AMENDING AGREEMENT NO.1 BETWEEN THE REPUBLIC OF MOLDOVA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO AMEND THE STRATEGIC PARTNERSHIP, TRADE AND COOPERATION AGREEMENT BETWEEN THE REPUBLIC OF MOLDOVA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, DONE AT CHIȘINĂU ON 24 DECEMBER 2020

The Republic of Moldova and the United Kingdom of Great Britain and Northern Ireland („the United Kingdom") (hereinafter jointly referred to as „the Parties" or individually referred to as „Party"),

DESIRING TO implement further tariff liberalisation pursuant to The Strategic Partnership, Trade and Cooperation Agreement between the Republic of Moldova and the United Kingdom of Great Britain and Northern Ireland, done at Chișinău on 24 December 2020 (the „the Trade and Cooperation Agreement"),

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Temporary Elimination of Customs Duties

1. For the duration of this Amending Agreement, the Trade and Cooperation Agreement shall be amended by the following paragraph being inserted below paragraph 1 of Article 124 (Elimination of Customs Duties on Imports):

'*1bis. Notwithstanding the other paragraphs of this Article or Annexes II and II-A to this Agreement, the United Kingdom shall eliminate all customs duties on goods originating in the Republic of Moldova.*'

2. For the duration of this Amending Agreement, Annex II-B to the Trade and Cooperation Agreement shall not apply, except in cases where the terms of this Amending Agreement expressly allow its application.

ARTICLE 2

Modification of Standstill

1. Where the United Kingdom eliminates any tariff pursuant to this Amending Agreement, the Parties agree that such measure shall be deemed to constitute a "unilateral reduction" within the meaning of Article 126(a) of the Trade and Cooperation Agreement. This shall be without prejudice to the application of Article 126(a) of the Trade and Cooperation Agreement in respect of reductions in customs duty not connected to this Amending Agreement.

2. Notwithstanding paragraphs 2 to 4 of Article 8 of this Amending Agreement, paragraph 1 of this Article shall continue beyond the termination of this Amending Agreement.

ARTICLE 3

Application of a Temporary Safeguard Measure

1. If, as a result of the temporary elimination of a customs duty provided for under this Amending Agreement, a good originating in the territory of the Republic of Moldova is being imported into the territory of the United Kingdom in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to cause serious injury or threat of serious injury, the United Kingdom may apply the temporary safeguard measure provided for in paragraph 2 to the extent necessary to prevent or remedy the serious injury and to facilitate the adjustment of the domestic industry.

2. In accordance with paragraph 1, the United Kingdom may increase the rate of customs duty on the good to a level that does not exceed the rate of customs duty on the good provided for in Annex II-A (Products Subject to Annual Duty-Free Tariff-Rate Quotas (UK)) to the Trade and Cooperation Agreement.

ARTICLE 4

Duration and Scope of a Temporary Safeguard Measure

1. The United Kingdom shall apply a temporary safeguard measure only for such time as may be necessary to prevent or remedy serious injury and to facilitate the adjustment of the domestic industry[1].

2. If the period of application of a temporary safeguard measure, including any period of provisional application, continues beyond 31 July 2024, the Republic of Moldova may request, in writing, that the United Kingdom review the application of the temporary safeguard measure to determine whether it is still necessary to prevent or remedy serious injury and to facilitate the adjustment of the domestic industry.

3. On receipt of the request described in paragraph 2, the United Kingdom shall carry out a review of the temporary safeguard measure unless it provides written notice in accordance with paragraph 1(d) of Article 6.

4. Notwithstanding paragraph 1, the United Kingdom shall terminate any temporary safeguard measure including any measures applied on a provisional basis, on a good as soon as this Amending Agreement terminates.

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1 A temporary safeguard measure applied under this Amending Agreement may continue to be applied where this Amending Agreement is extended beyond the date referred to in paragraph 2(a) of Article 8 of this Amending Agreement.

5. When the United Kingdom terminates a temporary safeguard measure on a good pursuant to paragraph 4 of this Article, the rate of customs duty for that good shall be the rate that would have been in effect in accordance with the Trade and Cooperation Agreement but for the temporary safeguard measure.

ARTICLE 5

Investigation Procedure for a Temporary Safeguard

The United Kingdom shall apply a temporary safeguard measure only following an investigation in accordance with the procedures provided for in Articles 3 and 4.2 of the Agreement on Safeguards; to this end, Articles 3 and 4.2 of the Agreement on Safeguards are incorporated into and made part of this Amending Agreement, *mutatis mutandis*.

ARTICLE 6

Notification and Consultation of a Temporary Safeguard

1. The United Kingdom shall provide written notice to the Republic of Moldova immediately after:

(a) initiating an investigation referred to in Article 5 (Investigation Procedure for a Temporary Safeguard);

(b) making a finding of serious injury or threat of serious injury caused by increased imports of an originating good of the Republic of Moldova as a result of the temporary elimination of customs duty in relation to the good;

(c) taking a decision to apply a temporary safeguard measure; and

(d) taking a decision not to carry out a review of a temporary safeguard measure following a request under paragraph 2 of Article 4.

ARTICLE 7

Provisional Application of a Temporary Safeguard Measure

1. In critical circumstances, the United Kingdom may apply a temporary safeguard measure on a provisional basis if:

(a) delay would cause damage to its domestic industry that would be difficult to repair; and
(b) the United Kingdom makes a preliminary determination that there is evidence that imports of a good originating in the territory of the Republic of Moldova have increased as the result of the temporary elimination of customs duty on that good

under this Amending Agreement, and that those increased imports have caused or are threatening to cause serious injury.

2. Before applying a temporary safeguard measure on a provisional basis the United Kingdom shall provide written notice to the Republic of Moldova.

3. A temporary safeguard measure applied on a provisional basis shall not be maintained for more than 200 days.

ARTICLE 8

Entry into Force and Termination

1. This Amending Agreement shall enter into force on 31 July 2023, provided that, before that date, the United Kingdom has delivered a notification to the Republic of Moldova of the completion of its internal procedures for entry into force. If the notification has not been delivered before 31 July 2023 this Agreement shall enter into force on the date that the United Kingdom delivers that notification.

2. (a) This Amending Agreement shall remain in force until 31 July 2024;

(b) Notwithstanding sub-paragraph (a), the Parties shall review the operation of this Amending Agreement prior to the date referred to under sub-paragraph (a) and may agree to extend this period further for such period of time, and under such conditions, as may be agreed by the Parties.

3. Notwithstanding paragraph 2, either Party may terminate this Amending Agreement by delivery of a written notification to the other Party. Such termination shall take effect three months after the date of such notification, or on such other date as the Parties may agree.

4. Following termination of this Amending Agreement, the Parties shall revert to the terms of the Trade and Cooperation Agreement as they existed prior to this Amending Agreement (without prejudice to Article 2 of this Amending Agreement), unless the Parties agree otherwise.

In witness whereof the undersigned, being duly authorised, have signed this Agreement.

DONE at Chisinau on this 25th day of May 2023.

For the Republic of Moldova

For the United Kingdom of Great Britain and Northern Ireland