

ANNEX I

The incorporation of the provisions of the EU-Albania Agreement into this Agreement is further modified as follows and as set out in Annexes II and III of this Agreement:

1. MODIFICATIONS TO ARTICLE 1

- (a) In the fourth indent of Article 1(2), the words “, also through the approximation of its legislation to that of the Community” shall not be incorporated into this Agreement.

2. MODIFICATIONS TO TITLE I

GENERAL PRINCIPLES

- (a) In Article 3, the words “the Stabilisation and Association process referred to in the conclusions of the Council of the European Union of 21 June 1999. The conclusion and the implementation of this Agreement come within the framework of the conclusions of the Council of the European Union of 29 April 1997, and are based on the individual merits of Albania” shall be replaced by “this Agreement”.
- (b) In Article 6, the third and final paragraphs shall not be incorporated into this Agreement.

3. MODIFICATIONS TO TITLE II

POLITICAL DIALOGUE

- (a) In the fourth indent of Article 8(2), the words “, including cooperation in the areas covered by the Common Foreign and Security Policy of the European Union” shall not be incorporated into this Agreement.
- (b) In Article 9(1), before “within the Stabilisation and Association Council” the words “between the parties, including” shall be inserted.
- (c) In Article 10, the word “shall” shall be replaced by “may” and before “established” the words “which may be” shall be inserted.

4. MODIFICATIONS TO TITLE III

REGIONAL COOPERATION

(a) In Article 12:

- i. the words “The Community assistance programmes may support projects having a regional or cross-border dimension through its technical assistance programmes” shall be replaced by “The United Kingdom may assist or support such regional cooperation, including as set out in Articles 13 to 15 of the EU-Albania Agreement”; and
- ii. the second and third paragraphs shall not be incorporated into this Agreement.

(b) Articles 13 to 15 shall not be incorporated into this Agreement.

5. MODIFICATIONS TO TITLE IV

FREE MOVEMENT OF GOODS

(a) Article 17(2) shall be replaced by:

“The Parties commit to continued cooperation on nuclear safety, security and radiation protection, in accordance with the principles and standards of the International Atomic Energy Agency (“IAEA”) and the relevant international treaties and conventions concluded within the framework of the IAEA.”

(b) After the second paragraph of Article 27(1), the following shall be inserted as a new paragraph:

“Annex IIA sets out additional concessions in relation to products covered by Chapters 7 and 8 of the Combined Nomenclature and wine products.”

(c) In Article 29, the words “no later than six years after the date of entry into force of this Agreement” shall be replaced by “within a timeframe agreed by the Partnership, Trade and Cooperation Committee.”

(d) In Article 36(3), the final sentence shall not be incorporated into this Agreement.

(e) In Article 43(2), after “this Title” the words “or under Annex IIA of this Agreement” shall be inserted.

(f) Article 45 shall not be incorporated into this Agreement.

6. MODIFICATIONS TO TITLE V

MOVEMENT OF WORKERS, ESTABLISHMENT, SUPPLY OF SERVICES, CAPITAL

- (a) Article 47(1) shall not be incorporated into this Agreement.
- (b) In Article 48:
 - i. in the first indent of paragraph (1), the words “various Member States” shall be replaced by “United Kingdom and the various Member States of the European Union”; and
 - ii. before paragraph (2), the following shall be inserted as new paragraphs:

“1A. Notwithstanding paragraph 1, the first indent of paragraph 1 shall not apply unless and until the Partnership, Trade and Cooperation Council:

 - (a) determines that appropriate data sharing arrangements are in place to enable the United Kingdom to implement the first indent of paragraph 1; and
 - (c) having done so, decides to apply the provision, with or without modifications, or to replace it.

1B. After entry into force of this Agreement, the Partnership, Trade and Cooperation Council shall examine any developments in data sharing arrangements between the United Kingdom and the European Union and consider whether these are appropriate to enable implementation of the first indent of paragraph 1.”
- (c) In Article 50(4), the words “Five years after the date of entry into force of this Agreement,” shall not be incorporated into this Agreement.
- (d) In the final sentence of Article 50(5)(b), the words “Seven years after the date of entry into force of this Agreement” shall not be incorporated into this Agreement.

In Article 52(1), the words “the Multilateral Agreement on the Establishment of a European Common Aviation Area (ECAA)” shall be replaced by “any Agreement between the Parties on air services or aviation”.
- (e) In Article 57(3), the final sentence shall not be incorporated into this Agreement.

- (f) In Article 58(1), the words “the day preceding the date of entry into force of this Agreement” shall be replaced by “31 March 2009”.
- (g) In Article 58(2), the words “the date of entry into force of this Agreement”, in both instances, shall be replaced by “1 April 2009”.
- (h) In Article 59(1):
 - i. before the words “the effective application” insert “and”; and
 - ii the words “and progressive harmonisation of the Albanian transport legislation with that of the Community” shall not be incorporated into this Agreement.
- (i) In Article 59(2), the words “and European” shall not be incorporated into this Agreement.
- (j) Article 59(6) shall not be incorporated into this Agreement.
- (k) Article 62 shall not be incorporated into this Agreement.
- (l) After Article 69, the following shall be inserted as a new Article:

“ARTICLE 69A

1. Notwithstanding that this Agreement does not commit Albania to approximate its legislation to that of the United Kingdom, the Parties recognise that there is an alignment of their legislation as a result of the EU-Albania Agreement in the relevant sectors. The Parties agree that the operation of the following provisions of this Agreement depends upon the continued alignment of their legislation in the relevant sectors:

Title V (Movement of workers, Establishment, Supply of Services, Current Payments and Movement of Capital):

- Chapter I Movement of Workers (Article 46);
- Chapter II Establishment (Articles 50, 51(1) and 55); and
- Chapter III Supply of services (Articles 57, 58(1) and 59).

2. If a Party considers that the necessary level of alignment of their legislation is no longer reached, it may request consultations on the matter. Unless the Parties agree otherwise, consultations under this Article shall take place no later than 30 days after the date of delivery of the request for consultations by the other Party (“the consultation request date”).

3. If the matter is not resolved within 45 days of the consultation request date, a Party may suspend the operation of the provisions referred to in paragraph 1 after having notified the other Party in accordance with paragraph 4.

4. The suspension in paragraph 3 shall not take place sooner than 90 days after the date of delivery of the notification referred to in that paragraph.

5. In the event of a Party suspending provisions according to paragraph 3, the Parties shall offer the services or service suppliers of the other Party treatment no less favourable than that accorded to like services or service suppliers of any third country. Preferential treatment granted by either Party to the services or service suppliers of a third country consistent with GATS shall be excluded from this paragraph.”

7. MODIFICATIONS TO TITLE VI

APPROXIMATION OF LAWS, LAW ENFORCEMENT AND COMPETITION RULES

- (a) Article 70 shall not be incorporated into this Agreement.
- (b) Article 71(2) shall not be incorporated into this Agreement.
- (c) In Article 71(4), the words “in conformity with paragraph 2” shall not be incorporated into this Agreement.
- (d) In Article 71(5), the words “following the methodology and the presentation of the Community survey” shall not be incorporated into this Agreement.
- (e) In Article 71(6), the words “and shall align such aid schemes with the criteria referred to in paragraph 2 within a period of no more than four years from the date of entry into force of this Agreement” shall not be incorporated into this Agreement.
- (f) In Article 71(7), the second paragraph shall not be incorporated into this Agreement.
- (g) In Article 71(8), the second indent shall not be incorporated into this Agreement.
- (h) Article 72 shall be replaced by:

“With regard to public undertakings and undertakings to which special or exclusive rights have been granted, the Parties shall ensure that there is neither enacted nor maintained any measure distorting trade between the Parties contrary to the Parties’ interests. This Article should not

obstruct the performance in law or in fact of the particular tasks assigned to those undertakings.”

- (i) Article 73(2) shall not be incorporated into this Agreement.
- (j) In Article 74(2), the second paragraph shall be replaced by:

“The United Kingdom shall periodically examine the possibility of applying the above provisions to contracts in the utilities sector.”
- (k) In Article 74(5), the words “46 to 69” shall be replaced by “46 to 61 and 63 to 69”.
- (l) Article 75(1) shall not be incorporated into this Agreement.
- (m) In Article 75(2), the words “To this end,” and the first and fourth indents shall not be incorporated into this Agreement.
- (n) In Article 76:
 - i. in the first paragraph, the first sentence shall not be incorporated into this Agreement;
 - ii. in the first indent of the second paragraph, the words “, in accordance with Community law” shall not be incorporated into this Agreement; and
 - iii. the second indent of the second paragraph shall be replaced by “adequate consumer protection legislation is in place,”.
- (o) Article 77 shall not be incorporated into this Agreement.

8. MODIFICATIONS TO TITLE VII

JUSTICE, FREEDOM AND SECURITY

- (a) In Article 79, the first sentence shall be replaced by:

“Albania shall maintain legislation concerning personal data protection upon the date of entry into force of this Agreement and shall take into account principles and guidelines of relevant international bodies on the protection of personal data.”
- (b) Article 81(3) shall be replaced by:

“The Parties will set out arrangements for readmission, including the readmission of nationals of other countries and stateless persons.”

- (c) Article 81(4) shall not be incorporated into this Agreement.
- (d) In Article 82(2), the words “the Community and” shall not be incorporated into this Agreement.
- (e) In Article 83(2), the words “along the lines of the EU Drug Control Strategy” shall not be incorporated into this Agreement.

9. MODIFICATIONS TO TITLE VIII

COOPERATION POLICIES

- (a) In Article 87(2), the words “and gradually to approximate its policies to the stability-oriented policies of the Economic and Monetary Union” shall not be incorporated into this Agreement.
- (b) Article 87(4) shall not be incorporated into this Agreement.
- (c) In Article 88, the following words shall not be incorporated into this Agreement:
 - i. “related to the Community *acquis*”; and
 - ii. “; the European Statistical Code of Practice and the stipulations of the European Statistical law and develop towards the Community *acquis*”.
- (d) In Article 89, the words “related to the Community *acquis*” shall not be incorporated into this Agreement.
- (e) In Article 90, the words “related to the Community *acquis*” and “and EU best practices” shall not be incorporated into this Agreement.
- (f) Article 92(3) shall not be incorporated into this Agreement.
- (g) In Article 93, the words “related to the Community *acquis*” and “; as well as the principles enshrined in the European Charter for Small Enterprises” shall not be incorporated into this Agreement.
- (h) In Article 94(1), the final sentence shall not be incorporated into this Agreement.
- (i) In Article 95, the following words shall not be incorporated into this Agreement:
 - i. “related to the Community *acquis*”; and

- ii. “, and at supporting the gradual approximation of Albanian legislation and practices to the Community rules and standards”.
- (j) In Article 96, the words “related to the Community *acquis*” shall not be incorporated into this Agreement.
- (k) In Article 97(1), the following words shall not be incorporated into this Agreement:
 - i. “and to achieving the approximation of the customs system of Albania to that of the Community”; and
 - ii. “and for the gradual approximation of the Albanian customs legislation to the *acquis*”.
- (l) Article 97(2) shall not be incorporated into this Agreement.
- (m) In Article 98(2), the words “related to the Community *acquis*” shall not be incorporated into this Agreement.
- (n) Article 99(2) shall not be incorporated into this Agreement.
- (o) Articles 100(3) and (4) shall not be incorporated into this Agreement.
- (p) Article 102(3) shall not be incorporated into this Agreement.
- (q) Article 103(1) shall not be incorporated into this Agreement.
- (r) Article 104(1) shall not be incorporated into this Agreement.
- (s) In Article 104(2), the words “, in particular,” and “, with the ultimate objective of the adoption by Albania of the Community *acquis* in these sectors one year after the date of entry into force of this Agreement” shall not be incorporated into this Agreement.
- (t) Article 106(1) shall not be incorporated into this Agreement.
- (u) In Article 106(2), the words “, achieving operating standards comparable to those in the Community, developing a transport system in Albania compatible and aligned with the Community system” shall not be incorporated into this Agreement.
- (v) In Article 107, the words “related to the Community *acquis*” and “based on the signed regional Energy Community Treaty” shall not be incorporated into this Agreement.
- (w) Article 108(2) shall not be incorporated into this Agreement.

- (x) Article 109(2) shall not be incorporated into this Agreement.
- (y) Article 110(2) shall not be incorporated into this Agreement.

10. MODIFICATIONS TO TITLE IX

FINANCIAL COOPERATION

- (a) In Article 112:
 - i. the words “Articles 3, 113 and 115” shall be replaced by “Article 3”.
 - ii. the words commencing “from the Community in the form of grants and loans” to the end of that Article shall be replaced by “from the United Kingdom, subject to the agreement of both parties. The United Kingdom may also cooperate with initiatives set out in Articles 112 to 115 of the EU-Albania Agreement, subject to the agreement of all parties.”
- (b) Articles 113 to 115 shall not be incorporated into this Agreement.

11. MODIFICATIONS TO TITLE X

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

- (a) In Article 117(1), in each instance, after “members” the words “or representatives” shall be inserted.
- (b) Article 117(5) shall not be incorporated into this Agreement.
- (c) In Article 121:
 - i. before “set up” the words “where appropriate” shall be inserted; and
 - ii. the words “and the monitoring of the EU Action Plan for Albania and the neighbouring region” shall not be incorporated into this Agreement.
- (d) In the first paragraph of Article 122:
 - i. the words “is hereby” shall be replaced by “may be”; and
 - ii. after “established” the words “by the Parties” shall be inserted.
- (e) Article 128 shall not be incorporated into this Agreement.

- (f) In Article 129, the second paragraph shall not be incorporated into this Agreement.
- (g) Article 131 shall not be incorporated into this Agreement.
- (h) In Article 132, the words “the Treaties Establishing the European Community and the European Atomic Energy Community” shall be replaced by “the Treaty on European Union and the Treaty on the Functioning of the European Union”.
- (i) Article 133 shall not be incorporated into this Agreement.
- (j) Article 134, including the footnote, (1), shall not be incorporated into this Agreement.
- (k) Article 137 shall not be incorporated into this Agreement.

12. MODIFICATIONS TO ANNEX V

INTELLECTUAL, INDUSTRIAL AND COMMERCIAL PROPERTY RIGHTS

- (a) In paragraph 1, the words “, or which are de facto applied by Member States” shall not be incorporated into this Agreement.
- (b) Paragraph 3 shall not be incorporated into this Agreement.

13. MODIFICATIONS TO PROTOCOL 1

IRON AND STEEL PRODUCTS

- (a) Article 5(2) shall not be incorporated into this Agreement.
- (b) In Article 5(4), the words “paragraphs 2 and 3” shall be replaced by “paragraph 3”.
- (c) In Article 5(5), the words “to 4” shall be replaced by “, 3 and 4”.

14. MODIFICATIONS TO PROTOCOL 3

RECIPROCAL PREFERENTIAL CONCESSIONS FOR CERTAIN WINES, THE RECIPROCAL RECOGNITION, PROTECTION AND CONTROL OF WINE, SPIRIT DRINKS AND AROMATISED WINE NAMES

- (a) At the end of Article 2(a)(ii) of Annex II, the following shall be inserted as a footnote:

“The designations *Irish Whisky*, *Uisce Beatha Eireannach*, *Irish Whiskey* and *Irish Cream*, listed in Appendix 1, Part A, cover spirit drinks produced in the Republic of Ireland and Northern Ireland.”

- (b) Article 11(2), Annex II, shall be replaced by:

“Albania designates the Ministry of Agriculture and Rural Development as its representative body. The United Kingdom designates the Department for Environment, Food and Rural Affairs as its representative body. A Contracting Party shall notify the other Contracting Party if it changes its representative body.”

- (c) In Annex II, Appendix 1, Parts A(a) and (c), geographical indications relating to parts of the European Union that are not the United Kingdom shall not be incorporated into this Agreement.

- (d) In Annex II, Appendix 1, Part A(b) shall be replaced by:

“(b) SPIRIT DRINKS ORIGINATING IN THE UNITED KINGDOM

1. (a) Whisky

Scotch whisky

Irish whisky

(These designations may be supplemented by the terms ‘malt’ or ‘grain’)

(b) Whiskey

Irish whiskey

Uisce Beatha Eireannach/Irish whiskey

(These designations may be supplemented by the terms ‘pot still’)

2. Liqueur

Irish Cream”

- (e) In Annex II, Appendix 2, traditional expressions relating to parts of the European Union that are not the United Kingdom shall not be incorporated into this Agreement.

- (f) In Annex II, Appendix 3, paragraphs (a) and (b) shall be replaced by:

“The Contracting Parties shall notify each other of their respective contact points upon the entry into force of this Agreement.”

15. MODIFICATIONS TO PROTOCOL 5

LAND TRANSPORT

- (a) Articles 4 to 6 shall not be incorporated into this Agreement.

- (b) Articles 8 to 10 shall not be incorporated into this Agreement.
- (c) In Article 11(1), the second paragraph shall not be incorporated into this Agreement.
- (d) In Article 11(3), the words:
 - i. “on the axes mentioned in Article 5” shall be replaced by “in Albania”; and
 - ii. “and under the same circumstances problems arise on Community territory close to the Albanian borders,” shall not be incorporated into this Agreement.
- (e) In the first indent of Article 12, the words “, on the one hand, with the completion of the internal Community Market and the implementation of the common transport policy and, on the other hand, with Albania’s” shall be replaced by “with their”.
- (f) Article 13(2) shall not be incorporated into this Agreement.
- (g) Article 13(3) shall be replaced by:

“The Parties will seek to eliminate discrimination between hauliers of the United Kingdom and Albania when levying taxes and charges on the circulation and/or possession of heavy goods vehicles as well as taxes or charges levied on transport operations in the territory of the Parties.”
- (h) In Article 13(4), the words “Until the conclusion of an Agreement referred to in paragraph 2 and in Article 12” shall not be incorporated into this Agreement.
- (i) In Article 14(1):
 - i. the words “on the routes covered by Article 5” shall be replaced by “in Albania and the United Kingdom”; and
 - ii the second sentence shall not be incorporated into this Agreement.
- (j) Article 14(2) shall not be incorporated into this Agreement.
- (k) Article 16(1) shall not be incorporated into this Agreement.
- (l) Article 16(4) shall not be incorporated into this Agreement.
- (m) In Article 17(1), the words “and endeavour to harmonise their legislation” shall not be incorporated into this Agreement.

- (n) Article 17(3) shall not be incorporated into this Agreement.
- (o) In Article 17(4), the words “harmonise” shall be replaced by “pool their experience concerning”.
- (p) Article 18(1) shall not be incorporated into this Agreement.
- (q) Article 19 shall not be incorporated into this Agreement.
- (r) Article 21(2)(c) and (d) shall not be incorporated into this Agreement.

16. MODIFICATIONS TO PROTOCOL 6

MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS

- (a) In Article 10(2), the words “, including, where appropriate, legal provisions in force in the Member States of the Community” shall not be incorporated into this Agreement.
- (b) In Article 13(1), the words “the competent services of the Commission of the European Communities and” shall not be incorporated into this Agreement.
- (c) In Article 14(1), the following shall not be incorporated into this Agreement:
 - i. the words “Taking into account the respective competences of the Community and the Member States,”; and
 - ii. the third indent.
- (d) Article 14(2) shall be replaced by:

“Notwithstanding the provisions of paragraph 1, the provisions of this Protocol shall take precedence over the provisions of any bilateral Agreement on mutual assistance which has been concluded between the United Kingdom and Albania prior to the date this Agreement is signed insofar as the provisions of the latter are incompatible with those of this Protocol.”

17. JOINT DECLARATIONS

The following Joint Declarations are those referred to by Article 3(2) of this instrument:

- (a) Joint Declaration concerning Article 61 of the Agreement;

- (b) Joint Declaration concerning Article 73 of the Agreement;
- (c) Joint Declaration concerning Article 126 of the Agreement; and
- (d) Joint Declaration concerning Protocol 5 of the Agreement.