

# WORLD TRADE ORGANIZATION

RESTRICTED

**WT/ACC/ALB/8**

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## ACCESSION OF ALBANIA

### Additional Questions and Replies to the Memorandum on the Foreign Trade Régime

The following additional questions and replies, to the Memorandum on the Foreign Trade Régime (document L/7613) and to the earlier Replies to Questions (documents WT/ACC/ALB/3 and WT/ACC/ALB/4), have been received from the Ministry of Industry, Transport and Trade of the Republic of Albania. Additional questions and replies will be circulated in addenda to this document.

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#### **IV. Government Procurement**

##### **Question 1**

**Have the procurement regulations been prepared? Have they entered into force?**

**Answer.**

The procurement regulations have been prepared by the Public Procurement Agency and entered into force in 1 January 1996.

##### **Question 2**

**Please provide a list of Government entities covered by the new Government Procurement Law.**

**Answer.**

The list of Government entities covered by the new Government Procurement Law are as follows:

- People's Assembly;
- Constitutional Court;
- Supreme Court;
- Attorney General;
- Council of Ministers;
- Department of Economic Development and Aid Co-ordination;
- Public Procurement Agency;
- Ministry of Agriculture and Food;
- General Directorate of Forest and Pasturage;
- Ministry of Public Works and Tourism;
- Ministry of Defence;

- Ministry of Finance;
- Taxes and Duties Directory;
- General Directory of State Reserves;
- Ministry of Privatization;
- Ministry of Foreign Affairs;
- Ministry of Health and Environmental Protection;
- Committee of Environmental Preservation and Protection;
- Ministry of Industry, Transport and Trade;
- State Department of Post-Telecommunications;
- Ministry of Justice;
- Ministry of Labour, Emigration and Ex-political Prisoners;
- Committee of Ex-political Prisoners;
- Ministry of Mining and Energy Resources;
- Ministry of Internal Affairs;
- State Control Commission;
- National Information Service;
- Ministry of Higher Education and Scientific Research;
- Ministry of Culture, Youth and Women;
- National Historical Museum;
- General Directory of Albanian Radio-Television;
- General Directory of State Archives;
- Academy of Sciences;
- Art Gallery;
- Albanian Telegraphic Agency;
- District Councils;
- Municipalities;
- Standards Directory;
- National Energy Committee;
- State Religion Secretariat;
- Bank of Albania;
- National Statistics Institute;
- Centre of Promotion of Foreign Investment;
- Enterprise Restructuring Agency;
- Social Insurance Institute.

### **Question 3**

**Does the new procurement law apply to central and regional bodies, communes and municipalities?  
Is this law applicable to the procurement commissions of any companies granted a monopoly and  
to State-owned companies?**

**Answer.**

This law applies to central and regional bodies, communes and municipalities.

This law is applicable to companies granted a monopoly and to State-owned companies.

### **Question 4**

**With regard to the dispute settlement procedures, are the decisions of the Central Procurement Agency final? Can these decisions be appealed through national courts?**

**Answer.**

The decisions of the Public Procurement Agency are final and can not be appealed through national courts.

**Question 5**

**Does the application of the open international tendering procedure (mentioned in question 69 of WT/ACC/ALB/3) mean that foreign firms are excluded from participation in the tendering procedure if a sufficient degree of competition can be achieved with national firms? What criteria are used to determine whether a sufficient degree of competition can be achieved?**

**Answer.**

The application of the open international tendering procedure does not mean that foreign firms are excluded from participation in the tendering procedure if a sufficient degree of competition can be achieved with national firms. In Albania open tendering is the type of procedure mainly addressed to local companies, but it allows the participation of other companies as well, despite their nationality.