

We propose you to get acquainted with the legislative amendments and completions published in the Official Gazette of the Republic of Moldova during May, 2012.

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Entrepreneurship

1. In order to combat alcoholism and consumption of tobacco products that cause harm to person consuming them, as well as to those who are around, changes and additions have been made in this regard in the following documents:

- There were made completions to the *Law on tobacco and tobacco products* No. 278-XVI of December 14, 2007, and according to its provisions it has been established that the commercial units, which retails tobacco products are required to display information in a visible place regarding the prohibition of selling of tobacco products to persons under 18 years old and information on the fine if this prohibition is violated. In order to ensure that the person who buys tobacco products reached the age of 18 years, the sellers are bound to ask the buyer to present the Identity Card or other official document with photo. It was also introduced the restriction on smoking in private rooms that are available to the public, and in private transport where there are minors.

- To the *Law on manufacture and circulation of ethyl alcohol and alcoholic products* no. 1100-XIV of June 30, 2000 (republished in the Official Gazette of the Republic of Moldova), was added a provision which establishes that the retail of alcoholic beverages to persons under 18 years old is under prohibition, and the retailers was bound to ask the buyer to present the Identity Card or other official document with photo. It was also prohibited the retail of alcoholic beverages in food stores and other wholesale units between hours 22.00-8.00 as well as in other food stores and wholesale units in plastic package with a capacity less than 0.25 liters. (Law No. 22 of March 1, 2012, Official Gazette of the Republic of Moldova No. 92 of May 15, 2012).

2. In order to harmonize the legislative acts in connection with the currency field with the *Law on currency regulation* No.62-XVI of March 21, 2008, there were made changes and additions in some legislative acts (Law on entrepreneurship and enterprise No. 845-XII dated January 3, 1992, Law on money No. 1232-XII of December 15, 1992, the Tax code No. 1163-XIII of April 24, 1997, republished in the Official Gazette of the Republic of Moldova, special edition of February 8, 2007 etc..). In order to ensure the correct use of the terminology related with the currency field, the legislation

has been adjusted to the terminology used in the mentioned Law. Besides the mentioned changes, there were made changes and additions to Law on regulation of repatriation of funds, goods and services proceeded from external economic transactions No. 1466-XIII of January 29, 1998 for the purposes of:

- prolongation of the period of repatriation from 1 year to 2 years for contracts of sale-purchase, barter and export in consignment condition; from 60 days to 1 year for processing contracts; from 1 year to 2 years for transferred funds in advance for services rendering for non residents and unused funds in terms provided by the foreign economic contracts, etc.
- reduction of the maximum fine for the non-repatriation on term, from 100% to 40% of the amount of the cash resources and material resources returned on term.
- explicit regulation, as the way of contractual obligations extinguishment may be held by any means provided by the law, except for debt remission. Thus, it was confirmed once again it does not violate the mentioned law, if contractual obligations are extinguished by offset agreement, contract of cession, etc., until the deadlines for returns expire.
- Giving the possibility to benefit by a 50% discount in pecuniary penalties to criminally liable persons for nonobservance of repatriation deadlines. In this regard the person shall extinguish 50% from the amounts of the calculated fines and submit to the State Fiscal Inspectorate the documents confirming the fine off within 3 working days. (Law No. 33 of March 6, 2012, Official Gazette of the Republic of Moldova No. 99-102 of May 25, 2012).

Tax legislation

1. From June 1, 2012, electronic documents confirming the opening, changing, closing or tax recording of the bank accounts, cancelling of operations on bank accounts, balance and turnover of funds in bank accounts and other documents that are subject to circulation between the State Tax Service and financial institutions, shall be sent and received mandatorily using automated information system of creation and circulation of electronic documents between the State Tax Service and financial institutions. Thus, the Instructions on how to send and receive electronic documents through the automated information system of creation and circulation of electronic documents between the State Tax Service and financial institutions were published. (Order of the Main State Tax Inspectorate No. 284 of April 19, 2012, Official Gazette of the Republic of Moldova No. 99-102 of May 25, 2012).

2. Main State Tax Inspectorate issued the *Order on electronic circuit of the documents related to forced taxation of the funds from the bank accounts of the debtors to national public budget*. As a result of the mentioned order the form of Information on execution of the encashment order was approved. It shall be used within the automated information system of creation and circulation of electronic documents between the State Tax Service and financial institutions. (Order of the Main State Tax Inspectorate No. 302 of May 3, 2012, Official Gazette of the

Republic of Moldova No. 99-102 of May 25, 2012).

3. Order on some additional measures of implementation of Articles 187 and 188 of the Tax Code was issued which led to the materialization of the manner of electronic submission of the revised tax reports and delayed tax reports. (Order of the Main State Tax Inspectorate No. 217 of April 4, 2012, Official Gazette of the Republic of Moldova No. 88-91 of May 11, 2012).

4. Ministry of Finance of the Republic of Moldova made changes and additions to the *Order No. 1 of January 3, 2012 "On the manner of payment and recording of payments to national public budget via treasury system of the Ministry of Finance in 2012"*.

Therefore, there were presented in a new wording the followings: Classifier of receipts treasury accounts of the state budget, Classifier of receipts treasury accounts of the district budgets, municipal budgets of Chisinau and Balti, central budget of Gagauz ATU and local budgets, Receipts treasury accounts for payment of fines applied by the traffic police. (Order No. 53 of Ministry of Finance of May 7, 2012, Official Gazette of the Republic of Moldova No. 93-98 of May 18, 2012).

5. A new version on *Instruction on taxpayers recording was approved*. The Instruction regulates the obligation of tax registration, procedure of attaching the fiscal code to several categories of taxpayers, registration of changes and additions, obligations for opening, modification or closing of bank accounts, cancellation of the fiscal code, etc. (Order of the Main State Tax Inspectorate No. 299 of May 2, 2012, Official Gazette of the Republic of Moldova No. 99-102 of May 25, 2012).

6. There were made changes and completions to the *Order of MSTI No. 217 of April 4, 2012*, in the sense of submission in a new version the List of documents types accepted within FSIS (Fiscal Service Information System). (Order of the Main State Tax Inspectorate No. 314 of May 10, 2012, Official Gazette of the Republic of Moldova No. 99-102 of May 25, 2012).

Banks and banking activity

The National Bank of Moldova made changes and additions to the Regulation on licensing of banks No. 23/09-01, approved by the Board of Directors of the National Bank of Moldova, Minutes No. 37 of August 15, 1996. (Decision of NBM No. 91 of April 12, 2012, Official Gazette

of the Republic of Moldova No. 99-102 of May 25, 2012).

Regulations in various fields

1. To *Criminal Code* of the Republic of Moldova No. 985-XV of April 18, 2002 (republished in the Official Gazette of the Republic of Moldova, 2009, No. 72-74) a new article – 3351 "Fabrication in accounting documents" was added. The mentioned article provides criminal liability for preparing or using an invoice or any other accounting document or record containing false data, as well as failure in accounting a payment committed in bad faith in order to conceal or withhold some corrupted acts. (Law No. 77 of April 12, 2012, Official Gazette of the Republic of Moldova No. 103 of May 29, 2012).

2. There was published the Law on equality insurance. The purpose of the mentioned law is to prevent and combat discrimination and ensure equality of all persons with stay in the territory of the Republic of Moldova in political, economic, social, cultural and other spheres of life, irrespective of race, color, nationality, ethnic origin, language, religion or belief, sex, age, disability, opinion, political affiliation or any other similar criteria. (Law No. 121 of May 25, 2012, Official Gazette of the Republic of Moldova No. 103 of May 29, 2012).

3. In connection with the reorganization of the Center for Economic Crimes and Corruption Control in Anticorruption National Center and modification of its competence, there were made amendments in some regulatory documents (Law on entrepreneurship and enterprise No. 845-XII dated January 3, 1992, Tax Code No. 1163-XIII of April 24, 1997 (republished in the Official Gazette of the Republic of Moldova, special edition of February 8, 2007, etc..). (Law No. 120 of May 25, 2012, Official Gazette of the Republic of Moldova No. 103 of May 29, 2012.)

4. In compliance with the Article 1413 of Customs Code the interested persons are entitled to request the Customs Service to issue prior tariff decisions on classification of goods. The issuance of the mentioned decision may be refused only if the request is not actually related to an import operation or envisaged import operation. Thus, the Customs Service approved the Instructions on the procedure for completion and review of the applications related with the prior tariff decision. (Customs Service Order No. 80 of February 28, 2012, Official Gazette of the Republic of Moldova No. 99-102 of May 25, 2012).

