

BASIC RULES FOR EXPORTED GOODS

Article 27

Most Favored Nation Treatment

27.1 If there is in effect a bilateral or multilateral international agreement that international law requires Kosovo to observe, and such agreement obligates Kosovo to accord most-favored-nation treatment to the export of goods destined for a specified external area or areas, then, except as specifically otherwise provided in the present law or a normative act authorized by the present law, Kosovo shall accord most-favored-nation treatment to such exportations.

27.2 Where the export of a good is entitled to most-favored-nation treatment under paragraph 27.1, Kosovo shall accord such an exportation treatment that is equal to the most favorable treatment that Kosovo accords to the export of any like good, regardless of destination. This requirement extends to the establishment and application of: (i) export duties, charges and taxes of any kind imposed on or in connection with such an export; (ii) the method of levying such duties, charges and taxes; and (iii) the rules and formalities that must be followed in connection with such exportation.

27.3 In determining the specific extent of the most-favored-nation treatment required by paragraphs 27.1 and 27.2, no account shall be taken of or reference made to any preferential, privileged or other more favorable treatment accorded by Kosovo to the export of goods to external areas where such preferential, privileged or other more favorable treatment is required by an obligatory provision of a bilateral or multilateral free trade area or customs union agreement, or of an interim bilateral or multilateral agreement that is intended to further the formation of a free trade area or customs union, that international law requires Kosovo to observe.

27.4 Nothing in paragraph 27.1 or 27.2 shall be construed as prohibiting the granting of most-favored-nation treatment to exports destined for an external area not covered by a bilateral or multilateral agreement.

Technical Requirements and Standards for Exported Goods

Article 28

Sanitary and Phytosanitary Requirements Technical Regulations and Product Standards

28.1 To the extent reasonably required to ensure that goods to be exported from Kosovo are not of an inferior quality, the Government may issue one or more normative acts requiring that certain types or classes of goods be accompanied by a certificate evidencing that they conform to certain relevant technical regulations, sanitary or phytosanitary requirements, and/or product standards.

28.2 Any requirement established pursuant to the foregoing paragraph shall be applied equally to all concerned producers and exporters.

28.3 In particular, no such requirement shall be developed, adopted or applied in a manner that discriminates among exports on the basis of the intended destination thereof.

Export Permits

Article 29

General Rule: No Export Permit Required

With the exception of goods specified in the Export Control List established pursuant to Section 30 below, the exportation of goods from Kosovo shall not require a permit or any other type of permission or license from any public authority.

Article 30

Export Control List

The Government shall have the authority to establish a list of goods called the "Export Control List." Such a list shall specify those types and/or classes of goods the export of which requires a permit. The Government may include on such a list a type or class of goods only if there are clear, substantial and objective reasons demonstrating that it is necessary to control the export of such type or class of good in order to material advance the achievement of one of the following purposes:

- (a) to prevent an infringement of intellectual property rights;
- (b) to implement restrictions on export transactions involving gold;
- (c) to protect endangered species of plants or animals;
- (d) to protect items designated as national treasures and having recognized and significant artistic, historic or archaeological value;
- (e) to implement obligatory provisions in an international agreement;
- (f) to implement measures that are clearly and substantially necessary for the conservation of exhaustible natural resources, but only if such measures are accompanied by significant government controls on domestic production and consumption of such resources;
- (g) to implement temporary measures imposed for the purpose of ensuring a minimally adequate supply on the domestic market of basic and essential foodstuffs or other vital goods; however, export restrictions for such purpose shall only be permitted in cases where it can clearly be demonstrated that other potential measures are not adequate or practical; or
- (h) to ensure the proper implementation and equitable allocation among exporters of a quota imposed by a foreign state or external area on imports of such goods.

Article 31

Criteria Required to Obtain an Export Permit

31.1 For each class or type of good included on the Export Control List, the Government shall establish, or require one or more designated state authorities to establish, the criteria that must be met by an applicant in order to receive an export permit for such goods.

31.2 All such criteria shall be non-discriminatory; however, where clearly and substantially needed to achieve the concerned purpose, it may be specified that an export permit for a specific type or class of goods will only be granted to a holder of a relevant activity license; provided, however, that an applicant shall not be required to hold such an activity license if such a license is not required to handle or deal in like or directly competitive domestic-origin goods.

31.3 All such criteria shall be transparent and clearly and substantially necessary for achieving the purpose underlying the inclusion of such type or class of good on the Export Control List.

31.4 The Government may not use any provision of this Part 3 to restrict the export of the concerned type or class of good until the required export permit criteria and issuance procedures have been prepared, adopted and fully implemented.

Article 32 Prohibited Exports

32.1 If a class or type of good is included on the Export Control List in order to fulfill a purpose specified under (a) - (g) of Section 30, and such purpose can only reasonably be achieved by prohibiting the export of such class or type of good, the Government may generally prohibit the export of such goods.

32.2 If the exportation of a class or type of good is prohibited - either generally or to a specific state or area - no person, undertaking or public enterprise shall be permitted to export such goods. An exportation of such goods by a public authority may be permitted only if such exportation: (i) is clearly and substantially necessary for such public authority to achieve a legitimate public function; and (ii) is not done in the furtherance of any commercial, business or economic activity.

Article 33 Restrictions on the Use or Disposition of Exported Goods

If clearly necessary to achieving the concerned purpose, an export permit may contain conditions restricting the use or other disposition that may be made of the concerned exported good and requiring the applicant / holder to guarantee that those conditions will be complied with.

Article 34 Export of Services and Information

If clearly and substantially necessary to fulfill a purpose specified in point (a) of Section 30, the Government may impose restrictive measures on the provision of services and/or information by residents to non-residents.

Article 35 Multiple Shipment Permits

An export permit shall, to the extent consistent with the purpose underlying the inclusion of the concerned good on the Export Control List, allow the holder thereof to export a specified quantity of the concerned goods at any time, and in multiple shipments, over a specified period of time, not to exceed one year.

Article 36 Non-Commercial Exportations and other Exemptions

Where it does not materially jeopardize the purpose underlying the inclusion of a class or type of goods on the Export Control List, the Government may issue a normative act exempting small-quantity, presumptively non-commercial, exports of such goods from the otherwise applicable export permit requirement. Any such normative act shall specify transparent,

objective, non-discriminatory criteria that must be met to qualify for such an exemption created pursuant to this paragraph.

Other Measures Affecting Exported Goods
Article 37
Intellectual Property Border Measures

37.1 The Government shall have the authority to issue, under the authority of this Article 37, a normative act that makes available border enforcement measures to protect the rights of a person or undertaking in or to intellectual property against the exportation of goods that infringe such rights.

37.2 The normative act authorized by the foregoing paragraph shall provide a reasonable procedure that such right-holders may use to obtain the cooperation of MTI and the customs authorities of Kosovo to enforce such rights at the border. Such enforcement measures shall also authorize the customs authorities to seize and dispose of goods that infringe such rights.

37.3 At a minimum, such a normative act shall provide such a procedure with respect to counterfeit trademark goods and pirated copyright goods.

37.4 Such a normative act shall establish appropriate procedural safeguards that ensure that it is not abused by any person, undertaking or public authority to impair legitimate trade.

37.5 The normative act authorized by the foregoing paragraphs shall be prepared, adopted and implemented in conformity with the requirements of the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights.