

WORLD TRADE ORGANIZATION

RESTRICTED

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**Working Party on the
Accession of Albania**

Original: English

ACCESSION OF ALBANIA

Memorandum on Compliance with Technical Barriers to Trade

Revision

The Ministry of Economic Co-operation and Trade of the Republic of Albania has submitted the following Memorandum on Compliance with Technical Barriers to Trade (TBT), with the request that it be circulated to members of the Working Party.

Memorandum on Compliance with Technical Barriers to Trade (TBT)

Albanian Compliance	Requirements under the WTO
1. The Law on Standardization provides for Standstill: the introduction of new standards, technical regulations and conformity assessment procedures should be fully compatible with the TBT Agreement principles.	1. Generally agreed principal in WTO accession negotiations.
2. The Law on Standardization and the four Decisions of the Council of Ministers that follow assure compliance with TBT: (1) the "Code of Good Practice for the Adoption and Application of Standards", Decision of the Council of Ministers, Number 242, dated 28.05.99; (2) Criteria and Competencies in the Fields of Standardization, Certification, and Accreditation; (3) Exchange of Information on Standards and Technical Regulations; and (4) the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulations and Standards, Number 323, dated 08.07.1999	2. Article 15.2 and TBT Committee Decision (G/TBT/1)
Commitment: Albania commits to having the final two Decisions approved and implemented at the end of October 1999.	
3. By Order of the Prime Minister, Number 36, dated 06.05.1999, (Paragraph 7) it is officially established that Albania will have one enquiry point for information on	3. Articles 10

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<p>standards and technical regulations to be in compliance with SPS and TBT. The location of the enquiry point is as follows:</p> <p>Directorate for Standardization Rr. "Mine Peza", Nr. 143/3 Tirana, ALBANIA + 355-42-47176 telephone + 355-42-26255 fax dsc@icc.al.eu.org e-mail</p>	
<p>Commitment: The Directorate of Standardization, with its authority and responsibility to operate a single unit inquiry point, commits Albania to having a fully operational single unit inquiry point at the time of accession.</p>	
<p>4. Relevant ministries (Ministry of Agriculture and Food, Ministry of Health, Ministry of Labor and Immigration, Ministry of Public Works and Transportation, Ministry of Education and Science) will be the authorities responsible for notification, publications and other internal procedures to ensure that transparency obligations are met on an ongoing basis:</p>	<p>4. Article 2,3,5,7,10,15.2, Annex 3 and G/TBT/1</p>
<p>(A) the Decision of the Council of Ministers on the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulation and Standards will define the publications where notices of proposed technical regulations and conformity assessment procedures will appear;</p> <p>(B) the Directorate for Standardization will be the authority responsible for making the notifications to the WTO, Order of the Prime Minister, Number 36, dated 6 May 1999, (Paragraph 7);</p> <p>(C) the Decision of the Council of Ministers on the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulation and Standards will give guidance for ensuring non-discrimination consideration of comments in the preparation of a final regulation and will define the responsible authority; and</p> <p>(D) the Decision of the Council of Ministers on the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulation and Standards will define a reasonable period of time between the final publication of a technical regulation and conformity assessment procedure and its entry into force so that suppliers can adapt;</p>	<p>(A) Articles 2.9.1,3.1,5.6.1,7.1,10.1.5</p> <p>(B) Articles 2.9.2, 2.10.1, 3.2,3.3,5.6.2, 5.7.1,7.2,7.3,10.7,10.10</p> <p>(C) Articles 2.9.4,2.10.3,3.1,3.35.6.4,5.7.3, 7.1,7.3</p> <p>(D) Articles 2.11,2.12,3.1,5.8,5.9, 7.1</p>

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(E) with regard to standards, the adopted code, letter "J", will be published by the Directorate of Standardization will provide notification of draft standards and provide an opportunity for public comment.	(E) Article 4, Annex 3 (J,K,L,N,O); Article 8.1
<p>5. Development and Application of Technical Regulations and Conformity Assessment Procedures: existence of legal and/or administrative underpinnings (or "reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:</p> <p>(A) the Albanian Law on Standardization, Article 4, provides for non-discrimination with respect to treatment of products and the Decision of the Council of Ministers on the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulation and Standards;</p>	<p>5. Articles 2, 3, 5, 6, 7</p> <p>(A) Articles 2.1, 3.1, 5.1, 5.2, 7.1</p>
<p>(B) the Albanian Law on Standardization, Article 4, and the Decision on the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulation and Standards provides for the prohibition of unnecessary obstacles to international trade and the consideration of less trade-restrictive alternatives to fulfilling legitimate objectives;</p> <p>(C) the Decision on the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulation and Standards will provide for ongoing review of technical regulations to ensure they are appropriate to achieve the desired legitimate objective;</p> <p>(D) the Law on Standardization, Article 4, and the Decision on the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulation and Standards provides for the consideration of appropriate international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures;</p> <p>(E) the Decision on the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulation and Standards will provide for the consideration of equivalent technical regulations of other Members;</p>	<p>(B) Articles 2.2, 3.1, 5.1, 5.2, 7.1</p> <p>(C) Articles 2.3, 3.1, 7.1</p> <p>(D) Articles 2.4, 3.1, 5.4, 7.1</p> <p>(E) Articles 2.7, 3.1, 7.1</p>

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<p>(F) relevant ministries can take the decision to accept the results of conformity assessment procedures conducted by bodies in an exporting Member country as well as the Decision on the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulation and Standards; and</p> <p>(G) relevant ministries will implement a non-discriminatory and a cost-based fee structure as well as the Decision on the Preparation, Adoption and Application of Technical Regulations and the Procedures for Assessment of Conformity with Technical Regulation and Standards.</p>	<p>(F) Articles 6, 7.1</p> <p>(G) Articles 5.2, 7.1, 10.4</p>
<p>6. Development and Application of Standards and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or "reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:</p> <p>(A) the Law on Standardization, Article 4, and the Adopted Code provide for non-discrimination with respect to the treatment of products;</p> <p>(B) the Law on Standardization, Article 4, and the Adopted Code provide for the prohibition of unnecessary obstacles to international trade;</p> <p>(C) the Law on Standardization, Article 4, and the Adopted Code provide for the consideration of appropriate international standards, guides, and recommendations as basis for standards;</p> <p>(D) the Adopted Code provides non-discriminatory and cost-based fee structure.</p>	<p>6. Article 4 and Annex 3, Article 8</p> <p>(A) Annex 3 (D), Article 8.1</p> <p>(B) Annex 3 (E), Article 8.1</p> <p>(C) Annex 3 (F), Article 8.1</p> <p>(D) Annex 3 (M), Annex 3 (P), Articles 8.1, 10.4</p>