

Regulatory Framework Committee

#	Issue	Description	Status Quo
1.	GDPR related laws improvement	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. Regulation (EU) 2016/679 as of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of personal data.	In process. EBA Position paper submitted to NCDP. An Agreement to include EBA representative in the WG regarding GDPR and Digitalization, obtained within the meeting with Sergiu Litvinenco – Minister of Justice, in the context of Government measures and actions taken in the field of justice and the rule of law. EBA delegated a representative in the GDPR WG responsible for approximation of national legal framework to Regulation (EU) 2016/679. 3 meetings took place on the Ministry of Justice platform as lead institution. A part of EBA proposal were included. The laws revision is ongoing.
2.	Digitalization	Electronic identification and reliable services. Approved GD no. 203 for the approval of the draft law on electronic identification and trust services, promoted by SIS, submitted to Parliament.	In process. Debated within Regulatory committee meeting on 13.04. EBA requested meeting with SIS refused. The parliament approved the draft law on electronic identification and trust services.
3.	Unfair business practices under the draft Law 231 on Internal Trade	Alarming provisions, which are not reflected in Directive 2019/633, and which contravene the national normative framework, as well as the unanimously recognized principles and norms of international law. The proposed main limitations infringe principal of freedom of trade, Moldovan commitments under AA/DCFTA and establish unfair business practices.	In process. Presentation of proposals for draft amendments discussed with State Secretary - Vadim Gumene. Position Paper submitted to Competition Council; the main EBA concerns have been confirmed by the opinion issued by the authority. The updated draft submitted to stakeholders on 12 of April. Awareness discussed with Ministry of Economy on 19 of April. The limitation related to obligation to offer at least 50% of market shelf for local products was excluded. In the context of the repeated approval of the final draft of the Government decision on the approval of the draft law on unfair commercial practices EBA reiterated its position (24.04). Competition issues related in regard to unfair competition on the market and amendments to existent Competition Law discussed with the President of the Romanian Competition Council, Mr. Bogdan Chirîțoiu and

			<p>the President of the Moldovan Competition Council Mr. Alexei Ghertescu. Additional EBA paper position submitted to the Parliament due to non-consideration of arguments (30.06).</p> <p>After approval in the first reading by the Parliament, EBA Position Paper submitted (05.07) to Parliamentary Commission CEB and Ministry of Economy on the "listing" issues. The draft law was approved in first reading. The "listing" issues were debated on the CEB parliamentary platform with MoE, MoAFI on 25.07.</p>
4.	Nomenclature of Goods	Updating the Combined Nomenclature of Goods according to Law 172/2014	In process. EBA proposals submitted to MoE on updating the Combined Nomenclature of Goods
5.	Phytosanitary requirements for wooden packaging	Compliance with the commitments of the Moldova-EU / DCFTA Association Agreement regarding the gap in the regulation of phytosanitary requirements for wooden packaging	<p>In process. EBA position paper submitted to Parliamentary commission on agriculture and food industry, Ministry of Agriculture regarding the compliance with the commitments of the Moldova-EU / DCFTA Association Agreement regarding the gap in the regulation of phytosanitary requirements for wooden packaging.</p> <p>MoE confirms the need to transpose the EU standards to national legal framework which is out of the date. ANSA together with MAFI have to initiate the amending legislative process. Ministry of Agriculture and Food Industry confirmed the need and readiness to amend the legal framework.</p> <p>The following legal acts to be emended:</p> <ul style="list-style-type: none"> • Law no. 228 as of September 23, 2010 "On plant protection and phytosanitary quarantine", partially transposes a series of EU legal acts, which are currently repealed or essentially modified. • Government Decision no. 594/2011 and Government Decision no. 558/2011 which ensures the implementation of the provisions of the mentioned Law, with EU legislation on the phytosanitary sector (Section 6 of Annex XXIV-B to the Association Agreement). • socially
6.	List of socially important products as well as the method of	Revision of social important products list and update the mechanism on commercial threshold by including costs related to energy and supply crises	<p>In process.</p> <ul style="list-style-type: none"> • Amendments related to the list of socially important products as well as the method of calculating the

	calculating the commercial threshold with Ministry of Economy (7 meetings)		<p>commercial threshold presented in several meetings with Minister of Economy. Position papers on the Draft amendment of the Government decision for the amendment of the Annex to the Government Decision no. 774/2016 on the marketing prices of socially important products and CSE Disposition no.02/2022 submitted.</p> <ul style="list-style-type: none"> • Few of proposals were taken into consideration (frozen premium class fish,). • In debate is adjustment of commercial fee from 20% to 30%, taken into account constant increase of fuels and energy resources prices. <p>New amendments are in discussions with a partial progress on the EBA proposals with Ministry of Economy on bilateral level.</p>
7.	Modification of the Execution Code.	Developing a Joint Position Paper on Amending the Enforcement Code (Banking) by EBA and ABM (Moldovan Banks Association)	In process. Position paper finalized and submitted to the Ministry of Justice. Working meeting with Ministry of Justice to be scheduled.
8.	SIA CCDE implementation.	The Tax Service Instruction on how to send and receive electronic documents through the automated information system for the creation and circulation of electronic documents (SIA CCDE). The draft establishes the circulation of electronic documents between the State Tax Service, the National Bank of Moldova, commercial banks, payment service providers, bailiffs and public authorities issuing enforcement orders, as well as the rules for using the CCDE SIA.	In process. EBA proposals submitted to Moldova Bank Association (ABM). ABM has to submit to STS. There are discrepancies on strategic approach between Tax Service and National Bank.
9.	Reference pricing (tobacco)	Introduction of the requirement to prepare transfer pricing documentation for related party transactions. The proposed legislative changes have a very general character, not being regulated concrete criteria and a clear methodology on how to be applied within the tax inspections.	In process. EBA DP was submitted to Ministry of Finance in the context of tax policy 2023 and to Parliamentary Commission on Economy, Budget and Finance. Technical meetings took place with key stakeholders. The Government approved in the final stage the EBA proposals. 3 joint meetings took place (Economy and Budget and Social Protection) on the parliamentary platform.
10.	Track and Trace system (tobacco)	A new draft law presented by the Parliament to implement the track and trace system on the tobacco products.	In process. EBA DP submitted to the line parliamentary commissions. Following 4 technical meetings, the author decided to postpone the entry in force of the new law by offering a longer transition period according to EU practices and ensure a full compliance with EU Directive in this regard.

			The parliamentary commission decided to extend the transition period to 36 months and several amendments to be included.
11.	Fuel compliance control (certification for oil and fuel products)	The Government initiated the amendment of bylaws acts related to fuel compliance control.	<p>Close to finalize.</p> <p>The EBA DP submitted to Ministry of Economy and twice debated within the Working Group responsible for the Regulatory Impact Analysis (AIR) being returned to the author for review in order not to impose a decrease in the degree of market surveillance, which will not ensure that the products comply with the requirements set out in Community legislation or may endanger health, safety or other aspects related to the protection of public interests. On the import of the main petroleum products originating in member countries of the European Union (EU) no sampling is required. The GD approved as of 14.12.22.</p>
12.	AML Law 308	The National Security Parliamentary Commission initiated the amending of Law on Anti Money Laundering.	<p>In process.</p> <p>Technical discussions took place within the EBA Regulatory Committee. EBA DP submitted to the Office for Prevention and Fight Against Money Laundering (OPFAML) and debated in several meetings with OPFAML and Parliamentary responsible Commission. EBA proposals submitted to SPCSB (FIU Moldova). Partially taken into consideration. An additional round of discussions to take place between first and second reading.</p>
13.	The set of Intelligence and Security Service (SIS) draft laws	<p>The National Security Parliamentary Commission initiated the consultations of:</p> <ul style="list-style-type: none"> • The draft law on the Intelligence and Security Service of the Republic of Moldova, no.420 as of 17.11.2022 • The draft law for the amendment of Law no. 170/2007 on the status of the information and security officer, no. 421 of 17.11.2022 • The draft law on counter-informative activity and external informative activity, no. 422 of 17.11.2022. 	<p>In process.</p> <p>The draft laws were proposed in the context of evolution of military conflict from Ukraine and in the context of online activity. The intelligence Service is to be empowered with the “regulation” mechanism for electronic signatures. The draft laws debated within the EBA Regulatory Committee. EBA DP to be submitted for next round of consultations between first and second reading. The SIS is looking for Venice Commission opinion on the draft laws. Tentatively to be presented in the mid of January 2023</p>