

## **Request for Prior Approval of Investments of Importance to State Security**

According to Article 7, paragraph (1) of *Law No. 174/2021 regarding the mechanism for examining investments of importance to state security* "Any potential investor, prior to carrying out the activities provided for in Article 3(1) in sectors of importance to state security as listed in Article 4 of Law No. 174/2021, **is required to obtain prior approval of the investment from the Council.**"

**To request prior approval of investments of importance to state security, the potential investor, or, where applicable, the investor, shall submit an application and provide the Secretariat of the Council (Public Services Agency) with the documents and information required under Article 7 of Law No. 174/2021:**

- a) The structure of the share capital (of shareholders/associates), including the ultimate beneficial owner;
- b) The projected value of the investment, expressed in monetary units;
- c) The core activity, products, and commercial services;
- d) The country or countries in which the entity operates and the main domestic and foreign business partners it collaborates with;
- e) Financial statements for the last three years, in the case of legal entities, or income declarations for the last three years in the country of residence, in the case of natural persons;
- f) The source of funds for financing the investment;
- g) The planned or actual date of the investment;
- h) Criminal records, in the case of individual shareholders/associates and ultimate beneficial owners;
- i) A declaration regarding the intention to carry out the investment individually or in concert, along with supporting documents confirming concerted action. Concerted action by a potential investor may also be determined by the Council based on its own assessments.

**The application shall be accompanied by the following documents and information, which shall be the annexes to the form:**

- extract from the register of legal entities, issued no more than three months prior to the submission date of the application, in the case of potential investors/investors who are residents of the Republic of Moldova. For non-resident investors, an equivalent document issued by the competent authority/authorities in the country of residence, containing similar information, shall be provided;

- shareholding structure or a shareholding diagram of the potential investors;
- declaration regarding the ultimate beneficial owner of the potential investor;
- certified copy of the identity document of the ultimate beneficial owner of the potential investor;
- shareholding and control diagram (ownership and control structure) of any legal entity that is already making investments in sectors of importance to state security (if applicable);
- certified copy of the identity document of the ultimate beneficial owner of any legal entity already making investments in sectors of importance to state security (if applicable);
- detailed description of the investment project;
- feasibility study or investment plan, if available (optional);
- brochures or presentation materials regarding the potential investor and its economic activities (optional);
- annual financial statements for the last three years (balance sheet, profit and loss account, audit report, if applicable);
- certified copy of income declarations from the country of fiscal residence for the last three years, in the case of potential investors who are natural persons;
- supporting documents regarding the planned investment schedule, preliminary contracts, letters of commitment, etc. (optional);
- original valid criminal record certificates for each individual shareholder/associate and for ultimate beneficial owners, issued by the competent authority in the country of residence of the potential investor;
- association agreements, collaboration protocols, declarations, or other relevant documents confirming concerted action (if applicable).

**For Non-Resident Investors:** Documents issued by the competent authorities in the country of origin of the potential investor must be translated into Romanian and are subject to the procedure of legalization or apostille, as applicable, in the manner established. Legalization or apostille is not required in cases provided for by international treaties on legal assistance and civil, family, or criminal legal relations to which the Republic of Moldova is a party.

**The application and all accompanying documents must be submitted in Romanian language.** Documents drafted in any other language must be accompanied by certified translations into Romanian.

Documents and information shall be submitted electronically, signed with a qualified or advanced electronic signature, to the Secretariat's email address: [ceiiss@asp.gov.md](mailto:ceiiss@asp.gov.md)