

**MOLDOVA – MEASURES AFFECTING THE IMPORTATION  
AND INTERNAL SALE OF GOODS (ENVIRONMENTAL CHARGE)**

Request for Consultations by Ukraine

The following communication, dated 17 February 2011, from the delegation of Ukraine to the delegation of Moldova and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the Government of the Republic of Moldova pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes and Article XXII:1 of the General Agreement on Tariffs and Trade 1994 ("GATT 1994") on the following matters:

Pursuant to the Law "On Charge for Contamination of Environment" of 25 February 1998 ("Law") Moldova applies "a charge for import of products, the use of which contaminates the environment", ranging from 0,5% to 5% of the customs value of imported products. The list of goods is extensive and it seems to be a systemic issue. It appears that like domestic products are not subject to this charge.

Pursuant to the Law Moldova also applies "a charge for a plastic or 'tetra-pack' package containing products (except for dairy produce)", ranging from MDL 0,80 to 3,00 per a package. It appears that packages containing domestically produced like products are not subject to this charge.

Ukraine considers that the measure is inconsistent with Moldova's obligations under GATT 1994:

- Moldova seems to have acted inconsistently with Article III:1 and 2 of the GATT 1994, by subjecting the products of the territory of other Members imported into the territory of Moldova, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products and affording protection to domestic production;
- Moldova seems to have acted inconsistently with Article III:4 of the GATT 1994, by failing to accord to products of the territory of Ukraine imported into the territory of Moldova treatment no less favourable than that accorded to like products of national origin in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use.

With a view to reaching a mutually satisfactory solution to this matter, we propose that consultations be held in Geneva as soon as possible on a date to be agreed between our Missions.

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Ukraine reserves its right to raise further factual claims and legal matters during the course of the consultations.

We look forward to receiving your reply in due time to the present request and to fixing a mutually convenient date for the consultations.

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