

CUSTOMS CODE OF THE REPUBLIC OF MOLDOVA

Law of the Republic of Moldova No. 1149-XIV of July 20, 2000

Chapter 12 Outward processing

Article 74. General provisions

1. Outward processing is a customs regime when the goods placed in free circulation or under customs supervision in active improvement regime are taken out of the territory of Moldova for processing or transformation, but the complementary products are entered with total or partial exemption from the payment of import fees.
2. The temporary export of goods aiming at outward processing triggers the application of economic policy measures provided for the definite export of goods. Outward processing operations complementary to the active improvement ones attracts the application of economic policy measures foreseen for the goods' re-export.

Article 75. Outward processing operations

1. Goods placed under the customs regime of outward processing can undergo the same operations provided for the customs regime of active improvement.
2. For some operations of outward processing of goods, the Government can lay down some restrictions.

Article 76. conditions which exclude the placement of goods under the customs regime of outward processing

The following goods can not be placed under the customs regime of outward processing:

- a) goods which, by their taking out from the customs territory, cause ground for the exemption from import fees or for the refund of the paid import fees;
- b) goods which, before being taken out of the customs territory, have been imported with total or partial exemption of import fees – until the expiry of the exemption terms;
- c) other goods, in some cases provided for by the legislation.

Article 77. Authorization for outward processing

1. Outward processing of goods shall be performed on the basis of the authorization issued by the customs body, in accordance with the legislation.
2. the authorization for outward processing shall be issued to legal entities from Moldova provided that the following conditions are respected:
 - a) the customs body can determine that the compensatory products have been obtained from the exported goods in order to the processed;
 - b) the outward processing of goods can not cause damage to the national economy.

Article 78. Time limit for outward processing

The customs body shall fix the time limit in which the compensatory products will be reintroduced into the customs territory. When establishing this term the length of the outward processing process,

justified from the economic point of view, shall be taken into account. Upon the request of the holder of the customs regime, the customs body can prolong the time limit, in well grounded cases.

Article 79. the amount of products resulted from the outward processing of goods

The Customs Service can establish, in customs aims, the mandatory amount of goods that have to result from the outward processing of goods.

Article 80. Export fees

The goods placed under customs regime of outward processing shall be applied with export fees, with their ulterior refunding, except for the tax for customs procedure, if the compensatory products are introduced into the customs territory and if the provisions of the present code and other legal acts are respected.

Article 81. Exemption from import fees of compensatory products

1. Compensatory products can be exempted, partially or totally, from the import fees, except for the tax for customs procedures, if these are imported by the holder of the authorization of outward processing.
2. In case when the aim of the operation of improvement is the repair of previously imported goods, these, at the conclusion of the operation, are placed into free circulation with total exemption of import fees, if the customs authorities establish that the goods were repaired free of charge, on the basis of a contractual or legal obligation that results from a guarantee or due to a fabrication deficiency.
3. The provisions of line 2 shall not apply in case when the deficiency was a known fact at the moment of release into free circulation of the goods for the first time.
4. In case when the aim of the outward processing operation is the repair of temporary export goods, and such a repair is performed for a payment, the reintroduction of the goods shall be made with partial exemption of the import rights. The exemption shall be granted by determining the value of the applicable fees on the basis of the taxation elements related to the compensatory products at the moment of acceptance of their release into free circulation, their value at customs being considered equal with their repair costs.

Article 82. Replacement goods of the same standard

1. The outward processing regime can be also performed by replacing of an imported good which is in free circulation, in case when instead of the compensatory product is imported a replacement product of the same standard.
2. A replacement product of the same standard are replacement goods that have to fit the same tariff code and to have the same commercial and technical characteristics as the compensatory product.

Article 83. Anticipated import

1. The customs body can allow for the replacement products, specified at art 82, to be imported before the temporary export of goods, within the conditions stated in the authorization. The anticipated import shall be performed only provided that a guarantee that covers totally the amount of import fees is being established.

2. In the temporary export products have been used before this export, the replacement products have not to be new products. The customs body can grant derogations from the norm if the replacement products even if new, have been delivered free of charge.
3. In case when the outward processing operation with anticipate import implies the partial exemption from import fees, the taxation elements used for determination are those in force at the time of registration of the customs declaration of temporary export.
4. In the case of anticipated import of replacement products, the temporary export of goods has to be performed within at most 2 months from the date of registration of the customs declaration of import of these products.
5. In grounded cases, upon the request of the holder of authorization, the customs body can approve the prolongation of the term specified at line 4.

Article 84. Non-return of the goods exported for processing or of the compensatory products due to their destruction or loss.

The holder of the outward processing authorization of goods that has not returned the goods or has not imported, within the established time limit, the products resulted from the outward processing, shall not be held liable only if the destruction or the loss of the goods or compensatory products has been cause by their damaging by a force majeure, fact confirmed by the respective body of that country.