

EBA ADVOCACY DIGEST

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22

Legal
Initiatives

3

Accomplished/
Approved

14

In process

5

Close to finalize

July - September
2019

Advocacy
Digest

Quarterly review on
the EBA Policy and
Advocacy agenda

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INITIATIVE NO. 1. Incineration and Co-incineration

Description/ Issue: To establish a primary legal framework regulating the conditions of use of the incineration and co-incineration operations of industrial waste.

Status Quo: **Finalized** The amendment of art. 17 to Law no 209/2016 on wastes was promulgated by the Presidency.

INITIATIVE NO. 2. Draft Law on animal by-products and derived products that are not intended for human consumption

Description/ Issue: To establish a primary legal framework to ensure the elimination of food waste by incineration.

Status Quo: **Finalized.** The draft law was approved in both readings of the Parliament (19 September). Still have to be promulgated by the Presidency.

INITIATIVE NO. 3. Improvement of GD no 938/2018.

Description/ Issue: The main issues related to the implementation of the GD 938/2018 are: lack of a risk assessment mechanism within the border control, sampling without issuing any confirmative documents and certificate of finding, notification in TRACES system.

Status Quo: **Close to finalize.** Dedicated meetings were organized on 14 August 10, 13 and 26 September

INITIATIVE NO. 4. Strategy of developing the industry for 2019-2030

Description/ Issue: To enhance the development of the Moldovan private sector in the industrial field, thus attracting more investments in this field. The main proposals were related to waste management system, stimulating youth employment, consolidation of the cooperation with the private sector.

Status Quo: **In process.** The draft project of the Strategy is in the process of additional examination at the Ministry of Economy and Infrastructure. According to the Government Action Plan the respective Strategy should be approved in December 2019

INITIATIVE NO.5. Unfair competition in the field of wood packaging industry

Description/ Issue: To raise awareness of the relevant authorities regarding the situation on the wood packaging market, mainly on the illegal activity of some companies that operates without necessary authorization, thus damaging the state budget and affecting the activity of the reliable companies.

Status Quo: **In process.** An additional position paper was submitted to the MADRM on the respective subject on 16 August and 6 September

INITIATIVES NO.6. Deficiencies in meat imports from the European Union

Description/Issue: To increase the annual quota granted by the European Union for the import of the pork meat and to elaborate an internal mechanism for the distribution of an additional quota for meat processors

Status Quo: **Close to finalize.** A draft GD on the administration of the tariff quota for meat imports from the European Union was drafted by the Ministry of Economy and Infrastructure and presented to all relevant stakeholders on 24 September. Dedicated meetings took place on 12 September, 19 and 31 August and 31 July. Additional position document was submitted to all relevant authorities on 5 July.

INITIATIVE NO. 7: Decision on the establishment of the minimum conditions necessary for the authorization of access



to information systems containing personal data or the connection to the national operators' interoperability platform.

Description/ Issue: Improvement of the draft decision, so that the establishment of the respective mechanism is efficient and beneficial for the business environment.

Status Quo: **In process.** The draft Decision is in the process of finalization at the National Center for Personal Data Protection. Tentatively, the document will be submitted to the Government approval at the beginning of September 2019.

INITIATIVE NO.8: Deficiency in the export of honey with fillers to the EU market

Description/ Issue: Lack of relevant information on food safety requirements for the production and marketing of honey with fillers so as to remove any non-tariff barriers for the export of this product on the EU market.

Status Quo: **In process.** No reply from ANSA

INITIATIVE NO. 9: Strategy for the development of the justice sector for 2019-2022

Description/ Issue: Improvement of the judges and prosecutors independence, fighting corruption in justice sector and efficiency and transparency of justice.

Status Quo: **In process.** The draft strategy is under finalization at the Ministry of Justice.

INITIATIVE NO. 10: Amendment of the Law 107/2016 on electricity.

Description/ Issue: Proposals to improve the Law 107/2016 as to ensure its clear and coherent implementation.

Status Quo: **In process.** The elaboration of the draft law is in the process of finalization and it will be submitted to all relevant stakeholder for the consultation in October.

INITIATIVE NO.11: Export of animal origin products to the EU market.

Description/ Issue: To present to the relevant authorities the interest of the meat processing companies in obtaining the export right of the products of animal origin on the EU market, as well as the request to advance the first discussions/procedures/ questionnaires, etc. for a faster advancement of the Republic of Moldova in this way.

Status Quo: **In process.** No reply from MEI, MADRM and ANSA.

INITIATIVE NO.12: Amendments to the Law 1540/1998 on pollution tax

Description/ Issue: To ensure the establishment of the full tax refund mechanism for those companies that implement the Extended Producer Responsibility Principle.

Status Quo: **Close to finalize.** A working group was established by the MADRM aiming to collect proposals for the amendment of the respective Law. In this respect meetings were organized at EBA Moldova on 14 August, 11 September and 18 September, at MADRM on 13 September

INITIATIVE NO. 13: GDPR related laws improvement

Description/ Issue: The objective is to present additional comments and proposals to the respective laws before its approval in the second reading of the Parliament, thus avoiding any risks and financial burdens for business environment by approving the draft laws in current version.

Status Quo: **Close to finalize.** The position paper was submitted to the relevant Parliamentary Committees and National Center for Personal Data Protection. A dedicated meeting will be organized within the Parliament to discuss the presented proposals.

INITIATIVE NO. 14: Amendment of certain normative acts in the field of food safety



Description/ Issue: To adjust legal framework in the food safety area according to EU Directive and Regulation.

Status Quo: **In process.** No reply from ANSA.

INITIATIVE NO.15: Internal Trade Law

Description/ Issue: The proposed limitations to be included in the Internal Trade Law create technical barriers for the entrepreneurial activity and infringe the principles of economic freedom and the competitive market

Status Quo: **In process.** Technical meetings were organized at the Ministry of Economy and Infrastructure on 20 August and 3 September, and at the Parliament Committee on economy, budget and finance on 25 September. The amendments are still under discussions with all relevant stakeholders.

INITIATIVE NO.16: MTender electronic public procurement

Description/ Issue: Artificial stagnation of the development of electronic public procurement in the MTender system.

Status Quo: **In process.** A dedicated meeting was organized at the Public Procurement Agency on 23 September.

An additional meeting will be organized with the Minister of Finance.

INITIATIVE NO.17: Export of metal scrap

Description/ Issue: To liberalize the market of the trading and export of ferrous and non-ferrous metal scrap

Status Quo: **Close to finalize.** Technical meetings were organized at the Parliament Committee on economy, budget and finance (12 August) and Ministry of Economy and Infrastructure (13 September). Proposals on the amendment of the relevant normative acts were submitted on September 19.

INITIATIVE NO.18: Amendments to the Labor Code

Description/ Issue: Main amendments are related to the creation of the Electronic Register of employees, the application of flexible work programs, the right to reward the overtime hours with free hours, etc.

Status Quo: **In process.** The meeting of the EBA Committee on Human Resources was organized to discuss the respective amendments.
The position paper was submitted to the Ministry of Health, Labor and Social Protection on 19 September.

INITIATIVE NO.19: Amendment on Order no.172 from 09.12.2005 (norms of fuel consumption and lubricants)

Description/ Issue: EBA proposed the increase of the norms by 30%. The position paper was sent to the Ministry of economy and Infrastructure.

Status Quo: **In process.** The position paper was sent to the Ministry of Economy and Infrastructure.

INITIATIVE NO.20: Tax and customs policy for 2020-2022

Description/ Issue: Proposals gathered from the EBA members regarding Tax policy and Customs policy for 2020-2022.

Status Quo: **In process.** The position paper was sent to the Ministry of Finance and to the State Tax Service

INITIATIVE NO.21: Amendment on Government Decision no.693 from 11.07.2018

Description/ Issue: The proposal was to exclude the limit in tax purposes for expenses related to employees transporting.

Status Quo: **In process.** The position paper was sent to the Ministry of Finance and to the State Tax Service.

INITIATIVE NO.22: Amendment on total tax treatment of meal tickets and increase of environmental pollution tax by 50% proposed by Ministry of Finance.

Description/ Issue: EBA insisted on the existing tax treatment regarding the meal tickets and to establish the EPR system without increasing the pollution tax.

Status Quo: **Finalized.** Meal tickets became partially taxed (only by social contributions) and environmental pollution tax was increased only by 20% (instead of 50%). The proposals were included in the Tax and Customs Policy.



If you want to obtain **additional information about the initiatives, don't hesitate to contact EBA team or write us at info@eba.md*