

ANNEX XXIV

APPROXIMATION

ANNEX XXIV-A

PRINCIPLES FOR THE EVALUATION OF PROGRESS IN THE APPROXIMATION PROCESS

PART I

Gradual approximation**1. General rules**

The sanitary, phytosanitary and animal welfare law of the Republic of Moldova shall be gradually approximated to that of the Union, based on the approximation list of the EU sanitary, phytosanitary and animal welfare law. The list shall be divided into priority areas that relate to measures, as defined in Annex XVII to this Agreement which will be based on the technical and financial resources of the Republic of Moldova. For this reason the Republic of Moldova shall identify its trade priority areas.

The Republic of Moldova shall approximate its domestic rules by either:

- (a) implementing and enforcing through the adoption of additional domestic rules or procedures the rules in pertinent basic EU *acquis*; or
- (b) by amending relevant domestic rules or procedures to incorporate the rules in relevant basic EU *acquis*.

In either case, the Republic of Moldova shall:

- (a) eliminate any domestic laws, regulations, practices or other measures inconsistent with the approximated domestic rules; and
- (b) ensure the effective implementation of approximated domestic rules.

The Republic of Moldova shall document such approximation in tables of correspondence according to a model indicating the date on which domestic rules enter into force and the official journal in which the rules were published. The model of the tables of correspondence for the preparation and the evaluation is provided in Part II of this Annex. If the approximation is not complete, reviewers ⁽¹⁾ shall describe the shortcomings in the column provided for comments.

Irrespective of the priority area identified, the Republic of Moldova shall prepare specific tables of correspondence demonstrating the approximation for other general and specific legislation including in particular the general rules related to:

- (a) Control systems
 - domestic market;
 - imports.
- (b) Animal health and welfare
 - the identification and the registration of animals and the registration of their movements;
 - the control measures for animal diseases;
 - domestic trade with live animals, semen, ova and embryos;
 - animal welfare on farms, during transport and slaughter.
- (c) Food safety
 - placing on the market of food and feed;
 - labelling, presentation and advertising of food including nutritional and health claims;
 - residues controls;
 - specific rules for feed.

⁽¹⁾ Reviewers shall be experts appointed by European Commission.

- (d) Animal by-products
- (e) Plant health
 - harmful organisms;
 - plant protection products;
- (f) Genetically modified organisms:
 - released into the environment;
 - genetically modified food and feed.

PART II

Evaluation**1. Procedure and method:**

The Republic of Moldova's sanitary, phytosanitary and animal welfare law covered by Chapter 4 of Title V (Trade and Trade-related Matters) shall be gradually approximated by the Republic of Moldova to that of the Union and shall be effectively enforced ⁽¹⁾.

Tables of correspondence shall be prepared according to the model as laid down in point 2 for each single approximated act and submitted in English for review by the reviewers.

If the result of the evaluation is positive for an individual measure, a group of measures, a system applicable to a sector, sub-sector, a commodity or a group of commodities, the conditions of Article 183(4) of this Agreement shall apply.

2. Tables of correspondence**2.1. When preparing tables of correspondence, the following shall be taken into consideration:**

The Union acts shall serve as a basis for preparation of a table of correspondence. To this end the version in force at the time of approximation shall be used. The Republic of Moldova shall pay particular attention to precise translation into the national language, as linguistic imprecision can give rise to disputes in particular if they concern the scope of the law ⁽²⁾.

2.2. Model of table of correspondence:

TABLE OF CORRESPONDENCE

BETWEEN

Title of the EU act, latest amendments incorporated:

AND

Title of the national text

(Published in)

Date of publication:

Date of implementation:

EU Act	National legislation	Remarks (from the Republic of Moldova)	Reviewer's comments

⁽¹⁾ For this occasion, it may be supported by the Member States' experts separately or in the margin of the CIB programs (twinning projects, TAIEX etc.).

⁽²⁾ To facilitate the approximation process, consolidated versions of certain pieces of EU legislation are available at the EUR-lex web page under: <http://eur-lex.europa.eu/homepage.html>

Legend:

EU Act: its articles, paragraphs, subparagraphs etc. shall be mentioned with full title and reference ⁽¹⁾ in the left column of the table of correspondence.

National legislation: the provisions of the national legislation corresponding to the EU provisions of the left column shall be mentioned with their full title and reference. Their content shall be described in the second column in detail.

Remarks from the Republic of Moldova: in this column the Republic of Moldova shall indicate the reference or other provisions associated with this article, paragraphs, subparagraphs etc. especially when the text of the provision is not approximated. The relevant reason for absence of approximation shall be explained.

Reviewer's comments: in case reviewers consider that approximation is not achieved, they shall justify this evaluation and describe relevant shortcomings in this column.

⁽¹⁾ i.e. as indicated on the EUR-lex web page: <http://eur-lex.europa.eu/homepage.html>

ANNEX XXIV-B

LIST OF THE EU LEGISLATION TO BE APPROXIMATED TO BY THE REPUBLIC OF MOLDOVA

The approximation list referred to in Article 181(4) of this Agreement will be submitted by the Republic of Moldova within three months after the entry into force of this Agreement.
