances requiring immediate action make prior examination impossible, the State Party concerned may, in the cases of Articles 20, 21 and 22 apply forthwith the precautionary and provisional measures strictly necessary to remedy the respective situation.

The measures shall be notified without delay and consultations between the States Parties to this Agreement shall take place as soon as possible within the Joint Committee.

#### Article 26

##### **Balance-of-payments difficulties**

1. Where a Party to this Agreement is in serious balance-of-payments difficulties, or under imminent threat thereof, the Party concerned may adopt, in accordance with the conditions established in this Agreement, trade restrictive measures, which shall be of limited duration and may not go beyond what is necessary to remedy the balance-of-payments situation.

The measures shall be progressively relaxed as balance-of-payments conditions improve and they shall be eliminated when conditions no longer justify their maintenance. The State Party concerned shall inform the other State Party to this Agreement and the Joint Committee forthwith their introduction and, whenever practicable, of a time schedule for their removal.

2. The State Parties to this Agreement shall endeavour to avoid the imposition of restrictive measures based on balance-of-payments difficulties.

#### Article 27

##### **Evolutionary clause**

1. Where a State Party to this Agreement considers that, in the interest of their economies, it would be useful to develop and deepen the relations established by the Agreement, by extending them to fields not covered thereby, it shall submit a reasoned request to the other State Party to this Agreement. The States Parties may instruct the Joint Committee to examine their request and, where appropriate, to make recommendations to them, particularly with a view to opening negotiations.

2. Agreements resulting from the procedure referred to in paragraph 1 will be subject to ratification or approval by the States Parties to this Agreement, in accordance with their own procedures.

#### Article 28

##### **The Joint Committee**

1. The Parties agree to establish a Joint Committee composed of their representatives.

2. The implementation of this Agreement shall be supervised and administered by the Joint Committee.

3. For the purpose of the proper implementation of the Agreement, the States Parties shall

exchange information and, at the request of any State Party, shall hold consultations within the Joint Committee. The Joint Committee shall keep under review the possibility of further removal of the obstacles to trade between the Parties.

4. The Joint Committee may take decisions in the cases provided for in this Agreement. On other matters the Joint Committee may take recommendations.

#### Article 29

##### **Procedures of the Joint Committee**

1. For the proper implementation of this Agreement the Joint Committee shall meet whenever necessary but at least once a year. Each State Party to this Agreement may request that a meeting be held.
2. The Joint Committee shall act by common agreement.
3. For the purpose of this Agreement the Joint Committee shall adopt its rules of procedure.
4. The Joint Committee may decide to set up such sub-committees and working parties as it considers necessary to assist it in accomplishing its tasks.

#### Article 30

##### **Trade relations governed by other Agreements**

1. This Agreement applies to trade relations between Romania and the Republic of Moldova.
2. This Agreement shall not prevent the maintenance or establishment of customs unions, free-trade areas, economic unions or arrangements for frontier trade.

#### Article 31

##### **Annexes and Protocols**

The Annexes and the Protocols to this Agreement form an entire part of it. The Joint Committee may decide to modify the Annexes and Protocols of this Agreement, in accordance with the provisions of Article 29.

Article 32  
**Territorial application**

This Agreement shall apply to the territories of Romania and the Republic of Moldova.

Article 33  
**Amendments**

Amendments to this Agreement other than those referred to in Article 31, which are approved by the Joint Committee, shall be submitted to the other State Party for acceptance and shall enter into force at the date of communication of their acceptance.

Article 34  
**Withdrawal and expiration**

Each State Party to this Agreement may withdraw therefrom by means of a written notification to the other Party to the Agreement.

The withdrawal shall take effect six months after the date on which the notification is received.

Article 35  
**Entry into force**

This Agreement shall enter into force at the date of the last notification through which the other Party notifies its ratification.

The Parties will do their utmost in order to fulfil the ratification procedures, within a maximum of six months from the date of signature of the present Agreement.

Article 36  
**Depositary**

Done at Bucharest, this 15th day of February 1994, in two authentic copies in the Romanian language, both copies being equally valid.

## Appendix I

### A. LIST OF GOODS AND THEIR EXPORT QUOTAS FOR 1994

No.	Tariff code	Description of product	Measure unit	Quantity
1	1005.10.11	Double hybrids of maize and crossed hybrids	Ton	1000
2	105.10.13	Three times crossed hybrids	Ton	2.120
3	1005.10.15	Simple hybrids	Ton	5.995
4	1206.00.10	Sunflower-seed for sowing	Ton	230
5	1512.11.91	Crude sunflower oil	Ton	15.000
	4407.10	Resinous wood swan, including:		
6	4407.10.30	Planed	Cubic metre	x)
7	4407.10.79	Wood of a length not exceeding 1,25 meters and a thickness of minimum 12,5 mm	Cubic meter	x)
8	4407.10.91	Spruce fir (Picea Abies Karst) wood swan or silvered fir wood swan	Cubic meter	x)
9	4407.10.99	Others	Cubic meter	x)
	4407.92	Of beech (Fagus spp.), including:		
10	4407.92.30	Planed	Cubic meter	x)
11	4407.92.50	Filed	Cubic meter	x)
12	4407.92.90	Others	Cubic meter	x)
	4407.99	Others	Cubic meter	x)
13	4407.99.91	Poplar (Populus) wood swan	Cubic meter	x)
14	4407.99.99	Others (robinia, birch, alder, willow, lime trees)	Cubic meter	x)
15	4407.91.31	Strips and friezes for parquet flooring, not assembled, of solid oak	Cubic meter	x)
16	4409.90.93	Beech veneered panels not exceeding 1 mm thickness	Cubic meter	x)
17	4415.10.10	Cases, boxes, crates, cans (coniferous, beech, different mild and strong essences)	Cubic meter	x)
18	4415.20.10	Simple pallets (others than prohibited)	Cubic meter	x)
19	4415.20.90	Euro-pallets, box pallets (others than prohibited)	Cubic meter	x)
	4703	Semi-bleached or bleached chemical wood pulp (cellulose):	Ton	x)
20	4703.21.00	Coniferous	Ton	x)
21	4703.29.00	Non-coniferous (leafy trees)	Ton	x)
22	7403.21.00	Copper-zinc base alloys (brass)	Ton	4.000
23	7403.22.00	Copper-tin base alloys (bronze)	Ton	8.000
24	7403.29.00	Other copper alloys	Ton	500
25	7801.99.91	Lead alloys	Ton	1.000

Note: "Ex" marks the cases where, from the entire tariff code, only the mentioned product or group is quoted.

The letter (x) means that the quotas level for these tariff codes shall be established on approval by the Parliament of the Law on wood mass volume which will be harvested in 1994.

Licenses allowing the export of the respective products in 1994 shall be granted upon determination of the level of these quotas.

A. THE LIST OF PRODUCTS WHOSE EXPORT IS CONDITIONED BY ANTICIPATED REFUNDING OF THE EQUIVALENT VALUE OF INCENTIVES GIVEN TO PRODUCERS

No.	Tariff code	Description of product
1	2503.10.00	Crude or unrefined sulphur
2	2503.90.00	Other sulphur
3	2802.00.00	Sublimed, precipitated or colloidal sulphur
4	2603.00.00	Copper ores and concentrates
5	2607.00.00	Lead ores and concentrates
6	2608.00.00	Zinc ores and concentrates
7	2612.10.10	Uranium and pitchblende ores
8	2612.10.90	Other uranium ores and concentrates
9	2616.90.00	Other precious metal ores and concentrates
10	2701.11.10	Anthracite containing volatile substances not exceeding 10%
11	2701.11.90	Other anthracite
12	2701.12.10	Coking coal
13	2701.12.90	Other bituminous coal
14	2701.19.00	Other coal
15	2701.20.00	Briquettes and similar solid fuels manufactured from coal
16	2702.10.00	Lignite, whether or not pulverised
17	2702.20.00	Agglomerated lignite

Note: 1) Licenses shall be granted exclusively upon certification by the Ministry of Industry of the anticipated refunding to the budget of the equivalent value of incentives given to producers.

A. LIST OF PRODUCTS TEMPORARILY NOT ADMITTED TO EXPORT IN 1994

No.	Tariff code	Description of product
1	0604.91.10	Christmas trees, fir trees (including branches)
2	1001.90.91	Common wheat and meslin for sowing
3	1001.90.99	Other (consumption wheat)
4	1005.10.19	Other maize (corn) hybrids for sowing
5	1005.10.90	Other hybrids, maize (corn)
6	1005.90.00	Other maize (consumption)
7	1206.00.90	Other sunflower seeds (consumption)
8	1703.90.00	Other molasses resulting from the extraction or refining of sugar (of sugar beet)
9	2709.00.10	Petroleum oils and oils obtained from bituminous minerals (rock oil), crude; condensed natural gas 10.
11	2710.00.71	Fuel intended for specific treatment
12	2710.00.72	Fuel intended for a chemical processing by a treatment, other than the one determined by tariff code 2710.00.71
13	2710.00.74	Fuel containing by weight less than 1% of sulphur
14	2710.00.76	Fuel containing by weight more than 1 % of sulphur, but less than 2%
15	2710.00.77	Fuel containing by weight more than 2% of sulphur, but less than 2,8%
16	2710.00.78	Fuel containing by weight more than 2,8% of sulphur
17	2711.12.11	Liquefied propane with a purity of at least 99% intended to be used as carburant or combustible
18	2711.12.19	Liquefied propane with a purity of at least 99% intended for other purposes
19	2711.12.91	Other liquefied propane concentrations intended to undergo a specific treatment
20	2711.12.93	Other liquefied propane concentrations intended to undergo a chemical

		processing by a treatment, other than the one determined by tariff code 2711.12.91
21	2711.12.94	Liquefied propane intended for other purposes with a purity more than 90% but less than 99%
22	2711.12.96	Mixtures of liquefied propane and liquefied butane, containing over 50%, but not more than 70% of propane
23	2711.12.98	Other concentrations of liquefied propane
24	2711.13.10	Liquefied butane intended to undergo a specific treatment
25	2711.13.30	Liquefied butane intended to undergo a chemical processing by a treatment, other than the one determined by tariff code 2711.13.10
26	2711.13.91	Liquefied butane intended for other purposes with a purity more than 90%, but less than 95%
27	2711.13.93	Mixtures of liquefied butane and liquefied propane containing more than 50%, but less than 65 % of butane
28	2711.13.90	Other concentrates of liquefied butane
29	3002.10.91	Haemoglobin, blood and serum globulin
30	3002.90.10	Human blood
31	3002.90.30	Animal blood prepared for therapeutic, prophylactic or diagnostic uses
32	3002.90.50	Cultures of micro-organisms
33	3002.90.90	Other similar products (except for human placenta and retro-placental blood)
34	4401.10.00	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
35	4401.21.00	Wood in chips or particles of coniferous
36	4401.22.00	Non-coniferous
37	4401.30.10	Sawdust
38	4401.30.90	Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets
39	4403.10.10	Coniferous pillars (treated with paint, creosote or other preservatives) of a length exceeding 6 m, but not exceeding 18 m, with a basis girth exceeding 45 cm, but not exceeding 90 cm, injected or otherwise impregnated
40	4403.10.91	Coniferous
41	4403.10.99	Other
42	4403.20.00	Coniferous wood, not mechanically worked, peeled, simple, shaped or chiselled
43	4403.91.00	Of oak
44	4403.92.00	Of beech
45	4403.99.10	Of poplar
46	4403.99.90	Other Hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking-sticks, umbrellas, tool handles or the like; other, wooden plates and strips and the like
47	4404.10.00	Of coniferous
48	4404.20.00	Non-coniferous
49	4405.00.00	Wood wool; wood flour
50	4406.10.00	Railway or similar sleepers (cross-ties) of wood, not impregnated
51	4406.90.00	Other railway sleepers and the like Wood swan or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm
52	4407.91.00	Of oak
53	4407.91.10	Finger-jointed, whether planed or sanded
54	4407.91.39	Other
55	4407.91.50	Sanded

56	4407.91.90	Other
57	4407.99.93	Of walnut
58	4407.99.99	Other (sycamore maple, sweet cherry, elm, ash trees) Veneer sheets and sheets for plywood (whether or not spliced) and other wood sawn lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness not exceeding 6 mm
59	4408.90.93	Other not exceeding 1 mm of thickness, of oak, sweet cherry, sycamore maple, elm, ash, walnut trees
60	4408.90.99	Other exceeding 1 mm Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like), whether or not planed, sanded or finger-jointed
61	4409.20.99	Other (walnut, sycamore maple, sweet cherry, ash, elm trees)
62	4412.99.90	Plywood of oak, walnut, sycamore maple, sweet cherry, ash, elm trees
63	4415.10.10	Cases, boxes, crates, cans (oak, sycamore maple, sweet cherry, ash, elm, walnut)
64	4415.20.10	Simple pallets, of oak, sycamore maple, sweet cherry, ash, elm, walnut
65	4415.20.90	Other (euro-pallets, box pallets of oak, sycamore maple, sweet cherry, ash, elm, walnut)
66	4416.00.10	Oak wood for staves, whether or not cut on their two main faces, but not worked otherwise
67	4416.00.90	Other of oak
68	4418.40.00	Shuttering for concrete constructional work
69	4418.90.00	Other (parts of framework for constructions, rafters, balls, poles)
70	4701.00.10	Mechanical wood pulp Thermo-mechanical wood pulp
71	4701.00.90	Other
72	4702.00.00	Chemical wood pulp with dissolver Chemical wood pulp, soda or sulphur, other than dissolving grades
73	4703.11.00	Coniferous
74	4703.19.00	Non-coniferous Chemical wood pulp, sulphate, other than dissolving grades
75	4704.11.00	Coniferous
76	4704.19.00	Non-coniferous
77	4704.21.00	Coniferous
78	4704.29.00	Non-coniferous
79	4705.00.00	Chemical wood pulp
80	7112.10.00	Waste and scrap of gold, including metal plated or clad with gold, but excluding sweepings containing other precious metals
81	7112.20.00	Waste and scrap of platinum, including metal plated or clad with platinum, but excluding sweepings containing other precious metals
82	7112.90.00	Other waste containing precious and rare metals Waste and scrap of cast iron, iron or steel (including scrap), remelting scrap ingots of iron or steel
83	7204.10.00	Waste of cast iron
84	7204.21.00	Waste and scrap of inoxidizable steel
85	7204.29.00	Waste and scrap of other alloy steel
86	7204.30.00	Waste and scrap of tinned iron or steel Other waste and scrap, turnings, shavings, chips, milling waste, sawdust, filings, trimmings and stampings, whether or not in bundles
87	7204.41.10	Chips, shavings, milling waste, sawdust, filings
88	7204.41.91	Stampings or trimmings, in bundles
89	7204.41.99	Other waste Other waste, crocks and scrap, including yielded used rail

90	7204.49.10	Fragmented
91	7204.49.30	In bundles
92	7204.49.91	Unsorted, unclassified
93	7204.49.99	Other Remelting scrap ingots
94	7204.50.10	Of alloy steel
95	7204.50.90	Other Iron and non-alloy steel in ingots or other primary forms
96	7206.10.00	Ingots
97	7206.90.00	Semi-finished products of iron or non-alloy steel, containing by weight less than 0,25% of carbon Of rectangular (including square) cross-section, the width measuring less than twice the thickness Hot-rolled or obtained from continuous casting
98	7207.11.11	Of steel for automatic guns
99	7207.11.19	Other Other semi-finished products with rectangular cross-section
100	7207.12.10	Laminated or obtained from continuous casting Other semi-finished products of laminated alloy steel or continuously cast (round, polygonal)
101	7207.19.11	Of steel for automatic guns
102	7207.19.15	Other
103	7207.19.31	Blanks for profiles Laminated or obtained from continuous casting
104	7207.19.90	Other Containing by weight 0,25% or more of carbon Of rectangular (including square) cross-section, the width measuring less than twice the thickness Laminated or obtained from continuous casting
106	7207.20.15	Other, containing by weight: - 0,25% or more, but less than 0,6% of carbon
107	7207.20.17	- not less than 0,6% of carbon Other, of rectangular cross-section:
108	7207.20.32	Laminated or obtained from continuous casting Of circular or polygonal cross-section: Laminated or obtained from continuous casting:
109	7207.20.51	- Of steel for automatic guns Other:
110	7207.20.55	- Containing by weight not less than 0,25% but not more than 0,6% of carbon
111	7207.20.57	- Containing by weight not less than 0,6% of carbon Blanks for profiles:
112	7207.20.71	Laminated or obtained from continuous casting
113	7224.10.00	Alloy steel in ingots or other primary forms Other semi-finished products Of square or rectangular cross-section - Hot-laminated or obtained from continuous casting: - With a width measuring less than twice the thickness
114	7224.90.01	- Of high speed steel
115	7224.90.05	- Containing by weight 0,7% or less than 0,5% or more, but not more than 1,2% of carbon, containing 0,0008% or more of boron
116	7224.90.08	- Other
117	7224.90.15	- Other - Hot-laminated or obtained from continuous casting:
118	7224.90.31	- Containing 0,9% or more of carbon, but not more than 1,15%

		including
119	7224.90.39	- Other
		Forged
120	7224.90.91	- Of circular or polygonal cross-section
121	7224.90.99	- Other
122	7302.10.90	Used rails
123	7401.10.00	Copper mattes
124	7401.20.00	Cement copper (precipitated copper)
125	7402.00.00	Unrefined copper, copper anodes for electrolytic refining
		Electrolytic copper and copper alloys originating from home-made precipitated copper, unwrought
126	7403.11.00	Cathodes and sections of cathodes
127	7403.12.00	Semi-manufactured bars for copper wire (wire-bars)
128	7403.13.00	Ingots
129	7403.19.00	Other electrolytic copper
130	7403.23.00	Copper-nickel base alloys (cupro-nickel) or copper-nickel-zinc base alloys (nickel silver)
		Copper waste and scrap
131	7404.00.10	- Of electrolytic copper
		- Of copper alloys:
132	7404.00.91	- Of copper-zinc base alloys (brass)
133	7404.00.99	- Other
		Nickel waste and scrap
134	7503.00.10	- Of nickel, not alloyed (technical)
135	7503.00.90	- Of nickel alloys
		Aluminium waste and scrap
		Waste:
136	7602.00.11	- Aluminium chippings, shavings, millings, filings; sheets and strips, coloured, covered or stuck between them, of a thickness not exceeding 0,2% (without support)
137	7602.00.19	- Other (including factory waste)
138	7602.00.90	Aluminium waste
139	7801.10.00	Refined lead
140	7801.91.00	Lead containing by weight antimony as the principal other element
141	7801.99.10	Lead for refining containing by weight 0,02% or more of silver (lead ingots)
142	7801.99.99	Other
		Lead waste and scrap
143	7802.00.10	Of accumulators
144	7802.00.90	Other
145	7901.11.00	Unwrought zinc, not alloyed, containing by weight 99,99% or more of zinc
		Not alloyed zinc containing by weight less than 99,99% of zinc
146	7901.12.10	- Containing by weight minimum 99,95%, but less than 99,99% of zinc
147	7901.12.30	- Containing by weight minimum 98,5%, but less than 99,95% of zinc
148	7901.12.90	- Containing by weight minimum 97,5%, but less than 98,5% of zinc
149	7902.00.00	Zinc waste and scrap
150	8002.00.00	Tin waste and scrap

Note: "Ex" marks the cases where, from the entire tariff code, only the mentioned product or group is not admitted temporarily to export.

## Appendix II

### A. LIST OF GOODS PROHIBITED FROM BEING EXPORTED FROM THE REPUBLIC OF MOLDOVA

#### 1. Cereals, combined forages, bakery products

### A. LIST OF GOODS WHOSE EXPORT FROM THE REPUBLIC OF MOLDOVA IS CONTROLLED AND CARRIED OUT ON A LICENSE BASIS

#### I. Quoted goods

No.	Tariff code	Description of good
1	0101-0105	Live animals
2	0201-0208	Meat
3	2401-2403	Manufactured and unmanufactured tobacco
4	4101-4107	Raw and processed hides and skins
5	10-11	Cereals and products obtained thereof, flour paste ware
6	1701	Sugar
7	1512	Vegetal oil
8	0401-0406	Milk and dairy produce
9	1206	Sunflower seed
10	27	Energy carriers, electric energy

#### I. Specific goods

1. Armament, munitions, military equipment and special complementary articles for the production thereof;
2. Explosive substances;
3. Nuclear materials, technologies, equipment for the manufacture thereof;
4. Ionic radiation sources;
5. Drugs, narcotics and psychotropic substances, materials for the obtaining thereof;
6. Poisons;
7. Precious metals, minerals, precious stones and objects made thereof (except for electronic products containing precious metals);
8. Lottery elaborations, means and equipment for different kinds of lottery;
9. Game machines.

#### I. Other kinds of goods

1. Chemical substances and industrial waste subject to international control;
2. Medicines and medical equipment;
3. Deliveries under construction and assembling contracts.

## **PROTOCOL A**

### **On Definition of the Concept of Originating Products and Administrative Cooperation Methods**

#### Chapter I

#### **Definition of the Concept of Originating Products**

##### Article 1

##### **Origin Determination Criteria**

With the view to apply the present Agreement and without prejudicing the provisions of Article 2 of the present Protocol,

- 1)
  - a) Products wholly obtained in the Republic of Moldova, according to the provisions of Article 3 of the present Protocol;
  - b) Products obtained in the Republic of Moldova containing materials, which have not been wholly obtained in the Republic of Moldova, provided that, however, these materials have been processed or sufficiently transformed in the Republic of Moldova, under the provisions of Article 4 of the present Protocol, shall be considered as products originating from the Republic of Moldova.
- 2)
  - a) Products wholly obtained in Romania, according to the provisions of Article 3 of the present Protocol;
  - b) Products obtained in Romania containing materials, which have not been wholly obtained in Romania, provided that, however, these materials have been processed or sufficiently transformed in Romania, under the provisions of Article 4 of the present Protocol, shall be considered as products originating from Romania.

##### Article 2

##### **Bilateral Cumulative Aspect**

1) By derogation from Article 1 paragraph 1 subparagraph b), materials originating from the Republic of Moldova, under the provisions of the present Protocol, shall be considered as materials originating from Romania and it is not requested that these materials have been processed or sufficiently transformed, provided that, however, these materials have been subject to some processing or transformation procedures other than those provided for in Article 4 paragraph 3 of the present Protocol.

2) By derogation from Article 1 paragraph 1 subparagraph b), materials originating from Romania, under the provisions of the present Protocol, shall be considered as materials originating from the Republic of Moldova and it is not requested that these materials have been processed or sufficiently transformed, provided that, however, these materials have been subject to some processing or transformation procedures other than those provided for in Article 4 paragraph 3 of the present Protocol.

##### Article 3

##### **Products Wholly Obtained**

1) According to Article 1 paragraph 1 subparagraph a) and paragraph 2 subparagraph a), shall be considered wholly obtained either in Romania or in the Republic of Moldova:

- a) Mineral products extracted from the ground or underground or from the bottom of their seas and oceans;
  - b) Vegetal products harvested on their territories;
  - c) Live animals born and grown up on their territories;
  - d) Products resulting from live animals grown up on their territories;
  - e) Products resulting from hunting and fishing carried out on their territories;
  - f) Products resulting from sea fishing and other products extracted from sea by their boats;
  - g) Products manufactured on board of processing boats exclusively on the basis of products mentioned in subparagraph f);
  - h) Wasted materials that can be used only in order to recuperate raw materials extracted from them;
  - i) Waste resulting from manufacture operations carried out on their territories;
  - j) Goods manufactured exclusively on the basis of products mentioned in subparagraphs a) to i).
- 2) The expression “their boats” used in paragraph 1 subparagraph f) shall apply only to boats:
- Registered in Romania or in the Republic of Moldova;
  - Navigating under the Romanian or Moldovan insignia;
  - Belonging in proportion of at least 50 % to Romanian or Moldovan residents or to the entity with the headquarter in the Republic of Moldova or Romania, whose administrator or administrators, chairman of the administration council or supervision council, or the majority of members of these councils are Moldovans or Romanians and, moreover, whose capital, in the case of partnership or limited liability companies, belongs in proportion of at least 50 % to the Republic of Moldova, Romania, their public societies or residents thereof;
  - Whose general staff is entirely formed of Moldovan or Romanian residents;
  - Whose crew consists in proportion of at least 75 % of Moldovan or Romanian residents.
- 3) The terms “Republic of Moldova” and “Romania” shall cover also the territorial waters of the Republic of Moldova and Romania.

Sea boats, including processing boats on the board of which the transformation or processing of products resulting from fishing is carried out, shall be considered as part of the territory of the Republic of Moldova and Romania provided that the provisions of paragraph 2 are fulfilled.

#### Article 4

#### **Products Sufficiently Transformed**

1) With the view to apply Article 1, non-originating materials shall be considered as sufficiently processed or transformed, where the obtained product is classified within a tariff code distinct from the one that includes all non-originating materials used for its manufacture according to the provisions of paragraphs 2 and 3 below.

The terms “*chapters*” and “*codes*” used in the present Protocol refer to chapters and codes formed of four figures used in the nomenclature, which constitutes the harmonized system of description and codification of goods (hereinafter referred to as *Harmonized System* or *HS*)

The term “*included*” is used when a product or material is included within a tariff code.

2) If a product is mentioned in columns 1 and 2 of the List of Annex II, it is necessary to meet the conditions stipulated in column 3 for the said product instead of respecting the rule stipulated by paragraph 1).

a) Where in the List of Annex II there is applied a percentage rule with the view to determine the origin of a product obtained in the Republic of Moldova or in Romania, the value added as a result of processing or transformations shall correspond to the manufacture price of the product obtained less the value of materials from a third part country, imported in the Republic of Moldova or Romania.

b) The term “*value*” used in the List of Annex II means the customs value at the moment of importation of non-originating materials used or, if it is unknown and can not be determined, the first price that can be verified and paid for these materials on the respective territory.

Where the value of used non-originating materials has to be determined, the provisions of the previous paragraph shall be applied “*mutatis mutandis*”.

c) The expression “*factory price*” used in the List of Annex II means the price paid to the producer, in the company of which the last processing or transformation was performed, provided that this price includes the value of each used material, out of which there are subtracted all internal taxes that are or can be refunded when the obtained product is exported.

d) *Customs value* means the value determined according to the Agreement on the application of Article VII of GATT concluded in Geneva in April 12, 1979.

3) With the view to apply paragraph 1), the following processing or transformation procedures are deemed insufficient in order to confer an origin to a product, whether the classification position change or not:

a) Manipulations to ensure the preserving of products during the transportation and storing (airing, processing, drying, refrigerating, preserving in pickle, sulfate water or other substances, removing of altered parts and similar operations)

b) Simple de-dusting, sifting, sorting, classifying, matching (including creation of sets of goods), washing, dyeing, settling operations;

c) (i) Changing of package and repartition of parcels;

(ii) Simple bottling, packaging in sacks, cases, boxes, fixing on small boards and other simple conditioning operations;

d) Affixing of marks, labels or other similar distinctive signs on products or their packages;

e) Simple mixing of products, even from different categories, when one or more components of the mixture do not fulfill the conditions stipulated by the present Protocol in order to be conferred an origin, both in the Republic of Moldova and in Romania.

f) Simple assembling of parts of items in order to obtain a complete item;

g) Accumulation of several operations from those referred to in subparagraphs a) to f);

h) Animals killing.

#### Article 5

#### **Neutral Elements**

In order to determine whether a product is originating from the Republic of Moldova or from Romania, it is not necessary to determine the origin of electricity, fuels, equipments, machines and instruments used to obtain the product, as well as the origin of used materials that are not included in the final composition of the product.

#### Article 6

#### **Accessories, Spare Parts and Outfits**

Accessories, spare parts and outfits shipped together with an equipment, a machine or a vehicle and which are a part of the normal equipping and are included in the price or not

separately invoiced, shall be considered as forming a whole with the respective equipment, machine or vehicle.

#### Article 7

##### **Sets**

Sets, according to the general Rule no. 3 of the Harmonized System shall be considered originating provided that all components are originating. However, a set composed of originating and non-originating items shall be considered originating in the whole, provided that the value of non-originating items does not exceed 15 % of the factory price.

Article 8  
**Direct Transport**

1) The preferential regime stipulated by the Agreement shall apply only to products and materials transported between the territories of Romania and the Republic of Moldova.

However, the transport of products originating from the Republic of Moldova, constituting a single transport can be performed through a territory other than the Romanian one, in case of temporary transshipping or storage on these territories, provided that goods are supervised by customs authorities of the transit or storing country and they are not exposed to other operations than unloading or reloading or to any other operation intended to ensure their preserving.

2) Fulfillment of the conditions stipulated by paragraph 1) shall be proved by submitting to the customs authorities of:

- a) a unique transport document issued in the exporting country which allowed to traverse the transit country; or
- b) a certificate issued by the customs authorities of the transit country which includes:
  - a precise description of goods;
  - the date of unloading or reloading of goods or, eventually, shipment or landing of goods, by indicating boats or other means of transport used;
  - the certification of conditions under which goods were kept; or
- b) in the lack of the above-mentioned documents, any other documentary evidence.

Article 9  
**Territorial Continuity**

Conditions mentioned in this chapter with regard to the obtaining of the origin status shall be fulfilled without interruption in the Republic of Moldova or Romania, except for those stipulated by Article 2.

If the originating products exported from the Republic of Moldova or Romania to another country are returned under the provisions of Article 2, they shall be considered non-originating, except for cases when it is possible to prove to customs authorities that:

- returned goods are the same as those exported, and
- they were not exposed to some operations, except for those necessary to ensure their preserving, during the period they were kept in the respective country.

Chapter II  
**Evidence of Origin**

Article 10  
**Certificates of Origin of Goods RM**

The evidence of origin of products, in the meaning of the present Protocol, is presented by the certificate of origin of goods RM, the sample of which is indicated in Annex III to the present Protocol.

Article 11  
**Ordinary Procedure of Certificates Issuance**

1) The certificate of origin of goods RM shall be issued upon the exporter's request or, under his responsibility, or the responsibility of his empowered representative.

2) The exporter or his representative shall submit any useful justifying document, which can prove that products to be exported justify the issuance of a certificate of origin of goods RM.

They commit themselves to submit, upon request of competent authorities, all additional evidences which they consider necessary to determine the origin of products that could benefit of the preferential regime, and shall accept any control of their accounting operations and of circumstances under which these products were obtained, this control being performed by the above-mentioned authorities.

The exporter is obliged to keep the justifying documents mentioned in the present paragraph at least for two years.

3) A certificate of origin of goods RM shall be issued only if it constitutes the justifying title necessary to the application of the present Agreement.

4) The certificate of origin of goods RM shall be issued by the authority empowered by the Government of the Republic of Moldova, if goods to be exported are considered products originating from the Republic of Moldova, in the meaning of Article 1 paragraph 1) of the present Protocol. The certificate of origin of goods RM shall be issued by the Romanian customs authorities, if goods to be exported are considered products originating from Romania, in the meaning of Article 1 paragraph 2) of the present Protocol.

5) In the case of application of the provisions of Article 2 on bilateral acceptance, the authority empowered by the Government of the Republic of Moldova or, the Romanian customs authorities shall be authorized to issue certificates of origin of goods RM under the conditions stipulated by the present Protocol, if goods to be exported can be considered products originating from the Republic of Moldova or Romania in the meaning of this Protocol and provided that products to which the certificate of origin of goods RM refers to shall be located in the Republic of Moldova or Romania.

In this case, certificates of origin of goods RM shall be issued upon presentation of the evidence of origin issued or set up previously. This evidence of origin shall be kept by the customs authorities of the exporting state at least for two years.

6) As the certificate of origin of products RM constitutes the justifying title in order to apply the preferential tariff regime stipulated by the Agreement, the designated authorities of the exporting state shall undertake necessary measures to verify goods and to check other statements of the certificate.

7) Designated authorities shall have the right to request any justifying document and to perform any controls that they consider necessary with the view to verify the fulfillment of conditions under which the certificate RM is issued.

8) Customs authorities of the exporting state shall be in charge to supervise the filling in of forms referred to in paragraph 1). They shall verify, especially, if the box reserved for description of products has been filled in such a way as to exclude any possibility of fraudulent statements. To this end, the description of products shall be done without leaving empty spaces. Between rows, when the box is not entirely filled in, a line shall be drawn below the last row of description, in order to delete the empty space.

9) The date of certificate issuance shall be indicated in the space reserved for the authorities that sign the certificate.

10) The certificate of origin of goods RM shall be issued by empowered authorities of the exporting state when products are exported. It shall be available to the exporter immediately after the real export was performed or ensured.

## Article 12

### **Long Term (LT) RM Certificates**

1) By derogation from the provisions of Article 11 paragraph 10), the empowered authorities of the exporting state shall be allowed to issue a certificate of origin of goods RM in case where only a part of goods covered by the certificate are exported, in case of a certificate issued for several exports of same products performed by the same exporter to the

same importer, during a period of maximum one year from the date of certificate issuance, hereinafter referred to as *LT certificate*.

2) The empowered authorities of the exporting state can issue LT certificates according to the provisions of Article 11, if they consider it necessary, only in case where the origin of goods is deemed unchanged during the valid period of the LT certificate.

If one or more goods are not any more covered by the LT certificate, the exporter shall inform immediately the empowered authorities that issued the certificate.

3) When the procedure of LT certificate is applied, empowered authorities of the exporting state can allow the exporter to use the RM certificates which contain a distinctive sign designating their individuality.

4) Box 12 "Visa" of RM certificate shall be filled in, according to practices, by the empowered authorities of the exporting state.

5) Box 5 of RM certificate shall include the following inscription

**"LT certificate valid till....."**

(the date in Arabic figures).

6) It is not necessary to indicate in boxes 6, 7, 8, 10 and 11 of TL certificate the marks and numbers, the number and the nature of parcels, gross weight (kg) or other measure units. Box 8 shall, however, include the description and title of goods which are sufficiently precise to allow their identification.

7) By derogation from the provisions of Article 16, the TL certificate shall be submitted to the import customs unit not later than the date when the first import of goods for which it was issued is performed. When the importer performs customs clearance operations at several customs units of the importing state, the customs authorities can request the submission of a copy of the LT certificate to each of the respective customs units.

8) Upon presentation to customs authorities of the TL certificate, the origin of imported goods within the TL certificate validity term shall be proved by invoices which shall fulfill the following conditions:

a) Where an invoice includes either products originating from the Republic of Moldova, Romania, or non-originating products, the exporter shall make a clear distinction between these two categories;

b) The exporter shall declare on each invoice the number of the LT certificate, as well as the expiring date of the respective certificate and to designate the country or countries of origin of products.

The including in the invoice of the number of the LT certificate by the exporter, accompanied by the indication of the country of origin, shall constitute the declaration according to which goods meet the conditions provided for in the present Protocol with the view to obtain the preferential origin within the commercial exchanges between the Republic of Moldova and Romania.

The designated authorities of the exporting state can request that the notes which have to appear in the invoice, according to the above-mentioned provisions, to be confirmed by holograph signature, followed by clear transcription of the name;

c) Description and title of products from invoices shall contain sufficient data in order to emphasize clearly that the goods are mentioned also in the LT certificate to which the invoices refer;

d) Invoices can be drawn up only for goods exported during the validity period of the respective LT certificate. However, they can be submitted to the import customs unit within 4 months from the date when they were drawn up by the exporter.

9) In the case of LT certificate procedure, invoices which meet the conditions provided for in the present Article can be drawn up or transmitted by a telecommunication system or by a computer network. These invoices shall be accepted by the customs authorities of the importing state as an evidence of the origin of imported goods, according to the procedures established by the customs authorities of that state.

10) If the designated authorities of the exporting state find out that a certificate and/or an invoice drawn up according to the provisions of this Article are not valid for the delivered goods, they shall inform immediately the customs authorities of the importing state.

11) The provisions of the present Article shall not prejudice the application of Moldovan and Romanian regulations on customs formalities and use of customs documents.

#### Article 13

#### **RM Certificate Issued “a posteriori”**

1) In exceptional cases, the certificate of origin of goods RM can be submitted after the exportation of products to which it refers, if it was not issued at the moment of exportation, due to some errors, some involuntary omissions or some special circumstances.

2) With the view to apply paragraph 1), the exporter shall:

- indicate the place and date of dispatch of products to which the certificate refers;
- certify that no certificate of origin of goods RM was issued at the moment of exportation of the respective products and specify the causes.

3) Empowered authorities may issue retroactively a certificate of origin of goods RM only after verification of conformity between the information provided in the exporter's application and the information from the corresponding file.

Certificates issued “a posteriori” shall be applied the following mention “issued a posteriori”.

4) The mention from paragraph 3) shall be written down in the box “Remarks” of the certificate of origin of goods RM.

#### Article 14

#### **Issuance of a Duplicate of the RM Certificate**

1) In the event of theft, loss or destruction of a certificate of origin of goods RM the exporter can request, in written form, the empowered authorities to issue a duplicate on the basis of the export documents he possesses.

2) The duplicate issued in this manner shall be applied the mention “duplicate”.

3) The mention from paragraph 2) shall be written down in the box “Remarks” of the certificate of origin of goods RM.

4) The duplicate shall enter into force on the date of the original certificate of origin of goods RM, date which shall be reproduced on the duplicate.

#### Article 15

#### **Certificates Replacement**

1) Replacement of one or more certificates of origin of goods RM with one or more certificates is always possible, provided that this is made by the customs unit or by other authorities which are responsible for the control of goods.

2) Where products originating from the Republic of Moldova or Romania imported to a free zone and covered by a certificate RM are subject to a processing or a transformation, the competent authorities shall issue a new certificate RM upon the exporter's request, if the processing or the transformation is in accordance with the provisions of the present Protocol.

3) The replacing certificate, issued according to the provisions of the present Article, shall have the value of a final certificate of origin RM, in the meaning of application of the present Protocol, including of the provisions of the present Article.

4) The replacing certificate shall be issued on the basis of a written request of the exporter, after verification of data indicated in this request. The issuance date and the registration number of the original RM certificate shall be mentioned in box 5.

#### Article 16

#### **Certificates Validity**

1) The certificate of origin of goods RM shall be submitted to the customs entity of the importing state to which goods are presented within the four months following the date when the customs authorities of the exporting state issued it.

2) The certificate of origin of goods RM submitted to the customs authorities of the importing state after expiration of the submission term specified in paragraph 1) can be accepted with the view to apply a preferential regime in the case where failure to respect the said term is due to force majeure or exceptional circumstances.

3) In addition to these cases, the customs authorities of the importing state can accept certificates when the products have been presented to them prior to expiration of the respective term.

## Article 17 **Exhibitions**

1) Products sent from the Republic of Moldova or Romania for an exhibition to a country other than the Republic of Moldova or Romania and sold after the exhibition in order to be exported to the Republic of Moldova or Romania shall benefit on import of the provisions of the Agreement provided that the relevant products meet the conditions set forth in the present Protocol in order to be deemed originating from the Republic of Moldova or Romania provided that the customs authorities prove that:

a) An exporter has dispatched these products from the Republic of Moldova or from Romania to the country where the exhibition is held and that these products have been exposed there;

b) The exporter has sold or surrendered them to an addressee from the Republic of Moldova or Romania;

c) The products have been dispatched during the exhibition or immediately after it, to the Republic of Moldova or Romania, in the same state as they have been sent to the exhibition;

d) The products have not been used from the moment when they have been dispatched for exhibition for purposes other than those related to their presentation at the said exhibition.

2) A certificate of origin of goods RM shall be submitted to the customs authorities in normal conditions. The exhibition title and address shall be indicated in the certificate. If necessary, an additional documentary evidence may be requested concerning the nature of products and the conditions under which they have been exposed.

3) Paragraph 1) shall apply to all exhibitions, fairs or similar public events of commercial, industrial, agricultural or handicraft character, except for those organized in private interests in commercial halls or shops and which have as an object the sale of foreign products and during which products remain under customs supervision.

## Article 18 **Certificates Submission**

The certificate of origin of goods RM shall be submitted to the customs authorities of the importing state according to the procedures established in the regulations of this state.

The respective authorities shall have the right to request that the declaration on import to be accompanied by the importer's declaration by which the latter certifies that the products meet the conditions imposed by application of the Agreement.

## Article 19 **Spaced Out Import**

Without prejudicing the provisions of Article 4 paragraph 2) of this Protocol, when, upon request of the customs declarant, a taken down or disassembled item included in headings 84 or 85 of the Harmonized System is imported in several portions, under the conditions established by competent authorities, it may be considered a single item and a unique certificate of origin of goods RM can be submitted for the entire item, at the moment of importation of the first portion.

#### Article 20 **Certificates Keeping**

Certificates of origin of goods RM shall be kept by the customs authorities of the importing state in accordance with the regulations in force of that state.

#### Article 21 **Discrepancies**

Finding of some small discrepancies between the declarations made on the certificate of origin of goods RM and those made on the documents presented to the customs entity with the view to perform the formalities for the import of goods shall not cancel *ipso facto* the validity of the respective certificate or form, if it is established evidently that they correspond to the submitted goods.

#### Article 22 **Exceptions from Origin Evidence**

1) Goods sent in small consignments by private individuals addressed to private individuals or carried in travelers' baggage, shall be considered originating products and a certificate of origin of goods RM shall not be required, provided that such importations are of a non-commercial nature and as soon as they are declared as meeting the conditions necessary for application of the Agreement and where there is no doubt regarding the veracity of the declaration.

2) Occasional imports consisting exclusively of products for personal or family use of consignees or travelers shall be considered imports without any commercial character if, by their nature and quantity, it is evident that they are not intended for marketing.

3) In addition, the aggregate value of these products shall not exceed an amount which shall not be less than US\$ 2.000 for the content of the personal baggage of travelers.

### Chapter III **Administrative Cooperation Methods**

#### Article 23 **Communication of Stamps and Addresses**

Empowered authorities of the Republic of Moldova and Romania shall communicate reciprocally the stamps specimens used for the issuance of certificates of origin RM, as well as the addresses of authorities empowered for issuance and verification of certificates of origin RM.

#### Article 24

## **Control of Certificates of Origin of Goods RM**

1) A *a posteriori* control of RM certificates shall be carried out by soundings or whenever the customs authorities of the importing state have grounded suspicions related to the authenticity of the document or to the accuracy of information on the real origin of the said products.

2) For the purposes of a *a posteriori* control of RM certificates the empowered authorities of the exporting state shall keep at least for two years the copies of certificates, as well as any other documents on export related thereto.

3) With the view to apply correctly this Protocol, the Republic of Moldova and Romania shall provide mutual assistance by their customs administrations in checking the authenticity of RM certificates, as well as the accuracy of information on the real origin of the said products.

4) With the view to apply the provisions of paragraph 1), the customs authorities of the importing state shall give back the RM certificate or a copy thereof to the empowered authorities for the issuance of certificates of the exporting state, indicating, where appropriate, substantial or formal reasons justifying an investigation. They shall attach the invoice to the RM certificate, if such an invoice has been drawn up, or a copy thereof and shall provide all information which could be obtained and which suggests that the mentions made on the certificate or the respective form are inaccurate.

5) If the customs authorities of the importing state decide to suspend application of the provisions of the Agreement, waiting for the results of the control, they shall grant customs-free for goods to the importer, on condition of precaution measures deemed necessary.

6) The customs authorities of the importing state shall be informed as soon as possible about the results of the *a posteriori* control. These results shall permit to determine whether the contested certificate of origin of goods RM applies to the said products and whether these results may lead effectively to the application of the preferential regime.

Where there are grounded suspicions, and if within ten months from the date when the request for *a posteriori* control was submitted there is no answer or the answer does not contain sufficient data for determination of the authenticity of the said document or of the real origin of products, the solicitant authorities shall refuse the granting of preferences specified in the Agreement, except for cases of force majeure or exceptional circumstances.

7) The unsettled dispute between the customs authorities of the importing state and those of the exporting state or the dispute which gives rise to a misinterpretation of the present Protocol shall be forwarded to the Joint Committee.

8) In all cases, disputes between the importer and the customs authorities of the importing state shall be settled in accordance with the legislation of the respective state.

9) When *a posteriori* control procedure or any other available information are likely to indicate that the provisions of the present Protocol are violated, the Republic of Moldova or Romania shall carry out, *ex officio* or upon request of the other party, necessary investigations or shall take measures for carrying out of such investigations, in necessary urgency, with the view to identify or prevent such violations and to this end the Republic of Moldova or Romania may invite the other party to initiate investigations.

10) When the control procedure or any other available information is likely to indicate that the provisions of the present Protocol have been broken, products can be accepted as originating products according to this Protocol only after the administrative cooperation procedures laid down in this Protocol and which have been eventually applied, especially the *a posteriori* control, are finished.

Likewise, products can be refused as originating products under the present Protocol only after the *a posteriori* control procedure is finished.

Sanctions shall be applied to any person who issues or determines the issuance of a document with inaccurate data with the view to grant preferential regime to a product.

Article 26  
**Free Zones**

The Republic of Moldova and Romania shall undertake all necessary measures to avoid that products marketed under a certificate of origin of goods RM and which are kept in a free zone located on their territory during their transportation to be replaced with other goods and to be subject to some manipulations, additionally to the usual ones, intended to preserve them as such.

Chapter IV  
**Final Provisions**

Article 27  
**Amendments to the Protocol**

The Joint Committee shall examine, every two years or upon request of the Republic of Moldova or Romania, application of the provisions of the present Protocol, with the view to make necessary amendments or adjustments.

During this examination account shall be taken, particularly, of the participation of the Contracting Parties to free trade zones or to customs unions with third countries.

Article 28  
**Annexes**

Annexes to the present Protocol shall be an integral part thereto.

Article 29  
**Application of the Protocol**

The Republic of Moldova and Romania shall undertake, as far as they are concerned, necessary measures for the application of the present Protocol.

**NOTES**

**Preamble**

These notes shall apply, if necessary, to all manufactured products containing non-originating materials, including to those which are not the object of special mentions in the List of Annex II, and which fall within the rule on tariff subheadings change provided for in Article 5 paragraph 1.

**Note 1**

- 1.1. The first two columns of the list describe the obtained product. The first column indicates the number of the tariff heading or the number of the heading of the Harmonized System, and the second column describes the goods used in this system for tariff heading or subheading. A rule for each mention from the first two columns is specified in columns 3 or 4. Where in some cases the number from the first column is preceded by “ex”, it means that the rule specified in columns 3 or 4 applies only to this heading or subheading, as described in column 2.
- 1.2. When there are several numbers of tariff headings grouped in column 1 or if a number of a heading is mentioned in this column and if the description of products from column 2 is in general terms, the relevant rule from columns 3 or 4 shall apply to all products which are included in different tariff headings of the respective chapter in the Harmonized System or in the headings grouped in column 1.
- 1.3. When there are different rules applying to different products within the same tariff heading in the present list, each paragraph contains the title of the part of the tariff heading which is the object of the relevant rule from columns 3 or 4.

**Note 2**

- 2.1. The term “manufacture” means all forms of processing or transformation or manufacture, including “assembling” or even specific operations. See also note 3.5 below.
- 2.2. The term “material” means all types of ingredients, elements, raw materials, materials, components, parts, etc. used at the manufacture of a product.
- 2.3. The term “product” refers to the obtained product, even if it is intended for a subsequent use in other manufacturing operations.
- 2.4. The term “goods” means both “materials” and “products”.

**Note 3**

- 3.1. Where tariff headings or extracts from tariff headings are not in the list, the “rule on change in tariff subheading or heading” set forth in Article 3 paragraph 1 is used. If the condition of “change in tariff subheading or heading” applies to any of the headings or extracts from tariff headings included in the list, this condition is stated in column 3.
- 3.2. Processing or transformation requested by the rule from column 3 shall refer only to used non-originating materials. Likewise, restrictions stated in a rule from column 3 shall apply only to used non-originating materials.
- 3.3. Whenever it is established by a rule that “materials from any tariff heading” can be used, materials from the same heading with the product can be used also, however, under some specific restrictions, susceptible to be stated in the rule. However, the expression “manufactured from materials from any tariff heading, including from other materials from tariff heading no....” means that only materials included in the same tariff heading with the product which title differs from the title mentioned in column 2 of the list can be used.
- 3.4. If a product obtained from non-originating materials and which has acquired its origin in the transformation process by use of change in tariff subheading or heading or by use of the

rule determined for it in the List is used as a material for manufacture of another product, it shall not be the object of the rule of the List which applies to the product in which it is incorporated.

For example:

An engine of tariff heading no. 8407, for which the rule provides that the value of non-originating materials which can be used shall not exceed 40% from the factory price, is manufactured from forge blanks of alloy steel of tariff heading no. 7224.

If this blank was obtained in the respective country by forging of a non-originating ingot, the forged item has acquired origin, under the rule included in the List for products of tariff heading no. 7224. From that moment, this blank may be considered originating when it is determined the value of non-originating materials susceptible to be used at the manufacture of the engine of tariff heading no. 8407, whether or not this blank has been manufactured in the same plant with the engine. The value of the non-originating ingot shall not be taken into account when they proceed to the determination of the value of non-originating materials used.

3.5. Even if the rule on change in tariff subheading or heading or the other rules from the List are respected, the final product does not acquire origin if the operation subject to which it was is insufficient under Article 3 paragraph 3).

3.6. The unit which has to be taken into consideration for application of rules of origin is the product considered basic unit for determination of the heading within the Harmonized System. When dealing with sets of products included in a tariff heading under General Rule 3 of interpretation of the Harmonized System, the unit shall be determined according to each individual item which constitutes the set: this provision applies to sets of tariff headings no. 6308, 8206 and 9605.

According to this:

- if a product constituted by a group or a set of items is included into a single tariff heading according to the Harmonized System, the whole shall form the unit which has to be taken into consideration;
- if a lot of goods consists of a number of identical products included in the same tariff heading of the Harmonized System, the rules of origin shall apply to each product taken into consideration individually;
- if by application of General Rule 3 of interpretation of the Harmonized System, packages are included together with the goods they contain, they shall be considered as forming a whole with these goods, with the view to determine the origin of goods.

#### Note 4

4.1. The rule from the List sets the minimum level of processing or transformation requested, thus it follows that all processing and transformation operations which exceed the requested ones shall confer also an origin to the product and, vice versa, insufficient processing or transformation operations cannot confer an origin. In other words, if a rule provides that non-originating materials at a determined stage of elaboration can be used, it is also permitted to use like materials at an incipient stage of processing, while the use of like materials at a more advanced stage is not permitted.

4.2. Where a rule from the List specifies that a product can be manufactured on the basis of several materials, this means that one or more such materials can be used. That doesn't mean that all these materials have to be used simultaneously.

For example:

The rule for textiles products provides that natural fibres can be used and, among other materials, chemical materials can be used also. It doesn't mean that both have to be used simultaneously; one or the other kind of materials can be used, or both of them. Consequently, if within the same rule a restriction is applied to one of the two kinds of materials and other restrictions are applied to other materials, these restrictions shall be applied only to materials really used.

For example:

The rule for sewing machines provides that both the mechanism for stretching the used thread and the used zigzag mechanism shall have an origin; these two restrictions shall apply provided that each respective mechanisms is really incorporated in the sewing machine.

4.3. When a rule from the List provides that a product has to be manufactured from a determined material, this condition does not impede the use of other materials which cannot not meet the rule due to their own character.

For example:

The rule for tariff heading no. 1904 which excludes on purpose the use of cereals or their derivates, shall not impede evidently the use of mineral salts, additives or chemicals as far as they are not obtained from cereals.

For example:

Where an item is made from unwoven materials, and if it is provided that this item can be obtained only from non-originating threads, it is impossible to use only unwoven materials, even if unwoven materials cannot be normally made from threads. In such cases, the material to be used is the one which is at the processing stage immediately anterior to the thread, i.e. the fibre stage.

See also Note 7.3 on textiles.

4.4. If in a rule from the List there are two or more per cents given for the maximum value of the non-originating materials that can be used, these per cents cannot be added. It follows that the maximum value of all non-originating materials used can never exceed the highest percentage taken into consideration. It stands to reason that specific percentage applicable to some products must not be exceeded as a result of application of the present provision.

#### Note 5

5.1. The expression natural fibres, when used in the List, refers to fibres others than those artificial or synthetic and has to be limited to fibres at all stages prior to spinning, including waste, and if not otherwise provided for, the expression “natural fibres” shall mean fibres that have been carded, combed or otherwise processed for spinning, but not spun.

5.2. The expression natural fibres covers horsehair of tariff heading no. 0503, pigs’ hair of tariff headings no. 0502 and 0503, as well as wool, fine animal hair and coarse animal hair of tariff headings no. 5101 to 5105, cotton fibres of tariff headings no. 5201 and 5203 and other vegetable fibres of headings no. 5301 to 5305.

5.3. The expressions “textile pulp”, “chemical substances” and “materials for paper manufacture” used in the List designate materials not included in Chapters 50 to 63, which can be used at the manufacture of fibres or artificial or synthetic threads or to paper threads or fibres.

5.4. The expressions “synthetic staple fibres” or “artificial staple fibres” used in the List refer to filament tow, staple fibres and waste of synthetic or artificial staple fibres of tariff headings no. 5501 to 5507.

#### Note 6

6.1. In the case of mixed products included in the tariff headings from the List to which the present Note refers, the conditions provided for in column 3 of the List shall not apply to different basic textile materials used for their manufacture, which taken globally, represent 10% or less of the total weight of all basic textile materials used (see also Notes 6.3. and 6.4. below).

6.2. However, this tolerance shall apply only to mixed products, which have been manufactured from two or more basic textile materials.

The basic textile materials are:

- silk,
- wool,

- coarse animal hair,
- fine animal hair,
- horse hair,
- cotton,
- materials for paper fabrics and paper,
- flax,
- hemp,
- jute and other textile bast fibres,
- sisal and other textile fibres of the genus Agave,
- coconut, abaca (Manila hemp), ramie and other vegetable textile fibres,
- synthetic chemical filaments,
- artificial chemical filaments,
- synthetic chemical staple fibres,
- artificial chemical staple fibres.

For example:

A thread of tariff heading no. 5205 obtained from cotton fibres of tariff heading no. 5203 and from synthetic staple fibres of tariff heading no. 5506 is a mixed thread. That's why, synthetic staple fibres which do not meet the rules of origin (which request manufacture from chemical materials or textile pulp) can be used in a proportion of up to 10% from the weight of the thread.

For example:

A woven fabric of combined wool of tariff heading no. 5112 obtained from yarn of combined wool of tariff heading no. 5107 and synthetic staple fibres of tariff heading no. 5509 is a mixed woven fabric.

That's why, synthetic yarns which do not meet the rules of origin (requesting manufacture from chemical materials or textile pulp) or wool yarns which do not meet the rules of origin (requesting manufacture from natural fibres, not carded, combed or otherwise processed for spinning) or a combination of these two types of yarns can be used in a proportion up to 10% of the weight of the fabric.

For example:

A terry woven fabric of heading no. 5802 obtained from cotton yarn of heading no. 5205 and from a cotton woven fabric of heading no. 5210 shall be considered a mixed product provided that the cotton woven fabric is in itself a mixed fabric, being manufactured from two yarns included in two different tariff headings or provided that the used cotton yarns are mixed themselves.

For example:

If the same terry woven fabric is manufactured from cotton yarn of heading no. 5205 and from woven fabrics of synthetic filament yarn from tariff heading no. 5407, then, obviously, the used yarns are two different textile materials and the terry woven fabric is consequently a mixed product.

For example:

A terry carpet manufactured both from artificial yarn and cotton yarn and with jute support is a mixed product because three textile materials have been used. Non-originating materials used at a stage of manufacture more advanced than the one permitted by rule, can be used provided that their total weight does not exceed 10% of the textile materials of the carpet. Thus, the jute support, artificial and/or cotton yarn can be imported at the manufacture stage, provided that the weight conditions are respected.

6.3. Where products incorporate "polyurethane yarn segmented with polyester flexible segments, whether or not isolated", the tolerance is of 20% for this kind of yarn.

6.4. Where fabrics have a base of aluminium thin strap, or of a plastic pellicle, whether or not covered by aluminium powder, of a width up to 5 mm, this base being inserted by sticking two plastic pellicles, the tolerance is of 30% for the base.

7.1. In the case of manufactured textile products which are accompanied in the List by a footnote referring to the present note, textile materials can be used except for linings which do not comply with the rule laid down in column 3 of the List for the respective product, provided they are included in other tariff heading than the one of the product and their value does not exceed 8% of the fabric price of the product.

7.2. Sets, accessories and other used products containing textile materials shall not comply with the conditions laid down in column 3, even if they are covered by note 4.3.

7.3. In accordance with the provisions of note 4.3., any sets, accessories or other non-originating products which do not contain any textile material can be used freely at any time when they cannot be manufactured from the materials listed in column 3.

For example:

If a rule from the List provides that yarns have to be used for a particular garment of textile material, such as a blouse, this fact does not prohibit the use of metallic items, for example buttons, because they cannot be manufactured from textile materials.

7.4. Where a percentage rule is applied, the value of sets and accessories shall be taken into consideration for the determination of the value of incorporated non-originating materials.

## **Appendix II**

### **LIST OF PROCESSING OPERATIONS AND TRANSFORMATIONS APPLIED TO NON-ORIGINATING MATERIALS SO THAT THE TRANSFORMED PRODUCT CAN ACQUIRE ORIGIN**

Note: Annex 2 is under elaboration.

## Appendix III

### MODEL FORM OF CERTIFICATE OF ORIGIN OF GOODS RM

1. Exporter (name, address, country)			3. Certificate of origin no. Issued in country _____				
2. Consignee (name, address, country)			5. Comments of competent authorities				
4. Particulars of transport							
6. No.	7. Marks and numbers	8. Number and kind of packages Description of the goods	9. Origin criterion (see verso)	10. Gross weight or other measure units	11. Number and date of invoices		
<b>12. Visa</b>  It is hereby confirmed the veracity of the exporter's declaration .....  Place, date, signature and stamp of competent authorities			<b>13. Exporter's declaration</b>  It is hereby certified that the above-mentioned goods meet the conditions required for certificate granting.  <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; padding: 5px;">Place ..... Signature and stamp</td> <td style="width: 40%; padding: 5px;">Date .....</td> </tr> </table>			Place ..... Signature and stamp	Date .....
Place ..... Signature and stamp	Date .....						

**Agreed origin criteria**

In box 9, the origin criterion shall be completed with:

- letter P for products wholly obtained in the country of origin
- letter W followed by the first 4 figures of the tariff heading for products sufficiently transformed in order to benefit from preferential treatment.

7.2. Sets, accessories and other used products containing textile materials shall not comply with the conditions laid down in column 3, even if they are covered by note 4.3.

7.3. In accordance with the provisions of note 4.3., any sets, accessories or other non-originating products which do not contain any textile material can be used freely at any time when they cannot be manufactured from the materials listed in column 3.

For example:

If a rule from the List provides that yarns have to be used for a particular garment of textile material, such as a blouse, this fact does not prohibit the use of metallic items, for example buttons, because they cannot be manufactured from textile materials.

7.4. Where a percentage rule is applied, the value of sets and accessories shall be taken into consideration for the determination of the value of incorporated non-originating materials.

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Note: Annex 2 is under elaboration.

## Annex III

### CERTIFICATE OF ORIGIN OF GOODS RM

1. Exporter (name, address, country) 2. Addressee (name, address, country)			3. Certificate no. Issued in country_____		
4. Information on transport			5. Comments of competent authorities		
6. No.	7. Parcels marking	8. Number and nature of parcels Description of goods	9. Origin criterion (see verso)	10. Gross weight or other measure units	11. Number and date of invoices
12. Visa  Hereby it is confirmed the veracity of the exporter's declaration .....  Place, date, signature and stamp of competent authorities					