

EBA ADVOCACY DIGEST

26

Legal
Initiatives

7

Accomplished/
Approved

16

In process

3

Close to finalize

October - December
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 approved by Law no 116/2019.

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 by Law no 129/2019.

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.** The draft Government Decision on the approval of the Methodology of import risk assessment is under discussions with all relevant stakeholders.

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 July 2020.

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.** A dedicated meeting will be organized with the General Director of the National Agency for Food Safety in January 2020.

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.** The draft GD on the administration of the tariff quota for meat imports from the European Union was positively endorsed by the working group of the state commission for regulating the entrepreneurial activity on November 19. After the second coordination of the draft GD with the Ministry of Agriculture, Regional Development and Environment, it will be submitted for the Governmental approval.

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.

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.** A dedicated meeting will be organized with the General Director of the National Agency for Food Safety in January 2020.

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

Description/ Issue: Improvement of the judges and prosecutor's 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. According to the Government Action Plan the respective Strategy should be approved in July 2020.

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.** A dedicated meeting will be organized with the General Director of the National Agency for Food Safety in January 2020.

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: **In process.** In order to elaborate the tax refund mechanism, GIZ Moldova launched the assignment "Economic mechanism for the implementation of the Extended Producer Responsibility (refund/exemption mechanism for the environmental tax)" within the Economic Policy Advice to the Moldovan Government Project. In the period of January – April 2020, EBA Moldova will implement the respective assignment.

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.** An additional position document was submitted to the Ministry of Agriculture, Regional Development and Environment on December 23.

INITIATIVE NO.15: Proposal on the modification of Law no 229 from 01.11.2018

Description/ Issue: The proposal to postpone for 1 year the implementation of the obligation to submit the electronic tax invoice within the framework of public procurement

Status Quo: **Finalized.** The Law Nr. 229/2019 was amended through Law 90/2019.

INITIATIVE NO.16: 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.** The draft law, registered in Parliament as Law 97, was returned to the Ministry.

INITIATIVE NO.17: MTender electronic public procurement

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

Status Quo: **In process.** An additional meeting will be organized with the Minister of Finance.

INITIATIVE NO.18: Export of metal scrap

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

Status Quo: **Finalized.** The Government Decision no 1284/2002 on the approval of the Regulation on the way of conducting the competition for obtaining the license for trading and export of the scrap of ferrous and non-ferrous metals, of used batteries, including in processed state, to the economic agents located on the territory of the Republic of Moldova and to those which do not have fiscal relations with Moldovan budget system was abolished by GD no 545/2019.

INITIATIVE NO.19: 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 draft law was positively endorsed by the working group of the state commission for regulating the entrepreneurial activity on November 12.

INITIATIVE NO.20: 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.21: Amendment to the 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 of the Land Code.

Description/ Issue: The proposal was to legally allow to change the destination of agricultural lands of superior quality aiming to allow companies to continue their activity in the extraction of useful mineral deposits of national importance.

Status Quo: **In process.** The position paper was submitted to the Ministry of Agriculture, Regional Development and Environment on December 17.

INITIATIVE NO. 23: Amendment of the Sanitary Regulations of tobacco products

Description/ Issue: The proposed to be operated in secondary legislation go beyond the provisions of the framework law on tobacco control (Law 278/2007) and establish illegal and unconstitutional provisions and obligations, creating in the same sense a clear mismatch between primary and secondary legislation.

Status Quo: **In process.** The draft GD was endorsed negatively by the working group of the state commission for regulating the entrepreneurial activity. The position paper was submitted to the relevant authorities on December 19.

INITIATIVE NO. 24: 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: **Finalized.** Approved by the Law no.171/2019 (from 19.12.2019).
Some of the modifications proposed by EBA members

were taken into consideration.

INITIATIVE NO. 25: Regulation on record-keeping and calculation of the depreciation of fixed assets for tax purposes

Description/ Issue: Proposals gathered from the EBA members regarding the method of book-keeping and calculation of the depreciation of fixed assets for tax purposes.

Status Quo: **Finalized.** Approved through Government Decision no.704 from 27.12.2019.

INITIATIVE NO. 26: Regulation on the way of declaring the customs value of goods.

Description/ Issue: EBA participated at numerous discussions on different B2G platforms regarding the need to adjust the Regulation on the way of declaring the customs value of goods as to improve and ensure a proper and transparent application of the customs evaluation procedure.

Status Quo: **Finalized.** The amendments were approved by the Government through the Government decree nr. 705/2019.

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