

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF NORTH MACEDONIA
AND
THE COUNCIL OF MINISTERS OF THE REPUBLIC OF ALBANIA
ON MUTUAL RECOGNITION OF AUTHORISED ECONOMIC OPERATOR -
SECURITY AND SAFETY (AEOS) AUTHORISATIONS

The Government of the Republic of North Macedonia and the Council of Ministers of the Republic of Albania (hereinafter referred to as "Parties");

Taking into account the importance of the contribution of trade facilitation to economic development;

Having decided to eliminate the obstacles to their mutual trade and to progressively establish closer trade relations;

Emphasizing the role of the EU alignment process in triggering the mutual recognition of AEO Programmes;

Having decided to strengthen trade-economic relations and mutual understanding between the Parties;

Considering that the Parties are determined to improve security in movement of goods entering or exiting their State's territories, without interrupting trade flows;

Recognizing that the AEO Programmes apply security requirements in accordance with the respective laws of the States of the Parties as well as the internationally recognized security and compliance standards set forth in the "SAFE Framework of Standards to Secure and Facilitate Global Trade" (hereinafter referred to as the "SAFE Framework");

Have agreed on the following:

Article 1
Scope of application of the Agreement and competent authorities
for the implementation of the Agreement

This Agreement shall apply to authorized security and safety economic operators (hereinafter referred to as: AEOS), which have been granted an authorization under the AEO Programme in the States of the Parties.

In the State of each Party, the AEOS shall enjoy facilitations with respect to customs controls, as referred to in Articles 5 and 6 of this Agreement.

Competent authorities for the implementation of this Agreement are:

- in the Republic of North Macedonia: Ministry of Finance - Customs Administration
- in the Republic of Albania: Ministry of Finance and Economy - General Directorate of Customs.

(hereinafter referred to as: customs authorities).

Article 2
Mutual recognition of issued AEOS authorisations

In line with this Agreement, the customs authorities of the States of the Parties shall mutually recognize issued AEOS authorisations, provided that the legislation and implementation of the AEO Programme of the States of the Parties are fully aligned with *acquis* in force.

The AEO Programme alignment and implementation status of the State of one Party shall be confirmed by the customs authority of the State of the other Party, after completing a validation process.

Article 3
Compatibility in implementation of AEO Programme

The following shall be ensured in the State of each Party:

- (a) the standards applied to each AEO Programme should be compatible with respect to:

- application criteria;
 - validation process; and
 - approval process.
 - management of the granted status (monitoring, re-assessment, amendment, suspension and revocation)
- (b) The customs authority of the State of each Party shall conduct its AEO Programme in accordance with the SAFE Framework principles and standards.

Article 4 Granting status

The criteria for granting the status of AEOS shall be the following:

- a) absence of any serious infringement or repeated infringements of customs legislation and taxation rules, including no record of serious criminal offences relating to the economic activity of the applicant;
- b) demonstration of a high level of control by the applicant of his or her operations and of the movement of goods, by means of a system of managing commercial and, where appropriate, transport records which enables appropriate customs controls;
- c) financial solvency, which shall be deemed to be proven where the applicant has good financial standing, which enables him or her to fulfill his or her commitments, with due regard to the type of business activity concerned;
- d) appropriate security and safety standards, which shall be deemed fulfilled where the applicant demonstrates that he or she maintains appropriate measures to ensure the security and safety of the international supply chain, including in the areas of physical integrity and access controls, logistical processes and handling of specific types of goods, personnel and identification of his or her business partners.

Article 5
Benefits for AEOS regarding pre-departure declaration

Where an AEOS lodges on its personal behalf a pre-departure declaration in the form of a customs declaration or a re-export declaration, no other particulars than those stated in those declarations shall be required.

Where an AEOS lodges on behalf of another person, who is also an AEOS, a pre-departure declaration in the form of a customs declaration or a re-export declaration, no other particulars than those stated in those declarations shall be required.

Article 6
More favorable treatment for AEOS regarding risk assessment and control

AEOS shall be subject to fewer physical and document-based controls than other economic operators.

Where an AEOS has lodged an entry summary declaration or a temporary storage declaration or where an AEOS has lodged a notification and has given access to the particulars related to his entry summary declaration in his computer system, the customs office of first entry where the consignment has been selected for physical control, shall notify the AEOS of that fact. That notification shall take place before the arrival of the goods in the customs territory of the State of the Party.

The notification referred to in paragraph 2 of this Article shall be made available also to the carrier if it is different than the AEOS referred to in paragraph 2 of this Article, provided that the carrier is an AEOS and is connected to the electronic systems relating to the declarations referred to in paragraph 2 of this Article.

The notification referred to in paragraph 2 of this Article shall not be provided where it may jeopardise the controls to be carried out or the results thereof.

Where an AEOS lodges a temporary storage declaration or a customs declaration prior to the presentation of the goods the customs office competent to receive that temporary storage declaration or that customs declaration prior to the

presentation of the goods shall, where the consignment has been selected for customs control, notify the AEOS of that fact. That notification shall take place before the presentation of the goods to Customs.

The notification referred to in paragraph 5 of this Article shall not be provided where it may jeopardise the controls to be carried out or the results thereof.

Where consignments declared by an AEOS have been selected for physical or document-based control, those controls shall be carried out as a matter of priority.

Upon request by an AEOS the controls may be carried out at a place other than the place where the goods have to be presented to Customs.

The notifications referred to in paragraphs 2 and 5 of this Article shall not concern the customs controls related to temporary storage declaration or a customs declaration after the presentation of the goods.

Article 7

Exemption from favorable treatment

The more favorable treatment referred to in Article 6 of this Agreement shall not apply to customs controls related to specific elevated threat levels or control obligations set out in other legislation.

Article 8

Exchange of information between the Parties

A customs authority of the State of each Party may, under reasonable circumstances, suspend one or several AOES trade facilitation measures granted by the State of the other Party. Such suspension or treatment is to be communicated within five (5) working days in writing to the customs authority of the State of the other Party after the adoption of the decision for suspension of the favorable treatment, underlying the reasons, as appropriate.

The customs authorities of the States of the Parties shall on regular basis inform each other of their AEOS, and shall include the following information:

1. the identification number of AEOS;

2. name and address of the AEOS;
3. number of the document granting the status of AEOS;
4. current status (active, suspended, revoked);
5. periods of changed status;
6. date from which the authorisation has legal effect; and
7. the issuing authority.

The parties may exchange more data than those specified in the paragraph above, as they may agree, according to their national legislation.

The way of information exchange, systems to be used and the information period shall be determined in the Protocol referred to in Article 11 of this Agreement

Article 9

Protection of professional secrets and personal data

The data exchanged by the customs authorities of States of the Parties shall enjoy the protection extended to professional secrecy and personal data, as defined in the relevant legislation applicable in the territory of the State of the recipient Party.

Data referred to in paragraph 1 of this Article shall not be transferred to persons other than the competent customs authority of the State of the Party concerned, nor shall it be used by that authority for purposes other than those provided for in this Agreement.

Article 10

Consultations

The Parties shall seek to resolve any differences regarding the issues and concerns related to this Agreement through consultations.

This Agreement may only be amended upon written consent by the Parties.

Article 11
Implementation of the Agreement

The customs authorities of the States of the Parties shall conclude a Protocol defining the method of conducting the validation process of mutual recognition of AEOS prior to the commencement of the validation process and other necessary aspects.

Article 12
Final provisions

This Agreement shall be subject to ratification, acceptance or approval, in accordance with the requirements laid down by the national legislation of the State of each Party.

Each Party shall notify the other Party in writing, by diplomatic channels that the necessary legal procedure for the entry into force of this Agreement has been fulfilled.

This Agreement shall enter into force thirty days after the date on which the other Party has received the notification referred to in paragraph 2 of this Article.

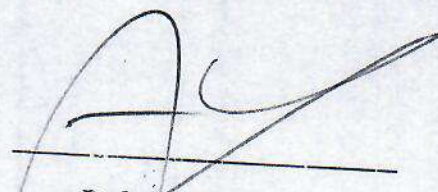
This Agreement shall apply after the validation process has been conducted in the States of both Parties, in accordance with Article 2, paragraph 2 of this Agreement.

Done in Tirana, on 21 December 2021, in two copies in Macedonian, Albanian and English, all three texts being equally authentic. In case of any dispute regarding the interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
THE REPUBLIC OF NORTH MACEDONIA


Bimitar Kovachevski
Deputy Minister for Finance

FOR THE COUNCIL OF MINISTERS OF
THE REPUBLIC OF ALBANIA


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Minister of Economy and Finance