

WORLD TRADE ORGANIZATION

RESTRICTED

S/C/W/239

21 April 2004

(04-1793)

Council for Trade in Services

Original: English

REPUBLIC OF ALBANIA

Rectification of Schedule of Specific Commitments

The following communication has been received from the delegation of the Republic of Albania with the request that it be circulated to Members in accordance with the "Procedures for the Certification of Rectifications or Improvements to Schedules of Specific Commitments" (S/L/84). In accordance with these Procedures, if no objections are communicated to the Secretariat within 45 days from the date of this communication, the rectification procedure shall be concluded and the intended rectifications (see attached draft schedule) shall be certified and will constitute an integral part of the Schedule of Specific Commitments of the Republic of Albania (GATS/SC/131).

1. In the Schedule of Specific Commitments of the Republic of Albania (GATS/SC/131), the horizontal commitment on real estate under mode 3 reads as follows:

3) Natural and juridical foreign persons that intend to supply services or are supplying services in the territory of Republic of Albania will be entitled to lease or to buy non-agricultural land necessary to carry out their business whether the land is state-owned or privately owned. To buy state-owned non-agricultural land the value of investment at the certain land must be three times higher than the value of non-agricultural land. The Council of the Ministers defines the value of non-agricultural land when it is state-owned property. No restrictions apply with regard to the acquisition of private land as well as leasing of land.

2. In the process of its negotiations on the Stabilization and Association Agreement with the European Union, Albania has re-examined its whole legislation including the legislation on the purchase and rent of non-agricultural land. Albania has noticed that the commitment related to purchasing of land is a misinterpretation of Article 5 of Law No. 7980 on "Sales and Purchases of Sites" dated 27 July 1995.

3. As this law is still in force and is being implemented without change, Albania requests that the horizontal commitment on real estate under mode 3 in its Schedule be corrected to read:

3) Natural and juridical foreign persons that intend to supply services or are supplying services in the territory of the Republic of Albania will be entitled to lease or to buy non-agricultural land necessary to carry out their business whether the land is state-owned or privately owned. To buy non-agricultural land the value of investment at the certain land must be three times higher than the value of non-agricultural land.

4. Please find attached the draft schedule indicating the rectifications.

./.

ALBANIA: Schedule of Specific Commitments

GATS/SC/131

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS			
Real Estate		<p>3) Natural and juridical foreign persons that intend to supply services or are supplying services in the territory of the Republic of Albania will be entitled to lease or to buy non-agricultural land necessary to carry out their business whether the land is state-owned or privately owned. To buy state-owned non-agricultural land the value of investment at the certain land must be three times higher than the value of non –agricultural land. The Council of the Ministers defines the value of non-agricultural land when it is state owned property.</p> <p>No restrictions apply with regard to the acquisition of private land as well as leasing of land.</p>	