

GOVERNMENTAL ORDER NO.2  
26 SEPTEMBRIE 2000

**On Preshipment Inspection of Imported Goods**

On the basis of Article 106<sup>1</sup> of the Constitution of the Republic of Moldova and Item (h), Article 1, of the Law Empowering the Government to Issue Executive decrees No. 1211-XIV of July the 31<sup>st</sup>, 2000 (The Official Monitor, 2000, No. 102-105, p. 749), the Government of the Republic of Moldova passes the following executive decree:

Art. 1. To introduce the pre-shipment inspection of goods imported under any customs regulations, including storage of goods at customs warehouses, which inspection takes effect on the 45<sup>th</sup> day from the date when this executive decree comes into force.

Art. 2. To approve the Regulations of Pre-Shipment Inspection of Imported Goods, according to Annex 1.

Art. 3. (1) to establish the Inter-Departmental Commission for Conducting and Monitoring the Pre-Shipment Inspection and approve its membership and statute according to Annexes 2 and 3.

(2) If members of the said commission are relieved of their posts, their functions shall be performed by the persons appointed to those posts.

Art. 4. The pre-shipment inspection is carried out by the company authorized to inspect by the agreement concluded with the Government of the Republic of Moldova.

Art. 5. From the date of instituting the pre-shipment inspection, the customs agencies shall permit to transport imported goods subject to inspection only after the carrier submits a clean report of findings or a written opinion of the company authorized to inspect confirming that the pre-shipment inspection has been carried out in the exporter's country.

Art. 6. The central branch bodies of public administration and the authorized bodies shall set the obligatory requirements and adopt the rules of importation of goods subject to pre-shipment inspection, and, within 10 days from the day of enactment of this executive decree, provide the company authorized to inspect and the Department of Technical Supervision, Standardisation and Metrology with the relevant information about the effective rules and standards (information of subsequently adopted statutes must be provided within 3 days from the date of enactment).

Art. 7. The Ministry of Economy and Reforms, the Ministry of Finance, the Ministry of Industry and Energy, the Department of Technical Supervision, Standardization and Metrology, in cooperation with national competent authorities and the company authorized to carry out the pre-shipment inspection, shall draw up and submit to the Government's approval the Regulations of inspection of imported natural gas and electric power.

REGULATION  
OF PRE-SHIPMENT INSPECTION OF IMPORTED GOODS

I. GENERAL PROVISIONS

The Regulation on Pre-Shipment Inspection (hereinafter called Regulation) is worked out in consideration of the provisions of the Law on Government ability to issue executive orders no. 1211-XIV dated July 31, 2000 and the Law of Government Control of Foreign-Economic Activity No. 1031-XIV dated June 8, 2000 (The Official Monitor, 2000, No. 119-120, p. 838), by which imported goods will have to undergo an inspection in the prevailing country of export prior to their shipment to the Republic of Moldova.

The Pre-Shipment Inspection (PSI) will be carried out by the representation office of the empowered inspection company in the prevailing country of export/supply.

The results of the Pre-Shipment-Inspection will be reported by the empowered company on a Clean Report of Findings which will be made available to the Importer in order to facilitate the import entry clearance at arrival of the goods in the Republic of Moldova.

This Regulation establishes the procedures to be followed by the involved parties (such as importers, banks, Customs of the Republic of Moldova, empowered company) in the import transaction.

II. THE MANDATE OF THE COMPANY EMPOWERED TO IMPLEMENT THE PRESHIPMENT INSPECTION PROGRAMME

1. The Empowered Company

The empowered company to implement Pre-shipment Inspection (hereinafter called the Company), a legal person which concluded with the Government of the Republic of Moldova the Agreement on Pre-Shipment Inspection and Customs Modernisation Services, shall carry out an inspection of all goods to be imported into the Republic of Moldova.

For this purpose the Company shall:

- determine that the goods presented for inspection satisfactorily correspond to the goods description communicated to the Company by the importer in the inspection order;
- provide opinions, for the guidance of Customs, on the value of the imported goods and correct classification, based on the Goods Nomenclature, the national legislation and specific regulations of the Republic of Moldova;
- verify that the goods comply with the prevailing export price in the country of export;
- verify, where applicable, that the goods meet the relevant import prohibitions and restrictions of the Republic of Moldova.

All goods imported (including barter) by physical and legal persons, irrespective of their type of property and organisational-legal structure are subject to Pre-shipment Inspection (hereinafter called PSI), except those specifically exempted as per Article 2 of this Regulation.

For the purpose of the present regulation, the term "imported" and "imported goods" shall refer to all goods introduced into customs territory of the Republic of Moldova under all customs regimes of importation (inclusive of bonded warehouse).

## 2. Exemptions

The following goods to cross the state border of the Republic of Moldova are exempted from the pre-shipment inspection:

- a) Shipments for which the CIP (cost, insurance and price) value is under USD 3000 (three thousand), except for goods imported in full container loads which shall be subject to PSI irrespective of their value. Nevertheless, partial shipments covering goods with lower CIF Value will be subject to the PSI provided that the aggregated value of the shipments is equal to or above USD 3000 (three thousand),
- b) precious stones, precious metals,
- c) objects of art,
- d) explosives and pyrotechnic products,
- e) ammunition, weapons, implements of war,
- f) live animals,
- g) current newspapers and periodicals,
- h) household and personal effects including vehicles,
- i) parcel post or commercial samples,
- j) goods delivered to international organizations under agreements to which the Republic of Moldova is a party. The list of the international organizations is provided in the budget law for the respective year;
- k) goods intended for official use by diplomatic and other similar missions, as well as for personal use or consumption by members of the diplomatic and administrative/attending staff of those missions and family members who reside with them on the basis of reciprocity, as provided for by the Government;
- l) goods imported directly by the producer as raw materials for production, as well as other goods to which, according to the nomenclature of goods of the Republic of Moldova approved by the Government Decree No. 1068 of November 1999, the following tariff items are assigned:

050400000 intestines, bladders, and stomachs of animals (except fish), whole or cut, fresh,



7227	hot-rolled bars, loosely coiled, of other kinds of alloyed steel;
7228	other bars of alloyed steel; shaped angle-bars and special flanks of strong alloyed steel; hollow bars for drilling made of alloyed or plain steel;
7229	wires of strong alloyed steel;
7317 00	nails, drawing-pins, riffled nails, braces (except Item 8305) and similar goods of ferrous metals, headed or unheaded, of other materials, except for articles with

	except for turning machines (including multi-purpose turning machines) of Item 8458;
8474	equipment for sorting, rinse, grind, milling, mixing or agitation of soil, stones, ores, or other rock minerals in the solid state (including powder-like and paste-like states); equipment for agglomeration, molding or foundry or solid mineral fuels, ceramic mixtures, non-solidified cement, gypsum stuffs, or other mineral substances in the powder-like or paste-like states; molding machines for making sand molds;
850164000	generators of alternating current (synchronous generators) with the capacity no higher than 650 kW;
850421000	liquid dielectric transformers with the capacity less than 650 kW
850422	liquid dielectric transformers with the capacity over 650 kW but no higher than 10,000 kW;
850431	liquid dielectric transformers with the capacity no higher than 1 kW.

The Government of the Republic of Moldova is entitled to change the list of the goods exempt from pre-shipment inspection at the suggestion of the Commission for Conducting and Monitoring the Pre-shipment Inspection of Imported Goods.

Goods presented by a foreign country and not classified as the goods specified in Items (j) and (k) are subject to pre-shipment inspection. Under such circumstances, the Company shall not check the price, unless it is demanded by the Government of the Republic of Moldova.

### 3. Importation of Natural Gas and Energy and of Humanitarian aids

The PSI procedures regarding imports of natural gas and energy will be regulated separately.

Importation of humanitarian assistance carried out within the competencies and powers of the ministries, departments and other authorities, are regulated according to current special specifications.

### 4. Essential Obligations

All goods subject to PSI that are not accompanied by a CRF or a written inspection confirmation that goods are inspected by the Company prior to their shipment, shall not be authorised to cross the customs border of the Republic of Moldova.

No importer may effect payment to the credit of any exporter unless the invoice bearing a security label affixed by the Company in respect thereof, is presented together with the documents for negotiation of payment. In case of advance payments, the presence of the invoice bearing a security label may be delayed after the date of payment, but not more than by the repatriation terms prescribed in current legislation of the Republic of Moldova.

All purchase contracts concluded by importers in Moldova with foreign suppliers shall stipulate the requirement for PSI to be performed by the Company in the country of supply in accordance with



information or documents necessary for the issuance of a CRF or, for any reason, does not proceed with the shipment of the goods.

7. Request for Information to Exporters

Upon receipt of the Inspection Order, the Company affiliate in the country of supply will advise



The Company affiliate office shall carry out the identification of the goods by determining upon the crucial characteristics for establishing the correct customs classification code and valuation of the goods in question.

#### C. Quantity Verification

The Company affiliate office will determine the quantity of the goods by counting, weighing,

(a) the value of the goods for Customs purposes based on the requirements of the Agreement on Implementation of Article VII of GATT 1994 (c

## 16. Issuance of CRF and of Security Label

The CRF will be printed and promptly made available to the importers by the Company's Liaison Office in Chisinau based upon receipt of:

- (a) a satisfactory result of the Company inspection;
- (b) a copy of the exporter's final commercial invoice (where not already made available by the exporter) and of the transport documents from the importer;
- (c) where applicable, documentation or information from the importer related to applicable duty exemptions or special customs regimes.

The importer will be issued one original CRF necessary for customs clearance purposes and one copy for his files.

The Company shall also transmit a CRF hard- and/or electronic copy to the Department Customs Control.

The Security Label shall be affixed to the exporter's final invoice and made available to the exporter by the Company's affiliates abroad based upon receipt of:

- a) a satisfactory result of the Company inspection;
- b) a copy of the exporter's final commercial invoice.

The exporter shall join the final invoice or one of its original copies with the affixed Security Label with the other documents necessary for process of payment of the goods.

## 17. CRF Format and Contents

The following elements will be included in the CRF:

Transaction information:

- a) Name and identification numbers of parties involved (exporter, importer)
- b) Date and Place of issuance of CRF
- c) Payment Mode (e.g. letter of credit, collection, bank transfer) and Number of L/C, if necessary
- d) Shipment Invoice Number and Date of the Shipment invoice
- e) Contract number and date, Annexes numbers and dates, if available
- f) Incoterms
- g) Total invoice and currency of invoice
- h) Shipping details
- i) Delivery place,
- j) etc.

Goods details:

- a) Description of goods
- b) Packaging information (bulk, container, etc.)
- c) Descriptive unit (number, Kg, Litre, etc.),
- d) Quantity,
- e) etc.



subsequently report to the Director General of Customs who will take a final decision with regard to the assessment and advise the Company.

#### 21. Reconciliation between CRF data and Import Declaration data

For the purpose of reconciliation of the CRF data versus Import Declaration the Company shall transmit a hard and/or electronic copy of all Inspection Orders and CRFs issued to Customs. Reversely, upon clearance of goods, a hard and/or electronic copy of all Import Declarations registered, regardless of whether or not such import declarations relate to goods subject to PSI, will be provided to the Company by Customs. The Company shall undertake a reconciliation between CRF and Import declaration data to identify discrepancies, unused CRFs and irregular clearance without CRF. The results of the reconciliation shall be forwarded to the Department of Customs Control for investigation purposes and to the Technical Co-ordination Committee mentioned under point 28 for appropriate follow-up.

### V Confidentiality

#### 22 Protection of Confidential Information

The Company shall treat all information received in the course of Pre-shipment Inspection as confidential business provided that such information is not already published, generally available to third parties, or otherwise in the public domain. The Company shall not divulge confidential business information to any third party except that the Company may share this information with Governmental authorities or the National Bank of Moldova in accordance with the provisions of the WTO Agreement on Pre-shipment Inspection.

### VI Liability

#### 23 Non-compliance with PSI

Persons resident of the Republic of Moldova that violate the provisions of this Regulation are liable to the current legislation in force. The responsibility of the empowered company is provided in the Agreement concluded with the Government of the Republic of Moldova

### VII Appeals

#### 24 Disputes with the Company

Importers in disagreement with the Company findings as per a CRF or Discrepancy report, may inquire on such issue with the Company Liaison Office. In case the Company's explanations do not satisfy the importers expectations, then the importer may elevate his request to an appeals panel for proper evaluation of such request and thorough examination of evidences presented by either party involved.

#### 25 The Appeals panel

The appeals panel shall be a body empowered to solve equally and timely the claims related to PSI. It shall facilitate the proceedings and secure a timely and transparent decision making. It shall comprise representatives of the Ministry of Economy and Reforms, the Ministry of Finance, Ministry of Justice, the Department of Customs Control, the Department of Technical

Supervision, Standardisation and Metrology, the Private Sector and the Company. The Company representative shall participate in the panel as a non-voting member.

The personal composition of the Appeals panel shall be approved by the Implementation and Monitoring Committee for Pre-shipment inspection.

The chairman of this Committee may invite the representatives of any governmental institutions considered indispensable for decision-taking.

## 26 Principles of Appeals procedures

Appeals shall only be registered when such relate to the Company's findings as given in a CRF or Discrepancy report or to a claim for breach of confidentiality by the Company.

All recourses concerning final Customs assessments or decisions shall not be handled by the Appeals panel.

While an appeal is being reviewed an importer may apply to the Customs to have the subject shipment released against a deposit or bank and other guarantees.

The Appeals panel shall decide on any dispute raised with regards to the Company findings based on evidence presented. Such decision shall either support the Company findings or the importers position or consider the panel's own independent opinion.

Decisions shall be taken on basis of a majority vote. Decisions of the Appeal panel on the CRF data shall be binding for both the Company and Customs.

Whether the decision of the appeals panel does not satisfy the importers, they may appeal to court.

The Appeals panel shall meet at least twice a month, unless no appeal cases are pending for review and minutes of meetings shall be archived.

- a) Review the monthly reports by the Company;
- b) Follow-up cases of anomalies reported by the Company;
- c) Submit where applicable, recommendations for an enhanced implementation of the Programme.

PERSONAL COMPOSITION  
of the Committee for Implementation and Monitoring  
of Pre-shipment Inspection of Imported Goods

- Andrei CUCU - Deputy Prime Minister, Minister of Economy and Reforms (Chairman of the Committee)
- Mihail MANOLI - Minister of Finance (Deputy Chairman of the Committee)
- Georgeta MINCU - Chairman of WTO Division (ministry of Economy and Reforms); Secretary of the Committee

MEMBERS OF THE COMMITTEE

- Afanasie SMOCHIN - Minister of transport and telecommunications
- Veronica BACALU - Vice President of the National Bank of Moldova
- Gheorghe GABERI - Deputy Minister of Economy and Reforms
- Constantin SIRGHI - Deputy Minister of of Agriculture and Processing Industry
- Ion RUSU - Deputy Minister of Industry and Trade Health
- Galina CHIRINCIUC - Deputy Minister of Justice
- Ion BAHNAREL - Deputy Minister of Health
- Alexandru JOLONCOVSCHI - Deputy Minister of Environment
- Andrei STRATAN - General Director, State Customs Department of the Ministry of Finance
- Marcel RADUCAN - General Director, Moldovastandard



**REGULATION**  
**on the Committee for Implementation and Monitoring of the Pre-shipment Inspection of Imported Goods**

1. The Committee for Implementation and Monitoring of Pre-shipment Inspection of Imported Goods (hereinafter "the Committee") is the Government Authority in charge of implementation of the Pre-shipment inspection and monitoring of its execution.
2. The Committee activity abides the Constitution of the Republic of Moldova, Decrees of the President of the Republic of Moldova, Decisions of the Parliament and of the Government of the Republic of Moldova and the present Regulation.
3. The main objective of the Committee is the co-ordination and audit of the performance of contractual parties involved in execution of pre-shipment inspection.
4. The Committee members are the managers of the respective authorities that are empowered to involve (to co-opt) the appropriate experts from subordinating services in the activity of the Committee.
5. The Committee has the following functions:
  - approval and publication of the action plan in the field of pre-shipment inspection program;
  - approval of the personal composition of the Appeals Panel;