

Title 5
Origin of goods
Chapter I
Non preferential origin

44. In applying Article 29 of the Code, when the origin of a product has to be proved on importation by the production of a certificate of origin, that certificate shall fulfil the following conditions:

- a) it shall be made out by a reliable authority or agency duly authorised for that purpose by the country of issue;
- b) it shall contain all the particulars necessary for identifying the product to which it relates, in particular:
 - i) the number of packages, their nature and the marks and number they bear;
 - ii) the type of product;
 - iii) the gross and net weight of the product; these particulars may, however, be replaced by others, such as the number and volume, when the product is subject to appreciable changes in weight during carriage or when its weight cannot be ascertained or when it is normally identified by such other particulars;
 - iv) the name of the consignor.
- c) it shall certify unambiguously that the products to which it relates originated in a specific country.
- d) the certificate and the applications relating to them shall be made out on forms corresponding to the specimens in Annex 3.

45.

45.1. A certificate of origin for Albanian goods is issued by the Chamber of Commerce upon a request in writing by the person concerned. When the circumstances so warrant, in particular where the applicant concerned maintains a regular flow of export, the Chamber of Commerce may decide not to require the lodging of a request in writing for each export operation, on condition that the provisions concerning origin are complied with.

45.2. Where the commercial needs so warrant, one or more extra copies of an origin certificate may be issued.

46.

46.1. Within the framework of the administrative collaboration with other countries, the Chamber of Commerce will respond to the requests from the competent customs authorities of other countries for retrospective verifications that may be received, also for requests received through the Albanian Customs authorities.

46.2. The results of the retrospective verifications shall be communicated to the requesting country as soon as possible. Maximum time limit for reply shall be 6 months.

Chapter II

Preferential origin

47.

47.1. In applying Article 32 of the Code, the rules about the preferential origin shall determine the conditions relating to obtaining of origin that products must fulfil in order to benefit the preferential tariff treatment provided within the framework of the agreements that the Republic of Albania concludes with certain countries or group of countries, or in the framework of benefits granted autonomously by the above mentioned countries or group of countries. The respective rules of origin shall be established within the framework of separate agreements.

47.2. However, these products may be considered of Albanian origin:

- a) products entirely obtained in Albania,
- b) products obtained in Albania, in the manufacture of which products other than those referred to in letter (a), provided that the said products have undergone sufficient working or processing within the meaning of Point 49.1.

48.

48.1. The following shall be considered as wholly obtained in Albania within the meaning of Point 47 (2)(a):

- a) mineral products taken from its soil or from its sea beds;
- b) vegetable products harvested therein;
- c) live animals, born and raised therein;
- d) products obtained from live animals therein;
- e) products obtained by hunting and fishing conducted therein;
- f) products of sea fishing and other products taken from the sea by Albanian vessels;
- g) products made on board Albanian factory ships exclusively from products referred to in letter (f);
- h) used articles collected therein fit only for the recovery of the raw materials.
- i) waste and scrap resulting from manufacturing operations conducted therein;
- j) products extracted from marine soil or subsoil outside Albania's territorial waters, provided that it has sole rights to work that soil or subsoil.
- k) products produced therein exclusively from products specified in (a) to (j).

48.2. The phrase "*vessel*" referred to in point 48.1 (f) is used only for the vessel:

- a) which are registered or recorded in Albania,
- b) which sail under the flag of Albania
- c) which are at least 50% owned by nationals of Albania or by a company with its head office in Albania, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of Albania, and of which, in addition, in case of partnerships or limited companies, at least half the capital belongs to Albania or the public bodies or nationals of Albania,
- d) of which the captain and officers are all nationals of Albania, and

e) of which at least 75% of the crew are nationals of Albania.

48.3. The expression “*Albania*” includes the territorial waters.

48.4. Vessels operating in the high seas, including factory ships on which the fish caught is worked or processed, shall be deemed to be part of the territory of Albania, provided that they satisfy the conditions set out in point 48.2 above.

49.

49.1. For the purpose of Point 47.(2)(b), non-originating materials shall be considered to be sufficiently worked or processed when the product obtained is classified in a heading different from those in which all the non-originating materials used in its manufacture are classified, subject to point 49.2 and 49.3 below.

49.2. For a product mentioned in column (1) and (2) of the list in Annex 4, the conditions set out in column 3 for the product concerned shall be fulfilled instead of the rule in point 49.1.

49.3. For the purposes Point 47.2(b), the following shall in any event be considered as insufficient working or processing to confer the status of originating products, whether or not there is a change of heading:

- a) operations to ensure the preservation of products in good condition during transport and storage;
- b) changes of packing and breaking up and assembly of consignments;
- c) simple operations consisting of removal of dust, oxides, oil, ink or other layers, washing, cleaning;
- d) ironing or pressing of textiles;
- e) simple operations consisting of painting and polishing;
- f) sifting, partial or total grinding, polishing of grains and rice;
- g) operations consisting of tincturing the sugar, creating sugar forms, partial or total grinding of sugar ;
- h) fruit, nut and vegetable peeling, solidification and dressing ;
- i) sharpening, simple cutting and slicing
- j) separation, selection, coverage, classification, shading (including the establishment of the goods sets);
- k) simple placing in bottles, flasks, bags, boxes, fixing on cards or boards, etc., and all other simple wrapping operations;
- l) the affixing or printing of marks, labels, logos or other like distinguishing signs on products or their packing;
- m) simple mixing of products, whether or not of different kinds, where one or more components of the mixture do not meet the conditions laid down in this Title to enable them to be considered as originating products in a profiting country, territory of community;
- n) simple assembly of parts of products to constitute a complete product;
- o) a combination of two or more operations specified in (a) to (n);
- p) slaughter of animals.”.

* (DCM no. 47, Dt. 27.01.2006, amended all letters)

50.

50.1. The certificate of preferential origin is, according to what is established in Article 32(2) of the Code, issued by the customs office at which is presented the customs declaration of export, when the products to be exported fulfil the conditions set forth in Point 47 for products originating in the Republic of Albania.

50.2. A certificate of preferential origin shall be issued only upon written application of the exporter or his authorised representative. The exporter or his representative shall submit with his application any

appropriate supporting document proving that the products to be exported qualify for the issue of a certificate of preferential origin.

50.3. For the purpose of verifying whether the conditions stated in point 50.1 has been met, the competent customs authority shall have the right to call for any documentary evidence or to carry out any check which it considers appropriate.

50.4. It shall be the responsibility of the customs authorities to ensure that certificates and applications are duly completed.

51.

51.1. The certificates of preferential origin is issued by the customs office when the products to which it relates are exported. It shall be made available to the exporter as soon as the exportation is actually carried out or when it is certain that it will be carried out.

51.2. In exceptional cases a certificate of preferential origin may be issued after the actual exportation of the products to which it relates, if it was not issued at the time of exportation as a result of involuntary errors or omissions or other special circumstances, deemed valid and acceptable by the customs office.

51.3. The competent customs office may issue a certificate retrospectively only after verifying that the particulars contained in the exporters application agree with those contained in the corresponding export documents and that no certificate of preferential origin was issued when the products in question were exported.

51.4. The relevant box of certificates of preferential origin issued retrospectively shall bear the endorsement "*issued retrospectively*" in English.

52.

52.1. In the event of theft, loss, or destruction of a certificate of preferential origin, the exporter may apply at the competent customs authority which issued it for a duplicate to be made out on the basis of the export documents in their possession. The relevant box of the duplicate issued in this way shall be endorsed "*duplicate*" in English, together with the date of issue and the serial number of the original certificate.

52.2. The duplicate shall take effect from the date of original.

Chapter III

Methods of administrative co-operation

53.

53.1. The General Directorate of Customs shall inform competent authorities of the countries or group of countries as mentioned in Point 47 the names and addresses of the customs offices entitled to issue the certificates of preferential origin, together with specimens of stamps used, and the name and addresses of the customs authorities responsible for carry out verifications of certificates of preferential origin.

53.2. In order to carry out retrospectively verifications of certificates of preferential origin, the issuing customs office shall keep copies of the certificates and all relevant documents for at least two years after the date of issue of the certificate.

53.3. In the event it is necessary to carry out a retrospective verification with respect to authenticity and regularity of certificates of preferential origin issued by the Albanian customs offices, the customs authorities will carry out all the controls that they deem necessary in order to effectuate, within 6 months, the request of retrospectively verification demanded by the foreign authorities.