

ALBANIA – IMPLEMENTATION OF SPECIFIC CONCESSIONS

*Decision of 26 May 2005**

The General Council,

Conducting the function of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the WTO Agreement;

Having regard to paragraphs 1, 3 and 4 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement"), the Guiding Principles to be followed in considering application for waivers adopted on 1 November 1956 (BISD 5S/25) and the Understanding in Respect to Waivers of Obligations under the General Agreement on Tariffs and Trade 1994 (the "Understanding");

Recalling that under the terms of paragraph 5 of the Protocol of Accession of Albania to the WTO Agreement, the concessions and commitments listed in Schedule CXLVI annexed to the GATT 1994 and relating to Albania shall be implemented in stages as specified in Part I of that Schedule;

Taking note of the request¹ of Albania for a waiver with respect to the staging of implementation of certain concessions and commitments with respect to the specific group of goods listed in the Annex to that request²;

Noting that this request for a waiver only concerns an extension of the time-limits for the staging of implementation of certain concessions and commitments listed in Schedule CXLVI and does not affect the final bound rates;

Noting that Albania estimates that the costs and benefits of the liberalization and integration process in the global markets, is a challenge for the Albanian Government that requires special and strong consideration of the infant market economy structure, in order to avoid any negative impact on its fragile macroeconomic stability;

Noting that Albania advises that it has already reduced its applied rates on 303 tariff lines, and the maximum applied tariff rate, below those agreed in its Protocol of Accession;

Noting that Albania advises that, at the time of its accession to the WTO, it applied to a majority of its tariff lines a rate of duty equivalent to its current maximum bound rate of 20 per cent, but now it applies to a majority of its tariff lines its minimum bound rates of duty of 2 per cent and zero;

* Adopted in accordance with the Decision-Making Procedures under Article IX of the WTO Agreement agreed by the General Council in November 1995 (WT/L/93).

¹ Documents G/C/W/504 and G/C/W/504/Add.1.

² See Annex to document G/C/W/504/Add.1.

Decides, in view of these exceptional circumstances, as follows:

1. Subject to the terms and conditions set out hereunder:
 - (a) the commitments to make effective the interim bound rates in Schedule CXLVI for the goods listed in Part A of the Annex to this Decision are waived for Albania until the respective dates shown in the fifth column of the table in Part A of the Annex; and
 - (b) the commitments to implement the final bound rates in Schedule CXLVI for the goods listed in Part B of the Annex to this Decision are waived for Albania until the respective dates shown in the final column of the table in Part B of the Annex.
 2. Albania shall reduce its applied rate, including other duties and charges, for the goods listed in the Annex to this Decision in accordance with the columns headed "Staging of reductions of tariffs, as waived" in the tables in the Annex. The dates refer to 1 January of the respective years indicated.
 3. Tariff reductions will be implemented according to the dates specified in the "interim" or "implementation" columns of Schedule CXLVI (no other staged reductions are implied), except as may otherwise be specifically noted in that Schedule or in the Annex to this Decision.
 4. In accordance with paragraph 3 of the Understanding, any Member considering that a benefit accruing to it under GATT 1994 is being nullified or impaired as a result of:
 - (a) the failure of Albania to observe the terms or conditions of this waiver, or
 - (b) the application of a measure consistent with the terms and conditions of the waiver,may invoke the provisions of Article XXIII of GATT 1994 as elaborated and applied by the DSU.
 5. This waiver shall be reviewed by the Ministerial Conference not later than one year after it is granted and thereafter annually until the waiver terminates, in accordance with the provisions of paragraph 4 of Article IX of the WTO Agreement.
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ANNEX³
Part A

HS	SCHEDULE CXLVI		STAGING OF REDUCTIONS OF TARIFFS, AS WAIVED			
	Interim	Final Bound rate, Implementation	Interim			Final Bound rate, Implementation
22051010-22060089	10 (2004)	0 (2007)	15 (2004)	10 (2005)	5 (2006)	0 (2007)
22082012 - 22089099	10 (2004)	0 (2007)	15 (2004)	10 (2005)	5 (2006)	0 (2007)
72131000 – 72179090	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
72191100 – 72209090	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
72210010 – 72223098	10 (2004) / 5 (2005)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
72224010	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
72224030 - 72224099	10(2004) / 5 (2005)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
72230011- 72230099	10(2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
72249001-72249099	5 (2004)	0 (2009)	10 (2004)	5 (2007)		0 (2009)
72251100- 73042919	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73043191- 73043910	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73043930- 73043999	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73044190- 73044910	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73044991- 73045119	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73045191- 73045939	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73045991- 73045999	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73049090-73062000	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73063021- 73063090	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73064091- 73064099	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73065091- 73065099	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73066031- 73072100	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73072310- 73079100	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73079311- 73089099	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)

³ Staging shall be implemented on 1 January of each year cited in the table.

HS	SCHEDULE CXLVI		STAGING OF REDUCTIONS OF TARIFFS, AS WAIVED			
	Interim	Final Bound rate, Implementation	Interim			Final Bound rate, Implementation
73121030- 73121099	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73129090- 73145000	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
73170010- 73170090	10 (2004)	0 (2009)	15 (2004)	10 (2006)	5 (2007)	0 (2009)
94011090	10 (2004)	0 (2007)	15 (2004)	10 (2005)		0 (2007)
94013010- 94018000	10 (2004)	0 (2007)	15 (2004)	10 (2005)		0 (2007)
94019030- 94019080	10 (2004)	0 (2007)	15 (2004)	10 (2005)		0 (2007)
94031010- 94031099	10 (2004)	0 (2007)	15 (2004)	10 (2005)		0 (2007)
94032091- 94033099	10 (2004)	0 (2007)	15 (2004)	10 (2005)		0 (2007)
94035000- 94036090	10 (2004)	0 (2007)	15 (2004)	10 (2005)		0 (2007)
94037090- 94039090	10 (2004)	0 (2007)	15 (2004)	10 (2005)		0 (2007)
95010010- 95059000	10 (2004)	0 (2007)	15 (2004)	10 (2005)		0 (2007)

Part B

HS	SCHEDULE CXLVI	STAGING OF REDUCTIONS OF TARIFFS, AS WAIVED			
	Final Bound rate, Implementation	Interim			Final Bound rate, Implementation
22030001, 22030009, 22030010	0 (2005)	10 (2005)			0 (2007)
33030010 – 34011900	6.5 (2004)	15 (2004)	10 (2005)	8 (2006)	6.5 (2007)
34013000	6.5 (2004)	15 (2004)	10 (2005)	8 (2006)	6.5 (2007)
34031100 – 34070000	6.5 (2004)	15 (2004)	10 (2005)	8 (2006)	6.5 (2007)
34060011-34060090	6.5 (2004)	10 (2004)			6.5 (2007)
39172110	5 (2004)	15 (2004)	10 (2005)	8 (2006)	5 (2007)
39172199 – 39172210	5 (2004)	15 (2004)	10 (2005)	8 (2006)	5 (2007)
39172299 - 39172310	5 (2004)	15 (2004)	10 (2005)	8 (2006)	5 (2007)
39172399	5 (2004)	15 (2004)	10 (2005)	8 (2006)	5 (2007)

HS	SCHEDULE CXLVI	STAGING OF REDUCTIONS OF TARIFFS, AS WAIVED			
	Final Bound rate, Implementation	Interim			Final Bound rate, Implementation
39172912-39172919	6.5 (2004)	15 (2004)	10 (2005)	8 (2006)	6.5 (2007)
39172999	6.5 (2004)	15 (2004)	10 (2005)	8 (2006)	6.5 (2007)
39173190-39173299	6.5 (2004)	15 (2004)	10 (2005)	8 (2006)	6.5 (2007)
39173390-39173919	6.5 (2004)	15 (2004)	10 (2005)	8 (2006)	6.5 (2007)
39173999	6.5 (2004)	15 (2004)	10 (2005)	8 (2006)	6.5 (2007)
39174090-39202021	6.5 (2004)	15 (2004)	10 (2005)	8 (2006)	6.5 (2007)
39202029	6.5 (2004)	10 (2004)			6.5 (2007)
39202061 - 39269099	6.5 (2004)	15 (2004)	10 (2005)	8 (2006)	6.5 (2007)
44091011- 44092099	0 (2004)	15 (2004)	10 (2005)	5 (2006)	0 (2007)
44130000- 44190090	0 (2004)	15 (2004)	10 (2005)	5 (2006)	0 (2007)
44211000- 44219010	0 (2004)	15 (2004)	10 (2005)	5 (2006)	0 (2007)
44201011-44209099	0 (2004)	10 (2004)			0 (2007)
48025610	0 (2004)	2 (2004)			0 (2007)
48141000 - 48150000	0 (2004)	15 (2004)	10 (2005)	5 (2006)	0 (2007)
48171000 – 48202000	0 (2004)	15 (2004)	10 (2005)	5 (2006)	0 (2007)
48204010 - 48209000	0 (2004)	15 (2004)	10 (2005)	5 (2006)	0 (2007)
48211010 - 48219090	0 (2004)	10 (2004)			0 (2007)
48221000 - 48236090	0 (2004)	15 (2004)	10 (2005)	5 (2006)	0 (2007)
48237010	0 (2004)	2 (2004)			0 (2007)
48237090	0 (2004)	15 (2004)		10 (2006)	0 (2007)
48239015- 48239090	0 (2004)	15 (2004)	10 (2005)	5 (2006)	0 (2007)
49090010- 49100000	0 (2004)	10 (2004)			0 (2007)
49111010 - 49119900	0 (2004)	10 (2004)			0 (2007)
85365011-85365080	0 (2004)	10 (2004)			0 (2005)