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TECHNICAL UNIVERSITY
OF MOLDOVA**

**TRAINING CENTRE
OF CUSTOMS STAFF.
CUSTOM SERVICE OF THE
REPUBLIC OF MOLDOVA**

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GUIDE

**regarding the export, re-export, import and transit of
strategic goods**



Chișinău, 2019

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The STCU is an intergovernmental organisation that is funded by the European Union and the US Government and aims to advance global peace and prosperity through cooperative Chemical, Biological, Radiological, and Nuclear (CBRN) risk mitigation by supporting civilian science and technology partnerships and collaboration that address global security threats and advance non-proliferation in Ukraine, Georgia, Moldova and Azerbaijan.

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ABBREVIATIONS

AG	The Australia Group
APS	The Agency of Public Service Long Term Program of the German Federal Agency for Economic Affairs and Export Control
BAFA	Long Term Program of the German Federal Agency for Economic Affairs and Export Control
BTWC	Biological Weapons Convention
CBRN	Chemical, Biological, Radiological and Nuclear
CWC	Chemical Weapons Convention
EC	The European Council
EU	The European Union
EUBAM	European Union Border Assistance Mission
GD	Government Decision
HCOG	Hague Code of Conduct against Ballistic Missile Proliferation
IAEA	The International Atomic Energy Agency
ICC	The Interdepartmental Control Commission
MD	Ministry of Defence of the Republic of Moldova
MECR	Multilateral Export Control Regime
MTCR	Missile Technology Control Regime
NARNRA	The National Agency for Regulation of Nuclear and Radiological Activities
NATO	North Atlantic Treaty Organization
NSG	Nuclear Suppliers Group
NPT	Non-Proliferation Treaty
OPCW	The Organization for the Prohibition of Chemical Weapons
PCI	Proliferation Security Initiative
SIS	Security and Intelligence Service of the Republic of Moldova
STC	Strategic Trade Control
STCU	The Science and Technology Centre in Ukraine
UAV	Unmanned Aerial Vehicles

U.S.	The United State of America
UN	The United Nations
UNICRI	The United Nation Interregional Crime and Justice Research Institute
UNSCR	United Nation Security Council Resolution
WA	Wassenaar Arrangement
WMD	Weapons of Mass Destruction
ZC	The Zangger Committee

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FOREWORD

Export, re-export, import and transit control is an extremely complex domain, conceptually recognized as a common standard in the European Union since 1994. The international trade security dimension aims at controlling the products, technologies and services that can be used in the development, manufacture, storage of chemical, biological, radiological, nuclear weapons of mass-destruction (WMD).

Developments in this area are strongly influenced by the world globalization trends, including those related to the export of arms and dual-use goods, civilian and military items. Considering that operations with strategic products are characterized by increased dynamics and sensitivity, the Council of the European Union adopted (in year 2000) the Regulation no. 1334 on the establishment of a community regime for dual-use items and technology exports control¹, as a basic condition for contesting the proliferation of weapons of mass destruction (WMD), while respecting the principle of free movement of goods within the EU.

This guide on the control of export, re-export, import and transit of strategic goods is designed as a reference point for economic entities, for export, re-export, import and transit authorization and control entities of dual use items, components of CBRN materials. The guide briefly describes the objectives, the control policy in this area, and the ways the Government can impose prohibitions on export, re-export, import or transit of strategic goods, or regulate them through the existing authorization system.

The guide describes the types of authorizations for export, re-export, import and transit transactions, presents the lists of goods mentioned in the annexes. These lists are periodically updated within the working groups on multilateral export control regimes. All these are compiled in an exhaustive list of the European Commission reflected in the Annexes to Regulation (EC) No 428/2009 on dual-use items of 4 May 2009 (published in the Official Journal of the EU on 27 May 2009, last amended on 10 October 2018 by the Commission Regulation (EU) 2018/1922). This Regulation provides that dual-use items are subject to operational control when

exported from the EU, transit through the EU or delivered to a third country, because of brokering services, provided by an intermediary residing in the EU.

Taking into account the commitments provided in the Association Agreement with the European Union, the Republic of Moldova be guided by the European legislative framework, including in the field of export control of strategic goods. For these reasons, the national strategic and dual destination goods List are periodically updated, as proposed by the EU, and being implemented through Government Decisions.

1. INTERNATIONAL COMMITMENTS OF THE REPUBLIC OF MOLDOVA

The Republic of Moldova (RM) is a signatory of several international treaties and conventions, being unofficially associated with the export control, re-export, import and transit of strategic goods.



The regulation of activities in this area serve the following aspects:

- regional security;
- national security;
- foreign policy needs;
- obligations resulting from international treaties and commitments;
- non-proliferation policy on WMD;
- concerns about the development and geographical spread of terrorism.

1.1 International Conventions and Treaties

The non-proliferation treaty and international agreements provisions, as well as the relevant United Nations (UN) Security Council Resolutions on WMD, are the major international non-proliferation standards for signatory States, being legal supported by the most national governments.

The RM is part of the main treaties and international agreements - the pillars of non-proliferation, adhering to or ratifying:

- Treaty on the Non-Proliferation of Nuclear Weapons. RM ratified it in 1994.
- The Comprehensive Nuclear-Test-Ban Treaty (CTBT). RM signed it in 1997, ratified in 2007.

- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction (CWC). RM ratified it in 1995, in force 1997.
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC). RM signed it in 2005.
- The International Code of Conduct against Ballistic Missile Proliferation, also known as The Hague Code of Conduct (HCOC). RM signed it in 2002.

Treaty on the Non-Proliferation of Nuclear Weapons

The objective of the Treaty on the Non-Proliferation of Nuclear Weapons, commonly known as the Non-Proliferation Treaty or NPT² is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy in order to achieve the nuclear disarmament. The Treaty obliges the signatory states to regulate trade in nuclear weapons, explosive nuclear devices, fissionable special sources or materials, as well as related equipment and materials.

The provisions of the NPT, particularly article II, envisage that each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transfer or whatsoever of nuclear weapons, or other nuclear explosive devices, or of control over such weapons, or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III, paragraph 2 sets out that each State Party to the NPT to control export of specified nuclear materials, and undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful

purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

The NPT established a guarantee scheme under the responsibility of the International Atomic Energy Agency (IAEA), which is authorized to inspect and verify the fulfilment of the provisions of the Treaty. The IAEA Secretariat, with the active sustaining of the EU and several Member States, carries out different support activities under the Additional Protocol, the Small Quantities Protocol, including organization of nuclear safeguards seminars.

The Comprehensive Nuclear-Test-Ban Treaty

The Comprehensive Nuclear-Test-Ban Treaty (CTBT)³ is a multilateral treaty that bans all nuclear explosions, for both civilian and military purposes, in all environments. The nuclear testing regime is designed to detect any nuclear explosions on the ground, underground, underwater, or atmosphere. The purpose of the verification regime is to monitor compliance with the provisions of the CTBT, which fully proxies nuclear explosions.

The verification regime consists of the following elements: International Monitoring System, International Data Centre, and Global Communication Infrastructure and field inspections.

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the Chemical Weapons Convention or CWC)⁴ aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties. States Parties, in turn, must take the steps

necessary to enforce that prohibition in respect of persons (natural or legal) within their jurisdiction.

All States Parties have agreed chemically disarm by destroying any stockpiles of chemical weapons they may hold and any facilities, which produced them, as well as any chemical weapons they abandoned in the past on the territory of other States Parties. States Parties have also agreed to develop a verification regime for certain toxic chemicals and their precursors (listed in List 1, 2 and 3 in the Annex on Chemicals) in order to ensure that such chemicals are only used for purposes not prohibited under the CWC.

The Convention is an arms control treaty that outlaws the production, stockpiling, and use of chemical weapons and their precursors. The purpose of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and their destruction is to stop the development, production, storage and use of chemical weapons worldwide. CWC is the first binding multilateral treaty to eliminate an entire category of WMD within a fixed timeframe.

The CWC obliges States Parties to implement a controlling system of production and trade of certain chemicals, the so-called scheduled chemicals. Signatory countries must have a registration and authorization system for these categories of chemicals (included in the so-called "lists"). The chemical industry and companies must provide regular information on production, processing, use and import / export / transit of chemicals. The designated national authority hands over this information to the Organization for the Prohibition of Chemical Weapons.

The CWC Annex on Chemicals contains three lists of chemical agents and precursors, the trade of which is properly regulated in the States Parties.

- List no. 1: Specify the agents and precursors, which refer directly to chemical weapons and are not used or used in insignificant quantities for other purposes.
- List no. 2: Enumerate the chemicals for limited trade and refers to chemical weapons.

- List no. 3: Contain the dual use chemicals and broad commercial destination.

According to Article I of the CWC, States Parties undertake not to create, produce, acquire, store, or transfer chemical weapons (directly or indirectly) to other persons.

The CWC inspection is truly pioneered in international law. This means that any State Party that has doubts about compliance with the rules established by another State Party may request the Director-General to send an inspection team. In this inspection procedure, the States Parties to the CWC, undertake to respect the principle of inspections "anytime and anywhere" without a right of refusal.

The Organization for the Prohibition of Chemical Weapons (OPCW) was set up to implement the provisions of the CWC in order to achieve the vision of a world free of chemical weapons and threat, where chemistry is designated exclusively for peaceful purposes, for progress and prosperity. The OPCW and its member states continue to commit themselves as states that are not parties to the OPCW to understand the value of the CWC and its contribution to regional and international peace and security. The CWC Universal Action Plan, developed in 2003, guides these activities.

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and of their Destruction

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC)⁵ is successor of the "Protocol prohibited the use in war of asphyxiating, toxic or similar gases and bacteriological means" (adopted by the League Nations, Geneva, June 17, 1925). It is the *first Universal Treaty* that prohibited the development, production, acquisition, transfer, retention, storage and use:

- *of biological agents and toxins "of types and quantities that have no justification for prophylactic, protective or other peaceful purposes";*
- *weapons, equipment and delivery vehicles "designed to use such agents or toxins for hostile or armed conflicts".*

According to the Article III of the BTWC, States Parties to the convention undertake not to transfer to any beneficiary, either directly or indirectly, and in any way assist, induce or imply any state, group of states or international organizations in production or acquisition, in other ways, microbial or other biological or toxin substances (regardless of their origin or method of production), the type and quantities of which do not comply with preventive, protective or other peaceful purposes.

Unlike the CWC, the BTWC does not have an evidence mechanism to monitor compliance, and the negotiations on the creation itself have not been finalized so far. The treaty regime mandates States Parties to deal with compliance issues; consults each other and allows them to submit a complaint to the UN Security Council.

Following the evolution of more sophisticated and complex terrorist threats and actions, there has been a clear interest in implementing the BTWC and ensuring worldwide participation. States Parties have agreed to promote the effective implementation of the BTWC at national level, including integration into education, mobilization, and awareness. In this respect, a small support unit for BTWC implementation, responsible for information, was created within the Geneva Branch of the United Nations Office for Disarmament Affairs. The Council of the European Union approved a decision (PESC) in support of BTWC⁶. Education, information and awareness-raising activities take place within the scientific, professional and academic associations, organizations and institutions of the States Parties.

The Arms Trade Treaty



The RM signed the Arms Trade Treaty (ATT)⁷ in 2013; it entered into force in 2014 and ratified in 2015. The first report was presented in 2017. This Treaty provides that each state party

shall adopt measures aimed at the implementation of national laws and regulations leading to the successful implementation of the Treaty's provisions.

Article 15 refers to the States Parties powers, which provide mutual assistance for investigation, prosecution and judicial proceedings related to the violation of the national legal obligations established by the Treaty.

United Nations Security Council Resolution 1540 (UNSCR 1540)

The United Nations Security Council Resolution (UNSCR 1540)⁸ (2004) is the pillar of the international community efforts in the field of Strategic Trade Control (STC).

The Resolution sets out obligations (in accordance with Chapter VII of the UN Charter) of Member States to develop and implement legal and regulatory measures appropriate to the non-proliferation of chemical, biological, radiological and nuclear weapons and their means of delivery, the dissemination of weapons of destruction. It is worth noting that this resolution recognizes non-state proliferation as a threat to international peace and security (Chapter VII of the UN Charter).

The UNSCR 1540 decided that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes. The resolution requires all States to adopt and enforce appropriate laws to this effect as well as other effective measures to prevent the proliferation of these weapons and their means of delivery to non-State actors, in particular for terrorist purposes.

By virtue of its universal and binding character, UNSCR 1540 marks a deviation from previous non-proliferation agreements and adds a new level to the non-proliferation regime. Until the resolution was adopted, the non-proliferation regime was based on numerous overlapping agreements that did not impose binding universal obligations.

UNSCR 1540 supports and relies on certain obligations to regulate the various types of commercial transactions specified in international treaties and agreements, and states that all states must establish effective systems for regulating trade in ADM related materials.

UNSCR 1540 provides that States:

- refrain from supporting countries that are not part of this resolution and who are trying to develop, supply, produce, possess, transport, transfer or use nuclear, chemical or biological weapons, and means of delivery;
- develop and implement measures to detect, discourage, prevent and combat broker activity with such objects;
- establish, develop, revise the laws and regulations governing export, re-export, transit, transshipment, including financing and related services, and conduct national end user controls.

The RM regularly reports to UNSCR 1540 Council Committee the fulfilment of its commitments. Four national reports (2004, 2005, 2007, and 2013) were presented. Based on them, the UNSCR Matrix 1540 for RM has been revised (2004, 2005, 2008, and 2013).

1.2 International Export Control Regime for Dual-Use Goods

The Hague Code of Conduct against proliferation of ballistic missiles (HCOC)

The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC)⁹ was adopted on 25-26 November 2002. It complements the MTCR and is the only multilateral instrument for transparency and confidence building on ballistic missile proliferation. HCOC is a negotiated multilateral code outside the context of the UN system and recognized through multiple United Nations Resolutions on Missile Technology Control Regime. RM is part of the HCOC from 2002.

Security Initiative against Proliferation (PSI)



The Proliferation Security Initiative (PSI)¹⁰ is a voluntary global initiative launched by US President George W. Bush in 2003. It is a global effort that aims to stop trafficking of WMD, their delivery systems, and related materials to and from states and non-state actors of proliferation concern. The PSI conducts information activities to identify, develop and promote the capabilities and critical practices of PSI within the PSI community, organizes lectures, exercises and mobilization seminars.

The Prohibition Principle Declaration, which includes all PSI participants, provides common standards for banning proliferation-relevant cargo. The 2013 political summit identified four critical capacities and practices:

- (i) prohibition of proliferation;
- (ii) searching for and identifying illicit goods related to WMD;
- (iii) seizure and disposal thereof; and
- (iv) taking decisions quickly in cases of interdiction.

The RM supports and participates in this international initiative.

Container Security Initiative (CSI)



As the single, unified border agency of the United States, U.S. Customs and Border Protection's (CBP) mission is extremely important to the protect territory and people. Within months of terrorist attacks from 11 September 2001, U.S. Customs Service had created the Container Security Initiative (CSI).

CSI addresses the threat to border security and global trade posed by the potential for terrorist use of a maritime container to deliver a weapon. CSI proposes a security regime to ensure all containers that pose a potential risk for terrorism are identified and inspected at foreign ports before they are

placed on vessels destined for the United States. U.S. CBP has stationed teams of U.S. CBP Officers in foreign locations to work together with the host foreign government counterparts. Their mission is to target and pre-screen containers and to develop additional investigative leads related to the terrorist threat to cargo destined to the U.S.


CSI is now operational in ports in North America, Latin America and Central America, Europe, Africa, Asia, including the Middle East.

The three core elements of CSI are:

- Identify high-risk containers, U.S. CBP and Border Protection's CBP uses automated targeting tools to identify containers that pose a potential risk for terrorism, based on advance information and strategic intelligence.
- Pre-screen and evaluate containers before they are shipped. Containers are screened as early in the supply chain as possible, generally at the port of departure.
- Use technology to pre-screen high-risk containers to ensure that screening can be done rapidly without slowing down the movement of trade. This technology includes large-scale X-ray and gamma ray machines and radiation detection devices.

Through CSI, custom officers work with host customs administrations to establish security criteria for identifying high-risk containers. Those administrations use non-intrusive inspection (NII) and radiation detection technology to screen high-risk containers before they are shipped to U.S. ports.

Multilateral embargos

 It is important to analyze periodically information on embargoes, as they may vary from one country to another, depending on how the embargo is implemented. For example, some EU¹¹ embargoes directly implement UN decisions; others modify the geographical scope or coverage of the included types of

weapons. Countries have the right to implement their own embargoes, regardless of those applied by the UN.

1.3 Multilateral export control regimes

The Republic of Moldova is not a part and is not considered as an adherent country of informal groups of multilateral export control regime (MECR).

There are following four main MECR:

- The Nuclear Suppliers Group
- The Australia Group
- The Wassenaar Agreement
- The Zangger Committee.

•

These are volunteer consensus-based units that empower States to exchange sensitive information on commodities, software and technologies related to WMD, including conventional weapons, and to set common standards for trade regulation.

Each of them develops, maintains and updates the common control lists of the appropriate items, including the detailed description, technical specifications and the types of transactions, which Member States and adhering Member States should regulate them, including their application methods.

The adoption of MECR checklists and the integration of principles and directives into national laws and institutions are practical ways in which states tend to respect the international non-proliferation treaty and UNSCR 1540 obligations. As the MECR facilitates international legal compliance, and since many major suppliers and transit / transshipment countries all over the world are part of the MECR or adhere to the MECR directives, national review of checklists and their provisions is one of the best international practices in the field of strategic trade control.

Missile Technology Control Regime (MTCR)



The focus of the Missile Technology Control Regime (MTCR) is to limit the proliferation of missiles, rocket materials, full rocket systems, unmanned aerial vehicles and related technologies, designed for systems capable of carrying the payload of 500 kilograms at the distance of at least 300 km, as well as for ADM delivery systems. This regime also considers the challenges associated with intangible technology transfer as well as the importance of broker, transit and transshipment controls. The MTCR has grown to include 35 member countries that have agreed to coordinate their national export controls to stem missile proliferation.

The RM is part of MTCR¹² (signed in 2013, ratified in 2015). The Initial Report (2016) and the First Annual Report (2017) have been presented so far.

The MTCR maintains a list of objects (Annex "Equipment, Software and Technologies"), the transfer of which is regulated by MTCR members and adherents.

The appendix is divided into two categories:

Category I specifies complete rocket systems, Unmanned Aerial Vehicles' (UAE), subsystems and production capabilities that cannot be exported or exported in exceptional cases.

Category II specifies full rocket systems and UAE not included in Category I as well as dual-use equipment, materials and technologies, which can be exported if the six criteria for the risks of incorrect use are met (<http://mtcr.info/guidelines-for-sensitive-missile-relevant-transfers/>).

Nuclear Suppliers Group



The Nuclear Suppliers Group (NSG)¹³ has the aim to prevent the proliferation of nuclear weapons through an appropriate export control system. The NSG contributes to restricting the

export of sensitive items that may lead to the proliferation of nuclear weapons. The NSG harmonizes the process of implementing export controls for nuclear, dual-use equipment, materials and technologies (including software). The goal of NSG is to implement two sets of guidelines for exports of nuclear dual use products and equipment. Through its activities, NSG seeks not to interfere with international cooperation in the peaceful uses of nuclear energy.

The Guidance on the Export of Materials, Equipment and Nuclear Technologies:

Guidelines for nuclear Transfers (IAEA INFCIRC/254, Part 1)

The fundamental principles for safeguards and export controls should apply to nuclear transfers for peaceful purposes to any non-nuclear-weapon state and, in the case of controls on retransfers, to transfers to any State. In this connection, suppliers have defined the so-called trigger list. This list includes guidelines for nuclear transfers such as physical protection, safeguards, special controls on sensitive exports, special arrangements for export of enrichment facilities, controls on material usable for nuclear weapons, controls on retransfers as well as supporting activities.

Annexes of the guidelines govern the export of items that are especially designed or prepared for nuclear use. These include in the first annex (Annex A) material and equipment as well as technology associated with each of the items on the trigger list.

The second annex (Annex B) includes clarification of items on the trigger list:

- nuclear reactors and equipment there for;
- non-nuclear material for reactors;
- plants and equipment for reprocessing;
- plants and equipment for fabrication of nuclear fuel elements;
- plants and equipment for separation of isotopes;
- plants for heavy water production; and
- plants and equipment for conversion.

A further annex (Annex C) describes criteria for levels of physical protection.

Guidelines for transfers of nuclear-related dual-use equipment, materials, software, and related technology (IAEA INFCIRC/254, Part 2)

With the objective of averting the proliferation of nuclear weapons and preventing acts of nuclear terrorism, suppliers have considered procedures in relation to the transfer of certain equipment, materials, software, and related technology that could make a major contribution to a “nuclear explosive activity,” an “unsafeguarded nuclear fuel-cycle activity” or acts of nuclear terrorism. In this connection, suppliers have agreed on the following principles, common definitions, and an export control list of equipment, materials, software, and related technology.

This second set of NSG Guidelines governs the export of nuclear related dual-use items and technologies, that is, items that can make a major contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity, but which have non-nuclear uses as well, for example in industry. The list includes Guidelines for the transfer of dual-use goods, which are listed in the annex. The annex lists the following categories:

- industrial equipment;
- materials;
- uranium isotope separation equipment and components (other than trigger list items);
- heavy water production plant related equipment (other than trigger list items);
- test and measurement equipment for the development of nuclear explosive devices;
- components for nuclear explosive devices.

There is no formal link between the NSG and the UN, but by implementing NSG guidelines and annexes at national level, the NSG helps governments to fulfil their national export control obligations - in line with UNSCR 1540 and, in particular, Article III.2 of the NPT. Therefore, the

NSG has set out the normative basis and legitimacy of the NPT, to which all NSG members are States Parties.

Australia Group

All states participating in the Australia Group (AG) are parties to the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC), and strongly support efforts under those Conventions to rid the world of CBW.

The purpose of the AG¹⁴ Group is to promote licensing / authorization measures among participating States by ensuring that export of specified chemicals, biological agents, dual-use chemical and biological production facilities and equipment does not contribute to the proliferation of chemical and biological weapons. AG supports five lists of objects (common control lists) for export to which members of AG, adherents require a license / authorization:

- *List of Chemical Weapons Precursors (including CWC List Items)*
- *List of production capacities, equipment, related technologies and software for the manufacture of dual-use chemicals*
- *List of equipment, related technologies and software for the production of dual-use biological products*
- *List of human and animal pathogens and toxins*
- *List of plant pathogens.*

The lists and the AG Guide are reviewed annually.

The AG Directive for the Transfer of Sensitive Chemical and Biological Substances provides certain key principles that AG members and adherents should take into account in assessing trade with chemical, biological and other dual use related products. The directive aims to limit the risks of proliferation and terrorism related to chemical and biological weapons, empowering governments to carry out controls on tangible and intangible transfers of such objects to states or other non-state entities. The directive also provides for members to "have or to take certain measures", which

would allow them to act appropriately in the case of broker services by looking at the items included in Joint Control Lists.

Wassenaar Agreement



The WA¹⁵ promotes transparency, information sharing, measures to encourage the transfer of conventional arms, dual-use goods and technology, and military destination. WA members establish and implement national policies that ensure transparent trade in accordance with the rules established for such objects that do not support the expansion of military capabilities that could undermine the regime's objectives or cause improper use.

WA maintains two extensive control lists:

- *List of ammunition that specifies conventional weapons, software, technology, parts and components, the marketing of which must be regulated by WA members and adherents*
- *Dual-use list of products and technologies that specify 10 categories of products, software and dual-use technologies, including materials, electronic technology, computers and special telecommunication objects.*

The WA document "Best practices for effective legislation on arms brokering" stipulates the measures that participating States should take into account, regulate arms brokering, including the registration and licensing of transactions. Another WA document, dedicated to "Best Practices for Implementing Intangible Technology Transfer Control", calls for States to rigorously control intangible transfers of dual-use items and technologies.

The WA Directive reiterates the importance of regulating transit, transshipment, brokering and re-export activities as well as guarantees to end-users, the role of scrutiny. WA implements an information program for stakeholders aimed at encouraging the adoption of WA standards and

promoting an effective national export control. The WA organizes annual briefings, information seminars, workshops and other events.

Concerning conventional weapons and dual-use goods, WA completes export control regimes aimed at preventing the proliferation of weapons of mass destruction (Figure 1).

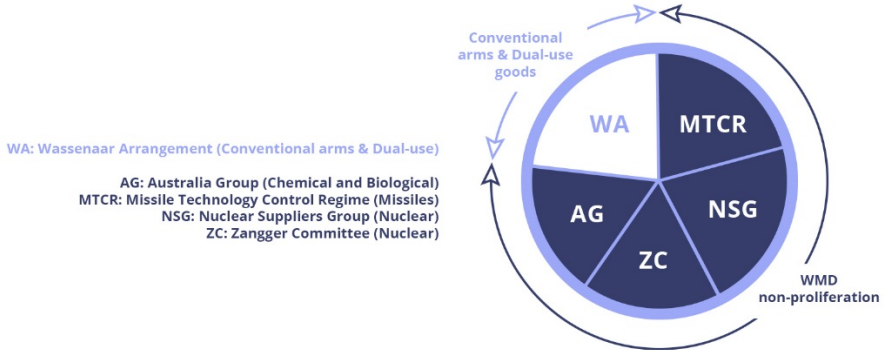


Figure 1

Zangger Committee

Also known as the "NPT Exporters Committee"



ZANGGER COMMITTEE

The Zangger Committee (ZC)¹⁶ was created after the entry into force of the Nuclear Non-Proliferation Treaty aiming at the scientific interpretation of Article III, paragraph 2 of the NPT, on the harmonization of export control policies for nuclear materials.

The ZC was formed following the coming into force of the Nuclear Non-Proliferation Treaty (NPT), to serve as the "faithful interpreter" of its Article III, paragraph 2, to harmonize the interpretation of nuclear export control policies for NPT Parties.

The Committee has been focusing on what is meant in Article III.2 of the Treaty by "especially designed or prepared equipment or material for the processing, use or production of special fissionable material." The ZC maintains a Trigger List (triggering safeguards as a condition of supply) of

nuclear-related strategic goods to assist NPT Parties in identifying equipment and materials subject to export controls.

The International Atomic Energy Agency (IAEA) in the INFCIRC/209 series¹⁷ publishes the Trigger List and the Zangger Committee's understandings

As circumstances change in the use of nuclear technology, ZC's mission under the NPT is to consider changing security aspects and adapting timely the conditions and criteria of control, depending on needs.

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare

Geneva Protocol¹⁸ is a treaty prohibiting the use of chemical and biological weapons in international armed conflicts. It was signed in Geneva on 17 June 1925 and entered into force on 8 February 1928. The Geneva Protocol is a protocol to the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War signed on the same date, and followed the Hague Conventions of 1899 and 1907.

It prohibits the use of "asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices" and "bacteriological methods of warfare". This is now understood to be a general prohibition on chemical weapons and biological weapons, but has nothing to say about production, storage or transfer. Later treaties did cover these aspects — the 1972 Biological Weapons Convention (BWC) and the 1993 Chemical Weapons Convention (CWC).

The main elements of the protocol are now considered by many to be part of customary international law (BTWC).

2. NATIONAL REGULATORY REGIME

2.1 Responsible authorities

Parliament:



- determines state policy in the field of export control, re-export, import and transit of strategic goods;
- approves the list of countries for which restrictions may be imposed on export, re-export,

import and transit of strategic goods.

Government:

- submits proposals to Parliament for restrictions on the export, re-export, import and transit of strategic goods;
- creates and develops the national control system for the export, re-export, import and transit of strategic goods;
- approves the nomenclature of strategic goods under control;

The Ministry of Economy and Infrastructure has the following functions:

- initiates draft normative acts, elaborates regulations in common with other competent authorities in the field, according to the law, and collaborates with them for the application of the provisions;
- informs the Interdepartmental Control Commission about the operations with strategic goods that are regulated by normative acts;
- organize, with the support of ministries, departments, national and international organizations, programs for economic agents informing about the principles, objectives, norms and procedures regarding the regime of exports, re-exports, imports and transit of strategic goods;
- represents the Republic of Moldova in the activities of the international bodies responsible for control of exports and imports of strategic goods;
- cooperates with similar authorities in other states to: inform and consult the applications on authorization for export, re-export, import and

transit of strategic goods; update and implement relevant regulations, including Nomenclature; notifies violations of the control regime;

- initiates, together with the competent institutions, the update of the Nomenclature in accordance with the international commitments assumed by the Republic of Moldova;
- initiates, in cooperation with the relevant ministries and departments of the Republic of Moldova, actions to promote the interests of the Republic of Moldova in relations with the international bodies for control of exports, re-exports, imports and transit of strategic goods.

The Public Services Agency (APS)¹⁹ is the body empowered by law to issue, extend, suspend or revoke export, re-export, import and transit licenses for strategic goods.

The APS carries out the following functions:

- a) verifies, as appropriate, the relevant aspects regarding transactions with strategic goods, observing of their destination and end-use, involving, where necessary, the relevant ministries, departments and organizations;
- b) verifies the conformity and accuracy of the declarations of the persons engaged in strategic transactions;
- c) assesses and accepts, as appropriate, the international import and final user certificate or equivalent documents issued or certified by the competent authorities of the importing partner countries for the purpose of issuing export licenses for strategic goods;
- d) issues the International Import Certificate, the end user certificate as well as the delivery verification certificate for the import of strategic goods;
- e) receives and examines applications for authorization for export, re-export, transit or import of strategic goods;
- f) issues, on the basis of the ICC 's decision, the export, re-export or import authorizations strategic goods;
- g) issues, for non-commercial operations, on the basis of the ICC's decision, authorization for import, export, re-export and transit of

strategic goods, as well as the documents requested by the external partners;

h) in case of violation of the Regulation provisions, with the help of the competent bodies in the field, stops or prohibits export, re-export, import, transit, transshipment or other transfers of strategic goods;

i) provide, upon request, specialized advice to economic agents and other persons interested in performing export, re-export, import or other operations with strategic goods.

The Parliament of the Republic of Moldova (Section II, Annex I of the Law no 160/2011, Law no 132/2012 empowered The National Agency for Regulation of Nuclear and Radiological Activities (NARNRA)²⁰ for authorization of nuclear and radiological activities. It should be noted, that the authorization issued by NARNRA does not exonerate the economic agent from authorization for import / export / re-export / transit for strategic goods obtaining from the APS.

The Customs Service²¹ is the national authority responsible for border control of strategic / dual destination goods.

The Customs Service of the Republic of Moldova (CS RM) controls the movement of controlled goods across the customs border and admits, exclusively on the basis of authorizations in the field of export control, re-export, import and transit of strategic goods, and is the authorized body for the implementation of the national legislation and the fulfillment of the international obligations of the Republic of Moldova.

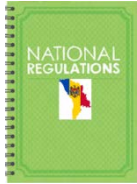
Other state authorities that have direct or indirect powers in the process of regulating the export, re-export, import and transit of strategic and dual-use goods.

Third authorities may delegate experts to be included in the composition of the ICC for the Control, Export, Re-export, Import and Transit of Strategic Goods. The ICC's decision serves as a ground for issuing / refusing authorization by the Public Services Agency.

The State Authorities grant, upon request, specialized advice to economic agents and other persons interested in carrying out export, re-

export, import or other strategic goods operations subject to the regulatory regime regulated by law.

2.2 National legislative framework



Law no. 160/2011 on regulating through authorization the entrepreneurial activity²² is an organic law that establishes the legal framework for regulation by authorizing the entrepreneurial activity in the Republic of Moldova, as well as the Nomenclature of permissive acts with approved authorities involved in the process of issuing the permissive act, including strategic and dual destination goods.

Law no. 160/2011 presents the basic definitions of the authorization process:

permissive act – document or an inscribed document stating that the issuing authority is aware of certain legal facts and the fulfillment of the conditions established by the law, certifying that the applicant has a set of rights and obligations to initiate, develop and/or terminate the entrepreneurial activity or associated and indispensable actions. The permissive act may have the name of a license, authorization, permit, certificate, opinion, approval, patent, qualification certificate;

issuing authority - any organizational structure or public body, established by law or other normative act, as well as their subordinated institutions, with regulatory and / or control functions, acting under a public power regime in order to achieve a public interest;

one-stop (windows) shop - allows parties involved in business to provide information and documents through a single point (office) of receipt.

Law on the control of export, re-export, import and transit of strategic goods, no. 1163/2000²³ regulates the principles and procedure for controlling the export, re-export, import and transit of strategic goods, establishes the general provisions on such activity in order to ensure Moldova's national security, to promote the foreign policy of the country

and to participate in international efforts on control. For the meaning of the law, the following mean:

weapons of mass destruction - chemical, bacteriological (biological) radiological, nuclear or missile weapons capable of carrying such weapons;

dual use products (goods) - all technical and scientific knowledge, processes, materials and equipment used in development, production and exploitation of civilian items, which may be used in military, nuclear, chemical, biological, other types of weapons of mass destruction creation and means of carrying such weapons and conventional weapons.

According to the law, before export, import, transit, re-export and / or extra-territorial trade of goods, economic agents must obtain an authorization for:

a) *products, technologies and services that have dual use (civilian and military) and whose activity is carried out under a special confidential regime;*

b) *armaments, ammunition, military equipment, related technologies and services;*

c) *products, technologies and services which may be used in the manufacture and use of nuclear, chemical, biological and missile weapons, which may be carriers of such weapons;*

d) *other products, technologies and services requiring special control in the interest of national security or foreign policy in accordance with international agreements and arrangements to which the RM is party.*

Law no. 132/2012 on the Safe Development of Nuclear and Radiological Activities²⁴ the provisions of Article 3, applies to import, export, re-export and temporary admission or temporary export of sources of ionizing radiation, including nuclear material, nuclear fuel, and radioactive waste.

Article 4 of the Law defines:

radiological authorization - permissive act issued for activities not exempted by the authorization regime because of the assessment of

compliance and observance of the conditions of nuclear and / or radiological activities;

partial radiological authorization - radiological authorization issued for a phase of a nuclear or radiological activities in the established field and within the time interval.

Article 19 (c), d) of the Law establishes the authorization regime in the nuclear and radiological field and also refers to the import / export, temporary admission or temporary export of sources of ionizing radiation and radioactive sources.

According to the normative acts, the applicant submits to NARNRA a request according to the model (Annex 6) and a file containing the necessary documents according to the type of activity (Annex 7)²⁵. In accordance with the article 9 of the Law 1163/2000 the Customs Service allows import, export, re-export or transit of such goods on presentation of original authorizations (Annexes 13 - 20) issued by APS and accompanied by respective Radiological Authorization (Annex 9).

Article 18 of the Law no.132/2012 provides for the Customs Service to carry out the control, which allows the export, re-export, import and temporary admission or temporary export or transit of sources of ionizing radiation, equipment with ionizing radiation sources, nuclear or radioactive materials, as well as information pertinent to proliferation of nuclear weapons or other explosive nuclear devices, only at the presentation of the NARNRA authorization.

Government Decision (GD) no. 1392/2005²⁶ approves the Methodological Norms regarding technical procedures for application of the provisions of Law no. 358-XV of 5 November 2004 on implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction. Control of compliance is attributed to the Ministry of Economy and Infrastructure.

GD no. 606/2002 (updated April 03, 2019)²⁷ on the National System for Export Control, Re-export, Import and Transit of Strategic Goods in RM ensures the implementation of the Law no.1163 / 2000 on export control, re-export, import and transit of strategic goods. This decision provides for

the setting up of the Interdepartmental Commission for control, export, re-export, import and transit of strategic goods (ICC), as well as the Regulation of this Commission.

The ICC's activity is provided by the APS, which, based on the Commission's decisions, will ensure issuance and registration of authorizations, certificates and other documents, necessary for export, re-export, import and transit of strategic goods.

The Interdepartmental Committee for control, export, re-export, import and transit of strategic goods for control, export, re-export, import and transit of strategic goods has the following functions:

- examines and makes decisions on the issuance of export, re-export, import and transit authorizations of strategic goods on the territory of the RM;
- decides to suspend or cancel the authorization for export, re-export, import and transit of strategic goods if the authorized economic operator has violated the provisions of legislation in force in the respective field, taking into account the international commitments and state policy in the field of strategic traffic control.

The ICC set up working groups with the participation of experts from other ministries and institutions to examine and prepare proposals for resolving issues related to the legal regulation of export control, re-export, import and transit of strategic goods.

Annex no. 2 to GD no. 606/2002 approves the Regulation on the control regime for export, re-export, import and transit of strategic goods and Annex no. 3 approves the Nomenclature of Strategic Goods Controlled, consisting of two parties. Part I concerns the List of dual-use items and technologies, Part II - Military Goods List.

GD no. 727/2014 regulates the authorization of the nuclear and radiological activities, for import, export, re-exports and transit operations on the authorization of nuclear and radiological activities.

3. STRATEGIC GOODS. CLASSIFICATION



Strategic goods can be considered as goods of security reasons or on the basis of the international agreements are taken into account to be of military importance, their export is either totally prohibited or subject to certain specific conditions or restrictions.

This type of goods are in general suitable to be used as in military purposes either in Weapon of Mass Destruction (WMD). The definition of strategic goods is used for both matters as for military goods and for the dual-use goods.

The Dual-use goods and technologies are primarily designed for civilian purposes, but at the same time can also have a military application (so-called conventional dual-use goods), or they can have an application in the development and production of WMD or missiles that can carry these weapons. From a legal point of view, each country has the possibility to determine which goods are to be classified as "military".

RM has as reference the EU Control List, which is based on multilateral export control regimes such as The Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, The Nuclear Suppliers Group (NSG), for the control of nuclear related technology, The Australia Group (AG) for control of chemical and biological technology that could be weaponized, The Missile Technology Control Regime (MTCR) for the control of rockets and other aerial vehicles capable of delivering WMD.

3.1 Dual-Use Goods

Taking into account the Nomenclature of the strategic goods that are the subject of the control list, dual-use goods are classified in categories presented in the Annex 1, regulated by the Government Decision No. 606 from 2002.

The list of materials, devices, equipment and information relevant to the proliferation of nuclear weapons and other nuclear explosive devices (Annex 5) has been developed by NARNRA and published as Annex no. 2 to Law no. 132 from 2012.

According to art. 32 let. c. (2) of Law no. 132 from 2012, the import, export, re-export, transit, temporary admission or temporary export of nuclear material are prohibited without the authorization of the NARNRA and of the authorized public authorities. The NARNRA website does not present statistical data on the issuance of radiological authorizations for types of activity import / export, temporary admission or temporary export and delivery of radioactive sources, transit of radioactive materials (Article 19, let. d, e, Law no. 132/2012). NARNRA is responsible (Chapter VI, Law no. 132/2012, GD no. 152/2014) of the record of compliance with the provisions of the NPT and the Agreement on the Application of Nuclear Safeguards in relation to the NPT and the Protocol to this Agreement, but NARNRA web site does not present annual export data for dual-purpose proliferation goods.

Data on the volume of dual-use goods can be checked in the statistical yearbook of the National Bureau of Statistics²⁸ provided the domains and type of goods that are known. These data can also be consulted at the Customs Service, the Ministry of Economy and Infrastructure (MEI) (the former authority responsible for issuing export licenses for strategic goods), also at the Public Service Agency.

The MEI statistics on the number of authorizations issued over the last 5 years are shown in Figure 2. The categories of military goods (ML) or dual use (DU) designated for export are shown in Figure 3.

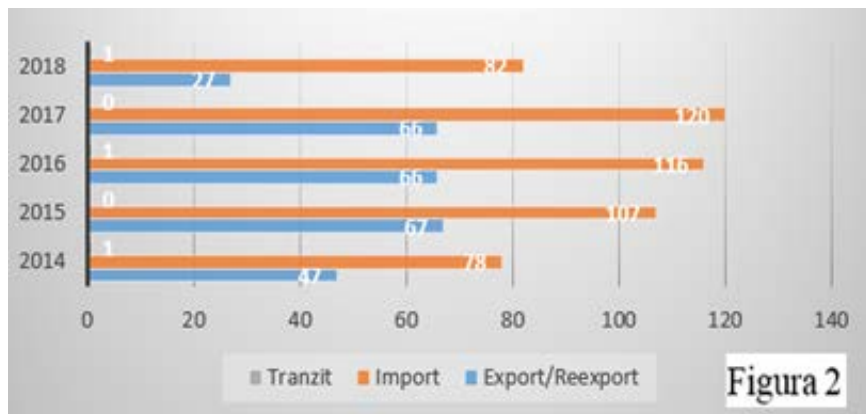


Figure 2. The dynamics of the number of issued authorizations

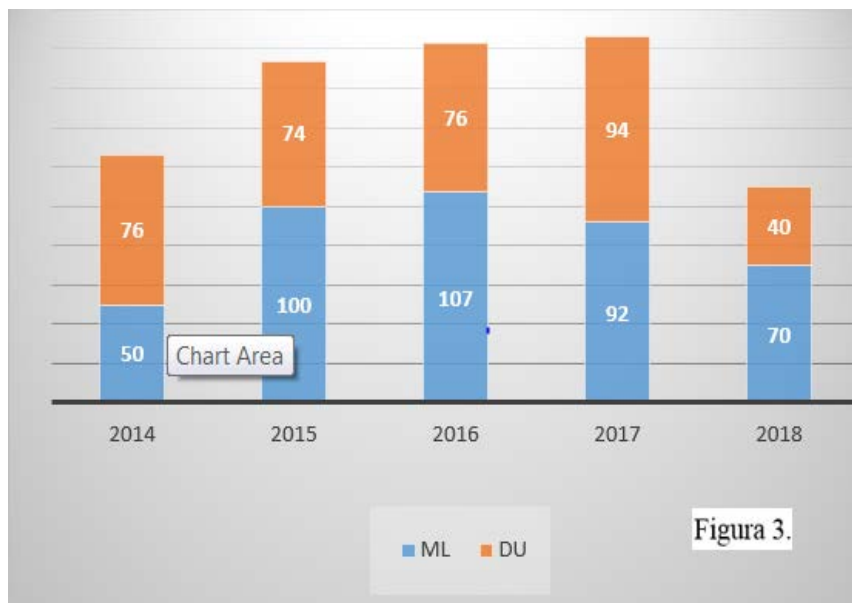


Figure 3. Categories of military goods (ML) vs dual-use goods (DU) during 2014-2018

3.2 Military Goods

For the purpose of classifying goods for military purposes, has been approved the list of military goods that are subject to export, re-export, import and transit controls, regardless of their holder and origin, containing 22 classes (Annex 2).

4. COMPLEMENTARY SERVICES FOR EXPORT - IMPORT OF STRATEGIC GOODS

4.1 Export, Intangible Transit of Software and Technologies



The export and transit of software and technology usually takes the form of technical assistance, a service regarding to goods, especially military ones. Technical assistance can take the form of instructions, skills, training, knowledge, consultancy, etc. and may be accompanied by tangible transfer of technical data. As some technologies are included in the EU military goods list, the technical rules for assistance related to them are similar to military arms exports.

Dual-use goods. The intangible transfer of software and technology for/or directly associated with the development, production or use of dual-use items is equivalent to the tangible export of dual-use goods. This type of transfer falls under the application of the export control regulations that regulates use strategic goods.

The intangible transfer of software and technology is the transmission of software or technology by electronic means, including fax, telephone, e-mail or any other electronic means to a destination outside the country.

This includes the electronic delivery of such software and of technology software for legal entities, natural persons, for partnerships outside the country. Oral transmission of technology is also applied when it is described by phone.

The same rules regulating the export of dual-use products are applicable to the intangible transfer of software and technologies.

Export rules for dual-use goods are not applicable if services are provided or a physical person crossing a border and not carrying goods of any kind transfer's technology.

Technology related to dual-use products of category 0:

The export and transfer of technology directly related to goods classified in category 0 are subject to the same rules as the export, transfer of Category 0 goods, and are therefore subject to authorization. Similarly, technology for the development, production or use of category 0 goods is subject to licensing / authorization requirements, even if technology is not effectively applied to Category 0 goods but for example goods that do not require a license / authorization.

No license / authorization is required for categories considered as dual use, with reference to:

- information generally available to the public;
- fundamental (basic) scientific researches;
- public information.

Technologies relating to dual-use items of category 1-9:

The export of technology required for the development, manufacture or use of dual-use items listed in Categories from one to nine is subject to the rules for the export of goods in categories from one to nine and therefore requires a license / authorization. Similarly, this technology is subject to a license / authorization even if the technology in question is not applied to other goods, such as goods for which an export license/authorization is not required.

The license / authorization requirement does not apply to the transfer of technology for dual-use goods assigned to Categories one to nine where the technology concerned relates to or is tangent to:

- installation, operation, maintenance and repair of devices;
- goods exempt from the license/authorization;
- information generally available to the public;
- fundamental (basic) scientific research;
- public domain information;
- minimum information required for patent / invention certificate applications.

4.2 Chemical and biological materials listed in the CWC and BTWC

In addition to the Nomenclature of Strategic Goods subject to control, the Moldovan Government also maintains a separate list of chemicals subject to control. Law no. 358 from 2004²⁹ on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction (CWC) establishes by an Annex a List of Toxic Chemicals and Precursors, identifies substances subject to control under the CWC provisions. The List of toxic chemicals and precursors contains three lists of chemicals, reflecting Lists 1 to 3 of the CWC (Annexes 4.1 - 4.3). The Law on the implementation of the CWC stipulates that the import, export and transit of chemicals included in the List of Toxic Chemicals and Precursors is subject to licensing / authorization similar to those of the Nomenclature of Strategic Goods. All substances specified in the Toxic Chemicals List (excluding precursors) are also included in the Nomenclature of Strategic Goods. Chemicals specified in List no. 1 of the CWC are also included in the Ammunition List, and the substances specified in Lists no. 2 and 3 of the CWC are included in the List of Dual-Use Products and Technologies. Moldovan control lists do not specify more chemicals included in Australia's Group of Chemical Weapons Precursors, which are not subject to CWC regulation.

The Moldovan Government has not established a separate list of controlled biological substances that are only identified in the Nomenclature of Strategic Goods (Annex 8.3 - in Electronic Format). A large number of viruses, bacteria and toxins reflected by the Australia Group Lists are currently not included in the Moldovan control list.

4.3 Export and import of chemical materials according to List no. 1

The norms on import and export of chemicals of List no. 1 are very specific. They refer to non-bought and non-tradable substances, the transfer of which is forbidden. For this reason, restrictions on import and export of

these substances are not included in this Guide and do not require additional consultation.

Art. 13, Law no. 358/2004 /29/ stipulates the permitted activities with chemicals specified in List no. 1 of the CWC.

The chemicals listed in List no. 1 may be produced, acquired, held, transferred or used if:

- a) used for research, medical, pharmaceutical or protective purposes;
- b) their types and quantities are strictly limited by the needs of the proposed purposes;
- c) their total quantity, permanently exist in the country for such purposes, does not exceed one tone;
- (d) the total quantity of those chemicals produced or acquired by transfer for such purposes in the country over a calendar year does not exceed one tone.

Art. 16, Law no. 358/2004 stipulates the control over the circulation of chemical substances. Chemicals specified in the lists are considered as strategic goods, the import / export of which is subject to control and authorization under the legislation on export control, re-export, import and transit of strategic goods. Article 17 refers to the conditions for authorizing export of chemicals presented in List no. 1

In the end-user certificate, in case if chemicals are the subject of export, the following shall be mentioned:

- a) type and quantity;
- b) that they will be used only for purposes not prohibited by the Convention;
- c) they will not be re-exported;
- d) the final use;
- e) end-user name and address.

Article 18 of the same law stipulates that import / export operations with the chemicals listed in List no.1 may only be carried out with States Parties to the CWC and only for research, medical, pharmaceutical or protective purposes and that these substances may not be re-exported to a third country.

4.3 Export and import of chemical materials according to **List no. 2 and 3**

Art. 19, Law no. 358/2004 on the import/export of chemical substances specified in Lists no. 2 and 3 stipulate that the import/export operations with chemical substances specified in List no. 2 shall be carried out only within States Parties to the CWC and the chemicals specified in List No. 3 may be exported to the States that are not parties to the CWC in the conditions laid down in Article 17 of this Law.

General and/or individual authorizations can be obtained in principle for the export of materials from Annex no. 2 and 3 of the CWC. Exports to and imports from non-CWC States are nevertheless subject to more restrictions than exports or imports from CWC State Parties or from EU Member States. In addition, for the export, of the chemicals reflected in List no. 2 and 3, to a limited group of States Parties to the CWC (Australia, Canada, Japan, New Zealand, Norway and Switzerland) does not require authorization.

Exports of Chemicals from List no. 2 to non-CWC states are prohibited. For the export of chemicals from List no. 2 to CWC States Parties requires authorization. No authorization shall be required for exports to Parties of CWC of chemical mixtures containing less than 30% of the chemical included in List no. 2. It should be noted that BZ chemical: 3-quinuclidinyl benzylate (Scheme 2A*) also requires an export authorization.

It is forbidden to transfer chemical substances from List no. 2 of CWC in States other than CWC. The following exceptions apply to:

- chemical mixtures containing <1% of a substance in List no. 2A/2A* CWC;
- chemical mixtures containing <10% of substance in List no. 2 B CWC.

Obtaining the authorization for the export of chemical substances (Article 17, Law 358/2004), of List no. 2, shall be subject to the presentation of an end-user certificate issued by the competent authority of the designated State. In the end-user certificate, in the case of chemicals subject to export, the following shall be mentioned:

- a) type and quantity;
- b) final use;
- c) that they will be used only for purposes not prohibited by the CWC;
- d) they will not be re-exported;
- e) end-user name and address.

It is worth mentioning that is necessary an authorization for the export of chemicals included in List no. 3, both in CWC states and in non-CWC states. No authorization is required for the export of chemical mixtures containing less than 30% of the chemical in List no. 3. Similarly, import of chemicals from List no. 2 and 3 of the States Parties to the CWC do not require authorization.

Chemicals mentioned in List no. 2 cannot be received (imported) from non-CWC states, with the following exceptions:

- chemical mixtures containing <1% of the substance from List no. 2A/2A*;
- chemical mixtures containing <10% of the substance from List no. 2B;
- retail goods packaged for common use or individually packaged.

The import of substances from List no. 3 from non-CWC states do not require authorization.

4.4 Export and import of biological materials

Article 5 of the Law no. 1163/2000 stipulates the categories of strategic goods subject to import / export control, including (lit. f.) agents of different diseases, variants of these genetically modified agents, fragments of genetic materials as well as equipment, technologies and related services, which can be used to produce and use bacterial (biological) and toxic weapons.

In international practice, there is a special provision, called the “catch-all” clause (see note below), which implies that the field of export control is not limited to the goods included in the control lists but also includes

other goods if there is the possibility of bringing some damage national security. In Moldova's legislation, this moment is exhaustively reflected in Article 7.3 of GD no. 606/2002 /26/ stipulating that:

Export, re-export, import and transit of strategic goods not included in the Nomenclature but which may be used for the manufacture or use of military, nuclear, chemical, biological, and other weapons of mass destruction and means of production also weapons, may be performed on the basis of a single authorization. In order to obtain such an authorization, the applicant will submit to the Authority a standard application, to which the documents specified for this purpose will be attached.

Note. In order to meaningfully impede proliferation and prevent contributing to WMD/Missile programs in these countries, the international community had to figure out a way to control exports of unlisted items, as well as listed items, destined for programs of concern. The solution was to focus on the end-use and end-user of the item, rather than the item itself. During the 1990s, the U.S. and other supplier countries began applying what are called "Catch-All" controls. These controls provide a legal and/or regulatory basis to require government permission to export unlisted items when there is reason to believe such items are intended for a WMD/Missile end-use or end-user.

<https://2009-2017.state.gov/strategictrade/practices/c43179.htm>

5. PENALTIES AND EMBARGOES

5.1 National sanctions



For breach of the procedures for export, re-export, import or transit of strategic and military goods, national legislation provides sanctions in the Contravention Code (Code no. 218/2008)³⁰ as well as in the Criminal Code of the Republic of Moldova (Code no. 985 / 2002)³¹.

The Contravention Code, article 155¹. The violation of the rules for safety deployment of nuclear and radiological activities stipulates that a fine shall sanction the carrying out of nuclear and radiological activities without authorization issued by NARNRA.

The article 423² provides that NARNRA inspectors note the contraventions referred to in article 1551, which draws up minutes, which shall be referred to the competent court for examination.

The Penal Code provides for the following violations and penalties relevant to the guide:

Article 140¹ Use, development, production, otherwise obtaining, processing, possession, storage or preservation, direct or indirect transfer, storage, transport of weapons of mass destruction

(1) The use, development, production, otherwise acquisition, processing, possession, disposal or preservation, direct or indirect transfer, storage, transport of chemical weapons, biological weapons, nuclear weapons, nuclear explosive devices or other weapons of mass destruction in violation of the provisions of national legislation or international treaties to which RM is a party

shall be punished by a fine in the amount of 3,000 to 5,000 conventional units or by imprisonment from 8 to 12 years in both cases with or without deprivation of the right to occupy certain positions or to exercise a particular activity for a term every two to five years, and the legal person is punished by a fine in the amount of 5000 to 8,000 conventional units with

deprivation of the right to exercise a certain activity for a period of 2 to 5 years or its liquidation.

(2) The same actions:

- a) committed by two or more persons;
- b) committed by an organized criminal group or by a criminal organization;
- c) resulted in harming in particularly large proportions of damage;
- d) resulted in death of the person.

shall be punished by imprisonment from 16 to 20 years, and the legal person shall be punished by a fine in the amount of 8,000 to 10,000 conventional units with its liquidation.

(3) Design, manufacture, otherwise acquire, hold, retain, transfer or transport equipment, material, software or related technology that contributes significantly to the design, manufacture or delivery of weapons of mass destruction knowing that such equipment, software or technology are intended for this purpose.

shall be punished by a fine in the amount of 1,000 to 3,000 conventional units or by imprisonment for up to 5 years in both cases with or without deprivation of the right to hold certain positions or to exercise certain activity for a term to 5 years with a fine imposed on the legal entity in the amount of 3,000 to 5,000 conventional units with the deprivation of the right to exercise a certain activity for up to 5 years or the liquidation of the legal person.

(4) The design, production, otherwise acquisition, holding, preservation, transfer or transport of raw material, special fissionable material, equipment or material designed or prepared for the processing, use or manufacture of special fissionable material, knowing that this material, material or equipment is intended for use in nuclear explosive activity or other nuclear activity that contravenes international treaties to which the Republic of Moldova is a party.

shall be punished by imprisonment for up to 5 years with (or without) the deprivation of the right to occupy certain positions or to exercise a certain activity for a period of 2 to 5 years, with a fine imposed on the legal

person in the amount of 4,000 to 7,000 conventional units with the deprivation of the right to engage in certain activity for a period of 2 to 5 years or the liquidation of the legal person.

Article 224. Infringement of the rules of circulation of radioactive, bacteriological or toxic substances, materials and waste

(1) Violation of the established rules relating to ... the import, export, ... of radioactive, bacteriological or toxic substances and waste, ... of other chemicals, if it creates the danger of causing damage to the health of the population or the environment,

shall be punished by a fine for units or by imprisonment for up to 3 years and *the legal person shall be punished* by a fine in the amount of 2000 to 4000 conventional units with deprivation of the right to exercise a certain activity.

(3) The actions referred to in paragraph (1), which caused imprudently:
a) the mass illness of people;
b) the person's death,

shall be punished by imprisonment from 3 to 7 years and the legal person shall be punished by a fine in the amount of 6000 to 11000 conventional units with the deprivation of the right to exercise a certain activity or the liquidation of the legal person.

(4) The actions referred to in paragraph (1), resulting in the death of two or more persons,

shall be punished by imprisonment from 5 to 10 years, and the legal person shall be punished by a fine in the amount of 6,000 to 11,000 conventional units with the deprivation of the right to exercise a certain activity or the liquidation of the legal person.

Article 248. Contraband

(2) The crossing over the customs border of the Republic of Moldova of narcotic substances with strong, toxic, poisonous, radioactive and explosive effects, as well as harmful waste and products with a double destination, bypassing the customs control or concealing them by hiding in places specially trained or adapted for that purpose, or fraudulent use of documents or means of customs identification, or by non-authentication or non-

authentication in customs documents or other documents of crossing the border,

shall be punished by a fine in the amount of 550 to 950 conventional units or by imprisonment for up to 5 years and *the legal person shall be punished* by a fine in the amount of 4,000 to 6,000 conventional units deprived of the right to exercise a certain activity or liquidation of the legal person.

(3) The crossing over the customs border of the Republic of Moldova of arms, explosive devices, ammunition, eluding the customs control or concealing them by hiding them in specially prepared or adapted places in this glass, or fraudulent use of documents, or means of customs identification, or by non-authentication or non-authentication in customs documents or other documents of crossing the border,

shall be punished by a fine in the amount of 650 to 1150 conventional units or by imprisonment from 4 to 6 years, and *the legal person shall be liable* to a fine of between 6000 and 11000 conventional units with deprivation of the right to exercise a particular activity; or with the liquidation of the legal entity.

(5) The actions referred to in paragraphs (1), (2), (3) or (4) committed:

a) by two or more persons;

b) by a person with a responsible position, using the situation in the service;

c) in the value of the amount of import rights exceeding 200 estimated monthly average monthly salaries, as established by the Government Decision in force at the time of the act,

shall be punished by imprisonment from 3 to 10 years and *the legal person shall be punished* by a fine in the amount of 6000 to 11000 conventional units with the deprivation of the right to exercise a certain activity or the liquidation of the legal entities.

Article 292. Manufacture, procurement, processing, storage, transport, use or neutralization of explosive substances or radioactive materials

(1) Manufacturing, procurement, processing, storage, transport, use or neutralization of explosive substances or radioactive materials without proper authorization or any other illegal operation on their movements

shall be punished by a fine in the amount of 650 to 1150 conventional units or by imprisonment for up to 5 years, with a fine imposed on the legal entity in the amount of 3000 to 6000 conventional units depriving the right to exercise a certain activity or liquidation of the legal person.

(11) The same acts committed with nuclear material if they cause the danger of causing death or serious injury to bodily or health integrity, damage to property or the environment,

shall be punished by a fine in the amount of 950 to 1350 conventional units or by imprisonment from 3 to 7 years, with a fine imposed on the legal entity in the amount of 7000 to 9000 conventional units depriving the right to exercise a certain activity; or with the liquidation of the legal entity.

(2) The facts provided for in paragraph (1) or (11), which provoked imprudently:

- a) the death of a person;
- e) other serious consequences,

shall be punished by imprisonment from 5 to 10 years, with a fine imposed on the legal person, ranging from 8,000 to 11,000 conventional units with the liquidation of the legal person.

5.2 International sanctions to which RM is aligned

Sanctioning measures are instruments of the United Nations' foreign, security policy³², and the European Union³³. These non-military instruments are applied in response to violations of international law, constitutional and democratic principles. Among the most common sanctions are the arms embargo, trade restrictions. Under the Dual-Use Goods Regulation, where an authorization is required but the sanctions requires prohibition, the prohibitions have priority.

Sanctioning measures are usually based on a UN Security Council Resolution, which is later reflected into a national regulatory act. In

practice, there are cases where the European Community without a UN resolution on this imposes more sanctioning measures.

It should be noted that on 14 December 2016 the EU Council adopted EU best practices for the effective implementation of restrictive measures and the Guidelines for Implementation of Practices³⁴, endorsed by the Council on 8 December 2017.

At national level, embargo decisions are implemented through government acts (imposed by Law 25/2016 on the application of international restrictive measures). An Interdepartmental Control Commission takes the decision on the authorization of strategic goods transactions, taking into account the application of international restrictive measures in accordance with Law no.25/2016. The Ministry of Foreign Affairs and European Integration should provide information support to the Public Services Agency and the Ministry of Economy and Infrastructure on updating these measures.

6. PERMISSIVE ACTS (AUTHORIZATIONS)

6.1 Types of Authorizations



Law no. 160/2011 regulating the authorization of entrepreneurial activity introduces the new Nomenclature of Permissive Acts issued by the authorities issuing to physical and legal persons for practicing the entrepreneurial activity.

Annex I, Part II, is limited to only four Permissive Documents (Annexes 13-16) for dual-use goods issued by the Public Services Agency:

- *Individual export authorization of strategic goods (dual use) Annex 13),*
- *Individual import authorization for strategic goods (dual use) (Annex 14),*
- *Individual transit authorization of strategic goods (dual use) (Annex 15),*
- *Individual re-export authorization of strategic goods (dual use) with Annex (Annex 16 - 17).*

The above-mentioned authorizations shall be issued within the term requested by the economic agent, upon the Commission's decision.

When importing goods included in the Nomenclature of Strategic Goods subject of control or goods considered being strategic in another State, the Public Services Agency is authorized to issue on request (Article 9, paragraph 6, Law No. 1163/2000):

- *International Import Certificate (Annex 18),*
- *End-User Certificate (Appendix No. 19),*
- *Certificate of Delivery Verification (Annex 8.20),*



to be submitted to the competent authority in the country of destination.

Through the same, Annex no. I, part II, are issued two types of permissive documents (authorizations) issued by NARNRA (Article 11, letter d), Law no. 132/2012):

- *Radiological authorization (Annex 8);*
- *Partial radiological authorization (Annex 9).*

All Radiological Authorizations are issued free of charge for a period of 5 years.

Possession of radiological authorization, including partial authorization for import / export, does not exonerate the economic operator from obtaining the individual authorization for strategic or dual-use goods from the APS.

The procedures for implementing Law no. 160/2011 were approved by GD no. 606/2002 on the National System for Controlling the Export, Re-export, Import and Transit of Strategic Goods in the Republic of Moldova.

The Government shall establish the competent authority (Interdepartmental Control Commission - ICC) with the procedures for assessing the application for the export, import, re-export and transit of strategic goods, which shall submit a reasoned decision to the APS regarding the issuance or refusal of the requested authorization.

Exporter / importer shall submit authorizations issued in original to customs office.

6.2 Procedures for requesting authorization

In order to obtain the permissive act, the applicant or the authorized according to the law representative submits a request form (Annex 6 or 10); depend on type of authorization, to the authorized by the Government Authority in the following ways:

- personally, on paper,
- in electronic format,
- through the single (electronic) window for requesting permissive documents.

Upon request for permissive act in the radiological field, the necessary documents, stipulated by the legislative act regulating this activity, are attached or the application is accompanied by a declaration on own responsibility regarding the compliance with the conditions in the legislative acts regulating the activity for who are requesting the permissive act.

The issuing authority shall immediately and unconditionally issue to the applicant a Certificate of Ascertaining (Annex 12), in accordance with the model shown in Annex no. 3 of the Law no. 160/2011.

The Certificate of Ascertaining is the official document on the basis of which the place and the fact of requesting the permissive act are proved and which indicate the date of commencement of the deadlines for the procedure for issuance of the act in question. The issuing authority is required to deliver the Certificate of Ascertaining in the same manner as received the application. If the application is filed through the single (electronic) windows, the electronic confirmation document generated by the single public service portal is the Certificate of Ascertaining.

Issuing authorities of permissive acts are required to implement the remote request and receipt of permissive documents. For this purpose, the applicant has the right to submit, in electronic form, copies of the requested documents. The electronic format of documents cannot serve as a basis for rejecting the application.

In special cases, upon issuance of the permissive act or within 30 days from the date of issue, the issuing authority may request the originals of the documents to verify the authenticity of the copy.

According to the provisions of Law no. 161/2011³⁵ regarding the implementation of the single windows in the deployment of the entrepreneurial activity, upon request of the permissive act, the applicant has the right to declare the necessary information without attaching the confirmatory documents.

The issuing authority is obliged to receive and register the request for permissive act in all cases, even if not all documents established by law are annexed to it.

If the laws governing the respective domain or the international treaties to which RM is a party do not stipulate otherwise, the permissive act shall be issued within 10 working days, starting with the day of issuance of the Certificate of Ascertaining. If the issuing authority did not respond within 10 days, it is considered a tacit acceptance of the request, unless the legislative act regulating the respective activity expressly provides otherwise. If the issuing authority of the permissive act detects false data in the information declared by the applicant or the lack of the necessary documents provided by the law, it is entitled to extend the period of issuance of the permissive act or to cancel it, if it has already been issued.

The issuing authority may refuse to issue/prolong the permissive act by a justification corresponding to the provisions of the law with the direct notification of the applicant and only if the applicant does not meet the conditions expressly specified in the law or, as the case may be, does not demonstrate the fulfillment of these conditions during the suspension examination of the request.

After the expiration of the period stipulated by the law for the issuance of the permissive act and in the absence of a written refusal to issue it from the issuing authority, the permissive act requested shall be deemed granted by tacit approval.

In order to obtain the export, re-export, import or transit of the strategic or military goods, the applicant submits to the authority established by the Government an application (Annex 10), to which is annexed (Annex 11):

- documents certifying the origin of the goods;
- the documents on the qualitative and technical characteristics of the goods and, optionally, the commodity code, according to the Nomenclature of the strategic goods under the control;
- a copy of the contract with the foreign company or the commercial document (invoice, proforma invoice, shipping bills etc.) importing or exporting the strategic goods (for export or re-export);
- the copy certified by the economic agent from the authorization certifying permission for the foreign company to carry out export-import

operations with strategic goods issued by the authorized body of the country where the company is registered.

- end-user certificate (on request);
- international import certificate (on request).

The APS checks the documents certifying the applicant's registration as an economic agent, as well as the permissive documents related to the agent's field of activity, which will then be attached to the file.

In the case of requesting the delivery verification certificate, the customs documents on the imported goods are also presented. After reviewing the documents submitted, the Secretary of the ICC, together with the Security and Information Service representative, will make an on-site visit to verify compliance with the legal requirements.

In accordance with the ICC's conclusions, it is decided to issue/refuse to issue the requested authorization and, within 30 calendar days after receipt of all necessary documents, the applicant shall be informed. The export, re-export, import or transit authorization shall include information on the exporter, importer and/or applicant, the country of destination and the country of origin of the strategic goods transported, the nature of the goods, the period of validity of the authorization and the special conditions regarding the quantity and/or the use of the goods.

The ICC in accordance with the request shall determine the period of validity of each authorization.

The general authorization procedure is approved by Law no. 160/2011 and is valid for all authorities issuing permits, unless the law governing the field provides otherwise.

In order to obtain the radiological authorization, including partial authorization, it is necessary to submit an application in accordance with the model in Annex 6 to which is attached a set of documents, depending on the type of request, according to Annex 7, mentioned in the Law no. 132/2012 and GD no. 727/2014.

7. CUSTOMS PROCEDURES

7.1 Customs control of strategic goods



Customs control is crucial elements of the national system for controlling export, import, re-export and transit of strategic goods. The main objectives of the customs control are the prevention of unauthorized export, import, re-export and transit, as well as the fight against smuggling, violation of customs regulations, identification, prevention and combating the violation of a movement of controlled goods at the customs border of the Republic of Moldova.

In general, the Customs Code of the Republic of Moldova no. 1149-XIV/2000 regulates the activities of the CS RM, but the Customs Code only refers indirectly to regulating the movement of controlled goods. The regulation of this field is carried out on the basis of Law no. 1163/2000 on controlling the export, re-export, import and transit of strategic goods in the Republic of Moldova and the Government Decision no. 606/2002 (as amended by Government Decision no.204/2019, as well as other normative acts regulating customs activity, including treaties or international agreements to which the Republic of Moldova is a party.

The CS RM carries out the control of the movement of goods controlled over the customs border and admits, exclusively based on authorizations in the field of export, re-export, import and transit of strategic goods, and is authorized to implement the national legislation and the fulfillment of the international obligations of the Republic of Moldova.

As part of the export control, import and transit operations, CS RM actively interacts with other members of the Interdepartmental Control Commission. The aforementioned ICC includes a customs officer with

leading positions within the CS RM, as CS RM is the directly responsible state authority for controlling the movement of goods across the Moldovan customs border and controls the availability of export, re-export, import, transit documents for the participants in the economic activity

7.2 Customs procedures and general principles on customs clearance and customs control of goods and technology included in the control lists



Goods and technologies controlled for import and export are subject of compulsory customs control and customs clearance. Upon acceptance of the Customs Declaration in Details (CDD)

Form the customs officer checks whether the goods declared have signs of dual use.

Signs of controlled goods are:

a) General signs:

- the correspondence of the tariff position of declared goods according to the Combined Nomenclature of Goods under the Law no.172/2014 with Tariff position from TARIM specified in the column "Tariff position cod of goods of foreign economic activity" in the control lists;
- presence on information carriers, classified under tariff positions 4901100000, 4901990000, 490 6000000, 4911910000, 4911990000, 8471300000, 8471410000, 8471490000, 8471500000, 847170, 8523 (excluding gramophone records), technical documentation in the form of software, scientific diagrams, models, formulas, technical designs and specifications, reference materials, instructions and other technical documents.
-

b) Specific signs:

- the correspondence of the name of the declared goods with the general technical name specified in the "Name" column of the Control lists (according to Annex 3 of GD 606/2002);
- the conformity of the goods declared with the goods used for the production of WMD, their means of delivery, other types of weapons and military equipment (according to Annex no.3 of the GD 606/2002).

The ownership of the goods in the controlled goods is determined by the correspondence of their technical parameters and the descriptions of the goods specified in the "Name" column of the Control lists (according to Annex no. 3 of the GD 606/2002). The codes listed in the Control list are for reference only, are used for additionally purposes and do not attest to their belonging to the goods to be declared as controlled products. The identification of the goods for export control purposes as well as the execution of all necessary actions related to the obtaining of the authorization to perform the external economic transactions with goods included in the control lists or the permission to export them from the RM without authorization is the responsibility of the economic agent of RM to external trade activities.

The right to determine the conformity / non-conformity of the goods, which are subject to external economic operations with the goods included in the control lists, according to the legislation of the RM, is granted *to the ICC*, carrying out the activities for identifying the controlled goods in accordance with the procedure established by the Government of the RM.

The following verification procedures are performed during the clearance process:

- on performing the documentary check, the customs officer shall analyze the information mentioned in the Custom Declaration in details (CDD) and the contents of the documents attached to it in order to identify the goods declared signs being part of the controlled goods;
- on identifying the signs of a controlled product on the declared goods, the authorized customs officer shall verify the presence of one of the

following documents confirming declared information about the goods: the authorizations, certificates and other necessary documents issued by the APS.

In the presence of one of the above documents, the customs officer verifies the correctness of entering the relevant information in box 44 of the CDD in accordance with CS RM Order no. 346-O from 24.12.2009.

In the absence of an authorization document, the customs officer carrying out a documentary check, to carry out an additional verification of the information on the possible affiliation of a product to the controlled goods, in accordance with the procedure laid down by CS RM Order No. 480-O from 18.12.2006, redirects the CDD on the yellow corridor for documentary control and consulting the Authorization and Certification section of APS.

Further consultation with APS representatives of the product information declared is done to guide the customs officer to take the authorization decision in the manner established by the Moldovan legislation in the field of export control or to release the goods without it.

In order to perform additional control, commercial documents, technical documents on goods submitted by the declarant and information received from law enforcement and regulatory authorities shall be examined. The technical documentation includes a form, a passport, a label, a product quality certificate, or similar documents issued by a direct manufacturer, providing additional information for identifying the goods (product).

In the absence of a set of confirmatory documents, technical documentation for the product, the customs officer requests an application or a notification as to the need to submit additional documents in order to identify the goods declared.

Additional examination includes the following steps:

- a) checking the availability of the technical documentation for declared goods and their compliance with the following basic requirements:
 - the documents contain the registration data of the organization that issued the document and the necessary signatures and stamps;

- the copies are clearly distinguished and certified by the company's manager (signature, stamp on each sheet or file);
- b) verifying the correctness and identity of the product information entry in box 31 of the CDD and commercial documents. The name of the goods in the commercial documents must fully respect the name of the product in the technical documentation;
- c) work with checklists for the purpose of:
 - the identification in the checklists of the positions indicating the code of the Combined Nomenclature of Goods;
 - the identification in the control lists of the general technical designation of the goods declared;
 - counterfeiting of the name of the declared goods, the values of the technical parameters, specified in the technical documentation, with the general technical name, description and parameters of the controlled analogue product;
- d) to study commercial documents for the identification of signs indicating the need for additional verification of external trade transactions in respect of compliance with RM legislation in the field of export control;
- e) verification of the information received from the Risk Analysis Division of the Moldovan CS RM regarding the possible use of the declared goods for the production of WMD, their means of delivery, other types of weapons and military equipment, as well as the possible involvement of the end user of the goods or the sender of the violations of RM legislation in the field of export control;
- f) evaluation of the risk criteria associated with non-observance of the prohibitions and restrictions on the movement of goods across the customs border of the RM, established by the CS RM and customs offices.

Based on the generalization of the results obtained at all stages of the examination, the customs officer receives one of the following decisions:

- a) the need to confirm the declared product information by submitting permits issued by the APS;

- b) the release of the goods without the need of permits, issued by the APS.

The reasons for adopting one of the listed decisions are indicated by the customs officer who will complete customs operation in the CDD Inspection Act.

Decision 1 on the need to confirm the declared product information by the submission of an authorization is taken if the name of the declared product corresponds to the general technical designation of the product included in the control lists provided that:

- a) the economic agent has not submitted the authorization issued by the APS and the technical documentation for this product;
- b) the technical documentation does not comply with the necessary requirements;
- c) the absence in the technical documentation of the name of the parameters or units of measurement of the technical characteristics identical to those in the checklist;
- d) the conformity of the declared product with its controlled counterpart according to its functional purpose, the principle of operation and the technical similarity;
- e) the availability of technical information on an information carrier in the form of software, scientific and technical reports, drawings, diagrams, models, formulas, technical designs and specifications, reference materials, instructions, etc. technical and technological documents (technical information sold through a retail distribution network is not subject to control);
- f) in other cases of justified doubts as to the reliability of the declared data on the declared goods or the discrepancy between the declared and the analogue controlled products.

The Inspection Act shall indicate:

- a) the name of the position in the controlled goods lists with which the goods declared correspond or can be correlated, with references to GD 606/2002 through which these lists are approved;
- b) other signs indicating the correlation or possible membership of declared goods with controlled goods. The decision on the possibility of releasing the goods is the responsibility of the customs officer by consulting the APS specialist.

Decision 2. *on the possibility of issuing* without authorization shall be:

- a) in the case of non-conformity of the declared goods with the control lists on the basis of the general signs;
- b) in the case of correlation of declared goods with check lists on the basis of general and specific or only specific signs - inadequacy of declared goods for the requirements for their technical analogue provided in the control lists;
- c) the lack of information indicating the need for additional verification of an external trade transaction for compliance with RM export control legislation.

The Inspection Act shall indicate:

- a) the name of the item from the controlled goods lists in Annex no.3 GD 606/2002, with which the declared goods have been counterfeited;
- b) the de-facto technical characteristics of the goods (according to the technical documentation for the goods presented for customs clearance);
- c) the conclusion regarding the result of countering the descriptions of the general technical name of the declared goods and of the analogue controlled;
- d) the list of documents used to substantiate the decision.

The customs officer in the Inspection Act of CDD enters the conclusion.

7.3 Characteristics of customs clearance and control of radioactive material



National rules and regulations regarding the safe deployment of nuclear and radiological activities for exclusively peaceful purposes, observing the obligations deriving from the international treaties to which RM is a party, are established by Law no. 132 of 08.06.2012 on the safe deployment of nuclear and radiological activities. In the RM, according to the special provisions of art. 9 of the Law no. 132/2012, it is forbidden:

- a) importing, exporting, re-exporting, transit, temporary admission or temporary export of ionizing radiation sources (including medical equipment or measuring, calibration) without the corresponding permissive act issued by the NARNRA;
- b) import of radioactive waste.

At the same time, it is forbidden to import the radiological installations or radioactive sources previously used by presenting the declaration on own responsibility of the legal person importing the radiological installations or the radioactive sources.

Is forbidden also to import the sealed radioactive sources without the obligation to return it after use to the producer. The end-user is also required to provide financial insurance in case of bankruptcy or loss of legal capacity.

NARNRA has established that in order to efficient control the movement of sources of ionizing radiation and to prevent their unauthorized circulation in the customs territory of the RM, joint measures to control the circulation of ionizing radiation sources are developed in accordance with national legislation.

According to art.18 of the Law no.132/2012, the CS RM carries out the control and admits, exclusively on the basis of the NARNRA authorization the export, re-export, import and temporary admission or temporary export

or transit of sources of ionizing radiation, equipment with ionizing radiation sources, nuclear or radioactive materials, as well as information pertinent to the proliferation of nuclear weapons or other explosive nuclear devices.

In this context, the CS RM adopted Order no.205-O of 21.05.2012 on procedures for responding to the fight against illicit trafficking in nuclear and radioactive material, which approved the Regulation on Standard Operating Procedures at the site of the incident.

At the same time, the introduction and removal of radioactive substances, which are transported under state control, are subject to the priority order of customs clearance through simplified procedures (Art.138 Customs Code of RM).

Art 40 of the Law no. 132/2012 and GD no. 434/2015 on Regulation on safe transport of radioactive materials³⁶ regulates the transport of nuclear and radioactive materials, according to which the transport of nuclear and radioactive materials is carried out exclusively by the corresponding radiological authorization holders.

Any transiting through territory of radioactive sources or nuclear materials not exempted to the authorization regime requires that the partial radiological authorization for transport be obtained in the established manner.

In accordance with the requirements of international law, radioactive material must only be transported in specialized packaging. An exception to these rules is the movement of a limited number of isotopes in the exempted packages (UN2908, UN2909, UN2910, UN2911, and UN2912 according to the UN number for dangerous goods). All other radioactive devices/materials are delivered in Type A, B (U), Type B (M) or Type C packages.

Packages for the transport of radioactive materials are subject to mandatory certification and, in order to cross the customs border, it is necessary to provide a valid security certificate according to art. 4 of the Law no. 132/2012. Packages type B (U), type B (M) or type C foreign production have a certificate of approval of the country of origin.

At the signing of a contract regarding the supply of radioactive materials, it should be noted that their export, re-export, import and transit are carried out in strong accordance with the RM legislation on matters related to the control of strategic goods (Law no.1163/2000 and GD no.606/2002) and the safe deployment of nuclear and radiological activities (Law no 132/2012).

7.4 Return of goods in case of prohibitions



In accordance with the requirements of art. 20 of the Customs Code of the Republic of Moldova:

(1) Certain goods and means of transport are prohibited by law from being introduced or removed from the RM for reasons of state security, public order and moral order, environmental protection, art objects, objects of value historical and archaeological protection, defense of intellectual property rights, protection of the internal market, defense of other interests of the RM.

(2) The goods and means of transport covered by paragraph (1) shall be taken out of the RM immediately or returned to the country if they are not subject to confiscation under the laws of the RM, to the international agreements to which it is a party.

(3) The removal or return of goods and means of transport in the RM shall be made on the account of the person crossing the goods over the customs border or on the account of the carrier. If goods and means of transport cannot be removed or returned immediately from the customs territory, they shall be kept in temporary storage for up to 3 days.

8. EDUCATION AND IMPROVEMENT



Authorizing officers within state authorities do not benefit from local training in Strategic Commerce Control (SCC). There is no institutionalized curriculum for training civil servants in the field of non-proliferation, which is why the experience of qualified staff is used.

State authority on authorization of strategic trade receive training and assistance provided by international institutions and experts. RM is a partner of the German Federal Agency for Economic Affairs and Export Control long-term program and participates in various seminars and activities organized by BAFA and funded by the EU regarding the consolidation of the legal framework of the field of SCC and authorization, identification of goods and maintaining the control list.

A number of international institutions (NATO, UNICRI, IAEA, EC, EUBAM, CBRN Excellence Centers, etc.) organized several training courses for NARNRA, SIS, CS RM, MD, Ministry of Health, Labor and Social Protection, MEI aiming at inter-institutional coordination and proliferation risk assessment.

Universities in the country do not have a specific curriculum designed for non-proliferation. Some subjects are briefly addressed at the Technical University of Moldova (optional: Nuclear, Radiological and Non-Proliferation Security). The topics related to the non-proliferation of dual-purpose chemical bacteriological materials are approached tangentially at the Academy of Economic Studies, including within the Training Center of the Moldovan Customs Service for customs officers.

ANNEXES

1. Classification of dual-use goods

Code	Category
0	Nuclear materials, facilities and equipment
1	Special materials and related equipment
2	Materials processing
3	Electronics
4	Computers
5	Telecommunications and "information security"
6	Sensors and lasers
7	Navigation and avionics
8	Marine
9	Aerospace and propulsion

2. Classification of military goods

ML1	Smooth-bore weapons with a caliber of less than 20 mm, other arms and automatic weapons with a caliber of 12.7 mm (caliber 0.50 inches) or less and accessories
ML2	Smooth-bore weapons with a caliber of 20 mm or more, other weapons or armament with a caliber greater than 12.7 mm (caliber 0.50 inches), projectors and accessories
ML3	Ammunition and fuse setting devices, as follows, and specially designed components
ML4	Bombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories, and specially designed components
ML5	Fire control, and related alerting and warning equipment, and related systems, test and alignment and countermeasure equipment, specially designed for military use, and specially designed components and accessories
ML6	Ground vehicles and components
ML7	Chemical or biological toxic agents, "riot control agents", radioactive materials, related equipment, components and materials
ML8	"Energetic materials", and related substances
ML9	Vessels of war (surface or underwater), special naval equipment, accessories, components and other surface vessels
ML10	"Aircraft", "lighter-than-air vehicles", Unmanned Aerial Vehicles ("UAVs"), aero-engines and "aircraft" equipment, related equipment, and components, specially designed or modified for military use
ML11	Electronic equipment, "spacecraft" and components, not specified elsewhere in the present List

ML12	High velocity kinetic energy weapon systems and related equipment and specially designed components
ML13	Armored or protective equipment, constructions and components
ML14	'Specialized equipment for military training' or for simulating military scenarios, simulators specially designed for training in the use of any firearm or weapon specified by ML1 or ML2, and specially designed components and accessories
ML15	Imaging or countermeasure equipment, specially designed for military use, and specially designed components and accessories therefor
ML16	Forgings, castings and other unfinished products, specially designed for items specified by ML1 to ML4, ML6, ML9, ML10, ML12 or ML19
ML17	Miscellaneous equipment, materials and libraries and specially designed components
ML18	Production equipment and components
ML19	Directed Energy Weapon (DEW) systems, related or countermeasure equipment and test models and specially designed components
ML20	Cryogenic and "superconductive" equipment and specially designed components and accessories
ML21	"Software"
ML22	"Technology"

**3. List of strategic goods (biological substances)
(only electronic version)**

4. List of chemicals controlled according to CWC

4.1. List 1

A. Toxic Chemicals

		CAS Nr.	HS code
(1)	O-Alkyl (<=C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates		
e.g.	Sarin: O-Isopropyl methylphosphonofluoridate	(107-44-8)	
	Soman: O-Pinacolyl methylphosphonofluoridate	(96-64-0)	2931.00
(2)	O-Alkyl (<=C10, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates		
e.g.	Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)	2931.00
(3)	O-Alkyl (H or <=C10, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts		
e.g.	VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)	2930.90
(4)	Sulfur mustards:		
	2-Chloroethylchloromethylsulfide	(2625-76-5)	
	Mustard gas: Bis(2-chloroethyl)sulfide	(505-60-2)	
	Bis(2-chloroethylthio)methane	(63869-13-6)	

	Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	(3563-36-8)	
	1,3-Bis(2-chloroethylthio)-n-propane	(63905-10-2)	
	1,4-Bis(2-chloroethylthio)-n-butane	(142868-93-7)	
	1,5-Bis(2-chloroethylthio)-n-pentane	(142868-94-8)	
	Bis(2-chloroethylthiomethyl)ether	(63918-90-1)	
	O-Mustard: Bis(2-chloroethylthioethyl)ether	(63918-89-8)	2930.90
(5)	Lewisites:		
	Lewisite 1: 2-Chlorovinyl-dichloroarsine	(541-25-3)	
	Lewisite 2: Bis(2-chlorovinyl)chloroarsine	(40334-69-8)	
	Lewisite 3: Tris(2-chlorovinyl)arsine	(40334-70-1)	2931.00
(6)	Nitrogen mustards:		2921.19
	HN1: Bis(2-chloroethyl)ethylamine	(538-07-8)	
	HN2: Bis(2-chloroethyl)methylamine	(51-75-2)	
	HN3: Tris(2-chloroethyl)amine	(555-77-1)	2921.19 2930.90
(7)	Saxitoxin	(35523-89-8)	3002.90
(8)	Ricin	(9009-86-3)	3002.90

B. Precursors

(9)	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides		
e.g.	DF: Methylphosphonyldifluoride	(676-99-3)	
(10)	O-Alkyl (H or ≤C10, incl. cycloalkyl) O-2-dalkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts		
e.g.	QL: O-Ethyl O-2- diisopropylaminoethyl methylphosphonite	(57856-11-8)	2931.00
(11)	Chlorosarin: O-Isopropyl methylphosphonochloridate	(1445-76-7)	2931.00
(12)	Chlorosoman: O-Pinacolyl methylphosphonochloridate	(7040-57-5)	2931.00

4.2. List 2

A. Toxic Chemicals

(1)	Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate	(78-53-5)	2930.90
	and corresponding alkylated or protonated salts		
(2)	PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)	2903.30
(3)	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)	2933.90

B.Precursors

(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,		
e.g	Methylphosphonyl dichloride	(676-97-1)	
	Dimethyl methylphosphonate	(756-79-6)	
	Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate	(944-22-9)	2931.00 2929.90 2929.00
(5)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides		
(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates		

(7)	Arsenic trichloride	(7784-34-1)	2812.10
(8)	2,2-Diphenyl-2-hydroxyacetic acid	(76-93-7)	2918.19
(9)	Quinuclidin-3-ol	(1619-34-7)	2933.39 2921.19
(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts		
(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts		2922.19
	Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts	(108-01-0)	
	N,N-Diethylaminoethanol and corresponding protonated salts	(100-37-8)	
(12)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts		2930.90
(13)	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	(111-48-8)	2930.90
(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464-07-3)	2905.14

4.3. List 3

A. Toxic Chemicals

(1)	Phosgene: Carbonyl dichloride	(75-44-5)	2812.10
(2)	Cyanogen chloride	(506-77-4)	2851.00
(3)	Hydrogen cyanide	(74-90-8)	2811.19
(4)	Chloropicrin: Trichloronitromethane	(76-06-2)	2904.90

B. Precursors

(5)	Phosphorus oxychloride	(10025-87-3)	2812.10
(6)	Phosphorus trichloride	(7719-12-2)	2812.10
(7)	Phosphorus pentachloride	(10026-13-8)	2812.10
(8)	Trimethyl phosphite	(121-45-9)	2920.90
(9)	Triethyl phosphite	(122-52-1)	2920.90
(10)	Dimethyl phosphite	(868-85-9)	2921.19
(11)	Diethyl phosphite	(762-04-9)	2920.90
(12)	Sulfur monochloride	(10025-67-9)	2812.10
(13)	Sulfur dichloride	(10545-99-0)	2812.10
(14)	Thionyl chloride	(7719-09-7)	2812.10
(15)	Ethyldiethanolamine	(139-87-7)	2922.19
(16)	Methyldiethanolamine	(105-59-9)	2922.19
(17)	Triethanolamine	(102-71-6)	2922.13

5. List of materials, devices, equipment and related information for proliferation of nuclear arms and other explosive devices (according to Annex no.2 of Law 132/2012)

1. Nuclear materials related to proliferation of nuclear weapons and other explosive nuclear devices
2. Equipment and related components specially designed and manufactured for nuclear reactors
3. Related equipment specially designed and produced for burned nuclear fuel reprocessing plants
4. Equipment specially designed or prepared for plutonium conversion plants
5. Related equipment specially designed or produced for nuclear fuel factories
6. Related equipment specially designed or produced for uranium isotope separation plants
7. Related equipment for lithium isotope separation plants and facilities
8. Related equipment specially designed for heavy water, deuterium, tritium production plants
9. Equipment for testing and measurement used for producing explosive nuclear devices
10. Components for explosive nuclear devices
11. Industrial equipment specially designed and prepared to be used for production of materials, devices and equipment from art. 1-10, including nuclear materials

Related unpublished information related to materials, devices and equipment mentioned in art. 1-11.

This detailed list of materials, devices, equipment and information related to nuclear proliferation and other explosive nuclear devices mentioned in this annex, is created in accordance with conditions of international treaties that Republic of Moldova is state-party.

6. Application for radiological authorization

(to fill up on the blank of company or entrepreneur)

Hereby, I am applying for radiological authorization:

1. Applicant company: _____

legal address _____

tel./fax no. _____

actual address and/or branch address _____.

2. Facilities or source of ionizing radiation:

a) name of facility or source _____

b) number of facilities and sources _____

c) model _____ maximal parameters: keV (MeV) _____ mA _____

or radionuclide _____ activity (in Bq or Ci) _____ on date _____

d) produced by _____

imported by _____.

For art. a), b), c) and d) to fill for each facility or source of ionized radiation.

3. Type of activity _____.

4. Contact person: name, _____ surname _____
tel.no. _____

5. Certified expert: name, surname _____

no. of exercise permit _____

6. Other information, optional: _____.

(date) _____

PSH

(name, surname, chief's signature)



7. List of documents necessary for obtaining authorization for radiologic activities (approved by Annex no. 4 of Law nr.132/2012)

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&d=345210>

Applied area	Required documents
Import/export, temporary import and export of ionized radiation sources	<ol style="list-style-type: none"> 1. List of ionized radiation sources that will be imported/exported, temporary accepted or exported and delivered 2. Compliance certificate for product/facility, issued by authority published at the Official Journal of the European Union 3. Contract with producer (provider)
Import/export, temporary import and export of radioactive sources	<ol style="list-style-type: none"> 1. Lease contract (for rented) 2. List of radioactive sources that will be imported/exported, temporary accepted or exported and delivered 3. Preliminary plan of management of the radioactive sources after it exploitation period (return to the producer or transfer to radioactive waste storage) 4. Contract with company authorized to execute services of transportation of radioactive sources or has authorization for radiologic activities for this kind of activities 5. Contract with producer (provider) 6. Contract with end-user (for radioactive sources of categories I-III)


8. Model of radiological authorization

*Approved by Annex no. 1 of Regulations on authorization
of nuclear and radiological activities (GD 727/2014)*

 REPUBLIC OF MOLDOVA		
NATIONAL AGENCY FOR REGULATION OF NUCLEAR AND RADIOLOGICAL ACTIVITIES MD-2068, mun. Chisinau, str. Alecu Russo, 1 Tel/fax: (+373) 22 31 11 37, e-mail: agentia.nucleara@anranr.gov.md		
RADIOLOGICAL AUTHORIZATION		
Serie A	No.:	
Name, legal form of Entity, legal address of the holder		
Fiscal Code / IDNO		
Type of nuclear or radiological activity for which it is issued		
Name, Surname of the person responsible for radiation protection		
Number of the permit		
Date of issue		
Date of re-registration		
Expire date		
Manager, Principal State Inspector of the Field of Nuclear and Radiological Activities		

9. Model of partial radiological authorization for import/export

Approved by Annex nr.4 of Regulation on authorization
nuclear and radiological activities (GD 727/2014)

 REPUBLIC OF MOLDOVA
NATIONAL AGENCY FOR REGULATION OF NUCLEAR AND RADIOLOGICAL ACTIVITIES MD-2068, mun. Chişinău, str. Alecu Russo, 1, of. 65 tel./fax: (+373) 22 31 11 37, e-mail: agentia.nucleara@anranr.gov.md
PARTIAL RADIOLOGICAL AUTHORIZATION FOR IMPORT/EXPORT nr. ____ from ____ According to evaluation of application nr. ____ from ____ of _____ (applicant) _____ (tax code/IDNO code)
Radiological authorization series A nr. _____ valid until _____ approving the import/export _____ No. of proforma _____ from _____ Basis: _____
Issued in 2 copies (1. – for applicant, 2. – for Customs Service) Limits and conditions: _____
Manager, principal state inspector in the field of nuclear and radiological activities PSH _____ (signature)

10. Models of applications for authorizations for strategic goods (dual-use)

(according to Order of Ministry of Economy no. 40 from 06.08.2002 for approval of document's models for authorization of transactions with strategic goods (Official Gazette (2002) no.122, art. no. 282)

Confidentially upon completion

APPLICATION FOR THE ISSUE OF THE EXPORT / RE- EXPORT AUTHORIZATION OF STRATEGIC GOODS

1. Exporter Address: Telephone Fax Bank Currency account Fiscal Code		2. No. and record date, to the exporter 3. No. and date of registration at the Public Services Agency 4. Foreign partner/Country 5. Payer's country Code 6. Importing country Code 7. Importing country Code 8. Delivery terms			
9. Destination country		10. Payment terms:		Code	
11. Validity requested		12. Currency of payment		Code	
13. Description of goods:	14. Customs tariff Code no.	15. Control lists code no.	16. Quantity Code/ tones, kilos Code suppl./ quantity		17. CIF value in currency of payment
18. TOTAL					
19. Customs office		20. Further details from the applicant			
21. In accordance with the Regulation on Export Control, Re-export, Import and Transit of Strategic Goods: (Government Decision No. 606 of May 15, 2002), I attach to this application the following documents: _____ _____					
I declare on my own responsibility that the data and information contained in this request are accurate and have been declared , in good faith knowing that for any willful misconduct or willful misconduct I will expose myself to the sanctions provided by the regulations in force.					
Date		Stamp		Name, surname, function and signature of authorized person	

Confidentially upon completion

**APPLICATION FOR THE ISSUE OF THE IMPORT
AUTHORIZATION OF STRATEGIC GOODS**

1. Importer Address Telephone Fax Bank Currency account Fiscal Code		2. No. and record date, to the importer			
		3. No. and date of registration at the Public Services Agency			
		4. Foreign partner/Country)			
		5. Payer's country	Code	6. Importing country	Code
		7. Importing country	Code	8. Delivery terms:	
9. Destination country		10. Payment terms:		Code	
11. Validity requested		12. Currency of payment		Code	
13. Description of goods:	14. Customs tariff Code no.	15. Control lists code no.	16. Quantity		17. CIF value in currency of payment
			Code/ tones, kilos	Code suppl./ quantity	
18. TOTAL					
19. Customs office		20. Further details from the applicant			
21. In accordance with the Regulation on Export Control, Re-export, Import and Transit of Strategic Goods (Government Decision No. 606 of May 15, 2002), I attach to this application the following document: <hr/> <hr/> <hr/>					
I declare on my own responsibility that the data and information contained in this request are accurate and have been declared in good faith knowing that for any willful misconduct or willful misconduct I will expose myself to the sanctions provided by the regulations in force.					
Date	Stamp	Name, surname, function and signature of authorized person			

Confidentially upon completion
APPLICATION FOR TRANZIT AUTHORIZATION
OF STRATEGIC GOODS

1. Exporter Address: Phone/email:				2. Importer Address: Phone/email:			
3. Transit entitled				4. Shipper			
5. Carrier				6. Means of Transportation			
7. Exporting country	Code	8. Payer's country	Code	9. Importing country	Code	10. Destination country	Code
11. Other transit countries:				12. Validity requested			
13. Description of goods:				14. Customs tariff code no.	15. Control lists code no.	16. Quantity and unit of measure)	17. CIF value in currency of payment)
22. TOTAL							
19. Customs office of entry in the RM				21. Further details from the applicant			
20. Customs office of exit from the RM							
20. Customs office of exit from the RM							
22. I in accordance with the Regulation on the Regime of Export Control, Re-export, Import and Transit of Strategic Goods (Government Decision No. 606 of May 15, 2002), I attach to this application the following documents:							

I certify on my own responsibility that the data and information contained in this application are accurate and have been tested in good faith knowing that for any false or omission intentionally I will expose myself to the sanctions provided by the regulations in force.							
Date		Stamp		Name, surname, function and signature of authorized person			

11. List of documents necessary for obtaining authorization for import/export of dual-use goods.

- Application;
- documents confirming origin of goods;
- documents describing quality and technical parameters of goods and, optional, code of the goods according to the Control list;
- copy of the contract for the export/import of strategic goods;
- copy of permit for partner-company that certifies its right to export-import strategic goods, certified by the national authority from the country where the company is registered;
- end-user certificate (*optional*);
- international import certificate (*optional*).

12. Model of Ascertaining Certificate

_____ (issuing authority)	
ASCERTAINING CERTIFICATE	
Registration no. _____	Date of registration ____ _____ 20__
_____ (authority, location)	
Hereby, it is certified and ascertained that applicant	
_____ _____ (applicant, IDNO, address)	
by its representative	
_____ _____ (no. and type of representation act, name, surname of representative, phone number, e-mail)	
on the date of issue of this certificate, transmitted to issuing authority, for obtaining of _____ (name of permit according to regulation law)	
application with attached documents:	
_____	on _____ sheets,
_____	on _____ sheets,
_____	on _____ sheets,
<u>electronic</u> devices (CD etc.)	_____ <u>piece(s)</u> .
Application and listed documents received	
by _____	_____
	(name, surname, position)
PSH _____	_____

Informative guide:

In accordance with art. ___ of Law no. ___ from _____, legal term for release of requested permit is ___ days (working/ calendar *(to highlight)*).

In accordance with art. 6 of Law no. 160/2011 on regulation through authorization of entrepreneurial activity, official of issuing authority responsible for the reception of applications doesn't has right to refuse the application and attached documents, to refuse reception of it or to request additional documents, his competence is limited to registration of application and immediate and unconditional release of this Ascertaining Certificate to applicant. Violation of this process by the responsible official, according to applicant's request, will lead to the application of contravention sanctions according to art. 350 of Contravention Code.

According to art. 6² of Law no. 160/2011 on regulation through authorization of entrepreneurial activity, applicant can apply this certificate for the procedure of tacit approval and execute the activity that he applied for. In this case, applicant will send a copy of this certificate with filled up Declaration of liability attached below by registered mail to General Police Inspectorate. The date when of tacit approval is effective and when the applicant can start activity which he applied for is considered the day when General Police Inspectorate of the Ministry of Internal Affairs will confirm the reception of registered letter with attached certificate.

DECLARATION OF LIABILITY

To General Police Inspectorate of Ministry of Internal Affairs

Chişinău, Tiraspol Str. no. 11/1, MD-2001

I, the undersigned, hereby declare on my own responsibility, knowing the consequences mentioned in art. 352¹ of Penal Code, that, on the date when this declaration was filled out:

_____ 20__:

- I didn't receive permit requested by this certificate;
- I didn't receive official rejection for the release of requested permit from issuing authority;
- I was not notified about suspension of terms for the release of permit applied by the authority or cancelled by the virtue of the law;
- I intend to apply the procedure of tacit approval and start to execute the activity for which was requested the permit.

Applicant _____ by it representative _____

(name, IDNO, address)

(name, surname, phone number, e-mail)

Signature _____

13. Model of export authorization of strategic goods (dual-use)

1. Exporter		2. No. and date of registration at exporter			
Address		3. No. and date of registration at the Public Services Agency			
		4. Foreign partner/Country)			
Telephone email		5. Payer's country	Code	6. Importing country	Code
Bank		7. Destination country		Code	8. Delivery terms
Currency account		10. Payment terms			Code
Fiscal code		12. Currency of payment			Code
9. Supplier		11. Validity requested		12. Currency of payment	
13. Description of goods	14. Customs tariff code no.	15. Control lists code no.	16. Quantity		17. CPT value in currency of payment
			Code/ tones, kilos	Code suppl./ quantity	
18. T O T A L					
19. Customs office		21. Basis for the issue of authorization			
20. Further details from the applicant					
PUBLIC INSTITUTION "PUBLIC SERVICES AGENCY"					
Issuing date:					
Validity Term:					
Name, Surname, Function and signature of authorized person				Stamp	


14. Model of import authorization of strategic goods (dual-use)

REPUBLIC OF MOLDOVA					<u>Translation</u>	
IMPORT AUTHORIZATION OF STRATEGIC GOODS (DUAL-USE)						
I 0000000						
1. Importer		2. No. and date of registration at importer				
Address		3. No. and date of registration at the Public Services Agency				
Telephone email		4. Foreign partner(Country)				
Bank		5. Payer's country		Code	6. Exporting country	Code
Currency account		7. Destination country		Code	8. Delivery terms	
Fiscal code		10. Payment terms				
9. Supplier						
11. Validity requested			12. Currency of payment			Code
13. Description of goods		14. Customs tariff code no.	15. Control lists code no.	16. Quantity		17. CPT value in currency of payment
				Code/ tones, kilos	Code suppl./ quantity	
18. T O T A L						
19. Customs office			21. Basis for the issue of authorization			
20. Further details from the applicant						
PUBLIC INSTITUTION "PUBLIC SERVICES AGENCY"						
Issuing date:						
Validity Term:						
Name, Surname, Function and signature of authorized person					Stamp	

15. Model of transit authorization of strategic goods (dual-use)

1. Exporter		2. Importer	
Address:		Address:	
Phone/email:		Tel/fax:	
3. Transit entitled		4. Shipper	
5. Carrier		6. Means of transportation	
7. Exporting country	Code	8. Payer's country	Code
9. Importing country		Code	10. Destination country
11. Other transit countries		12. Validity requested	
13. Description of goods		14. Customs tariff code no.	15. Control lists code no.
		16. Quantity and unit of measure	17. CIF value in currency of payment
18. T O T A L			
19. Customs office of entry in the RM			
20. Customs office of exit from the RM			
21. Transit route on the territory of the Republic of Moldova			
21. Further details from the applicant			
PUBLIC INSTITUTION "PUBLIC SERVICES AGENCY"			
Issuing date:			
Validity Term:			
Name, surname, function and signature of authorized person		Stamp	

16. Model of re-export authorization of strategic goods (dual-use)

REPUBLIC OF  MOLDOVA		<u>Translation</u>		
RE-EXPORT AUTHORIZATION OF STRATEGIC GOODS (DUAL USE)				
R 0000000				
1. Exporter		2. No. and date of registration at exporter		
Address		3 No. and date of registration at the Public Services Agency		
Telephone email		4. Foreign partner(Country)		
Bank		5. Payer's country	Code	
Currency account		6. Importing country	Code	
Fiscal code		7. Destination country	Code	
9. Supplier		8. Delivery terms	Code	
11. Validity requested		10. Payment terms		
		12. Currency of payment		
		Code		
13. Description of goods	14. Customs tariff Code no.)	15. Control lists code no.	16. Quantity	
			Code/ tones, kilos	Code suppl/ quantity
				17. DAP value in currency of payment
18. T O T A L				
19. Customs office		21. Basis of authorization issue		
20. Further details from the applicant				
PUBLIC INSTITUTION "PUBLIC SERVICES AGENCY"				
REEXPORT AUTHORIZATION OF STRATEGIC GOODS (DUAL-USE)				
Issuing date:		Validity Term:		
Name, surname, function and signature of authorized person		Stamp		

17. Model of Annex to the Authorization

<u>Translation</u>				
ANNEX TO AUTHORIZATION				
NO. _____		FROM _____		
1. Description of goods	2. Customs tariff code no.	3. Control lists code no.	4. Quantity /Code supply	5. CIF value in currency of payment
6. TOTAL			x	x
"PUBLIC SERVICES AGENCY" OF THE REPUBLIC OF MOLDOVA				
Date of issue:		Validity Term:		
Name, surname, function and signature Of authorized person		Stamp		

18. Model of international import Certificate

1. No. and date of registration at the applicant		2. No. and date of registration at the Public Services Agency			
1. Exporter		2. Importer			
Address:		Address:			
Telephone/ email		Telephone/ email			
Country		Country			
5. Description of goods		6. Customs tariff code no.	7. Control lists code no	8. Quantity and unit of measure	9. CPT value in currency of payment
10. TOTAL					
<p>It is hereby certified that the importer has undertaken to import into the Republic of Moldova the above-mentioned goods, and not to divert, transship or re-export them to another destination except with the authorization of the competent Moldovan authority. The importer also undertakes to notify immediately to the above-mentioned Moldovan authority any changes of fact or intention set forth herein and to forward a Delivery Verification Certificate, if requested, by the foreign exporter. This International Import Certificate ceases to be valid unless presented to the competent foreign authorities within 6 (six) months from its date of issue.</p>					
PUBLIC INSTITUTION "PUBLIC SERVICES AGENCY"					
Issuing date:					
Name, surname, function and signature of authorized person				Stamp.	

19. Model of end-user Certificate

1. No. and date of registration at the applicant		2. No. and date of registration at the Public Services Agency		
3. End-User		4. Importer		
Address:		Address:		
Telephone/email:		Telephone/email:		
Contact person:		Contact person:		
5. Description of goods	6. Customs tariff code	7. Control lists code no.	8. Quantity and UM Code	9. CIF value in currency of payment
10. T O T A L				
11. STATEMENT				
Disposition or use of the above mentioned strategic goods by the end-user:				
<input type="checkbox"/> They will be used as they were received, for _____, in the following place they will not be imbedded in any other final good and must not be re-exported except with the authorization of the competent authority of the Republic of Moldova;				
<input type="checkbox"/> They will be resold in the Republic of Moldova as they were received;				
<input type="checkbox"/> They will be processed, modified and/or imbedded in the following goods to be used for _____, in the following place (country) only with the authorization off the competent authority of the Republic of Moldova);				
<input type="checkbox"/> They will be re-exported, as they were received, to _____ only with the authorization off the competent authority of the Republic of Moldova);				
<input type="checkbox"/> Others (full description) _____;				
I hereby certify on my own responsibility that the data and information contained in this statement are accurate and have been stated in good faith knowing that for any false or omitted intentionally I will expose myself to the sanctions provided by the regulations in force.				
Issuing date:				
Name, Surname, function and signature of authorized person		Stamp.		
PUBLIC INSTITUTION "PUBLIC SERVICES AGENCY"				
Issuing date:				
Name, Surname, function and signature of authorized person		Stamp.		

20. Model delivery verification Certificate

1. No. and date of registration at the applicant		2. No. and date of registration at the Public Services Agency			
1. Exporter		2. Importer			
Address:		Address:			
Telephone/ email		Telephone/ email			
Country		Country			
5. Description of goods		6. Customs tariff code no.	7. Control lists code no	8. Quantity and unit of measure	9. CPT value in currency of payment
10. T O T A L					
<p>It is hereby certified that the importer has produced evidence to the competent Moldovan authority, that de above mentioned _____ goods have been delivered in the Republic of Moldova through the customs-house _____ according to the transport documents No. _____ according to the custom-house clearance no. _____ being imported according to the law of the Republic of Moldova.</p> <p>This Delivery Verification Certificate ceases to be valid unless presented to the competent foreign authorities within 6 (six) months from its date of issue.</p>					
PUBLIC INSTITUTION "PUBLIC SERVICES AGENCY"					
<p>Issuing date:</p> <p>Name, surname, function and signature Of authorized person</p> <p style="text-align: right;">Stamp.</p>					

REFERENCES

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