



Questionnaire

Part II

**Information provided by the Government of the Republic of Moldova
to the Questionnaire of the European Commission**

CHAPTER 14: TRANSPORT POLICY

May 2022

EU transport policy is aimed at sustainable mobility, combining Europe's competitiveness with the welfare of its citizens, and thereby contributing to greater safety, security and enhanced rights and contributes to the EU's social and territorial cohesion. Transport is at the core of the Smart and Sustainable Mobility strategy that lays the foundation for how the EU transport system can achieve its green and digital transformation and become more resilient to future crises. The objectives of EU transport policy are: to improve the functioning of the internal market by promoting a safe, competitive, resource-efficient, environmentally sound, user-friendly and effectively integrated transport system offering a high level of sustainable mobility throughout the Union, protecting the environment, promoting labour and qualification standards for the sector and protecting safety and security of the citizens. The EU's sustainable transport policy requires the integrated, interoperable and interconnected transport system to meet society's economic, social and environmental needs.

Transport policy is governed by Title VI, Articles 90-100 of the Treaty on the Functioning of the European Union (TFEU). However, several legal instruments concerning working conditions of transport workers have been based on Article 155(2), included in Title X of the same Treaty, which covers Social Policy. A significant part of the *acquis* consists of binding and directly applicable legislation in the form of regulations and decisions. The remaining *acquis* in this chapter mostly consists of directives that need to be transposed into the legal system of the country.

The *acquis* under this chapter covers road transport, rail transport, inland waterways transport, combined transport, aviation, maritime transport and satellite navigation.

Parts of the *acquis* in this chapter are covered by the European Common Aviation Area Agreement (ECAA), notably through its Annex I.

I. STRATEGY FOR THE SECTOR

1. What is the distribution of competences among the authorities for transport and mobility sector?

The Ministry of Infrastructure and Regional Development is the central specialized body that ensures the implementation of government policy in the transport and transport infrastructure fields. The Ministry's activity is regulated by Regulation on the organization and functioning of the Ministry of Infrastructure and Regional Development, approved by Annex No. 1 to the Government Decision No. 690/2017¹.

The Ministry of Infrastructure and Regional Development is responsible for developing and promoting state policy in all modes of transport (road, rail, maritime and air) and road infrastructure.

In the field of road transport

The National Agency of Road Transport is the authority that ensures the implementation of public policy and national development strategies in the field of road transport. It controls and supervises compliance with national and international legislation by road transport operators and companies performing activities related to road transport. The activity of the National Agency of Road Transport is regulated by the Road Transport Code No. 150/2014² and the Regulation on the organization and functioning of the National Agency of Road Transport, approved by Annex No. 1 to the Government Decision No. 151/2022³.

In the field of maritime transport

In the field of maritime transport, the state administration is carried out by the specialized central body through the Naval Agency of the Republic of Moldova, in accordance with the provisions of Art. 5 of Law No. 599/1999⁴ for the approval of the Code of Commercial Maritime Navigation of the Republic of Moldova. Government Decision No. 706/2018⁵ on the creation of the Naval Agency of the Republic of Moldova regulates the mission, functions, rights and responsibilities of the Naval Agency.

¹ Government Decision no.690/2017 on the organisation and functioning of the Ministry of Infrastructure and Regional Development, available in RO at:

https://www.legis.md/cautare/getResults?doc_id=127649&lang=ro#

² Road Transport Code No. 150/2014, available in RO at:

https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro#

³ Government Decision No. 151/2022 on the organization and functioning of the National Agency for Road Transport, available in RO at: https://www.legis.md/cautare/getResults?doc_id=130370&lang=ro

⁴ Commercial Maritime Navigation Code of the Republic of Moldova No. 599/1999[#], available in RO at: https://www.legis.md/cautare/getResults?doc_id=129114&lang=ro#

⁵ Government Decision No. 706/2018[#] on the creation of the Naval Agency of the Republic of Moldova , available in RO at: https://www.legis.md/cautare/getResults?doc_id=125207&lang=ro

In the field of railway transport

State Enterprise "Calea Ferată din Moldova" (EN: Moldovan Railway), the main railway transport company in Moldova, according to Railway Transport Code No. 309/2003⁶, is in charge of managing the production and financial activity of the autonomous structural subdivisions that practice rail transport, as well as coordinates the work of other enterprises, organizations and institutions of railway transport that ensure its operation.

In 2022, the Parliament adopted the new Railway Transport Code No. 19/2022⁷. Thus, with the entry into force of the new Code, the Railway Authority is designated as the institution responsible for the implementation of state policies in the field of railway transport and railway safety. The institution acts as a railway safety authority, has control powers, issues rail transport permits, safety permits, safety certificates and train driver's licences.

In the field of air transport

The Civil Aviation Authority of the Republic of Moldova in accordance with the Civil Aviation Code No. 301/707⁸ is designated as the administrative authority responsible for the implementation of civil aviation policies, certification and oversight. The activity of the Civil Aviation Authority is regulated by the Government Decision No. 133/2019⁹ on the organization and operation of the Civil Aviation Authority.

In the field of safety in the fields of air, rail and maritime transport

In order to prevent the occurrence of transport events, to improve safety in the fields of air, rail and maritime transport and to establish rules on the timely availability of information on all persons and dangerous goods on board an aircraft, ship or rolling stock involved in a transport event, the Parliament of the Republic of Moldova adopted Law No. 213/2021¹⁰ on the investigation of accidents and incidents in transport.

The **Bureau of Accident and Incident Investigation in Transportation**, the central administrative authority, subordinated to the Government, is designated to organize the technical investigations on safety in order to determine the causes and circumstances in which the events occurred in transport and to issue safety recommendations. The organization and functioning regulations of the Bureau of

⁶Railway Transport Code No. 309/2003, available in RO at: https://www.legis.md/cautare/getResults?doc_id=108346&lang=ro

⁷Railway Transport Code No. 19/2022, available in RO at: https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

⁸Civil Aviation Code No. 301/707, available in RO at: https://www.legis.md/cautare/getResults?doc_id=79683&lang=ro

⁹Government Decision No. 133/2019 on the organisation and operation of the Civil Aviation Authority, available in RO at: https://www.legis.md/cautare/getResults?doc_id=125208&lang=ro#

¹⁰Law No. 213/2021 on the investigation of accidents and incidents in transport, available in RO at: https://www.legis.md/cautare/getResults?doc_id=129193&lang=ro

Investigation of Accidents and Incidents in Transport are planned to be approved by the Government by June 2022.

2. Please provide information on the national transport and mobility strategy and action plans, including all sub-sectors, the state of play of their implementation, together with appropriate timelines as well as financial needs and sources.

The Transport and Logistics Strategy for 2013-2022¹¹, approved by Government Decision No. 827/2013 is the main document for the development of transport infrastructure. The Strategy's aim is the transformation of the transport and logistics sector into a factor that allows the development of the economy of the Republic of Moldova and trade, by supporting the continuous process of harmonization of national legislation in the transport sector with EU standards, legislation and regulations. The Strategy draws up a prioritized list of infrastructure projects, including road sectors that need to be constructed and rehabilitated. A new Strategy - Mobility Strategy 2023-2030 is to be developed in 2022, with the aim of supporting Moldova in the development of the new mobility strategy, in line with national development objectives and the European Neighborhood Policy, regional programs, and bilateral EU agreements for connectivity and, in particular, for mobility.

In the field of railway transport

The Action Plan of the Transport and Logistics Strategy for 2013-2022 has not been implemented, ensuring only the partial harmonisation of the acquis communautaire. Currently, actions are undertaken to restructure the State Enterprise "Calea Ferată din Moldova" and to establish it as the safety authority, to create the accident and incident investigation authority and the market regulator in order to liberalise the market. These actions will be completed by August 2024. Regarding the rehabilitation of the railway infrastructure, the works on project design for rehabilitation of the southern section of the Giurgiulesti-Etulia-Basarabeasca-Causeni-Bender railway have just started. The estimated investment cost needed for implementation of the Action Plan of the Transport and Logistics Strategy for 2013-2022 is about 1.2 billion Euros.

Currently, the railway needs about 5,000 new freight cars, 10 new passenger trains, 50 shunting locomotives. To rehabilitate the railway infrastructure the required investment is about 1.5 billion Euros.

In the field of maritime transport

In the field of maritime transport, the Action Plan of the Transport and Logistics Strategy for 2013-2022 has been partially implemented. Thus, in the Action Plan of the Strategy, two specific objectives were outlined, one related to organisational

¹¹Government Decision No. 827/2013 on the approval of the Transport and Logistics Strategy for 2013-2022, available in RO at: https://www.legis.md/cautare/getResults?doc_id=55092&lang=ro

and institutional measures and another to investments in infrastructure and equipment.

Referring to the first objective, the Republic of Moldova is at the stage of implementation and transposition of the relevant EU acts, including the development of institutions, according to the provisions of these acts. In this context, measures are being taken to exclude the Republic of Moldova from the blacklist of the Paris Memorandum of Understanding on Port State Control. In this sense, the authorities have approved changes to the provisions of Art. 7 of the Code of Commercial Maritime Navigation No. 599/1999¹², where the supervision on the technical condition of the ships and their classification will be carried out by the classification societies, recognized by the European Commission. Thus, these legislative changes will raise the safety standards of ships registered under the flag of the Republic of Moldova, which will lead to the exclusion of the Republic of Moldova from the blacklist of the Paris Memorandum of Understanding on Port State Control.

The objective of investing in infrastructure and equipment has not been achieved, as the Republic of Moldova does not have sufficient financial resources to dredge the inland waterways, in order to ensure safe inland navigation. Due to the insufficiency of financial resources, the objective of equipping the ports with equipment specific to the field was not achieved.

In field of air transport

The Transport and Logistics Strategy includes the following two main measure in the Action plan for the civil aviation domain:

- Organisational and institutional with the actions regarding market liberalisation and EU Acquis implementation into national regulatory framework and sector privatisation;
- Infrastructure and equipment investment with actions related to expansion of the Chisinau International Airport terminal and construction of a cargo terminal.

The implementation of the strategy has some delays in terms of extension of existing passenger terminal and construction of cargo terminal. The financial resources come from the Concessionaire Company. Regarding the modernization of the International Airport Marculesti the state is seeking for the appropriate solution involving the private sector.

¹²Commercial Maritime Navigation Code of the Republic of Moldova No. 599/1999#, available in RO at: https://www.legis.md/cautare/getResults?doc_id=129114&lang=ro#

In field of road transport

The strategy is focusing in particular on two main issues: increasing road safety and strengthening institutional capacity in the field of road transport.

As a result, the objectives were achieved through the reorganization of the National Agency of Road Transport by granting to the authority the competence to control and to supervise compliance of the road transport operators with the national and international legislation in the field.

In the case of road safety, the focus is on drivers working and rest time. As a result, the obligation to equip vehicles with tachographs and speed limiters, as well the timetable for the implementation of these provisions were introduced in the Road Transport Code No. 150/2014¹³.

In field of road infrastructure

In the sector of road infrastructure, the Transport and Logistics Strategy Action Plan for 2013-2022 has been partially implemented. Thus, the main priorities outlined in the strategy for this sector are:

- the development of the road network;
- the continuous reduction of total road transport costs;
- rehabilitation, modernization, repair and proper maintenance, ensuring year-round access to the road network (local / rural roads in all localities of the country);
- reduction in the number of road accidents by 50%;
- establishment of the legal and institutional framework for planning, operation and maintenance of the road network;
- promotion of the development of the road network of the Republic of Moldova in the European network;
- provisions of the safe transport of goods and passengers.

Currently, about 26.15% of the national roads are in a bad condition, 27.79% are in a very bad condition, 24.87% are in a satisfactory condition, approximately 16.28% in a good condition and 7.92% are in a very good condition. For these reasons, investments are primarily needed in the priority road sectors that are included in the TEN-T network, as follows:

Road Construction, Rehabilitation and Modernization:

- M5 road, Balti - Radeni sector (modernization works), km 133 + 000 - km 189 + 000 without estimated cost;
- Road sector (intersection of road R1 to road M5 (new construction), km 0 + 000 - km 21 + 000 Estimated cost - 21.0 million EURO;

¹³ Road Transport Code No. 150/2014, available in RO at: https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro#

- M5 road, Rădeni sector to Chisinau (modernization), km 189 + 000 - km 258 + 000 without estimated cost;
- M5 road, Chisinau to Budești (4th century from the Chisinau ring road) 14 + 750 Estimated cost - 31.0 million EURO;
- Chisinau ring road, Road M2 section 3 (modernization), km 15 + 750 - km 24 + 900 Estimated cost - 19.5 million EURO;
- Chisinau ring road, M2 road, sections 5 and 6 (new construction) Approximately 49 km Estimated cost - EUR 130.4 million;
- M3 road, detour or. Cîmislia (new construction), km 0 + 000 - km 7 + 200 Estimated cost - 11.5 million EURO;
- M3 road, Chisinau sector to Porumbrei (rehabilitation), Approximately 33 km without estimated cost;
- M3 road, Cîmislia sector to Comrat (rehabilitation), Approximately 13 km Estimated cost - 18.0 million EURO;
- Road M1, Chisinau to Leuseni (modernization), 0 + 000 - km 75 + 000 Estimated cost - 80.0 million EURO;
- Road M1, Chisinau to Dubăsari (rehabilitation), 0 + 000 - km 44 + 000 without estimated cost;
- Rehabilitation of the Odessa-Chisinau-Ungheni road sector, with connection to the European road sector Iasi-Targu-Mures-Budapest-Vienna-Munich.

In addition, to develop adequate road infrastructure it is necessary to finance the bypass roads of Vulcanesti and Cîmislia, to improve road safety, to implementate the project on weighing-in-motion, to construct the Logistics Centers in Chisinau, Balti and Giurgiulesti and to develop feasibility studies and technical documentation for other priority road sectors.

II. MARKET STRUCTURE AND BASIC TRENDS FOR EACH MODE OF TRANSPORT

A. Horizontal aspects

a) Public service contracts and state aid

3. Are there any individual State aid measures or State aid schemes and competition law in force in the following transport sectors?

a) Air transport;

b) Inland waterways;

c) Maritime transport;

d) Rail transport;

e) Road transport:

- **Transport of freight,**
- **Transport of passengers (urban, suburban, regional, long distance)**

f) Intermodal (combined transport).¹⁴

The provisions of the Competition Law No. 183/2012¹⁵ apply to all sectors of the economy, i.e. actions or inactions that have as object or may have the effect of restricting, preventing or distorting competition, as well as unfair competition actions, which are committed by:

- enterprises registered in the Republic of Moldova or in other states, as well as by natural persons;
- authorities of the central or local public administration, insofar as they, through the issued decisions or by the adopted acts, intervene on the market, directly or indirectly influencing the competition, except for the situations when such measures are taken in application of other laws or to defend a major public interest;
- undertakings entrusted with the task of managing services of general economic interest and undertakings with a fiscal monopoly are subject to the provisions of the Competition Law and, in particular, to the competition rules in so far as the application of those provisions does not prevent, in law or in fact, fulfilling the special mission entrusted to them.

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The Competition Authority has the obligation to monitor the existent ongoing state aid, in the view of verification of observance of the provisions set up in the legal enactments, as well of the authorization decisions issued by the Competition Authority. According to point 83 of the Regulation on the notification form,

¹⁴ As defined in Article 1 of the Council Directive 92/106/ECC of 07.12.1992, OJ N° L368 of 17.12.92.

¹⁵ Law No. 183/2012 on competition, available in RO at:
https://www.legis.md/cautare/getResults?doc_id=128125&lang=ro#

examining procedure and decision making on state aid, approved by the Decision of the Plenum of the Competition Council No. 1/2013, the Competition Council monitors existed ongoing state aid to check compliance with the legal provisions under which they were granted, as well as authorization decisions that it has issued.

a) Air transport

Currently there are no individual State aid measures or State aid schemes. Nevertheless, with regard to the competition law in force, Moldova has national special provisions.

The common aviation area agreement between The Republic of Moldova and the EU¹⁶ establishes the general provisions for the entire aviation industry with regard to – Competitive environment (Art. 8), commercial opportunities (Art. 9) and consumer protection (Art. 18). In addition, Government Decision No. 971/2017¹⁷, fully transposing EU Directive 96/67 adopts national special provisions in the field of ground handling access rights. However, in the air field, the Competition Council has been authorized to grant a support measure to Joint-Stock Company „Air Moldova”, aiming at rescuing the beneficiaries in financial difficulty. The aid was granted during the period when Air Moldova was a state enterprise.

b) Inland waterway transport

In the field of inland waterway transport, there are no individual state aid measures.

At the same time, it is worth mentioning that, in order to ensure the connectivity between the two river banks of the Dniester River, settlements in the security zone, the Government fully finances from the state budget the activity of the State Enterprise "Ferry Molovata", under the State Budget Law No. 205/2021¹⁸. Thus, the state supports the activity of ferryboat by granting subsidies to State Enterprise "Ferry Molovata", as it is the only operator that transports goods and passengers across the Dniester River with the ferryboat, ensuring uninterrupted activity to guarantee the right to free movement of citizens from the region Cocieri.

c) Maritime transport

In the field of maritime transport, there are no individual state aid measures or state aid schemes and competition law in force.

¹⁶ Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova, available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22012A1020%2801%29>

¹⁷ Government Decision No. 971/2017 for the approval of the Regulation on access to the ground handling services market at the airports of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=87894&lang=ro

¹⁸ Law No. 205/2021 on the approval of the state budget for 2022, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129175&lang=ro

d) Railway transport

The Railway Transport Code No. 309/2003¹⁹, at Article 3 paragraph 3, stipulates that the way of compensating the expenses related to the granting of aid to the railway for the liquidation of derailments, accidents and the consequences of natural calamities is established by the Government. Similar provisions are also provided by the New Railway Transport Code No.19/2022²⁰ that will enter into force in 2024. The Code also introduces the concept of multi-annual infrastructure contract (MAIC) and public service obligation (PSO) for public passenger transport by rail.

The form of notification, the procedure for examining and adopting decisions on State aid is regulated by the Decision No. 1/2013 of the Competition Council²¹, partially transposing the CE Regulation No. 794/2004, CE Regulation 659/1999 and other relevant EU legal acts. Also, the Decision No. 3/2016²² adopted by the Competition Council, approves the Regulation on the evaluation of the state aid for railway undertakings, that transposes relevant provisions of Directive 2012/34/EU (Article 3(3), 6,7 Annex 1).

The support measure that has been authorized by the Competition Council in the railway sector, is the support measure given to the State Enterprise „Calea Ferata din Moldova” with the sectoral aim of modernizing the locomotive fleet, railway infrastructure restructuring, reorganization of the railway undertaking, exclusion of cross-subsidization and improving the quality of the services provided.

e) Road transport

In the case of road transport, access to the market of the transport operators is free and they should only be registered in the Registry of Road Transport Operators, except regular bus services, which are subject to an additional authorization.

State aid measures are not present in the road transport sector, except for regular bus services at local/municipal level, for which, according to the provisions of Art. 14 of the Road Transport Code No. 150/2014²³ local or municipal councils have the right to establish subsidies granted from the local and/or municipal budgets, as appropriate, to cover the difference between the costs for carrying out the regular bus service and the amounts actually collected.

f) Intermodal (combined transport)

¹⁹ Railway Transport Code No. 309/2003, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130025&lang=ro

²⁰ Railway Transport Code No. 19/2022, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

²¹ Decision No. 1/2013 of the Competition Council, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=97717&lang=ro

²² Decision No. 3/2016 of the Competition Council, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=100262&lang=ro

²³ Road Transport Code No. 150/2014, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro#

There is no intermodal transport in the Republic of Moldova.

4. Passenger rights and horizontal social aspects

Railway transport

At the moment, passenger rights are regulated by the following legal acts:

- the Railway Transport Code No. 309/2003²⁴;
- the Order of the Ministry of Transport and Road Infrastructure No.83/2005²⁵ on the approval of the Regulation on carriage of passengers, luggage and mail by rail;
- the Government Decision No.238/2005²⁶ approving the Regulation on the provision of services in railway carriage of passenger, luggage, freight and mail services in its own interest.

All legal acts are obsolete and non-compliant with the EU requirements in the field. The new Code of railway transport No. 19/2022²⁷, obliges the Republic of Moldova to harmonize Regulation (EC) 1371/2007 of the European Parliament and of the Council of 23 October 2007 on the rights and obligations of the railway transport.

Air Transport

Passengers' rights are regulated in the Republic of Moldova by Government Decision No. 836/2012²⁸ that transposes EU Regulation 261/2004. Hence, Moldova is compliant with the EU acquis by having established clear requirements regarding passenger rights in case of cancelation or delay of the flight, or the denied boarding.

The set of rules are applicable for passengers who have a valid ticket and booking confirmation, for passengers who start their trip at a Moldovan airport, provided that the airline is headquartered in the Republic of Moldova. It does not matter whether the passengers are booked on a package holiday, using a low-cost airline,

²⁴ Railway Transport Code no.309/2003, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130025&lang=ro

²⁵ Order of the Ministry of Transport and Road Infrastructure No.83/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=103562&lang=ro

²⁶ Government Decision No.238/2005 for the approval of some normative acts regarding the placement on the application of the provisions of the Railway Transport Code, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=109708&lang=ro

²⁷ Railway Transport Code no.19/2022, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

²⁸ Government Decision No. 836/2012 for the approval of the Regulation on compensation and assistance to passengers in the event of denied boarding and cancellation or prolonged delay of flights, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110337&lang=ro

on a business trip or children (on a paid ticket) or flying on free or reduced ticket under customer loyalty or promotional programmes.

Government Decision No. 836/2012 is completed by the Law on consumer protection No. 105/2003²⁹, which transposes:

- Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC;
- Directive 97/7/EC, Directive 98/27/EC and Directive 2002/65/EC of the European Parliament and of the Council;
- Regulation (EC) No. 2006/2004 of the European Parliament and of the Council. The above-mentioned provisions are applicable along with the provisions of the modernized Civil Aviation Code.

Maritime transport

Currently, the rights of passengers in the field of shipping are regulated by the Code of Commercial Maritime Navigation of the Republic of Moldova No. 599/1999³⁰ and by the Law on internal naval transport of the Republic of Moldova No. 176/2013³¹. These regulations do not transpose any EU Directive.

Road transport

In the case of road transport, the rights of passengers are regulated in accordance with the provisions of Art. 67 and 69 of the Road Transport Code No. 150/2014³², which partially ensure the implementation of the provisions of Regulation (EU) No. 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No. 2006/2004.

²⁹ Law No. 105/2003 on consumer protection, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129082&lang=ro

³⁰ Commercial Maritime Navigation Code of the Republic of Moldova No. 599/1999#, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129114&lang=ro

³¹ Law No. 176/2013 on internal naval transport of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106278&lang=ro

³² Road Transport Code No. 150/2014, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro#

5. What are the rules on passenger rights in the transport sector (minimum requirements for information, assistance and care, liability of the carriers in the event of delays or cancellations of services, accidents resulting in death or personal injury or loss of or damage to luggage; enforcement of passenger rights (complaint handling/ inspections and monitoring)?

In the Republic of Moldova, according to Art. 27 of Law No. 105/2003³³ on consumer protection, the Agency for Consumer Protection and Market Surveillance is the administrative authority that coordinates at national level the control of compliance with the legislation on consumer protection, having the status of national contact point.

Railway transport.

Applicable legislation

The following legislation is regulating the provisions in the field of passenger rights:

- the Railway Transport Code No. 309/2003;
- the Order No.83/2005 of the Ministry of Transport and Road Infrastructure³⁴ on the approval of the Regulation on carriage of passengers, luggage and mail by rail; and
- Government Decision No.238/2005 approving the Regulation on the provision of services in railway carriage of passenger, luggage, freight and mail services in own interest³⁵.

All legal acts are obsolete and non-compliant with the EU requirements in the field.

Requirements concerning the information of passengers

Under Art.10 of Order No. 83/2005, the State Enterprise „Calea Ferată din Moldova” must provide the beneficiaries of the railway transport services with the necessary, timely and truthful information.

Liability of the carriers in the event of delays or cancellations of services, accidents resulting in death or personal injury or loss of or damage to luggage

Under Art. 76 (d) of the Railway Transport Code No. 19/2022, passengers have the right to receive compensation from the railway undertaking in the event of canceled train journeys, delays or loss of luggage. The amount of compensation and the conditions for compensating passengers are established by the Rules on

³³ Law No. 105/2003 on consumer protection, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129082&lang=ro#

³⁴ Order of the Ministry of Transport and Road Infrastructure No.83/2005, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=103562&lang=ro

³⁵ Government Decision No.238/2005 for the approval of some normative acts regarding the placement on the application of the provisions of the Railway Transport Code, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109708&lang=ro

the rights and obligations of passengers in rail transport, approved by the Government.

Other passenger rights

Other passenger rights in the field of railway transport are established by Art. 112 of the Railway Transport Code No. 309/2003. These provisions are reiterated and completed by Art. 76 of the Railway Transport Code No. 19/2022 entering into force in 2024. The provisions are applicable to long-distance trains or local traffic trains and include, among others, the right of passengers:

- to procure the travel document (ticket) on any train and in any wagon up to the railway station of destination indicated by him, open for passenger transport operations;
- to transport, free of charge, a child up to 5 years old, if he/she does not occupy a separate place, and children aged 5 to 10 years - paying the payment according to the tariff for children of this age;
- to take hand luggage with them, the dimensions and mass of the hand luggage are established by the Regulation on the provision of services in the rail traffic of passengers, luggage, goods and messengers, in his own interest;
- to hand over the luggage to be transported on the basis of the travel document (ticket), against payment, according to the established tariff;
- to make stops on the trip, extending the validity of the travel document (ticket) for a maximum of 10 days;
- to extend the period of validity of the travel document (ticket), in case of illness on the road, for the entire duration of the illness (upon presentation of the certificate issued by the medical institution), and if the passenger was not granted a place in train - until the departure of the next train in which the passenger is given a seat;
- to travel by the train that leaves earlier than the train for which he purchased the travel document (ticket) - after making, at the ticket office of the railway station, the necessary mention in the travel document (ticket).

If the passenger decides to wave the trip, he/she is entitled to request the refund of the related fares (for the not performed journey), after submitting the travel document (ticket) at the ticket office of the railway station.

Upon returning to the ticket office, of the travel document (ticket) which was not used for the long-distance train, the passenger shall be reimbursed:

- at least 15 hours before the departure of the train - the full cost of the travel document (ticket) and the berth supplement;
- less than 15 hours, but at least 4 hours before the departure of the train - the cost of the travel document (ticket) and 50% of the berth supplement.

In case of stopping the journey in connection with the interruption of the train for reasons that do not depend on the railway undertaking, the passenger shall be reimbursed the cost of the journey for the distance not traveled, and in case of interruption of trains due to the railway, the passenger shall be reimbursed. full journey.

The passenger has the right to occupy a free seat in the higher-class wagon in accordance with the provisions of the Regulation on the provision of services in the rail traffic of passengers, baggage, goods and messengers in his own interest.

In the case of travel by train in suburban traffic, the passenger has the right:

- to purchase a single-use travel ticket (one way or round trip) or a standardised season ticket;
- to transport with him, free of charge, children under the age of 5;
- to take with him hand luggage whose dimensions and mass are established in the Regulation on the provision of services in the railway traffic of passengers, luggage, goods and messengers in his own interest;
- to benefit from adequate conditions for access to rail transport services. Conditions of access to stations, platforms and trains include access for all passengers, and in particular for people with disabilities;
- have access to relevant information on rail transport services provided by railway undertakings and the conditions of their use.

In addition, under Art. 46 of Order No. 83/2005, the passenger has the right, in case of a delay to the train by a maximum of three hours or as a result of illness or accident, confirmed by appropriate documents, within three days from the departure of the train for which a travel document (ticket) was purchased, to obtain the recognition of the validity of the travel document (ticket) for another train provided that the cost of the berth supplement is paid, and in case of refusal from the trip to be reimbursed the cost of the trip, decreasing the berth supplement.

Maritime transport

In the field of maritime transport, the rights of passengers are stipulated in Chapter XIII, Art. 96 parag. (1) of Law No. 176/2013³⁶ on inland shipping of the Republic of Moldova.

Under Law No. 176/2013, the passenger has the right:

- to purchase a travel ticket of different categories for the voyage to any port indicated in the ships' movement schedule or announced on the ship's movement course;

³⁶ No. 176/2013 on inland shipping of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106278&lang=ro

- to be accompanied, free of charge, by a child up to 5 years old, if he does not occupy a special place, as well as by children up to 10 years old, with the payment of the tariff in accordance with the provided facilities;
- to carry free hand luggage (easily transportable and not inconvenient to other passengers, with a length not exceeding 1.8 meters or with a total length of the perimeter not exceeding 2.6 meters), the total mass of which does not exceed 36 kg, and for fast ships - 20 kg. Care for the integrity of hand luggage is the responsibility of the passenger;
- to send the luggage for transportation with the payment of the luggage transport tariff;
- to extend the term of validity of the ticket in case of illness, confirmed by a certificate issued by the medical institution, for the term of impossibility of use, or to return the ticket with the reimbursement of the travel fare;
- until the departure of the ship at any time, and during the voyage in any port where the ship is stationed, to terminate the contract of carriage, to return the ticket, with the reimbursement of the travel fare for the distance not traveled;
- to terminate the contract of carriage in case of delay of the departure of the ship, with the reimbursement of the travel fare.

Art. 192 of the Commercial Maritime Navigation Code of the Republic of Moldova No.599/1999³⁷ provides for the following rights of the passenger:

The passenger has the right, in the manner established in the rules for passenger traffic at sea:

- to transport their children free of charge or with reduced discounts;
- to transport the cabin baggage free of charge within the established norms;
- to hand over the luggage in the warehouse, paying the fee.

The passenger shall send a written notice to the carrier or his agent in case:

- serious damage to cabin baggage - before disembarkation or during disembarkation;
- serious damage to the luggage delivered in the warehouse - until or upon receipt;
- seemingly invisible loss or damage - within 15 days of the day of unloading or receiving the luggage (or of the day on which it was to be delivered).

If the passenger has not notified the carrier in the cases specified in paragraph (2), it results, by virtue of the fact that no proof to the contrary has been provided, that he has received the luggage intact.

³⁷ Commercial Maritime Navigation Code of the Republic of Moldova No. 599/1999, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129114&lang=ro#

If the condition of the luggage has been jointly checked by the parties at the time of its receipt, notification shall not be required.

Unclaimed baggage for 3 months from the day of arrival of the ship in port may be traded in the prescribed manner.

Therewith, according to the provisions of Laws No. 176/2013³⁸ on inland shipping of the Republic of Moldova and No. 599/1999³⁹ for the approval of the Code of Commercial Maritime Navigation of the Republic of Moldova, in accordance with the passenger transport agreement, the carrier undertakes to transport the passenger to the port of destination, and if the passenger also transmits his luggage, to transport it to the port of destination with its transmission to the authorised person. The passenger is obliged to pay the freight, and in case of transfer of his luggage - and the freight for the transport of luggage. For the passenger, the proof of the conclusion of the passenger transport agreement is the issuance of a travel ticket according to the type of transport, as well as a luggage ticket in case of transportation of his luggage. Pursuant to the charter agreement, the shipowner shall undertake to transfer to the other party, for charter, the chartered ship for one or more voyages against a charterer. For the passenger, as proof of the conclusion of the agreement of transport of the passengers on leisure and tourist voyages, instead of the ticket, a tourist sheet or transport ticket of the passengers in the group is issued. The conditions of carriage on passenger journeys, the forms of tickets and luggage receipts shall be laid down in the rules for the carriage of passengers. The life and health of passengers during carriage on inland waterways shall be subject to compulsory insurance in accordance with insurance legislation, with the exception of passengers carried on intercity, leisure and ferry services. The carrier is obliged to give the passenger on board the ship the place provided in the ticket or in the tourist sheet. If the ticket or tourist sheet is nominal, they cannot be passed on to a third party. A visible and truthful information on the organisation of passenger transport, in accordance with consumer rights legislation and the rules for the provision of services, must be displayed in passenger service places, including ticket sales points. The specialised central body authority shall establish the nomenclature and the manner of granting the facilities and services for passengers. Passengers are provided with transport conditions established by state standards and other mandatory regulations on the comfort of the ship, and seats are granted according to the rules of passenger transport. Upon termination of the passenger's contract of carriage at the initiative of the carrier until the time of departure, the passenger shall be reimbursed for travel and transportation of his luggage, and upon termination of the contract until the end of the journey - payment for his transportation and luggage for the distance not traveled. If the termination of the agreement is caused by the passenger's breach of the rules for

³⁸ No. 176/2013 on inland shipping of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106278&lang=ro

³⁹ Commercial Maritime Navigation Code of the Republic of Moldova No. 599/1999, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108662&lang=ro

the provision of services and of the rules of carriage of passengers or his actions, which endanger the safety of navigation, the life and health of other passengers, payment for travel and for the transport of his luggage is not returned.

Upon termination of the passenger's agreement of carriage at the initiative of the carrier during the journey, the carrier is obliged, on his own initiative, to bring the passenger, at his request, to the port of shipment or to the nearest locality to ensure the passenger port of destination. Unclaimed baggage for 3 months after the ship's arrival in port may be sold by the carrier.

The holder of the luggage ticket, within 3 months from the sale of the luggage, has the right to receive the amount obtained from its sale, except for the expenses incurred for keeping the luggage until the moment of its sale.

Air Transport

Government Decision No. 836/2012⁴⁰ that transposes EU Regulation 261/2004. This regulation establishes clear requirements regarding passenger compensation in case of denied boarding, cancellation or long delay of flights.

Government Decision No. 836/2012 is completed by the Law on Consumer Protection No. 105/2003⁴¹, which transposes Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council and a set of relevant rules from modernised Civil Code of the Republic of Moldova as of 01.03.2019.

Regarding the accidents resulting in death or personal injury or loss of or damage to luggage - Convention for the Unification of Certain Rules for International Carriage by Air (Montreal, 1999) is applied. Enforcement authority for enforcement measures is the Civil Aviation Authority as well. Rules for the above-mentioned passenger rights are established in the Contravention Code of The Republic of Moldova - Art. 407 (1), that sets the competent authority of the Republic of Moldova as the enforcement body.

In case of the delay or cancellation of the flights the following compensation is applied:

- 250 euro for flights of 1500 km or less;
- 400 euro for all flights between 1500 and 3500 km;
- 600 euro for all flights that are not covered by point a) or b).

⁴⁰ Government Decision No. 836/2012 for the approval of the Regulation on compensation and assistance to passengers in the event of denied boarding and cancellation or prolonged delay of flights, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110337&lang=ro

⁴¹ Law No. 105/2003 on consumer protection, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129082&lang=ro

The airline information obligation

According to the abovementioned regulation, the airlines are obliged to inform passengers about their rights and all the relevant flight information.

Road transport

In the case of road transport, the rights of passengers are regulated in accordance with the provisions of Art. 67 and 69 of the Road Transport Code No. 150/2014⁴² which establishes that:

The passenger has the following rights:

- to buy a ticket for regular bus services;
- to transport free hand luggage in the established volume;
- in case of interruption of the trip due to illness or accident, to be refunded the value of the travel ticket for the distance not traveled;
- until the departure of the road vehicle for travel, to return the ticket and to receive in full the value of the travel ticket in case the vehicle leaves with a delay of more than one hour or when it has been granted a seat in the vehicle of lower class than the class of the vehicle for which he purchased his ticket;
- from the moment of departure of the road vehicle for which the ticket was purchased, within 72 hours, in case it was delayed due to illness or an accident, or within 3 hours, in case it was delayed during the race for other reasons, the ticket will be renewed if he pays an additional 25% of its cost or the value of the travel ticket will be refunded with 25% of the cost withheld;
- if the ticket is returned at least 2 hours before the departure of the road vehicle, in case of a national regular bus service, or at least 6 hours, in case of an international regular bus service, to be fully refunded the value of the ticket and if he returns the ticket later than these deadlines, but until the departure of the vehicle, the value of the ticket will be refunded with the retention of 15% of the cost.

The passengers are entitled to lodge complaints to the road transport operator within 3 months from the date of the provision of the regular road transport service or from the date on which the service should have taken place. Within one month from the date of receipt of the complaint, the road transport operator shall inform the person whether his complaint is well founded or rejected.

If a road transport operator reasonably estimates that the departure of the road vehicle according to a regular service will be canceled or delayed by more than 2

⁴² Road Transport Code No. 150/2014, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro#

hours or in case of overbooking, passengers shall be offered immediately the following options:

- to continue or use a redirected route to the destination, without any additional costs and under comparable conditions, at the first possible opportunity;
- return of the value of the travel ticket.

The return of the equivalent value of the travel ticket is made based on a request of the passenger within 5 days.

In the event of an accident due to the use of the bus, the road transport operator shall provide reasonable and proportionate assistance regarding the immediate practical needs of passengers after the accident. Such assistance shall include, where necessary, accommodation, food, clothing, transport and first aid facilities.

At the same time in accordance with the Art. 69 of the Code, passengers have the right to compensation in case of death or personal injury, as well as in case of loss or damage of luggage, in case of accidents occurred as a result of using the bus, in accordance with the insurance legislation.

6. What are the rules for non-discrimination and equality in the transport sector, especially what are the rules for passengers with disabilities or reduced mobility?

Railway transport

The Law No. 60/2012⁴³ on social inclusion of persons with disabilities, Article 20, provides that the administrators of the railway infrastructure must adapt at least one wagon and the main train stations to allow access for people with disabilities using wheelchairs and to mark by contrasting tactile pavement the paths to the boarding platforms, counters or other utilities.

In addition, under the same article, the following provisions applicable to passengers with disabilities are introduced.

In order to facilitate the unrestricted access of persons with disabilities to transport and travel, the Ministry of the Infrastructure and Regional Development (MIDR), other central and local public authorities, economic agents regardless of the form of ownership, with the participation of public associations, have the obligation to:

- adapt the means of public transport in circulation;
- reutilize the vehicles according to the needs of persons with locomotor disabilities (manual guidance);

⁴³ Law No. 60/2012 on social inclusion of persons with disabilities, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130550&lang=ro

- adapt the stations of the means of public transport, including the marking by tactile paving of the access spaces to the entrance door in the means of transport;
- install display panels corresponding to the needs of people with visual and hearing disabilities in public transport;
- print in large characters and in contrasting colours the routes and indications of the means of urban public transport;
- adapt pedestrian crossings and intersections of streets and public roads according to the needs of people with visual and hearing disabilities;
- install sound and visual signaling systems at intersections with heavy traffic.

Similar provisions for non-discrimination of the passengers with disabilities or reduced mobility are incorporated in the Railway Transport Code No.309/2003⁴⁴, Article 106.

Article 109 of Law No. 60/2012 provides the right to information of persons with disabilities and reduced mobility.

Passengers must be provided with timely and truthful information, including the installation of billboards appropriate to the needs of the visually and hearing impaired, train departure and arrival times, the cost of the travel document (ticket) and baggage transport, about the schedule of ticket and luggage boxes, storage rooms, about the dislocation of station rooms, about the services provided, the facilities granted to certain categories of passengers, providing them with other information provided by the Regulation on the provision of services in railway traffic of passengers, luggage, goods and couriers in their own interest.

These provisions are reiterated and further developed in Article 77 (5) the Railway Transport Code No.19/2022, entering into force in 2024.

Under Article 76 of The Railway Transport Code No.19/2022, passengers in rail transport have the right to benefit from adequate conditions for access to rail transport services. Conditions for access to stations, platforms and trains include access for all passengers, and in particular for people with disabilities.

In addition, Article 77 establishes the liability and obligations of railway undertakings towards passengers.

Railway companies are obliged to ensure the availability of tickets / travel documents, reservations, travel information and changes to the timetable, as well as to provide the necessary assistance to persons with disabilities.

⁴⁴ Railway Transport Code No. 309/2003, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130025&lang=ro

Maritime transport

The legislation in the field of shipping does not contain issues related to discrimination and inequality in terms of employment in the field of shipping.

Air Transport

Besides the provisions established in ECAAA EU-RM, the National Programme on Air Transport Facilitation, approved by Government Decision No. 147/2022⁴⁵ covers non-discrimination and equality rules for passengers with disabilities or reduced mobility when travelling by air – that transposes EU Regulation 1107/2006.

The airport managing body is responsible for providing the following types of assistance, without charging additional fees to people with disabilities:

- the communication of arrival at an airport and the request for assistance at the points established inside and outside the terminal buildings, in accordance with paragraph 284;
- moving from a designated point to the boarding counter;
- boarding and check-in;
- moving from the boarding gate to the aircraft with the completion of the procedures related to emigration, customs and security;
- boarding the aircraft with the help of elevators, wheelchairs or other necessary assistance, as appropriate;
- moving from the aircraft door to the assigned seats;
- luggage storage and retrieval on board the aircraft;
- moving from assigned seats to the aircraft door;
- disembarkation from the aircraft by means of lifts, wheelchairs or other necessary assistance, as appropriate;
- moving from the aircraft to the baggage reclaim room with the completion of the procedures related to emigration and customs;
- moving from the baggage reclaim room to a designated point;
- ensuring access to connecting flights, in case of transit, with the provision of flight and ground assistance, as well as inside and between terminals, as appropriate;
- travel to toilets, if necessary;
- temporary replacement of damaged or lost mobility equipment, but not necessarily according to the principle of the identity of the respective article;
- ground handling of recognized utility dogs, as appropriate;

⁴⁵The Government Decision No. 147/2022, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=131156&lang=ro

- communication of information on flights in accessible formats.

Road transport:

The rules for non-discrimination and equality in the transport sector are established in Art. 67 para. (6) - (9) of the Road Transport Code No. 150/2014⁴⁶. The following non-discrimination and equality provisions are applicable:

- Road transport operators, travel agents and tour operators may not refuse a reservation of a ticket to a person, issue or otherwise make available a ticket for a person or embark a person on the grounds of disability, or of its reduced mobility;
- Reservations and tickets are made available to disabled persons and persons with reduced mobility at no additional cost.

Road transport operators, travel agents and tour operators may refuse a reservation of a ticket to a person, issue or otherwise make available a ticket for a person or embark a person on the grounds of disability, or of its reduced mobility:

- to meet the applicable road safety requirements laid down by national law or to meet the health and safety requirements imposed by the competent authorities;
- where the design of the road vehicle or infrastructure, including bus stations, makes it physically impossible to embark, disembark or transport persons with disabilities or persons with reduced mobility in a safe and operationally feasible manner.

If a road transport operator, a travel agent or a tour operator refuses a ticket reservation to a person, to issue or otherwise make available a ticket for a person or to board a person due to disability or reduced mobility on the grounds, the respective person may request to be accompanied by another person of his choice and who can provide the assistance needed by the disabled person or person with reduced mobility.

7. What are the rules for the social dialogue – are there any specific rules for the transport sector?

Social dialogue is regulated by the Labour Code No. 154/2003⁴⁷ (Chapters II-III) for all of the transport sectors.

Article 25 of the Code provides for the creation of social partnership bodies on four levels: national level, branch level, territorial level and unit level. The formation and activity of the national, branch and territorial bodies (Commissions

⁴⁶ Road Transport Code No. 150/2014, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro

⁴⁷ Labour Code No. 154/2003, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130513&lang=ro#

for consultations and collective negotiations) is regulated by organic law, while the formation and activity of the bodies at unit level - Commissions for social dialogue employer-employee - by type Regulation approved by the National Commission for consultations and collective negotiations.

Subsequently, the type Regulation is approved by Decision No. 9/2007⁴⁸ of the National Commission and regulates the activity of the social dialogue bodies at unit level, independent of the field of activity. The rules for establishing social dialogue in different branches are unique to all.

Currently, there are no specific rules on social dialogue in the field of **rail and maritime transport**.

In the **air transport sector**, the social dialogue is ensured through the Law No. 239/2008 on transparency in decisional process that establishes general requirements for public entities involvement in decisional processes. Also, CAA publishes on its official web site for public consultations all initiatives, drafted documents, relevant information for customers, industry and any other interested persons or entities. The Regulation on functioning dispute settlement board was established by the order of CAA⁴⁹.

In the **road transport sector**, social dialogue is carried out within the Consultative Council in the field of road transport, which, in accordance with the provisions of Art. 6 para. (5) and (6) of the Road Transport Code No. 150/2014⁵⁰ is formed annually, until March 31, by order of the Minister of Infrastructure of Regional Development, and which includes a delegated representative from each representative employer organization, a delegated representative from each representative trade union organization, a representative of the ministry and a representative of the National Road Transport Agency. The chairman and secretary of the Council is elected at the first meeting of the board from among its members.

The Ministry of Infrastructure and Regional Development will consult the Council in order to adopt or issue any acts related to the road transport policy.

⁴⁸ Decision No. 9/2007 available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=86528&lang=ro

⁴⁹ Order No. 15GEN/2021 on functioning of dispute settlement board, available in Romanian at:

<https://www.caa.md/storage/upload/cms/pages/tmp/php37hh4P/15-GEN->

[Privind%20instituirea%20Consiliului%20de%20solutionare%20a%20disputelor%20C8%99i%20aprobarea%20Regulamentului%20de%20organizarea%20C8%99i%20functionarea%20Consiliului%20in%20cadru%20AAC.pdf](https://www.caa.md/storage/upload/cms/pages/tmp/php37hh4P/15-GEN-Privind%20instituirea%20Consiliului%20de%20solutionare%20a%20disputelor%20C8%99i%20aprobarea%20Regulamentului%20de%20organizarea%20C8%99i%20functionarea%20Consiliului%20in%20cadru%20AAC.pdf)

⁵⁰ Road Transport Code No. 150/2014, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro

b) International agreements and conventions

8. On which date did Moldova sign and ratify (or intends to do so):

- a) The United Nations ADR agreement;**
- b) The United Nations ATP agreement;**
- c) The United Nations ECE legislation on motor vehicle type approval;**
- d) The United Nations AETR agreement;**
- e) The 1968 Vienna Convention of the United Nations (please provide date of accession).**

a) The United Nations ADR agreement:

Moldova acceded to ADR agreement through Parliament Decision No. 44/1998 concerning the accession of the Republic of Moldova to the European Agreement concerning the International Carriage of Dangerous Goods by Road⁵¹ (*entered into force for the Republic of Moldova on 14 August 1998*).

b) The United Nations ATP agreement:

Moldova acceded to ATP agreement through Law No. 173/2007 for the accession of the Republic of Moldova to the Agreement on International Carriage of Perishable Foodstuffs and on Special Means of Transport (ATP), with the respective amendments⁵² (*entered into force for the Republic of Moldova on 11 September 2008*).

c) The United Nations ECE legislation on motor vehicle type approval;

- Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions or reciprocal recognition of approvals granted on the basis of these prescriptions, concluded in Geneva on 20 March 1958, to which Moldova acceded by Law No. 111/2016⁵³ (*entered into force for the Republic of Moldova on 20 November 2016*);

- Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles, concluded in Geneva on June 25, 1998, to which the Republic

⁵¹ Government Decision No. 589/2017 on the approval of the Road Transport of Dangerous Goods Regulation, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123212&lang=ro

⁵² Law No. 173/2007 for the accession of the Republic of Moldova to the Agreement on International Carriage of Perishable Foodstuffs and on Special Means of Transport (ATP), with their respective amendments, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=24027&lang=ro

⁵³ Law No. 111/2016 for the accession of the Republic of Moldova to the Agreement on the adoption of uniform technical requirements for wheeled vehicles, equipment and parts which may be fitted and / or used on wheeled vehicles and the conditions for the recognition of approvals on the basis of these requirements, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=93997&lang=ro

of Moldova acceded by Law No. 309/2006⁵⁴(*entered into force for the Republic of Moldova on 17 March 2007*);

- Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections, concluded in Vienna on November 13, 1997, to which the Republic of Moldova acceded by Law No. 122/2007⁵⁵(*entered into force for the Republic of Moldova on 03 February 2008*).

d) The United Nations AETR agreement;

Accession by Parliament Decision No. 1318 of 2 March 1993 on the accession of the Republic of Moldova to some international conventions⁵⁶ (*entered into force for the Republic of Moldova on 22 November 1993*).

e) The 1968 Vienna Convention of the United Nations (please provide date of accession).

Accession by Parliament Decision No. 1318 of 2 March 1993 on the accession of the Republic of Moldova to some international conventions⁵⁷ (*entered into force for the Republic of Moldova on 25.05.1994*).

⁵⁴ Law No. 309/2006 for the accession of the Republic of Moldova to the Agreement on the adoption of global technical regulations applicable to motor vehicles, as well as equipment and components that can be mounted and / or used on motor vehicles, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107111&lang=ro

⁵⁵ Law No. 122/2007 for the accession of the Republic of Moldova to the Agreement on the adoption of uniform conditions for regular technical inspections of road vehicles and the mutual recognition of such inspections, with amendments, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=24968&lang=ro

⁵⁶ Parliament Decision No. 1318/1993 on the accession of the Republic of Moldova to some international conventions, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=85335&lang=ro

⁵⁷ Parliament Decision No. 1318/1993 on the accession of the Republic of Moldova to some international conventions, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=85335&lang=ro

9. Is Moldova party to any multilateral agreements regarding:

- a) international railway organisations (OTIF and OSJD)?**
- b) safety, security, environmental and pollution prevention aspects of transport by sea and on lakes/ivers? What are the plans to become party to all basic IMO Conventions and Codes pertaining to maritime safety and security?**
- c) Is there any regional convention in place in terms of coordinating and promoting navigation between the neighbouring /tributary countries or the countries in the region? Is the country a member of a river commission, which one(s) and since when? Do the respective inland waterway authorities carry out common activities within the framework of such convention/commission, and if so, which activities?**

a) The accession of the Republic of Moldova to the OSJD is approved by Government Decision No. 65/1993⁵⁸ and Parliament Decision No. 1534/1998⁵⁹.

As for OTIF, the internal procedures regarding the accession of the Republic of Moldova to the Convention on International Carriage by Rail COTIF, are currently in process.

b) In the field of shipping, the Republic of Moldova has become a party to the following conventions and codes relating to maritime safety and security:

- International Convention for the Safety of Life at Sea, adopted in London on November 1, 1974, and to the Protocol thereto (SOLAS 74), adopted in London on November 11, 1974. November 1988, to which the Republic of Moldova acceded by Law No. 185/2005⁶⁰ for the accession of the Republic of Moldova to the International Convention for the Protection of Human Life at Sea, adopted in London on November 1, 1974, and to the Protocol thereto (SOLAS 74), adopted in London on November 11, 1988;
- International Convention for the Prevention of Pollution from Ships, adopted in London on November 2, 1973, and to the Protocol thereto (MARPOL 73/78), adopted in London on 17 February 1978, to which the Republic of Moldova acceded by Law No. 189/2005⁶¹;
- International Convention on Civil Liability for Oil Pollution Damage (CLC 92), adopted in London on November 27, 1992, to which the Republic of Moldova acceded by Law No. 186/2005;
- International Convention on Loading Lines, adopted in London on April 5, 1966, and to the Protocol to it (LL 66), adopted in London on November

⁵⁸ Not available in electronic form

⁵⁹ Parliament Decision No.1534/1998 on the accession of the Republic of Moldova Railway Cooperation Organization, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=62767&lang=ro

⁶⁰ Law No. 185/2005 for the accession of the Republic of Moldova to the International Convention for the Protection of Human Life at Sea., adopted in London on November 1, 1974, and to the Protocol thereto (SOLAS 74), adopted in London on November 11, 1988, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=26230&lang=ro

⁶¹ Law No. 189/2005 for the accession International Convention for the Prevention of Pollution from Ships, adopted in London on November 2, 1973, and to the Protocol thereto (MARPOL 73/78), adopted in London on 17 February 1978, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107334&lang=ro#

11, 1988, to which the Republic of Moldova acceded by Law No. 187/2005⁶²;

- International Convention on Tonnage Measurement of Ships (TONNAGE 69), adopted in London on June 23, 1969, to which the Republic of Moldova acceded by Law No. 188/2005⁶³;
- International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW 78), adopted in London on July 7, 1978, and the Code training, certification / attestation of seafarers and watch keeping services (STCW Code), adopted in London on 7 July 1995, to which the Republic of Moldova acceded by Law No. 190/2005⁶⁴;
- Convention on the International Regulations for Preventing Collisions at Sea (COLREG 72), adopted in London on October 20, 1972, to which the Republic of Moldova acceded by Law of the Republic of Moldova No. 191/2005⁶⁵;
- United Nations Convention on the Law of the Sea and to the Agreement on the Application of Part XI of the United Nations Convention on the Law of the Sea, to which the Republic of Moldova acceded by Law No. 395/2006⁶⁶;
- International Management Code for the Safe Operation of Ships and for the Pollution Prevention (International Safety Management Code - ISM Code), implemented by Government Decision No. 997/2006⁶⁷;
- International Ship and Port Facility Security Code (ISPS Code) and the Resolution of the International Maritime Organization A.959 (23) its maintenance, implemented by Government Decision No.955/2006⁶⁸;
- Convention on the International Maritime Organization, to which Republic of Moldova acceded though Law No. 53/2001⁶⁹;

⁶²Law No. 187/2005 for the accession of the Republic of Moldova to the International Convention on Load Lines, adopted in London on April 5, 1966, and to the Protocol thereto (LL 66), adopted in London on November 11, 1988, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=26255&lang=ro

⁶³ Law No. 188/2005 on the accession of the Republic of Moldova to the International Convention on Tonnage Measurement (TONNAGE 69), adopted in London on 23 June 1969, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107335&lang=ro#

⁶⁴ Law No. 190/2005 for the accession of the Republic of Moldova to the International Convention on Standards of Training, Certification and watch keeping for Seafarers. available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107333&lang=ro

⁶⁵ Law No. 191/2005 for the accession of the Republic of Moldova to the Convention on International Rules for the Prevention of Collisions at Sea (COLREG 72), adopted in London on October 20, 1972, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107332&lang=ro

⁶⁶ Law No. 395/2006 for the accession of the Republic of Moldova to the United Nations Convention on the Law of the Sea and to the Agreement on the Application of Part XI of the United Nations Convention on the Law of the Sea, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=7339&lang=ro

⁶⁷ Government Decision No. 997/2006 on the implementation of the International Management Code for the Safe Operation of Ships and for the Prevention of Pollution, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=24757&lang=ro

⁶⁸ Government Decision No. 955/2006 on the implementation of the International Ship and Port Facility Security Code, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=24830&lang=ro

⁶⁹ Law No. 53/2001 for the accession of the Republic of Moldova to the Convention on the International Maritime Organization, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108306&lang=ro#

- Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI), to which the Republic of Moldova acceded by Law No. 37/2008⁷⁰;
- The European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), to which Republic of Moldova acceded by Law No. 296/2007;
- European Agreement on Main Inland Waterways of International Importance (AGN), to which the Republic of Moldova acceded by Decision of the Parliament of the Republic of Moldova No.1431/1997;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted in Rome on March 10, 1988, to which the Republic of Moldova acceded by Law No. 192-XVI/2005⁷¹.

In this context, the Republic of Moldova has become a party to and has ratified only some of the basic IMO conventions and codes, including those mentioned above. At the same time, the Republic of Moldova intends to become a party to all basic IMO conventions and codes relating to maritime safety and security.

c) Navigation between neighboring countries and from the region is coordinated and promoted by the provisions of the Convention regarding the regime of navigation on the Danube, which was ratified by Parliament Decision No. 86/1998, and the Agreement between the Government of the Republic of Moldova and the Government of Romania on waterway navigation signed in Bucharest on November 1, 2005, which was approved by the Republic of Moldova by Government Decision No. 1352/2005.

The Republic of Moldova is a member of the Danube Commission, which holds sessions (twice a year), and meetings of the thematic commissions, on technical, hydro technical, financial and legal issues, navigation, navigation personnel, and ecology, which take place several times a year, according to the plan of the meetings approved at the sessions of the Danube Commission.

Thus, the Republic of Moldova together with the member states of the Danube Commission participates in the activities related to navigation, legal, technical and financial issues.

⁷⁰ Law No. 37/2008 for the ratification of the Budapest Convention on the Contract for the Carriage of Goods by Inland Navigation, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=7306&lang=ro

⁷¹ Law No. 192/2005 for the accession of the Republic of Moldova to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=26348&lang=ro

Road Transport Conditions of access to profession and market

10. What are the rules governing access to the occupation of road haulage operator (from 2.5 tons) and road passenger transport operator engaged in national and/or international transport of passengers and goods (Regulation 1071/2009)?

Access to the occupation of road haulage and road passenger transport operator engaged in national and/or international passenger and freight transport is regulated by the Road Transport Code No. 150/2014⁷² which partially ensure the implementation of the Regulation (EC) No. 1071/2009 of the European Parliament and of the Council of 21 October 2009.

According to the provisions of Art. 2 of the Road Transport Code, unless expressly provided otherwise, it applies to all enterprises registered in the territory of the Republic of Moldova that exercise the occupation of road transport operator and/or carry out activities related to road transport, as well as foreign road transport operators in accordance with bilateral agreements, conventions and international agreements to which the Republic of Moldova is a party, except:

- persons who carry out road transport in their personal interest with road vehicles owned by them;
- the enterprises that carry out the activity of road transport in national traffic only with
 - road vehicles with a maximum authorized speed not exceeding 40 km / h
 - road vehicles used by the armed forces, the civil protection services, the fire brigade, and the forces responsible for maintaining public order or rented by them without a driver, when the transport falls within the remit of these services and is carried out under their control
 - road vehicles, including non-commercial transport of humanitarian aid, used in emergencies or rescue operations
 - specialized road vehicles used in medical missions
 - specialized road vehicles for debugging, operating within a radius of 100 km from the stationary base
 - road test vehicles for technological improvement, repair, or maintenance, as well as new or converted road vehicles which have not yet been put into service
 - road vehicles or combinations of road vehicles with a maximum authorized mass not exceeding 3.5 tones, used for the carriage of goods by road for personal interest

⁷² Road Transport Code No. 150/2014, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro

- commercial road vehicles which have a historical character, and which are used for the transport of persons or goods for personal interest
- agricultural and forestry vehicles.

Article 22 paragraph (1) of the Code states that commercial road transport services are subject to notification and registration.

Article 16 states that undertakings registered in the Republic of Moldova that intend to carry out the occupation of road transport operator are included in the Register of road transport operators if it cumulatively meets the following conditions:

- have an effective and stable establishment in the Republic of Moldova.
- be of good repute.
- have appropriate financial standing.
- have the requisite professional competence.

Art. 17. - The condition regarding the existence of a technical-material base is considered fulfilled if the enterprise cumulatively meets the following requirements:

- has an establishment, within which technological operations are carried out, the transport activity is directed, the working documents are kept, especially the accounting documents, the personnel management documents, as well as the documents provided in Art. 48 to which the control authorities must have access in order to verify compliance with the legislation in force. The company may have several subsidiaries in which documents on operational and technological activities for the current quarter and the previous quarter may be kept. Each of these branches will be declared to the National Road Transport Agency within maximum 10 days from the date of starting the activity in its premises, indicating the postal address, the activities to be performed and coordinated from this headquarters and working hours;
- has at least one vehicle;
- owns or leases at least one third of the road vehicles at its disposal, but not less than one unit;
- carries out the technical service operations of the road vehicles owned, permanently and efficiently, with appropriate equipment and technical installations, in a self-service workshop, in accordance with the present code and with the Regulation regarding the self-service activity.

Art. 18. stipulates that the requirement of good repute of an enterprise is considered to be fulfilled when the road transport manager or the enterprise cumulatively meets the following requirements:

- has not been criminally convicted by a final and irrevocable court decision for economic and / or property crimes, for trafficking of the human beings and / or narcotic or psychotropic substances, for crimes in the field of road transport;
- was not sanctioned for contravention 3 times, during 12 consecutive months, for any of the contraventions provided in par. (3);
- has not been deprived of the right to exercise an activity or to hold certain positions according to a final court decision.

The condition of good repute remains unfulfilled until the expiration of the prescription for the execution of the contravention sanction, the extinction of the criminal record or the rehabilitation occurs.

For the purposes of this Code, the following violations shall be considered as contraventions that lead to the non-fulfillment of the condition of good repute in the field of road transport:

- exceeding by 25% or more the maximum limits of the driving period of 6 days or two weeks;
- exceeding by 50% or more, during a working day, the maximum limit of the driving period, without a break or without an uninterrupted period of rest of at least 4.5 hours;
- lack of tachograph and / or speed limiter or use of fraudulent equipment capable of altering the recordings of the recording equipment and / or speed limitation device, falsification of record sheets or data downloaded from the tachograph and / or card tachograph of the driver;
- the transport of dangerous goods prohibited for transport or which are transported in prohibited or unapproved isolation conditions or without their identification as dangerous goods marked on the vehicle, creating an immediate risk for the safety of road traffic;
- transporting a road vehicle with a serious deficiency in the braking system, steering mechanism, wheels / tires, suspension, or chassis, which would create an immediate risk to road safety, as determined in accordance with a regular technical inspection station;
- the transport of persons or goods by the enterprise in the absence of authorizations and documents obligatory for the type of transport performed;
- the carriage of goods more than 20% of the maximum authorized total mass for road vehicles with a permissible payload exceeding 12 t or at least 25% for road vehicles with a permissible payload not exceeding 12t.

Art. 19. states that the condition regarding the financial capacity is fulfilled when the enterprise can, at any time, meet its financial obligations during the annual financial year.

For road haulage operators carrying out road haulage operations in international traffic, the condition regarding financial capacity shall be deemed to be fulfilled if they can demonstrate, at the request of the competent control bodies, that they have share capital and additional capital, reserves and total fixed assets totaling:

- at least EUR 9000 for a single road vehicle used and at least EUR 5000 for each of the additional road vehicles used, for which appropriate registration is required, confirmed by the extract from the Register of road transport operators - in the case of transport operators carrying out road haulage operations in international traffic on the basis of multilateral ECMT authorizations and road haulage operators carrying out road haulage operations through occasional services in international traffic on the basis of INTERBUS cards;
- at least EUR 2000 for a single road vehicle used and at least EUR 1000 for each of the additional road vehicles used, for which appropriate registration is required, confirmed by the extract from the Register of road transport operators - in the case of transport operators carrying out road transport operations in international traffic, except for those specified in letter a).

For road haulers carrying out road haulage operations in international traffic, the fulfillment of the condition relating to financial capacity shall be demonstrated based on the company's annual accounts or the latest balance sheet recorded in the statistical bodies or based on a certificate issued by one or more. several banks or other financial institutions, including insurance companies, which guarantee for the given enterprise through a personal and joint and several guarantees for the amounts established in par. (2) letter. a) and b).

The value in national currency of the amounts indicated in par. (2) letter. a) and b) shall be established each year according to the exchange rate published by the National Bank of Moldova on the first working day of October. This course applies during the following calendar year starting with January 1st.

According to the Art. 20. the condition regarding the professional competence of the enterprise is fulfilled if its road transport manager is the holder of a certificate of professional competence issued under the conditions of Art. 43.

The certificate of professional competence is proof of having the required level of knowledge established and is granted following a mandatory written examination.

Art. 43. stipulates that in order to be able to practice the activity of road transport manager in road transport for a fee, the applicant must meet the following conditions:

- to hold a valid certificate of professional competence;
- to prove that he is an employee of the road transport operator.

The certificate of professional competence is issued by the National Agency for Road Transport following the attendance of some initial qualification courses,

within the accredited and registered training, improvement and attestation centers, for practicing the activity of road transport manager, completed with an examination in the form of a test.

The candidate for the position of road transport manager who proves the possession of a higher education diploma in the field of road transport is exempted from the need to attend the initial and periodic qualification course. Within up to 3 years after graduating from higher education in the field of road transport, the certificate of professional competence is issued by the National Agency for Road Transport without attending the initial qualification courses and without taking the exam. In this case, the applicant will present to the National Agency for Road Transport the copy of the identity card and the copy of the diploma.

Candidates for the position of manager in the field of road transport are admitted to take the test for professional certificate, if they have:

- diploma of higher education in the legal, economic or technical field or diploma of graduation of a post-secondary and non-tertiary post-secondary technical vocational education institution, with specialization in the automotive technical field;
- the valid medical certificate (F 086/e) and the narcological consultative conclusion.

11. What are the rules governing market access for passenger transport operators for national and international road passenger transport, including on cabotage (Regulation 1073/2009)?

Market access for operators of passenger transport for national and international road passenger transport is carried out in accordance with the provisions of the Road Transport Code No. 150/2014⁷³ which establishes the following:

Art. 31³⁷ stipulates that the right to carry out road transport of passengers by occasional services in international traffic has the road transport operators registered in the Register of road transport operators and in the information system "e-Transport authorization", which meet the requirements established by the INTERBUS Agreement in terms of good repute, financial standing, professional competence, and technical conditions with regard to the road vehicles involved in the carriage in question.

Art. 31⁴⁷ states that the authorizations of international road transport of passengers through occasional services of a certain type and of a certain category are

⁷³ Road Transport Code No. 150/2014, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro

distributed to the road transport operators according to the eligible park of each one.

The vehicles for which the authorizations of the international road transport of passengers by occasional services are requested will be notified and registered accordingly in the Register of road transport operators.

In accordance with Art. 32, the authorization of road transport of passengers through regular services in local, municipal, regional, interregional, and international traffic is issued by the National Road Transport Agency for the routes included in the local, municipal, regional, interregional and international transport program, together with the traffic schedule for the respective journey, for the road transport operator registered in the Register of road transport operators.

The road transport of passengers by regular services in the autonomous territorial units with special legal status is organized in conditions similar to the regular services in district traffic, and the road transport of passengers by regular services between the localities within the autonomous territorial units with special legal status.

The regular road transport services of passengers in local and municipal traffic may be administered by direct management, delegated management or mixed management.

The choice of the form of administration of the regular road transport services of passengers in local and municipal traffic is made by decisions of the local or municipal councils.

Regardless of the chosen form of administration, the regular road transport services of passengers in local and municipal traffic are organized and carried out in accordance with this code and with the Regulation of road transport of passengers and luggage.

In the case of direct management, the local administration assumes all the tasks and responsibilities, according to the law, regarding the organization and performance of the road passenger transport service.

The direct management is carried out, according to the decisions of the local or municipal councils, by means of transport operators that have the status of municipal enterprises and that are officially registered in the Register of road transport operators.

The delegated management is the form of administration of the regular road passenger transport service in local and municipal traffic through the authorization regime of the regular road passenger transport services.

If the local council of the locality where the regular transport services are administered by delegated management or by mixed management adopts the

decision to organize the road transport of passengers in local and / or municipal traffic only by direct management, such a decision may be applied only after compensation for the damage caused to the transport operators operating under the delegated management regime under the conditions of this code.

Art. 33. There are the following types of road transport programs:

- local transport program;
- municipal transport program;
- regional transport program;
- interregional road transport program;
- international road transport program.

Art.38. The routes/routes included in the local, municipal, district and inter-international road transport programs shall be awarded by tender, by a special commission, in the following cases:

- introduction of new regular bus services;
- withdrawal of the authorization regular bus service;
- expiration of the authorization for regular bus services.

Art. 39. The regular bus services in international traffic are carried out by the local road transport operators based on the authorization, issued by the National Road Transport Agency, together with the traffic charts, based on the decision of the central specialized body, as well as based on the authorizations issued by the competent authorities of the states where the ends of the route are located and by the competent authorities of the transit states.

Regarding the cabotage operations, we mention that Art. 47 of the Road Transport Code states that:

Road transport in cabotage regime is prohibited on the territory of the Republic of Moldova for foreign carriers, unless the bilateral or international agreements and conventions to which the Republic of Moldova is a party provide otherwise.

In case of finding a cabotage operation by a foreign road transport operator, the Agency will withdraw the authorization of road passenger transport by regular services, unless the international treaties to which the Republic of Moldova is a party provide otherwise.

By derogation from the provisions of par. (1), cabotage is authorized for the following services:

- road transport of passengers by special regular services, provided that it is the subject of a contract concluded between the organizer and the road transport operator;

- road transport of passengers by regular services, provided by a foreign road transport operator, during a regular road transport service in international traffic, in accordance with the provisions of this code and of the bilateral agreements.

Unless the bilateral agreements to which the Republic of Moldova is a party provide otherwise, the conduct of the cabotage operations provided in par. (2) falls within the scope of national law as regards:

- the conditions governing the road transport contract;
- the total mass and the admissible dimensions of the road vehicles.

Social and technical rules and vehicle registration data exchange

12. What are the rules applicable to drivers' hours in domestic and international transport (driving and rest times, daily and weekly driving limits, daily and weekly rest periods, breaks – Regulation 561/2006 as modified by Regulation EU 2020/1054) and drivers' working time (Directive 2002/15/EC)?

The working and rest time of the drivers is regulated in accordance with the provisions of the Road Transport Code No. 150/2014 which establishes the following:

Art. 137 states that in order to prevent the causes of road accidents, the road transport enterprises / operators carrying out road transport operations have the obligation to adopt the necessary measures for the knowledge, application and observance of the regulations in force regarding road safety and conditions.

For the purposes of this Code, the persons obliged to ensure road safety are the drivers and the road transport manager.

Art. 138. states that the provisions of this title shall apply to road transport of:

- goods, road vehicles, including vehicles with a trailer or semi-trailer whose maximum authorized mass exceeds 3,5 tones;
- persons, with road vehicles that are built to ensure the transport of more than 9 persons, including the driver, and which are intended for this purpose, as well as vehicles that operate in taxi mode.

The provisions of the AETR Agreement shall apply instead of the provisions of this title in the case of road transport operations in international traffic carried out outside the Republic of Moldova and / or the European Union with:

- vehicles registered in the European Union or in the states that are parties to the AETR, for the whole route;

- vehicles registered in a State which is not a party to the AETR, only for the part of the route situated in the territory of the European Union or of the States which are parties to the AETR.

The action of this title does not extend to road transport carried out with:

- the road vehicles mentioned in art. 2 letter. a) and b) of the Code;
- road vehicles used for the road transport of persons by regular services, the length of the route not exceeding 50 km;
- road vehicles or a combination of road vehicles with a maximum authorized mass not exceeding 7.5 tons, used for road transport of goods for non-commercial purposes.

Art. 139. The daily driving time shall not exceed 9 hours. The daily driving time can be extended up to a maximum of 10 hours, but not more than twice during the week.

The weekly driving time must not exceed 56 hours.

The total accumulated driving time shall not exceed 90 hours during two consecutive weeks.

The daily and weekly driving times include all driving times registered on the territory of the Republic of Moldova or of another state.

Art. 140. After a period of 4 and a half hours of driving, the driver must take an uninterrupted break of at least 45 minutes, unless he begins a rest period.

This break may be replaced by a break of at least 15 minutes, followed by a break of at least 30 minutes, breaks interspersed during the driving period to comply with the provisions of para. (1).

Article 141. The driver is obliged to respect the daily and weekly rest periods.

During each period of 24 hours after the daily or weekly rest period, the driver must benefit from a new period of daily rest.

If the daily rest period falling within this 24 hour period is at least 9 hours but less than 11 hours, the respective daily rest period shall be considered as a reduced daily rest period.

A daily rest period may be extended to become a normal weekly rest period or a reduced weekly rest period.

A driver may not benefit from more than 3 daily rest periods reduced between 2 weekly rest periods.

By derogation from par. (2), when the vehicle is driven by a crew, a driver must have a new daily rest period of at least 9 hours during 30 hours after the daily or weekly rest period.

For 2 consecutive weeks, a driver must comply with at least:

- 2 normal weekly rest periods; or
- a normal weekly rest period and a reduced weekly rest period of at least 24 hours. The reduction shall be compensated by an equivalent rest period taken before the end of the third week following the weeks in question. A weekly rest period begins until the end of 6 24-hour periods from the previous weekly rest period.

Any daily rest period taken as compensation for the reduction of a weekly rest period shall be attached to another rest period of at least 9 hours.

If a driver requests, the daily rest periods and the reduced weekly rest periods taken away from the base of the vehicle may be carried out on board the road vehicle, if it is equipped with a suitable sleeping cab and is stationary.

A weekly rest period which begins for one week and continues into the following week may be attached to any of these weeks, but not to both.

Art. 142. It is forbidden to remunerate drivers, even in the form of bonuses, depending on the distances covered and the quantity of goods transported, unless these remunerations are not likely to affect road safety.

Art. 143. The enterprises and the road transport operators organize the activity of the drivers so that they comply with the driving durations, breaks and rest periods.

Undertakings and road transport operators shall give appropriate instructions to drivers and carry out regular checks to ensure compliance with driving times, breaks and rest periods.

The company and the road transport operators are liable for the violations committed by the drivers of the enterprise / operator, even if these violations were committed on the territory of a foreign state.

13. What are the rules on working conditions and remuneration applicable to drivers involved in transport operations performed in the EU Member States? Can they be considered equivalent to the rules on posting of drivers set out in Directive (EU) 2020/1057?

Employment conditions for drivers are regulated according to the individual employment contract, drawn up in accordance with the provisions of the Labor Code No. 154/2003⁷⁴.

In addition, the remuneration of the activity of drivers involved in international traffic transport operations is regulated in accordance with the provisions of the Regulation on the delegation of employees of entities in the Republic of Moldova approved by Government Decision No. 10/2012⁷⁵, which establishes the daily allowance for employees posted abroad.

The provisions cannot be considered equivalent to the provisions of Directive (EU) 2020/1057 because the national legislation does not contain separate provisions for drivers.

14. Please provide detailed answer for the following questions concerning driving licences:

- a) What are the modalities concerning the attribution of driving licences?**
- b) What are the driving licence categories?**
- c) Is the possession of the appropriate driving licence sufficient for entry into the profession of commercial vehicle driver? Are there differences between the rules for drivers who are exclusively engaged in national transport and drivers who are also engaged in international transport?**
- d) Is periodic training required for working as a professional driver?**

A) According to the provisions of the Regulation on the examination procedure for obtaining the right to drive vehicles, the issuance and validity of the driving licence approved by Government Decision No. 181/2022⁷⁶ in force since 08.05.2022, which partially transposes Directive 2006/126 /EC of the European Parliament and of the Council of 20 December 2006 on driving licences, as last amended by Commission Directive (EU) 2020/612 of 4 May 2020, the driving licence can be obtained only after completing a training course, followed by an

⁷⁴ Labor Code No. 154/2003, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130513&lang=ro#

⁷⁵ Government Decision No. 10/2012 for the approval of the Regulation on the delegation of employees of entities in the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=125342&lang=ro#

⁷⁶ Government Decision No. 181/2022 for the approval of the Regulation on the examination procedure for obtaining the right to drive, the issue and validity of a driving licence, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130732&lang=ro

examination at the Agency for Public Service. The examination contains the theoretical test and the practical test.

The person requesting the examination in order to obtain the right to drive a vehicle or new categories / subcategories and / or the documentation with a driving licence must meet the following conditions:

- correspond to age:
 - for 16 years - for subcategories AM, A1 and B1;
 - for 18 years - for categories B, BE, H and subcategories A2, C1, C1E;
 - for 20 years:
 - for category A, if the person demonstrates driving for a period of at least 2 years on a motorcycle in subcategory A2;
 - for driving a tricycle with a power exceeding 15 kW;
 - for 21 years - for categories C, CE, F, I and subcategories D1, D1E;
 - for 24 years - for categories A, D and DE;
- be medically fit to drive vehicles of the category / subcategory for which the examination and / or driving licence are requested;
- to prove the graduation of an authorized / accredited training program in the category / subcategory of vehicles for which the examination is requested, confirmed by entries in the Register of training units for drivers and trainees;
- to hold an identity document approved by Law No. 273/1994 on identity documents in the national passport system, except for members of diplomatic missions, representations of international organizations and foreign consular offices accredited in the Republic of Moldova, as well as their family members.

B) The classification of vehicle categories of the driving licence shall be determined in accordance with point 6 of the Regulation on the examination procedure for obtaining the right to drive a vehicle, the issuance and validity of the driving licence, approved by Government Decision No.181/2022, which transposes the provisions of Art. 4 of the Directive of the Parliament and of the Council of the European Union No. 2006/126 /EC of December 20, 2006 on the driving licence.

Categories:

AM-Moped, namely two- or three-wheeled vehicles, developing a maximum speed not exceeding 45km / h (except those developing a speed of less than or equal to 25 km / h), equipped with an internal combustion engine with a cylinder capacity not exceeding 50 cm³ and a power not exceeding 4kW, in the case of an electric motor. The maximum engine power of a three-wheel moped must not exceed 4kW in the case of other internal combustion engines.

A1-Motorcycle with a cylinder capacity of the engine of up to 125 cm³ and a power not exceeding 11 kW and with a power / weight ratio not exceeding 0.1 kW / kg and a tricycle with a power not exceeding 15 kW.

A2-Motorcycle with a power not exceeding 35 kW and a power / weight ratio not exceeding 0.2 kW / kg and does not derive from a vehicle more than twice its power.

A-Motorcycle with or without attachment. Tricycle with a power exceeding 15 kW.

B1-Motorized quadricycles.

B-The motor vehicle, with the number of seats, except the driver's seat, not exceeding 8 seats and the maximum authorized total mass not exceeding 3500 kg; A combination of vehicles consisting of a towing vehicle of category B and a trailer with a maximum authorized mass not exceeding 750 kg; A combination of vehicles consisting of a towing vehicle of category B and a trailer with a maximum authorized mass of over 750 kg, but not exceeding the actual mass of the towing vehicle and the maximum total authorized mass of the whole combination not exceeding 3500 kg.

BE-A combination of vehicles consisting of a towing vehicle of category B and a trailer with a maximum authorized mass of over 750 kg, and the maximum total authorized mass of the whole combination exceeding 3500 kg.

C1-A motor vehicle, other than that of category D1 or category D, with a maximum authorized mass exceeding 3500 kg but not exceeding 7500 kg, with a number of seats not exceeding 8, except the driver's seat;

A combination of vehicles consisting of a towing motor vehicle of category C1 with a maximum authorized mass not exceeding 750 kg.

C1E-A combination of vehicles consisting of a towing vehicle of category C1 and a trailer with a maximum authorized mass of over 750 kg, provided that the maximum permissible total mass of the assembly does not exceed 12 000 kg and the maximum authorized total mass of the combination does not exceed the actual mass of the towing vehicle.

C-A motor vehicle, with the exception of those of category D1 or category D, with a maximum authorized mass not exceeding 3500 kg, with a number of seats not exceeding 8, except the driver's seat;

a combination consisting of a towing vehicle of category C and a trailer with a maximum authorized mass not exceeding 750 kg.

CE-A combination of vehicles consisting of a towing vehicle of category C and a trailer with a maximum authorized mass of over 750 kg

D1-A motor vehicle intended for the transport of people, having more than 8, but not more than 16 seats, except the driver's seat and the maximum length not exceeding 8 m; A combination of vehicles consisting of a towing vehicle of category D1 and a trailer with a maximum authorized mass not exceeding 750 kg.

D1E-A combination of vehicles consisting of a towing vehicle of category D1 and a trailer with a maximum authorized mass of more than 750 kg, provided that the maximum authorized total mass of the combination does not exceed 12 000 kg and the maximum authorized total mass of the trailer does not exceed the actual mass of the towing vehicle.

D-A motor vehicle intended for the transport of people, having more than 8 seats, except the driver's seat;

A combination of vehicles consisting of a towing vehicle of category D and a trailer with a maximum authorized mass not exceeding 750 kg.

DE-A combination of vehicles consisting of a towing vehicle of category D and a trailer with a maximum authorized mass of more than 750 kg.

F- trolleybus.

H-Road tractor with or without trailer, as well as self-propelled cars and multi-purpose mechanisms.

I-Tram.

C) According to the provisions of the Road Transport Code No. 150/2014⁷⁷:

Art.43 states that in order to work as a driver, the applicant must meet the following conditions:

- hold a driving licence issued in his name, valid for the category (subcategory) to which the road vehicle belongs, issued by the competent bodies of the Republic of Moldova or of the signatory countries of the Convention on Road Traffic, concluded in Vienna on November 8, 1968. To be able to work in international transport, in transport of passengers or oversized goods and dangerous goods, the applicant must have at least 3 years' experience as a driver;
- to hold a valid certificate of professional competence;
- to prove that he is an employee of the road transport operator;
- to be medically and psychophysiological fit.

The certificate of professional competence is issued by the National Road Transport Agency following the attendance of some initial qualification courses,

⁷⁷ Road Transport Code No. 150/2014, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro

within the accredited and registered professional training centers, completed with a test examination.

The driver's certificate of professional competence can be obtained based on the driving licence of the respective category (subcategory) and the certificate attesting the completion of the course on national and / or international transport. The certificate of professional competence for the activity in international traffic allows the holder to work in national traffic as well.

Art. 45 stipulates that the certificate of professional competence is issued for a period of 3 years.

D) In accordance with the provisions of Art.43 par. (5) of the Road Transport Code No. 150/2014⁷⁸ periodic training of drivers is carried out at the expiration of the term of validity of the certificate of professional competence, which is completed with an examination in the form of a test.

15. Is there legislation concerning the installation and use of smart tachographs in trucks and buses (Regulation 165/2014 as modified by Regulation (EU) 2020/1054)? If so, are there plans to transition to the EU's 'smart' tachograph (Regulation 165/2014)? Does legislation concerning the installation of speed limiting devices on these vehicles exist (Directive 92/6/EEC as amended by Directive 2002/85/EC)?

The installation, repair and verification of tachographs and speed limiters is regulated by:

- the Road Transport Code No. 150/2014 (Art.110-117);
- the Regulation on issuing, replacing, changing and renewing tachograph cards, downloading and storing data from tachographs and tachograph cards approved by Government Decision No. 437/2016⁷⁹; and
- the Regulation on the conditions of installation, repair and verification of tachographs and speed limiters approved by Government Decision No. 475/2016⁸⁰, which partially transpose Directive 92/6/EEC from 10 February 1992 on the installation and use of speed limitation devices for certain categories of vehicles within the Community partially ensure the implementation of the and Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road

⁷⁸ Road Transport Code No. 150/2014, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro

⁷⁹ Government Decision No. 427/2017 for the approval of the Regulation on the issue, replacement, replacement and renewal of tachograph cards, download and storage of data from tachographs and tachograph cards, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110050&lang=ro

⁸⁰ Government Decision No. 475/2016 for the approval of the Regulation on the conditions for the installation, repair and checking of tachographs and speed limiters, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=110085&lang=ro

transport in the part relating to the installation and use of analogue and digital tachographs.

Regarding the implementation of smart tachographs, the Republic of Moldova is in the process of their implementation. Currently, the relevant institutions are evaluating the impact of this decision and the technical capability for implementation.

16. Is there legislation on technical vehicle inspection and control (Directive 2014/45/EU on roadworthiness tests for motor vehicles and their trailers and Directive 2014/47/EU on the technical roadside inspection of the roadworthiness of commercial vehicles)?

The periodic technical inspection of vehicles is regulated in accordance with the provisions of Art. 125-136 of the Road Transport Code No. 150/2014⁸¹ which regulates the conditions for the authorization of economic agents.

The operational aspects and the verified technical parameters are regulated by Annex No. 3 to the Government Decision No. 1047/1999 on the reorganization of the Automated Search Information System "Automobile" in the State Register of Transports and the introduction of testing of motor vehicles and their trailers⁸² which transposes the provisions of Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers.

The new Technical Inspection Regulation is currently being drafted and will transpose the provisions of Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/CE.

17. Is there legislation on vehicle registration documents (Directive 1999/37/EC, as last amended by Directive 2014/46/EU)?

Currently in the Republic of Moldova, the legal framework on vehicle registration documents consists of the following acts:

- Law No. 131/2007 on road traffic safety⁸³;
- Government Decision No. 1047/1999 on the reorganization of the Automated Information System "Automobile" in the State Transport

⁸¹ Road Transport Code No. 150/2014, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129130&lang=ro

⁸² Government Decision No. 1047/1999 on the reorganization of the Automated Information System "Automobile" in the State Transport Register and the introduction of testing for motor vehicles and their trailers, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=119862&lang=ro

⁸³ Law No. 131/2007 on road traffic safety, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=112505&lang=ro

Register and the introduction of testing for motor vehicles and their trailers⁸⁴;

- Government Decision No. 770/2012 on the approval and implementation of the models of the registration certificate and the new provisional registration certificate for vehicles⁸⁵.

In order to ensure the partial transposition into the national regulatory framework related to the field of vehicle registration of the provisions of the Directive 1999/37/EC on vehicle registration documents, the content of the registration certificate has been modified so that the list of data and the wording of the data fields in the registration certificate have been adjusted to the provisions of Directive 1999/37 /EC by Government Decision No. 770/2012 on the approval and implementation of the models of the registration certificate and the new provisional registration certificate for vehicles.

At the same time, in order to transpose the provisions of Directive 2007/46 /EC into the national regulatory framework on vehicle registration and record keeping, amendments have been made to the vehicle registration rules by which the system of classification of vehicle categories and body types has been brought into line with the provisions of Directive 2007/46/EC. (Annex No. 2 of Government Decision No. 1047/1999 on the reorganization of the Automated Information System "Automobile" in the State Transport Register and the introduction of testing for motor vehicles and their trailers).

18. Is there legislation on transportable pressure equipment (Directive 2010/35/EU)?

Transportable pressure equipment is regulated by the Technical Regulation on transportable pressure equipment, approved by Government Decision No. 1094/2017⁸⁶, which partially transposes the Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment.

19. Is there legislation concerning vehicle registration data exchange to investigate road-safetyrelated traffic offences, as envisaged in Directive (EU) 2015/413?

According to the competence, the Public Services Agency does not have legal instruments for Cross Border Data Exchange from the State Transport Register.

⁸⁴ Government Decision No. 1047/1999 on the reorganization of the Automated Information System "Automobile" in the State Transport Register and the introduction of testing for motor vehicles and their trailers, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=119862&lang=ro

⁸⁵ Government Decision No. 770/2012 on the approval and implementation of the models of the registration certificate and the new provisional registration certificate for vehicles, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=119860&lang=ro

⁸⁶ Government Decision No. 1094/2017 for the approval of Technical Regulation on transportable pressure equipment, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=102439&lang=ro

At the moment, the Ministry of Internal Affairs has under development a draft normative act of accession of the Republic of Moldova to the Treaty concerning a European vehicle and driving license information system (EUCARIS) and the Protocol amending the Treaty concerning a European vehicle and driving license information system (EUCARIS).

Road and other user charges

20. What road user charges system has been implemented for heavy goods vehicles and for private light vehicles (Directive 1999/62/EC)? Do these charges vary according to type of vehicle or vehicle emissions? What is the total amount of road fees collected per year? What are the collected funds used for?

The road fees system is regulated by the Fiscal Code of the Republic of Moldova No. 1163/2010⁸⁷, Title IX.

Thus, the road fees system includes:

- fees for the use of roads by motor vehicles registered in the Republic of Moldova;
- the fee for using the roads of the Republic of Moldova by motor vehicles not registered in the Republic of Moldova (vignette);
- the fee for the use of roads by motor vehicles whose total mass, mass load on the axle or whose dimensions exceed the allowed limits;
- Fees for the use of roads by vehicles registered in the Republic of Moldova are calculated depending on the cylinder capacity of the vehicle engine, for cars, depending on the total weight for trucks and depending on the number of seats for buses;
- The toll for the use of roads of the Republic of Moldova by motor vehicles not registered in the Republic of Moldova (vignette), is calculated based on the quantitative volume of road use (in days), equal for all cars, depending on the total weight for trucks and depending on the number of seats for buses;
- The tax for motor vehicles registered and unregistered in the Republic of Moldova whose total mass, mass load on the axle or whose dimensions exceed the permitted limits is paid according to the quotas depending on the exceedance registered and the expected course. For motor vehicles carrying dangerous goods, the established rate of duty is doubled. In accordance with the law, fees are depending on the technical parameters of the vehicles.

⁸⁷ Fiscal Code of the Republic of Moldova No. 1163/2010, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130659&lang=ro

Year	2017	2018	2019	2020	2021
Total fees for road use, ths. MDL	483 271,0	525 038,0	556 745,0	510 296,0	561 790,0
Fee a), ths. MDL	372 068,0	379 792,0	399 739,0	400 703,0	431 256,0

The collected taxes, with the exception for the use of roads by motor vehicles registered in the Republic of Moldova, are part of the sources of the Road Fund which is used for maintenance and repair of national and local roads of municipal importance, roads that are managed by the Ministry of Infrastructure and Regional Development and Public Authorities (Level II). The fee for the use of roads by vehicles registered in the Republic of Moldova, starting with 2022, is the source of repair and maintenance of local roads of communal importance and streets, managed by the local public authorities of level I.

21. Are tolls collected electronically (Directive (EU) 2019/520)?

The fees can be paid by electronically through the unique electronic payment system MPay. MPay was established by Government Decision No. 329/2012⁸⁸ on the Government Electronic Payments Service (MPay), as a single mechanism for paying of public services, collecting taxes, fees, fines, late payment additions (penalties), and to make other payments to the national public budget with the help of the legally available payment instruments.

22. What is the structure of the taxes imposed on heavy goods vehicles (Directive 1999/62/EC)? Are other charges to heavy goods vehicles [and other road vehicles] applied?

Tolls can be paid electronically through the single electronic payment system. The system of road taxes is regulated by the Fiscal Code of the Republic of Moldova No. 1163/2010⁸⁹, Title IX.

Thus, the road fees system includes:

- fees for the use of roads by motor vehicles registered in the Republic of Moldova;
- the fee for using the roads of the Republic of Moldova by motor vehicles not registered in the Republic of Moldova (vignette);

⁸⁸ Government Decision No. 329/2012# on the Government Electronic Payments Service (MPay), available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=84694&lang=ro

⁸⁹ Fiscal Code of the Republic of Moldova No. 1163/2010, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130659&lang=ro

- the fee for the use of roads by motor vehicles whose total mass, mass load on the axle or whose dimensions exceed the allowed limits;
- Fees for the use of roads by vehicles registered in the Republic of Moldova are calculated depending on the cylinder capacity of the vehicle engine, for cars, depending on the total weight for trucks and depending on the number of seats for buses;
- The toll for the use of roads of the Republic of Moldova by motor vehicles not registered in the Republic of Moldova (vignette), is calculated based on the quantitative volume of road use (in days), equal for all cars, depending on the total weight for trucks and depending on the number of seats for buses;
- The tax for motor vehicles registered and unregistered in the Republic of Moldova whose total mass, mass load on the axle or whose dimensions exceed the permitted limits is paid according to the quotas depending on the exceedance registered and the expected course. For motor vehicles carrying dangerous goods, the established rate of duty is doubled.

Rail transport Social and technical rules and standards

23. Please list the laws of the legal framework governing the railway transport in the country.

The field of railway transport is regulated by the Railway Transport Code No. 309/2003⁹⁰ (to be repealed in August 2024) and the Railway Transport Code No. 19/2022⁹¹ (enters into force gradually, from August 2022). At the same time, accidents and incidents in railway transport are regulated by Law No. 213/2021⁹² on the investigation of accidents and incidents, and civil liability is regulated by Law No. 1553/1998⁹³ on the compulsory insurance of civil liability of transports towards passengers.

The international carriage of goods is carried out in accordance with the provisions of the Agreement on the International Carriage of Goods of 01.11.1951 (SMGS), approved by Government Decision No.839/2018 on the approval of the SMGS

⁹⁰ Railway Transport Code No. 309/2003, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=130025&lang=ro

⁹¹ Railway Transport Code No. 19/2022, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

⁹² Law No. 213/2021 on the investigation of accidents and incidents, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129193&lang=ro

⁹³ Law No. 1553/1998 on the compulsory insurance of civil liability of transports towards passengers, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128795&lang=ro

Agreement as amended⁹⁴ and Government Decision No.439/2009 on approval of the SMGS and SMPS Agreements⁹⁵.

In accordance with the provisions of the Railway Transport Code No. 309/2003 are approved:

- Regulation on the provision of services in the railway traffic of passengers, luggage, goods and messengers in their own interest, approved by Government Decision No. 238/2005⁹⁶;
- The regulation regarding the salary discipline in the railway transport, approved by the Government Decision No. 238/200;
- Rules for technical operation of the railway, approved by the Order of the Minister of Transport and Roads Management No. 90/2005⁹⁷;
- Regulations for the transport of passengers, luggage and messengers by rail, approved by Order of the Minister of Transport and Road Infrastructure No. 83/2005⁹⁸;
- Order of the Minister of Transport and Road Infrastructure No.23/2008 on the implementation of the Instruction on operation of level crossings on railways⁹⁹;
- Order No. 93/2008 on the approval of the Instructions on train movement and shunting works on the Moldovan railways¹⁰⁰;
- Order No.186/2008 on the implementation of the Instruction on the maintenance of the railway engineering structures.

⁹⁴ Government Decision No.839/2018 on the approval of the SMGS Agreement as amended, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109009&lang=ro

⁹⁵ Government Decision No.439/2009 on approval of the SMGS and SMPS Agreements, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=24060&lang=ro

⁹⁶ Government Decision No. 238/2005, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109708&lang=ro

⁹⁷ Order of the Minister of Transport and Roads Management No. 90/2005 on approval of the Rules for technical operation of the railway, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=7537&lang=ro

⁹⁸ Order of the Minister of Transport and Road Infrastructure No. 83/2005, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=103562&lang=ro

⁹⁹ Order No.23/2008 on the implementation of the Instruction on operation of level crossings on railways, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=39645&lang=ro

¹⁰⁰ Order of the Minister of Transport and Roads Management No. 93/2008 on the approval of the Instructions on train movement and shunting works on the Moldovan railways, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=44303&lang=ro

24. What are the rules governing rail safety and interoperability (e.g. safety certificates, authorisation of rolling stock and of train drivers)? Who enforces them? What are the rights and obligations of railway undertakings and infrastructure managers in relation to safety and interoperability?

The current Railway Transport Code No. 309/2003¹⁰¹ does not regulate the issuance of safety certificates, how to authorise the rolling stock and train mechanics.

The safety certificates, the authorization of the rolling stock and the train mechanics will be issued on the basis of the new Railway Transport Code No. 19/2022¹⁰².

There are no rules governing the interoperability at this moment. The main documents regulating the rail safety are the Railway transport Code No. 309/2003, the Order No. 90/2005 for the approval of the Rules for the technical operation of the railway¹⁰³ and the Order No. 93/2008 on the approval of the Instructions on train movement and shunting works on the Moldovan railways¹⁰⁴, and State Enterprise CFM, as the national railway operator, is in charge with their implementation. There is no legislation in force at this moment regulating the train drivers` licensing and certification either.

At the same time, ensuring the required level of train traffic safety, CFM applies in its practical formation of train drivers two regulations, and namely the Regulations on the procedure for conducting tests, issuing certificates for the right to operate locomotives on the railways of public use as it was approved by the Annex 1 to the Order No. 30C dated 31 July 1987 issued by the former Minister of Railways of the USSR¹⁰⁵ and the Regulation on the procedure for awarding the qualification classes to the drivers of the locomotives and motor-wagon rolling stock of the State-owned Enterprise “Moldovan Railways” No T/0247 issued by CFM in July 2013¹⁰⁶.

The legal framework for a compliant with the EU acquis processes of certification and authorisation, was introduced by the adoption of the New Railway Transport Code No.19/2022¹⁰⁷. The body assigned by the Railway Transport Code No.19/2022 to act as NSA (Railway Authority) will be in charge with certification of RU`s, authorization of Infra Manager, assessment of safety management systems (SMS) and other safety requirements. It will also perform inspection, control and supervision of the implementation of the SMS after issuing safety

¹⁰¹ Railway Transport Code No. 309/2003, available in romanian at: https://www.legis.md/cautare/getResults?doc_id=108346&lang=ro#

¹⁰² Railway Transport Code No. 19/2022, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

¹⁰³ Order No. 90/2005 for the approval of the Rules for the technical operation of the railway, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=7537&lang=ro

¹⁰⁴ Order No. 93/2008 on the approval of the Instructions on train movement and shunting works on the Moldovan railways, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=44303&lang=ro

¹⁰⁵ Not available in electronic form

¹⁰⁶ Not available in electronic form

¹⁰⁷ Code No.19/2022 available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

certificates and safety authorisations, keep the rolling stock register and certify the train drivers.

According to the Article 89 of the Code, the Ministry, the Railway Authority, the Infrastructure manager and the railway undertakings ensure the maintenance and continuous improvement of railway safety, the application of railway safety rules in a transparent and non-discriminatory manner, the development of a uniform railway system and a systemic approach to measures that target the development and improvement of the railway safety. The infrastructure manager and the railway undertakings will carry the responsibility for the safe operation of the railway system and for the control of the associated risks and will have to submit to the Railway Authority an annual railway safety report for the preceding calendar year, based on the safety indicators setted up by the RA. The RA, on its turn, will present an annual report on safety to the Ministry. Most of the provisions of the Code will enter into force in 2024.

25. Who sets the technical and environmental standards, technical specifications for interoperability (TSIs) applicable for rolling stock and for other rail subsystems? Which EU TSIs are applicable? Which common safety methods (EU CSMs) are applicable?

Safety methods, technical regulations and technical specifications for interoperability are approved by the Government. The standards are approved by the National Standardization Body.

Currently, no technical specifications for interoperability or safety methods have been transposed.

26. Have the national technical, safety and operational rules been classified compared with OTIF rules where appropriate or those of EU MS?

Moldova does not have a classification of the national technical, safety and operational rules.

27. Who sets and enforces the safety standards? Are the rules and standards made public? Who delivers the safety certificates to your railway undertakings and safety authorisations to the national rail infrastructure?

According to the Railway Transport Code No. 309/2003¹⁰⁸, the safety standard is not established and the safety certificate of the railway undertakings is not issued.

¹⁰⁸ Code No.309/2003 available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=108346&lang=ro#

The safety requirements are established by the internal acts of the State Enterprise "Calea Ferata din Moldova".

According to the Railway Transport Code No. 19/2022¹⁰⁹, the safety standards are elaborated by the central specialized body in the field of railway transport and approved by the Government. The technical standards are approved by the Moldovan Institute of Standardization. Depending on the type of approved act, they are published in the Official Gazette and in the State Register of the legal acts. Technical standards are not published, they can be studied and purchased from the Institute of Standardization in Moldova.

28. Is there a specific fiscal regime for rail transport operations?

According to the Article 103 and 104 of the Tax Code No.1163/1997¹¹⁰, as amended, passenger transport services within the country, as well as ticketing services for passenger transport within the country benefit from VAT exemption, while international carriage of freight and passengers benefit from VAT exemption with deduction right.

29. Is there any specific legislation on working time applicable to rail staff?

The working time for all categories of employees is regulated by the Labour Code of the Republic of Moldova No.154/2003¹¹¹.

Though, for certain categories of employees of State Enterprise "Calea Ferată din Moldova" whose duties are directly related to train circulation and passenger service, different provisions can be adopted by Internal regulations, Individual Employment Contract and the Collective Labour Agreement.

30. Is there legislation on train drivers' licencing and certification?

At this moment, there is not in force any legislation regulating the train drivers' licensing and certification.

At the same time, for ensuring the required level of train traffic safety CFM, applies in its practical formation of train drivers two regulations, and namely:

¹⁰⁹ Code No.19/2022 available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

¹¹⁰ Tax Code No.1163/1997 available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130659&lang=ro#

¹¹¹ Labour Code No.154/2003 available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=130513&lang=ro

- Regulations on the procedure for conducting tests, issuing certificates for the right to operate locomotives on the railways of public use as it was approved by the Annex 1 to the Order No. 30C /1987 issued by the former Minister of Railways of the USSR¹¹².
- Regulation on the procedure for awarding the qualification classes to the drivers of the locomotives and motor-wagon rolling stock of the State Enterprise "Calea Ferata din Moldova" No. T/0247 issued by CFM in July 2013¹¹³.

The existing certificate at CFM for the right to drive locomotives corresponds to form TU-123 which is mentioned in the above regulations. The existing system of training at CFM also foresees the formation of the drivers of locomotives and their assistants at the Railway Technical School, the branch subsidiary of CFM located in Basarabasca.

The new Railway transport Code No.19/2022¹¹⁴ establishes general provisions in respect to the train drivers` licensing and certification. Subsequent rules (bylaws) for the implementation and enforcement of the provisions of the Code shall be developed and approved.

31. Do you keep registers of rail vehicles and rail infrastructure? Are they compatible with the relevant EU legislation and similar to the registers managed by the European Railway Agency (ERA), such as ERATV, EVR, RINF, ERADIS?

The concept of a National Register of rail vehicles was introduced by the Railway transport Code No.19/2022. At the moment, there is no National Register of Railway Vehicles, and the Concept will be implemented with the entry into force of the new Railway Transport Code.

Conditions of access to market and profession

32. What are the rules governing market access (e.g. regarding railway licences or capacity allocation)? Who enforces them?

According to the Railway Transport Code No. 309/2003¹¹⁵, the market is closed for private operators. In August 2024, the provisions regarding the liberalization of the market will enter into force, as provided by the Railway Transport Code No. 19/2022. Operator access will be based on the Security Certificate.

¹¹² Not available in electronic form

¹¹³ Not available in electronic form

¹¹⁴ Code No.19/2022, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

¹¹⁵ Code No.309/2003, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=108346&lang=ro#

In accordance with Art. 95 of the Railway Transport Code No. 19/2022, the safety certificate is proof that the railway undertaking has established a safety management system and can meet the requirements set out in the technical specifications for interoperability, safety rules and other relevant regulations for risk control and safe rail transport operations.

The safety certificate states:

- the acceptance by the Railway Authority of the safety management system of the railway undertaking;
- acceptance by the Railway Authority of the provisions adopted by the railway undertaking in order to meet the specific requirements laid down for safe transport on the defined section of the railway network, namely:
 - compliance with the technical specifications for interoperability;
 - the employed locomotive drivers must possess the appropriate credentials for the entire railway network or for a defined section of it.

33. Are there any rules that the infrastructure manager should be independent from any railway undertaking? Is there accounting separation between operations and infrastructure?

In accordance with the Railway Transport Code No. 309/2003¹¹⁶, the railway transport infrastructure and services are managed by a single state railway operator, the State Enterprise “Calea Ferată din Moldova”.

However, according to the Railway Transport Code No. 19/2022¹¹⁷, beginning with August 2024, the railway infrastructure administrator will have to be separated from other services, being a separate enterprise. In this respect, the railway undertakings benefiting from the Multiannual Infrastructure Maintenance Contract and the Public Passenger Transport Services Contract will have to keep separate accounts.

34. Does the public railway company and the infrastructure manager have management autonomy in relation to the public authorities?

In accordance with the Railway Transport Code No. 309/2003, the State Enterprise “Calea Ferată din Moldova” is a monopolist and provides public transport services and manages the infrastructure and does not have full management autonomy in relation to the public authorities, because it is a state enterprise. The activity of state enterprises is regulated by Law No. 246/2017 on the state enterprise and the

¹¹⁶ Code No.309/2003, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=108346&lang=ro#

¹¹⁷ Code No.19/2022, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

municipal enterprise¹¹⁸. Proceeding from the provisions of Law No. 246/2017, the activity of the company's administrator is limited from a corporate point of view. Thus, the decisions on asset management, the entity's budget, the procurement plan, the approval of the staff units and the organization chart of the company are to be coordinated by the board of directors and the founder of the company.

With the entry into force of the Railway Transport Code No. 19/2022, the infrastructure manager and state-owned railway companies will have more autonomy. Thus, they will have a different legal form, and the special provisions established in the Railway Transport Code No. 19/2022 will allow the company to benefit from financing from the state budget.

35. Are the public railway company and the infrastructure manager financially sound (no accumulated debt burdens imposed by the public authorities)?

The State Enterprise “Calea Ferată din Moldova” (CFM) is a fully vertically integrated company, responsible for both infrastructure management (IM) and railway transport operations for passengers and freight. It is not a financially sound company, and it is burdened with current and historical debts and salary arrears.

Although CFM registered a significant improvement of its operational activities and financial state in the second half of the year 2021, the net annual result is still negative.

Revenue

1st semester: 264.5 million lei | 2nd semester: 466.7 million lei

Expenditure:

1st semester: 365.3 million lei | 2nd semester: 428 million lei

Net financial result:

1st semester: -100.3 million lei | 2nd semester: 38.7 million lei

Annual result for 2021:

-61.6 million lei (-215.9 M lei in 2020).

¹¹⁸ Law No.246/2017, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129374&lang=ro

36. Are there rules on equal access to the railway network for public and private railway undertakings?

The State Enterprise “Calea Ferată din Moldova”, according to the provisions of the Railway Transport Code No. 309/2003¹¹⁹, has a monopoly on the railway transport services and does not allow the access of other railway transport operators on the railway infrastructure.

However, wagon services owned by private companies can be provided on the market.

At the same time, from August 2024, according to the Railway Transport Code No. 19/2022¹²⁰, private operators will be able to access the public railway infrastructure for carrying out railway transport operations.

In this context, the railway operator will have to meet the following conditions:

- holds the safety certificate;
- holds a transport authorization;
- the company has not been declared insolvent;
- the administrator of the enterprise has not been criminally convicted by a final and irrevocable court decision for economic or transport crimes;
- the administrator of the company has not been sanctioned for serious or repeated violations regarding the fulfillment of the obligations imposed by the labor legislation, including the obligations related to safety and health at work, the health insurance legislation or the customs legislation, in the case of enterprises intending to operate transport of goods in international traffic, subject to customs procedures;
- the company confirmed by its declaration of responsibility regarding the economic-financial capacity to operate services;
- the enterprise has a contract concluded with an entity or has a subdivision with competent personnel, which has the necessary knowledge and experience to exercise an operational control, a safe and effective supervision of the railway transport activity, fact confirmed by diplomas or certificates of periodic improvement of employees in the field of organizing the organization of railway transport operations;
- the company has the capacity to cover the risks of civil liability and is adequately insured to cover them in accordance with the legislation of civil liability in case of accidents or incidents, especially with regard to passengers, luggage, goods, rolling stock and parts third parties;
- the enterprise does not register substantial or recurrent arrears in terms of taxes or social security contributions, resulting from its activity.

¹¹⁹ Code No.309/2003, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=108346&lang=ro#

¹²⁰ Code No.19/2022, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=130659&lang=ro#

37. Has Moldova established a proper legal framework to ensure the establishment and functioning of the conformity assessment bodies (AsBo, NoBo, DeBo, ECM certification bodies)? Are there any active conformity assessment bodies in the rail sector?

In the Republic of Moldova, the conformity assessment activity is regulated by Law No. 235/2011 on accreditation and conformity assessment activities¹²¹. Thus, according to Art. 18 of the Law, the compliance assessment is mandatory to be carried out for products in the field of interoperability of the trans-European conventional rail transport system. There are no conformity assessment bodies in the field of rail transport.

Law No. 235/2011 on accreditation and conformity assessment activities¹²² establishes the legal framework for the accreditation activity of conformity assessment bodies, made on compulsory or voluntary basis, for making available products on the market and for the conformity assessment activity, regardless of whether that assessment is compulsory or not to products marketed and / or used in the Republic of Moldova. At Art. 18, the law stipulates that Conformity assessment on a mandatory basis is made for the products from the fields laid down in for in Annex No. 3, among them Interoperability of the trans-European conventional rail system and Interoperability of the trans-European high speed rail system.

According to the Annex to the Law No.7/2016¹²³ on market surveillance in respect to placing non-food products, the assigned reglementation authority for the Interoperability of the trans-European conventional rail system and Interoperability of the trans-European high speed rail system is the Ministry of Infrastructure and Regional Development, while the supervising body - the subordinated to the Ministry body responsible for supervision in the field of rail transport. By the provisions of the Railway Transport Code No.19/2022¹²⁴, those functions were assigned to the NSA (Railway Authority) that is in the process of foundation.

Also, at Article 31, paragraph 1, the law provides that the Certificates of conformity or test reports issued by notified conformity assessment bodies, accredited by national accreditation bodies signatory to the Multilateral Recognition Agreement with European Cooperation for Accreditation, issued for products imported from Member States of the European Union, translated into the official language and confirmed by importer's signature shall be recognized. At

¹²¹ Law No.235/2011, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=127061&lang=ro

¹²² Law No.235/2011, available in English at: https://www.acreditare.md/public/files/documente_informative/eng/1%20Legea%20235%20cu%20modificari%20ENG%2007.02.19.pdf

¹²³ Law No.7/2006, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106105&lang=ro

¹²⁴ Code No.19/2022, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

paragraph 2 of the same article, the law provides the possibility for the Certificates of conformity or test reports issued by foreign conformity assessment bodies, under bilateral agreements for mutual recognition of conformity assessment activities shall be recognized. Recognition of conformity certificates shall be made by issuing a new conformity certificate by the certification bodies accredited by the National Accreditation Centre.

Republic of Moldova has signed such agreements with most of the CIS countries¹²⁵.

38. How are railway safety responsibilities assigned to the main actors of the rail sector in Moldova, namely railway undertakings, infrastructure managers, entities in charge of maintenance? Is there a legal requirement for those entities to hold safety management systems?

According to the Railway Transport Code No. 309/2003¹²⁶, only the state operator – “Calea Ferata din Moldova” provides transportation services and manages state infrastructure. It operates on the basis of the Railway Transport Code No. 309/2003, Rules for the technical operation of the railway, approved by the Order of the Minister of Transport and Roads Management No. 90/2005¹²⁷, Instruction on train traffic and shunting works on the railway in Moldova, approved by Order of the Minister of Transport and Road Infrastructure No. 93/2008¹²⁸, the Instruction regarding the maintenance of works of art at the Railway, approved by the Order of the Ministry of Transport and Road Infrastructure No. 186/2008¹²⁹, as well as in accordance with the internal acts, which constitute a safety system in the field of railway transport.

Following the entry into force of the Railway Transport Code No. 19/2022¹³⁰, the requirements for safety management systems for railway undertakings, infrastructure managers and maintenance entities will be implemented.

According to Art. 93 of the Railway Transport Code No. 19/2022, the infrastructure manager and railway undertakings shall establish a safety management system (SMS) in order to achieve at least the safety objectives, set for the entire railway system. The SMS must comply with the safety standards and safety requirements set out in the technical specifications for interoperability, as

¹²⁵ Agreements with CIS countries, available in Romanian at:

https://www.legis.md/cautare/getResults?document_status=0&tip%5B%5D=39361&nr_doc=&datepicker1=&publication_status=+-+TOATE+-+&nr=&publish_date=&search_type=1&search_string=certificare

¹²⁶ Code No.309/2003, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=108346&lang=ro#

¹²⁷ Order No.90/2005, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=7537&lang=ro

¹²⁸ Order No.93/2008, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=44303&lang=ro

¹²⁹ Order No.186/2008, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=44304&lang=ro

¹³⁰ Code No.19/2022, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

well as the provisions of the safety methods. The Railway Authority defines the elements of the SMS in detail and publishes a guide for the development and establishment of the SMS.

The basics of SMS are as follows:

- the safety policy, approved by the Infrastructure Manager or by the railway undertaking, which is communicated to all staff;
- the qualitative and quantitative objectives of the Infrastructure Manager or of the railway undertaking regarding the maintenance and improvement of safety, as well as the plans and procedures for achieving these objectives;
- the procedures to ensure compliance with the standards and other requirements prescribed throughout the life of the equipment and during its operation and the procedures for compliance with new or amended technical and operational standards or other requirements set out in any of the following:
 - technical specifications for interoperability;
 - national safety regulations;
- the rules, technical requirements and decisions approved by the Railway Authority;
- procedures for risk identification, risk assessment and implementation of risk control measures whenever a change in operating conditions or the introduction of a new product leads to new risks for railway infrastructure or railway operations;
- ensuring the training programs for the employees, which should maintain and improve their qualification and competence when performing the functions;
- practical solutions for the circulation of information within the organization and between the entities operating in the same railway system;
- procedures and formats for documenting safety information, as well as establishing a procedure for controlling the configuration of critical safety information;
- procedures for ensuring the reporting, investigation and analysis of accidents, incidents, serious accidents and other dangerous events in railway transport, as well as taking the necessary preventive measures;
- elaboration of action plans, plans in alert situations and plans for providing information in case of emergency, consulted with the corresponding authorities;
- provisions for the periodic internal control of the SMS.

After issuing safety certificates and safety authorizations, the Railway Authority monitors the SMS of the Infrastructure Manager and the SMS of the railway undertakings, including on the spot.

39. If the safety authority is established:

- a) Has it set up a register of train driver licenses?**
- b) Is it performing supervision of safety management systems of railway undertakings and infrastructure managers? If not, which entity is responsible for that?**
- c) Is it authorising rail vehicles? If not, which entity is responsible for that?**
- d) Is it authorising fixed installations? If not, which entity is responsible for that?**
- e) Is it licensing train drivers? If not, which entity is responsible for that?**

There is still no safety authority in the Republic of Moldova. The safety supervision in the field of railway transport is performed by the State Enterprise “Calea Ferata din Moldova”.

But, according to the Railway Transport Code No. 19/2022¹³¹, the Government is to establish the safety authority in the field of railway transport by August 2022.

The new institution will be responsible for:

- administration of the train driver's licence register;
- overseeing safety management systems;
- authorization of railway vehicles;
- authorization of fixed installations;
- granting and keeping records of train drivers' identification documents.

40. What are the requirements applicable to the entities in charge of maintenance?

The railway transport operates based on the Railway Transport Code No. 309/2003¹³², Rules for the technical operation of the railway, approved by the Order of the Minister of Transport and Roads Management No. 90/2005¹³³, Instruction on train traffic and shunting works on the railway in Moldova, approved by Order of the Minister of Transport and Road Infrastructure No. 93/2008¹³⁴, the Instruction regarding the maintenance of railway engineering structures, approved by the Order of the Ministry of Transport and Road Infrastructure No. 186/2008¹³⁵, as well as in accordance with the internal acts, which constitute a safety system in the field of railway transport. They regulate the

¹³¹ Code No.19/2022, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

¹³² Railway Transport Code No. 309/2003, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=108346&lang=ro#

¹³³ Order No.90/2005, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=7537&lang=ro

¹³⁴ Order No.93/2008, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=44303&lang=ro

¹³⁵ Order No.186/2008, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=44304&lang=ro

activity of a single state-owned company - State Enterprise "Calea Ferată din Moldova", which is a monopolist in the railway field.

However, the new Railway Transport Code No. 19/2022¹³⁶ partially transposed the Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 on the establishment of the single European railway area, Directive 2016/798/EU of the European Parliament and of the Council of 11 May 2016 on railway safety, Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains in the Community rail system is achieved. The transposition is partial because the mentioned directives contain many technical regulations, which will be transposed by other Government acts.

Also, the provisions of the Code create the necessary legislative basis for the implementation of Regulation (EC) No. 1371 of the European Parliament and of the Council of 23 October 2007 on the rights and obligations of passengers in rail transport and Regulation (EC) No. 1370 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Regulation (EEC) No. 1191/69 and No. 1107/70 of the Council, which will also be subsequently transposed.

Given that the technical requirements of the Moldovan railway network differ significantly from those of the EU (gauge, signaling and centralization, gauges, etc.), it is currently not appropriate to implement the provisions of Directive 2008/57/EU.

Directive 92/106/EEC applies to combined transport operations, in the Republic of Moldova such transports are not practiced for geographical reasons, or the distance is too short to economically justify the realization of this mode of transport. If necessary, the transposition of this Directive can be achieved by adopting a law on combined transport which could also include provisions on the interoperability of the Moldovan and EU rail systems.

Regulation (EC) No. 913 of 22 September 2010 on a European rail network for competitive freight lays down provisions for EU Member States whose territory is crossed by the corridors listed in the Annex to the Regulation and EU Member States which may establish additional freight corridors provided that the freight corridor freight shall cross the territory of at least three Member States or two Member States if the distance between the railway terminals served by the freight corridor is more than 500 km. Due to the different railway system (1520 mm) from the European system (1435 mm), currently the railway network in Moldova cannot be included in the European railway network of freight corridors.

¹³⁶ Code No.19/2022, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=129962&lang=ro

In this context, the 3 acts envisaged for the implementation of the Association Agreement between the Republic of Moldova and the European Union cannot be transposed and implemented in the legislation of the Republic of Moldova.

41. Has Moldova aligned existing and/or concluded new rail border crossing agreements in recent years on its international border crossings in compliance with EU railway legislation? In which way do these agreements permit open access by domestic or foreign operators?

At the moment there are no special railway border crossing agreements. However, there is an Agreement between the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine on joint control of persons, means of transport, goods and objects at the common crossing points of the Moldovan-Ukrainian state border, approved by Government Decision No. 901/2017¹³⁷.

Maritime transport

42. Please outline the legislation that covers this area. What are your national rules concerning safety, security, environmental and pollution prevention aspects of transport by sea? Which institution(s) is/are in charge of registration and control of ships/boats (flag state)?

The legislations covering the field of maritime transport are:

- Code of Commercial Maritime Navigation No. 599/1999¹³⁸, which regulates the relations in the field of commercial maritime navigation;
- Governmental Decision No. 1128/2006¹³⁹ on the creation of the P.I. "Harbour Master Giurgiulesti" and S.E. "Naval Register", which approved the Regulation of these organizations, and establishes the organizational and legal form, the functions, attributions, competence and field of activity;
- Governmental Decision No. 413/2021 for the approval of the Regulation on the establishment of the Vessel Traffic Management and Monitoring Information System;
- Governmental Decision No. 414/2020 for the approval of the Framework Regulation on compliance with the obligations of the flag state;

¹³⁷ Agreement on joint control, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=102746&lang=ro

¹³⁸ Commercial Maritime Navigation Code of the Republic of Moldova No. 599/1999, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=108662&lang=ro

¹³⁹ Government Decision No. 1128/2006 on the establishment of the public institution "Giurgiulesti Port Captaincy" and the State Enterprise "Naval Register", available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=24705&lang=ro

- Governmental Decision No. 76/2020 on the approval of the Methodological Norms on the implementation of the provisions of the International Management Code for the safety of ship operation and for the pollution prevention (ISM Code);
- Governmental Decision No.2/2020 on the approval of the Regulation on common rules and standards for organizations with the role of inspection and control of maritime ships and mixed, as well as for activities in the field of maritime administrations and repeal of the Decision Government No. 1608/2003 on the recognition of international ship classification societies;
- Governmental Decision No. 855/2007¹⁴⁰ regarding the approval of the Rules for the registration of maritime ships;
- Governmental Decision No. 955/2006¹⁴¹ on the implementation of the International Ship and Port Facility Security Code (ISPS Code) and the Resolution of the International Maritime Organization A.959 (23) of its maintenance;

At the same time, the naval field on the maritime segment is covered by the following conventions to which the Republic of Moldova is a party:

- Convention of the International Labor Organization No. 92 on accommodation on board of the ships (revised), which the Republic of Moldova ratified by Law No. 238/2005¹⁴²;
- Convention of the International Labor Organization No. 133 on the accommodation of crews on board the ships (complementary provisions), which the Republic of Moldova ratified by Law No. 239/2005¹⁴³;
- The Convention on the International Maritime Organization, which the Republic of Moldova has accepted by Law No. 53/2001;
- Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185), which the Republic of Moldova ratified by Law No. 31/2006;
- The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted in Rome on March 10, 1988, to which the Republic of Moldova acceded by Law No. 192/2005¹⁴⁴;
- The International Convention for the Safety of Life at Sea, adopted in London on November 1, 1974, and the Protocol thereto (SOLAS 74),

¹⁴⁰ Governmental Decision No. 855/2007 regarding the approval of the Rules for the registration of maritime ships, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=113735&lang=ro

¹⁴¹ Governmental Decision No. 955/2006 on the implementation of the International Ship and Port Facility Security Code, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=24830&lang=ro

¹⁴² Law No. 238/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=107323&lang=ro

¹⁴³ Law No. 192/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=107322&lang=ro

¹⁴⁴ Law No. 192/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=26348&lang=ro

adopted in London on November 11, 1988, to which the Republic of Moldova acceded by Law No. 185/2005¹⁴⁵;

- The International Convention for the Prevention of Pollution from Ships, adopted in London on November 2, 1973, and its Protocol (MARPOL 73/78), adopted in London on February 17, 1978, to which the Republic of Moldova acceded by Law No. 189/2005¹⁴⁶;
- International Convention on Civil Liability for Oil Pollution Damage (CLC 92), adopted in London on November 27, 1992, to which the Republic of Moldova acceded by Law No. 186/2005¹⁴⁷;
- The International Convention on Load Lines, adopted in London on April 5, 1966, and the Protocol thereto (LL 66), adopted in London on November 11, 1988, to which the Republic of Moldova acceded by Law No. 187/2005¹⁴⁸;
- International Convention on Tonnage Measurement of Ships (TONNAGE 69), adopted in London on 23 June 1969, to which the Republic of Moldova has acceded by Law No. 188/2005¹⁴⁹;
- International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW 78), adopted in London on 7 July 1978, and the Code of Training, Certification and Certification of Seafarers and cart (STCW Code), adopted in London on July 7, 1995, to which the Republic of Moldova acceded by Law No. 190/2005¹⁵⁰;
- Convention on International Rules for the Prevention of Collisions at Sea (COLREG 72), adopted in London on October 20, 1972, to which the Republic of Moldova acceded by Law No. 191/2005¹⁵¹;
- United Nations Convention on the Law of the Sea and the Agreement on the Application of Part XI of the United Nations Convention on the Law of the Sea, to which the Republic of Moldova has acceded by Law No. 395/2006¹⁵²;

¹⁴⁵ Law No. 185/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=26230&lang=ro

¹⁴⁶ Law No. 189/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=26229&lang=ro

¹⁴⁷ Law No. 186/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=107338&lang=ro

¹⁴⁸ Law No. 187/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=26255&lang=ro

¹⁴⁹ Law No. 188/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=26228&lang=ro

¹⁵⁰ Law No. 190/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=26316&lang=ro

¹⁵¹ Law No. 191/2005, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=107332&lang=ro

¹⁵² Law No. 395/2006, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=7339&lang=ro

The national rules on safety aspects in maritime transport are provided in Art. 79 of the Code of Commercial Maritime Navigation of the Republic of Moldova No. 599/1999¹⁵³, as follows:

The maritime port performs the following functions of ensuring safety in navigation and order in its perimeter:

- creating conditions for the safety of traffic in port waters, the safety of mooring and the treatment of ships;
- maintaining the hydro technical constructions in good working order;
- maintaining in good condition the means of telecommunication and electro radio navigation from the endowment of the port;
- maintaining in good condition the navigation aids from the endowment of the port;
- maintaining the declared depths;
- establishing the areas where the use of tugs is mandatory;
- ensuring sanitation and order in the aquarium and the territory of the port, fulfilling the prescriptions regarding the protection of the environment;
- receiving garbage, bilge and ballast water, water with oil content, other harmful substances, accumulated on ships;
- providing assistance on water.

At the same time, the Commercial Maritime Navigation Code of the Republic of Moldova No. 599/1999, provides in general the rule of protection and conservation of the marine environment.

The authority responsible for the registration and control of ships / vessels (flag State) is the Naval Agency of the Republic of Moldova, which has among its main responsibilities under the Commercial Maritime Code of the Republic of Moldova, to exercise control of the flag State.

43. Have you already transposed parts of the EU maritime acquis into national legislation?

The following part of the EU maritime acquis has been transposed into the naval field:

- Governmental Decision No. 413/2021 for the approval of the Regulation on the establishment of the Maritime Vessel Traffic Information and Monitoring System partially transposes Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and

¹⁵³ Commercial Maritime Navigation Code of the Republic of Moldova No. 599/1999, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108662&lang=ro

repealing Council Directive 93/75/EEC, published in the Official Journal of the European Union L 208 of 5 August 2002, pp. 10-27 (Text with EEA relevance).

- Governmental Decision No. 414/2020 for the approval of the Framework Regulation on compliance with flag State obligations transposes Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State obligations (text with EEA relevance), Official Journal of the European Union L 131/132 of 28 May 2009.
- Governmental Decision No. 76/2020 on the approval of the Methodological Norms on the implementation of the provisions of the International Management Code for the safety of operation of ships and for the prevention of pollution (ISM Code) transposes Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the application of the International Safety Management Code in the territory of the Community and repealing Council Regulation (EC) No 3051/95 (Text with EEA relevance), published in the Official Journal of the European Union L 64 of 4 March 2006, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting to Articles 290 and 291 of the Treaty on the Functioning of the European Union a series of legal acts providing for the use of the regulatory procedure with scrutiny.
- Governmental Decision No. 2/2020 on the approval of the Regulation on common rules and standards for organizations with the role of inspection and control of ships of maritime and mixed ships, as well as for activities in the field of maritime administrations and repeal of the Decision No. 1608/2003 on the recognition of international ship classification societies transposes Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organizations, as well as for activities in the field of maritime administration (recast) (Text with EEA relevance), published in the Official Journal of the European Union L 131 of 28 May 2009, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019; Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organizations (recast) (Text with EEA relevance), published in the Official Journal of the European Union L 131 of 28 May 2009, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019.
- Governmental Decision No. 733/2016 for the approval of the Regulation on the establishment of requirements for double hull or equivalent design standards for single hull oil tankers transposes Regulation (EC) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on accelerating the introduction of double hull requirements or equivalent design standards for single hull oil tankers, published in Official Journal of the European Union L 172 of 30 June 2012.

- Governmental Decision No. 706/2018¹⁵⁴ on the creation of the Naval Agency of the Republic of Moldova transposes and partially implements the provisions of art. 4 § (1) of the Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with the obligations of flag States, published in the Official Journal of the European Union L 131 of 28 May 2009; art. 1 lit. (a), Art. 4 § (1) and (2) of Directive 2009/16 / EC of the European Parliament and of the Council of 23 April 2009 on port State control, published in the Official Journal of the European Union L 131 of 28 May 2009; point 21 of the preamble, art. 5 § (2), art. 9 § (2), art. 11 §(1) of Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and monitoring organizations and for activities in the field of maritime administration, published in the Official Journal of the European Union L 131 of 28 May 2009; art. 3 §(1) of Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and / or departing from ports of the Member States and repealing Directive 2002/6/EC, published in the Official Journal of the European Union L 283 of 29 October 2010; art. 3 lit. (a), Art. 4 §(2), art. 8 of Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonized inland waterway services (RIS) on inland waterways in the Community, published in Official Journal of the European Union L255 of 30 September 2005; art. 4 of Directive 2008/68 / EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, published in the Official Journal of the European Union L 260 of 30 September 2008; art. 9 §(1) of Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC published in the Official Journal of the European Union L 389 of 30 December 2006; points (11) and (14) of the preamble, art. 1 § (1), art. 2 pt. 7, art. 3 § (5), art. 6 § (1) of Regulation (EC) No. Regulation (EC) No. 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing the security of ships and port facilities, published in the Official Journal of the European Union L 129 of 29 April 2004.

44. Which institution(s) is/are in charge of port state control, and how is it implemented?

According to Art. 6¹ of Law No. 599/1999¹⁵⁵ paragraph (4), the Naval Agency of the Republic of Moldova is the institution responsible for carrying out the port state control.

¹⁵⁴ Governmental Decision No. 706/2018 on the creation of the Naval Agency of the Republic of Moldova, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=119157&lang=ro

¹⁵⁵ Commercial Maritime Navigation Code of the Republic of Moldova No. 599/1999, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108662&lang=ro

Currently, the Republic of Moldova does not have an internal procedure through which the port state control is carried out.

At the moment, the draft Government Decision on the port state control has been drafted and is in the last stages of finalization and approval.

45. What are the numbers and categories of vessels registered under the flag of Moldova involved in maritime transport?

Currently, the following types of ships are registered under the flag of the Republic of Moldova:

- General cargo ships - 46 units;
- Tankers - 5 units;
- Bulk carriers - 4 units;
- Ro-Ro ships / containers - 2 units;
- Cargo-refrigerated ships - 3 units;
- Tugboat - 12 units;
- Dredger - 2 units;
- Barges - 4 units;
- Passenger ships - 1 unit.

According to Law No. 216/2021¹⁵⁶, Art. 7 para. (1) of the Commercial Maritime Navigation Code No. 599/1999 has been amended in the section on classification societies. Thus, following the changes made, the surveillance of the technical condition of the ships and their classification are carried out by the classification societies, recognized by the European Commission. Thus, ships registered under the flag of the Republic of Moldova are to be technically supervised by organizations recognized by the European Commission.

46. What are the port(s) and port facilities serving maritime traffic in Moldova?

The Republic of Moldova has a Port Complex, the Giurgiulesti Port Complex, which consists of the Giurgiulesti Free International Port and the Port of Goods and Passengers Giurgiulesti.

1. The Giurgiulesti Free International Port has the following port facilities serving seagoing ships:

- Oil cargo terminal;
- Cereal goods terminal (Danube);

¹⁵⁶ Law No. 216/2021 available in RO at: https://www.legis.md/cautare/getResults?doc_id=129095&lang=ro

- Cereal goods terminal (Prut);
- Vegetable oil terminal;
- General cargo and bulk cargo terminal;
- Ro-Ro terminal (under construction);
- Container and general cargo terminal.

2. The Port of Goods and Passengers Giurgiulesti has a single berth that can serve inland water ships carrying general cargo and bulk cargo or passengers.

47. Please provide information on and an assessment of your participation in the Black and Caspian Sea Project implemented by the European Maritime Safety Agency (EMSA)?

The Republic of Moldova, in particular the Naval Agency of the Republic of Moldova, receives significant assistance from EMSA, which is expressed by:

- Trainings in the following fields:
 - Port state control;
 - Flag state control;
 - Recognition, empowerment, evaluation and monitoring of recognized organizations;
 - Implementation of the ISM Code;
 - Prevention and combating of pollution at sea;
 - Implementation of the ISPS Code;
 - Implementation of the MLC Convention;
 - Others in the field of maritime safety.
- At the request of the Naval Agency, support was provided and the pre-audit was carried out according to the IMSAS procedures (year 2019), an action which was accepted by EMSA in addition to those provided in the Black and Caspian Sea Project.
- Conducting an analysis of the legislative/normative base of the Republic of Moldova in terms of implementing the provisions of the IMO Conventions, organized by WMU, under the auspices of EMSA.

48. Have you concluded any maritime transport agreements with third countries and/or are you in the process to negotiate such an agreement? If so, please provide details (third country concerned, content of the agreement, year, etc.)

The Republic of Moldova has not signed maritime transport agreements with third countries, and no negotiations are currently underway to conclude such agreements.

49. Do you have any cargo sharing arrangements and/or cargo sharing agreement in place with third countries and/or private companies? If so, please provide details (entity concerned, content of the agreement, year, duration etc.)

The Republic of Moldova has no cargo-sharing arrangements and / or cargo-sharing agreements with third parties, and no negotiations are currently underway to conclude such arrangements.

Inland waterway transport

50. Please provide a description of the transport activities on navigable rivers, canals or lakes in the country (cargo and passenger transport – river cruises or tourist transport, etc.). For each navigable fairway, kindly indicate if such is shared with a neighbouring country, and shared, with which one.

The Republic of Moldova has two inland waterways of international importance, the Dniester River, which borders Ukraine, and the Prut River, which borders Romania. At the same time, the Republic of Moldova has a riparian shore of the Danube River with a length of 430 meters. The main activity is carried out in the Giurgiulesti Port Complex, located partially on the banks of the Danube River and on the banks of the Prut River (at the point of discharge into the Danube River). This port complex also serves inland (river) shipping vessels carrying various types of goods, as well as inland (river) cruise ships.

On the Dniester River, tourist and recreational transport is practiced on certain sectors of the river. At the same time, there are three floating ferries on the Dniester River between the following localities:

- Molovata (Republic of Moldova) - Molovata Noua (Republic of Moldova) - works;
- Soroca (Republic of Moldova) - Chekhovovka (Ukraine) - activity is temporarily suspended;
- Cosauti (Republic of Moldova) - Yampol (Ukraine) - activity is temporarily suspended.
- Freight is regularly carried out on the Prut River in certain sectors.

51. Please outline the legislation covering inland waterway transport the area. Are there any rules concerning safety, security, environmental and pollution prevention aspects of transport by sea and on lakes/rivers? Which institution(s) is/are in charge of registration and control of ships/boats?

Legislation governing the inland waterway transport in the field

The inland waterway transportation is regulated by the following acts:

- Law No. 176/2013¹⁵⁷ on the internal shipping, establishing the specific rules applicable to inland waters shipping of the Republic of Moldova, the organization of the institutional system in this field, the specific rules on the safe conduct of navigation on domestic waterways, as well as the fundamental requirements applicable to ships, their personnel, persons carrying out activities in the field of shipping;
- The European Agreement on Main Inland Waterways of International Importance (AGN), which the Republic of Moldova ratified through Parliament Decision No. 1431/1997, which provides that the Republic of Moldova has two inland waterways, the Dniester and Prut rivers which are, in accordance with the European Agreement on Main Inland Waterways of International Importance (AGN), concluded in Geneva on January 19, 1996, classified as waterways international importance;
- Agreement between the Government of the Republic of Moldova and the Government of Romania on inland waterway navigation, signed in Bucharest on November 1, 2005, which the Republic of Moldova approved by Government Decision No. 1352/2005;
- Additional Protocol to the Convention regarding the Regime of Navigation on the Danube, which was ratified by the Republic of Moldova by Government Decision No. 86/1998¹⁵⁸;
- Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI), which was ratified by the Republic of Moldova by Law No. 37/2008¹⁵⁹;
- European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), which the Republic of Moldova has ratified by Law No. 296/2007;
- In accordance with the provisions of the Commercial Maritime Navigation Code No. 599/1999¹⁶⁰, the Naval Agency of the Republic of Moldova is the body responsible for the registration and control of inland waterway vessels and boats.

¹⁵⁷ Law No. 176/2013 on the internal shipping, establishing the specific rules applicable to inland waters shipping of the Republic of Moldova, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=106278&lang=ro

¹⁵⁸ Government Decision No. 86/1998 regarding the Regime of Navigation on the Danube, available in Romanian at: <http://lex.justice.md/index.php?action=view&view=additional&id=306920&lang=1>

¹⁵⁹ Law No. 37/2008, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=7306&lang=ro

¹⁶⁰ Commercial Maritime Navigation Code of the Republic of Moldova No. 599/1999, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108662&lang=ro

Safety and security provisions

The safety provisions are governed by Law No. 176/2013 on Inland Naval Transport of the Republic of Moldova (Art.31)¹⁶¹. Under the Law, the shipowner is responsible for ensuring the safety of navigation. In addition, the following safety requirements are incumbent to shipowners:

- to appoint a person responsible for the safe operation of the ship;
- to ensure the safe operation of the ship;
- to permanently improve the professional skills of the navigating personnel and of other employees in the field of ensuring the safety of navigation;
- to ensure the completion of the ship's crew and to maintain the ship in technical conditions that correspond to the requirements of safe navigation established by the present law.

The shipowner shall be liable for failure to ensure safe navigation in accordance with the provisions of the contravention legislation.

The preparation of the ship for the voyage is the obligation of the shipowner. The ship is considered fit for navigation if it is secured with crew and complies with the rules for ensuring safe navigation, as well as the rules of environmental protection, sanitary and fire regulations provided by the legislation in the field of inland shipping. The ship shall not be permitted to navigate if the crew composition on the day of departure is less than that laid down in the Minimum safe manning document of the self-propelled transport vessel.

In addition, the Naval Agency of the Republic of Moldova entails further safety obligations. The National Agency ensures the safety of navigation, drafting and presentation for approval, in accordance with the legislation of the Republic of Moldova, of normative acts establishing regulations in the field of safety of navigation, control over compliance with the requirements of Moldovan legislation and normative acts. The state control is performed in accordance with the provisions of Law No. 131/2012 on state control over entrepreneurial activity.

In order to ensure the safety of navigation, the specialized body shall carry out:

- supervising the maintenance of inland waterways in accordance with the program ensuring the guaranteed dimensions of the navigation channels, the categories of navigation equipment and the terms of validity;
- allowing the passage of ships and other floating objects through locks;
- operative management of the movement of ships in the manner established by the specialized central authority;

¹⁶¹ Law No. 176/2013 on Inland Naval Transport, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=106278&lang=ro

- carrying out the attestation of the workers responsible for ensuring the safety of navigation;
- the certification of navigators, of the ships which is registered in the State Registry of Ships or in the Naval Catalog, as well as the issuance, in established cases, of the identity documents of the navigating personnel, of the pilot's licence regarding the right to pilot ships (hereinafter - pilot's licence);
- control over the respect of rules, norms and standards in the field of communications, used by ships on inland waterways;
- control over compliance with domestic waterway legislation;
- control over the activity of the pilot services.

The owners of the constructions located on the inland waterways, in order to apply the corresponding measures, are obliged to inform the specialized body in advance regarding the occurrence of situations that threaten the safety of navigation.

The surveillance of the safety on the inland waterways is carried out by the Naval Agency of the Republic of Moldova through the civil navigation inspectors.

Further safety provisions are established by the Law on Inland Naval Transport. Art. 33 stipulates the provisions related to the safety of operation on inland waterways pertaining to the vessels. The Naval Agency of the Republic of Moldova is responsible of the following:

- Supervision of the safe operation of inland waterways of self-propelled vessels with a main engine power of at least 55 kW, of non-propelled vessels of at least 80 units tonnage, of passenger and bulk cargo ships and ferries, are carried out by civil navigation inspectors;
- Surveillance of the safe operation of inland waterway vessels of sailing and sailing sports vessels, regardless of the equipment and power of the main engines and their tonnage, other sports vessels and agreement, regardless of the number of passengers on board them, including self-propelled sports vessels and according to the main engine power of at least 55 kW, non-sport propelled vessels and according to the tonnage of at least 80 units shall be carried out by inspectors of civil navigation in the part not related to competence, ships' technical examination and classification bodies, as well as government-recognized classification societies.

Moreover, the civil navigation inspectors have the following responsibilities in the field of safety:

- supervise the execution by the shipowner, crew members, natural and legal persons navigating inland waterways, of the requirements of ensuring the safe operation of ships, in accordance with the legislation in the field of inland waterway transport;
- investigates and classifies transport accidents involving ships on inland waterways;

- verifies the knowledge and participates in the certification of the navigators of the ships, performs the verification of the ships;
- supervises the maintenance of navigable waterways and navigable aids;
- oversee compliance with the requirements for ensuring the safe operation of ships.

Environmental and pollution prevention aspects of transport by sea and on lakes/rivers

Article 37 of Law No. 176/2013 on Inland Naval Transport of the Republic of Moldova established the norms applicable to the prevention of the environmental pollution. The Naval Agency of the Republic of Moldova is the national specialized body ensuring environmental protection throughout the operation of ships. The bodies of technical supervision and classification of ships and the classification societies recognized by the Government shall carry out the technical supervision to ensure the ecological security at the operation of the ships.

The following responsibilities are incumbent to the Naval Agency of the Republic of Moldova:

- control, together with the specialized body in the field of environment, the location and operation of objects intended for environmental protection on inland waterways, in the area administered by the specialized body;
- supervise the observance by the organizations in the field of internal naval transport of the sanitary rules and norms.

All works carried out on inland waterways during the prohibition period shall be coordinated with the specialized body in the field of environment.

52. Kindly provide a brief description about the vessel fleet involved in inland waterway transport (type of vessel, type of cargo, capacity etc.). Please indicate the port(s) and port facilities for inland waterway ports.

The following types of vessels are operated on the inland waterways of the Republic of Moldova:

1. Dniester River:

- Tugboats with engine power up to 300 hp;
- Self-propelled barges with a load capacity of 200 - 1000 tons (in bulk);
- Passenger ships with a capacity of up to 100 passengers.

2. The Prut River:

- Tugboats with engine power up to 200 hp;
- Self-propelled barges with a load capacity of 200 - 600 tons (in bulk);

In the Giurgiulesti Port Complex, the following ships can be operated:

1. Giurgiulesti Cargo and Passenger Port:

- Port tugs with different engine powers;
- Self-propelled barges with a load capacity of 3000 tons (bulk, general cargo);
- Self-propelled barges with a load capacity up to 3000 tons (bulk, general cargo);
- Sea-river type ships (bulk, general cargo);
- Seagoing vessels, the draft of which allows the crossing of the Sulina Canal, but with a draft not exceeding 5 m (in bulk, general cargo);
- Inland water cruise ships with a maximum length of 130 m.

2. Giurgiulesti Free International Port:

- Port tugs with different engine powers;
- Self-propelled barges with a load capacity of 3000 tons (bulk, general cargo);
- Self-propelled barges with a load capacity up to 3000 tons (bulk, general cargo);
- Sea-river type ships (bulk, general cargo);
- Seagoing vessels, the draft of which allows the passage of the Sulina Canal, (bulk, general cargo);
- Draft tankers which allow the passage of the Sulina Canal.

The following ports are on the Dniester River:

- Bender port (docks and floating cranes);
- Varnita cargo area (berths and port cranes);
- Ribnita port (docks and floating cranes).

On the Prut River:

- Semeni wharf (moorings and floating cranes).
- Giurgiulesti Cargo and Passenger Port (docks and floating and port cranes);
- Free International Port Giurgiulesti (berth for grain goods "Prut"; berth Ro-Ro (under construction); berth for bulk goods; berth for containers and general cargo).
- Danube River:
- Giurgiulesti Free International Port (berth for petroleum products; vegetable oil terminal; berth for cereal goods "Danube").

53. According to which technical requirements are the vessels of the domestic inland navigation fleet certified? Is there a legislation laying down technical requirements for inland waterway vessels (cf. Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016)

The Republic of Moldova applies the Recommendations of the Danube Commission¹⁶² regarding the technical requirements for inland water navigation vessels. At the same time, the Naval Agency of the Republic of Moldova is currently applying the requirements developed by the River Registry of the Russian Federation (classification society).

In addition, the Government Decision approving the rules and standards for the technical examination of inland waterway vessels and for the recognition of inland water navigation classification societies was drafted. It transposes the Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016. The draft is currently in the last stages of finalization.

54. Is there a legislation on professional qualifications in inland navigation (Directive (EU) 2017/2397 as amended by Directive (EU) 2021/1233)?

Directive (EU) 2017/2397, as amended by Directive (EU) 2021/1233, has not been yet transposed into national legislation.

The recommendations of the Danube Commission regarding the crew members currently apply.

The following requirements reflected in the Recommendations of the Danube Commission on Harmonized Europe-wide Technical Requirements for Inland Navigation Vessels currently apply.

In the part related to the boat masters, the provisions of 23-2.3.1. apply, which stipulate that the boat masters shall hold a boat master's certificate issued in accordance with the "Recommendations on Minimum Requirements for the Issuance of Boat master's Certificates in Inland Navigation with a view to their Reciprocal Recognition for International Traffic" (resolution No. 31 of 12 November 1992, revised).

The provisions of 23-2.3.2 apply to the helmsman, which stipulates that the helmsman:

Shall be not less than 17 years of age and

¹⁶² Recommendations of the Danube Commission, available at: <https://www.danubecommission.org/uploads/doc/publication/Vorschriften%20techn%202014/Technischen%20Vorschriften%202014%20FR.pdf>

(i) Shall have had not less than one year's experience in inland navigation as an able crewman or not less than three years' experience as an ordinary crewman within the meaning of 23-2.3.4 (ii), or

(ii) Shall have successfully completed training provided the training includes experience in inland navigation as a helmsman-apprentice or as an ordinary crewman for a period determined by the competent authority.

With regard to the able crewman, rules 23-2.3.3 shall apply, indicating that the able crewman:

(i) Shall have had not less than one year's experience in inland navigation as an ordinary crewman and

- Have successfully completed the training referred to in 23-2.3.5 below, or
- Have passed the final examination of a professional college of inland navigation, or
- Have passed any other examination for ordinary crewman recognized by the competent authority, or

(ii) Shall have successfully completed training referred to in 23-2.3.5 below of a duration of not less than three years or have passed a final examination following training of not less than three years in a professional college of inland navigation provided the training includes not less than one year's experience in inland navigation, or

(iii) Shall have had not less than two years' experience in inland navigation as an ordinary crewman within the meaning of 23-2.3.4 (ii).

For the Ordinary crewman, the provisions of 23-2.3.4 apply, indicating that:

(i) Shall be not less than 17 years of age and

- Have passed an examination on completion of the training referred to in 23-2.3.5 below, or
- Have passed an examination on completion of training in a professional college of inland navigation, or
- Have passed any other examination for ordinary crewman recognized by the competent authority, or

(ii) Shall have had not less than three years' experience as a member of the vessel's deck department, including not less than one year in inland navigation and two years either in inland navigation or at sea, in coastal navigation or fishing.

Applicable points 23-2.3.5 are to the Apprentice, who:

- Shall be not less than 15 years and have an apprentice's contract which provides for attendance at a professional college of inland navigation or

for a correspondence course approved by the competent authority to be taken in the preparation of an equivalent diploma.

The provisions of 23-2.3.6 apply to the unqualified member of the Deck-hand who must be at least 16 years old.

The provisions of 23-2.3.7 are provided to the Engineer indicating that:

- (i) Shall be at least 18 years of age and have passed an examination on completion of a full training course in the engine and mechanics sectors, or
- (ii) Shall have worked for not less than two years as an engine-minder on a motorized inland navigation vessel.

For the Electrician-engineer, the provisions of 23-2.3.8 apply, stipulating that:

- (i) Shall be at least 18 years of age and have passed an examination on completion of a full training course in on-board electrical systems, or
- (ii) Shall be at least 18 years of age and have experience of working in a vessel's crew for a period determined by the competent authority.

The provisions of 23-2.3.9 apply to the Engine-minder indicating that he/she shall be not less than 17 years of age and either be an ordinary crewman and have passed an engine-minder's examination recognized by the competent authority, or have had not less than one year's experience on board a motorized inland navigation vessel as an ordinary crewman and have a basic knowledge of engines.

The rules 23-2.3.10 apply to the Radio operator stating that operator shall be at least 18 years of age, have passed an examination on completion of a full training course in on-board radio systems and have navigational experience as part of a vessel crew for a period determined by the competent authority, or have completed an appropriate probationary period of at least two months' duration aboard inland navigation vessels.

55. Are there any specific rules on working conditions of seafarers? If yes, what are the rules (if any) on working hours and rest, paid annual leave, keeping records of working time, protection of seafarers' health as well as age limits (Directive 1999/63/EC and Directive 2009/13/EC as amended by Directive 2018/131)?

The working conditions of seafarers are laid down in the following regulations:

- The International Convention on Standards of Training, Certification and watch keeping for Seafarers (STCW 78), adopted in London on July 7, 1978, and the Training Code, a certificate / attestation of seafarers and watch keeping services (STCW Code), adopted in London on 7 July 1995,

on the basis of which the working and rest time of the crew is determined, to which the Republic of Moldova has acceded by Law No. 190/2005¹⁶³;

- Convention of the International Labor Organization No. 92 on accommodation on board ships (revised), which the Republic of Moldova ratified by Law No. 238/2005¹⁶⁴;
- Convention of the International Labor Organization No. 133 regarding the accommodation of crews on board the ship (complementary provisions), which the Republic of Moldova ratified by Law No. 239/2005¹⁶⁵;

The draft Government Decision on establishing the minimum safety crew on board seagoing ships has been drafted, which will transpose the mentioned directives. This project is currently in the process of finalizing.

56. Are there any specific rules on working conditions of inland waterways workers? If yes, who is covered by those rules? What are the rules (if any) applicable to working time, paid annual leave and to night shifts, rest periods, seasonal work and recording of working time and protection of workers' health (Directive 2014/112/EU)?

The draft Government Decision on the establishment of the minimum safety crew on board inland waterway vessels has been drafted, which will transpose the mentioned directive. This project is currently in the process of finalizing.

Currently, the provisions of the Danube Commission Recommendations¹⁶⁶ on the technical requirements for inland waterway vessels, which describe the requirements for crew (working and rest hours, working conditions, etc.), apply.

Working and rest time:

23-5. Ship Operating Modes

The following modes of operation are distinguished:

A1 - daytime navigation with a maximum duration of 14 hours (within 24 hours);

A2 - semi-continuous navigation with a maximum duration of 18 hours (within 24 hours);

B - continuous navigation lasting 24 hours or more.

¹⁶³ Law No. 190/2005, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107333&lang=ro

¹⁶⁴ Law No. 238/2005, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107323&lang=ro

¹⁶⁵ Law No. 239/2005, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=107322&lang=ro

¹⁶⁶ Recommendations of the Danube Commission, available at: <https://www.danubecommission.org/uploads/doc/publication/Vorschriften%20techn%202014/Technischen%20Vorschriften%202014%20FR.pdf>

A ship operating in A1 or A2 mode shall rest for 8 hours continuously in the first case, or 6 hours continuously in the second case, if equipped with a tachograph, type which is officially approved by the Administration and which is in good working order. In other cases, the ship sailing in A1 mode must interrupt it for the entire time interval between 22:00 - 6:00 and the ship sailing in A2 mode must interrupt it for the entire time interval between 23:00 to 05:00.

23-6 Mandatory Rest

23-6.1 In operating mode A1, all members of the crew shall have eight hours of uninterrupted rest outside sailing time for each 24-hour period, calculated from the end of each 8-hour rest period.

In operating mode A2, all crew members shall have eight hours' rest including six hours uninterrupted rest time outside sailing times³¹ for each 24-hour period, calculated from the end of each 6-hour rest period.

In operating mode B, all crew members shall have 24 hours' rest time per 48-hour period including at least two 6-hour periods of uninterrupted rest.

During the mandatory rest time, a crew member may not be called on to perform any duty, including surveillance or standby; the watch and surveillance duties provided for in CEVNI for stationary vessels shall not be considered as an obligation under this paragraph.

23-7 Changing or Repeating the Operation Mode.

23-7.1 A change or repetition of operating mode may take place only if the following requirements are complied with:

- (i) The change-over from operating mode A1 to mode A2 may take place only if:
 - The crew has been entirely replaced, or
 - The crew members required for operating mode A2 have completed, immediately prior to the change, an 8-hour rest period, including six hours outside sailing-time, and the extra crew required for operating mode A2 are on board.
- (ii) The change-over from operating mode A2 to mode A1 may take place only if:
 - The crew has been entirely replaced, or
 - The crew members required for operating mode A1 have completed, immediately prior to the change, an uninterrupted rest period of eight hours outside sailing-time.
- (iii) The change-over from mode B to mode A1 or A2 may take place only if:
 - The crew has been entirely replaced, or

- The crew members required for operating modes A1 and A2 have completed, immediately prior to the change, 8-hour and 6-hour uninterrupted rest periods, respectively.

(iv) The change-over from operating mode A1 or A2 to mode B may take place only if:

- The crew has been entirely replaced, or
- The crew members required for operating mode B have completed, immediately prior to the change, 8-hour and 6-hour uninterrupted rest periods, respectively, outside sailing time and the extra crew required for mode B are on board.

23-7.2 A repetition from operating mode A1 or A2 may take place only if:

- The crew has been entirely replaced, and
- The crew members required for the repeated mode A1 or A2, have completed, immediately prior to the change, 8-hour or 6-hour uninterrupted rest periods respectively, outside sailing time.

23-7.3 In all cases of change of operating mode, the shipowner shall amend the crew manning table in line with the minimum requirements governing crew composition and bring the crew up to strength in accordance with the new manning table prior to changing the operating mode.

Access to Market and Professions

57. Is there any legislation relating to the provision of port services (e.g. passenger and cargo handling, bunkering, tug vessels) for maritime ports?

The draft Government Decision on the establishment of the minimum safety crew on board inland waterway vessels has been drafted, which will transpose the mentioned directive. This project is currently in the process of finalizing.

Currently, the provisions of the Danube Commission Recommendations¹⁶⁷ on the technical requirements for inland waterway vessels, which describe the requirements for crew (working and rest hours, working conditions, etc.), apply.

Working and rest time:

23-5. Ship Operating Modes

The following modes of operation are distinguished:

¹⁶⁷ Recommendations of the Danube Commission, available at:

<https://www.danubecommission.org/uploads/doc/publication/Vorschriften%20techn%202014/Technischen%20Vorschriften%202014%20FR.pdf>

- A1 - daytime navigation with a maximum duration of 14 hours (within 24 hours);
- A2 - semi-continuous navigation with a maximum duration of 18 hours (within 24 hours);
- B - continuous navigation lasting 24 hours or more.

A ship operating in A1 or A2 mode shall rest for 8 hours continuously in the first case, or 6 hours continuously in the second case, if equipped with a tachograph, type which is officially approved by the Administration and which is in good working order. In other cases, the ship sailing in A1 mode must interrupt it for the entire time interval between 22:00 - 6:00 and the ship sailing in A2 mode must interrupt it for the entire time interval between 23:00 to 05:00.

23-6 Mandatory Rest

23-6.1 In operating mode A1, all members of the crew shall have eight hours of uninterrupted rest outside sailing time for each 24-hour period, calculated from the end of each 8-hour rest period.

In operating mode A2, all crew members shall have eight hours' rest including six hours uninterrupted rest time outside sailing times³¹ for each 24-hour period, calculated from the end of each 6-hour rest period.

In operating mode B, all crew members shall have 24 hours' rest time per 48-hour period including at least two 6-hour periods of uninterrupted rest.

During the mandatory rest time, a crew member may not be called on to perform any duty, including surveillance or standby; the watch and surveillance duties provided for in CEVNI for stationary vessels shall not be considered as an obligation under this paragraph.

23-7 Changing or Repeating the Operation Mode.

23-7.1 A change or repetition of operating mode may take place only if the following requirements are complied with:

(i) The change-over from operating mode A1 to mode A2 may take place only if:

- The crew has been entirely replaced, or
- The crew members required for operating mode A2 have completed, immediately prior to the change, an 8-hour rest period, including six hours outside sailing-time, and the extra crew required for operating mode A2 are on board.

(ii) The change-over from operating mode A2 to mode A1 may take place only if:

- The crew has been entirely replaced, or

- The crew members required for operating mode A1 have completed, immediately prior to the change, an uninterrupted rest period of eight hours outside sailing-time.

(iii) The change-over from mode B to mode A1 or A2 may take place only if:

- The crew has been entirely replaced, or
- The crew members required for operating modes A1 and A2 have completed, immediately prior to the change, 8-hour and 6-hour uninterrupted rest periods, respectively.

(iv) The change-over from operating mode A1 or A2 to mode B may take place only if:

- The crew has been entirely replaced, or
- The crew members required for operating mode B have completed, immediately prior to the change, 8-hour and 6-hour uninterrupted rest periods, respectively, outside sailing time and the extra crew required for mode B are on board.

23-7.2 A repetition from operating mode A1 or A2 may take place only if:

- The crew has been entirely replaced, and
- The crew members required for the repeated mode A1 or A2, have completed, immediately prior to the change, 8-hour or 6-hour uninterrupted rest periods respectively, outside sailing time.

23-7.3 In all cases of change of operating mode, the shipowner shall amend the crew manning table in line with the minimum requirements governing crew composition and bring the crew up to strength in accordance with the new manning table prior to changing the operating mode.

58. Are there any requirements regarding access to the profession of carrier of passengers and/or goods by inland waterways (cf. Directive 87/540/EC)?

Norms for provision of port services are provided only in general terms in Law No. 599/1999¹⁶⁸ for the approval of the Code of Commercial Maritime Navigation of the Republic of Moldova.

Respectively, Art. 80 parag. (2) of the Code of Commercial Maritime Navigation of the Republic of Moldova, stipulates that the seaport administration is entitled to lease, in the manner established by law, port constructions and others, received for administration, shipbuilding, transport and shipping and other economic units for the execution of port operations.

¹⁶⁸ Code of Commercial Maritime Navigation of the Republic of Moldova No. 599/1999, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108662&lang=ro

Inland transport of dangerous goods (road, rail, inland waterways)

59. Is there legislation concerning inland (road, rail or inland waterway) transport of dangerous goods or transportable pressure equipment (Directives 2008/68/EC; 95/50/EC and 2010/35/EU)? Are the international rules provided for in ADR Agreement, in RID Regulations and, if applicable, in ADN European Agreement applied to national carriage of dangerous goods?

In the rail transport field

The Government Decision No.143/2016¹⁶⁹ approving the Regulation on inland transportation of dangerous goods partially transposes the Directive 2008/68/CE.

Republic of Moldova is a SMGS member state, and is implementing the Annex 2 to the SMGS „Provisions for the Carriage of Dangerous Goods”. The annex is constantly adjusted to the provisions of RID within the working group OTIF-OSJD.

In the maritime field

In the maritime field, regarding the transport of dangerous goods, the Republic of Moldova adopted Law No. 296/2007 for the ratification of the International Carriage of Dangerous Goods by Inland Waterways (ADN).

Road transport

The following legal acts are applicable in the field of transportation of dangerous goods by road:

- Regulation on the inland transport of dangerous goods approved by Government Decision No. 143/2016¹⁷⁰, that partially transposes the provisions of Directive 2008/68/EC to the European Parliament and of the Council on the inland transport of dangerous goods; and Regulation of road transport of dangerous goods approved by Government Decision No. 589/2017¹⁷¹, that establishes the framework for the application in the Republic of Moldova of the provisions of the European Agreement on the International Carriage of Dangerous Goods by Road (A.D.R.), concluded in Geneva on September 30, 1957, to which the Republic of Moldova acceded by Parliament Decision No. 44/1998.

¹⁶⁹ Government Decision No.143/2016 approving the Regulation on inland transportation of dangerous goods, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109666&lang=ro

¹⁷⁰ Government Decision No. 143/2016, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109666&lang=ro#

¹⁷¹ Government Decision No. 589/2017, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=123212&lang=ro

60. How and by whom is this legislation enforced? What are the scope and frequency of these controls? How many vehicles are subject to daily controls?

In the road transport field

In order to enforce the provisions of Art. 3 lit. d) of the Road Transport Code No. 150/2014 and the European Agreement concerning the International Carriage of Dangerous Goods by Road (A.D.R.), the Regulation of road transport of dangerous goods, approved by Government Decision No. 589/2017¹⁷² establishes that the National Road Transport Agency is the national body responsible for enforcing the legislation in the field.

Under the Government Decision No. 589/2017, the National Road Transport Agency is responsible for:

- issuing, at the request of enterprises, through the unique counter, the coordinated transport route for transport of dangerous goods, including for foreign carriers transporting dangerous goods in/from the Republic of Moldova, transit the territory of the Republic of Moldova or in/from third countries;
- authorization of an ad hoc road transport operation of dangerous goods in internal traffic according to point 18 of the present Regulation;
- control and monitoring of road traffic of dangerous goods on the territory of the country;
- placing on the official website of the National Road Transport Agency the list and text of national / international regulations applicable to the process of organization and conduct of road transport of dangerous goods, including the European Agreement concerning the International Carriage of Dangerous Goods by Road, concluded at Geneva on 30 September 1957, and its annexes, as well as the constant updating of any amendments;
- the investigation together with the other authorities of the events produced at the loading, unloading or road transport of dangerous goods, as well as the establishment and application of the necessary measures.

The traffic controls are carried out in compliance with the provisions of Law No. 131/2012 on state control over entrepreneurial activity¹⁷³, in accordance with the principles of the General Methodology regarding the state control over the entrepreneurial activity based on the risk analysis, approved by the Government Decision No. 379/2018¹⁷⁴.

¹⁷² Government Decision No. 589/2017, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=123212&lang=ro

¹⁷³ Law No. 131/2012 on state control over entrepreneurial activity, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=126363&lang=ro#

¹⁷⁴ Government Decision No. 379/2018, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=103027&lang=ro

Checks shall be carried out at the premises of undertakings in the following situations:

- if there have been violations in the road traffic that could endanger the safety in the transport of dangerous goods;
- if control authorities of other contracting parties of the A.D.R. have informed the authorities of serious or repeated infringements of the regulations on the transport of dangerous goods.

At the headquarters of the enterprises, the Agency carries out planned and unannounced controls, in accordance with the provisions of Art. 14-18 and Art. 19-19¹ of Law No. 131/2012 on state control over entrepreneurial activity.

The purpose of these checks is to ensure compliance with the relevant legislation on the conditions of safety and security in the transport of dangerous goods by road.

During 2021, the Agency carried out 323 inspections at the office of the transport companies, and 5223 transport units were sanctioned in traffic, of which 45 for violating the rules for transporting dangerous goods.

In the maritime field

In accordance with the provisions of Government Decision No. 706/2018¹⁷⁵, the Naval Agency of the Republic of Moldova is the specialized body that approves the transportation of dangerous goods on board ships under the flag of the Republic of Moldova. Currently, there are no specialized inland navigation vessels registered in the State Registry of Ships, which should be examined by the Naval Agency of the Republic of Moldova in terms of ADN provisions.

At the same time, a draft of Government Decision was drafted for the approval of norms and standards regarding the technical examination of connected inland navigation vessels and the recognition of inland navigation classification societies, which also provides for the examination of ships carrying dangerous goods. This project is currently in the last stages of finalization.

In the rail transport field, the legislation is implemented by the State Enterprise "Calea Ferată din Moldova".

¹⁷⁵ Government Decision No. 706/2018, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108839&lang=ro

Multimodal and intermodal (combined) transport

61. What is the current volume of multimodal and intermodal (combined) transport involving rail, inland waterways or short sea transport combined with road transport?

The Republic of Moldova does not record statistics on multimodal and intermodal transport volumes.

62. Are there any existing promotion measures/instruments available for national/international intermodal (combined) transport (see also Combined Transport Directive 92/106/EEC), such as:

- a) Granting of subsidies for intermodal (combined) transshipment terminals;**
- b) Granting of operational subsidies either to shippers and logistics companies or to any of the transport operators involved in the intermodal (combined) transport;**
- c) Exemption from general restrictions imposed on road transport (driving ban, maximum authorised weights and dimensions etc.) when performing combined transport operations;**
- d) d) Specific fiscal treatment**

There are currently no facilities/tools in the field of shipping directly intended for intermodal (combined) transport.

Digitalisation of maritime transport & logistics

63. Are there any legal provisions enabling economic operators to use electronic transport information or documents to prove compliance with applicable legal requirements for the transport of goods (see Regulation on electronic freight transport information EU No 2020/1056)?

At present, there are no legal provisions allowing economic operators to use electronic transport.

64. Are there any legal provisions establishing a legal and technical framework for the electronic transmission of information in relation to reporting obligations for port calls (see Regulation (EU) 2019/1239 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU) ?

Currently, there are no legal provisions establishing a legal and technical framework for the electronic transmission of information in relation to reporting obligations for port calls.

A draft of Government Decision on the reporting formalities applicable to ships on arrival in and / or departure from the ports of the Republic of Moldova was drafted. It will be submitted for approval after the accession of the Republic of Moldova to the FAL Convention.

Air transport

65. Are there any plans in place concerning establishment or expansion of national air carriers?

Currently there are 11 certified air companies (according to the national legislation that ensure the implementation of EU Regulation 965/2012). Taking into consideration the dimension and geographical position of the Republic of Moldova, the market is open for new-comers and investors. According to the ECAAA provisions, the RM aviation market is fully open for the EU airlines. Also, the provisions of the national legislation regarding competition and state aid all companies either national or foreign benefit from the same fair treatment for their development.

From the total number of 11 airlines¹⁷⁶ - 3 air operators (Air Moldova, Fly One and Hi Sky) are certified for commercial passenger transport to/from EU member states. 1 air operator - Aerotranscargó is certified for commercial cargo transport to/from EU member states. 7 other companies are certified for commercial air transport and specialized aerial operations (SPO) - firefighting, agriculture, humanitarian missions, etc. with third countries.

The fleet of the airlines which are operating flights to/from EU member states consist of EU certified aircrafts, as follows:

Air Moldova - Airbus A319-112; A320-232, A321-211;

Aerotranscargó - Boeing B747-400SF, B747-400BDSF;

Fly One - Airbus A319-112, A320-233/232;

HiSky - Airbus A319-131.

According to the provisions of the Government Activity Plan for 2021-2022¹⁷⁷, one of the Government priorities is attraction to the market at least for 1 new low-cost EU airline.

¹⁷⁶ Certified air operators (caa.md)

¹⁷⁷ Government Decision No. 235/2021 on the approval of the Government Action Plan for the years 2021-2022, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=128407&lang=ro

Access to market and profession

66. How and by whom are airport charges set? Are they set in a transparent and non-discriminatory manner? Are they cost related? Are there any consultation mechanisms with interested parties such as airport users and airport managing bodies?

The legal framework that establishes the requirements regarding airport charges is Government Decision No. 476/2016 on approval of the Methodology regarding the calculation and approval basis of the air navigation and airport charges¹⁷⁸, which transposes EU Directive 2009/12, EU Regulations 391/2013 and 1191/2010. According to the mentioned regulations, charges are established in a transparent and non - discriminatory manner. The charges are cost-related and the final amount of the charges is approved by the Government after a public consultation process, with the mandatory involvement of the stakeholders - airport/aerodrome operators. The mentioned Regulation describes the clear mechanism and formula of the airport fees/charges.

However, for the Chisinau International Airport, the airport charges are included in the Concession Agreement and should be not less than the amount established at the date of Agreement signing. Practically, that means that the mentioned methodology is applicable for Chisinau airport as well, the thing that makes difference for Chisinau airport is that the minimum measure of the charges is established in the Concession Agreement.

67. What are the insurance requirements in the air transport sector?

The insurance requirements in the air transport sector are established in the Law No. 118/2020¹⁷⁹ on liability and insurance requirements of air carriers and aircraft operators (transposes EU Regulation 785/2004), that sets a minimum amount of third party liability insurance for air operators/aircraft operators operating flights within the Republic of Moldova.

According to the mentioned law provisions, the minimum amount of liability insurance to third parties for air operators/operators of aircraft operating flights within the EU is as follows:

Aircraft Category MTOM (kg) Minimum Insurance (SDR millions)

1<500	0,75
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¹⁷⁸ Government Decision No. 476/2016 on approval of the Methodology regarding the calculation and approval basis of the air navigation and airport charges, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=110088&lang=ro

¹⁷⁹ Law No. 118/2020, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=122519&lang=ro

< 1 000	1,5
<2 700	3
<6 000	7
<12 000	18
<25 000	80
<50 000	150
<200 000	300
<500 000	500
≥500 000	700

For air operators/operators of aircraft operating flights outside the EU, the minimum amount of liability insurance to third parties is as follows:

Aircraft Category MTOM (kg) Minimum Insurance (SDR millions)

<2000	1,5
< 6 000	4,5
<25000	12,0
<100 000	50,0
>100 000	90,0

Technical and social standards

68. Is airport management separate from airport ownership?

Currently, in the Republic of Moldova, there are 2 certified airports, both of them are owned by the state. Nevertheless, the Chisinau International Airport is subject to a concession agreement. According to the concession agreement, the State remains the owner, while the management is ensured by the concessionaire – a private enterprise.

The ownership of the Marculesti International Airport is realized through the State Property Agency.

Respectively, according to the national legal requirements - the management of the airport and the ownership could be separate.

69. How are aviation safety requirements implemented and applied in the field of design, production, operation, maintenance of aircraft, parts and appliances and persons and organisations involved in the design, production, maintenance and operation of such products, parts and appliances, as well as certification of aerodromes and air navigation service providers?

Aviation safety requirements are implemented and applied through national requirements that transposed EU aviation acquis. Civil Aviation Authority of The Republic of Moldova is responsible for the certification of the following entities:

- Aircraft design organisations – Government Decision No. 468/2019¹⁸⁰ – Fully transposes EU Regulation 748/2012;
- Aircraft production organisations - Government Decision No. 468/2019 – Fully transposes EU Regulation 748/2012;
- Aircraft and products, parts and appliances maintenance organisations - Government Decision No. 641/2019¹⁸¹ – Fully transposes EU Regulation 1321/2014;
- Aerodromes and airports - Government Decision No. 653/2018¹⁸² – Partially transposes EU Regulation 139/2014;
- Air Navigation Service Providers – National requirements¹⁸³ applied.

According to the Government action plan for 2021-2022, during the year 2022, new requirements for Air Navigation Service Providers will be established. New drafted requirements will transpose EU Regulation 373/2017. That means that in the nearest future, the certification procedures for this area will be harmonised as well.

70. Which body is responsible for exercising regulatory control for aeronautical products, persons, organisations, aerodromes and air navigation service providers?

¹⁸⁰ Government Decision No. 468/2019, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=118596&lang=ro

¹⁸¹ Government Decision No. 641/2019, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=120581&lang=ro

¹⁸² Government Decision No. 653/2018, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=108784&lang=ro

¹⁸³ Civil Aeronautical Regulations, available in Romanian at: <https://www.caa.md/storage/upload/normative/normativ-reports/files-5/rom/15.pdf>

According to the provisions of the Aviation Code¹⁸⁴ (Art. 7 (3) 5)), the Civil Aviation Authority is the institution responsible for the regulatory control of the whole civil aviation industry.

71. Which body is responsible for their oversight and for enforcing aviation safety requirements?

The oversight function is as well the responsibility of The Civil Aviation Authority. According to the Contravention Code¹⁸⁵ provisions (Art. 407), the enforcement body for the unlawful acts is also The Civil Aviation Authority.

72. What is the legislation in force on accident investigation and is there any mandatory accident and incident reporting?

The Law on investigation of accidents and incidents¹⁸⁶ in the transport field will become effective from 25.06.2022, according to which the Multimodal Investigation Bureau will be created. Currently, according to the provisions of National Aviation Requirements RAC-RAASEAC¹⁸⁷ both mandatory accident and incident reporting and voluntary reporting are established.

73. Are there measures to monitor and limit noise and emissions levels around airports (i.e. noise zoning, land-use rules) and to contain or reduce air pollution resulting from air transport activities?

National requirements approved through the Government Decision No. 246/2019¹⁸⁸ establish rules and procedures with regard to the introduction of noise-related operating restrictions at airports in the Republic of Moldova within a Balanced Approach. These national requirements fully transpose provisions of the EU Regulation 598/2014 and EU Directive 2006/93. Regarding the reduction of air pollution, the provisions of the ICAO Annex 16 Vol. 4 (CORSIA programme) will be transposed into the international requirements till September 2022, as set in the Government Activity plan for 2021-2022. Meanwhile, The Republic of Moldova is part of the ICAO CORSIA programme.

¹⁸⁴ Aviation Code No. 301/2017, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=79683&lang=ro

¹⁸⁵ Contravention Code No. 218/2008, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=125094&lang=ro

¹⁸⁶ The Law No. 213/2021 on investigation of accidents and incidents, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=129193&lang=ro

¹⁸⁷ Order No. 119/2020 on the approval of civil aviation regulations, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=126021&lang=ro

¹⁸⁸ Government Decision No. 246/2019, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=114055&lang=ro

According to the mentioned Regulation, the noise-related operating restrictions could be applied only for airports with at least 50000 movements per year, similar to European requirements. For example, at the largest commercial airport - Chisinau International Airport, during the 2019 year, that was a quite good year for aviation industry (before the Covid-19 restrictions), there were about 35000 movements. Respectively, taking into consideration that due to covid-19 and Ukraine war the number of movements on Chisinau International Airport decreased dramatically, the noise-related restrictions will not be applicable in the nearest future.

The measures could be:

- restrictions for any types of aircrafts
- restrictions for night flights
- phonic isolation of the buildings in the nearest proximity of airports.

74. Is a National Supervisory Authority in air traffic management effectively established? When and by which legal instrument?

The Republic of Moldova has established a National Supervisory Authority for ATM/ANS, regulated by the following legal framework:

- Aviation Code of Republic of Moldova No. 301/2017;
- Government Decision No. 133/2019¹⁸⁹.

In accordance with the Aviation Code No. 301/2017, the Civil Aviation Authority (CAA) is the administrative authority responsible for the certification and safety oversight in the civil aviation domain.

Article 7. (2) of the Aviation Code empowers the Civil Aviation Authority with the certification, supervision and control functions in the civil aviation field.

Article 7. (3) 5) a) of the Aviation Code sets the CAA functions related to the certification, ongoing oversight and control of the Air Navigation Services Providers. Thus, the CAA's divisions involved in the exercising of the functions and tasks related to ATM/ANS forms the National Supervisory Authority for ATM/ANS.

Thus, NSA's functions and tasks are exercised jointly by the following CAA entities:

- Air Navigation Division
- Aviation personnel licensing section
- Legal and human resources section

¹⁸⁹ Government Decision No. 133/2019, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=125208&lang=ro

- SMS and SAR service
- Aviation security, cybersecurity and facility division
- Economic, analysis and international cooperation division
- Rulemaking division.

More details regarding NSA for ATM/ANS are given in the ATM/ANS National Supervisory Authority Handbook.

75. What are the rules regarding safety oversight, standards setting, investment planning, provision of services, service planning and revenue collection for air traffic management? How does the level of fees for over-flight compare with the level of fees charged for flights to or from domestic airports?

Currently, the **safety oversight** of ATM/ANS services providers is governed by:

- Aviation Code of Republic of Moldova No. 301/2017, which transposes the Regulation (EC) No 216/2008 of The European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC
- Civil Aviation Regulation – Certification of Air Navigation Service Providers (RAC ANSPC, which transposes the Commission Regulation (EC) 2096/2005 as of 20 December 2005 «Common requirements for the provision of air navigation services».
- Civil Aviation Procedures and Instructions regarding certification and oversight of the Air Navigation Service Providers:

Part I – initial certification and continuing oversight of the ANSP¹⁹⁰.

Part II – safety oversight of changes in ATM/ANS functional systems

In addition, the **standard setting** processes are governed by:

- Chicago Convention Article 37 and 38
- EUROCONTROL International Convention on Cooperation in the Safety of Air Navigation
- Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova
- National Law No. 100/2017 regarding the normative acts¹⁹¹.
- CAA Procedure – Management of Documents

¹⁹⁰ Civil Aeronautical Procedures and Instructions, available in Romanian at: https://www.caa.md/storage/upload/normative/normativ-reports/50/01_PIAC-SSNA_Parte%201_am.02.pdf

¹⁹¹ Lar No. 100/2017 regarding the normative acts, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=105607&lang=ro

Provision of services

In present, the provision of ANS services are governed by:

Air traffic services:

- CT-ATS - Technical requirements¹⁹². Air traffic services (Transposition of ICAO Annex 11).
- CT-RA –Technical requirements. Rules of the air¹⁹³ (Transposition of ICAO Annex 2).
- Aeronautical Information Services:
- CT-AIS-Technical requirements. Aeronautical Information Services¹⁹⁴ (Transposition of ICAO Annex 15).

CNS services:

- RAC-TA – Civil Aviation Regulation. Aeronautical telecommunications¹⁹⁵ (Transposition of ICAO Annex 10).

Flight procedure design services:

- CT-PVAPZI Technical requirements. Design, verification and approval of instrument flight procedure (transposition of ICAO Doc.8168 and 9906).

Service planning

The rules for planning of air traffic services are those stated in the ICAO Doc.9426 “Air Traffic Services Planning Manual”.

Revenue collection for ATM

This process is governed by Government Decision No. 476/2016 on approval of the Methodology regarding the calculation and approval basis of the air navigation and airport charges.

76. What are the rules for licensing of air traffic controllers?

In The Republic of Moldova, the licensing of air traffic controllers is regulated by:

¹⁹² Technical requirements air traffic services, available in Russian at: https://www.caa.md/storage/upload/normative/normativ-reports/568/05_CT-ATS_amend.05_ru.pdf

¹⁹³ Technical requirements air rules, available in Russian at: https://www.caa.md/storage/upload/normative/normativ-reports/616/06_CT-RA_ru_am.04.pdf

¹⁹⁴ Technical specifications for aeronautical information services, available in Russian at: https://www.caa.md/storage/upload/normative/normativ-reports/346/04_CT-SIA_ru.pdf

¹⁹⁵ Aviation rules, available in Russian at: <https://www.caa.md/storage/upload/normative/normativ-reports/files-21/rus/583.pdf>

- Government Decision No. 134/2019 on approval of the Regulation on laying down technical requirements and administrative procedures relating to air traffic controllers¹⁹⁶ certificates.
- CT-ATCO - Technical requirements. Licensing of Air Traffic Controllers¹⁹⁷.
- CT-ATCO.MED - Technical requirements. Medical requirements for Air Traffic Controllers¹⁹⁸.

All above mentioned normative acts ensure the transposition of Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No. 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No. 923/2012 and repealing Commission Regulation (EU) No. 805/2011.

77. Has Moldova implemented the flexible use of airspace concept, and which authority is responsible for it? Has Moldova undertaken steps to participate in any initiative conducive to establish a functional airspace block?

The Republic of Moldova implemented the Flexible Use of airspace concept. The implementation is governed by the Government Decision No. 190/2021¹⁹⁹ on approval of the Regulation on management of air space and implementation of flexible use of airspace concept. The FUA concept implementation is the responsibility of the Civil Aviation Authority and Ministry of Defense.

Since May 2019 Moldova has held the status of observer in Danube FAB.

The objective of the DANUBE FAB in the airspace under the responsibility of Romania and the Republic of Bulgaria is to improve the capacity, the cost-efficiency of the air navigation services and environmental protection by optimizing provision of ANS and civil-military cooperation in a process of a sustainable development, while increasing the level of safety.

From our observer's perspective, the most notable during this period was the inclusion of Chisinau CTA in SEE FRA (South-East Free Route Airspace) on 24 February 2022.

¹⁹⁶ Government Decision No. 134/2019 on approval of the Regulation on laying down technical requirements and administrative procedures relating to air traffic controllers, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=112854&lang=ro

¹⁹⁷ Technical requirements, available in Romanian at: <https://www.caa.md/storage/upload/normative/normativ-reports/files-360/rom/1392.pdf>

¹⁹⁸ Technical requirements for medical requirements for air traffic controllers, available in Romanian at: https://www.caa.md/storage/upload/normative/normativ-reports/623/18_CT-ATCO.MED_ro.pdf

¹⁹⁹ Government Decision No. 190/2021, available in Romanian: https://www.legis.md/cautare/getResults?doc_id=127974&lang=ro

78. Are there specific rules applicable to working conditions of aviation workers? If yes, what is the personal scope of such rules? What are the rules applicable to working time, paid annual leave and protection of workers' health and safety (Directive 2000/79)?

The Republic of Moldova has established specific rules applicable to working conditions of aviation workers for Air Navigations Service Providers personnel and for flight crew members. Excepting air traffic controllers and pilots, it is established to have 40 hours working week. The work and rest periods, as well as other working conditions are those established by Labour Code No. 154/2003.

For air traffic controllers the Labor Code No. 154/2003 establishes 35 hours working week. Also, the controllers work is governed by:

- Government Decision No. 819/2016²⁰⁰ establishes Minimum Safety and Health Requirements for working in front of display.
- CT-ATCO NCO. Technical requirements - Fatigue control of air traffic controllers²⁰¹.

For flight crew members, flight time limitations are established in the national requirements regarding air operations, and the limits are exactly the same as in EU member states, so that the national framework is harmonized with the provisions of the EU 965/2012 Regulation.

Flight times and duty periods for crew²⁰² is as follows:

The total duty periods to which a crew member may be assigned shall not exceed:

- 60 duty hours in any 7 consecutive days;
- 110 duty hours in any 14 consecutive days; and
- 190 duty hours in any 28 consecutive days, spread as evenly as practicable throughout that period.

The total flight time of the sectors on which an individual crew member is assigned as an operating crew member shall not exceed:

- 100 hours of flight time in any 28 consecutive days;
- 900 hours of flight time in any calendar year; and
- 1 000 hours of flight time in any 12 consecutive calendar months.

Post-flight duty shall count as duty period. The operator shall specify in its operations manual the minimum time period for post-flight duties.

²⁰⁰ Government Decision No. 819/2016, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=93686&lang=ro

²⁰¹ Technical requirements - Fatigue control of air traffic controllers, available in Romanian at: <https://www.caa.md/storage/upload/normative/normativ-reports/596/CT-ATCO%20NCO.pdf>

²⁰² Flight times and duty periods for crew, available in Romanian at: <https://www.caa.md/storage/upload/normative/normativ-reports/files-option-362/1396.pdf>

Aviation security

79. Which bodies are responsible for the coordination and monitoring of the implementation of aviation security measures?

According to the provisions of the Aviation Security Law No. 192/2019²⁰³, the Civil Aviation Authority is responsible for the coordination and monitoring of the aviation security measures.

80. Please specify if the mentioned legislation applies to all airports, and if not, to which type of airport it applies (e.g. civil/military airports, airports handling only certain types of traffic)?

The above-mentioned legislation is applicable only for the civil aviation area. For aerodromes and fields which are used for domestic flights - alternative aviation measures²⁰⁴ to ensure security are applicable.

81. Please provide the names, ICAO codes, and IATA codes of the airports to which the applicable legislation applies. If the applicable legislation does not apply to all airports, please specify which airports are not covered and why.

The following airports are subject to Aviation Security law:

- Chisinau International Airport – IATA - KIV, ICAO- LUKK;
- Marculesti International Airport – ICAO – LUBM, IATA – n/a.

The following airports are subject to alternative aviation security:

Domestic aerodromes and airfields (that are not involved in passengers or cargo commercial operations):

- Horesti aerodrome - ICAO: LUKH;
- Vadul lui Voda airfield;
- Et-cetera airfield.

Due to the fact that Vadul lui Voda and Et-cetera are airfields they hold no ICAO or IATA codes.

²⁰³ Law No. 192/2019 on Aviation security, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=119695&lang=ro

²⁰⁴ https://www.caa.md/storage/upload/normative/normativ-reports/649/24_CT-MAS_M%C4%83suri%20alternative%20de%20securitate_ro.pdf

International organisations and conventions

82. Please specify the international organisations in the field of aviation of which Moldova is a member (ICAO, ECAC, JAA, Eurocontrol)? On what date did Moldova adhere to these organisations? Please indicate the date or intended date of joining the organisations Moldova is not yet member of.

The Republic of Moldova is part of the ICAO, ECAC, JAA and Eurocontrol organisations. Also, Civil Aviation Authority of the Republic of Moldova has signed a Working Arrangement with the European Aviation Safety Agency.

The timeline of joining the international organisations is as follows:

ICAO membership – 01.07.1992²⁰⁵

ECAC membership – 08.10.1997

JAA membership – 11.01.2001²⁰⁶

Eurocontrol membership - 23.12.1999²⁰⁷

EASA – CAA Working arrangements – 28.11.2014²⁰⁸.

Social protection

83. What are the rules for safety and health protection in the air transport sector? What are the rules for the working time of mobile workers in air transport?

The general safety and health provisions are established in the Labour Code. Also, there are specific aviation provisions in the Government Decision No. 831/2018 and Technical Requirements related to air operations²⁰⁹, which establish flight time limitations for the flight crew personnel.

In the Republic of Moldova, the legal relations related to the establishment of measures on ensuring the safety and health of workers at work, are regulated by the Law No. 186-XVI/2008 on safety and health at work.

²⁰⁵ Parliament Decision No. 97/1994 on the accession of the Republic of Moldova to certain international acts relating to international civil aviation, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=63097&lang=ro

²⁰⁶ https://www.caa.md/storage/upload/normative/normativ-reports/150/8_Aranjamente%20JAA_en.pdf

²⁰⁷ Parliament Decision No. 726/1999 on the accession of the Republic of Moldova to the international EUROCONTROL Convention, available in Romanian at:

https://www.legis.md/cautare/getResults?doc_id=60177&lang=ro

²⁰⁸ <https://www.caa.md/storage/upload/normative/normativ-reports/files-329/eng/1007.pdf>

²⁰⁹ Government Decision No. 831/2018 on the approval of the Regulation on administrative procedures relating to air operations, available in Romanian at: https://www.legis.md/cautare/getResults?doc_id=109000&lang=ro

This law establishes the general principles of occupational risk prevention, protection of workers at work, elimination of risk and injury factors, information, consultation, balanced participation, training of workers and their representatives, as well as general guidelines on the application of these principles.

By Government Decision No. 95/2009, on the Regulation on the organisation of activities for the protection of workers at work and the prevention of occupational risks was approved.

At the same time, the Government has adopted more than 20 normative acts in the targeted field that establish legal relations related to the investigation of accidents at work and minimum requirements for safety and health at work, protection of employees, etc.

The Republic of Moldova has acceded to and ratified a number of international conventions adopted by the International Labor Organization (ILO), the provisions of which are fully reflected in the normative and legislative acts in force.

Flight times and duty periods for crew is as follows:

The total duty periods to which a crew member may be assigned shall not exceed:

- 60 duty hours in any 7 consecutive days;
- 110 duty hours in any 14 consecutive days; and
- 190 duty hours in any 28 consecutive days, spread as evenly as practicable throughout that period.

The total flight time of the sectors on which an individual crew member is assigned as an operating crew member shall not exceed:

- 100 hours of flight time in any 28 consecutive days;
- 900 hours of flight time in any calendar year; and
- 1 000 hours of flight time in any 12 consecutive calendar months.

Post-flight duty shall count as duty period. The operator shall specify in its operations manual the minimum time period for post-flight duties.

For air traffic controllers the Labour Code No. 154/2003²¹⁰ establishes 35 hours working week. Also, the controllers work is governed by:

Government Decision No. 819/2016 establishing Minimum Safety and Health Requirements for working in front of display;

CT-ATCO NCO. Technical requirements - Fatigue control of air traffic controllers.

²¹⁰ Labour code No. 154/2003, available in Romanian at:
https://www.legis.md/cautare/getResults?doc_id=113032&lang=ro

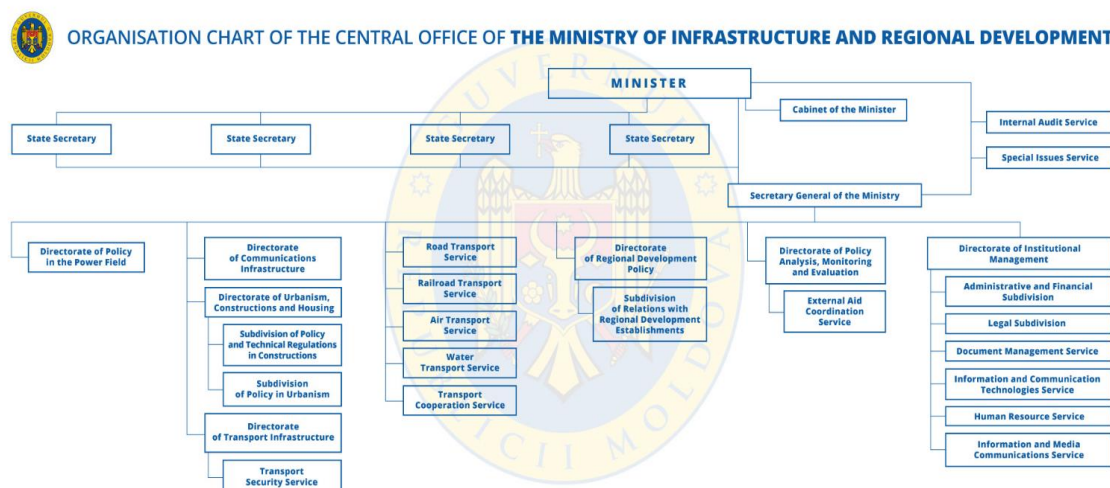
Administrative capacity

84. Please describe the bodies responsible for the administration of civil aviation with their names, legislative and regulatory status and the relations between them? Please indicate the number of persons employed by each body. How is the training of the employees organised? How are these bodies financed?

According to the provisions of the Aviation Code No. 301/2017, public administration of the aviation area is realised by the Ministry of Infrastructure and Regional Development²¹¹ and Civil Aviation Authority²¹².

The Ministry of Infrastructure and Regional Development is responsible for the development and implementing the policy.

According to the Ministry Organigram, a separate division is responsible for the air transport issues. It consists of two advisors. The Ministry Organigram²¹³ is presented below:



CAA is responsible for the certification and oversight of the civil aviation area activities.

The CAA is an administrative authority subordinated to the Ministry, financed from the state budget. According to the Government Decision No. 133/2019 the CAA staff is 94 persons. The training of the employees is organised according to the CAA training programme, based on which an annual training plan is approved. It includes all training needed to maintain the qualifications of CAA inspectors.

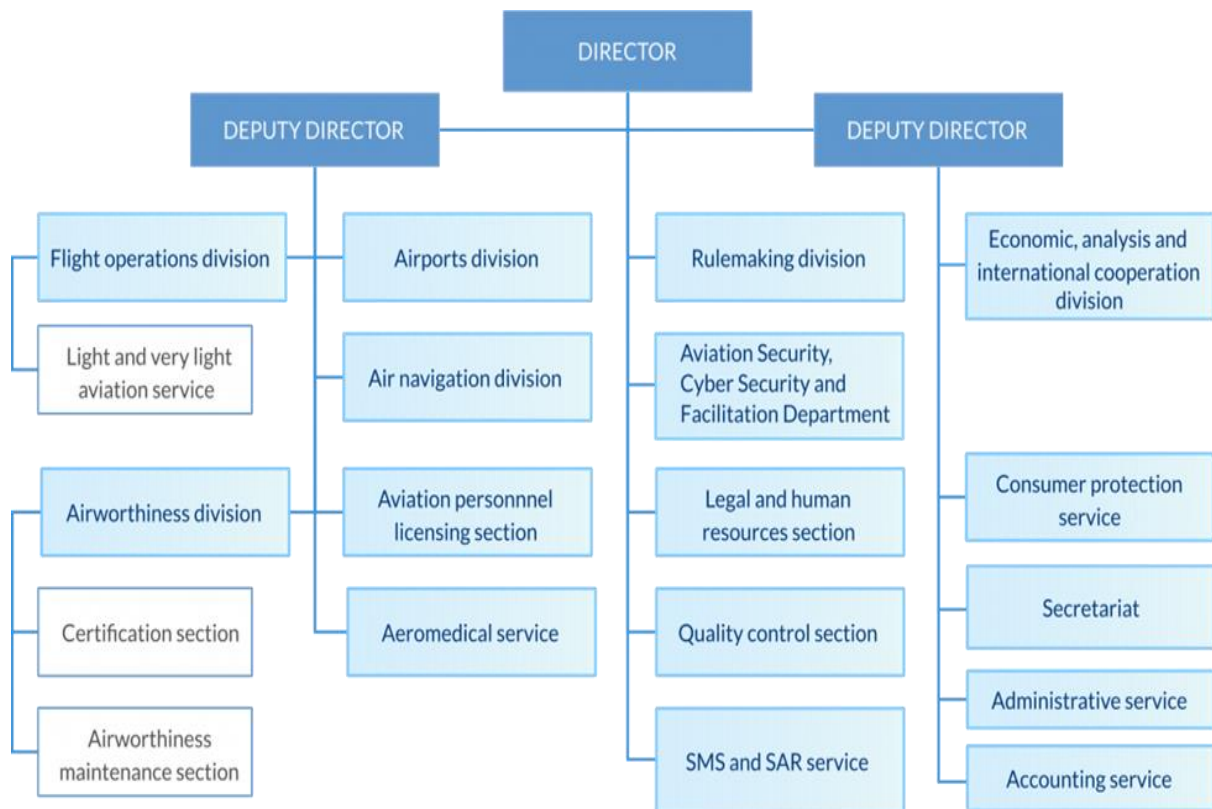
The CAA Organigramm²¹⁴ is presented below:

²¹¹ <https://midr.gov.md/>

²¹² <https://www.caa.md/en>

²¹³ <https://midr.gov.md/en/about-the-ministry/ministry-structure>

²¹⁴ <https://www.caa.md/en/organigrama-4-8>



Jointly, Ministry and CAA are responsible for the international relations activities, rulemaking process (CAA- drafting, Ministry – promoting).