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TITLE VII

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

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CHAPTER 1

INSTITUTIONAL FRAMEWORK

Article 433

Political and policy dialogue, including on issues related to sectoral cooperation between the Parties may take place at any level. Periodic high-level policy dialogue shall take place within the Association Council established by Article 434 of this Agreement and within the framework of regular meetings between representatives of the Parties at ministerial level by mutual agreement.

Article 434

1. An Association Council is hereby established. It shall supervise and monitor the application and implementation of this Agreement and periodically review the functioning of this Agreement in the light of its objectives.
2. The Association Council shall meet at ministerial level and at regular intervals, at least once a year, and when circumstances require. The Association Council may meet in any configuration, by mutual agreement.
3. In addition to supervising and monitoring the application and implementation of this Agreement, the Association Council shall examine any major issues arising within the framework of this Agreement, and any other bilateral or international issues of mutual interest.

Article 435

1. The Association Council shall consist of members of the Council of the European Union and members of the European Commission, on the one hand, and of members of the Government of the Republic of Moldova, on the other.
2. The Association Council shall establish its own rules of procedure.
3. The Association Council shall be chaired in turn by a representative of the Union and a representative of the Republic of Moldova.
4. Where appropriate, and by mutual agreement, representatives of other bodies may take part as observers in the work of the Association Council.

Article 436

1. For the purpose of attaining the objectives of this Agreement, the Association Council shall have the power to take decisions within the scope of this Agreement. Such decisions shall be binding upon the Parties, which shall take appropriate measures, including if necessary action of bodies established under this Agreement, to implement

the decisions taken. The Association Council may also make recommendations. It shall adopt its decisions and recommendations by agreement between the Parties following completion of the respective internal procedures.

2. In line with the objective of gradual approximation of the Republic of Moldova's legislation to that of the Union as laid down in this Agreement, the Association Council will be a forum for exchange of information on European Union and Moldovan legislation, both under preparation and in force, and on implementation, enforcement and compliance measures.
3. In accordance with paragraph 1 of this Article, the Association Council shall have the power to update or amend the Annexes to this Agreement without prejudice to any specific provisions under Title V (Trade and Trade-related Matters) of this Agreement.

Article 437

1. An Association Committee is hereby established. It shall assist the Association Council in the performance of its duties.
2. The Association Committee shall be composed of representatives of the Parties, in principle at senior civil servant level.
3. The Association Committee shall be chaired in turn by a representative of the Union and a representative of the Republic of Moldova.

Article 438

1. The Association Council shall determine in its rules of procedure the duties and functioning of the Association Committee, whose responsibilities shall include the preparation of meetings of the Association Council. The Association Committee shall meet at least once a year.
2. The Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions.
3. The Association Committee shall have the power to adopt decisions in the cases provided for in this Agreement and in areas in which the Association Council has delegated powers to it. These decisions shall be binding upon the Parties, which shall take appropriate measures to implement them. The Association Committee shall adopt its decisions by agreement between the Parties.
4. The Association Committee shall meet in a specific configuration to address all issues related to Title V (Trade and Trade-related Matters) of this Agreement. The Association Committee shall meet in this configuration at least once a year.

Article 439

1. The Association Committee shall be assisted by sub-committees established under this Agreement.
2. The Association Council may decide to set up any special committee or body in specific areas necessary for the implementation of this Agreement, and shall determine the composition, duties and functioning of such special committees or bodies. In addition,

such special committees or bodies may hold discussions on any matter that they consider relevant without prejudice to any of the specific provisions of Title V (Trade and Trade-related Matters) of this Agreement.

3. The Association Committee may also create sub-committees, including to take stock of progress achieved in the regular dialogues referred to in this Agreement.
4. The sub-committees shall have the powers to take decisions in the cases provided for in this Agreement. They shall report on their activities to the Association Committee regularly, as required.
5. The sub-committees established under Title V (Trade and Trade-related Matters) of this Agreement shall inform the Association Committee in its Trade configuration, as set out in Article 438(4) of this Agreement, of the date and agenda of their meetings sufficiently in advance of their meetings. They shall report on their activities at each regular meeting of the Association Committee in Trade configuration, as set out in Article 438(4) of this Agreement.
6. The existence of any of the sub-committees shall not prevent either Party from bringing any matter directly to the Association Committee, including in its Trade configuration, as set out in Article 438(4) of this Agreement.

Article 440

1. A Parliamentary Association Committee is hereby established. It shall be a forum for Members of the European Parliament and of the Parliament of the Republic of Moldova to meet and exchange views. It shall meet at intervals which it shall itself determine.
2. The Parliamentary Association Committee shall consist of Members of the European Parliament, on the one hand, and of Members of the Parliament of the Republic of Moldova, on the other.
3. The Parliamentary Association Committee shall establish its own rules of procedure.
4. The Parliamentary Association Committee shall be chaired in turn by a representative of the European Parliament and a representative of the Parliament of the Republic of Moldova respectively, in accordance with the provisions to be laid down in its rules of procedure.

Article 441

1. The Parliamentary Association Committee may request relevant information regarding the implementation of this Agreement from the Association Council, which shall then supply the Parliamentary Association Committee with the requested information.
2. The Parliamentary Association Committee shall be informed of the decisions and recommendations of the Association Council.
3. The Parliamentary Association Committee may make recommendations to the Association Council.
4. The Parliamentary Association Committee may create Parliamentary Association sub-committees.

Article 442

1. The Parties shall also promote regular meetings of representatives of their civil societies, in order to keep them informed of, and gather their input for, the implementation of this Agreement.
2. A Civil Society Platform is hereby established. It shall be a forum to meet and exchange views for, and consist of, representatives of Civil Society on the side of the EU, including Members of the European Economic and Social Committee, and representatives of civil society on the side of the Republic of Moldova. It shall meet at intervals which it shall itself determine.
3. The Civil Society Platform shall establish its own rules of procedure.
4. The Civil Society Platform shall be chaired in turn by a representative of the European Economic and Social Committee and representatives of civil society on the side of the Republic of Moldova respectively, in accordance with the provisions to be laid down in its rules of procedure.

Article 443

1. The Civil Society Platform shall be informed of the decisions and recommendations of the Association Council.
2. The Civil Society Platform may make recommendations to the Association Council.
3. The Association Committee and Parliamentary Association Committee shall organize regular contacts with representatives of the Civil Society Platform in order to obtain their views on the attainment of the objectives of this Agreement.

CHAPTER 2

GENERAL AND FINAL PROVISIONS

Article 444

Access to courts and administrative organs

Within the scope of this Agreement, the Parties undertake to ensure that natural and legal persons of the other Party have access that is free of discrimination in relation to its own nationals to its competent courts and administrative organs, to defend their individual rights and property rights.

Article 445

Access to official documents

The provisions of this Agreement shall be without prejudice to the application of the relevant internal laws and regulations of the Parties regarding public access to official documents.

Article 446

Security Exceptions

Nothing in this Agreement shall prevent a Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to the production of, or trade in, arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its own security, in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war, or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

Article 447

Non-discrimination

1. In the fields covered by this Agreement and without prejudice to any special provisions contained therein:
 - (a) the arrangements applied by the Republic of Moldova in respect of the Union or the Member States shall not give rise to any discrimination between the Member States, their nationals, companies or firms;
 - (b) the arrangements applied by the Union or the Member States in respect of the Republic of Moldova shall not give rise to any discrimination between nationals, companies or firms of the Republic of Moldova.

2. The provisions of paragraph 1 shall be without prejudice to the right of the Parties to apply the relevant provisions of their fiscal legislation to taxpayers who are not in identical situations as regards their place of residence.

Article 448

Gradual Approximation

The Republic of Moldova shall carry out gradual approximation of its legislation to EU law and international instruments as referred to in the Annexes to this Agreement, based on commitments identified in this Agreement, and according to the provisions of those Annexes. This provision shall be without prejudice to any specific provisions and obligations on approximation under Title V (Trade and Trade-related Matters) of this Agreement.

Article 449

Dynamic approximation

In line with the goal of gradual approximation by the Republic of Moldova to EU law, and in particular as regards the commitments identified in Titles III, IV, V and VI of this Agreement, and according to the provisions of the Annexes, the Association Council shall periodically revise and update those Annexes, including to take into account the evolution of EU law as defined in this Agreement. This provision shall be without prejudice to any specific provisions under Title V (Trade and Trade-related Matters) of this Agreement.

Article 450

Monitoring

Monitoring shall mean the continuous appraisal of progress in implementing and enforcing measures covered by this Agreement. The Parties will cooperate in order to facilitate the monitoring process in the framework of the institutional bodies established by this Agreement.

Article 451

Assessment of Approximation

1. The EU shall assess the approximation of the Republic of Moldovan law to EU law, as defined in this Agreement. This includes aspects of implementation and enforcement. These assessments may be conducted by the EU individually, by the EU in agreement with the Republic of Moldova, or jointly by the Parties. To facilitate the assessment process, the Republic of Moldova shall report to the EU on progress in approximation, where appropriate before the end of the transitional periods set out in this Agreement in relation to EU legal acts. The reporting and assessment process, including modalities and frequency of assessments will take into account specific modalities laid down in this Agreement or decisions by the institutional bodies established by this Agreement.
2. Assessment of approximation may include on-the-spot missions, with the participation of EU institutions, bodies and agencies, non-governmental bodies, supervisory authorities, independent experts and others as needed.

Article 452

Results of Monitoring, including assessments of approximation

1. The results of monitoring activities, including the assessments of approximation as set out in Article 451 of this Agreement, shall be discussed in all relevant bodies established under this Agreement. Such bodies may adopt joint recommendations, agreed unanimously, which shall be submitted to the Association Council.
2. If the Parties agree that necessary measures covered by Title V (Trade and Trade-related Matters) of this Agreement have been implemented and are being enforced, the Association Council, under the powers conferred on it by Article 436 of this Agreement, shall agree on further market opening as defined in Title V (Trade and Trade-related Matters) of this Agreement.
3. A joint recommendation as referred to in paragraph 1 of this Article submitted to the Association Council, or the failure to reach such a recommendation, shall not be subject to dispute settlement as defined in Title V (Trade and Trade-related Matters) of this Agreement. A decision taken by the relevant body established under this Agreement, or failure to take such a decision, shall not be subject to dispute settlement as defined in Title V (Trade and Trade-related Matters) of this Agreement.

Article 453

Fulfilment of Obligations

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall ensure that the objectives set out in this Agreement are attained.
2. The Parties agree to consult promptly through appropriate channels at the request of either Party, to discuss any matter concerning the interpretation, implementation, or good faith application of this Agreement and other relevant aspects of the relations between the Parties.
3. The Parties shall refer to the Association Council any dispute related to the interpretation, implementation, or good faith application of this Agreement in accordance with Article 454 of this Agreement. The Association Council may settle a dispute by means of a binding decision.

Article 454

Dispute Settlement

1. When a dispute arises between the Parties concerning the interpretation, implementation, or good faith application of this Agreement, any Party shall submit to the other Party and the Association Council a formal request that the matter in dispute be resolved. By way of derogation, disputes concerning the interpretation, implementation, or good faith application of Title V (Trade and Trade-related Matters) shall be exclusively governed by Chapter 14 (Dispute Settlement) of that Title.
2. The Parties shall endeavour to resolve the dispute by entering into good faith consultations within the Association Council and other relevant bodies referred to in

Articles 437 and 439 of this Agreement, with the aim of reaching a mutually acceptable solution in the shortest time possible.

3. The Parties shall provide the Association Council and other relevant bodies with all information required for a thorough examination of the situation.
4. As long as a dispute is not resolved, it shall be discussed at every meeting of the Association Council. A dispute shall be deemed to be resolved when the Association Council has taken a binding decision to settle the matter as provided for in paragraph 3 of Article 453 of this Agreement, or when it has declared that the dispute is at an end. Consultations on a dispute can also be held at any meeting of the Association Committee or any other relevant body referred to in Article 439 of this Agreement, as agreed between the Parties or at the request of either of the Parties. Consultations may also be held in writing.
5. All information disclosed during the consultations shall remain confidential.

Article 455

Appropriate measures in case of non-fulfilment of obligations

1. A Party may take appropriate measures if the matter at issue is not resolved within three months of the date of notification of a formal request for dispute settlement according to Article 454 of this Agreement and if the complaining Party continues to consider that the other Party has failed to fulfil an obligation under this Agreement. The requirement for a three-month consultation period shall not apply to exceptional cases set out in paragraph 3 of this Article.
2. In the selection of appropriate measures, priority shall be given to those which least disturb the functioning of this Agreement. Except in cases described in paragraph 3 of this Article, such measures may not include the suspension of any rights or obligations provided for under provisions of this Agreement set out in Title V (Trade and Trade-related Matters). The measures taken under paragraph 1 shall be notified immediately to the Association Council and shall be the subject of consultations in accordance with paragraph 2 of Article 453, and of dispute settlement in accordance with paragraph 3 of Article 453 and Article 454 of this Agreement.
3. The exceptions referred to in paragraphs 1 and 2 above shall concern:
 - (a) denunciation of this Agreement not sanctioned by the general rules of international law, or
 - (b) violation by the other Party of any of the essential elements of this Agreement, referred to in Article 2 of Title I (General Principles) of this Agreement.

Relation to other agreements

Article 456

1. The Partnership and Cooperation Agreement between the European Communities and their Member States, on the one hand, and the Republic of Moldova, on the other hand, signed in Luxembourg on 28 November 1994 and which entered into effect on 1 July 1998 is hereby repealed.
2. This Agreement replaces the aforementioned agreement. References to the aforementioned agreement in all other agreements between the Parties shall be construed as referring to this Agreement.
3. This Agreement replaces the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuff, signed on 26 June 2012 in Brussels and which entered into force on 1 April 2013.

Article 457

1. This Agreement shall not, until equivalent rights for individuals and economic operators have been achieved under this Agreement, affect rights ensured to them through existing agreements binding one or more Member States, on the one hand, and Republic of Moldova on the other hand.
2. Existing agreements relating to specific areas of cooperation falling within the scope of this Agreement shall be considered part of the overall bilateral relations as governed by this Agreement and as forming part of a common institutional framework.

Article 458

1. The Parties may complement this Agreement by concluding specific agreements in any area falling within its scope. Such agreements shall be an integral part of the overall bilateral relations as governed by this Agreement and shall form part of a common institutional framework.
2. Without prejudice to the relevant provisions of the Treaty on European Union and the Treaty on the Functioning of the European Union, neither this Agreement nor action taken hereunder shall in any way affect the powers of the Member States to undertake bilateral cooperation activities with the Republic of Moldova or to conclude, where appropriate, new cooperation agreements with the Republic of Moldova.

Article 459

Annexes and Protocols

Annexes and Protocols shall form an integral part of this Agreement.

Article 460

Duration

1. This Agreement is concluded for an unlimited period.
2. Either Party may denounce this Agreement by notifying the other Party. This Agreement shall terminate six months from the date of receipt of such notification.

Article 461

Definition of the Parties

For the purposes of this Agreement, the term "the Parties" shall mean the EU, or its Member States, or the EU and its Member States, in accordance with their respective powers as derived from the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), and, where relevant, it shall also refer to Euratom, in accordance with its powers under the Treaty establishing the European Atomic Energy Community of the one part, and Republic of Moldova of the other part.

Article 462

Territorial application

1. This Agreement shall apply, of the one part, to the territories in which the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and the Treaty establishing the European Atomic Energy Community are applied and under the conditions laid down in those Treaties, and, without prejudice to paragraph 2 below, of the other part, to the territory of the Republic of Moldova.
2. The application of this Agreement, or of Title V (Trade and Trade-related Matters) thereof, in relation to those areas of the Republic of Moldova over which the Government of the Republic of Moldova does not exercise effective control, shall commence once the Republic of Moldova ensures the full implementation and enforcement of this Agreement, or of Title V (Trade and Trade-related Matters) thereof, respectively, on its entire territory.
3. The Association Council shall adopt a decision on when the full implementation and enforcement of this Agreement, or of Title V (Trade and Trade-related Matters) thereof, on the entire territory of the Republic of Moldova, is ensured.
4. Should a Party consider that the full implementation and enforcement of this Agreement, or of Title V (Trade and Trade-related Matters) thereof, respectively, is no longer ensured in the areas of the Republic of Moldova referred to in paragraph 2 of this Article, that Party may request the Association Council to reconsider the continued application of this Agreement, or of Title V (Trade and Trade-related Matters) thereof, respectively, in relation to the areas concerned. The Association Council shall examine the situation and adopt a decision on the continued application of this Agreement, or of Title V (Trade and Trade-related Matters) thereof, respectively, within three months of the request. If the Association Council does not adopt a decision within three months of the request, the application of this Agreement or of Title V (Trade and Trade-related

Matters) thereof, respectively, shall be suspended in relation to the areas concerned until the Association Council adopts a decision.

5. Decisions of the Association Council under this Article on the application of Title V (Trade and Trade-related Matters) of this Agreement shall cover the entirety of that Title and cannot only cover parts thereof.

Article 463

Depositary of this Agreement

The General Secretariat of the Council of the European Union shall be the depositary of this Agreement.

Article 464

Authentic texts

This Agreement shall be drawn up in duplicate in each of the official languages of the Parties, each of these texts being equally authentic.

Article 465

Entry into force and provisional application

1. The Parties shall ratify or approve this Agreement in accordance with their internal procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.
2. This Agreement shall enter into force on the first day of the second month following the date of the deposit of the last instrument of ratification or approval.
3. Notwithstanding paragraph 2 of this Article, the Union and the Republic of Moldova agree to provisionally apply this Agreement in part, as specified by the Union, as set out in paragraph 4 of this Article, and in accordance with their respective internal procedures and legislation as applicable.
4. The provisional application shall be effective from the first day of the second month following the date of receipt by the Depositary of the following:
 - (a) the Union's notification on the completion of the procedures necessary for this purpose, indicating the parts of the Agreement that shall be provisionally applied; and
 - (b) Republic of Moldova's notification of the completion of the procedures necessary for provisional application of this Agreement.
5. For the purpose of the relevant provisions of this Agreement, including its respective Annexes and Protocols, any reference in such provisions to the “date of entry into force of this Agreement” shall be understood to the “date from which this Agreement is provisionally applied” in accordance with paragraph 3 of this Article.

6. During the period of the provisional application, in so far as the provisions of the Partnership and Cooperation Agreement between the European Communities and their Member States, on the one hand, and Republic of Moldova, on the other hand, signed in Luxembourg on 28 November 1994 and entered into force on 1 July 1998, are not covered by the provisional application of this Agreement, they continue to apply.
7. Either Party may give written notification to the Depositary of its intention to terminate the provisional application of this Agreement. Termination of provisional application shall take effect six months after receipt of the notification by the Depositary.