

## JOINT DECLARATIONS

### Joint declaration on Articles 22 and 29 of the Agreement

The Parties declare that in the implementation of Articles 22 and 29 they will examine, in the Stabilisation and Association Council, the impact of any preferential Agreements negotiated by Albania with third countries (excluding the countries covered by the EU Stabilisation and Association Process and other adjacent countries which are not Member States of the European Union). This examination will allow for an adjustment of Albanian concessions to the Community if Albania were to offer significantly better concessions to these countries.

### Joint Declaration concerning Article 41 of the Agreement

1. The Community declares its readiness to examine, within the Stabilisation and Association Council, the issue of Albania's participation in diagonal cumulation of rules of origin once economic and commercial as well as other relevant conditions for granting diagonal cumulation have been established.

2. With this in mind, Albania declares its readiness to establish free trade areas with, in particular, the other countries covered by the European Union's Stabilisation and Association Process.

### Joint Declaration concerning Article 46 of the Agreement

It is understood that the notion "children" is defined in accordance with national legislation of the host country concerned.

#### Joint Declaration concerning Article 48 of the Agreement

It is understood that the notion "members of their family" is defined in accordance with national legislation of the host country concerned.

#### Joint Declaration concerning Article 61 of the Agreement

The Parties agree that the provisions laid down in Article 61 shall not be construed to prevent proportionate, non-discriminatory restrictions to the acquisition of real estate based on general interest, nor otherwise affect the Parties' rules governing the system of property ownership, except as specifically laid down therein.

It is understood that the acquisition of real estate by Albanian nationals is allowed in the Member States of the European Union in accordance with the applicable Community law, subject to specific exceptions permitted thereby and applied in conformity with the applicable national legislations of the Member States of the European Union.

#### Joint Declaration concerning Article 73 of the Agreement

The Parties agree that for the purposes of the Agreement, intellectual, industrial and commercial property includes in particular copyright, including the copyright in computer programs, and neighbouring rights, the rights relating to databases, patents, industrial designs, trademarks and service marks, topographies of integrated circuits and geographical indications, including appellations of origin, as well as protection against unfair competition as referred to in Article 10a of the Paris Convention for the Protection of Industrial Property and protection of undisclosed information on know-how.

### Joint Declaration concerning Article 80 of the Agreement

The Parties are aware of the importance the people and the Government of Albania attach to the perspective of liberalisation of the visa regime. Meanwhile, progress is dependent on Albania implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration, and strengthening her administrative capacity in border control and security of documents.

### Joint Declaration concerning Article 126 of the Agreement

1. For the purposes of the interpretation and practical application of the Agreement, the Parties agree that the cases of special urgency referred to in Article 126 of the Agreement mean cases of material breach of the Agreement by one of the two Parties. A material breach of the Agreement consists in:

- repudiation of the Agreement not sanctioned by the general rules of international law and
- violation of the essential elements of the Agreement set out in Article 2.

2. The Parties agree that the "appropriate measures" referred to in Article 126 are measures taken in accordance with international law. If a Party takes a measure in a case of special urgency pursuant to Article 126, the other Party may avail itself of the dispute settlement procedure.

## Joint declaration on legal migration, freedom of movement and rights of workers

The granting renewal or refusal of a residence permit is governed by the legislation of each Member State and the bilateral Agreements and Conventions in force between Albania and the Member State.

### Joint Declaration concerning the Principality of Andorra concerning Protocol 4 of the Agreement

1. Products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonised System shall be accepted by Albania as originating in the Community within the meaning of the Agreement.
2. Protocol 4 shall apply *mutatis mutandis* for the purpose of defining the originating status of the abovementioned products.

### Joint Declaration concerning the Republic of San Marino concerning Protocol 4 of the Agreement

1. Products originating in the Republic of San Marino shall be accepted by Albania as originating in the Community within the meaning of the Agreement.
2. Protocol 4 shall apply *mutatis mutandis* for the purpose of defining the originating status of the abovementioned products.

## Joint Declaration concerning Protocol 5 of the Agreement

1. The Community and Albania take note that the levels of gaseous emissions and noise currently accepted in the Community for the purposes of heavy goods vehicle type approval from 1 January 2001<sup>1</sup> are as follows:

Limit values measured on the European Steady Cycle (ESC) and the European Load Response (ELR) test:

		Mass of carbon monoxide	Mass of hydrocarbons	Mass of nitrogen oxides	Mass of particulates	Smoke
		(CO) g/kWh	(HC) g/kWh	(NOx) g/kWh	(PT) g/kWh	m <sup>-1</sup>
Row A	Euro III	2,1	0,66	5,0	0,10 0,13 (a)	0,8

(a) For engines having a swept volume of less than 0,75 dm<sup>3</sup> per cylinder and a rated power speed of more than 3 000 min<sup>-1</sup>

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<sup>1</sup> Directive 1999/96/EC of 13 December 1999 of the European Parliament and of the Council of 13 December 1999 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles.

Limit values measured on the European Transient Cycle (ETC):

		Mass of carbon monoxide	Mass of non-methane hydrocarbons	Mass of methane	Mass of nitrogen oxides	Mass of particulates
		(CO) g/kWh	(NMHC) g/kWh	(CH <sub>4</sub> ) (b) g/kWh	(NO <sub>x</sub> ) g/kWh	(PT) (c) g/kWh
Row A	Euro III	5,45	0,78	1,6	5,0	0,16 0,21 (a)

- (a) For engines having a swept volume of less than 0,75 dm<sup>3</sup> per cylinder and a rated power speed of more than 3 000 min<sup>-1</sup>.
- (b) For natural gas engines only.
- (c) Not applicable for gas fuelled engines.

2. In the future, the Community and Albania shall endeavour to reduce the emissions of motor vehicles through the use of state of the art vehicle emission control technology coupled with improved quality of motor fuel.

## DECLARATION BY THE COMMUNITY

Declaration by the Community concerning the exceptional trade measures granted by the Community on the basis of Regulation (EC) No 2007/2000

Considering that exceptional trade measures are granted by the Community to countries participating or linked to the EU Stabilisation and Association Process, including Albania, on the basis of Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association Process, the Community declares:

- that, in application of Article 30 of the Agreement, those of the unilateral autonomous trade measures which are more favourable will apply in addition to the contractual trade concessions offered by the Community in the Agreement as long as Council Regulation (EC) No 2007/2000, as amended, applies;
  
- that, in particular, for the products covered by Chapters 7 and 8 of the Combined Nomenclature, for which the Common Customs Tariff provides for the application of *ad valorem* customs duties and a specific customs duty, the reduction will apply also to the specific customs duty in derogation from the relevant provision of Article 27(1) of the Agreement.

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