

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/ALB/35

30 March 1999

(99-1288)

**Working Party on the
Accession of Albania**

Original: English

ACCESSION OF ALBANIA

Memorandum on Restrictions and Prohibition for Importable Products

The Ministry of Economic Co-operation and Trade of the Republic of Albania has submitted the following Memorandum on Restrictions and Prohibition for Importable Products, with the request that it be circulated to members of the Working Party.

MEMORANDUM ON RESTRICTIONS AND PROHIBITIONS FOR IMPORTABLE PRODUCTS

Products Requiring Import Licensing, by Type: Justification, Licensing and other Requirements

Article and Description by Harmonised Code or as Described by Law or International Convention	Justification/Rationale of the Restriction	Process to Obtain Licence, Type of Licence, and Duration
<p>93.01 - 93.07 Arms and Munitions, Parts and Accessories Thereof: Military weapons, munitions such as bullets of all calibre's, missiles, grenades, mines, fireworks of 180 mm, etc.</p> <p>36.01 - 36.06.90.90 Explosives, Pyrotechnic Products, Matches, Pyrophoric Alloys: military explosives and powders such as TNT, egzogyn, dynamite, ammonite, etc.; all kinds of firearms</p> <p>Regulation for the "Licensing of Trade and Sale of Armaments", dated 10.09.1994 approved by the Prime Minister;</p> <p>Decision of the Council of Ministers: On the Extermination and Sales of Armaments and Munitions", No. 365, 6.6.1994</p> <p>Decision of the Council of Ministers: "For Working with Explosive Materials", No. 257, 16.4.1996</p>	<p>To protect the national security of the Republic.</p>	<p>The Ministry of Defence (MOD) has defined the procedures for obtaining export licences for these products and is authorised to issue such licences.</p> <p>There are two types of licences, one for armaments and one for explosive materials. For armaments, the licence is available for juridical, public, private, Albanian, and foreigners. The licence is authorised by the Order by the MOD, No. 402, dated 1998. The licence is transferable and can be automatically renewed in part or whole by the Minister.</p> <p>The licensed enterprises or person(s) must have an Export Authorisation by the MOD. The authorisation is granted when the following documents are supplied: legal registration of the enterprise or person, the right to excise the activity, and the certificate of the end-user.</p> <p>For explosives, licences are issued under Order No. 402 by a commission in the MOD. A licence defines the purposes of the activity, the date of issue, validity, the terms of renovation of the licence and the registration number. The licence is issued to professionals and is non-transferable. The licence is for two years and is renewable.</p>
<p>28.44 Nuclear materials, radioactive materials, sources for the radioactive radiation (including radioactive waste), technologies, equipment and plants, special non-nuclear materials</p>	<p>To protect the national security of the Republic, as well as to adhere to international commitments related to non-proliferation, mass destruction and production of technologies thereof.</p>	<p>The Ministry of Defence has defined the procedures for obtaining import licensing for these products.</p>

Article and Description by Harmonised Code or as Described by Law or International Convention	Justification/Rationale of the Restriction	Process to Obtain Licence, Type of Licence, and Duration
<p>Non-dangerous waste: Waste from social and economic activities and physically consumed products that are not included in the definition of dangerous waste (see prohibited section for the definition of dangerous waste); these products include waste from steel, foundry, copper, brass, bronze, glass, paper and card board, wool and cotton fibres, fabrics of wool and cotton ; contemporary productive technology (equipment, methods, or new technologies that are used to prevent or minimise the damage to the environment); and urban waste from houses and social activities.</p> <p>Decision of the Council of Ministers: "On Dangerous and Non-dangerous Waste", No. 26, dated 31.1.94</p>	<p>To protect the life and health of the population, and to protect the environment</p>	<p>The Ministry of Health and the Committee of Environmental Protection has defined the procedures for obtaining import licensing for non-dangerous waste.</p> <p>To request a licence one must be a physical and juridical person(s), must provide a declaration that contains a list of the waste to be imported, its quality and composition, its destination within Albania, and an explanation of the purposes of its use (i.e., if to be used in productive economic activity or as waste without additional value-added activities). The importer must respect all standards of environmental protection.</p> <p>The importer must have a declaration on waste provided by the authorised institutions of the country of origin, certificates that demonstrate that such waste are not dangerous, and that the exporter have permission from the customs authorities of the country of origin. Finally, all transportation documents must accompany the above-mentioned documents.</p> <p>The Ministry of Health or Committee on Environmental Protection must issue or refuse a licence within 30 working days after the submission of the application. Licences are valid for one year and are non-automatic.</p>
<p>Narcotic Drugs and Psychotropic Substances refer to the list in accordance with the Conventions of 1961 and 1971. See Annex 2 of this table, titled " List of Narcotic Drugs and Psychotropic Substances which require import Licensing and Special Import Authorisation to be imported in Albania".</p>	<p>To control narcotics through import quotes as well as the controlling of the whole import process.</p>	<p>Medicines are permitted to circulate in the Republic of Albania after they have been registered. Both local and foreign products are subject to registration which. Once registered, imports of medicines occur according to the following procedure:</p>

Article and Description by Harmonised Code or as Described by Law or International Convention	Justification/Rationale of the Restriction	Process to Obtain Licence, Type of Licence, and Duration
<p>Law: "On Narcotic Drugs and Psychotropic Substances, No. 7975, dated 26 July 1995.</p> <p>This law was drafted in accordance with the Convention on "Narcotic Drugs" 1961 and Convention on "Psychotropic Substances" 1971, and the Adjournments of 1993.</p>	<p>To protect the life and health of the population and to adhere to international conventions to which Albania is a signatory.</p>	<p>If the medicines are either narcotic or Psychotropic for use in the medical science, in addition to the registration, the importer is required to obtain a licensing from the Ministry of Health, which defines the procedures for obtaining import licensing for such products. A licence can be issued only for medical and scientific purposes. To request for a licence, the importer, either a producer or a party authorised by him, must provide the name and address of the technical director (i.e., a licensed pharmacist registered in Albania), define the scope of the activities, the countries with which trade will occur, and provide a list of the name and quantities of the substances.</p> <p>The licence is non-automatic, non-transferable and valid for one year. Upon expiry of this term, the importing entity should apply for a new import licence. Upon issuing of the import licensing, the importer of narcotic or Psychotropic medicines may import such medicines only after being issued an authorisation from Ministry of Health (that is issued within five days) and a concession from the Directory of Pharmaceuticals. To receive both documents, the importer should present a request that includes the name and address of the exporter, the name of the recipient of the cargo (importer in Albanian), the joint international name, the name of the medicine in the tables included the international conventions, the quantity of each medicine, the time period when the import is due, the mode of transport and the point of destination within the Republic of Albania.</p>

Article and Description by Harmonised Code or as Described by Law or International Convention	Justification/Rationale of the Restriction	Process to Obtain Licence, Type of Licence, and Duration
		<p>The authorisation is based on the sample compiled by the Narcotic Medicines Commission of the Economic and Social Council of United Nations. The authorisation is passed by the Albanian importer to the foreign producers (the respective exporter) who presents it to the Control Bodies of his country and the latter presents this authorisation to the International Board of Narcotic Control (INCB) to carry out the necessary verifications. After approval from the latter, the exporting country issues to the producer the export authorisation. This document should be together with the cargo and upon arrival at the destination, a copy of it is sent to the Albanian control authorities, which confirm the arrival of the cargo to the government of the exporting country.</p> <p>Upon the arrival of cargo in Albania, the respective import concession is issued in same mode as proceeded for other medicines (refer to the following paragraph).</p>
<p>30.00 Pharmaceutical products</p> <p>Law on “Medicaments”, No. 7815, dated 20.04.1994</p>	<p>To protect the life and health of the population.</p>	<p>Medicines are permitted to circulate in the Republic of Albania after they have been registered. Both local and foreign products are subject to registration. Upon registration, the importing of medicines occurs under the following procedure:</p>

Article and Description by Harmonised Code or as Described by Law or International Convention	Justification/Rationale of the Restriction	Process to Obtain Licence, Type of Licence, and Duration
		<p>If ordinary medicines are going to be imported, a request for concession to import is deposited by the importer at the Pharmaceutics Directory within Ministry of Health. This request should include the list of medicines to be imported, the international collective name (INN) and the commercial name, the quantity to be imported for each separate medicine, and the Albania CIF price. Upon completion of this procedure, the import marketing authorisation is issued (which serves as a document to check the quality and quantity of the medicine) by the Ministry of Health and is presented to the custom authority. The term of issuing such a concession is five days.</p>
<p>12.00 Seeds and seedlings</p> <p>Law: "On Seeds and Saplings", No. 7659, dated 12.01.1993.</p> <p>Decision of Council of Ministers: "The Setting up of the State Entity of Seeds and Saplings (SESS)", No. 447, dated 3.09.1993</p>	<p>To control the import of seeds and seedlings to ensure the quality of seeds and saplings through controls over the whole import process. To protect plant health, to protect the life and health of the population and to adhere to international organisation to which Albania is a signatory.</p>	<p>Licences are issued by the State Entity of seeds and saplings based on the regulation of the law on the seeds and Saplings" Number 7659, dated January 12, 1993. Licences are issued to juridical persons, domestic or foreign, who possess the necessary technical qualification (university diploma in agronomy) or have employed in their companies such a qualified person. Licences are annual and are automatically renewable each year. Before being issued a import concession, one should have received an activity licence for producing and/or trading seeds.</p>

Article and Description by Harmonised Code or as Described by Law or International Convention	Justification/Rationale of the Restriction	Process to Obtain Licence, Type of Licence, and Duration
Decision of Council of Ministers "On Approving the Regulations for the Production, Reproduction, Treatment, Assessment, Trade, Control of Seeds and Saplings and for Protection and Treatment of Genetic Material of Plants", No. 552, dated 14.11.1994		<p>Persons who possess the above-mentioned licences can obtain a concession from the SESS, which serves the purpose of providing statistical information. Such a concession contains technical information on the seeds group, the name of the seed, its origin, and the quantity and quality of the seeds. The elimination of such a concession is anticipated with the improvement of the information and communication system between the central Service in Tirana and those in districts within Albania and the customs point of entry. Efforts are under way to improve and adopt the legislation to conform with international regulations on production, registration and trade of the seeds and saplings.</p> <p>Only seeds registered in the official catalogue of the Seeds Entity and that meet Albanian standards are permitted to be imported into Albania. The Albanian standards, in addition to the international standards such as the DHS test (visibility, homogeneity and stability) require an additional test of the agronomic and technological value (Value of Cultivation and Use). Additional tests are necessary because there are distinctions among seeds from countries with similar climate and soil conditions. (the distinction for seeds of EU with similar climacteric and territorial characteristics, because these countries have similar conditions with Albania, either from standard or climatic and territorial point of view.)</p>
31.00 Pesticides Decision of the Council of Ministers: "On Fertilisers", No. 584, dated 6/12/1993	To control the import of fertilisers as well as the controlling of the whole import process. To protect plant health , to protect the life and health of the population and to adhere to international organisation to which Albania is a signatory.	Only fertilisers registered in Albania are allowed to be imported. Registration requirements and international criteria are the same for both domestic and foreign products. The registration requirements comply with the IPPC (International Plant Protection Convention).

Article and Description by Harmonised Code or as Described by Law or International Convention	Justification/Rationale of the Restriction	Process to Obtain Licence, Type of Licence, and Duration
		<p>There are two types of licences for importing and trading. The Ministry of Agriculture and Food issues import licences, which are in accordance with the Agreement on Import licensing procedures of GATT 1994. Licences are for a one-year period, are non-automatic, and are issued within two month from the application according to Article 14.</p>
<p>1.00 - 2.00 Live animals and products</p> <p>Law on “ Albanian veterinary service”, No. 7674, dated 23.2.1993</p>	<p>To control the import of live animals and products, to protect animal health and spread of disease through oversight of the whole import process. To protect plant health, to protect the human life and health and to adhere to international organisation to which Albania is a signatory</p>	<p>Licensing for live stock</p> <p>To obtain a licence one must receive a concession is issued by the Directory of Veterinary Service based on the Law on the Albanian Veterinary Service. Concessions are issued to both local and foreign juridical and natural persons who apply and have the following:</p> <p>a certificate of origin, a Sanitary and Veterinary Certificate and that pass quarantine conditions.</p> <p>For livestock that are imported for breeding purposes, it is necessary to obtain a document issued from the Central Commission of Breeding Improvement, the commission responsible for genetic improvement. In CCIR is charged with providing or rejecting permits related to the acceptance of a breed according to their characteristics and adaptability to the climatic conditions of Albania. Such a concession is not necessary for breeds that are already approved and known in Albania.</p>

Article and Description by Harmonised Code or as Described by Law or International Convention	Justification/Rationale of the Restriction	Process to Obtain Licence, Type of Licence, and Duration
		<p>B-Licensing of the live stock products</p> <p>Import licences are issued to juridical subjects, both local and foreign, who have the following documentation:</p> <p>the certificate of origin (according to International Organisation of Epizootic) of the product to be imported and a certificate from the Sanitary and Veterinary Service. Licences are issued on the basis of the application which includes the above-mentioned documents. The licence is automatic and is issued within 10 days. Concessions are expected to be eliminated in 1999 with the improvement of the information and communication system between the central veterinary system and the veterinary inspection service in Albanian cities as well as at the customs entry points.</p>

Prohibitions on Importable Products, by Type: Justification, and Phase-out Period

Article and Description by Harmonised Code or as Described by Law or International Convention	Justification/Rationale of the Prohibition	Phase-out Period
<p>Dangerous waste: Dangerous waste are defined as: toxic corrosive, residual waste from explosives, carcinogens and radioactives, catalysts that endanger human, plant and animal and the environment, (see complete list in WT/ACC/ALB/25, pages 6-7)</p> <p>Decision of the Council of Ministers: "On Dangerous and Non-dangerous Waste", No. 26, dated 31.1.94</p>	<p>To protect human, plant, and animal health and the environment.</p>	<p>To make changes to this list of products (or a change in the definition of dangerous waste) the Council of Ministers must make an approval. The reported changes can be made available by the Ministry of Health and the Committee of Environmental Protection.</p> <p>In the case where an importer is found to be receiving dangerous waste (i.e., prohibited waste) rather than non-dangerous waste, then the importer is required to obtain an export licence provided by the Committee for Environmental Protection so that these prohibited wastes can be returned to the country of origin.</p>
<p>Military poisoning substances, chemical weapons, other strong poisons, and the devices for the protection from such substances and chemicals</p> <p>International Convention on the Prohibition of the Development, Production, Storage, and Usage of Chemical Weapons and Their Extermination (List Number 2 and 3) which has been ratified by the Albanian Government.</p>	<p>To protect the national security of the Republic.</p>	<p>There is no specific law on the trade of Chemical Weapons. The government is in the process of developing legislation to define the trade regime of such products. The Ministry of Defence will be the responsible authority for such matters.</p>
<p>Narcotic Drugs and Psychotropic Substances, refer to the list provided in WT/ACC/ALB/25, pages 6-7, and the Convention on "Narcotic Drugs" 1961, Convention on "Psychotropic</p>	<p>To control the importing of narcotics in the territory of Republic of Albania. To protect the life and health of the population and to adhere</p>	

Article and Description by Harmonised Code or as Described by Law or International Convention	Justification/Rationale of the Prohibition	Phase-out Period
<p>Substances” 1971, and the Adjournments of 1993.</p> <p>Annex 1 of this table titled “ List of Narcotic Drugs and Psychotropic Substances Prohibited to enter, to be produced or used in Albania” .</p>	<p>to international conventions to which Albania is a signatory.</p>	
<p>Law: "On Narcotic Drugs and Psychotropic Substances, No. 7975, dated 26 July 1995. This law was drafted in accordance with the Conventions of 1961 and 1971, and the Adjournments of 1993.</p>		
<p>Animal products of the infected and penalised countries by OIE (Organisation International Epizootic); pesticides which are not registered in the Albanian catalogue on pesticides; seeds and seedlings which are not certified and registered in the Albanian catalogue</p> <p>Law: "On Seeds and Saplings", No. 7659 dated 12.01.1993.</p> <p>Decision of Council of Ministers No. 447 dated 3.09.1993 on “The setting up of State Entity of Seeds and Saplings”.</p> <p>Decision of Council of Ministers: "On Approving of the Regulatory” on “ Production, Reproduction, Treatment, Assessment, Trade, Control of Seeds and Saplings and for Protection and Treatment of Genetic Material of Plants", No. 552, dated 14.11.1994</p>	<p>To control the importing of infecting products in the Albanian territory, in order to protect human, plant, and animal and the environment. To protect the life and health of the population and to adhere to international organisation to which Albania is a signatory.</p>	

ANNEX 1

List of Narcotic Drugs and Psychotropic Substances Prohibited to Enter, to be Produced or Used in Albania

(Annex of Law No. 7975, of 26 July 1995)

TABLE I

SCHEDULE IV (CONVENTION OF 1961)

Acetorfine	Acetyl - alpha - methyl -	Methyl - 3 - fentanyl
Cannabis and cannabis resin	fentanyl	Methyl - 3 - thio - fentanyl
Desomorphine	Alphacetylmethadol	MPPP
Etorphine	Alpha - methylfentanyl	Para - fluorofentanyl
Heroin	Beta - hydroxyfentanyl	PEPAP
Ketobemidone	Beta - hydroxy - methyl - 3 - fentanyl	Thiofentanyl

SCHEDULE I (CONVENTION OF 1971)

Brolamphetamine	MDA	Psilocybine
Cathinone	Mescaline	Rolicyclidine
DET	Methyl - 4 aminorex	STP, DOM
DMA	MMDA	Tenamphetamine
DMHP	N - ethyl MDA	Tenocyclidine
DMT	N - hydroxy MDA	Tetrahydrocannabinol
DOET	Parahexyl	TMA
Eticyclidine	PMA	
(+) - Lysergide	Psilocine, psilotsin	

ANNEX 2

List of Narcotic Drugs and Psychotropic Substances which Require Import Licensing and Special Import Authorisation to be Imported into Albania

(Continues Annex of Law No. 7975, of 26 July 1995)

TABLE II

SCHEDULE I (CONVENTION OF 1961)

Acetylmethadol	Drotebanol	nitrogen morphine
Alfentanil	Ecgonine, its	derivatives
Allylprodine	esters and	Morphine-N-oxide
Alphameprodine	derivatives	Myrophine
Alphamethadol	Ethylmethyl -	Nicomorphine
Alphamethylthio -	thiambutene	Noracymethadol
fentanyl	Etonitazene	Norlevorphanol
Alphaprodine	Etoxidine	Normethadone
Anileridine	Fentanyl	Normorphine
Benzethidine	Furethidine	Norpipanone
Benzylmorphine	Hydrocodone	Opium
Betacetylmethadol	Hydromorphenol	Oxycodone
Betameprodine	Hydromorphone	Oxymorphone
Betamethadol	Hydroxypethidine	Pethidine
Betaprodine	Isomethadone	Pethidine
Bezitramide	Levomethorphan	intermediate A
Clonitazene	Levomoramide	(4 - cyano-1-methyl
Coca (leaf)	Levophenacymorphan	- 4-phenyl-piperidine)
Cocaine	Levorphanol	Pethidine
Codoxime	Metazocine	intermediate B
Concentrate of poppy	Methadone	(4 - phenylpiperidine
		Straw
		- 4 - carboxylic acid
	Methadone intermediate	

Dextromoramide	(4 - cyano - 2 - dimethyl -	ethyl ester)
Diampromide	amino - 4, 4 – diphenyl	Pethidine
Diethylthiambutene	butane)	intermediate C
Difenoxin	Methyl-desorphine	(1 - methyl - 4 -
Dihydromorphine	Methyldihydromorphine	phenylpiperidine - 4 -
Dimenoxadol	Metopon	carboxylic acid)
Dimepheptanol	Moramide	Phenadoxone
Dimethylthiambutene	Morpheridine	Phenampromide
Dioxaphetyl butyrate	Morphine	Phenazocine
Diphenoxylate	Morphine methobromide	Phenomorphane
Dipipanone	and other pentavalent	Phenoperidine
Piminodine	Racemethorphan	Thebaine
Piritramide	Racemoramide	Thebaine
Proheptazine	Racemorphan	Tilidine
Propiridine	Sufentanil	Trimeperidine

SCHEDULE II (CONVENTION OF 1961)

Acetyldihydrocodeine	Ethylmorphine	Pholcodine
Codeine	Nicodicodine	Propiram
Dextropropoxyphene	Nicodine	
Dihydrocodeine	Norcodeine	

SCHEDULE II (CONVENTION OF 1971)

Amphetamine	Methamphetamine	Phenmetrazine
Dexamphetamine	Methamphetamine racemate	Secobarbital
Fenetylline	Methaqualone	
Lavamphetamine	Methylphenidate	
Mecloqualone	Phencyclidine	

SCHEDULE III (CONVENTION OF 1971)

Amobarbital	Cathine	Pentazocine
Buprenorphine	Cyclobarbitol	Pentobarbital
Butalbital	Glutethimide	

SCHEDULE IV (CONVENTION OF 1971)

Allobarbitol	Cloxacolam	Halazepam
Alprazolam	Delorazepam	Haloxazolam
Amphepramone	Diazepam	Ketazolam
Barbital	Estazolam	Lefetamide
Benzphetamine	Ethchlorvynol	Loprazolam
Bromazepam	Ethinamate	Lorazepam
Butobarbital	Ethyl loflazepate	Lormetazepam
Camazepam	Etilamphetamine	Mazindol
Chlordiazepoxide	Fencamfamin	Medazepam
Clobazam	Fenproporex	Mefenorex
Clonazepam	Fludiazepam	Meprobamate
Clorazepate	Flunitrazepam	Methylpheno - barbital
Clotiazepam	Flurazepam	Pyrovalerone
Methylprylon	Pemoline	Secbutabarbitol
Midazolam	Phendimetrazine	Temazepam
Nimetazepam	Phenobarbitol	Tetrazepam
Nitrazepam	Phentermine	Triazolam
Nordazepam	Pinazepam	Vinylbital
Oxazepam	Pipradrol	
Oxazolam	Prazepam	