



NATIONAL CONVENTION ON THE EU IN MOLDOVA NATIONAL CONVENTION ON THE EU IN MOLDOVA

NOVEMBER 2010 – OCTOBER 2011

Project supported by MFA's program of Slovak Aid
AND IMPLEMENTED BY SLOVAK FOREIGN POLICY ASSOCIATION, INSTITUTE FOR
DEVELOPMENT AND SOCIAL INITIATIVES "VIITORUL", ANALYTIC CENTER "EXPERT-GRUP"
AND MOLDOVA'S FOREIGN POLICY ASSOCIATION



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INTRODUCTION

In 2011 the Republic of Moldova made important steps in its European Integration Agenda building upon what was launched and agreed last year. The EU-Moldova dialogue and cooperation deepened in all areas.

The Eastern Partnership allowed opening up new venues of dialogue with the European Union. We continued the process of negotiations of the Association Agreement which will provide for a political association and economic integration. The economic integration will be achieved by establishing a deep and comprehensive free trade area with the EU (DCFTA), the formal talks on which were launched in November 2011. To fully benefit from it, Moldova started to implement a critical mass of structural reforms and align its economic and trade regulations with those of the EU.

Taking into consideration that the purpose of the Eastern Partnership is to promote democratic and market-oriented reforms, based on shared values, such as democracy, human rights, rule of law, good governance, market economy and sustainable development, Moldova expressed the interest and readiness to contribute further to the efficient interaction within the multilateral dimension of the Eastern Partnership, to match the dynamism of the bilateral EU-Moldova dimension.

The Republic of Moldova welcomes the positive dynamics of the Visa Dialogue. Since the beginning of the year, following the EU-Moldova Visa Dialogue Action Plan and the National Annotated Agenda of the implementation of the Action Plan, the Moldovan Government has remained mobilized and fully engaged during the entire process. The adjustment of the legal framework, in the area

of justice and home affairs, has been one of the top priorities of the Moldovan authorities on their European integration reforms agenda. The Republic of Moldova registered good results in such areas as document security, border management, personal data protection, migration and asylum policies, public order and security and protection of fundamental human rights. Important state institutions, such as the Ministry of Interior and Border Guard Service are being reformed.

In terms of sectoral cooperation important developments occurred during 2011, like the creation of the common aviation area. We started this year in July and concluded in October the negotiations of the European Common Aviation Area Agreement. Our membership in the Energy Community is directly targeted at the creation of the common European energy area.

The transparency of implementation of the key reforms allowed civil society representatives to monitor thoroughly the process and make an independent assessment of it. Also, working groups on Visa Dialogue, DCFTA and regional development were set up and met regularly within the National Convention for European Integration, which comprises representatives from the Government and civil society and makes recommendations on the implementation of the European Integration Agenda. The activities of these groups are reflected in this book.



**NATIONAL CONVENTION ON THE
EU IN MOLDOVA
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Project Goal

The overall goal of the project is to stimulate the direct, transparent and open dialogue among the target groups, to provide them with the expert information and feedback from different networks, groups or local organizations, to engage in the discussion on the key issues of the European integration of Moldova and its eventual success, crucial segments of the society and facilitate the establishment of the groups based on the common cross-political interest.

The target groups: the government, public opinion makers in Moldova, media, NGOs, political parties, different networks, entrepreneurs and the public at large.

Project Impacts

It is a **unique model** which was successfully applied and developed by the Slovak Foreign Policy Association between 2003 –2007. According to the Slovak model, the project was applied in Serbia (2005 – present), Bosnia and Herzegovina (2008 – 2010) and Ukraine (2010 – present). MFA of Moldova showed interest in applying the project of SFPA to support its euro-integration process.

From the institutional point of view, the National Convention on the European Union is **the most appropriate instrument for maintenance and further development of a nation-wide discussion on the EU** which fulfills *three main objectives*:

- it supports an elaboration of national positions in particular issues asserted by the representatives of Moldova during the negotiations of an association agreement (and later on of DCFTA);
- it gives democratic legitimacy to the EU performance in the eyes of the Moldovan public (deciding about us with us);
- it serves as an active and permanent information resource on the EU for the Moldovan public.



Outputs

Policy recommendations from Plenary Sessions; policy recommendations from Working Groups Sessions; research outputs of the WGs (internal experts of the WGs); press releases and press conferences (after each WG and Plenary session); the project web page; printed publications (policy recommendations: Plenary Sessions plus WGs, research outputs of internal experts); establishment of the Moldovan think-tank network cooperating on the EU integration agenda issues with other segments of Moldovan society (government, entrepreneurs, local governments, etc...)

Working Groups

Working Groups were created based on crucial issues in Moldova. Each WG is chaired by two co-chairmen and consists of one internal expert of the WG and the regular members. Representatives of the governmental structures (relevant ministries and agencies) co-chair the working groups. Each Working Group invites one foreign expert in the topic discussed to participate in the Working Group sessions. Events were held in Chisinau, in order to foster the awareness about the critical importance of state-level institutions, recognized by the EU as counterparts in negotiations, for the success of reforms and EU integration.

Representatives of national and regional media were invited to NCEU Plenary Session. The Plenary Session and each Working Group Session will be followed by the press conference or media briefing.

The sessions of the Working Groups focused, in general, on the following fields:

- **WG I: Visa Liberalization Dialogue with the EU;**
- **WG II: Agriculture and Regional Development;**
- **WG III: Trade Issues, Movement of Services and Capital and Competition**




Achieved Goals summary:

1. Twelve rounds of WG sessions took place with the participation of the representatives of governmental, non-governmental and business expert circles:
 - a. 4 sessions of WG on Visa liberalization
 - b. 4 sessions of WG on Agriculture and regional development
 - c. 4 sessions of WG on Trade Issues, Movement of Services and Capital and Competition
1. Twelve sets of both short-term and long-term recommendations for the government policy were produced on twelve different issues. Most of them were taken into the account by decision makers.
2. Two plenary sessions were held (the second one on September 27, 2011) with the participation of the ministers of foreign affairs from both Slovakia and Moldova and heads of the European affairs committees of the parliaments of Slovakia and Moldova, ambassadors and many renowned experts in the field.
3. For each of the WG session, at least 2 or, in some case, 3 research/expert background materials were produced and presented.
4. Each WG session was either attended by the Slovak expert providing the information on Slovak experience in the respective field or the participants were provided the materials on the topic, prepared by the Slovak or V4 experts respectively.
5. Each WG was followed by a press conference attended by a significant number of journalists. 3
6. Project team created the project web page: www.conventia.md which includes all the information on project goal, outputs, activities and WG session recommendations. Besides the web, the information on the project activities is distributed via the Facebook account of the National Convention.
7. Project team successfully established (or laid the foundations of) the

network of organizations, institutions and/or independent experts or public at large from various segments of society, that cooperate on the EU integration agenda issues (government, entrepreneurs, local governments, NGOs, general public etc...) by creating the sectoral EU communities in Moldova.

8. Since the platform of National Convention is the only expert platform and provides the expert information, it became (via the research papers and background materials, or the updated info on EU related issues, together with the recommendations for the governmental bodies) the interactive and permanent information channel for all segments of the Moldovan society.



**WORKING GROUP I:
VISA LIBERALIZATION DIALOGUE
(VISA, BORDERS AND TRANSNISTRIA)**



„Viza Liberalization Depends on the Legislative Improvements which are in Accordance with the EU Principles”

47 participants

Moderators:

**Daniela Morari, Head of Unit, European Integration Department, MFAEI
Eugen Revenco, Project Coordinator, Moldova’s Foreign Policy Association**

Speakers:

**Leonid Litra, Deputy Director of IDIS „Viitorul”,
Eugen Caras, Deputy Head of the European Integration Department, MFAEI (Secretary of the Government Working Group on Visa Liberalization)
Igor Spek, Slovak expert, Ministry of Interior**

The Action Plan regarding the visa regime liberalization was officially handed to the Prime Minister Vlad Filat by the Commissioner for Internal Affairs Cecilia Malmström on 24 January 2011. In this way, the dialogue concerning visas, initiated on 15 June 2010, has quickly passed from the assessment phase into the operational one. Although in the framework of the Action Plan visa liberalization is a long-term perspective, one of the Government’s objectives, within its governmental program for the 2010-2014 years, is “to ensure a free movement within the EU for Moldovan citizens by implementing the Action Plan on visa liberalization regime”.

The participants in the round table activities debated the process of visa liberalization (concept, method of working, institutional framework, stages and procedures etc.), the national strategy of implementing the Action Plan regarding visa

liberalization. In the meeting participated representatives of central public administration, civil society, including those from regions (Bălți, Cahul, Comrat) along with a visa expert from Slovakia. EUBAM experts attended the reunion as well. Following these discussions, the recommendations below have been elaborated and approved with the purpose to head them to authorities and relevant policy makers.

Recommendations and conclusions



- **Involvement:** The process of visa liberalization created huge expectations in society. The success of this aspiration depends on the authorities that have the decisive role of developing policies, legislation and effective implementation of the reforms stipulated by the Action Plan regarding visa regime liberalization (AP). The first phase of the assessment will refer to the development of policies and adoption of the relevant legislation. In this sense the permanent and structural connection of legislation to this process has a major importance. And the involvement of civil society into a constantly structured dialog, on diverse aspects, will increase the awareness and understanding of policies.
- **Strengthening foreign support:** Eastern Partnership Summit in Prague in May 2009 opened the way for visa regime liberalization as a long term prospect. In this context, we recommend to the national authorities to make persistent efforts in order to emphasize, at the upcoming Eastern Partnership Summit in Budapest, the progress to a new quality stage of relations with the EU that would be based, first of all, on individual merits, according to the principle of differentiation and guaranteeing visa regime liberalization on the basis of



ensuring technical conditions implementation. In this connection, it is important for the respective condition to be individualized and not depend on progresses made by states in the region within the Eastern Partnership; to avoid competition or synchronization of progresses so that to strengthen EU relations with eastern partners.

- **External cooperation:** It is obvious that, under current conditions, the implementation of the Action Plan provisions is an opportunity to consolidate the trust and revival of bilateral cooperation between the Republic of Moldova and Ukraine. In this context, increasing Moldovan-Ukrainian cooperation in terms of security is crucial, especially, border cooperation on the Transnistrian segment in cooperation with the EUBAM mission.
- **Impact of visa liberalization regime:** Taking into account the fact that the progress within the dialogue on visa liberalization will equally depend on both assessment of the degree of implementing the Action Plan requirements and on the results of the assessment study of visa liberalization impact, during discussions, the elaboration of an alternative study by the civil society concerning the potential impact of visa liberalization was encouraged.

Reform and demilitarization of the Ministry of Internal Affairs

36 participants

Moderators

Daniel Morari, Deputy Head DIECP Department, MFA

Eugen Revenco, expert, Moldova's Foreign Policy Association

Experts

Igor Trofimov, Head of Legal Department, MAI (TB)

Mihail Beregoi, expert, former BUMAD Manager (UNDP)

Iurie Pintea, expert, Institute of Public Policies

Vladimir Simonak, Slovak expert

The reform of the Ministry of Interior (MI) is more than needed; the legislation regulating the activity of policemen and carabineers is obsolete and does not by far meet the EU requirements. Until 2009, this minister was, as a matter of fact, a police center with dispersed structures whose competences were in contradiction without a centralized management. Moreover, the communication of this institution with the population and civil society left much to be desired leading to the erosion of the MI image, especially in the aftermath of the 7 April 2009 events. According to the MI representatives' assessments, the first palpable results of the reforming process will be felt by population not earlier than the beginning of the 2012 year.

Recommendations and conclusions

- Harmonizing the legal framework in view of rigor and international standards - by drafting legislation that would regulate the activity of functional structures of MIA (Law on the status of the police, the Carabineers Law etc.).





- Giving priority to the interests of the individual and society as a whole over the party (political neutrality) and the nomenclature ones - the total exclusion of the possibility of politicization of functional structures of the MIA, and by implementing an objective system for assessing work priorities;
- Ensuring effective protection of labor and social rights of MIA employees – by ensuring legislative and institutional provisions, specific functional and organizational rights of these categories of employees;
- Ensuring the principle of unity and risk management. This principle involves the implementation, in terms of the institutional reform of the MIA, of an effective system coordinating the actions of all state structures for maintaining and restoring public order, fighting crime and increasing their responsibility for the effectiveness;
- Ensuring the principle of specialty. This principle requires delimitation as separate structures of the police, carabinieri, prosecution and civil protection and emergency situations service, according to their specific activities, and strict demarcation of their powers;
- Ensuring the principle of decentralization. That means creating real conditions for training of local communities and authorities in their activity of maintaining public order, through the implementation of community policing activities and the principles of institutional collaboration;
- Only employees who exercise police functions to benefit from the privileges of the police status (the



inspectors who have the task of investigating crimes and offenses);

- In the competence of the police to remain only functions to prevent and combat crime, and the function of maintaining and restoring public order to be transferred completely to Carabineers;
- Delimitation of state police competences from those of the local police;
- The local police hiring process will be conducted with the participation of civil authorities.

Effective management of migration through the Migration and Asylum Management Strategy

23 participants

Moderators:

Daniela MORARI, Deputy Head of Division, Cooperation with EU policy, MFA

Eugen REVENCO, Expert, Moldova's Association of Foreign Policies

Experts:

Olga POALELUNGI, National Migration Expert, UNDP

Isabelle MIHOUBI-Astoria, the EU High Level Advisor to the Department of Migration Ministry of Internal Affairs

Ladislav SETNICKY, Slovak expert


The efficient management of migration and asylum is an integral part of the Action Plan regarding the liberalization of the visa regime with the European Union. Thus, the success of the 1st phase depends also on the passing of the National Strategy on Migration and Asylum and on the elaboration of a realistic action plan in this area. The 1st phase implies the adjustment of the legal framework and the 2nd one – the legislation implementation. Full compliance with the first set of terms of reference will be attentively examined and checked by the European Commission and European Council before taking the decision to initiate the assessment of the second set of criteria of reference. That's why it is urgently required to finalize the National Strategy on Migration and Asylum which currently is just being politically debated. On the other hand, the authorities have to inform the citizens, by a vast campaign, that the visa liberalization regime with the European Union does not imply the right to work but only to stay up to 90 days.

Recommendations and conclusions


Emigration. Relevant measures.



- Ensuring the correlation between definitions and concepts used in the national legislation and those in the EU legislation, especially Regulation 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and Council Regulation No 311/76 on the compilation of statistics on foreign workers.
- Strengthening the national and bilateral legal framework for mechanisms of social security of migrant workers; providing mechanisms for their continuous record throughout the migration period, receiving information from the relevant authorities of the host countries regarding the Moldovan migrants and their rights to different types of social assistance, the conditions necessary to ensure the transfer of rights acquired in terms of social insurance upon the return of migrants to the country.
- Strengthening the capacity of diplomatic missions and consular offices in the country and abroad with the purpose of providing professional services for ensuring the social and economic rights of migrants, ensuring a more efficient dialogue with Moldovan diasporas and communities in host countries, providing informational and other assistance upon return / repatriation in the country etc.
- Strengthening the legal framework and the arrangements for reintegration of Moldovan citizens (returned voluntarily or readmitted on the basis of the Agreement between the European Community and the Republic of Moldova).

- 
- Promoting policies to maximize the positive effects of migration by diversifying investment opportunities for migrant remittances in production activities of goods and services competitive on foreign markets, etc; facilitating conditions of the establishment of joint ventures with the support of employers-representatives of host countries with the participation of migrants from Moldova, etc.
 - Strengthening the mechanism of managing information inventories on migration, concluding the monitoring mechanisms of migration flows and groups by defining migration profile of the Republic of Moldova, regularly updated with information on legal and illegal migration.
 - Strengthening and developing the legal instruments and national and bilateral mechanisms concerning the situation of specific categories of migrants: highly skilled migrants, migrants' children, migrant women, etc

Immigration. Relevant measures.

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- Correlate the principles and procedures for admission and documentation of foreigners in the Republic of Moldova (economic - non economic migrants) with social and economic realities of the country, using a utilitarian approach to the country and in a way to ensure basic rights of immigrants.
 - Harmonize the national regulations with the Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment and with the Council Directive



2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service and others.

- Conclude the mechanisms of selective admission of foreigners for work to remediate shortages in highly qualified personnel: a) areas lacking domestic skilled labor force; b) in priority economic sectors for country's sustainable development and do not have the right qualification local resources. Determine the admission criteria for work, based on the forecast of the need for labor and priorities of the national economy. To ensure system flexibility, admission conditions and procedures will be updated periodically.
- Identify and regularly update the states that have a migration potential for Moldova and facilitate the immigration of these countries nationals based on national policies and bilateral agreements in the field.
- Set mechanisms of recognition of foreigners' skills and qualifications in fields requiring qualified staff (working with sophisticated or dangerous machinery, chemicals, explosives, etc.).
- Promote pro-actively the attraction of foreign investment by migration policies. Facilitate admission and documentation of foreigners who invest in business in rural areas and / or development of a multiplicative economy with respect to general conditions; exclude the duplication of several authorities in taking decision on one case. The system applicability has to be limited just with the purpose to conduct business.
- Promote higher education institutions from Moldova in order to attract foreigners to study. Determine the



conditions that, if met, would allow foreigners, after graduation, to extend their stay in Moldova.

- Develop mechanisms to facilitate access to labor market for non-economic migrants: (a) arrived for family reintegration; (b) refugees and people who have been granted humanitarian protection status in the Republic of Moldova; (c) other categories of migrants who could benefit from facilitated entry and residence rights. Adjust national policies to the EU principles in this area.
- Ensure that freedom of movement of foreigners, being legally in Moldova, or of stateless persons is not subject to unjustified restrictions, including discriminatory measures, based on any ground such as sex, race, color, ethnicity or social background, genetic characteristics, health status (including HIV / AIDS), language, religion or belief, political or other opinion, belonging to a national minority, property, birth, disability or age.
- Develop interdepartmental information records that would allow keeping a record of the individual rights of foreigners in terms of social security, access to health services and education system, welfare, etc.
- Promote a climate of legality in the admission and stay of foreigners in the Republic of Moldova by increasing awareness of potential migrants wishing to come to Moldova for short periods of time (tourism, business, private visits) or lengthy ones (work, studies, family reunification).

The Creation of the Main Ethics Committee

35 participants

Moderators

Daniela MORARI, Deputy Head of Division, Cooperation with EU policy, MFA

George SAGHIN, Association for Cooperation and Development

Experts

Cristina COJOCARU, ADEPT Expert

Although widespread, corruption is a hidden phenomenon and therefore difficult to detect. For these reasons, effective fight against corruption is magnified when efforts to combat corruption are complemented by measures of prevention. Ways of preventing corruption with an internationally recognized impact are: the declaration of assets and personal interests by public officials, respect for ethical rules, the regime of incompatibilities and gifts in the public sphere, anti-corruption expertise of draft laws and regulations, anti-corruption education and awareness of civil servants and the population, etc.

Transparency is a defining principle of good governance; it is extended on the activity of public authorities and the employed public officials, who, in return for the status offered by the position held, undertake some additional duties and even limitations of rights. A key tool, for maintaining the integrity of public officials, is that all those who hold positions, through which they exert their influence, have to be periodically required to complete forms on assets and personal interests they have. By virtue of the fact that corruption is linked primarily to the public domain and public officials that hold these positions, governmental approaches and policies regarding transparency of assets and income earned by

these officials and their personal interests may be defining for the perception of population on the integrity in public service while assessing thoroughness and efficiency of combating corruption.

Recommendations and conclusions




- Creating the Main Ethics Commission is an anti-corruption “event” announced and expected in Moldova nearly for 7 years, since the first anti-corruption policy document was adopted: National Strategy for Preventing and Combating Corruption (HP nr.421 -XV of 16.12.2004). For almost three years the Law nr.16/2008 on conflict of interest would be compulsory implemented through the creation of this Commission. However, despite many expectations and its planned establishing, the created Main Ethics Commission has not yet found the political will and attachment necessary to outline its existence.
- Creating effective mechanisms for reporting and control of assets of public officials and private interests in Moldova is a constant recommendation of the European monitoring and evaluation bodies in anti-corruption area (GRECO). Fulfillment of GRECO recommendations and strengthening anti-corruption efforts is also a condition present in all bilateral agreements concluded by the Republic of Moldova and the European Union under the European Neighborhood Policy and in the Action Plan on visa liberalization in the EU-RM Dialogue for visa liberalization, signed on 16 December 2010. Assessment of compliance with the commitments undertaken by Moldova will be operated by EU in two consecutive phases: Phase 1: Checking the existence of legal and policy framework




and Phase 2: Checking the effective implementation of the legislation framework.

- To order the activities to be taken to liberalize the visa regime, the Government adopted a National Program (GD No.122 of 04.03.2011) which provides “implementation of the mechanism to implement Law No. 16-XVI of 15 February 2008 on conflict of interest by drafting the law on the Main Ethics Commission, its structure and operation” until the second half of 2011. In April 2011 the Government submitted to Parliament a package of laws based on which was created the Main Ethics Commission, whose responsibilities will cover the control of income statements and property declarations of personal interests and the incompatibilities regime.
- Given the fact that the measure regarding the work of the Main Ethics Commission refers to the set of measures, whose assessment will be operated in Phase 2 of verification of the effective implementation of legislation, it is uncertain whether the mere development of draft law, as provided in the National Program of the Government, will satisfy EU evaluators. In this context, we recall that task force establishment within the Ministry of Justice and drafting the law is not likely to convince GRECO evaluators on implementation of the recommendation on “implementing of an effective control system of assets and interest statements for public officials”. Implementation of GRECO recommendations is also a criterion for evaluation in phase 2 for the EU on Moldova’s commitments to achieve visa-free regime with the EU.
- Even the adoption of the Law on Main Ethics



Commission is insufficient to implement an efficient system of declarations of assets and interests. Commission members are appointed immediately after the adoption of the law. Since this is a new body, it will be provided with human resources, budget, location, access to specialized databases that would allow it to effectively carry out control activities of statements.

Given the above formulated conclusions, recommendations to promote public policy are:

- 
- Examination, debate and adoption in the near future of the draft Law on Main Ethics Committee, its structure and functioning, and the package of draft laws promoted jointly with the project (amending Law No.16/2008, No.1264/2002 Law, the Contravention Code, the Criminal Code, etc..) in Moldovan Parliament.
 - Appointment of Main Ethics Commission members shortly after entry into force of the new Law on Main Ethics Commission.
 - Planning an adequate budget to ensure wages of the Main Ethics Commission members, its staff, the needs location repairs, equipment and insurance needs and access to official databases (real estate cadastre, vehicles register, records of fiscal authorities on income of individuals and legal entities, records of enterprises, institutions, NGOs, political parties, etc.), building databases for recording the declarants and statements filed under Law No.16/2008 and Law No.1264/2002 in public budget law for 2012.



**WORKING GROUP II:
AGRICULTURE AND REGIONAL
DEVELOPMENT**



Geographical Indications and Designations of Origin of Agricultural Products

46 participants

Moderators

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Viorel CHIVRIGA, Project Coordinator, IDIS “Viitorul”

Experts

Sergiu TSIRIGAN, Ministry of Agriculture and Food Industry of the
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Ion PERJU, Associate Expert, IDIS “Viitorul”

The current Law of the RM, which establishes the legal framework for GIs, does not seem fair and balanced and clearly differs in its approach from the protection offered to GIs by the EU through agricultural quality policy. A main problem that involves signing this Agreement is loss of identification on the Russian market of certain alcoholic products exported from the Republic of Moldova. Thus, if Russia’s technical regulations keep denominations registered in the European Union as geographical indications, or if Russia is able to negotiate a transition period, this would mean losing visibility to a range of Moldovan products on Russian market.

In this respect the Moldovan authorities are currently trying to negotiate a period of transition with the EU for a number of names: *Champagne, Cognac, Port and Cahor* for a period of 5 years. Concerning this initiative several states are imposing themselves, such as France, Italy, Spain and Portugal. Due to below recommendations, this period of transition was allowed by the European Commission.

Recommendations and conclusions



- Harmonize national regulations with the EU ones regarding the protection of geographical indications and designations of origin for agricultural products and foodstuffs.
- Provide consultancy and train entrepreneurs in the field of protection and the use of Intellectual Property rights (IP) by organizing seminars, round tables and specialized workshops.
- Spread information on advantages of using intellectual property objects in order to develop companies, promote success models.
- Cooperation of AGEPI with councils on the product category (producers of: milk, meat, sugar, fruits, tinned vegetables etc.), CCI branches, Congress of local authorities from Moldova, business associations.
- Cooperation of AGEPI with authorities having the similar functions and competencies from the EU member states, including the State Office for Investments and Trademarks from Romania.
- Exclude the need to renew the right to use the geographical identification once in ten years (Art. 10 of Law 66). This right has to be granted to for an unlimited period of time with the condition to respect the specifications.
- Set up control systems afferent to geographical indications.
- Establish the responsibilities of the Ministry of Agriculture and of subordinated control bodies, accountability on the production chain, a control system based on risk assessment;
- Set up a unique control authority



- Simplify the procedure of changing the use of agricultural lands. The GI system implies the location of production on the field and thus the existing procedures are a significant barrier in this regard.
- Reimbursement by the state of registration fees paid off when the GIs have successfully passed the procedure of registration.
- Elaborate a comprehensive strategy regarding identification, protect and promote GIs. This has to include and serve the following goals:
 - Set up a communication strategy with potential beneficiaries and/or applicants for using GIs and DO. The method of establishing pilot projects could be used as well. Meanwhile this would hopefully diminish the negative impact of the insufficiency of association in agriculture.
 - Ensure assistance measures, including financial, from the state for interested associative groups and/or potentially interested in registering and using a GI.
 - Include GIs into the existing system of stimulating and promoting measures and also to ensure benefits both for GI and other products with the confirmation of some qualities that are distinct from advantages in case of public procurement.
 - Unify approaches and assistance policies. The existence of a strategy would help to attract and direct efficiently certain external financial resources for backing the GI system.

Strengthening the position on the country level of the Republic of Moldova in terms of regional development from the perspective of signing the Association Agreement between the RM and the EU

39 participants

Moderators

Ion BESCHIERU, expert IDIS Viitorul, Project coordinator

Vyacheslav GUTUTUI, Deputy Minister, Ministry of Construction and Regional Development

Experts

Valentina PLESHCA, Head of the Regional Development Department, Ministry of Construction and Regional Development

Ion OSOIANU, independent expert

Regional development is a new issue for Moldova. Regional disparities, accentuated during the transition period, highlight the opposition of the capital city to the rest of the country, and the double exposure of monoindustrial towns to poverty, and political conflict in the eastern part of the country. To diminish these discrepancies, an EU-based institutional structure for the coordination of the regional development process is being implemented, but is at early stages. “Standard” regional development policy objectives, common to many other eastern European countries, are the basis of a national regional development policy. The government created an appropriate framework for its implementation by establishing regional structures, which are becoming more and more active. But the lack of a clear country position in terms of regional development could weaken Moldova’s chances from the perspective of signing the Association Agreement between the RM and the EU.

Recommendations and conclusions



- Strengthen the legislative and normative frameworks by adjusting them to the EU standards in the area of regional development policies.
- Strengthen institutional and operational capacities of national and regional institutions in the area of regional development and planning of using the land by:
 - improving the mechanism of vertical and horizontal interaction of central and local public administration in the process of developing and implementing regional policy;
 - increasing the capacity of local public authorities in promoting trans-border cooperation in accordance with the EU practices and regulations;
 - organizing training activities, study visits and exchanges of experience.
- Intensify interregional, internal and international cooperation, trans-border collaboration, including that in the Euro regions, and the participation of development regions in the European structures and organizations promoting their economic and institutional development in order to realize some projects of common interest by:
 - Intensifying cooperation with the Committee of Regions within the Eastern Partnership and joining European regional projects;
 - Cooperation with Economic and Social Committee, EURADA – European Association of Regional Development Agencies, ESPON etc.
 - Continuing cooperation in the framework of trans-border initiatives especially within Euro regions.
 - Attract financial resources for the regional development by:



- implementing programs and mechanisms of financial assistance of regions by boosting infrastructure and business development;
- attracting complimentary resources for regional development by means of trans-border projects of cooperation;
- Boosting economic activities in the regions by creating industrial parks, business incubators, free economic zones and supporting the activities of the existing ones by attracting local and foreign investment and facilitating their foreign economic activities.
- Obtaining technical assistance from the EU by:
 - exchange of experience and know-how, study visits;
 - increasing the level of public awareness in the area of trans-border cooperation and of the information level regarding their process of joining EU within trans-border regions.
- A legislative framework to enable implementation of specific provisions
The legal framework of regional development, partly tested in 2010, was elaborated and approved with the support of several projects financed by the EU. As a whole, it corresponds to the current level of implementing regional policies and has to be adjusted to the necessities while testing its applicability in concrete situations. A range of modifications was suggested during some previous exercises of analyzing legal framework in the domain.
- A territorial organization based on a provisional statistical classification according to the Nomenclature of Territorial Statistical Units (NTSU)



Currently the major problem in terms of assimilation of development regions to the NTSU is the discrepancy between the regions of collecting statistical data, set by the National Bureau of Statistics, and the borders of regions of development. It is recommended to re-design the statistical regions for collecting data so that to make them correspond to the regions of development.

- An institutional framework and an administrative capacity by which are clearly defined the tasks and responsibilities of all bodies and institutions that are involved

The institutional framework exists and is operational. The administrative capacity is constantly being developed. Certain tasks and responsibilities of institutions taking part in formulating and implementing policies of regional development must be further clarified.

- Efficient inter-ministry coordination

Inter-ministry coordination at the level of government seems to be the weakest link of the institutional framework of regional development and needs continuous improvement of capacity. It is necessary to create an inter-ministry commission in the field of regional development chaired by a vice-minister in charge of the regional development policy.

- Implementing the principle of partnership at different stages of programming, financing and assessment

The created institutions enable to set strong regional partnerships but, however, it is necessary to continue to strengthen the capacity of Regional Councils for Development.



- Programming capacity by which the country may draft a development plan
Moldova is at the stage of elaborating a new National Strategy of Development (NSD-II). It is recommended that the new document of strategic planning should be a national priority.
- Adequate procedures for multiannual planning of budgetary expenditures
It is necessary to introduce since 2011 certain practices of multiannual planning on regional development according to Middle Term Budgetary Framework
In terms of negotiating AA content it is needed to come up with unique country position which would include the following defining elements:
 - The Republic of Moldova has made considerable efforts to create an institutional and policy framework in the area of regional development similar to that existing in the EU member states, even if this was not a condition explicitly formulated previously;
 - The Republic of Moldova is the only country within the Eastern Partnership that developed the institutions and procedures in the area of regional development after the model of the EU member states;
 - In order to strengthen these achievements it is needed to develop certain pilot instruments of territorial cohesion for countries in the European neighborhood that have progressed in implementing a European regional policy in line with EU requirements;
 - The Republic of Moldova is interested in finding out the EU opinion concerning specific and measurable requirements in the area of regional development that will result from the AA text and whose fulfillment



will mean to get closer to the European standards in this domain and implicitly to the EU;

- The Republic of Moldova is interested in identifying common opportunities of improving the quality of regional statistics by developing a system of collecting regional statistical data identical or, at least, similar to that of NTSU in accordance with the Eurostat requirements.

It is recommended that this stance at the country level should be adopted officially in all governmental structures involved in the process of negotiations within the Working Group Nr. 3 “Sectoral cooperation” in the framework of negotiating the Association Agreement of the Republic of Moldova with the EU (especially it refers to the Ministry of Economy, Ministry of Finance, Ministry of Regional Development and Constructions and the National Bureau of Statistics).

- Select projects that would be financed from the National Fund for Regional Development in accordance with the priorities established within the sectoral strategies of development and regional strategies and also on the base of the quality of proposed projects.
- Policies of regional development have to be correlated with the reform of local public administration (territorial strengthening, fiscal decentralization, consolidation of human, administrative and institutional capacities, etc.).

Principles of Attracting European Funds for Regional Development

27 participants

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In order to benefit from the European funds allocated for regional development, the Republic of Moldova has to strengthen its institutional and human capacities, providing guarantees that these resources will be used strictly in accordance with the provisions of the Financing Programs. During negotiations with the European Commission, the authorities have to insist on obtaining the increase of both the funds for transnational cooperation and those available within the European Neighborhood Policy and Eastern Partnership. Thus, about 7 million Euros will be available for the Republic of Moldova in 2012-2013 within the Eastern Partnership Program, by means of pilot projects for regional development.

These are the main conclusions of the working group on agriculture and regional development of the National Convention for European Integration. The recommendations are the result of a round table held on 18 May, in which participated central and local authorities officials and local experts.

Conclusions and recommendations



- Increase the number of Government, Ministry of Constructions and Regional Development, Regional Development agencies employees in charge of regional development and elaborate the job cards in order to develop a stable, functional and operational structure.
- Train the staff involved in managing regional development programs.
- Organize study visits both in the EU member states and in the EU partner states for the purpose of exchanging experience and studying good practices.
- Establish an efficient mechanism of communication between the state's institutions and between the state structures and the private and non-governmental sectors as well, which would contribute to better current activities and prevention of potential problems.
- Elaborate a number of web sites including detailed information on regional development concept, both national and international legal and institutional frameworks, the Republic of Moldova situation, regional development and cooperation instruments, implementation opportunities, eligibility criteria, etc.
- Set up a network of potential beneficiaries that would regularly receive news regarding the recent developments and potential opportunities to obtain finances for regional projects.
- Develop the national mechanism for monitoring and assessing the implemented projects with the help of foreign assistance.
- Promote cooperation within the existing European regions and assistance provided for the establishment of new Euro regions (the Dniester Euro region).

How to Increase the Competitiveness of Agro-Food Sector

26 participants

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Woldemar SOCHACEWSKI, Polish expert on agriculture

During negotiations with the EU, the authorities should focus on obtaining a free trade regime for those products that have a comparative advantage like the wine, fresh fruits and vegetables etc. Meanwhile, it is needed to facilitate the entrance of Moldovan exporters to the foreign markets and to simplify customs procedures. Local markets do not seem sufficiently accessible either for the small-scale local producers, and what is required is to ensure the access for those that meet the quality criteria or to set up separate markets. In the same time, it is necessary to establish a unique control system in order to avoid confusions, excessive bureaucracy and to reduce the government expenditures.

Recommendations and conclusions

- Concentrate the efforts mainly on sectors with comparative and potential advantage to ensure a high added value.





- Set up a unified control system in order to avoid the lack of coordination on the whole and to ensure the reduction in the maintenance and implementation costs, overlapping in activities, and the decrease of the required controls.
- The need to elaborate a strategy in the area of ensuring quality policies not only in the domain of food safety.
- Elaborate a negotiation strategy which would include proper terms for liberalizing trade for every group of goods.
- Maintain and continue to develop the systems of agricultural extension.

It is not needed to take special measures regarding the agricultural market infrastructure in the perspective of signing the FTA with the EU, except for adjusting to the EU standards and requirement; what is needed are actually implementing measures already stipulated in numerous plans and strategic programs and real progresses in this direction. The sooner this task is achieved the smaller are the real and opportunity losses. These measures include:

- real progresses in building the regional wholesale markets;
- developing the physical marketing infrastructure (of collecting, processing, stocking, preserving, transporting) by facilitating and stimulating local and foreign private investment;
- developing of vertically coordinated chains of value by facilitating market entrance for procurement, processing companies, fiscal incentives, promoting clear and transparent policies concerning import and export procedures;



- setting marketing cooperatives and associations by fiscal policies and legislation that would facilitate small and medium size producers association;
- elaborating marketing and informing systems, investing in training producers, processors, exporters in terms of foreign markets requirements and standards, terms of penetrating these markets, price evolutions, etc.
- As for the building of regional wholesale markets, it is needed to elaborate some studies regarding the availability and the required agricultural market infrastructure in different regions of the country, the specific character of the agricultural market infrastructure required for every identified region and also concerning the expected impact of the regional wholesale markets,
- Some protection measures, in one form or another, will have to be preserved for „sensitive” sectors – alcoholic beverages, tobacco, and sugar. For other sectors, the state will be deprived of protectionist instruments, the only option remaining increasing these sectors competitiveness which requires the removal of constraints mentioned and implementation of mentioned provisions;
- It is required to remove all barriers to agricultural products export, by getting rid of some corrupt organized or unorganized practices of implementing laws and regulations in force, complexity of export procedures.



**WORKING GROUP III:
TRADE, SERVICES AND COMPETITION**



Facilitating Trade and Customs Administration, Rules of Origin

44 participants

Moderators

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Peter Cvik, Slovak expert

No doubt that in 2010 Moldova made sustainable efforts and achieved substantial progresses in terms of European integration and along with the political ones those economic advanced as much. Apart from the multitude of chapters and dimensions of the potential Association Agreement (AA) with the EU, the debates and negotiations on the Deep and Comprehensive Free Trade Agreement (DCFTA) are some of the most important. As a matter of fact, the negotiation of this agreement is part of the economic bloc one of the four, in terms of importance, concerning the AA which Moldova tends to obtain from the EU. Currently, as far as we know, the Moldovan side is holding negotiations at the level of experts or consultants while the official negotiations, according to governmental authorities are going to start in May this year.

The project of the National Convention for European Integration implemented by the Foreign Policy Association, the Analytical Center Expert-Group and IDIS “Viitorul” provides a supplementary platform for debates aiming at the ultimate goal of

identifying and elaborating a range of recommendations and actions for the governmental bodies involved in the process of negotiations with the EU. Thus, following the debates at the first round table within the Working Group *Trade and economic aspects* held on 17 February on *Facilitating trade and customs administration. Rules of origin* the following recommendations were identified:

Recommendations and conclusions



- The participants expressed the need to carry out a comparative study between the national customs legislation and the European one. In fact, it turned out that this study had already been carried out by a foreign expert and the main beneficiary being the Ministry of Finance. This study has to be made public.
- It was suggested to develop or amend *in-corpore* the Customs Code, but it turned out as well that a new project of the Customs Code had been already elaborated but nobody knew anything about it.
- Peter Cvik, a customs expert from Slovakia stated that *the main document, namely the Customs Code has to be as simple and clear as possible and exclude any interpretation post-factum* of this document.
- *Internal orders and regulations of the Customs Service having a regulatory character must be reviewed* in order to ensure that the legislation of the Republic of Moldova and the provisions of the WTO treaties, to which Moldova is part, are respected. After the discussions, there was the impression that often traders are treated separately and not in accordance with the legislation in force, thus leading to corrupting customs officials.
- It was proposed to abolish a number of customs duties and payments for customs procedures that do not comply with the WTO and EU regulations (certainly followed by an expertise).



- In the same time, the government has to prove that necessary measures are taken in order to guarantee the control of illicit trade through the Transnistrian region. In order to make more efficient the control of goods traffic, it is required to bring to an operational level the preliminary data exchange between the RM and Ukraine.
- It was proposed a more rational and efficient cooperation between the Customs Service and the Chamber of Commerce and Industry. This is a very welcome recommendation, taking into account the fact that, in accordance with the provisions of art. 1 part 3 (1) of the Law “concerning the Chamber of Commerce and Industry” nr. 393 – XIX dated 13.05.1999, the Chamber represents the interests of all entrepreneurs from Moldova being a legal person of public law which benefits from the states support.
- An urgent review of procedures of detachment of customs clearance of goods in another customs point than that where the trader is registered, by the way, a very important aspect for facilitating trade.
- Finally, the huge problem which remains is the transparency and communication between civil society and private sector actors, on one hand, and authorities and state specialized bodies, on the other hand. This aspect was, by the way, mentioned and proposed as a recommendation also for the *Working Group on visa regime liberalization* on 9 February this year.
- Those present solicited involvement of associative, private and research sectors representatives as experts in the framework of these specialized intergovernmental groups, particularly in this concrete case of the group of negotiations concerning the Deep and Comprehensive Free Trade Agreement, taking into account the fact that presently no representative of the sector is part of this governmental group.

The following recommendations are part of the Action Plan of the Republic of Moldova government on launching DCFTA negotiations, which were discussed and agreed with at the round table of this Working Group:

Recommendations on facilitating trade and customs administration



1. To continue the reforms in order to abolish customs duties which are not complying with the WTO and the EU provisions;
 - Carry out the study on customs duties
 - adjust them to the WTO and the EU provisions;
 - Review the existing duties for customs procedures and if necessary;
 - Amend Annex nr.2 of the Law concerning the customs tariff nr. 1380-XIII, which set the list of services and the duty quantum for customs procedures;
2. To continue efforts for ensuring a homogenous implementation of customs legislation;
 - Examine the opportunities to review, amend and implement a normative and legal framework that would enable to apply homogenously the customs legislation all over Moldova, including the collection of import rights from Transnistria;
 - EUBAM recommendations;
 - Elaborate the mechanism of making more efficient the activities of the Customs Service mobile groups;
3. Prove that required measures for guaranteeing the control of illegal trade through Transnistria are taken;
 - Improve the mechanism of comparing data concerning



goods traffic through Moldovan-Ukrainian border, collected by means of the system of preliminary data exchange between the Republic of Moldova and Ukraine.

4. Continue to implement the ethics policy and provide the Transparency International reports to the EC concerning the ethics in the framework of the Customs Service;
 - Periodical assessment of customs staff knowledge regarding the ethics and the Code of Conduct of the customs official;
 - Review the mechanism of reporting and examining the cases of violation of rules of conduct;
 - Review and improve the system of staff turnover in the Customs Service with sensitive functions;
 - Translate Transparency International reports regarding ethics within the Customs Service and presenting them to the EC.

5. Report to the EC on applying the Plan of institutional development of the Customs Service for 2009-2011 and any other plans for future, including the annual reports of the Customs Service ;
 - Draft biannual reports on implementing the Plan of institutional development of the Customs Service for 2009-2011 and presenting to the EC.
 - Presentation of progress reports of the Customs Service to the EC.
 - Periodical presentation to the EC of information on amendments to the customs and fiscal legislation of the Republic of Moldova.

6. Adopt and provide the EC a long-term training strategy for the Customs Service;
 - Presenting to the EC of the Strategy of professional training of the customs staff for the 2010-2013 years.

Recommendations concerning the facilitation of rules of origin of goods:



1. Adequate involvement of Customs Service in the process of certification and checking the products origin coming from Transnistria
2. Uniform application of rules of origin all over Moldova including Transnistria
 - Continue to apply the provisions of the GD nr. 815/2005 and GD nr. 1001/2001 on the whole territory of Moldova
 - Continuous implementation of the EC and EUBAM recommendations for certification and checking the origin of goods
 - Strengthening the function of specific Customs Audit for checking the origin of goods

Recommendations to streamline the Customs Service activity:



- Improve the professional skills and continual training of customs staff in charge of certifying the goods origin (training courses, seminars, study visits abroad);
- Organize training with the participation of audit experts specific for origin of goods from the EU;
- Manage the domain of administrative assistance in accordance with the respective agreements;
- Cooperate and inform civil society, research and analysis environment, business environment about the activity and competence of the Customs Service by organizing meetings, round tables, workshops etc.

Access to the market of Moldavian goods and services. Tariff and non-tariff barriers to trade

38 participants

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Following the debates at the second round table within the Working Group *Trade, Services and Competition* held on 12 April 2011 on *Access to the market of Moldovan goods and services. Tariff and non-tariff barriers* the following conclusions and recommendations were identified:

Recomendations and conclusions:

Aspects of foreign economic policy

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- *Firstly*, the EU will be willing to see that the Republic of Moldova respects its commitments to the WTO, respects the norms and principles of the WTO and as well their implementation under national legislation and internal practices.
 - *Secondly*, it *will* desire to see the normative framework of the Republic of Moldova adjusted to the EU



directives in order to ensure compatibility in the area of regulating access to the market and ensuring a national and nondiscriminatory treatment for products and services from the EU.

Aspects of domestic economic policy




- Moldova itself has to be interested in identifying all non-tariff barriers, assessing the application of their legitimate objectives in order to facilitate and use pertinent arguments in the process of establishing the Deep and Comprehensive Free Trade Area with the EU and to avoid any delays due to them.
- *Last but not least*, Moldova has to be interested in identifying those non-tariff measures that do not correspond to any legitimate objective of the state, even if they are not subject to any solicitation or dispute from the EU but, nevertheless, are measures that are internal impediments (bureaucratic, administrative or of any other kind) that distort the normal rules of the game, do not permit a normal evolution or/and a rapid one of the trade with goods and services for local traders and especially those applicable to export that do not currently allow to take full advantage of the potential provided by preferential regimes granted by the EU and subsequently by the Deep and Comprehensive Free Trade Area.

Recommendations




- *Firstly* it is proposed to set up clear and transparent mechanisms of adopting new regulations and procedures regarding trade regulation and an



interaction of competent state institutions with traders while complying with Moldova's commitments within the WTO.

- *Secondly*, to train the key players within these state bodies in term of provisions and applications of WTO agreements and their implementation in the legislation and normative framework of the Republic of Moldova.
- *Thirdly*, to set up a working group in order to strengthen the institutional capacity aiming at optimizing and improving non-tariff regulations with the purpose to promote foreign trade.

Specific recommendations:

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- To eliminate “grey” zones of regulating trans-border trade and introduce transparent and clear rules, compliance with WTO norms and principles in applying customs legislations;
 - It was suggested to develop or amend *in-corporate* the Customs Code, but it turned out as well that a new project of the Customs Code had already been elaborated but nobody knew anything about it. Experts from Slovakia stated that *the main document, namely the Customs Code has to be as simple and clear as possible and exclude any interpretations post-factum* of this document.
 - To review the mechanism of examining new orders of the Customs Service and to pass them through the Working Group (Guillotine 2). *Internal orders and regulations of the Customs Service have to be reviewed* in order to ensure compliance with the law



implementing provisions of the WTO agreements in national legislation. After the discussions, there was the impression that often traders are treated in a biased way and not in accordance with the legislation in force, thus, leading to corrupting customs officials.

- *Certification* (reduce the export logistics costs, including abolishment of all requirements towards export which are not justified, accepted or required by the target market);
- *Licensing* (abolish constraints and limits of access to the market);
- *Elaboration of screening comparative sectoral studies/analyses* which would highlight possible impacts concerning tariff and non-tariff barriers to trade;
- *Standardization* (adjust standards to the EU (EN) ones and to those international (ISO));
- *Develop human resources* (recruiting highly skilled staff) from the state bodies in charge of non-tariff regulations. *Strengthening institutional capacity* (the accountable institutions to respond promptly to signs from the market and objective complaints from external operators in the field of trade);
- Particular attention has to be paid to the transparency and communication between the civil society, private sector actors on one hand and the authorities and specialized state bodies on the other.
- Those present demanded involvement of associative, private and research sectors representatives as experts within these specialized intergovernmental groups, particularly in this concrete case of the group of negotiations concerning the Deep and Comprehensive Free Trade Agreement, taking into account the fact that presently no representative of the sector is part of this governmental group.

Sanitary and Phytosanitary Standards. Sensitive Aspects for Negotiating the Future Deep and Comprehensive Free Trade Agreement

29 participants

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Moldova continued the process of gradual approximation with EU sanitary and phytosanitary (SPS) rules which is of major importance, inter alia, in the context of a future DCFTA. In 2009 and 2010, the Sanitary-Veterinary Agency for safety of products of animal origin and the General Inspectorate for phytosanitary surveillance and seeds control, both established in 2008, became operational. Moldova further strengthened laboratories and continued to implement its animal identification system. Moldova continued to work towards a better functioning of and coordination among the SPS related bodies. Moldova started implementation of a revised action plan on animal health and food safety. Following the debates at the third round table within the Working Group *Trade, Services and Competition* held on 10 June 2011 on *Sanitary and phytosanitary standards. Sensitive aspects for negotiating the*

future Deep and Comprehensive Free Trade Agreement the following conclusions and recommendations were identified:

Recommendations and conclusions

Conclusions:

Discussions and negotiations on the deep and comprehensive free trade agreement are among the most important in the current relations of Moldova with the EU. As a matter of fact, the negotiation of this agreement is part of the economic bloc and among those four the most important concerning the Association Agreement which Moldova tends to obtain from the European Union.

It is certain that *a special attention will have to be paid to the issue of complying with the EU standards for Moldovan producers and even those sanitary and phytosanitary*. The authorities might encounter problems in the process of negotiations while debating aspects related to products quality and safety, especially of the agro-industrial ones. This is because *the still low quality of some groups of Moldovan products* does not permit the massive reorientation of exports to the western markets. The truth is that we do not quite have a variety of products that could be competitive on the EU market, the agro-industrial products not being an exception in this sense, especially when they account for more than 30% of our exports. In 2010 about 2100 European standards of this kind were adopted and out of them 1500 are harmonized. As a whole we have only 2666 European standards adopted in the national system of standardization.

Recommendations:



- Harmonize national legislation in the sanitary and phytosanitary area and implement standards, international directives and recommendations of



the specialized organizations (Codex Alimentarius, International Association for the Plant Protection, International Organization Epizodica) by elaborating recommendations, instructions, informative material, etc and their implementation in the national legislation.

- Develop and implement an informational system on documenting sanitary and phytosanitary regulations and procedures. Publish and popularize among producers and exporters the sanitary and phytosanitary rules, including the creation of a well-advertised web page and making this information available at the customs check points as well. Develop a National Program of implementing technical specifications for 5-10 years (especially of those harmonized with the European directives). Biannual reporting by the heads of regulatory authorities concerning the realization of the National Program of elaborating technical regulations and examining the progress of implementing this National Program at the government's sessions;
- Set up, within regulatory authorities, special subdivisions with the function to elaborate technical specifications and hire staff that would meet these tasks requirements (including knowledge of foreign languages);
- Active involvement of business community in the process of drafting technical legislation, especially in examining projects of newly elaborated technical regulations or those subject to modification – with the aim to effectively cooperate with authorities responsible for regulation and implementation;
- For making the mechanism of implementing technical specifications work, the regulatory authorities should annually provide financial funds in the budget for



adopting European and international standards;

- The National Institute of Standardization and Metrology as the National Body of Standardization should initiate the creation and possession of the National Committee for Electrotechnics secretariat for subsequent accession to the International Electrotechnical Commission (IEC) and the European Committee for Electrotechnical Standardization (CENELEC);
- The Ministry of Informational Technologies and Communications, as the regulatory authority in the area, has to start the procedure of accession to the European Telecommunications Standards Institute (ETSI);
- Thus, a possible technical solution might be dividing the National Institute of Standardization and Metrology into two independent structures: National Institute of Standardization and National Institute of Metrology;
- In order to support producers and exporters to meet the sanitary and phytosanitary standards on foreign markets, *it is recommended* that public authorities develop a concept and a technical plan of access to this market. This plan should be based on eliminating or reducing the access barriers for those products that have a high export potential.

Specific recommendations:



1. In order to support producers and exporters to meet the sanitary and phytosanitary requirements on the foreign markets a *Technical Plan of Access to the Market* is needed, which can be found in these two analyses



and component activities of the plan:

- of local products with the highest revenue from their export when access barriers to these markets may be overcome, reduced or eliminated;
- Of the main risks of sanitary and phytosanitary standards for the Republic of Moldova, of the most efficient instruments of reducing these risks and the sanitary and phytosanitary standards requirements towards the imported goods that would have to live up to the traders expectations and which of them have to be reviewed or reintroduced again.
 - Identifying, during consultations with the private sector, problems facing them concerning access to the market, especially problems implying technical barriers for export;
 - Determining if any barriers are sanitary and phytosanitary standards or technical barriers to trade (3/4 of measures could be subject to the agreement of TBT of the WTO);
 - Clarifying technical specifications with the countries trade partners by communicating with the competent authorities and by cooperating with the actors – involved exporters and importers who are their partners;
 - Consulting governmental institutions and business community in order to prioritize problems according to their possibility to solve them on short or long term and to see if the solution might have a big or minor impact on trade;
 - Developing an Agenda of Access to Market with a target program of bilateral activity which will lead to obtaining the biggest advantage from export in the shortest time using the existing technical and negotiations resources;



- Elaborating case studies on Access to the market of every product based on information solicited from the import country about the needed information (3/4 of these technical studies might be solicited from institutions);
 - Facilitating the dialogue with traders from import countries in order to send request for market access (for example – cooperation in minimizing delays in processing requests or using other sources (governmental agencies) for getting support in these activities);
2. Making use of multilateral forums, when necessary, in order to address aspects related to access concerning specific commercial interests/ WTO sanitary and phytosanitary standards Committee(1) and if, it is needed by means of former consultations or dispute settlement procedures (DSU) – both are lengthy and costly but efficient;
 3. Ensuring technical assistance for strengthening capacities and for studies aimed at supporting requests concerning access to the market;
 4. Particular attention has to be paid to the transparency and communication between the civil society and private sector actors, on one hand, and the authorities and specialized state bodies, on the other.

Competition policy. Approach to EU standards issues

36 participants

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The drafting of a new law on Competition is still ongoing in Moldova; it is expected to be finalized by the end of 2011. This revision of the 2000 Competition Law is essential in order to establish a modern competition policy framework in Moldova. The draft law on state aid is still under examination by the Government. Following the debates at the fourth round table within the Working Group *Trade, Services and Competition* held on 1 July 2011 on *Experience of other countries in negotiating an Association Agreement with the EU – Chapter Competition* the following conclusions and recommendations were identified:

Recommendations and conclusions

Conclusions:

Analyzing the experience of other states within the European Neighborhood Policy and of the Stabilization and Association Process we observe that the EU approach to the states with which it

negotiates association agreements is an individual one, expressing the particular attitude and interest of its member states in each third country on an individual basis. Nevertheless, we may come to the conclusion that the competition chapter, in the association agreement to be negotiated with Moldova, will contain, most likely, provisions resembling more to the provisions of association and stabilization agreements concluded by the EU with Balkan countries and less resembling to the agreements signed till now within the European Neighborhood Policy.

The implications of entering in the association agreement with Moldova of such provisions in terms of competition will be essential. On one hand, like other countries, we might be forced to implement the EU antitrust legislation in the state support as well but, on the other hand, we might not have the right to exchange confidential information. This might be among the conditions that Moldova, like other states, has to be ready to accept. In the same time, the possible complexity of the competition chapter, in the association agreement, should be regarded positively by the Moldovan society. Firstly, applying the EU competition regulations by Moldova is a vital step towards obtaining the member status. Secondly, this fact provides credibility to our state's commitment to implement a competition national legislation across the country.

In accordance with the EU White Paper "Preparation of associate countries from Central and Eastern Europe to integrate into the Union internal market", the associate countries are under the process of preparing for adopting a large number of EU acts, they being obliged by concluding association agreements with the EU to "make every effort" to realize this harmonization they commit to. „ [...]. "Once the implementation of competition and state support policies (by the associate states) has been realized, along with effective application of other UE norms concerning the internal market, the EU might decide on progressive reduction of instruments of trade protection applied towards these states."

The “charm” of the Association Agreement is the presence of a deadline in which the Republic of Moldova will have to fulfill the obligations stipulated by the agreement, the Moldovan authorities having the obligation to meet the negotiated timeframe. Considering the “speed” at which were implemented the reforms, in terms of competition in Moldova, since the conclusion of the Partnership and Cooperation Agreement with the EU, we may foresee that the realization, in a short time, of new requirements to be entered in the competition chapter of the association agreement and of those we failed to implement previously in terms of competition will be a real challenge for the Moldovan government.

Recommendations:

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- Awareness by Moldovan politicians and negotiators of the fact that harmonization of competition and state support legislation is vital for Moldova’s integration into the EU.
 - Realization, as soon as possible, of Moldova’s commitments stipulated by the Partnership and Cooperation Agreement and the Action Plan within the European Neighborhood Policy of 2005.
 - Thorough preparation for negotiations – all demands, Moldova’s (position) during negotiations should be accompanied by relevant statistical data on existing competition and state support in all spheres of national economy.
 - Establishing urgently a monitoring mechanism of the realized progress in the competition sector and immediate intervention of the Government in case of a limited progress in implementing recommendations inscribed in the Action Plan for preparing the negotiation of the Deep and Comprehensive Free Trade Area and subsequently the association agreement.
 - Urgent and unconditioned recruitment of



corresponding staff for the National Agency for Protection of Competition, including the solution of the problem of its financial dependency.

- Continuous monitoring of the progress in implementing EU legislation by traders and decreasing/increasing the volume of external assistance depending on their achieved successes and their taking advantage of the provided support.
- Making society aware of the fact how the breach of fair competition rules could restrict access to opportunities provided by the international business market and the negative effects of this practice.



Closing session of the National Convention of the European Integration. The speech of Mrs Natalia Gherman, deputy Minister of Foreign Affairs and European Integration and the Head of the National Convention



The co-chairs and the main experts who participated in the National Convention



September 27 – final session with the participation of the main experts



Georgeta Mincu, local expert EUHLAM, who was involved in several round tables



Sanitary and phitosanitary issues, discussed by the Working Group 3



Daniela Morari, Gheorge Saghin and Dinu Cojocaru in Balti, participating at a round table on anticorruption issues



Daniela Morari, the permanent co-chair of the Working group 1 on Visa Liberalization



The experts from the Ministry of Interior and ADEPT debating anticorruption issues



The experts discuss the demilitarization of the Ministry of Interior



Eugen Revenco, the coordinator of the Working group 1, and Daniela Morari



Valeriu Prohntiki, from the Expert-group and Mihaela Gorban, from the Ministry of Economy, listen the presentation made by Georgeta Mincu



The first session of the Working Group 2 – Geographic Indication and Names of Origin



Tudor Robu, from the Ministry of Economy, the permanent co-chair of the Working Group 2



Presentation made by Sergiu Tsigiran, Ministry of Agriculture and Food Industry

