

MOLDOVA



Information of 18 June 2016
[OJ L 161/1 of 18 June 2016](#)

Council Decision of 23 May
2016
[OJ L 141/28 of 28 May 2016](#)

Council Decision of 16 June
2014
[OJ L 260/1 of 30 August 2014](#)

Article 198 of the Agreement
[OJ L 260/61 of 30 August 2014](#)

Protocol III
[OJ L 260/733 of 30 August
2014](#)

Information concerning the entry into force of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part

The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, signed in Brussels on 27 June 2014 in Brussels (¹), enters into force on 1 July 2016, in accordance with Article 464(2) of the Agreement, as the last instrument of ratification or approval was deposited on 23 May 2016.

¹ OJ L 260, 30.8.2014, p. 4.

COUNCIL DECISION (EU) 2016/839
of 23 May 2016

**on the conclusion, on behalf of the European Union, of the Association Agreement
between the European Union and the European Atomic Energy Community and their
Member States, of the one part, and the Republic of Moldova, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(6)(a) and the second subparagraph of Article 218(8) thereof, as well as Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament (²),

Whereas:

- (1) On 15 June 2009, the Council authorised the Commission to open negotiations with the Republic of Moldova for the conclusion of a new Agreement between the Union and the Republic of Moldova to replace the Partnership and Cooperation Agreement (³).
- (2) Those negotiations were successfully finalised and the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ('the Agreement'), was initialled on 29 November 2013.
- (3) In accordance with Council Decision 2014/492/EU (⁴), the Agreement was signed on 27 June 2014, subject to its conclusion at a later date.
- (4) Pursuant to Article 218(7) of the Treaty on the Functioning of the European Union, it is appropriate for the Council to authorise the Commission to approve modifications to the Agreement to be adopted by the Association Committee in Trade configuration, as set out in Article 438(4) of the Agreement, as proposed by the Geographical Indications Sub-Committee pursuant to Article 306 of the Agreement.
- (5) It is appropriate to set out the relevant procedures for the protection of geographical indications which are given protection pursuant to the Agreement.
- (6) The Agreement should not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts and tribunals.
- (7) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Association Agreement between the European Union and the European Atomic Energy

² Consent given on the 13 November 2014 (not yet published in the Official Journal).

³ Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Moldova (OJ L 181, 24.6.1998, p. 3).

⁴ Council Decision 2014/492/EU of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (OJ L 260, 30.8.2014, p. 1).

Community and their Member States, of the one part, and the Republic of Moldova, of the other part ('the Agreement'), is hereby approved on behalf of the Union (⁵).

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 464(1) of the Agreement (⁶).

Article 3

For the purposes of Article 306 of the Agreement, modifications to the Agreement through decisions of the Geographical Indications Sub-Committee shall be approved by the Commission on behalf of the Union. Where interested parties cannot reach agreement following objections relating to a geographical indication, the Commission shall adopt a position on the basis of the procedure laid down in Article 57(2) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council (⁷).

Article 4

1. A name protected under Sub-Section 3 'Geographical Indications' of Chapter 9 of Title V of the Agreement may be used by any operator marketing agricultural products, foodstuffs, wines, aromatised wines or spirits conforming to the corresponding specification.
2. In accordance with Article 301 of the Agreement, the Member States and the institutions of the Union shall enforce the protection provided for in Articles 297 to 300 of the Agreement, including at the request of an interested party.

Article 5

The Agreement shall not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts and tribunals.

Article 6

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 23 May 2016.

For the Council
The President
F. MOGHERINI

⁵ The Agreement has been published in the Official Journal of the European Union (OJ L 260, 30.8.2014, p. 3) together with the decision on its signature.

⁶ The date of the entry into force of the Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.

⁷ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

COUNCIL DECISION

of 16 June 2014

on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part

(2014/492/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 37 and Article 31(1) thereof, in conjunction with Article 218(5) and the second subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(5) and the second subparagraph of Article 218(8) thereof, as well as Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 15 June 2009, the Council authorised the Commission to open negotiations with the Republic of Moldova for the conclusion of a new agreement between the Union and the Republic of Moldova to replace the partnership and cooperation agreement (1).
- (2) Taking into account the close historical relationship and progressively closer links between the Parties, as well as their desire to strengthen and widen relations in an ambitious and innovative way, the negotiations on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ('the Agreement'), were successfully finalised by the initialling of the Agreement on 29 November 2013.
- (3) The Agreement should be signed on behalf of the Union and applied in part before its entry into force, on a provisional basis in accordance with Article 464 of the Agreement, pending the completion of the procedures for its conclusion.
- (4) The provisional application of parts of the Agreement does not prejudge the allocation of competences between the Union and its Member States in accordance with the Treaties.
- (5) Pursuant to Article 218(7) of the Treaty on the Functioning of the European

Union, it is appropriate for the Council to authorise the Commission to approve modifications to the Agreement to be adopted by the Association Committee in its Trade configuration, as set out in Article 438(4) of the Agreement, as proposed by the Geographical Indications Sub-Committee pursuant to Article 306 of the Agreement.

- (6) It is appropriate to set out the relevant procedures for the protection of geographical indications which are given protection pursuant to the Agreement.
- (7) The Agreement should not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts and tribunals,

HAS ADOPTED THIS DECISION:

Article 1

1. The signing on behalf of the Union of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, is hereby authorised, subject to the conclusion of the said Agreement.
2. The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

1. Pending its entry into force, in accordance with Article 464 of the Agreement and subject to the notifications provided for therein, the following parts of the Agreement shall be applied provisionally between the Union and the Republic of Moldova, but only to the extent that they cover matters falling within the Union's competence, including matters falling within the Union's competence to define and implement a common foreign and security policy:
 - (a) Title I;
 - (b) Title II: Articles 3, 4, 7 and 8;
 - (c) Title III: Articles 12 and 15;
 - (d) Title IV: Chapters 5, 9 and 12 (with the exception of point (h) of Article 68), Chapter 13 (with the exception of Article 71 to the extent that it concerns maritime governance and with the exception of points (b) and (e) of Article 73 and Article 74), Chapter 14 (with the exception of point (i) of Article 77), Chapter 15 (with the exception of points (a) and (e) of Article 81

and Article 82(2)), Chapter 16 (with the exception of Article 87, point (c) of Article 88 and points (a) and (b) of Article 89, to the extent that that point (b) concerns soil protection), Chapters 26 and 28, as well as Articles 30, 37, 46, 57, 97, 102 and 116;

- (e) Title V (with the exception of Article 278 to the extent that it concerns criminal enforcement of intellectual property rights, and with the exception of Articles 359 and 360 to the extent that they apply to administrative proceedings and review and appeal at Member State level);
- (f) Title VI;
- (g) Title VII (with the exception of Article 456(1), to the extent that the provisions of that Title are limited to the purpose of ensuring the provisional application of the Agreement as defined in this paragraph);
- (h) Annexes II to XIII, Annexes XV to XXXV, as well as Protocols I to IV.

2. The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

For the purposes of Article 306 of the Agreement, modifications of the Agreement through decisions of the Geographical Indications Sub-Committee shall be approved by the Commission on behalf of the Union. Where interested parties cannot reach agreement following objections relating to a geographical indication, the Commission shall adopt a position on the basis of the procedure laid down in Article 57(2) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽²⁾.

Article 5

- 1. A name protected under Sub-Section 3 ‘Geographical Indications’ of Chapter 9 of Title V of the Agreement may be used by any operator marketing agricultural products, foodstuffs, wines, aromatised wines or spirits conforming to the corresponding specification.
- 2. In accordance with Article 301 of the Agreement, the Member States and the institutions of the Union shall enforce the protection provided for in Articles 297 to 300 of the Agreement, including at the request of an interested party.

Article 6

The Agreement shall not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts and tribunals.

Article 7

This Decision shall enter into force on the day following that of its adoption.

Done at Luxembourg, 16 June 2014.

For the Council
The President
G. KARASMANIS

(1) Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Moldova ([OJ L 181, 24.6.1998, p. 3](#)).

(2) Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ([OJ L 343, 14.12.2012, p. 1](#)).

ASSOCIATION AGREEMENT

between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part

(...)

THE EUROPEAN UNION, hereinafter referred to as ‘the Union’ or ‘the EU’ (...)

of the one part, and

THE REPUBLIC OF MOLDOVA

of the other part,

hereafter jointly referred to as ‘the Parties’,

CONSIDERING the common values and strong links of the Parties, established in the past through the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, and being developed within the framework of the European Neighbourhood Policy and the Eastern Partnership, and recognising the common desire of the Parties to further develop, strengthen and extend their relations;

ACKNOWLEDGING the European aspirations and the European choice of the Republic of Moldova;

RECOGNISING that the common values on which the EU is built — namely democracy, respect for human rights and fundamental freedoms, and the rule of law — lie also at the heart of political association and economic integration as envisaged in this Agreement;

TAKING into account that this Agreement will not prejudice, and leaves open, the way for future progressive developments in EU-Republic of Moldova relations;

ACKNOWLEDGING that the Republic of Moldova as a European country shares a common history and common values with the Member States and is committed to implementing and promoting those values, which for the Republic of Moldova inspire its European choice;

RECOGNISING the importance of the EU-Republic of Moldova European Neighbourhood Policy Action Plan of February 2005 in strengthening EU-Republic of Moldova relations and in helping to move the reform and approximation process in the Republic of Moldova forward, thus contributing to gradual economic integration and deepening of political association;

COMMITTED to strengthening respect for fundamental freedoms, human rights, including the rights of persons belonging to minorities, democratic principles, the rule of law, and good governance;

RECALLING in particular their will to promote human rights, democracy and the rule of law, including by cooperating to that end within the framework of the Council of Europe;

WILLING to contribute to the political and socioeconomic development of the Republic of Moldova, through wide-ranging cooperation in a broad spectrum of areas of common interest, including in the field of good governance, freedom, security and justice, trade integration and enhanced economic cooperation, employment and social policy, financial management, public administration and civil service reform, civil society participation, institution building, reduction of poverty, and sustainable development;

COMMITTED to all the principles and provisions of the Charter of the United Nations, the Organisation for Security and Cooperation in Europe (OSCE), in particular of the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe and the concluding documents of the Madrid and Vienna Conferences of 1991 and 1992 respectively, and the Charter of Paris for a New Europe of 1990, as well as the United Nations Universal Declaration of Human Rights of 1948 and the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950;

RECALLING their will to promote international peace and security as well as engaging in effective multilateralism and the peaceful settlement of disputes, in particular by cooperating to that end within the framework of the United Nations (UN) and the OSCE;

RECOGNISING the importance of the active participation of the Republic of Moldova in regional cooperation formats;

DESIROUS to further develop regular political dialogue on bilateral and international issues of mutual interest, including regional aspects, taking into account the Common Foreign and Security Policy (CFSP) of the EU, including the Common Security and Defence Policy (CSDP);

TAKING ACCOUNT of the EU's willingness to support the international effort to strengthen the sovereignty and territorial integrity of the Republic of Moldova and to contribute to the reintegration of the country;

RECOGNISING the importance of the commitment of the Republic of Moldova to a viable settlement of the Transnistrian conflict, and the EU's commitment to support post-conflict rehabilitation;

COMMITTED to preventing and combating all forms of organised crime, trafficking in human beings and corruption, and to stepping up cooperation in the fight against terrorism;

COMMITTED to deepening their dialogue and cooperation on mobility, migration, asylum and border management in the spirit of the EU external migration policy framework aiming at cooperation on legal migration, including circular migration and tackling illegal migration, as well as ensuring the efficient implementation of

the Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation;

RECOGNISING the gradual steps being taken towards a visa-free regime for the citizens of the Republic of Moldova in due course, provided that the conditions for well-managed and secure mobility are in place;

CONFIRMING that the provisions of this Agreement that fall within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the EU, unless the EU together with the United Kingdom and/or Ireland have jointly notified the Republic of Moldova that the United Kingdom or Ireland is bound as part of the EU in accordance with Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union. If the United Kingdom and/or Ireland ceases to be bound as part of the EU in accordance with Article 4a of that Protocol, the EU together with the United Kingdom and/or Ireland shall immediately inform the Republic of Moldova of any change in their position, in which case they shall remain bound by the provisions of this Agreement in their own right. The same applies to Denmark, in accordance with Protocol No 22 on the position of Denmark, annexed to those Treaties;

COMMITTED to the principles of free market economy and confirming the readiness of the EU to contribute to the economic reforms in the Republic of Moldova;

COMMITTED to respecting environmental needs, including transboundary cooperation on, and implementation of, multilateral international agreements, and to respecting the principles of sustainable development;

DESIROUS to achieve gradual economic integration in the EU internal market as stipulated in this Agreement, inter alia, through a Deep and Comprehensive Free Trade Area (DCFTA), as an integral part of this Agreement;

WILLING to create a Deep and Comprehensive Free Trade Area, which will provide for far-reaching regulatory approximation and market access liberalisation, in compliance with the rights and obligations arising out of the World Trade Organisation (WTO) membership of the Parties and the transparent application of those rights and obligations;

BELIEVING that this Agreement will create a new climate for economic relations between the Parties and above all for the development of trade and investment, and will stimulate competition, which are factors crucial to economic restructuring and modernisation;

COMMITTED to enhancing the security of energy supply, facilitating the development of appropriate infrastructure, increasing market integration and

regulatory approximation towards key elements of the EU *acquis*, and promoting energy efficiency and the use of renewable energy sources;

ACKNOWLEDGING the need for enhanced energy cooperation, and the commitment of the Parties to implement the Treaty establishing the Energy Community ('the Energy Community Treaty');

WILLING to improve the level of public health safety and protection of human health as a precondition for sustainable development and economic growth;

COMMITTED to enhancing people-to-people contacts, including through cooperation and exchanges in the fields of research and development, education and culture;

COMMITTED to promoting cross-border and inter-regional cooperation, in the spirit of good neighbourly relations;

RECOGNISING the commitment of the Republic of Moldova to progressively approximate its legislation in the relevant sectors with that of the EU, and to implement it effectively;

RECOGNISING the commitment of the Republic of Moldova to develop its administrative and institutional infrastructure to the extent necessary to enforce this Agreement;

TAKING account of the willingness of the EU to provide support for the implementation of reforms, and to use all available instruments of cooperation and technical, financial and economic assistance in that endeavour,

HAVE AGREED AS FOLLOWS:

(...)

Article 198

Mutual administrative assistance in customs matters

Without prejudice to other forms of cooperation envisaged in this Agreement, in particular in Article 197 of this Agreement, the Parties shall provide each other with mutual administrative assistance in customs matters in accordance with the provisions of Protocol III on Mutual Administrative Assistance in Customs Matters to this Agreement.

PROTOCOL III
ON MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS
MATTERS

Article 1

Definitions

For the purposes of this Protocol:

- (a) ‘customs legislation’ means any legal or regulatory provision applicable in the territories of the Parties, governing the import, export and transit of goods and their placing under any other customs regime or procedure, including measures on prohibition, restriction and control thereof;
- (b) ‘applicant authority’ means a competent administrative authority which makes a request for assistance on the basis of this Protocol and which has been designated by a Party for that purpose;
- (c) ‘requested authority’ means a competent administrative authority which receives a request for assistance on the basis of this Protocol and which has been designated by a Party for that purpose;
- (d) ‘personal data’ means all information relating to an identified or identifiable individual;
- (e) ‘operation in breach of customs legislation’ means any violation or attempted violation of customs legislation.

Article 2

Scope

1. The Parties shall assist each other, in the areas of their competence, in the manner and under the conditions laid down in this Protocol, to ensure the correct application of their customs legislation, in particular by preventing, investigating and combating operations in breach of that legislation.
2. The assistance in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover exchange of information obtained under powers exercised at the request of a judicial authority, except where the communication of such information is authorised by that authority.
3. The assistance to recover duties, taxes or fines is not covered by this Protocol.

Article 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall provide the applicant authority with all relevant information which may enable it to ensure that customs legislation is correctly applied, including information regarding noted or planned activities which are or could be operations in breach of customs legislation.
2. At the request of the applicant authority, the requested authority shall inform the former of the following:
 - (a) whether goods exported from the territory of one of the Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods;
 - (b) whether goods imported into the territory of one of the Parties have been properly exported from the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.
3. At the request of the applicant authority, the requested authority shall, within the framework of its legal or regulatory provisions, take the necessary steps to ensure special surveillance of:
 - (a) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
 - (b) places where stocks of goods have been or may be assembled in such a way that there are reasonable grounds for believing that these goods are intended to be used in operations in breach of customs legislation;
 - (c) goods that are or may be transported in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation;
 - (d) means of transport that are or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation.

Article 4

Spontaneous assistance

The Parties shall assist each other, on their own initiative and in accordance with their legal or regulatory provisions, if they consider that to be necessary for the correct application of customs legislation, in particular by providing information pertaining to:

- (a) activities which are or appear to be operations in breach of customs legislation and which may be of interest to the other Party;
- (b) new means or methods employed in carrying out operations in breach of customs legislation;
- (c) goods known to be subject to operations in breach of customs legislation;
- (d) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
- (e) means of transport in respect of which there are reasonable grounds for believing that they have been, are, or may be used in operations in breach of customs legislation.

Article 5

Delivery and notification

1. At the request of the applicant authority, the requested authority shall, in accordance with legal or regulatory provisions applicable to that authority, take all necessary measures in order to deliver any documents or to notify any decisions originating from the applicant authority and falling within the scope of this Protocol, to an addressee residing or established in the territory of the requested authority.
2. Requests for delivery of documents or notification of decisions shall be made in writing in an official language of the requested authority or in a language acceptable to that authority.

Article 6

Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 shall include the following information:
 - (a) the applicant authority;
 - (b) the requested measure;
 - (c) the object of and the reason for the request;
 - (d) the legal or regulatory provisions and other legal elements involved;
 - (e) indications, as exact and comprehensive as possible, regarding the natural or legal persons who are the target of the investigations;

- (f) a summary of the relevant facts and of the enquiries already carried out.
3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority. This requirement shall not apply to any documents that accompany a request under paragraph 1.
 4. If a request does not meet the formal requirements set out in this Article, its correction or completion may be requested and precautionary measures may be ordered in the meantime.

Article 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party, by supplying information already in the requested authority's possession, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to any other authority to which the request has been addressed by the requested authority when the latter cannot act on its own.
2. Requests for assistance shall be executed without delay in accordance with the legal or regulatory provisions of the requested Party.
3. Duly authorised officials of a Party may, with the agreement of the other Party involved and subject to the conditions laid down by the latter, be present in the offices of the requested authority, or any other concerned authority in accordance with paragraph 1, to obtain information relating to activities that are or may be operations in breach of customs legislation which the applicant authority needs for the purposes of this Protocol.
4. Duly authorised officials of a Party may, with the agreement of the other Party and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

Article 8

Form in which information is to be communicated

1. The requested authority shall communicate the results of enquiries to the applicant authority in writing together with relevant documents, certified copies or other items.
2. That information may be in a computerised form.
3. Original documents shall be transmitted only upon request in cases where certified copies would be insufficient. Those originals shall be returned at the earliest opportunity.

Article 9

Exceptions to the obligation to provide assistance

1. Assistance may be refused or may be subject to the satisfaction of certain conditions or requirements, in cases where a Party is of the opinion that assistance under this Protocol would:
 - (a) be likely to prejudice the sovereignty of the Republic of Moldova or that of a Member State which has been requested to provide assistance under this Protocol;
 - (b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to under Article 10(2) of this Protocol; or
 - (c) violate an industrial, commercial or professional secret.
2. Assistance may be postponed by the requested authority on the ground that it will interfere with an on-going investigation, prosecution or proceeding. In such a case, the requested authority shall consult with the applicant authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.
3. Where the applicant authority seeks assistance which it would itself be unable to provide if so requested, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.
4. For the cases referred to in paragraphs 1 and 2, the decision of the requested authority and the reasons therefor must be communicated to the applicant authority without delay.

Article 10

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential or restricted nature, depending on the rules applicable in each of the Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Party that received it and the corresponding provisions applying to the institutions of the Union.
2. Personal data may be exchanged only where the Party which may receive it undertakes to protect such data in a manner that is considered adequate by the Party that may supply them.
3. The use, in administrative or judicial proceedings instituted in respect of operations in breach of customs legislation, of information obtained under this Protocol shall be considered to be for the purposes of this Protocol. Therefore, the Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information

obtained and documents consulted in accordance with the provisions of this Protocol. The competent authority which supplied that information or gave access to those documents shall be notified of such use.

4. The information obtained under this Protocol shall be used solely for the purposes of this Protocol. Where one of the Parties wishes to use such information for other purposes, it shall obtain the prior written consent of the authority which provided the information. Such use shall then be subject to any restrictions laid down by that authority.

Article 11

Experts and witnesses

An official of a requested authority may be authorised to appear, within the limitations of the authorisation granted, as an expert or a witness in administrative or judicial proceedings regarding the matters covered by this Protocol, and may produce such objects, documents or certified copies thereof, as may be needed for the proceedings. The request to the official is made by the applicant authority and must indicate specifically before which administrative or judicial authority the official will have to appear, on which matters and in which capacity (title or qualification).

Article 12

Assistance expenses

The Parties shall waive all claims against each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses related to experts and witnesses, and those related to interpreters and translators who are not public service employees.

Article 13

Implementation

1. The implementation of this Protocol shall be entrusted on the one hand to the customs authorities of the Republic of Moldova, and on the other hand to the competent services of the European Commission and the customs authorities of the Member States, as appropriate. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force, in particular in the field of data protection.

2. The Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Protocol.

Article 14

Other agreements

1. Taking into account the respective competences of the Union and the Member States, the provisions of this Protocol shall:

- (a) not affect the obligations of the Parties under any other international agreement or convention;
- (b) be deemed complementary to agreements on mutual assistance which have been or may be concluded between individual Member States and the Republic of Moldova; and
- (c) not affect the Union's provisions governing the communication between the competent services of the European Commission and the customs authorities of the Member States of any information obtained under this Protocol which could be of interest to the Union.

2. Notwithstanding the provisions of paragraph 1, the provisions of this Protocol shall take precedence over the provisions of any bilateral agreement on mutual assistance which has been or may be concluded between individual Member States of the EU and the Republic of Moldova in so far as the provisions of such a bilateral agreement are incompatible with those of this Protocol.

Article 15

Consultations

In respect of questions relating to the applicability of this Protocol, the Parties shall consult each other to resolve the matter in the framework of the Customs Sub-Committee set up under Article 200 of this Agreement.