



Committee on Regional Trade Agreements

FACTUAL PRESENTATION

**DEEP AND COMPREHENSIVE FREE TRADE AREA CONCLUDED AS A PART OF THE ASSOCIATION
AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF MOLDOVA
(GOODS AND SERVICES)**

Report by the Secretariat

This report, prepared for the consideration of the Deep and Comprehensive Free Trade Area concluded as a part of the Association Agreement between the European Union and the Republic of Moldova, has been drawn up by the WTO Secretariat on its own responsibility and in full consultation with the Parties. The factual presentation reproduces as closely as possible the terminology used in the Agreement and in the comments provided and does not imply official endorsement or acceptance by the Secretariat of such terminology. The report has been drawn up in accordance with the rules and procedures contained in the Decision for a Transparency Mechanism for Regional Trade Agreements (WT/L/671) and thus does not imply any value judgement by the Secretariat regarding the contents of the Agreement.

Any technical questions arising from this report may be addressed to Jean-Daniel Rey (tel: +41 22 739 52 64). Any statistical questions arising from this report may be addressed to Rowena Cabos (tel: +41 22 739 51 85).

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Key Facts

Parties to the Agreement:	European Union (Austria; Belgium; Bulgaria; Croatia; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Latvia; Lithuania; Luxembourg; Malta; Netherlands; Poland; Portugal; Romania; Slovak Republic; Slovenia; Spain; Sweden; United Kingdom) and Moldova				
Date of Signature:	27 June 2014				
Date of Entry into Force:	1 September 2014 (provisional application prior to the completion of ratification by the European Parliament and EU Member States)				
Date of Notification:	30 June 2014				
Full implementation:	<table> <tr> <td>Goods:</td><td>EU: 1 September 2014 Moldova: 1 January 2024</td></tr> <tr> <td>Services:</td><td>1 September 2014</td></tr> </table>	Goods:	EU: 1 September 2014 Moldova: 1 January 2024	Services:	1 September 2014
Goods:	EU: 1 September 2014 Moldova: 1 January 2024				
Services:	1 September 2014				

1 TRADE ENVIRONMENT¹

1.1. The Deep and Comprehensive Free Trade Area (hereinafter referred to as the Agreement) concluded as a part of the Association Agreement between the European Union and the Republic of Moldova between the European Union (hereinafter the EU) and Moldova is the EU's 37th and Moldova's 7th regional trade agreement (RTA).²

1.2. In 2013, with a population of 507 million, the EU's GDP was estimated at US\$17,351 billion, while that of Moldova, with a population of 3.6 million was estimated at US\$7.9 billion. The EU mainly traded manufactured products (representing 77% of the EU's exports and 56% of imports) as was the case for Moldova (54% of Moldova's exports and 61% of its imports). Averaged over the period 2011-2013, the Parties' trade (goods and services) to GDP ratio was 34.9 for the EU and 127 for Moldova.

1.1 Merchandise trade

1.3. In 2013, the EU's shares in total world exports and imports were 15.3% and 14.8% respectively, while those for Moldova were 0.01% for exports and 0.03% for imports. With total merchandise exports of US\$2,307 billion and imports of US\$2,234 billion, the EU was the world largest global exporter and second largest importer, while Moldova ranked 1103rd for exports and 100th for imports (with exports of US\$2.3 billion and imports of US\$5.4 billion).

1.4. Based on 2013 trade data³, the EU was Moldova's largest source of imports⁴ and largest destination for exports⁵, while Moldova was the EU's 75th largest source of imports⁶ and 63rd largest export destination.⁷

¹ Source for this section: WTO Trade Profiles 2014 (2013 data), Eurostat and UNSD Comtrade database. Export figures are calculated f.o.b. and import figures are calculated c.i.f. Ranking in world trade excluding intra-EU trade. For bilateral trade, the figures are based on Eurostat and UNSD Comtrade (2013 data).

² Agreements in goods and services counted as one and only agreements in force, notified to the WTO.

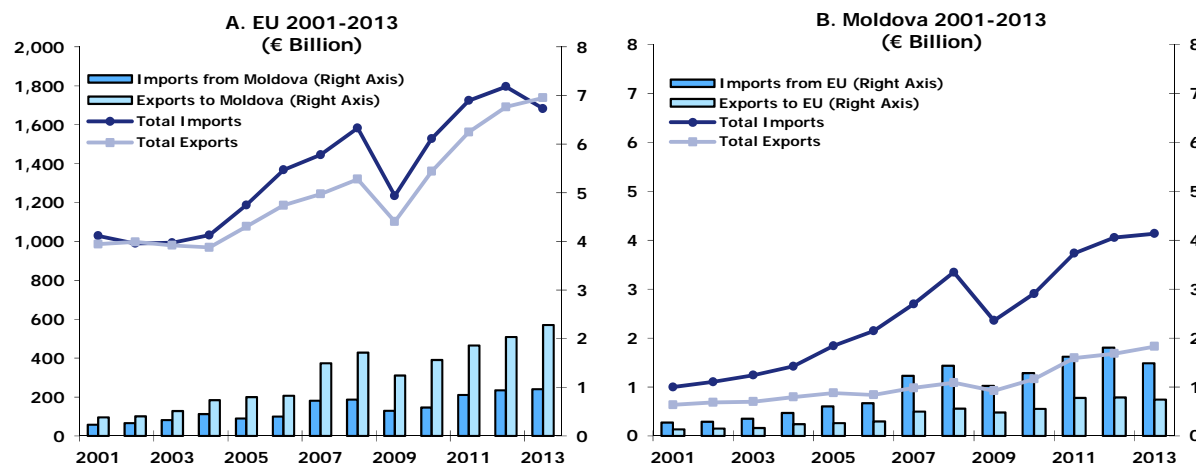
³ Source: Eurostat and UNSD Comtrade database. The national statistics of the Parties may slightly differ from the, also official, sources systematically used in the preparation of factual presentations.

⁴ In 2013, the five top sources of imports for Moldova were: the EU (45%); Russia (14.3%); Ukraine (12%); China (8.7%); and Turkey (6.9%).

⁵ In 2013, the five top destinations for Moldova's exports were: the EU (47.6%) Russia (26.3%); Ukraine (5.9%); Turkey (5.35%) and Belarus (3.8%).

1.5. Developments in global and intra-Party trade are presented in Charts 1.1 and 1.2 over the period 2001-2013. The EU's trade surplus with Moldova has widened during this period, particularly since 2007. In parallel, the EU maintained a global deficit until 2013 when it developed a small surplus, while Moldova's global trade showed a rising deficit during the entire period.

Chart 1.1 European Union and Moldova: bilateral and total merchandise trade (2001-2013)



Note:

European Union covers data for EU (15) from 2000-2003, EU (25) from 2004-2006, EU (27) from 2007-2012 and EU(28) from 2013. Trade flows exclude intra-EU trade.

Moldova: Exchange rate EUR per USD are: 1.12 (2001), 1.06 (2002), 0.89 (2003), 0.81 (2004), 0.80 (2005), 0.80 (2006), 0.73 (2007), 0.68 (2008), 0.72 (2009), 0.76 (2010), 0.72 (2011), 0.78 (2012) and 0.75 (2013).

Source: Eurostat and UNSD Comtrade database.

1.6. The commodity structure of trade between Moldova and the EU, and between each Party and the world, during the period 2011-2013, is shown in Chart 1.2, on the basis of Harmonized System (HS) Sections.

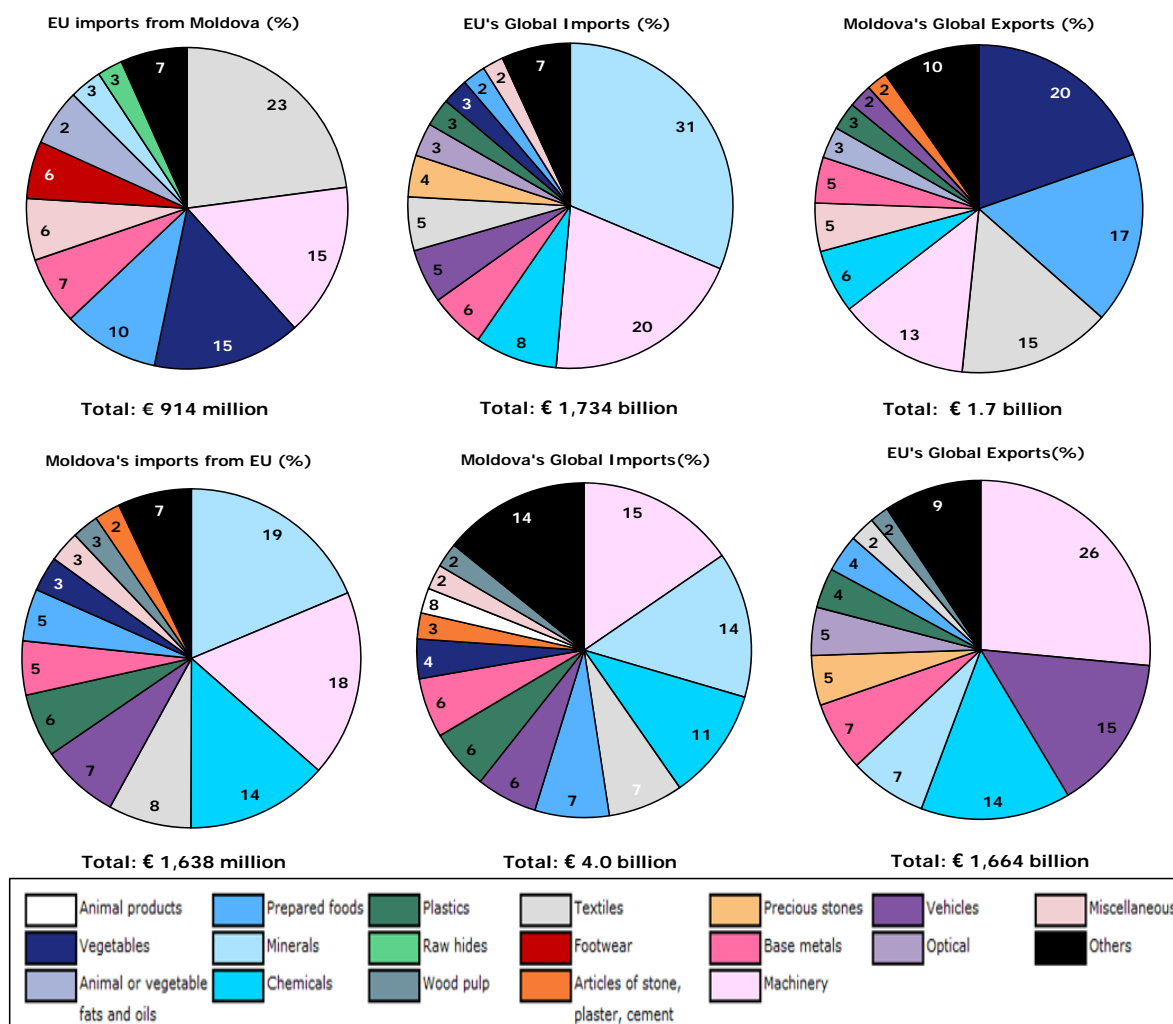
1.7. Recognizing that the figures contained in the Chart represent an average over a three year period, textiles, machinery and vegetable products together accounted for 53.2% of the EU's imports from Moldova (22.9% for textiles, 15.4% for machinery, and 14.9% for vegetable products), while these three sectors were respectively the EU's 6th, 2nd, and 10th global imports (representing together 28.1% of the EU's global imports) and Moldova's 1st, 3rd and 4th largest global exports (corresponding together to 47.6% of Moldova's global exports).

1.8. Mineral products, machinery and chemical products represented half of Moldova's imports from the EU (18.7% for textiles; 17.8% for machinery and 13.6% for chemical products). These three sectors were respectively Moldova's top three global imports (representing together 40.3% of Moldova's global imports) and respectively the EU's 4th, 1st and 3rd largest global exports (corresponding together to 48.2% of the EU's global exports).

⁶ In 2013, the five top sources of imports for the EU were: China (16.6%); Russia (12.2%); the US (11.7%); Switzerland (5.6%); and Norway (5.4%).

⁷ In 2013, the five top destinations for the EU's exports were: the US (16.6%); Switzerland (9.8%); China (8.5%); Russia (6.9%); and Turkey (4.5%).

Chart 1.2 Moldova and European Union (27) Product Composition of merchandise trade, annual average (2011-2013)



Note:

European Union covers data for EU (27) from 2011-2012 and EU (28) for 2013.

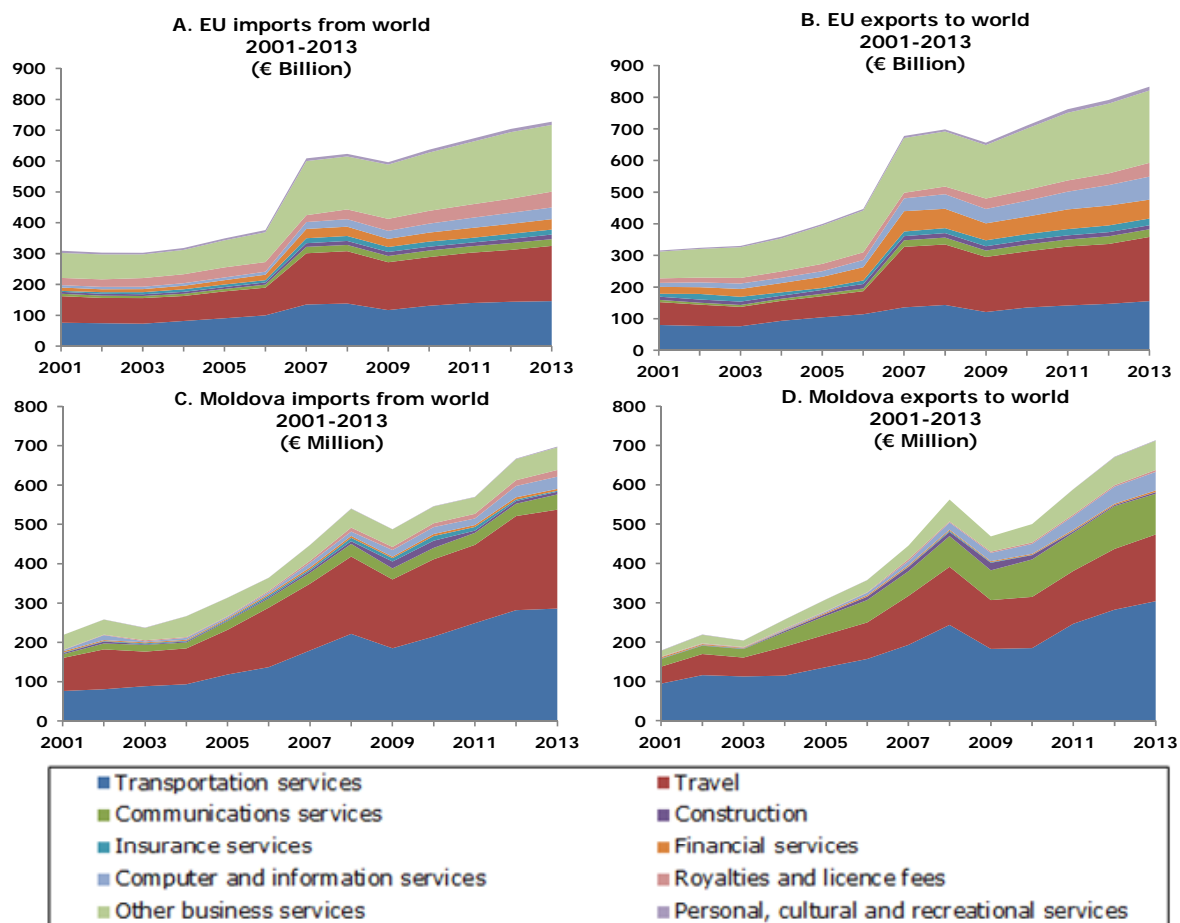
Moldova: Exchange rates Euros per USD are 0.72 (2011), 0.78 (2012) and 0.75 (2013).

Source: Eurostat and UNSD Comtrade database.

1.2 Trade in services and investment

1.9. In 2012, the EU's shares of total commercial services exports and imports were 25.03% and 20.21% respectively, while Moldova's share was 0.02% of both world exports and imports of services. With total commercial services exports of US\$841 billion, and imports of US\$652 billion, the EU was the world's largest exporter and largest importer of commercial services. Moldova was the 102nd largest exporter (US\$897 million) and 110th largest importer (US\$921 million).

1.10. Charts 1.3 below shows global trade in commercial services for Moldova and for the EU (all based on data for the period 2001-2013). While Moldova experienced a deficit in its global trade in services (except in 2008 and 2013), the balance for the EU is positive throughout the period, with a volume of trade more than two hundred times bigger than for Moldova. For both Parties, trade in services has grown during the period despite the 2008-2009 slow-down associated to the financial crises. Travel and transportation services account for a large share of services traded by all the Parties with other business services also important exports and imports for the EU.

Chart 1.3 Moldova and the EU: Trade in commercial services with the world, 2001-2013

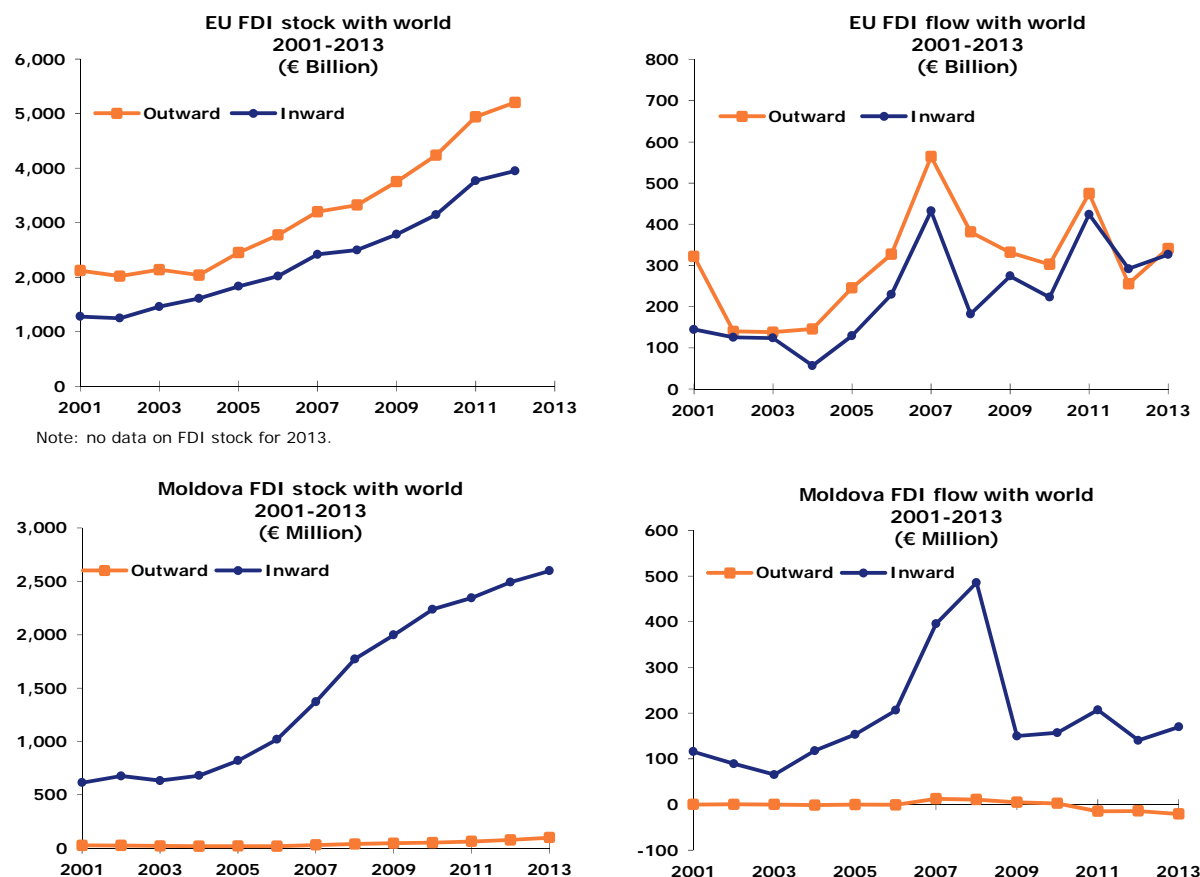
Note:

European Union covers data for EU (15) from 2000-2003, EU (25) from 2004-2006, EU (27) from 2007-2012 and EU(28) from 2013. Trade flows excludes intra-EU trade.

Moldova: Exchange rate EUR per USD are : 1.12 (2001), 1.06 (2002), 0.89 (2003), 0.81 (2004), 0.80 (2005), 0.80 (2006), 0.73 (2007), 0.68 (2008), 0.72 (2009), 0.76 (2010), 0.72 (2011), 0.78 (2012) and 0.75 (2013).

Source: Eurostat and WTO Statistics Database.

1.11. Chart 1.4 below depicts each Party's foreign direct investment stocks with the world as well as the Party's FDI flows with the world which have grown steadily during the period 2001-2013. While the EU is a net investor in the world, Moldova is a net recipient of FDI.

Chart 1.4 Moldova and the European Union: FDI stock with the world, 2001-2013

Note: no data on FDI stock for 2013.

Note:

European Union covers data for EU (15) from 2000-2003, EU (25) from 2004-2006, EU (27) from 2007-2012 and EU(28) from 2013. Trade flows excludes intra-EU trade.

Moldova: Exchange rate EUR per USD are : 1.12 (2001), 1.06 (2002), 0.89 (2003), 0.81 (2004), 0.80 (2005), 0.80 (2006), 0.73 (2007), 0.68 (2008), 0.72 (2009), 0.76 (2010), 0.72 (2011), 0.78 (2012) and 0.75 (2013).

Source: Eurostat and UNCTAD.

2 CHARACTERISTIC ELEMENTS OF THE AGREEMENT

2.1 Background Information

2.1. The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, foresees, under Title V, the creation of a "Deep and Comprehensive Free Trade Area" (DCFTA). The factual presentation therefore focusses on the DCFTA (hereinafter called "the Agreement"). The Agreement was signed on 27 June 2014 and, provisionally entered into force on 1 September 2014, in conformity with paragraph 3 of Article 464. The EU Regulation on Autonomous Trade Preferences for Moldova (Council Regulation No 55/2008 of 21 January 2008 and subsequent) continues to be in place and will co-exist with the Agreement until 31 December 2015. The Parties notified the goods and services aspects of the Agreement to the WTO on 30 June 2014 in document WT/REG352/N/1/Add.1 - S/C/N/743/Add.1. The notification was made pursuant to Article XXIV: 7(a) of GATT 1994 for goods, and to Article V: 7(a) of GATS for services. The text of the Agreement, together with its annexes, is available on the Parties' official websites:

European Union:

http://eeas.europa.eu/moldova/pdf/eu-md_aa-dcfta_en.pdf

Moldova:

http://www.gov.md/public/files/2013/ianuarie_2014/7048451_en_acord_asociere.pdf

2.2 Structure of the Agreement

2.2. The Agreement is composed of 7 Titles and thirty-five Annexes, including the Parties' tariff elimination schedules, lists of reservations on establishment and commitments on cross-border supply of services. It also contains three Protocols, including one on rules of origin, and three Joint Declarations. Box 2.1 below summarizes the structure of the Agreement.

Box 2.1 Structure of the Agreement

<i>Titles, Chapters (including Annexes) and Protocols</i>	<i>Title/description</i>
Preamble	
Title I	General principles
Title II	Political dialogue and reform, cooperation in the field of foreign and security policy
Title III	Freedom, security and justice
Title IV	Economic and other sectoral cooperation
Title V	Trade and trade-related matters
Chapter 1	National treatment and market access for goods
Chapter 2	Trade remedies
Chapter 3	Technical barriers to trade, standardization, metrology, accreditation and conformity assessment
Chapter 4	Sanitary and Phytosanitary measures
Chapter 5	Customs and trade facilitation
Chapter 6	Establishment, trade in services and electronic commerce
Chapter 7	Current payments and movement of capital
Chapter 8	Public procurement
Chapter 9	Intellectual property rights
Chapter 10	Competition
Chapter 11	Trade-related energy
Chapter 12	Transparency
Chapter 13	Trade and sustainable development
Chapter 14	Dispute settlement
Chapter 15	General provisions on approximation under Title V
Title VI	Financial assistance, and anti-fraud and control provisions
Title VII	Institutional, general and final provisions
Annexes I-XXXV	Supplementary provisions referring to specific parts of the Agreement
Protocol I	Framework Agreement between the EU and the Republic of Moldova on the General Principles for the Participation of the Republic of Moldova in Union programmes
Protocol II	Concerning the definition of the concept of "originating products" and methods of administrative cooperation
Protocol III	On mutual administrative assistance in customs matters
Protocol IV	Definitions

Source: WTO Secretariat based on the Agreement.

3 PROVISIONS ON TRADE IN GOODS

3.1. Under Title V, which covers trade and trade-related matters, Chapters 1 through 5 contain disciplines related to trade in goods.⁸

3.2. According to Article 143, the Parties shall progressively establish a free trade area, in relation to trade in goods, over a transitional period of a maximum of 10 years starting from the entry into force of the Agreement.

3.3. In addition to economic integration between the Parties, the Agreement is part of the goal of strengthening EU–Moldova relations, within the context of the EU–Moldova European Neighbourhood Policy Action Plan of February 2005. One of the objectives of the Agreement is, consequently, to move forward the process of reforms and approximation of the regulatory system of Moldova to that of the EU, thus contributing to gradual economic integration and deepening of

⁸ Hereinafter when referring to specific Chapters without indicating the Title of the Agreement under which that Chapter can be found, it is meant that that Chapter is "under Title V of the Agreement".

political association. A number of provisions therefore contain "approximation" provisions to guide Moldova's progressive integration with the EU's *acquis*. Chapter 15 contains general provisions on approximation in trade-related areas. In Articles 407-412, the Agreement sets disciplines and procedures relating to: progress in approximation in trade-related areas; repeal of inconsistent domestic law; assessment of approximation in trade-related areas; developments relevant to approximation; exchange of information; and general provisions. Moreover, under Chapter 2 of Title VII (Institutional, general and final provisions), the Agreement confirms that Moldova shall gradually approximate its legislation to EU law and international instruments as referred to in the Annexes to the Agreement, based on commitments in the Agreement, and according to the provisions of those Annexes (Article 448). These disciplines on gradual approximation shall be without prejudice to any specific provisions and obligations on approximation under Title V. Moreover, under the principle of dynamic approximation and in line with the goal of gradual approximation by Moldova's legislation to EU law, and in particular the commitments in Titles III (Freedom, security and justice); IV (Economic and other sectoral cooperation); V (Trade and trade-related matters); and VI (Financial assistance, and anti-fraud and control provisions), and provisions of the Annexes to the Agreement, the Association Council shall periodically revise and update the Annexes, including to take into account the evolution of EU law, as defined in the Agreement. This is without prejudice to the specific provisions under Title V of the Agreement. The procedure to assess the results of the approximation process for title V is in Article 409.

3.1 Import duties and charges, and quantitative restrictions

3.1.1 General provisions

3.4. The Parties agree to apply national treatment to each other's' imports in accordance with Article III of GATT 1994 and its interpretative notes, which are incorporated into and made part of the Agreement, *mutatis mutandis* (Article 152).

3.5. Neither Party shall adopt or maintain any prohibition or restriction on the import of any good of another Party, except as provided in the Agreement or in accordance with Article XI of GATT 1994, which is, together with its interpretative notes, incorporated into and made part of the Agreement *mutatis mutandis* (Article 153).

3.6. On the treatment of fees and charges, the Agreement replicates the provisions of Article VIII of GATT 1994 (Article 151).

3.1.2 Liberalization of trade and tariff lines

3.7. The Parties' tariff elimination commitments, which include reductions or elimination of customs duties, are scheduled in Annex XV to the Agreement. Neither Party may increase any customs duty set as the base rate⁹ in Annex I or adopt any new customs duty on a good originating in the other Party. That shall not preclude them however from raising a customs duty to the level established in Annex XV following a unilateral reduction; or maintaining or increasing a customs duty as authorized by the WTO Dispute Settlement Body (Article 149).

3.8. Upon agreement between them, the Parties may consider accelerating and broadening the scope of the duty elimination programme (Paragraph 4 of Article 147).

3.1.3 Liberalization schedule

3.9. Annex XV to the Agreement contains the Parties' respective tariff elimination programmes.

- a. Annex XV-A lists the 9 tariff lines (at the HS eight-digit level) subject to annual duty-free tariff-rate quotas applied by the EU to imports from Moldova;

⁹ Base rates are provided only partially, for Moldova, where the duty elimination takes place progressively (see Annex XV-D). In that case the existing rate shall not be increased.

- b. Annex XV-B lists the 20 tariff lines (at the HS eight-digit level) which are subject by the EU to entry prices¹⁰; when imported from Moldova, the *ad valorem* component of the import duty on these products is exempted;
- c. Annex XV-C contains the list of 124 agricultural and 49 processed agricultural products subject by the EU to an anti-circumvention mechanism¹¹ (Article 148); and
- d. Annex XV-D contains Moldova's Schedule of concessions.¹²

3.10. During the third year after the entry into force of the Agreement, the Parties shall assess the situation with regard to elimination of customs duties on imports, taking into account the pattern of their bilateral trade in agricultural products, the particular sensitivities of such products and the development of agricultural policy in both Parties. They shall examine the opportunities for granting each other further concessions with a view to improving liberalization of trade in agricultural products (Paragraphs 5 and 6 of Article 147).

3.1.3.1 The European Union

3.11. Table 3.1 shows tariff elimination commitments by the EU under the Agreement. The EU's applied tariff in 2014 consisted of 9,379 lines at the HS eight-digit level (HS 2012). 89.37% of the tariffs were *ad valorem* and 997 lines had non-*ad valorem* rates.¹³ Before the entry into force of the Agreement, 2,356 lines were duty free, representing 25.1% of the EU's total tariff. The customs duties elimination programme agreed by the EU as part of its commitments under the Agreement was implemented immediately, upon the entry into force of the Agreement on 1 September 2014.

In 2014, the number of the EU's MFN duty free lines (2,356 lines, or 25.1% of the tariff) corresponded to 77.9% of its imports from Moldova during 2011-2013. Following the entry into force of the Agreement, an additional 6,994 lines (74.6% of the EU's tariff) became duty-free for imports from Moldova.¹⁴ As a result, 99.7% of the EU's tariff was duty free for imports from Moldova in 2014, corresponding to 99.8% of imports by value from Moldova. 29 tariff lines (0.3% of the tariff) remain dutiable for imports from Moldova, representing 0.2% of EU's total imports from Moldova during 2011-2013.

**Table 3.1: EU
Tariff elimination commitments under the Agreement and corresponding average trade**

Duty phase-out period	Number of lines	% of total lines in EU's tariff schedule	Value of EU's imports from Moldova (2011-2013) € million	% of EU's total imports from Moldova 2011-2013
MFN duty free (2014)	2,356	25.1	191.0	29.0
2014	6,994	74.6	465.6	70.8
Remain dutiable	29	0.3	1.1	0.2
Total	9,379	100.0	657.6	100.0

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data from EU authorities.

3.12. Table 3.2 depicts the EU's tariff elimination, by HS section with regard to Moldova and shows that the remaining dutiable tariffs are found under Sections II (vegetable products) and IV

¹⁰ (See Annex 2 to the Commission Implementing Regulation (EU) No 927/2012 of 9 October 2012.

¹¹ Agricultural products covered include pig meat; poultry meat; dairy products; eggs in shell, eggs and albumins, wheat, flour and pellets; barley, flour and pellets; maize, flour and pellets; and sugars. Processed agricultural products covered include cereal processed; cigarettes; dairy processed; sugar processed; and sweet corn.

¹² Tariff-rate quota commitments made by Moldova for imports from the EU are in Moldova's Schedule of concessions (Annex XV-D).

¹³ 651 lines were specific, 215 had compound duties, 64 were mixed, and 67 were classified as other duties.

¹⁴ It should nevertheless be recalled that the EU Autonomous Trade Preference regulation 55/2008 already liberalized import from Moldova to a very large extent, while benefitting from the WTO waiver.

(prepared food). Many of these products carry specific or compound rates of duties for which no *ad valorem* equivalents are available.

Table 3.2 EU: Tariff elimination under the Agreement, by HS Section

HS Section	MFN average%	No. of lines	MFN 2014	Number of duty-free lines under the Agreement	Remain dutiable	Avg. Final Tariff (Dutiable)
				2014		
I	9.8	932	107	825		
II	5.5	552	150	381	21	-
III	5.9	128	23	105		
IV	14.8	832	95	729	8	-
V	0.8	234	170	64		
VI	4.3	1,149	299	850		
VII	4.6	301	62	239		
VIII	3.1	130	45	85		
IX	2.4	213	99	114		
X	0.0	195	195			
XI	8.0	1,159	39	1,120		
XII	8.2	106	2	104		
XIII	4.0	236	33	203		
XIV	0.6	56	45	11		
XV	1.8	953	500	453		
XVI	2.3	1,375	307	1,068		
XVII	4.9	269	30	239		
XVIII	2.5	322	89	233		
XIX	2.2	22	4	18		
XX	2.6	208	55	153		
XXI	0.0	7	7			
Total	5.1	9,379	2,356	6,994	29	-

- contains various tariff lines with specific or compound duties.

Note: Tariff lines subject to in-quota rates are excluded in the computation. For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 nomenclature.

Source: WTO estimates based on data from EU authorities.

3.13. The 29 lines that will remain subject to duties once implementation is complete are listed in Table 3.3 below, which also shows the difference between the 2014 MFN rate and the preferential rate applied to products imported from Moldova.

Table 3.3. EU: Remaining dutiable tariff line under the Agreement

Tariff Line	Description	MFN 2014	Preferential
07020000	Tomatoes, fresh or chilled	EP	EP (Out-quota)
07032000	- Garlic, fresh or chilled	9.6% + 120 EUR/100 kg	9.6% + 120 EUR/100 kg (Out-quota)
07070005*	- Cucumbers, fresh or chilled	EP	EP based tariff minus <i>ad valorem</i> part
07099100*	-- Globe artichokes, fresh or chilled	EP	EP based tariff minus <i>ad valorem</i> part
07099310*	--- Courgettes	EP	EP based tariff minus <i>ad valorem</i> part
08051020*	-- Sweet oranges, fresh	EP	EP based tariff minus <i>ad valorem</i> part
08052010*	-- Clementines	EP	EP based tariff minus <i>ad valorem</i> part
08052030*	-- Monreales and satsumas	EP	EP based tariff minus <i>ad valorem</i> part
08052050*	-- Mandarins and wilkings	EP	EP based tariff minus <i>ad valorem</i> part
08052070*	-- Tangerines	EP	EP based tariff minus <i>ad valorem</i> part
08052090*	-- Tangelos, ortaniques, malaquinas and similar citrus hybrids (excl. clementines, monreales, satsumas, mandarins, wilkings and tangerines)	EP	EP based tariff minus <i>ad valorem</i> part
08055010*	-- Lemons (Citrus limon, Citrus limonum)	EP	EP based tariff minus <i>ad valorem</i> part

Tariff Line	Description	MFN 2014	Preferential
08061010	-- Table grapes, fresh	EP	EP (Out-quota)
08081080	-- Apples, fresh (excl. cider apples, in bulk, from 16 September to 15 December)	EP	EP (Out-quota)
08083090*	Pears (excl. perry pears in bulk from 1 August to 31 December)	EP	EP based tariff minus <i>ad valorem</i> part
08091000*	- Apricots, fresh	EP	EP based tariff minus <i>ad valorem</i> part
08092100*	-- Sour cherries (<i>Prunus cerasus</i>)	EP	EP based tariff minus <i>ad valorem</i> part
08092900*	-- Cherries (excl. sour cherries), fresh	EP	EP based tariff minus <i>ad valorem</i> part
08093010*	-- Nectarines	EP	EP based tariff minus <i>ad valorem</i> part
08093090*	-- Peaches (excl. nectarines), fresh	EP	EP based tariff minus <i>ad valorem</i> part
08094005	-- Plums	EP	EP (Out-quota)
20096110	--- Grape juice, incl. grape must, unfermented, Brix value ≤ 30 at 20 °C, value of > EUR 18 per 100 kg, whether or not containing added sugar or other sweetening matter (excl. containing spirit)	EP	EP (Out-quota)
20096919	---- Grape juice, incl. grape must, unfermented, , Brix value > 67 at 20 °C, value of > EUR 22 per 100 kg, whether or not containing added sugar or other sweetening matter (excl. containing spirit)	EP	EP (Out-quota)
20096951	----- Concentrated grape juice, incl. grape must, unfermented, , Brix value > 30 but ≤ 67 at 20 °C, value of > EUR 18 per 100 kg, whether or not containing added sugar or other sweetening matter (excl. containing spirit)	EP	EP (Out-quota)
20096959	----- Grape juice, incl. grape must, unfermented, Brix value > 30 but ≤ 67 at 20 °C, value of > EUR 18 per 100 kg, whether or not containing added sugar or other sweetening matter (excl. concentrated or containing spirit)	EP	EP (Out-quota)
22043092*	---- Grape must, unfermented concentrated	EP	EP based tariff minus <i>ad valorem</i> part
22043094*	---- Grape must, unfermented, non-concentrated	EP	EP based tariff minus <i>ad valorem</i> part
22043096*	---- Grape must, unfermented, concentrated	EP	EP based tariff minus <i>ad valorem</i> part
22043098*	---- Grape must, unfermented, non-concentrated	EP	EP based tariff minus <i>ad valorem</i> part

* See Annex XV-B of the Agreement.

EP: Entry Price.

Source: EU authorities.

3.1.3.2 Moldova

3.14. Moldova's applied tariff in 2014 consisted of 9,642 lines at the HS eight-digit level (HS 2007). 96.25% of the tariffs were *ad valorem* and 362 lines had non-*ad valorem* tariffs.¹⁵

3.15. The customs duties elimination programme agreed by Moldova as part of its commitments under the Agreement is set out in Annex XV-D to the Agreement. Moldova will fulfil its tariff

¹⁵ 167 lines were specific, 160 lines consisted in compound duties, and 35 were classified as other duties.

elimination commitments in six to ten stages. While the implementation of the progressive reduction of customs duties started immediately upon the entry into force of the Agreement for 2 categories, for the others, a standstill (ranging from between four months and five years) applies. Full implementation shall take place on 1 January 2024. For certain products, Moldova's commitments take the form of TRQs (see below).

3.16. In 2014, 4,428 lines were duty free on an MFN basis, representing 45.9% of Moldova's total tariff, corresponding to 62.8% of its imports from the EU during 2011-2013. Following the entry into force of the Agreement, an additional 4,607 lines (47.8% of Moldova's tariff) also became duty-free. This resulted in 93.7% of Moldova's tariff becoming duty free, corresponding to 93% of Moldova's total imports from the EU (during 2011-2013). Ten years after the provisional application of the Agreement, and at the end of the implementation period (in 2024), 9,546 tariff lines, 99% of Moldova's tariff and 99.1% of its imports from the EU will be duty free. Table 3.4 shows tariff elimination commitments by Moldova under the Agreement.

Table 3.4: Moldova
Tariff elimination commitments under the Agreement and corresponding average trade

Duty phase-out period	Number of lines	% of total lines in EU's tariff schedule	Value of EU's imports from Moldova (2011-2013) € million	% of EU's total imports from Moldova 2011-2013
MFN duty free (2014)	4,428	45.9	1,086.7	62.8
2014	4,607	47.8	522.4	30.2
2017	118	1.2	22.7	1.3
2019	348	3.6	76.2	4.4
2024	45	0.5	9.0	0.5
Remain dutiable	96	1.0	14.8	0.9
Total	9,642	100.0	1,731.7	100.0

Note: Based on the HS 2007 nomenclature.

Source: WTO estimates based on data from Moldova authorities.

3.17. Table 3.5 shows Moldova's tariff elimination, by HS section. The 96 lines that will remain subject to duties once implementation is completed are found in HS Sections I (live animals) and IV (prepared food) with final average tariffs at between 16.7% and 50.5%, with preferential rates at the same level as MFN rates, as illustrated by Chart 3.1 below. The highest average tariffs are found, at 75%, in HS Chapter 17 (sugars and sugar confectionary).

Table 3.5 Moldova: Tariff elimination under the Agreement, by HS Section

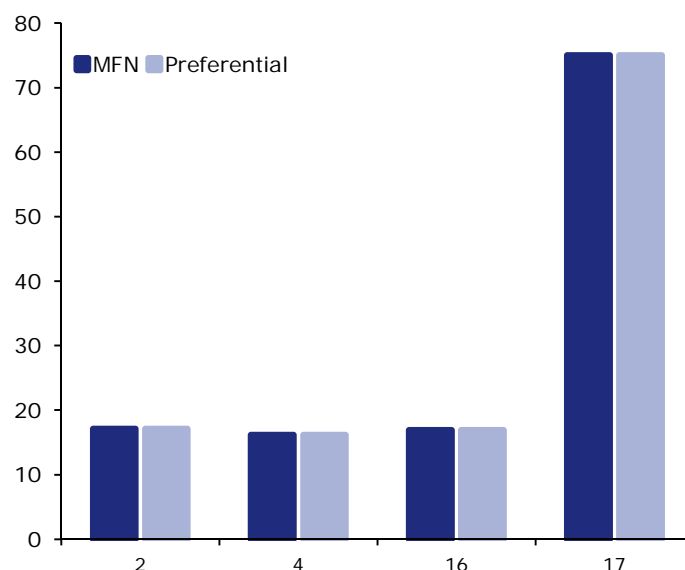
HS Section	MFN average %	No. of lines	Duty-free lines under the MFN 2014	Number of duty-free lines under the Agreement				Remain dutiable	Avg. Final Tariff (Dutiable)
				2014	2017	2019	2024		
I	8.7	784	295	383	4	18	26	58	16.7
II	10.1	520	95	392		28	5		
III	7.2	123	34	89					
IV	15.1	804	70	531	17	134	14	38	50.5
V	1.4	244	188	55		1			
VI	2.8	1,268	634	634					
VII	4.4	351	106	204	26	15			
VIII	8.4	150	26	124					
IX	1.2	213	181	32					
X	4.9	219	63	156					
XI	6.2	1,184	401	615	71	97			
XII	12.0	113	11	74		28			
XIII	7.0	258	50	204		4			
XIV	3.3	63	42	21					
XV	1.2	993	860	133					
XVI	1.9	1,477	1,012	465					
XVII	2.8	287	127	160					
XVIII	3.7	339	180	159					
XIX	10.0	27		27					

HS Section	MFN average %	No. of lines	Duty-free lines under the MFN 2014	Number of duty-free lines under the Agreement				Remain dutiable	Avg. Final Tariff (Dutiable)
				2014	2017	2019	2024		
XX	6.8	218	51	144		23			
XXI	7.1	7	2	5					
Total	5.2	9,642	4,428	4,607	118	348	45	96	30.1

Note: Tariff lines subject to in-quota rates are excluded in the computation. For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included. Based on the HS 2007 nomenclature.

Source: WTO estimates based on data from Moldova authorities.

Chart 3.1 Moldova: Average of dutiable rates, by HS Chapter



Note: Tariff lines subject to in-quota rates are excluded in the computation. For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included. Based on the HS 2007 nomenclature.

Source: WTO estimates based on data from Moldova authorities.

3.1.4 Tariff rate quotas

3.18. The 9 products subject by the EU to annual duty-free tariff-rate quotas are listed in Annex XV-A to the Agreement. These products include essentially some vegetables and fruits, most of which are also subject to the EU entry price system (for the out-quota volumes).¹⁶ Annex 2 to this factual presentation summarizes the main features of the EU's TRQ-related commitments.

3.19. Moldova provides additional market access under TRQs for 98 tariff lines (at HS eight-digit level). The 6 different TRQ categories are summarized in Annex 2 to the factual presentation. In quota duties are 0%.

3.20. When examining the opportunities for granting each other further concessions with a view to improving liberalization of trade in agricultural products, the Parties shall in particular examine the products subject to TRQs (Paragraph 6 of Article 147). For instance, though TRQ commitments are not time-bound and no yearly increases of the quota quantity are foreseen by the Agreement,

¹⁶ See also information on the EU entry price system under section 3.1.3 above.

this could be amended by mutual agreement in context of further liberalization that the Parties may agree upon from the third year following the start of application.

3.2 Rules of origin

3.21. The rules of origin under the Agreement are set out in Protocol II to the Agreement (concerning the definition of the concept of "originating products" and methods for administrative cooperation). While definitions are provided for under Title I of the Protocol, originating products is defined in Title II of Protocol II. According to Article 2 of Title II, a good is considered as originating in a Party when:

- a. it is wholly obtained in the EU or in Moldova; and
- b. it is obtained in the EU or Moldova, incorporating materials which have not been wholly obtained there, provided they have undergone sufficient working or processing in the Party.

3.22. Article 4 of the Protocol clarifies what constitutes a wholly obtained product, and Article 5 and Annex II to the Protocol, describe the conditions that need to be fulfilled for products to be considered "sufficiently worked or processed". While a change in tariff classification, as set out in Annex II constitutes the main criteria used to determine origin in cases of substantial transformation of goods, the value of non-originating material used in the production of a good can be used as an alternative criterion in a number of cases.¹⁷ In certain cases, Annex II to the Protocol also registers manufacturing or processing operations conferring origin.

3.23. Non-originating products, the value of which does not exceed 10% of the ex-work prices of the products, may be used in the processing of originating final products. Moreover, for a number of products, Annex II to the Protocol lists the maximum value of non-originating materials that may not be exceeded to qualify as originating final products. Specific rules are however defined for textiles and textile articles and "basic textile materials" (HS Chapters 50 to 63).¹⁸ Insufficient working or processing operations are described in Article 6 to Protocol II. Title II of Protocol II also contains disciplines on unit of qualification (Article 7); accessories, spare parts and tools (Article 8); sets (Article 9); and neutral elements (Article 10).

3.24. Cumulation of origin is governed by the provisions of Article 3 of Protocol II. Products shall be considered as originating in a Party if they are obtained there by incorporating materials originating in the other Party, provided that the working or processing carried out goes beyond the insufficient working or processing operations while it shall not be necessary that the materials of the other Party have undergone sufficient working or processing.

3.25. Title III to Protocol II addresses the principle of territoriality (Article 11); direct transport (Article 12); and the treatment of originating products sent for exhibition in a country other than a Party and sold after the exhibition for import by a Party (Article 13).

3.26. Non-originating materials used in the manufacture of products originating in a Party for which a proof of origin is issued shall not be subject to drawback of, or exemption from, customs duties of whatever kind. Modalities and conditions related to drawback and exemption from customs duties are contained in Article 14 of Protocol II.

3.27. Title V of Protocol II contains detailed disciplines related to proof of origin¹⁹ (Section 4).

3.28. Title VI of Protocol II sets out disciplines and commitments by the Parties on administrative cooperation. It addresses verifications of proofs of origin, the settlement of disputes in relation to the verification procedure or other origin-related matters, penalties, and free zones situated in the Parties' territories.

¹⁷ For these cases, the value of all non-originating materials used is indicated in columns 3 and/or 4 of Annex II to the Protocol.

¹⁸ See Notes 4 through 6 in Annex I to Protocol II (Introductory notes to the list in Annex II to Protocol II).

¹⁹ Annex III to Protocol II contains specimens of the movement certificate EUR.1 and the application form, and Annex IV to Protocol II contains the text of the origin declaration in all the official languages.

3.29. Title VII of Protocol II covers products originating in Ceuta and Melilla, which are not considered by the Agreement as originating in the EU. Products originating in the Republic of San Marino as well as non-agricultural products in the Principality of Andorra, shall be, according to two joint declarations by the Parties, accepted by Moldova as originating in the EU.

3.30. Finally, in a joint declaration concerning the revision of the rules of origin in Protocol II, the Parties agree to review the rules concerning the definition of originating products and methods or administrative cooperation and discuss necessary amendments upon request of either Party.

3.3 Export duties and charges, and quantitative restrictions

3.31. No Party shall adopt or maintain any prohibition or restriction on the export or sale for export of any good destined for the territory of another Party, except as provided in the Agreement or in accordance with Article XI of GATT 1994, which is, together with its interpretative notes, incorporated into and made part of the Agreement *mutatis mutandis* (Article 153).

3.32. No Party shall adopt or maintain any duty or tax, other than internal charges applied on a national treatment basis, on or in connection with the export of goods to the territory of another Party (Article 150).

3.4 Regulatory provisions on trade in goods

3.4.1 Standards

3.4.1.1 Sanitary and phytosanitary measures

3.33. Under the Agreement, SPS matters are regulated through Chapter 4 and Annexes XVII-XXV to the Agreement. Chapter 4 also aims at reaching a common understanding between the Parties concerning animal welfare standards.

3.34. The Parties reaffirm their rights and obligations under the WTO Agreement on SPS (Article 177). The SPS provisions of the Agreement build on the WTO provisions in areas such as recognition for trade purposes of animal health and pest status and regional conditions (Article 182); recognition of equivalence, including the possibility to withdraw or suspend equivalence in certain conditions and under certain circumstances (Article 183); transparency and exchange of information (Article 184); notification, consultation and facilitation of communication (Article 185); import conditions (Article 186); certification procedure (Article 187); verification (Article 188); and import checks and inspection fees (Article 189). Safeguard measures, including application of the precautionary principle are governed by Article 190.

3.35. The Parties have informed each other about the structure, organization and division of competences of their competent authorities during the first meeting of the SPS Sub-Committee²⁰ established under Article 191.

3.36. Moldova shall gradually approximate its SPS and animal welfare law to that of the EU as set out in Annex XXIV to the Agreement (Article 181). This process shall be regularly monitored by the SPS Sub-Committee. Moreover, no later than three months after the entry into force of the Agreement, Moldova shall submit a list of EU SPS, animal welfare and other legislative measures which it will approximate.²¹ The approximation list and the principles for the evaluation of the progress in the approximation process will be added to Annex XXIV to the Agreement.

3.4.1.2 Technical barriers to trade

3.37. Chapter 3 covers TBT. The Parties affirm their rights and obligations under the WTO Agreement on TBT, which is incorporated into and made part of the Agreement, *mutatis mutandis* (Article 171).

²⁰ Technical working groups may be established, under the SPS Sub-Committee.

²¹ Annex XVII to the Agreement defines priority areas. Bilateral consultations on the list and the next steps are ongoing. MMoldovan Party submitted the approximation list (mentioned in Article 181) to the European Commission within the deadline set in the agreement (November 2014).

3.38. Joint disciplines are established for marking requirements and labelling of products (Article 175). The Parties also agree to strengthen cooperation on TBT related matters through the establishment of a regulatory dialogue (Article 172) and identify areas for technical assistance joint initiatives.

3.39. Annex XVI to the Agreement contains elements of the EU *acquis* that shall be progressively incorporated into Moldova's legislation, as part of the "approximation process".²² The Parties shall ultimately agree to add an Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA) as a Protocol to the Agreement, covering sectors from the list in Annex XVI to the Agreement that are considered to be aligned with the relevant sectoral and horizontal legislation, institutions and standards of the EU (Article 174).²³

3.4.2 Safeguard mechanisms

3.40. Section 1 of Chapter 2 refers to the use of global safeguard measures, while Section 3 establishes the applicable disciplines for bilateral safeguard measures. In relation to agricultural and processed agricultural products, the Agreement also establishes an anti-circumvention mechanism, which is tantamount to a special safeguard mechanism.

3.4.2.1 Global safeguards

3.41. Each Party retains its rights and obligations under Article XIX of GATT 1994, and the WTO Safeguards Agreement, as well as under Article 5 of the WTO Agreement on Agriculture (Article 158). The Agreement also contains some provisions on transparency (Article 159) and the application of safeguard measures that establishes a best endeavour effort by the Parties to impose such measures in a way that least affects their bilateral trade (Article 160).

3.42. The Agreement-specific provisions on dispute settlement (Chapter 14) shall not apply to disciplines on global safeguard measures.

3.4.2.2 Bilateral safeguards

3.43. Disciplines on bilateral safeguard measures are contained in Articles 165 through 169. During the transition period²⁴, a Party may apply a bilateral safeguard measure. Such a measure may consist of either (i) a suspension of the further reduction of the customs duty on the product concerned provided for in the Party's tariff elimination schedule, or (ii) an increase in the customs duty on the product concerned to a level not exceeding the lesser of the MFN applied customs duty on the product in effect at the time the measure is taken or the base rate as specified in the Party's schedule.

3.44. A bilateral safeguard measure may be applied for such period of time as may be necessary to prevent or remedy serious injury pursuant to Article 166 of the Agreement. The total period of application of a bilateral safeguard measure, including the period of initial application and any extension thereof, shall not exceed four years.

3.45. A Party applying a bilateral safeguard measure shall consult with the other Party in order to mutually agree on appropriate compensation in the form of concessions having substantially equivalent trade effect. Should this not lead to an agreement, the Party whose products are subject to the safeguard measure may suspend the application of substantially equivalent concessions to the trade of the Party extending the measure. The right of suspension shall not be exercised for the first 24 months during which a bilateral safeguard measure is in effect. A global

²² *Inter alia*, Moldova shall progressively transpose the corpus of European Standards as national standards, including the harmonised European standards, the voluntary use of which shall give a presumption of conformity with EU legislation transposed into the legislation of Moldova; simultaneously with such transposition, withdraw conflicting national standards; and progressively fulfil the conditions for full membership of the European Standards Organizations.

²³ The addition of a Protocol to the Agreement will take place when the EU will have verified that the relevant sectoral and horizontal legislation, institutions and standards of Moldova have been fully aligned with those of the EU.

²⁴ "Transition period" means 10 years from the date of entry into force of the Agreement.

and bilateral safeguard measure may not be applied with respect to the same product and at the same time.

3.46. In relation to investigation procedures, Articles 3 and 4.2(c) of the WTO Agreement on Safeguards are incorporated into the Agreement and made part thereof, *mutatis mutandis*.

3.4.2.3 Anti-circumvention mechanism for agricultural products and processed agricultural products

3.47. Article 148 establishes an anti-circumvention mechanism for agricultural and processed agricultural products. The products subject to this mechanism are listed in Annex XV-C²⁵ to the Agreement.²⁶ When the volume of imports reaches 80% of the volume notified under Annex XV-C of the product concerned, Moldova shall provide the EU with a sound justification for the increase. If the imports reach 100% of the volume indicated in Annex XV-C, and in the absence of a sound justification by Moldova, the EU may temporarily suspend preferential treatment for the products concerned. Such suspension shall be applicable for a maximum of six months and may be lifted before the expiry of six months if Moldova provides evidence that the volume of the relevant category of products imported in excess of the volume referred to in Annex XV-C results from a change in the level of production and export capacity of Moldova.

3.4.2.4 Safeguard measures related to balance of payment (BOP) difficulties

3.48. The Agreement is silent on the use by the Parties of BOP measures for trade in goods. Some disciplines on safeguard measures are however mentioned in relation to current payments and movement of capital (see below).

3.4.3 Anti-dumping and countervailing measures

3.49. The Parties reaffirm their rights and obligations under the WTO Antidumping Agreement and the WTO Agreement on Subsidies and Countervailing Measures. Rules on transparency (Article 162), consideration of public interest (Article 163), and the application of the "lesser duty value" principle (Article 164) are also contained in Section 2 to Chapter 2.

3.50. The Agreement-specific dispute settlement mechanism (described under Chapter 14) does not apply to disputes between the Parties on antidumping and/or countervailing measures (Article 161).

3.4.4 Subsidies and State-aid

3.51. General State-aid disciplines, also covering services are contained in Chapter 10 (competition). They are addressed below under section 5.10.3.

3.4.5 Customs-related procedures

3.52. The Agreement contains special provisions on administrative cooperation, which, in case of a failure of one Party to provide administrative cooperation or assistance and/or of irregularities or fraud under Chapter 1, allow the other Party to temporarily suspend the relevant preferential treatment of the product(s) concerned (Article 155). A finding of irregularities or fraud may be made, *inter alia*, where there is a rapid increase, without satisfactory explanation, in the volume of imports of goods exceeding the usual level of production and export capacity of the other Party that is linked to objective information concerning irregularities or fraud. The application of temporary suspensions is subject to the conditions contained under Article 155.

²⁵ Annex XV-C may be amended and the volume modified by mutual consent in order to reflect changes in the level of production and export capacity of Moldova.

²⁶ The agricultural products covered are: pig meat; poultry meat; dairy products; eggs in shell; eggs and albumins; wheat, flour and pellets; barley, flour and pellets; maize flour and pellets; and sugars. The processed agricultural products cover: cereal processed; cigarettes; dairy processed; sugar processed; and sweet corn.

3.53. In addition to the above-mentioned special provisions on administrative cooperation, Section 4 of Chapter 1 also contains disciplines on the management of administrative errors, in particular in relation to rules of origin (Article 156).

3.54. Chapter 5 covers customs and trade facilitation. It contains the Parties' commitments to reinforce cooperation in these areas.

3.55. On legislation and procedures (Article 193), the Parties agree that their respective trade and customs procedures shall be proportionate, transparent, predictable, non-discriminatory, impartial and applied uniformly and effectively. The Parties also agree, *inter alia*, to take further steps towards the reduction, simplification and standardization of data and documentation required by customs and other authorities, to simplify requirements and formalities, and to provide effective procedures guaranteeing the right of appeal against customs administrative actions. More specifically, the Parties commit not to apply any requirements or the mandatory use of customs brokers, and of pre-shipment or destination inspections.

3.56. With regard to relations with the business community (Article 194), the Parties foresee the establishment of appropriate and regular consultation mechanisms between the administration and the business community.

3.57. In relation to fees and charges (Article 195), as of 1 January 2015, the Parties shall prohibit administrative fees having an equivalent effect to import or export duties and charges. They confirm that fees and charges shall not exceed the cost of the service provided and that such fees shall not be calculated on an *ad valorem* basis.

3.58. The provisions of the WTO Agreement on the Implementation of Article VII of GATT 1994 (WTO Agreement on customs valuation) are incorporated into the Agreement and made part thereof. Minimum customs values shall not be used and reaching a common approach to issues relating to customs valuation is set as an objective for cooperation between the Parties (Article 196).

3.59. Using the European Commission Customs Blueprints of 2007 as a benchmark, the Parties shall strengthen customs cooperation. Article 197 defines such areas for future work. Moreover, they agree to provide each other with mutual administrative assistance in customs matters in accordance with the provisions of Protocol III on Mutual Administrative Assistance in Customs Matters to the Agreement.²⁷ The Parties, furthermore, commit to cooperate with a view to providing technical assistance and capacity building for the implementation of trade facilitation and customs reforms (Article 199).

3.60. A Customs Sub-Committee is established by Article 200, *inter alia*, to see to the proper functioning of Chapter 5 (Customs and trade facilitation), Protocol II (Rules of origin), and Protocol III (Mutual administrative assistance in customs matters).

3.61. The gradual approximation of Moldova's legislation to the Union's customs law and certain international law²⁸ shall be carried out as set out in Annex XXVI to the Agreement (Article 201).

4 PROVISIONS ON TRADE IN SERVICES

4.1. Chapter 6 contains disciplines on establishment, trade in services and electronic commerce.

4.2. In Article 202, the Parties indicate that they lay down the necessary arrangements for the progressive reciprocal liberalization of establishment and trade in services.

²⁷ The Provision of Protocol III shall take precedence over the provisions of any bilateral agreement on mutual assistance which has been or may be concluded between individual EU Member States and Moldova insofar as the provisions of such a bilateral agreement are incompatible with those of the Protocol.

²⁸ This covers in particular, the EU Customs Code, the Common transit and SAD, the EU system of Reliefs from customs duty, and the EU Regulation on customs enforcement of IPR.

4.1 Scope and definitions

4.3. While disciplines on establishment, trade in services and electronic commerce are regulated by the provisions of Chapter 6, government procurement, including for services, is covered in Chapter 8. Nothing in Chapter 6 shall be construed to impose any obligations with respect to government procurement. Moreover, Chapter 6 shall not apply to subsidies, which are covered in Chapter 10 on competition. Furthermore, each Party retains the right to regulate and to introduce new regulations to meet legitimate policy objectives, within the parameters defined in Chapter 6. Measures affecting natural persons seeking access to the employment market of a Party or measures regarding citizenship, residence or employment on a permanent basis are also reserved.

4.4. The definitions applicable to the Agreement are in Article 203 and, to a large extent, mirror those in the GATS.

4.5. Section 2 of Chapter 6 covers "establishment", corresponding to, but going further than, mode 3 of the GATS. While the term "establishment" encompasses the notion of commercial presence (as defined under the GATS), it also goes further as it also covers establishment related to trade in goods. The Agreement however limits the scope of Section 2 of Chapter 6 to the Parties' measures affecting establishment in all economic activities with the exception of: mining, manufacturing and processing of nuclear materials; production of, or trade in, arms, munitions and war materiel; audiovisual services; national maritime cabotage; and most domestic and international air transport services and services directly related to the exercise of traffic rights. On the latter however, some aircraft repair and maintenance services, the selling and marketing of air transport services, computer reservation system services, ground-handling services, and airport operation services are covered by the Agreement. With a view to progressively liberalizing the establishment conditions, the Parties agree to regularly review the legal framework and environment for establishment, consistent with their commitments in international agreements (Article 206). The Parties also agree to find appropriate ways to address obstacles to establishment, which could include further negotiations, including with respect to investment protection and to investor-to-state dispute settlement procedures.

4.6. Section 3 of Chapter 6 covers "cross-border supply of services"²⁹, corresponding to modes 1 and 2 of the GATS. The scope of Section 3 of Chapter 6 is however limited to the Parties' measures affecting the cross-border supply of all services with the exception of: audiovisual services; national maritime cabotage; and most domestic and international air transport services and services directly related to the exercise of traffic rights. As in relation to provisions on establishment, some aircraft repair and maintenance services, the selling and marketing of air transport services, computer reservation system services, ground-handling services, and airport operation services are covered by the Agreement. With a view to progressively liberalizing the cross-border supply of services between the Parties, they agree to regularly review their commitments contained in Annexes XXVII-B and XXVII-F. The review shall take into account, *inter alia*, the process of gradual approximation, referred to in Articles 230, 240, 249 and 253 of the Agreement³⁰, and its impact on the elimination of remaining obstacles to the cross-border supply of services between the Parties.

4.7. Section 4 of Chapter 6 contains disciplines on "temporary presence of natural persons for business purposes"³¹, corresponding to mode 4 of the GATS. Section 5 of Chapter 6 covers the regulatory framework. Section 6 focuses on electronic commerce and Section 7 covers exceptions.

4.8. Annex XXVII to the Agreement contains the Parties commitments in relation to establishment (Annexes XXVII-A and XXVII-E), cross-border supply of services (Annexes XXVII-B and XXVII-F), and temporary stay of specific categories of natural persons (Annexes XXVII-C, XXVII-D, XXVII-G, and XXVII-H).

²⁹ Annexes XXVII-B and XXVII-F contain the Parties' commitments related to cross-border supply of services.

³⁰ The gradual approximation concern postal and courier services; electronic communication networks and services; financial services; and international maritime transport services.

³¹ Annexes XXVII-C, XXVII-D, XXVII-G, and XXVII-H contain the Parties' lists of reservations on key personnel, graduate trainees and business seller, as well as contractual services suppliers and independent professionals.

4.9. As for other sections of the Agreement, rules applicable to the approximation of Moldova's existing and future legislation to the part of the EU's *acquis* are listed under specific annexes (Annexes XXVIII-A to XXVIII-D).

4.2 Denial of benefits

4.10. There is no denial of benefits clause as such, but the Agreement clarifies in the definition of juridical persons that "Juridical persons" having only their registered office or central administration in a Party's territory shall not benefit from preferences granted by the Agreement, unless their operations possess a real and continuous link with the economy of, at least, one of the Parties. Services supplied in the exercise of governmental authority are excluded from the scope of Chapter 6.

4.3 General provisions on trade in services

4.3.1 National treatment and MFN

4.11. In relation to establishment, Under Article 205, national and MFN treatment are granted, by each Party to subsidiaries, branches and representative offices of juridical persons of the other Party, subject to the national treatment reservations and limitations listed in Annexes XXVII-A and XXVII-E to the Agreement. The same treatment is granted to these subsidiaries, branches and representative offices of juridical persons once they are established.³² Annexes XXVII-A and XXVII-E list the Parties' reservations on establishment, following a negative list approach. As explained before (under section 4.1) the lists do not include measures concerning subsidies granted by the Parties. Non-discriminatory requirements, such as those concerning the legal form or the obligation to obtain licences or permits applicable to all providers operating in the territory without distinction based on nationality, residency or equivalent criteria, are not listed in Annexes XXVII-A and XXVII-E as they are not prejudiced by the Agreement.

4.12. In relation to cross-border supply of services, under Article 211, national treatment is granted by each Party to like services and services suppliers of the other Party in the sectors where market access commitments are inscribed in Annexes XXVII-B and XXVII-F to the Agreement³³, and subject to the limitations that are listed in them. Annexes XXVII-B and XXVII-F follow a positive list approach. The Parties' lists of commitments do not however include measures concerning subsidies granted by the Parties, nor do they include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, when those do not constitute a national treatment limitation within the meaning of Article 211. Unlike for establishment, the Agreement does not have specific MFN provisions for the cross-border supply of services.

4.3.2 Market access

4.13. In relation to establishment, the Agreement does not contain specific provisions on market access.

4.14. In relation to cross-border supply of services, under Article 210, the Parties' market access commitments are inscribed in Annexes XXVII-B and XXVII-F to the Agreement. Market access commitments follow a positive list approach, like under the GATS. As for national treatment commitments, neither subsidies nor qualification requirements and procedures, technical standards and licensing requirements and procedures, when they do not constitute a national treatment limitation within the meaning of Article 210 granted by the Parties, are recorded in the lists of commitments.

³² As regards branches and representative offices, particular rules can be applied in relation to national treatment or MFN treatments which are justified by legal or technical differences or as regards financial services, for prudential reasons (Article 208). The rights of entrepreneurs of the Parties to benefit from any more favourable treatment provided for in any existing or future international agreement relating to investment to which an EU Member States and Moldova are parties also remain reserved. The commitment relates also to establishments in goods, not just services.

³³ The Lists confirm that audiovisual services are not covered by the Parties' commitments.

4.3.3 Commercial presence

4.15. Section 2 of Chapter 6 contains disciplines on establishment, following the traditional articulation of the EU internal structure, also applied to many of its RTAs. While the term "establishment" encompasses the notion of commercial presence (as defined by the GATS), it also goes further as it also cover trade in goods-related establishment.

4.3.4 Performance requirements

4.16. The Agreement itself does not contain any specific provision related to performance requirements. The Parties' respective lists of specific commitments, however, contain certain specific reservations in that regard.

4.3.5 Senior Managers and Boards of Directors

4.17. There is also no specific provision related to senior managers and boards of directors in the Agreement. The Parties' respective lists of specific commitments nevertheless also contain reservations in that regard.

4.3.6 Movement of natural persons

4.18. Section 4 of Chapter 6 applies to measures concerning the entry and temporary stay of "key personnel", including "business visitors" and "intra-corporate transferees"; "graduate trainees" and "business sellers"; "contractual services suppliers"; and "independent professionals".³⁴

4.19. In relation to "key personnel" (intra-corporate transferees³⁵ and business visitors) and "graduate trainees", each Party shall allow entrepreneurs of the other Party to employ in their establishments natural persons of that other Party for every sector in which they have commitments under Section 2 of Chapter 6 and subject to reservations in Annexes XXVII-A and XXVII-E to the Agreement (reservations on establishment). Unless specified in Annexes XXVII-C and XXVII-G to the Agreement (key reservations on key personnel, graduate trainees and business sellers), the measures which a Party shall not maintain or adopt are defined as discriminatory limitations and limitations on the total number of natural persons that an entrepreneur may employ as key personnel and graduate trainees in a specific sector in the form of numerical quotas or a requirement of an economic needs test, and as discriminatory limitations. For these categories of personnel, the temporary entry and stay shall be for a period of up to three years for intra-corporate transferees, 90 days in any 12 month period for business visitors for establishment purposes, and one year for graduate trainees.

4.20. With regard to "business services sellers", each Party shall allow the entry and temporary stay of business services sellers, for every sector in which it has commitments in accordance with Section 2 of Chapter 6 (establishment) or Section 3 of Chapter 6 (cross-border supply of services) and subject to reservations in Annexes XXVII-A and XXVII-E (reservations on establishment), and XXVII-B and XXVII-F (commitments on cross-border supply of services).

4.21. The Parties reaffirm their respective rights and obligations under the GATS as regards the entry and temporary stay of "contractual services suppliers" who may supply services in the territories of the respective Parties in accordance with Annexes XXVII-D and XXVII-H to the Agreement (reservations on contractual services suppliers and independent professionals), subject to the conditions specified in paragraphs 2 and 3 of Article 217.

4.22. For independent professionals, the supply of services in the territories of the respective Parties is granted in accordance with Annexes XXVII-D and XXVII-H to the Agreement subject to the conditions in paragraph 2 to Article 218.

³⁴ The definitions of the different categories of natural persons covered by Section 4 are contained in paragraph 2 of Article 214.

³⁵ Including "Managers" and "Specialists".

4.4 Liberalization commitments

4.23. The schedules of specific commitments for each Party are in Annex XXVII (reservations on establishment; commitments on cross-border supply of services; reservations for key personnel, graduate trainees and business sellers; and reservations for contractual services suppliers and independent professionals).

4.24. In relation to establishment, the Parties' commitments follow a negative list approach. National and MFN treatment are granted by the Parties to each other for establishment and operation of their subsidiaries, branches and representative offices of juridical persons, subject to the reservations in Annexes XXVII-A (EU) and XXVII-E (Moldova). In relation to the cross-border supply of the covered services sectors, the Parties' commitments follow a positive list approach. Market access and national treatment are granted by each Party to services and service suppliers of the other Party as scheduled in Annexes XXVII-B (EU) and XXVII-F (Moldova).

4.25. The sections below compare the Parties' liberalization commitments under the Agreement and their GATS commitments. Each Party's GATS schedule is compared to Annex XXVII. After recalling GATS MFN exemptions and identifying horizontal limitations in the GATS and in the Agreement, Tables 4.1 and 4.2 summarize specific commitments under the Agreement, by main sectors and sub-sectors and compare them with GATS commitments. Improvements over existing GATS commitments are either a reduction of the limitations to market access and/or national treatment, a relaxation of the form of establishment under mode 3, and/or additional commitments. However, horizontal limitations in the GATS Schedule of Specific Commitments and reservations covering all sectors are not included. Moreover, mode 4 commitments and limitations are, to a large extent, excluded. Furthermore, as commitments reflected in negative lists are difficult to compare to compare with GATS types of commitments, the following sections are to be read in conjunction with the Parties' schedules of commitments under the Agreement.

4.4.1 The European Union

4.4.1.1 MFN and horizontal commitments

4.26. In the GATS, the EU took commitments in 115 out of 155 services sectors.³⁶ It has scheduled extensive commitments in a number of sectors, subject, in certain cases, to limitations by all or some individual EU Member States. The EU did not make commitments, *inter alia*, for certain professional services related to medical and paramedical sub-sectors, postal and audio-visual services, some recreational and cultural and sporting services and some activities in transport services.

4.27. The EU and/or some of its Member States have a number of MFN exemptions under the GATS³⁷, for audiovisual, transport, news agency and press agency services, and financial services, as well as, for mode 4 across all sectors. In relation to establishment, Article 205 contains an MFN/national treatment commitment by the Parties with exemptions in Annex XXVIII-A. In relation to cross-border supply of services, however, there is no MFN clause in the Agreement.

4.28. Under the Agreement, as under the GATS, the EU registers, *inter alia*, a horizontal "public utilities carve-out", on the form of certain legal entities, and for subsidies and grants. In relation to cross-border supply of services, the EU commitments are without prejudice to the existence of public monopolies and exclusive rights as described in its commitments on establishment. For establishment, the EU's list of reservations broadly corresponds to horizontal reservations in the GATS by individual EU Member States concerning other conditions for commercial presence (mode 3), types of establishment, investment, and certain real estate purchases. The EU has listed in the GATS some reservations concerning certain measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures. Those measures

³⁶ The GATS schedule for EU-25 was certified on 18 December 2006 (S/L/286) and is contained in document S/C/W/273, and Add.1 and Suppl.1. For ease of reference, comparisons made between the EU's commitments under the Agreement and its GATS schedule are based on the EU(25) GATS schedule. This consolidated schedule has not yet entered into force because the ratification process has not been completed in a number of EU Member States. The GATS EU(27) and/or EU(28) schedules have not yet been certified.

³⁷ Based on the EU(12) list of MFN exemptions. MFN exemptions have also been scheduled by the 16 countries which acceded to the EU since 1995.

(e.g. need to obtain a licence, universal service obligations, need to obtain recognition of qualifications in regulated sectors and need to pass specific, including language, examinations) are also reserved in the Agreement, in relation to services and service suppliers of Moldova. The rights and obligations arising from the lists have no self-executing effect and thus confer no rights directly to natural or juridical persons. As far as the temporary presence of key personnel, graduate trainee, as well as business sellers are concerned, the EU commitments, similar to those in the GATS, are subject to the limitations in Annexes XXVII-C, D, G, and H to the Agreement.

4.4.1.2 Sector specific commitments

4.29. The following section identifies some of the main differences, by sector, between the EU's GATS schedule and its sector-specific commitments under the Agreement. It should also be read in conjunction with Annexes XXVII-A, B, E and F. In addition, there is, as yet, no certified EU(27) or EU(28) Lists of Specific Commitments, to take into account the latest EU enlargements.

Table 4.1 European Union: comparison between the GATS and Agreement specific commitments in trade in services

Sectors (CPC Classification)	GATS	FTA Sectoral commitments, except as in Annex IX (horizontal reservations)			
		Establishment (Annex XXVII-A) Negative list		Cross-border supply in services (Annex XXVII-B) Positive list	
		compared to GATS	Commitments (from reservation)	compared to GATS	Commitments (sectoral coverage and limitations)
1. Business services					
A. Professional Services	Partial	Improved	Partial	Improved	Partial
B. Computer and Related Services	Partial	Improved	Full	Improved	Full
C. Research and Development Services	Partial	Improved	Partial	Improved	Partial
D. Real Estate Services	Partial	Improved	Full	Improved	Partial
E. Rental/Leasing Services without Operators	Partial	Improved	Partial	Limited	Partial
F. Other Business Services	Partial	Improved	Partial	Improved	Partial
2. Communication services					
A. Postal services	---	New	Full	New	Partial
B. Courier services	Partial	Improved	Full	Improved	Partial
C. Telecommunication services	Partial	Improved	Full	Improved	Partial
D. Audiovisual services	---	Similar	---*	Similar	---*
3. Construction and related engineering services					
A. General construction work for buildings	Partial	Improved	Full	Improved	Full
B. General construction work for civil engineering	Partial	Improved	Full	Improved	Full
C. Installation and assembly work	Partial	Improved	Full	Improved	Full
D. Building completion and finishing work	Partial	Improved	Full	Improved	Full
E. Other	Partial	Improved	Partial	Improved	Partial
4. Distribution services					
A. Commission agents' services	Partial	Improved	Full	Improved	Partial
B. Wholesale trade services	Partial	Improved	Partial	Improved	Partial
C. Retailing services	Partial	Improved	Partial	Improved	Partial
D. Franchising	Partial	Improved	Full	Improved	Partial
5. Education services					
A. Primary education services	Partial	Similar	Partial	Similar	Partial
B. Secondary education services	Partial	Similar	Partial	Similar	Partial
C. Higher education services	Partial	Similar	Partial	Similar	Partial
D. Adult education	Partial	Similar	Partial	Similar	Partial
E. Other education services	---	New	Partial	New	Partial
6. Environmental services					
A. Sewage services	Partial	Improved	Partial	Improved	Partial
B. Refuse disposal services	Partial	Improved	Partial	Improved	Partial
C. Sanitation and similar services	Partial	Improved	Partial	Improved	Partial
D. Other	Partial	Improved	Partial	Improved	Partial
7. Financial services					
A. All insurance and insurance-related services	Partial	Improved	Partial	Improved	Partial
B. Banking and other financial services	Partial	Improved	Partial	Improved	Partial
8. Health related and social services					
A. Hospital services	Partial	Improved	Partial	Similar	Partial
B. Other Human Health Services	Partial	Improved	Partial	Limited	Partial
C. Social Services	Partial	Improved	Partial	Improved	Partial
D. Other	Partial	Improved	Partial	Limited	Partial
9. Tourism and travel related services					
A. Hotels and restaurants (including catering)	Partial	Improved	Partial	Improved	Partial
B. Travel agencies and tour operators services	Partial	Improved	Full	Improved	Partial

Sectors (CPC Classification)	GATS	FTA Sectoral commitments, except as in Annex IX (horizontal reservations)			
		Establishment (Annex XXVII-A) Negative list		Cross-border supply in services (Annex XXVII-B) Positive list	
		compared to GATS	Commitments (from reservation)	compared to GATS	Commitments (sectoral coverage and limitations)
C. Tourist guides services	Partial	Improved	Partial	Improved	Partial
10. Recreational and cultural and sporting services					
A. Entertainment services	Partial	Improved	Full	Similar	Partial
B. News agency services	Partial	Improved	Partial	Improved	Full
C. Libraries, archives, museums and other cultural services	Partial	Improved	Partial	Similar	Partial
D. Sporting and other recreational services	Partial	Improved	Partial	Similar	Partial
11. Transport services					
A. Maritime Transport Services	Partial	Improved	Partial	Improved	Partial
B. Internal Waterways Transport	Partial	Improved	Partial	Improved	Partial
C. Air Transport Services	Partial	Improved	Partial	Improved	Partial
D. Space Transport	---	New	Full	Similar	---
E. Rail Transport Services	Partial	Improved	Partial	Improved	Partial
F. Road Transport Services	Partial	Improved	Partial	Improved	Partial
G. Pipeline Transport	Partial	Improved	Partial	Similar	Partial
H. Services auxiliary to all modes of transport	Partial	Improved	Full	Improved	Partial
I. Other Transport Services	Partial	Improved	Full	Improved	Partial

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial: Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.

Full: GATS commitments not subject to limitation(s) under market access or national treatment, under any of the three modes.

---: No specific commitment under GATS.

New: New commitments under the Agreement (full or partial, with or without limitations) which can, in most but not all cases, be seen as "improved".

Improved: Overall improved commitments made under the Agreement compared to those under the GATS.

Similar: Similar commitments (Agreement vs GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.

Not covered: No commitment for the subsector.

Limited: Some additional limitations (as compared to GATS commitments).

*: Excluded from the Agreement.

Source: Draft EU Consolidated GATS Schedule of Specific Commitments (S/C/W/273/Suppl.1), and Annexes XXVII-B and XXVII-F to the Agreement. The comparison only concerns modes 1-3, market access and national treatment, and additional commitments; it does not cover mode 4.

4.4.1.2.1 Business services

4.30. In relation to mode 3, the EU builds on its GATS commitments and enlarges the scope for most subsectors. It also eliminates a number of national limitations, compared to its GATS commitments, in particular for professional services, real estate services and rental and leasing services. The scope is also enlarged and a number of individual EU Member States' limitations for modes 1 and 2 are withdrawn. While certain activities under other business services, for which there are GATS commitments, are not included in cross-border supply in services in the Agreement, for others the scope is enlarged and/or some limitations are withdrawn.

4.4.1.2.2 Communication services

4.31. The EU opens, partly and subject to some limitations, postal services and enlarges its coverage for courier services (unbound for postal services and only partially covered for courier services under the GATS). It also improves market access for telecommunication sub-sectors, while dropping the remaining national treatment limitations of some EU Member States; though the subsector becomes subject to the EU regulatory framework for electronic communication. As

audiovisual services are excluded from the coverage of the Agreement, the EU undertakes no commitments in this subsector, as under the GATS.

4.4.1.2.3 Construction and related engineering services

4.32. The EU improves its GATS commitments by enlarging coverage and withdrawing some limitations on market access and national treatment for modes 1 and 2 and by facilitating establishment for the other Party's service providers under mode 3. It also drops a number of limitations by individual EU Member States, including for the provision of services through mode 3.

4.4.1.2.4 Distribution services

4.33. Improvements are made in particular in relation to the establishment of the other Party's service providers. While a number of individual EU Member States' limitations are dropped, some Members States maintain their GATS restrictions on the distribution of, *inter alia*, tobacco and tobacco products, alcoholic beverages, and pharmaceuticals.

4.4.1.2.5 Educational services

4.34. Commitments in educational services, as under the GATS, are limited to privately funded services. A number of EU Member States maintain most education services sub-sectors as unbound and the participation of private operators in the education network is subject to concessions. The EU's commitments under the Agreement are broadly similar with those in the GATS, though other education services, unbound under GATS, are fully committed in relation to establishment though the broad reservation on privately funded education services remains applicable.

4.4.1.2.6 Environmental services

4.35. The EU builds on its GATS commitments. Establishment is partially liberalized while some limitations in its GATS schedule are eliminated, particularly in relation to mode 2, while mode 1 remains largely unbound. A wide reservation is registered on water services (collection, purification and distribution to private industrial, commercial and other users, including the provision of drinking water and water management).

4.4.1.2.7 Financial services

4.36. Largely based upon its GATS commitments, the EU's commitments constitute an improvement for the Parties' services providers, essentially through the removal of some of the individual EU Member States' restrictions for insurance and banking services.

4.4.1.2.8 Health related and social services

4.37. Some limitations under the GATS are removed, particularly for establishment and in the context of the overall simplification of EU commitments, while most EU Member States maintain mode 1 unbound for hospital services, residential health facilities other than hospital services and social services. Some other health related services (covered under the GATS) are not covered by the Agreement.

4.4.1.2.9 Tourism and travel related services

4.38. The EU reduces the number of some of its Member State limitations, resulting in a partial improvement for establishment (for hotels and restaurants as well as travel agencies and tour operator services) and for cross-border supply of services (for travel agencies, tour operator services and tourist guides services).

4.4.1.2.10 Recreational, cultural and sporting services

4.39. The EU builds on its GATS commitments, improves its coverage and reduces the number of national limitations. While commitments for the sector overall are improved, coverage and limitations on the cross-border supply of services for entertainment services, libraries, archives,

museums and other cultural services, as well as sporting and other recreational services remain similar to those in the GATS.

4.4.1.2.11 Transport services

4.40. The EU undertakes a number of commitments in some transport services subsectors or for certain activities, for which it has no GATS commitments. This is the case, with limitations by a number of EU Member States, in sub-sectors such as certain maritime transport, internal waterways transport, rail transport services, supporting services for road transport, as well as some services auxiliary to all modes of transport. While commitments on cross-border supply of space transport are similar to those in the GATS, establishment is fully liberalized for this subsector, which is unbound in the GATS. Similarly, pipeline transport remains largely unbound for modes 1 and 2, but is fully liberalized and bound under mode 1 in the Agreement.

4.4.1.2.12 Other services not included elsewhere

4.41. As under the GATS, the EU replicates some specific commitments in certain sub-sectors in distribution, telecommunications or transport services (such as some energy-related services or some telecommunications connection services) or not included elsewhere (such as some beauty-related services).

4.4.2 Moldova

4.4.2.1 MFN and horizontal commitments

4.42. In its GATS schedule, Moldova took commitments in 147 out of 155 services sectors.³⁸ Moldova has scheduled extensive commitments in a large number of sectors, making full commitments in some of them without limitations, though mode 4 remains restricted, such as in distribution services, education services, environmental services, tourism and travel related services, and transport services. The improvements made by the Agreement are therefore to be appreciated against this particular background.

4.43. Moldova's MFN exemptions under the GATS are essentially for audio-visual, road transport and selling and marketing of air transport services. In relation to establishment, Article 205 contains an MFN commitment by the Parties and no exemptions are listed by Moldova in Annex XXVII-E to the Agreement. Audiovisual services are excluded from the coverage of the Agreement. For the cross-border supply of services, however, there is no MFN clause, amounting to a "most-favourable-preferential-partner exemption".

4.44. Under the Agreement, as under the GATS, Moldova registers, a national treatment horizontal reservation on the purchase of land, in relation to establishment. The other horizontal reservation listed by Moldova under the GATS refers to the movement of natural persons (mode 4) and is addressed in the Agreement through Section 4 of Chapter 6 and through Annexes XXVII-G and XXVII-H.

4.4.2.2 Sector specific commitments

4.45. The following section identifies some of the main differences, by sector, between Moldova's GATS schedule and its sector-specific commitments under the Agreement. It should also be read in conjunction with Annexes XXVII-E and XXVII-F of the Agreement.

³⁸ Moldova joined the WTO in 2001.

Table 4.2 Moldova: comparison between the GATS and Agreement specific commitments in trade in services

Sectors (CPC Classification)	GATS	FTA Sectoral commitments, except as in Annex IX (horizontal reservations)			
		Establishment (Annex XXVII-A) Negative list		Cross-border supply in services (Annex XXVII-B) Positive list	
		compared to GATS commitments	Commitments (from reservations)	Compared to GATS commitments	Commitments (sectoral coverage and limitations)
1. Business services					
A. Professional Services	Partial	Similar	Partial	Similar	Partial
B. Computer and Related Services	Full	Similar	Full	Similar	Full
C. Research and Development Services	Full	Similar	Full	Similar	Full
D. Real Estate Services	Partial	Improved	Partial	Similar	Full
E. Rental/Leasing Services without Operators	Full	Similar	Full	Similar	Full
F. Other Business Services	Partial	Similar	Partial	Similar	Full
2. Communication services					
A. Postal services	Partial	Similar	Partial	Similar	Partial
B. Courier services	Full	Similar	Full	Similar	Full
C. Telecommunication services	Partial	Improved	Full	Similar	Full
D. Audiovisual services	---	Similar	---*	Similar	---*
3. Construction and related engineering services					
A. General construction work for buildings	Full	Similar	Full	Similar	Full
B. General construction work for civil Engineering	Full	Similar	Full	Similar	Full
C. Installation and assembly work	Full	Similar	Full	Similar	Full
D. Building completion and finishing work	Full	Similar	Full	Similar	Full
E. Other	Full	Similar	Full	Similar	Full
4. Distribution services					
A. Commission agents' services	Full	Similar	Full	Similar	Full
B. Wholesale trade services	Full	Similar	Full	Similar	Full
C. Retailing services	Full	Similar	Full	Similar	Full
D. Franchising	Full	Similar	Full	Similar	Full
5. Education services					
A. Primary education services	Full	Similar	Full	Similar	Full
B. Secondary education services	Full	Similar	Full	Similar	Full
C. Higher education services	Full	Similar	Full	Similar	Full
D. Adult education	Full	Similar	Full	Similar	Full
E. Other education services	Full	Similar	Full	Similar	Full
6. Environmental services					
A. Sewage services	Full	Similar	Full	Similar	Full
B. Refuse disposal services	Full	Similar	Full	Similar	Full
C. Sanitation and similar services	Full	Similar	Full	Similar	Full
D. Other	Full	Similar	Full	Similar	Full
7. Financial services					
A. All insurance and insurance-related services	Partial	Improved	Full	Improved	Full
B. Banking and other financial services	Partial	Similar	Partial	Similar	Full
8. Health related and social services					
A. Hospital services	Full	Similar	Full	Similar	Full
B. Other Human Health Services	Full	Similar	Full	Similar	Full
C. Social Services	Full	Similar	Full	Similar	Full
D. Other	---	New	Full	Similar	---
9. Tourism and travel related services					
A. Hotels and restaurants (including catering)	Full	Similar	Full	Similar	Full
B. Travel agencies and tour operators services	Full	Similar	Full	Similar	Full
C. Tourist guides services	Full	Similar	Full	Similar	Full
10. Recreational and cultural and sporting services					
A. Entertainment services	Partial	Similar	Partial	Similar	Partial
B. News agency services	Full	Similar	Full	Similar	Full
C. Libraries, archives, museums and other cultural services	Full	Similar	Full	Similar	Full
D. Sporting and other recreational services	Full	Similar	Full	Similar	Full
11. Transport services					
A. Maritime Transport Services	Full	Full	Partial	Limited	Partial
B. Internal Waterways Transport	Full	Full	Partial	Limited	Partial
C. Air Transport Services	Full	Improved	Full	Improved	Full
D. Space Transport	Full	Similar	Full	Similar	Full
E. Rail Transport Services	Full	Similar	Full	Similar	Full
F. Road Transport Services	Full	Similar	Full	Similar	Full
G. Pipeline Transport	Full	Similar	Full	Similar	Full
H. Services auxiliary to all modes of transport	Full	Similar	Full	Similar	Full
I. Other Transport Services	Full	Similar	Full	Similar	Full

General Note: MFN and Horizontal limitations, as well as Mode 4 commitments/limitations not considered.

Partial:	Specific commitments subject to some limitation(s) under market access or national treatment, under any of the three modes.
Full:	GATS commitments not subject to limitation(s) under market access or national treatment, under any of the three modes.
---:	No specific commitment under GATS.
New:	New commitments under the Agreement (full or partial, with or without limitations) which can, in most but not all cases, be seen as "improved".
Improved:	Overall improved commitments made under the Agreement compared to those under the GATS.
Similar:	Similar commitments (Agreement vs GATS); though possibly, in individual cases, with limited improvements and/or limited additional reservations.
Not covered:	No commitment for the subsector.
Limited:	Some additional limitations (as compared to GATS commitments).
*:	Excluded from the Agreement.
Source:	Moldova's Schedule of Specific Commitments (GATS/SC/134), and Annexes XXVII-B and XXVII-F to the Agreement.

4.4.2.2.1 Business services

4.46. Moldova builds on its commitments under the GATS, in particular by fully committing real estate services under mode 3, though the horizontal limitation on the purchase of real estate remains.

4.4.2.2.2 Communication services

4.47. Moldova's commitments are improved, compared to its GATS commitments, through full commitments without limitation in telecommunication services, including for establishment. Similarly as for the EU and as audiovisual services are excluded from the coverage of the Agreement, Moldova has no commitments in this subsector, as under the GATS.

4.4.2.2.3 Construction and related engineering services; distribution services; educational services; environmental services; and tourism and travel related services

4.48. Full commitments, without reservations, are made under both the GATS and the Agreement.

4.4.2.2.4 Financial services

4.49. Largely based upon its GATS commitments, Moldova's commitments constitute an improvement for the Parties' services providers through the removal of limitations in the insurance sector both for establishment and cross-border supply of services.

4.4.2.2.5 Health related and social services

4.50. Full commitments without reservations are made for the sector. Under the GATS, there are no commitments in the subsector "other health related and social services". While this remains the case for modes 1 and 2, under mode 3 Moldova does not have reservations.

4.4.2.2.6 Recreational, cultural and sporting services

4.51. Except for entertainment services, which are only partly covered, both under the Agreement and under GATS, full commitments without reservation are made in the GATS and the Agreement.

4.4.2.2.7 Transport services

4.52. Full commitments without reservations, are made in the GATS. National cabotage is however excluded from the coverage of the Agreement. However, the Agreement expands coverage in air transport services through the inclusion of ground-handling services and airport operation services, for which Moldova has full commitments without restriction in the Agreement.

4.5 Regulatory provisions

4.53. Under Section 5 of Chapter 6, establishing a regulatory framework applicable to trade in services between the Parties, the Agreement has provisions on domestic regulation related to conditions for licensing and qualifications (Articles 220 and 221); as well as provisions of general application on mutual recognition (Article 222); and transparency and disclosure of confidential information (Article 223). It also sets out the principles of the regulatory frameworks applicable to computer services; postal and courier services; telecommunications services; financial services; and international maritime services. Specific provisions on computer services; postal and courier services; electronic communication networks and services; financial services; and transport services complement Section 5 of Chapter 6.³⁹

4.5.1 Domestic regulation

4.54. Articles 219 through 221 establish disciplines on licencing requirements and procedures, qualification requirements and procedures that affect cross-border supply of services; establishment; and temporary stay of natural persons for business purposes. The provisions on domestic regulation apply only to the sectors where specific commitments are undertaken and to the extent that those commitments apply; and/or to the extent a reservation is not listed (in the case of establishment and temporary stay of natural persons).

4.55. Each Party shall ensure that measures relating to licensing requirements and procedures, qualification requirements and procedures are based on criteria which preclude the competent authorities from exercising their power of assessment in an arbitrary manner.⁴⁰ Other conditions for licensing and qualification as well as their related procedures are in Articles 220 and 221.

4.5.2 Recognition

4.56. Nothing in Chapter 6 shall prevent a Party from requiring natural persons to have the necessary qualifications and/or professional experience required in the territory where the service is supplied, for the sector of activity concerned (Article 222).

4.57. The Parties shall encourage professional bodies to jointly develop recommendations on mutual recognition. The Association Committee (in Trade configuration) established by the Agreement shall review such recommendations. The Parties shall, when appropriate, negotiate a mutual recognition agreement which shall be consistent with the relevant provisions of the WTO Agreement, in particular Article VII of the GATS.

4.5.3 Subsidies

4.58. The disciplines in Chapter 6 covering establishment, trade in services and electronic commerce do not apply to subsidies. Elements related to subsidies are however included in Chapter 10 (competition) addressed below under section 5.7.2.

4.5.4 Safeguards

4.59. Chapter 6 does not contain any specific provision on safeguards.

4.5.5 Other

4.5.5.1 Investment

4.60. Investment is not specifically addressed in a section of the Agreement. However, disciplines on establishment, regulated by the provisions of Chapter 6, do indirectly cover investment-related matters. Chapter 7, which covers current payments and movement of capital, also contains investment-related provisions (see below).

³⁹ Sector-specific provisions are addressed below under section 4.6.

⁴⁰ The criteria shall be: proportionate to a public policy objective; clear and unambiguous; objective; pre-established; made public in advance; and transparent and accessible.

4.5.5.2 Monopolies and exclusive service suppliers

4.61. Elements related to monopolies and exclusive service suppliers are included in Chapter 10 (competition), which is addressed below under section 5.10.3.

4.5.6 Taxation measures

4.62. Article 262 establishes that the MFN treatment granted in accordance with Chapter 6 shall not apply to tax treatment the Parties are providing or will provide in future under any double taxation avoidance agreements.

4.6 Sector specific provisions on trade in services

4.6.1 Computer services

4.63. Article 224 contains the Parties' understanding on computer services to the extent that trade in computer services is liberalized in accordance with Section 2 (establishment), 3 (cross-border supply of services) and 4 (temporary presence of natural persons for business purposes) of Chapter 6. The understanding clarifies what is covered by the CPC 84 code, used for describing computer and related services. Core-services that are delivered electronically (e.g. banking) are not covered by CPC 84 code, while enabling services (e.g. web-hosting or application hosting) are. Article 224 also clarifies what is to be covered by the terms "computer and related services", regardless of whether these services are delivered via a network, including the Internet.

4.6.2 Postal and courier services

4.64. Articles 225-230 set out the principles of the regulatory framework for all postal and courier services in which the Parties have commitments in accordance with Sections 2, 3 and 4 of Chapter 6. The section of the Agreement on postal and courier services contains provisions on the prevention of anti-competitive practices in the postal and courier services sector, universal service, individual licences, and independence of regulatory bodies. It also refers to the gradual approximation process of Moldova's existing and future legislation on postal and courier services to the list of the EU *acquis* set out in Annex XXVIII-C to the Agreement.

4.6.3 Electronic communication networks and services

4.65. Articles 231-239 set out the principles of the regulatory framework for electronic communication services⁴¹, in which the Parties have commitments pursuant to Section 2, 3 and 4 of Chapter 6. The section on telecommunications services builds on certain aspects of the 1996 Reference paper of the WTO Negotiating Group on Basic Telecommunications and contains, besides definitions, provisions on regulatory authorities; authorization to provide telecommunications services, access to interconnection; procedures for the allocation and use of scarce resources, universal service; cross-border provision of electronic communication services; confidentiality of information; and disputes between suppliers of telecommunications networks or connected services. It also refers to the gradual approximation process of Moldova's existing and future legislation on telecommunication services to the list of the EU *acquis* set out in Annex XXVIII-B to the Agreement.

4.6.4 Financial services

4.66. Articles 241 through 249 establish the principles of the regulatory framework for all financial services in which the Parties have commitments pursuant to Section 2, 3 and 4 of Chapter 6. The section of the Agreement on financial services contains provisions on clearing and payment systems; prudential carve-out; effective and transparent regulation; new financial services⁴²; data

⁴¹ "Electronic communication services" means all services which consist wholly or mainly in the conveyance of signals on electronic communication networks, including telecommunication services and transmission services in networks used for broadcasting. Those services exclude services providing, or exercising editorial control over, content transmitted using electronic communication networks services.

⁴² A Party may determine the institutional and juridical form through which the new financial service may be supplied and may require authorization for the supply of such service.

processing; specific exceptions, self-regulatory organizations; and clearing and payment systems. The Agreement also refers to the gradual approximation process of Moldova's existing and future legislation to the international best practice standards listed in Annex XXVIII-A to the Agreement.

4.6.5 International maritime transport services and air transport

4.67. Articles 250-252 set out the principles for certain transport services (in particular international maritime transport and some air transport services) in which the Parties have commitments pursuant to Sections 2, 3 and 4 of Chapter 6.

4.68. As regard international maritime transport⁴³, each Party agrees to ensure effective application of the principle of unrestricted access to cargo on a commercial basis; the freedom to provide international maritime services, as well as national treatment in the framework of the provision of such services. The Parties shall not introduce cargo-sharing arrangements in future agreements with third countries concerning maritime transport services and terminate, within a reasonable period of time cargo-sharing arrangements in case they exist in previous agreements. Moreover, upon the entry into force of the Agreement, the Parties shall abolish and abstain from introducing any unilateral measures and administrative, technical and other obstacles which could constitute a disguised restriction or have discriminatory effects on the free supply of services in international maritime transport. MFN treatment shall be granted for the establishment of international maritime transport service suppliers of the other Party. A number of services at the port shall be made available without discrimination to operators of the other Party. Movement of equipment between ports of the Parties shall be permitted.

4.69. As regard air transport, progressive liberalization of air transport between the Parties, adapted to their reciprocal commercial needs and the conditions of mutual market access, is dealt with by the Common Aviation Area Agreement between the EU and its Members States and Moldova.⁴⁴

4.70. The Agreement also refers to the gradual approximation process of Moldova's existing and future legislation in relation to transport services to the list of the EU *acquis* set out in Annex XXVIII-D to the Agreement.

4.6.6 Electronic commerce

4.71. Provisions on electronic commerce are contained in Chapter 6. The Parties agree that electronic transmission shall be considered as the provision of services, within the meaning of Section 3 of Chapter 6 (cross-border supply of services), which cannot be subject to customs duties. The Parties also agree that the development of electronic commerce must be fully compatible with the highest international standards of data protection, in order to ensure the confidence of users of electronic commerce. They commit to maintain a dialogue on regulatory issues raised by electronic commerce.

4.72. Recognizing that the services of intermediaries can be used by third parties for infringement activities, the Parties shall provide measures that are set out in Sub-section 2 of Chapter 6 and which cover the liability of intermediary service providers in relation to certain types of activities ("mere conduit", "caching", and "hosting"). In that regard, the Parties shall not impose a general obligation on providers, when providing the services covered by this section of the Agreement, to monitor the information which they transmit or store, nor shall they impose a general obligation to actively seek facts or circumstances indicating illegal activity. The Parties may nevertheless establish obligations for information society providers to promptly inform the competent public authorities of alleged illegal activities undertaken or information provided by recipients of their service or obligations to communicate the competent authorities, at their request, information enabling the identification of recipients of their service with whom they have storage agreements.

⁴³ "International maritime transport" includes door to door and multi-modal transport operations involving a sea-leg, under a single transport document, and to that effect the right to directly contract with providers of other modes of transport.

⁴⁴ The text of the Agreement can be accessed at: http://ec.europa.eu/transport/modes/air/international_aviation/country_index/doc/common_aviation_area_agreement_between_moldova_and_eu_ms.pdf

5 GENERAL PROVISIONS OF THE AGREEMENT

5.1 Transparency

5.1. In addition to the specific transparency rules contained in other parts of the Agreement, and without prejudice to any of them, Chapter 12 contains general transparency disciplines. Articles 355 through 362 list requirements on publication of measures of general application; the designation of contact points acting as coordinators to facilitate the communication between the Parties; the principles pertaining to the administration of measures of general application; review and appeal of administrative actions relating to matters covered under Title V; and regulatory quality and performance and good administrative behaviour.

5.2. It is worth mentioning that, in relation to trade in services in particular, Article 223 contains specific provisions on transparency and disclosure of confidential information. It establishes, in each Party, enquiry points to provide specific information to entrepreneurs and services suppliers of the other Party on all requests by a Party for specific information regarding any of its measures of general application or international agreements which relate to or affect Chapter 6.

5.2 Current payments and capital movements

5.3. Chapter 7 covers current payments and movement of capital. The Parties undertake to authorise, in freely convertible currency, in accordance with the provisions of Article VIII of the Agreement of the International Monetary Fund, any payments and transfers on the current account of balance of payments between the Parties (Article 264).

5.4. The Parties shall ensure the free movement of capital relating to direct investments, including the acquisition of real estate, in accordance with the laws of the host country, investments in accordance with the provisions of Chapter 6, and the liquidation or repatriation of invested capital and of any profit stemming therefrom. With regard to other transactions on the capital and financial accounts of the balance of payments, each Party shall ensure, without prejudice to other provisions of the Agreement, the free movement of capital relating to credits for commercial transactions or for the provision of services in which a resident of one of the Parties is participating; and the free movement of capital relating to portfolio investments, financial loans and credits by the investors of the other Party (Article 265).

5.5. Where, in exceptional circumstances, payments and capital movements cause, or threaten to cause, serious difficulties for the operation of exchange rate or monetary policy in any of the Parties, that Party may adopt safeguard measures with regard to capital movements for a period not exceeding six months if such measure are strictly necessary (Article 266).

5.6. Consultation between the Parties on ways to facilitate the movement of capital between the Parties shall take place. Moreover, during the first four years following the date of entry into force of the Agreement, the Parties shall take measures permitting the creation of the necessary conditions for further gradual application of the EU rules on the free movement of capital. By the end of the fifth year following the entry into force of the Agreement, the Association Committee in Trade configuration shall review the measures taken and determine the modalities for further liberalization (Article 267).

5.3 Exceptions

5.7. Exceptions to the Title on trade in goods are contained in Article 154. Exceptions applicable to establishment, cross-border supply of services, electronic commerce and current payments and movement of capital are contained in Articles 261 and 263. In addition, Title VII (General and final provisions), applicable horizontally to the whole Agreement, also covers security exceptions (Article 446).

5.3.1 General exceptions

5.8. Article 154 builds on the provisions in Article XX of GATT 1994 and foresees consultation between the Parties before a general exception may be applied. In relation to establishment and trade in services, Article 261 builds on the provisions of Article XIV of GATS and is also applicable

to the Parties' reservations on establishment, commitments on cross-border services, reservations on key personnel, graduate trainees and business sellers, and reservations on contractual services suppliers and independent professionals. Moreover, it establishes a carve-out for the Parties' respective social security systems or to activities in the territory of each Party which are connected, even occasionally, with the exercise of official authority.

5.3.2 Security exceptions

5.9. Article 154 (security exception on trade in goods) incorporates the provisions of Article XXI of GATT 1994 and Article 263 (security exception on establishment and trade in services) incorporates the provisions of Article XIV***bis*** of GATS. Moreover, under Title VII (Institutional, general and final provisions), Article 446 replicates most of the wording of the security exception contained in Article XXI of GATT 1994, in Article XIV***bis*** of GATS, and of Article 73 of the TRIPS Agreement. None of these provisions mention the actions in pursuance of the Parties' obligations under the UN Charter for the maintenance of international peace and security.

5.10. While the Agreement confirms the application of the principle of non-discrimination (Article 447), it also indicates that this is without prejudice to the right of the Parties to apply the relevant provisions of their fiscal legislation to taxpayers who are not in identical situations as regards their place of residence (Article 447).

5.4 Accession and Withdrawal

5.11. The Agreement shall be valid for an indefinite period. Any Party may withdraw from the Agreement, in which case the Agreement shall be terminated according to the provisions of Article 464.

5.5 Government procurement ⁴⁵

5.12. Chapter 8 of the Agreement (Articles 268 through 276) contains rules applicable to government procurement. The Chapter envisages mutual access to public procurement markets on the basis of the principle of national treatment at national, regional and local level for public contracts and concessions in the public and utilities sectors. It also provides for a gradual approximation of the public procurement legislation in Moldova with the EU's *acquis*, accompanied by institutional reform and the creation of an efficient public procurement system based on the principles governing public procurement in the EU.⁴⁶ Chapter 8 applies to contracts above value thresholds set out in Annex XXIX-A to the Agreement. The value of the thresholds shall be revised regularly every two years.

5.13. The EU is a Party to the plurilateral WTO Government Procurement Agreement (GPA), while Moldova is negotiating its accession to it. As a result, the Agreement's provisions on government procurement improve legal certainty in relation to market access for all Parties for the procurement of goods and services covered by Annex XXIX-A. The EU's commitments under the Agreement largely correspond to those it made under the GPA, with identical thresholds. Some adjustments are made to integrate recent EU internal and intra-GPA government procurement-related practices through granting Moldovan suppliers full and unrestricted access to the EU procurement market (insofar as it is covered by the EU procurement legislation), based on

⁴⁵ "Government procurement" means procurement for governmental purposes of goods, services, or any combination thereof as specified, with respect to each Party, in Appendix 1 of Annex XII to the Agreement (Government Procurement).

⁴⁶ The Agreement makes direct references to the EU Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts. Annex XXIX-C to the Agreement summarizes the basic elements of that Directive and Annex XXIV-D provides the basic elements of Council Directive 89/665/EEC. A reference to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, and transport and postal services sectors is also made. Annex XXIV-E to the Agreement summarizes the basic elements of that Directive and Annex XXIV-D provides the basic elements of Council Directive 92/13/EEC. Other non-mandatory and mandatory elements of relevant EU Directives are contained in Annexes XXIX-F to XXIV-K, while Annexes XXIX-L through XXIX-O list the provisions of a certain Directives which are outside of the scope of approximation.

Moldova's progress in transposing and implementing EU legislation. This is somewhat wider than what the EU is offering under the GPA.

5.14. No later than nine months from the entry into force of the Agreement, the Parties shall comply with a set of basic standards, deriving directly from the EU's *acquis*, including the principles of non-discrimination, equal treatment, transparency and proportionality, for the award of all contracts. The basic standards regulating the award of contracts, as listed in Article 271, cover publication; award of contracts; and juridical protection. The main features of an appropriate institutional framework and mechanism necessary for the proper functioning of the public procurement system and the implementation of the provisions of Chapter 8 are contained in Article 270.

5.15. In relation to the gradual approximation of Moldova's public procurement legislation with the EU's *acquis*, prior to the commencement of the process, Moldova shall submit to the Association Committee in Trade configuration a comprehensive roadmap for the implementation of Chapter 8. In that regard, Annex XXIX-B to the Agreement contains an indicative time schedule for institutional reform, legislative approximation and market access. As the gradual approximation progresses, each phase of the approximation process shall be evaluated by the Association Committee in Trade configuration. Following a positive assessment by the Committee, reciprocal granting of market access, as set out in Annex XXIX-B to the Agreement, shall be granted.

5.16. The Parties shall inform the economic operators of procurement procedures (Article 275), while cooperation between them to achieve a better understanding of their respective government procurement systems is governed by Article 276 and Annex XXIX-P to the Agreement which include a list of issues for cooperation.

5.6 Intellectual property rights

5.17. Chapter 9 covers intellectual property rights. As a general principle, the Parties shall ensure the adequate and effective implementation of international IPR agreements to which they are parties, including the TRIPS Agreement. In that context, the provisions of Chapter 9 shall complement and further specify the rights and obligations between the Parties under the TRIPS Agreement and other international agreements in the field of IPR. Under the Agreement, protection of intellectual property includes protection against unfair competition as referred to in Article 10*bis* of the Paris Convention for the Protection of Industrial Property of 1967.

5.18. Each Party shall provide for a regime of domestic or regional exhaustion of IPRs.

5.19. On copyright and related rights (Articles 280 through 291), the Parties shall comply with existing rights and obligations by virtue of the Berne Convention for the Protection of Literary and Artistic Works, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the WIPO Copyright Treaty, the WIPO Performance and Phonograms Treaty, and the TRIPS Agreement. The Agreements builds on the relevant provisions of the TRIPS Agreement with respects to principles applicable to authors (Article 281); performers (Article 282); producers of phonograms (Article 283); and broadcasting organizations (Article 284), including in connection with broadcasting and communication to the public (Article 285). Under Article 286, the rights of authors shall run for the life of the author and 70 years after his/her death, while the term of protection for performers shall expire no less than 50 years from the date of the performance, with longer period of protection in case the performance is fixed in a phonogram (70 years). The rights of broadcasting organizations shall expire no less than 50 years after the first transmission of a broadcast. The Agreement also contains disciplines on the protection of technological measures (Article 287); the protection of rights management information (Article 288); and the resale right of artists in works of arts (Article 290), while exceptions and limitations to IP rights are covered by Article 289. A best endeavour clause is applicable to cooperation on collective management of rights (Article 291).

5.20. On trademarks (Articles 292 through 295), the Parties commit to comply with the Madrid Protocol⁴⁷, the WIPO Trademark Law Treaty and the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks. They also shall

⁴⁷ Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks adopted on 28 June 1989.

make all reasonable efforts to adhere to the Singapore Treaty on the Law of Trademarks. Disciplines on the trademarks' registration procedure (Article 293) and the protection of well-known marks (Article 294) are also covered by the Agreement, while exceptions to the rights conferred by a trademark are addressed in Article 295.

5.21. Disciplines on geographical indications⁴⁸ (GIs), which complement the relevant provisions contained in the TRIPS Agreement, are contained in Articles 296 through 306. They apply in particular to the scope of protection (Article 299); the right of use (Article 300); the enforcement of protection (Article 301); the implementation of complementary actions (Article 302); and the relationship with trademarks (Article 304). Annex XXX-A to the Agreement lists the Parties' relevant legislation applicable to the protection of GIs. Moreover, Part C of Annex XXX-A identifies the elements for registration and control of GIs that shall serve as a basis for an objection procedure. After having completed the objection procedure, the Parties shall protect their respective GIs⁴⁹ for agricultural products and foodstuffs, listed in Annex XXX-C, and for wines, aromatised wines and spirit drinks, listed in Annex XXX-D.⁵⁰ A Geographical Indications Sub-Committee is established under Article 306, *inter alia*, to approve a product specification, to amend Annexes XXX-A to XXX-D, and to monitor the latest developments regarding the enforcement of the protection of GIs listed in Annexes XXX-C and XXX-D to the Agreement. Cooperation and transparency on GIs is addressed in Article 305.

5.22. On designs (Articles 307 through 311), the Parties shall comply with the Geneva Act to the Hague Agreement Concerning the International Registration of Industrial Designs (1999). The Agreement identifies the requirements for the protection of designs⁵¹ (Article 308); the protection conferred to unregistered designs (Article 309); the possibility to establish limited and conditional exceptions to the protection of designs (Article 310); and the relationship to copyright (Article 311).

5.23. On patents (Article 312 through 317), the Parties shall adhere to the provisions of the WIPO Patent Cooperation Treaty and shall make all reasonable efforts to comply with the WIPO Patent Law Treaty. The importance of the Declaration of the Ministerial Conference of the WTO on the TRIPS Agreement and public health (2001) and of the related Decision of the WTO General Council of 30 August 2003 is reiterated. The Agreements contains specific rules on medicinal and plant protection products protected by a patent (Article 314) as well as on the protection of data submitted to obtain an authorization to put a medicinal product on the market and of plant protection products (Articles 315 and 316). Moreover, the Parties shall protect plant varieties rights, in accordance with the International Convention for the Protection of New Varieties of Plants (UPOV Convention).

5.24. Section 3 of Chapter 9 addresses enforcement of intellectual property. It establishes the modalities for civil enforcement (Articles 320 through 329) and contains disciplines on border measures (Article 330). It also encourages the development, by trade or professional associations or organizations, of codes of conduct aimed at contributing to the enforcement of IPRs (Article 331) and defines areas of cooperation between the Parties with a view to supporting implementation of the commitments and obligations undertaken under Chapter 9.

5.7 Dispute settlement

5.25. Article 454, under Title VII (Institutional, general and final provision), establishes a dispute settlement mechanism for disputes between the Parties concerning the interpretation, implementation, or good faith application of the Association Agreement. However, disputes

⁴⁸ Including "designations of origin".

⁴⁹ The lists may be complemented with new GIs to be protected after the Parties have completed the objection procedure.

⁵⁰ It should be noted that Annexes XXX-C and XXX-D only contain, to date, products from the EU which are subject of protection. There is an ongoing process of preparing new products to be added to the list. Currently, approximately 3200 EU and 4 Moldovan GIs are in the process of being added to the list.

⁵¹ The duration of protection shall amount to 25 years from the date of filing of the application for registration.

concerning the interpretation, implementation, or good faith application of Title V (Trade and trade-related matters) are governed by Chapter 14 (Dispute settlement).⁵²

5.26. The Parties endeavour to resolve any dispute by entering into consultations in good faith with the aim of reaching a mutually agreed solution. The rules applicable to the consultation process are set out in Article 382. Any Party may also request the other Party to enter into a mediation procedure with respect to any measure adversely affecting trade or investment between the Parties pursuant to Article 383 and Annex XXXII to the Agreement. Should the Parties not agree on a mediator within a prescribed period of time, a mediator may be selected by drawing lots from a list of arbitrators established, no later than six months after the entry into force of the Agreement, pursuant to Article 404.

5.27. The provisions in Chapter 14 are without prejudice to the rights and obligations of the Parties pursuant to the WTO Agreement, including the dispute settlement proceedings (Article 405). The Agreement also provides for the choice of the dispute settlement proceeding either under the WTO or under the Agreement, at the discretion of the complaining Party. However, when a Party has requested the establishment of a panel under Article 6 of the WTO Dispute Settlement Understanding or an arbitration panel pursuant to Article 384 of the Agreement, that Party may not initiate another proceeding for the breach of a substantially equivalent obligation in the other forum, except when the forum selected first fails for procedural or jurisdictional reasons to make findings on the claim. No provision in Chapter 14 prevents a Party from suspending benefits if and as authorized by the Dispute Settlement Body of the WTO.

5.28. Should the above-mentioned consultations fail to enable a satisfactory mutual resolution of the matter, the complaining Party may request the establishment, by the Association Committee in Trade configuration, of an arbitration panel (Articles 384 and 385). The Parties can agree on the three arbitrators within 10 days of the request and if they fail to agree a panel can be established by lot from a list of pre-agreed arbitrators as provided for in Article 404. Moreover, a Code of Conduct for arbitrators and mediators is provided for in Annex XXXIV to the Agreement. If a Party so requests, the arbitration panel has to give a preliminary ruling on whether it deems the case to be urgent within 10 days of its establishment (Article 386). The rules of procedure for dispute settlement are set out in Annex XXXIII to the Agreement.

5.29. The arbitration panel should interpret the provisions of Title V in accordance with the customary rules of interpretation of public international law, including those codified in the Vienna Convention of 1969 on the Law of Treaties. The panel should also take into account relevant interpretations established in reports of panels and of the Appellate Body adopted by the WTO Dispute Settlement Body. The rulings of the arbitration panel cannot add to or diminish the rights and obligations of the Parties under the Agreement (Article 401). Information and technical advice may be obtained by the panel and *amicus curiae* briefs may be submitted to the panel in accordance with the rules of procedures (Article 400). The arbitration panel should make every effort to take any decision by consensus. Nevertheless, the matter at issue may be decided by a majority vote. In no case shall dissenting opinions of arbitrators should be disclosed (Article 402).

5.30. An interim report is issued to the Parties by the arbitration panel prior to the notification by the panel to the Parties of its final ruling. Shorter time-limits are provided for are provided for in cases of urgency.

5.31. The Party complained against should take any measure necessary to comply promptly and in good faith with the arbitration panel ruling (Article 390). Should a disagreement exist on the length of the reasonable period of time for compliance with the panel ruling, the panel may have to rule on the matter. In case the complaining Party disagrees that the measures put in places by the party complained against ensure compliance with the panel ruling, the complaining Party may request the original arbitration panel to decide on the matter (Article 392).

5.32. In case of non-compliance, the complaining Party may request the Party complained against for temporary compensation for non-compliance; or notify the Party complained against and the

⁵² The dispute settlement procedures applies to the entire Title V on trade and trade-related matters with the exception of Section 1 on Global safeguard measures and Section 2 on Anti-dumping and countervailing measures of Chapter 2 and Section 1 on Antitrust and mergers of Chapter 10 and Chapter 13 (trade and sustainable development). The latter provides for its specific dispute settlement mechanism.

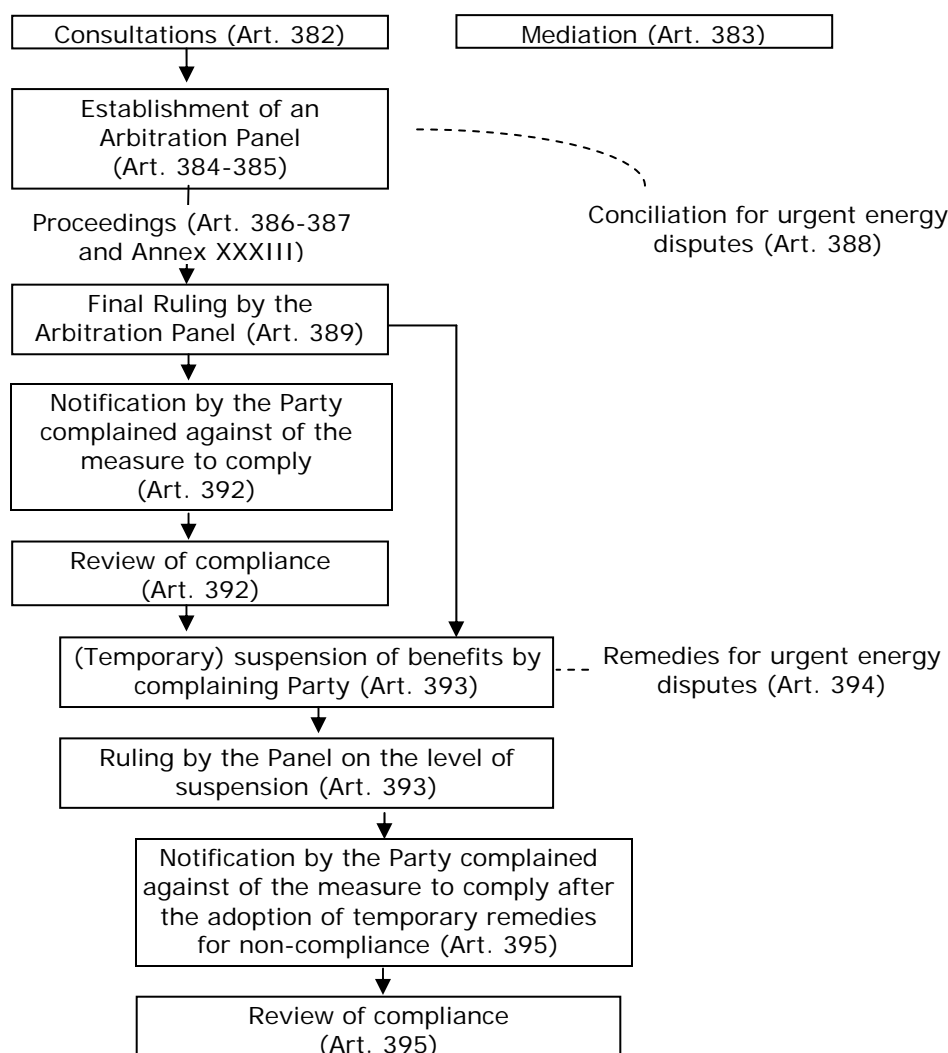
Association Committee in Trade configuration of its intention to suspend concessions to a level equivalent to the nullification or impairment caused by the violation (Article 393). A suspension of benefits may be applied at the earliest 10 days after this notification. The level of the suspension may be challenged by the Party complained against and be examined by the arbitration panel. The compensation or the suspension of benefits are temporary and do not waive the obligations of the Party complained against to comply with the ruling. The Party complained against may at any time following an agreement on compensation or a suspension of benefits notify the adoption of a measure to comply with the panel ruling and request the complaining Party to terminate the suspension of benefits. The suspension of benefits should be terminated within 30 days following the Party complained against in compliance with the provisions of the Agreement. In such a case, the complaining Party must ask the arbitration panel to rule on the matter.

5.33. When a dispute raises a question of interpretation of an EU provision, the arbitration panel should not decide the question but request the EU Court of Justice of the European Union to rule on the question.

5.34. A special, faster, procedure for disputes concerning chapter 11 (trade-related energy), is provided for in Chapter 14. This procedure is faster than the procedure in cases of urgency and contains specific provisions concerning conciliation for urgent energy disputes (Article 388) and remedies for urgent energy disputes (Article 394).

5.35. Chart 5.1 below summarizes the main steps of the dispute settlement mechanism established by the Agreement.

Chart 5.1 Specific Dispute Settlement Mechanism established by the Agreement



5.8 Institutional framework

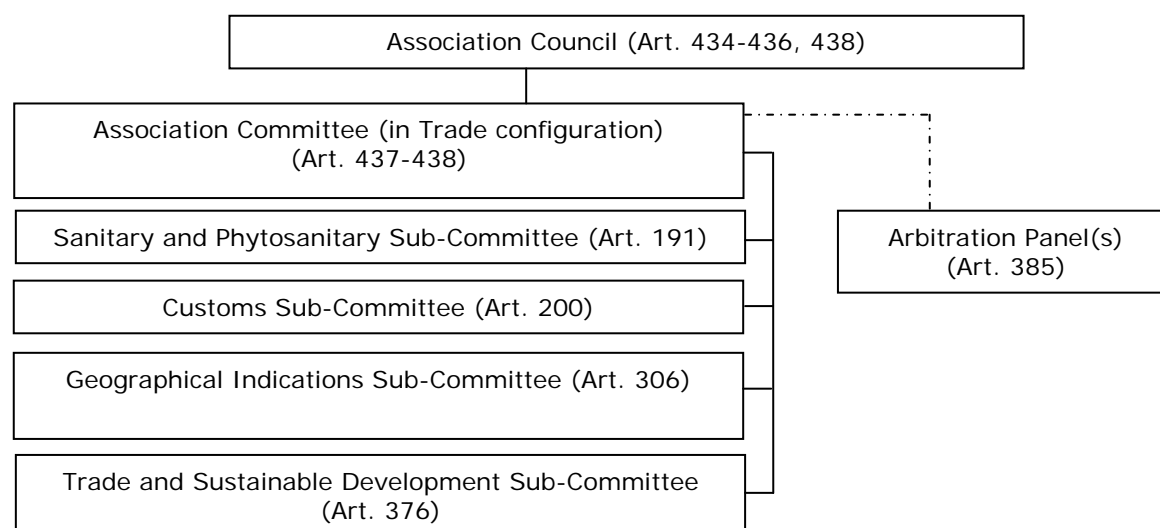
5.36. The Agreement establishes an Association Council to supervise and monitor the application and implementation of the Agreement (Article 434). For the purpose of attaining the objectives of the Agreement, the Association Council shall have the power to take decisions, including updating or amending the texts, within the scope of the Agreement (Article 436).

5.37. The Agreement also establishes an Association Committee, including in its Trade configuration that monitors the implementation of Title V (DCFTA) to assist the Association Council.

5.38. The Association Committee in Trade configuration is assisted by 4 sub-committees established under the Agreement to monitor the implementation of Chapter 4 (Sanitary and phytosanitary measures), Chapter 5 (Customs and trade facilitation), Chapter 9 (Geographical Indications) and Chapter 13 (Trade and sustainable development).

5.39. The institutional framework established by the Agreement is summarized by Chart 5.2 below.

Chart 5.2 Institutional Framework of the DCFTA established by the Agreement



Source: WTO Secretariat based on the Agreement.

5.9 Relationship with other agreements concluded by the Parties

5.40. The 1994 Partnership and Cooperation Agreement between the EU and Moldova⁵³ is repealed and replaced by the Association Agreement, in particular the provisions of Title V. Pending the (definitive) entry into force of the other parts, the Partnership and Cooperation Agreement continues to apply. The Agreement also replaces the agreement between the EU and Moldova on the protection of geographical indications of agricultural products and foodstuffs, signed in 2012.⁵⁴ The Parties may complement the Agreement by concluding specific agreements in any area falling within its scope. Such agreements shall be an integral part of the overall bilateral relations as governed by the Agreement and shall form part of a common institutional framework.

⁵³ This Agreement entered in to force in 1998.

⁵⁴ This Agreement entered into force in 2013.

5.41. The Agreement shall not preclude the maintenance or establishment of customs unions, other free trade areas or arrangements for frontier traffic except insofar as they conflict with the trade arrangements provided for in the Agreement (Article 157). Should these situations occur, in particular in the event of a third country acceding to the EU, the Parties shall consult so as to ensure that account is taken of the mutual interests of both Parties.

5.42. Table 5.1 below shows the Parties' RTAs, notified and non-notified, other than the Agreement.

Table 5.1 European Union and Moldova: Participation in other RTAs (notified and non-notified in force), as of 6 February 2015

RTA Name	Date of entry into force	Coverage	GATT/WTO Notification	
			Year	WTO Provision
European Union				
EU - Ukraine	^a	Goods & Services	2014	GATT Art. XXIV & GATS Art. V
EU - Georgia	01-Sep-14	Goods & Services	2014	GATT Art. XXIV & GATS Art. V
EU - Cameroon	04-Aug-14	Goods	2009	GATT Art. XXIV
EU - Central America	01-Aug-13 ^b	Goods & Services	2013	GATT Art. XXIV & GATS Art. V
EU - Colombia and Peru	01-Mar-13 ^c	Goods & Services	2013	GATT Art. XXIV & GATS Art. V
EU - Eastern and Southern Africa States Interim EPA	14-May-12	Goods	2012	GATT Art. XXIV
EU - Republic of Korea	01-Jul-11	Goods & Services	2011	GATT Art. XXIV & GATS Art. V
EU - Serbia	01-Feb-10	Goods	2010	GATT Art. XXIV
	01-Sep-13	Services	2013	GATS Art. V
EU - Papua New Guinea / Fiji	20-Dec-09 ^d	Goods	2011	GATT Art. XXIV
	28-Jul-14		2014	
EU - Côte d'Ivoire	01-Jan-09	Goods	2008	GATT Art. XXIV
EU - CARIFORUM States EPA	01-Nov-08	Goods & Services	2008	GATT Art. XXIV & GATS Art. V
EU - Bosnia and Herzegovina	01-Jul-08	Goods	2008	GATT Art. XXIV
EU - Montenegro	01-Jan-08	Goods	2008	GATT Art. XXIV
	01-May-10	Services	2010	GATS Art. V
EU - Albania	01-Dec-06	Goods	2007	GATT Art. XXIV
	01-Apr-09	Services	2009	GATS Art. V
EU - Algeria	01-Sep-05	Goods	2006	GATT Art. XXIV
EU - Egypt	01-Jun-04	Goods	2004	GATT Art. XXIV
EU - Lebanon	01-Mar-03	Goods	2003	GATT Art. XXIV
EU - Chile	01-Feb-03	Goods	2004	GATT Art. XXIV
	01-Mar-05	Services	2005	GATS Art. V
EU - Jordan	01-May-02	Goods	2002	GATT Art. XXIV
EU - San Marino	01-Apr-02	Goods	2010	GATT Art. XXIV
EU - Former Yugoslav Republic of Macedonia	01-Jun-01	Goods	2001	GATT Art. XXIV
	01-Apr-04	Services	2009	GATS Art. V
EU - Mexico	01-Jul-00	Goods	2000	GATT Art. XXIV
	01-Oct-00	Services	2002	GATS Art. V
EU - Israel	01-Jun-00	Goods	2000	GATT Art. XXIV
EU - Morocco	01-Mar-00	Goods	2000	GATT Art. XXIV
EU - South Africa	01-Jan-00	Goods	2000	GATT Art. XXIV
EU - Tunisia	01-Mar-98	Goods	1999	GATT Art. XXIV
EU - Palestinian Authority	01-Jul-97	Goods	1997	GATT Art. XXIV
EU - Faroe Islands	01-Jan-97	Goods	1997	GATT Art. XXIV
EU - Turkey	01-Jan-96	Goods	1995	GATT Art. XXIV
European Economic Area (EEA)	01-Jan-94	Services	1996	GATS Art. V
EU - Andorra	01-Jul-91	Goods	1998	GATT Art. XXIV
EU - Syria	01-Jul-77	Goods	1977	GATT Art. XXIV
EU - Norway	01-Jul-73	Goods	1973	GATT Art. XXIV
EU - Iceland	01-Apr-73	Goods	1972	GATT Art. XXIV
EU - Switzerland-Liechtenstein	01-Jan-73	Goods	1972	GATT Art. XXIV
EU – Overseas Countries and Territories (OCT)	01-Jan-71	Goods	1970	GATT Art. XXIV

RTA Name	Date of entry into force	Coverage	GATT/WTO Notification	
			Year	WTO Provision
Republic of Moldova				
Treaty on a Free Trade Area between members of the Commonwealth of Independent States (CIS)	09-Dec-12	Goods	2013	GATT Art. XXIV
Central European Free Trade Agreement (CEFTA) 2006	01-May-07	Goods	2007	GATT Art. XXIV
Ukraine - Republic of Moldova	19-May-05 ^e	Goods	2008	GATT Art. XXIV
Kyrgyz Republic - Republic of Moldova	21-Nov-96	Goods	1999	GATT Art. XXIV
Armenia - Republic of Moldova	21-Dec-95	Goods	2004	GATT Art. XXIV
Russian Federation - Republic of Moldova	30-Mar-93	Goods	2012	GATT Art. XXIV
Republic of Moldova - Georgia	19-Apr-07	Goods	Not notified	
GUAM (Georgia, Ukraine, Azerbaijan, Republic of Moldova)	10-Dec-03 ^f	Goods	Not notified	
Republic of Moldova - Azerbaijan	16-Apr-96	Goods	Not notified	
Republic of Moldova - Kazakhstan	23-Feb-96	Goods	Not notified	
Republic of Moldova - Turkmenistan	01-Mar-96	Goods	Not notified	
Republic of Moldova - Uzbekistan	29-Aug-95	Goods	Not notified	
Republic of Moldova - Belarus	7-Dec-94	Goods	Not notified	

- a The notifications made in July 2014 (see WT/REG353/N/1 and S/C/N/744) stated that the dates of entry into force will be: "In accordance with the Parties' respective internal procedures."
- b The trade pillar of the Association Agreement has been provisionally applied since 1 August 2013 with Honduras, Nicaragua and Panama, since 1 October 2013 with Costa Rica and El Salvador, and since 1 December with Guatemala.
The notifications made in February 2013 (see WT/REG332/N/1 and S/C/N/680) stated that: "Provisional application of the Agreement by all signatory parties is expected in the course of the second quarter 2013"; Further notifications to confirm the dates of entry into force between the EU and Central American countries are awaited.
- c EU and Peru: 1 March 2013; EU and Colombia: 1 August 2013.
- d The Agreement's provisional application started on 20 December 2009 for Papua New Guinea and the European Union and on 28 July 2014 for Fiji and the European Union.
- e Date of implementation indicated in the notification made by Ukraine (see WT/REG249/N1).
- f Date of implementation indicated by Moldova: 20 July 2002.

Source: WTO Secretariat.

5.10 Other

5.10.1 Trade-related energy

5.43. Chapter 11 contains disciplines on trade-related energy. It covers domestic regulated prices, in relation to the protocol concerning the Accession of Moldova to the Energy Community (Article 346); the principle of prohibition of dual pricing for energy goods (Article 347); the facilitation of transit (Article 348); transport of electricity and gas, in particular in relation to third party access to fixed infrastructure and in connection with the Energy Community Treaty (Article 349); the prohibition of unauthorized taking of energy goods in transit (Article 350); and the obligation not to interfere with the transit of energy goods (Article 351). It also contains rules on transit for operators, on regulatory authority for electricity and natural gas (Article 352); as well as on the relationship of the Agreement's provisions on trade-related energy with the Energy Community Treaty (Article 354).

5.10.2 Trade and sustainable development

5.44. Chapter 13 addresses trade and sustainable development. It recognizes the right of each Party to determine its sustainable development policies and priorities, to establish its own levels of domestic environmental and labour protection, and to adopt or modify accordingly its relevant law and policies, consistently with its commitment to internationally recognized standards and agreements.⁵⁵ The Parties also reconfirm their commitment to enhance the contribution of trade to the goal of sustainable development in its economic, social and environmental dimension and, *inter alia*, agree that they shall strive to facilitate and promote trade and investment in environmental goods and services (Article 367). Chapter 13 also covers topics such as: biological diversity (Article 368)⁵⁶ sustainable management of forests and trade in forest products (Article 369) as well as trade and the conservation and the management of fish stocks (Article 370).

5.45. Under Article 371, a Party shall not waive or derogate from its environmental or labour laws as an encouragement for trade or the establishment, the acquisition, the expansion or the retention of an investment of an investor in its territory. Moreover, a Party shall not, through a sustained or recurring course of action or inaction, fail to effectively enforce its environmental and labour law, as an encouragement for trade or investment. Articles 372 through 375 address the importance of scientific information when preparing and implementing sustainable development related measures (Article 372); transparency requirements related to measures aimed at protecting the environment or labour conditions (Article 373); and the Parties' commitment to reviewing, monitoring and assessing the impact of the implementation of title V on sustainable development through participative processes and institutions (Article 374). An indicative list of areas of cooperation between the Parties is provided in Article 375.

5.46. Besides the designation of contact points, the Parties agree to establish a Trade and Sustainable Development Sub-Committee to oversee the implementation of Chapter 13. Moreover, domestic advisory groups on sustainable development shall be convened (Article 376). The Parties shall also facilitate a joint forum with civil society organizations established in their territories. The chapter also established a dedicated mechanism for dealing with any matter arising under Chapter 13. This foresees recourse to government consultations, including through the Trade and Sustainable Development Sub-Committee, (Article 378); and, upon request of either Party, if the matter has not been satisfactorily addressed through government consultations, to the establishment of a Panel of Experts under the modalities contained in Article 379. The experts of such Panel shall comply with the Code of conduct established for arbitrators and mediators and contained in Annex XXXIV to the Agreement, while the rules of procedure for dispute settlement and contained in Annex XXXIII to the Agreement shall apply to the work of the Panel of Experts. The Parties shall discuss appropriate measures to be implemented, taking into account the Panel of Experts' report and recommendations. The civil society mechanisms established in the chapter (both the domestic advisory bodies and the joint forum) are also involved in this process.

5.10.3 Competition

5.47. Chapter 10 addresses competition. Each Party shall maintain in its respective territory comprehensive competition laws which effectively address anti-competitive agreements, concerted practices and anti-competitive unilateral conduct of undertakings with dominant market power and provide effective control of concentrations. An independent competition authority shall be maintained by each Party. In Section 1 of Chapter 10 (on antitrust and mergers), the Agreement also establishes rules and disciplines on state monopolies, public undertakings and undertakings entrusted with special or exclusive rights (Article 336); and cooperation and exchange of information (Article 337). The Agreement-specific dispute settlement mechanism is not applicable to rules on antitrust and mergers.

⁵⁵ In relation to multilateral labour standards and agreements (Article 365), the Agreement refers to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up of 1998. In relation to multilateral environmental standards and agreements (Article 366), the Agreement refers to the multilateral environmental agreements (MEAs) to which the Parties are party, and the UN Framework Convention on Climate Change and its Kyoto Protocol. In relation to biological diversity (Article 368), the Agreement refers to the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and other relevant international instruments to which the Parties are party.

⁵⁶ In relation to biological diversity, the Agreement refers to the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and other relevant international instruments to which the Parties are party.

5.48. Section 2 of Chapter 10 covers state-aid. As a general principle, state-aid granted by a Party, or through the resources of one of the Parties that distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods and services and which affects trade between the Parties are incompatible with the Agreement (Article 339).⁵⁷ Starting within five years from the date of entry into force of the Agreement, state-aid shall be assessed on the basis of the criteria arising from the application of the competition rules applicable in the EU (Article 340). Within two years from the date of entry into force of the Agreement, the Parties shall adopt or maintain legislation for the control of state-aid (Article 341). Moreover, any state-aid schemes instituted before the establishment of the state-aid authority shall be aligned within a period of eight years from the date of entry into force of the Agreement. This period shall be extended for a maximum period of up to 10 years from the date of entry into force of the Agreement with regard to state-aid schemes instituted under the law of Moldova on free economic zones.⁵⁸ State aid-related rules on transparency and confidentiality are contained in Articles 342 and 343. The matter shall be kept under constant review by the Parties (Article 344).

5.10.4 Economic and other sectoral cooperation

5.49. Title IV of the Agreement addresses areas of cooperation agreed between the Parties. Though this is done within the Association Agreement but outside of Title V on trade and trade-related matters, some of the topics mentioned are connected somehow with broad or more sectoral areas which are disciplined under Title V, either in relation to trade in goods and/or in relation to trade in services. As an illustration, fields of economic and other sectoral cooperation, covered under Title IV, include, *inter alia*, internal control, financial inspection and external audit (Article 49); certain aspects of financial services (Articles 58 through 61)⁵⁹; mining and raw materials (Articles 65 and 66); agriculture and rural development (Articles 67 through 70)⁶⁰; fisheries and maritime policy (Articles 71 through 75); energy (Articles 76 through 79)⁶¹; transport (Articles 80 through 85)⁶²; environment and climate action (Articles 86 through 97)⁶³; information society (Articles 98 through 102)⁶⁴; tourism (Article 103 through 106); public health (Articles 113 through 116)⁶⁵; education, training, multilingualism, youth and sport (Articles 122 through 126); research, technological development and demonstration (Articles 127 through 129); and culture, audiovisual policy and media (Articles 130 through 133).⁶⁶

⁵⁷ State aid related to fisheries, agricultural products or other aids covered by the WTO Agreement on agriculture are reserved.

⁵⁸ Law No 440-XV of 27 July 2001.

⁵⁹ Including approximation of Moldova's legislation to the EU acts and international instruments referred to in Annex XXVIII-A to the Agreement.

⁶⁰ Including approximation of Moldova's legislation to the EU acts and international instruments referred to in Annex VII to the Agreement.

⁶¹ Including approximation of Moldova's legislation to the EU acts and international instruments referred to in Annex VIII to the Agreement.

⁶² Including approximation of Moldova's legislation to the EU acts and international instruments referred to in Annexes X and XXVIII-D to the Agreement.

⁶³ Including approximation of Moldova's legislation to the EU acts and international instruments referred to in Annexes XI and XII to the Agreement.

⁶⁴ Including approximation of Moldova's legislation to the EU acts and international instruments referred to in Annex XXVIII-B to the Agreement.

⁶⁵ Including approximation of Moldova's legislation to the EU acts and international instruments referred to in Annex XIII to the Agreement.

⁶⁶ Including approximation of Moldova's legislation to the EU acts and international instruments referred to in Annex XIV to the Agreement.

ANNEX 1

INDICATORS OF TRADE LIBERALIZATION UNDER THE AGREEMENT

EU

1. Table A1.1 shows tariff liberalization by the EU in relation to Moldova's imports (by total, agricultural and non-agricultural products).

2. In 2014, the EU's average applied MFN rate was 5.1% overall (4.3% for non-agricultural products and 9.1% for agricultural products). 25.1% of the EU's tariff was duty free on an MFN basis; 26.8% of non-agricultural products were duty free while 19.2% of agricultural products were duty free. At the time of entry into force of the Agreement (2014), which also corresponds to the EU's full implementation of its tariff elimination commitments under the Agreement, Moldova's exporters enjoyed an absolute margin of preference of 5.1% vis-à-vis the prevailing MFN tariff; 4.3% for non-agricultural goods and 9.1% for agricultural products. The share of duty free lines applicable to imports from Moldova was 99.7% (98.6% for agricultural products and 100% for non-agricultural products).

Table A1.1 EU: Indicators of MFN tariff rates and preferential rates for imports from Moldova

Origin of goods	Year	ALL PRODUCTS			Agricultural products ^a			Non-agricultural products		
		Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)
		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)	
MFN	2014	5.1	7.0	25.1	9.1	12.7	19.2	4.3	5.9	26.8
Moldova	2014	0.0	9.6	99.7	0.0	9.6	98.6	0.0	0.0	100.0

a WTO Definition.

Note: Tariff lines subject to in-quota rates are excluded in the computation. For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 nomenclature.

Source: WTO estimates based on data from EU authorities.

3. Table A1.2 gives an indication of additional market access in the EU resulting from the entry into force of the Agreement for Moldova's top 25 global exports, which accounted for 48.1% of its global exports in 2011-2013; these corresponded to 172 lines of the EU's tariff at the six-digit level (using the HS 2012). In 2014, prior to the entry into force of the Agreement, 23 of these tariff lines already had (MFN) duty free access to the EU's market. With the entry into force of the Agreement, in 2014, 147 of the 149 tariff lines, which were (MFN) dutiable, became duty free for exports from Moldova while 2 tariff lines will continue to remain dutiable (apples and fresh grapes with average MFN rates in 2014 of 7.2% and 14.4% respectively).

Table A1.2 EU: Market access opportunities under the Agreement for Moldova's top 25 exports to the world

Moldova's top export products in 2011-2013			Access conditions to EU's import markets				
HS number and description of the product		Share in global exports (%)	MFN 2014			Duty-free in 2014	Remain dutiable
			Average MFN applied rate (%)	Duty Free	Dutiable Lines		
854420	- co-axial cable and other co-axial electric conductors	5.9	3.7		1	1	
120600	Sunflower seeds, whether or not broken.	4.9	0.0	3			
080232	-- shelled	3.9	5.1		1	1	
300490	- other	3.8	0.0	1			
220421	-- in containers holding 2 l or less	3.4	-		57	57	
220429	-- other	2.4	-		33	33	
151211	-- crude oil	2.4	5.3		3	3	
940190	- parts	2.2	2.4		3	3	
220820	- spirits obtained by distilling grape wine or grape marc	2.2	0.0	11			
080810	- apples	2.1	7.2		2	1	1
701090	- other	1.7	5.0		17	17	
200979	-- other	1.6	22.8		5	5	
854430	- ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships	1.5	3.7		1	1	
720449	-- other	1.1	0.0	3			
100590	- other	0.9	0.0	1			
170199	-- other	0.9	-		2	2	
740400	Copper waste and scrap.	0.9	0.0	3			
570242	-- of man-made textile materials	0.9	8.0		2	2	
640399	-- other	0.8	7.6		11	11	
902830	- electricity meters	0.8	2.1		3	3	
330510	- shampoos	0.8	0.0	1			
610620	- of man-made fibres	0.8	12.0		1	1	
240220	- cigarettes containing tobacco	0.7	33.8		2	2	
080610	- fresh	0.7	14.4		2	1	1
100191	-- seed	0.7	12.8		3	3	
Total of above		48.1		23	149	147	2

- contains various tariff lines with specific or compound duties.

Note: For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included.
Based on the HS 2012 nomenclature.

Source: WTO estimates based on data from EU authorities and UNSD, Comtrade database.

Moldova

4. Tables A1.3 shows tariff liberalization by Moldova by total, agricultural and non-agricultural products.

5. In 2014, Moldova's average applied MFN rate was 5.2% overall (3.6% for non-agricultural products and 11.9% for agricultural products). 45.9% of its tariff was duty free on an MFN basis; 53.5% of non-agricultural products were duty free and 16.2% of agricultural products were duty free. As a result of the Agreement entering into force (2014), EU exporters enjoyed an absolute margin of preference of 4.4% *vis-à-vis* the prevailing MFN tariff; 3.3% for non-agricultural goods and 9.3% for agricultural products. The share of duty free lines for imports from the EU was 93.7% (96.5% for non-agricultural products and 82.7% for agricultural products). Ten years after the entry into force of the Agreement, at the end of the implementation period, in 2024, EU

exporters will face zero duties on 99% of their exports to Moldova (95.1% for agricultural products and 100% for non-agricultural products).

Table A1.3 Moldova: Indicators of MFN tariff rates and preferential rates for imports from EU

Origin of goods	Year	ALL PRODUCTS			Agricultural products ^a			Non-agricultural products		
		Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)
		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)	
MFN	2014	5.2	9.8	45.9	11.9	14.5	16.2	3.6	7.8	53.5
EU	2014	0.8	14.3	93.7	2.6	20.0	82.7	0.3	9.1	96.5
	2015	0.7	12.5	93.7	2.4	18.5	82.7	0.2	6.9	96.5
	2016	0.6	10.6	93.7	2.2	17.0	82.7	0.2	4.7	96.5
	2017	0.5	11.4	94.9	2.0	17.0	83.7	0.1	3.9	97.8
	2018	0.4	9.9	94.9	1.9	15.8	83.7	0.0	2.0	97.8
	2019	0.3	23.0	98.5	1.6	23.0	92.8	0.0	0.0	100.0
	2020	0.3	22.5	98.5	1.6	22.5	92.8	0.0	0.0	100.0
	2021	0.3	22.0	98.5	1.6	22.0	92.8	0.0	0.0	100.0
	2022	0.3	21.5	98.5	1.5	21.5	92.8	0.0	0.0	100.0
	2023	0.3	21.0	98.5	1.5	21.0	92.8	0.0	0.0	100.0
	2024	0.3	30.1	99.0	1.5	30.1	95.1	0.0	0.0	100.0

a WTO Definition.

Note: Tariff lines subject to in-quota rates are excluded in the computation. For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included. Based on the HS 2007 nomenclature.

Source: WTO estimates based on data from Moldova authorities.

6. Table A1.4 gives an indication of additional market access in Moldova resulting from the entry into force of the Agreement for the EU's top 25 global exports, which accounted for 28% of its global exports in 2011-2013; these corresponded to 158 lines of Moldova's tariff at the HS six-digit level (using the HS 2007). In 2014, prior to the entry into force of the Agreement, 99 of these tariff lines already had (MFN) duty free access to the Moldovan market. From the date of provisional application of the Agreement, in September 2014, until the end of implementation, in 2024, the 59 tariff lines, which were (MFN) dutiable, will progressively, become duty free for exports from the EU (8 in 2014 and 51 in 2019).

Table A1.4 Moldova: Market access opportunities under the Agreement for EU's top 25 exports to the world

EU's top export products in 2011-2013			Access conditions to Moldova's import markets				
HS number and description of the product		Share in global exports (%)	MFN 2014			Duty-free lines	
			Average MFN applied rate (%)	Duty Free	Dutiable Lines	2014	2019
300490	- other	3.4	0.0	4			
271019	-- other	3.2	0.0	25			
870323	-- of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc	3.0	0.0	3			
271011	-- light oils and preparations	2.6	0.0	12			
880240	- aeroplanes and other aircraft, of an unladen weight exceeding 15,000 kg	2.0	0.0	1			
710813	-- other semi-manufactured forms	1.9	0.0	2			
870324	-- of a cylinder capacity exceeding 3,000 cc	1.6	0.0	2			
870332	-- of a cylinder capacity exceeding 1,500 cc but not exceeding 2,500 cc	0.9	0.0	3			
710231	-- unworked or simply sawn, cleaved or bruted	0.8	0.0	1			
841191	-- of turbo-jets or turbo-propellers	0.7	0.0	1			
300210	- antisera and other blood fractions and modified immunological products, whether or not obtained by means of biotechnological processes	0.7	0.0	4			
870899	-- other	0.7	5.0		3	3	
880330	- other parts of aeroplanes or helicopters	0.7	0.0	1			
841112	-- of a thrust exceeding 25 kn	0.6	0.0	3			
710812	-- other unwrought forms	0.6	0.0	1			
851712	-- telephones for cellular networks or for other wireless networks	0.6	0.0	1			
848180	- other appliances	0.6	0.0	17			
711319	-- of other precious metal, whether or not plated or clad with precious metal	0.5	10.0		1	1	
870840	- gear boxes and parts thereof	0.5	5.0		4	4	
847989	-- other	0.4	0.0	4			
901890	- other instruments and appliances	0.4	0.0	10			
851762	-- machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	0.4	0.0	1			
870322	-- of a cylinder capacity exceeding 1,000 cc but not exceeding 1,500 cc	0.4	0.0	2			
220421	-- in containers holding 2 l or less	0.4	0,5 euro/l		51		51
300220	- vaccines for human medicine	0.4	0.0	1			
Total of above		28.0		99	59	8	51

Note: For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included.
Based on the HS 2007 nomenclature.

Source: WTO estimates based on data from Moldova authorities and Eurostat.

ANNEX 2

TARIFF-RATE QUOTAS IN THE AGREEMENT

1. Tables A2.1 and A2.2 below show each Party's TRQ commitments including the quota quantity. The in quota rate of duty is duty free.

Table A2.1. Tariff rate quotas applied by the European Union to imports from Moldova.

Tariff line	Description	MFN rate (1 January 2014)	Volume (metric tonnes)	Rate of duty
07020000	Tomatoes, fresh or chilled	EP	2,000	Free
07032000	Garlic, fresh or chilled	9.6% + 120 EUR/100 kg	220	Free
08061010	Table grapes, fresh	EP	10,000	Free
08081080	Apples, fresh (excluding cider apples, in bulk, from 16 September to 15 December)	EP	40,000	Free
08094005	Plums, fresh	EP	10,000	Free
20096110	Grape juice, incl. grape must, unfermented, Brix value ≤ 30 at 20 °C, value of > EUR 18 per 100 kg, whether or not containing added sugar or other sweetening matter (excl. containing spirit)	EP	500	Free
20096919	Grape juice, incl. grape must, unfermented, Brix value > 67 at 20 °C, value of > EUR 22 per 100 kg, whether or not containing added sugar or other sweetening matter (excl. containing spirit)	EP		
20096951	Concentrated grape juice, incl. grape must, unfermented, Brix value > 30 but ≤ 67 at 20 °C, value of > EUR 18 per 100 kg, whether or not containing added sugar or other sweetening matter (excl. containing spirit)	EP		
20096959	Grape juice, incl. grape must, unfermented, Brix value > 30 but ≤ 67 at 20 °C, value of > EUR 18 per 100 kg, whether or not containing added sugar or other sweetening matter (excl. containing spirit)	EP		

EP: Entry Price.

Source: Annex XV-A and EU authorities.

Table A2.2. Tariff rate quotas applied by Moldova to the EU's imports.

Tariff line	Description	MFN applied rate 2014	Volume (metric tonnes)	Rate of duty
02031110	Fresh or chilled domestic swine carcasses and half-carcasses	20%+200 euro/t	4,000	Free
02031211	Fresh or chilled with bone in, domestic swine hams and cuts thereof	20%+200 euro/t		Free
02031219	Fresh or chilled with bone in, domestic swine shoulders and cuts thereof	20%+200 euro/t		Free
02031911	Fresh or chilled fore-ends and cuts thereof of domestic swine	20%+200 euro/t		Free
02031913	Fresh or chilled loins and cuts thereof of domestic swine	20%+200 euro/t		Free
02031915	Fresh or chilled bellies "streaky" and cuts thereof of domestic swine	20%+200 euro/t		Free
02031955	Fresh or chilled boneless meat of domestic swine (excl. bellies and cuts thereof)	20%+200 euro/t		Free
02031959	Fresh or chilled boneless meat of domestic swine (excl. carcasses and half-carcasses, hams, shoulders and cuts thereof, and fore-ends, loins, bellies and cuts thereof)	20%+200 euro/t		Free
02032110	Frozen domestic swine carcasses and half-carcasses	20%+200 euro/t		Free
02032211	Frozen boneless hams and cuts thereof of domestic swine	20%+200 euro/t		Free
02032219	Frozen boneless shoulders and cuts thereof of domestic swine	20%+200 euro/t		Free
02032911	Frozen fore-ends and cuts thereof of domestic swine	10%+200 euro/t		Free
02032913	Frozen loins and cuts thereof of domestic swine, with bone in	10%+200 euro/t		Free
02032915	Frozen bellies "streaky" and cuts thereof of domestic swine	10%+200 euro/t		Free
02032955	Frozen boneless meat of domestic swine (excl. bellies and cuts thereof)	10%+200 euro/t		Free
02032959	Frozen boneless meat of domestic swine, with bone in (excl. carcasses and half-carcasses, hams, shoulders and cuts thereof, and fore-ends, loins, bellies and cuts thereof)	10%+200 euro/t		Free
02071110	Fresh or chilled, plucked and gutted fowls of species Gallus domesticus, with heads and feet, known as "83% chickens"	20%+100 euro/t		Free
02071130	Fresh or chilled, plucked and drawn fowls of species Gallus domesticus, without heads and feet but with necks, hearts, livers and gizzards, known as "70% chickens"	20%+100 euro/t		Free
02071190	Fresh or chilled, plucked and drawn fowls of species Gallus domesticus, without heads, feet, necks, hearts, livers and gizzards, known as "65% chickens", and other forms of fresh or chilled fowl, not cut in pieces (excl. "83% and 70% chickens")	20%+100 euro/t		Free
02071210	Frozen fowls of species Gallus domesticus, plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as "70% chickens"	15%+100 euro/t		Free
02071290	Frozen fowls of species Gallus domesticus, plucked and drawn, without heads, feet, necks, hearts, livers and gizzards, known as "65% chickens", and other forms of fowl, not cut in pieces (excl. "70% chickens")	15%+100 euro/t		Free
02071310	Fresh or chilled boneless cuts of fowls of the species Gallus domesticus	20%+100 euro/t		Free
02071320	Fresh or chilled halves or quarters of fowls of the species Gallus domesticus	20%+100 euro/t		Free
02071330	Fresh or chilled whole wings, with or without tips, of fowls of the species Gallus domesticus	20%+100 euro/t		Free
02071350	Fresh or chilled breasts and cuts thereof of fowls of the species Gallus domesticus, with bone in	20%+100 euro/t		Free
02071360	Fresh or chilled legs and cuts thereof of fowls of the species Gallus domesticus, with bone in	20%+100 euro/t		Free
02071399	Fresh or chilled edible offal of fowls of the species Gallus domesticus (excl. livers)	20%+100 euro/t		Free

Tariff line	Description	MFN applied rate 2014	Volume (metric tonnes)	Rate of duty
02071410	Frozen boneless cuts of fowls of the species Gallus domesticus	15%+100 euro/t	4,000	Free
02071420	Frozen halves or quarters of fowls of the species Gallus domesticus	15%+100 euro/t		Free
02071430	Frozen whole wings, with or without tips, of fowls of the species Gallus domesticus	15%+100 euro/t		Free
02071440	Frozen backs, necks, backs with necks attached, rumps and wing-tips of fowls of the species Gallus domesticus	15%+100 euro/t		Free
02071450	Frozen breasts and cuts thereof of fowls of the species Gallus domesticus, with bone in	15%+100 euro/t		Free
02071460	Frozen legs and cuts thereof of fowls of the species Gallus domesticus, with bone in	15%+100 euro/t		Free
02071470	Frozen cuts of fowls of the species Gallus domesticus, with bone in (excl. halves or quarters, whole wings, with or without tips, backs, necks, backs with necks attached, rumps and wing-tips, breasts, legs and cuts thereof)	15%+100 euro/t		Free
02071491	Frozen edible livers of fowls of the species Gallus domesticus	15%+100 euro/t		Free
02071499	Frozen edible offal of fowls of the species Gallus domesticus (excl. livers)	15%+100 euro/t		Free
04011010	Milk and cream of a fat content by weight of $\leq 1\%$, in immediate packings of ≤ 2 l, not concentrated nor containing added sugar or other sweetening matter	15	1,000	Free
04011090	Milk and cream of a fat content by weight of $\leq 1\%$, not concentrated nor containing added sugar or other sweetening matter (excl. in immediate packings of ≤ 2 l)	15		Free
04012011	Milk and cream of a fat content by weight of $\leq 3\%$ but $> 1\%$, in immediate packings of ≤ 2 l, not concentrated nor containing added sugar or other sweetening matter	15		Free
04012019	Milk and cream of a fat content by weight of $\leq 3\%$ but $> 1\%$, not concentrated nor containing added sugar or other sweetening matter (excl. in immediate packings of ≤ 2 l)	15		Free
04012091	Milk and cream of a fat content by weight of $> 3\%$ but $\leq 6\%$, in immediate packings of ≤ 2 l, not concentrated nor containing added sugar or other sweetening matter	15		Free
04012099	Milk and cream of a fat content by weight of $> 3\%$ but $\leq 6\%$, not concentrated nor containing added sugar or other sweetening matter (excl. in immediate packings of ≤ 2 l)	15		Free
04013011	Milk and cream of a fat content by weight of $\leq 21\%$ but $> 6\%$, in immediate packings of ≤ 2 l, not concentrated nor containing added sugar or other sweetening matter	15		Free
04013019	Milk and cream of a fat content by weight of $\leq 21\%$ but $> 6\%$, not concentrated nor containing added sugar or other sweetening matter (excl. in immediate packings of ≤ 2 l)	15		Free
04013031	Milk and cream of a fat content by weight of $> 21\%$ but $\leq 45\%$, in immediate packings of ≤ 2 l, not concentrated nor containing added sugar or other sweetening matter	15		Free
04013039	Milk and cream of a fat content by weight of $> 21\%$ but $\leq 45\%$, not concentrated nor containing added sugar or other sweetening matter (excl. in immediate packings of ≤ 2 l)	15		Free
04013091	Milk and cream of a fat content by weight of $> 45\%$, in immediate packings of ≤ 2 l, not concentrated nor containing added sugar or other sweetening matter	15		Free
04013099	Milk and cream of a fat content by weight of $> 45\%$, not concentrated nor containing added sugar or other sweetening matter (excl. in immediate packings of ≤ 2 l)	15		Free
04051011	Natural butter of a fat content, by weight, of $\geq 80\%$ but $\leq 85\%$, in immediate packings of a net content of ≤ 1 kg (excl. dehydrated butter and ghee)	15%+500 euro/t		Free

Tariff line	Description	MFN applied rate 2014	Volume (metric tonnes)	Rate of duty
04051019	Natural butter of a fat content, by weight, of $\geq 80\%$ but $\leq 85\%$ (excl. in immediate packings of a net content of ≤ 1 kg, and dehydrated butter and ghee)	15%+500 euro/t	1,000	Free
04051030	Recombined butter of a fat content, by weight, of $\geq 80\%$ but $\leq 85\%$ (excl. dehydrated butter and ghee)	15%+500 euro/t		Free
04051050	Whey butter of a fat content, by weight, of $\geq 80\%$ but $\leq 85\%$ (excl. dehydrated butter and ghee)	15%+500 euro/t		Free
04051090	Butter of a fat content, by weight, of $> 85\%$ but $\leq 95\%$ (excl. dehydrated butter and ghee)	15%+500 euro/t		Free
04052010	Dairy spreads of a fat content, by weight, of $\geq 39\%$ but $< 60\%$	20%+500 euro/t		Free
04052030	Dairy spreads of a fat content, by weight, of $\geq 60\%$ but $\leq 75\%$	20%+500 euro/t		Free
04052090	Dairy spreads of a fat content, by weight, of $> 75\%$ but $< 80\%$	20%+500 euro/t		Free
04059010	Fats and oils derived from milk, of a fat content, by weight, of $\geq 99,3\%$ and of a water content, by weight, of $\leq 0,5\%$	20%+500 euro/t		Free
04059090	Fats and oils derived from milk, dehydrated butter and ghee (excl. of a fat content, by weight, of $\geq 99,3\%$ and a water content, by weight, of $\leq 0,5\%$, and natural butter, recombined butter and whey butter)	20%+500 euro/t		Free
16010010	Liver sausages and similar products and food preparations based thereon	15	1,700	Free
16010091	Uncooked sausages of meat, offal or blood (excl. liver)	15		Free
16010099	Sausages and similar products of meat, offal or blood and food preparations based thereon (excl. liver sausages and uncooked sausages)	15		Free
16023211	Uncooked, prepared or preserved meat or meat offal of fowls of the species Gallus domesticus containing $\geq 57\%$ meat or offal of poultry (excl. sausages and similar products, and preparations of liver)	20		Free
16023219	Cooked, prepared or preserved meat or meat offal of fowls of the species Gallus domesticus containing $\geq 57\%$ meat or offal of poultry (excl. sausages and similar products, finely homogenised preparations put up for retail sale as infant food or for dietetic purposes, in containers of a net weight of ≤ 250 g, preparations of liver and meat extracts)	20		Free
16023230	Prepared or preserved meat or meat offal of fowls of the species Gallus domesticus containing $\geq 25\%$ but $< 57\%$ of poultry meat or offal (excl. of turkeys and guinea fowl, sausages and similar products, finely homogenised preparations put up for retail sale as infant food or for dietetic purposes, in containers of a net weight of ≤ 250 g, preparations of liver and meat extracts)	20		Free
16023290	Prepared or preserved meat or meat offal of fowls of the species Gallus domesticus (excl. that containing $\geq 25\%$ meat or offal of poultry, meat or offal of turkeys or guinea fowl, sausages and similar products, finely homogenised preparations put up for retail sale as infant food or for dietetic purposes, in containers of a net weight of ≤ 250 g, preparations of liver and meat extracts and juices)	20		Free
16024110	Hams and cuts thereof, of domestic swine, prepared or preserved	20		Free
16024210	Prepared or preserved shoulders and cuts thereof, of domestic swine	20		Free

Tariff line	Description	MFN applied rate 2014	Volume (metric tonnes)	Rate of duty
16024911	Prepared or preserved domestic swine loins and parts thereof, incl. mixtures of loins or hams (excl. collars)	15	1,700	Free
16024913	Prepared or preserved domestic swine collars and parts thereof, incl. mixtures of collars and shoulders	15		Free
16024915	Prepared or preserved mixtures of domestic swine hams, shoulders, loins, collars and parts thereof (excl. mixtures of only loins and hams or only collars and shoulders)	15		Free
16024919	Meat or offal, incl. mixtures, of domestic swine, prepared or preserved, containing, by weight, >= 80% of meat or offal of any kind, incl. pork fat and fats of any kind or origin (excl. hams, shoulders, loins, collars and parts thereof, sausages and similar products, finely homogenised preparations put up for retail sale as infant food or for dietetic purposes, in containers of a net weight of <= 250 g, preparations of livers and meat extracts)	15		Free
16024930	Prepared or preserved meat, offal and mixtures, of domestic swine, containing >= 40% but < 80% meat or offal of any kind and fats of any kind (excl. sausages and similar products, finely homogenised preparations put up for retail sale as infant food or for dietetic purposes, in containers of a net weight of <= 250 g, preparations of liver and meat extracts)	15		Free
16024950	Prepared or preserved meat, offal and mixtures of domestic swine containing < 40% meat or offal of any kind and fats of any kind (excl. sausages and similar products, homogenised preparations for put up retail sale as infant food or for dietetic purposes, in containers of a net weight of <= 250 g, preparations of liver and meat extracts and juices)	15		Free
16029051	Prepared or preserved meat or meat offal containing meat or offal of domestic swine (excl. of poultry, bovine animals, reindeer, game or rabbits, sausages and similar products, finely homogenised preparations put up for retail sale as infant food or for dietetic purposes, in containers of a net weight of <= 250 g, preparations of liver and meat extracts)	15		Free
17011110	Raw cane sugar, for refining (excl. added flavouring or colouring)	75	5,400	Free
17011190	Raw cane sugar (excl. for refining and added flavouring or colouring)	75		Free
17011210	Raw beet sugar, for refining (excl. added flavouring or colouring)	75		Free
17011290	Raw beet sugar (excl. for refining and added flavouring or colouring)	75		Free
17019100	Refined cane or beet sugar, containing added flavouring or colouring, in solid form	75		Free
17019910	White sugar, containing in dry state >= 99,5% sucrose (excl. flavoured or coloured)	75		Free
17019990	Cane or beet sugar and chemically pure sucrose, in solid form (excl. cane and beet sugar containing added flavouring or colouring, raw sugar and white sugar)	75		Free
17023010	Isoglucose in the solid form, not containing fructose or containing in the dry state < 20% by weight of fructose	75	640	Free
17023051	Glucose "dextrose" in the form of white crystalline powder, whether or not agglomerated, not containing fructose or containing in the dry state < 20% by weight of glucose (excl. isoglucose)	75		Free
17023059	Other isoglucose in the solid form, not containing fructose or containing in the dry state < 20% by weight of fructose	75		Free
17023091	Glucose in the form of white crystalline powder, whether or not agglomerated	75		Free

Tariff line	Description	MFN applied rate 2014	Volume (metric tonnes)	Rate of duty
17023099	Other glucose in the form of white crystalline powder, whether or not agglomerated	75	640	Free
17024010	Isoglucose in solid form, containing in the dry state $\geq 20\%$ and $< 50\%$ by weight of fructose (excl. invert sugar)	75		Free
17024090	Glucose in solid form and glucose syrup, not containing added flavouring or colouring matter, and containing in the dry state $\geq 20\%$ and $< 50\%$ by weight of fructose (excl. isoglucose and invert sugar)	75		Free
17025000	Chemically pure fructose in solid form	75		Free
17026010	Isoglucose in solid form, containing in the dry state $> 50\%$ by weight of fructose (excl. chemically pure fructose and invert sugar)	75		Free
17026095	Fructose in solid form and fructose syrup not containing added flavouring or colouring matter and containing in the dry state $> 50\%$ by weight of fructose (excl. isoglucose, inulin syrup, chemically pure fructose and invert sugar)	75		Free
17029010	Chemically pure maltose, in solid form	75		Free
17029030	Isoglucose in solid form, containing in the dry state 50% by weight of fructose, obtained from glucose polymers	75		Free
1702 90 60	Artificial honey, mixed or not mixed with natural honey	75		Free
17029071	Sugar and molasses, caramelised, containing in the dry state $\geq 50\%$ by weight of sucrose	75		Free
17029075	Sugar and molasses, caramelised, containing in the dry state $< 50\%$ by weight of sucrose, in powder form, whether or not agglomerated	75		Free
17029079	Sugar and molasses, caramelised, containing in the dry state $< 50\%$ by weight of sucrose (excl. sugar and molasses in powder form, whether or not agglomerated)	75		Free
1702 90 99	Sugars in solid form, incl. invert sugar, and sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose, not containing added flavouring or colouring matter (excl. cane or beet sugar, chemically pure sucrose and maltose, lactose, maple sugar, glucose, fructose, maltodextrine, and syrups thereof, isoglucose, inulin syrup, artificial honey and caramel)	75		Free

Source: Moldova authorities.