

**WORLD TRADE
ORGANIZATION**

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Committee on Anti-Dumping Practices

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 18.5 OF THE AGREEMENT**

ALBANIA

The following communication, dated 16 March 2005, is being circulated at the request of the Delegation of Albania.

With reference to Article 18.5 of the Agreement on Implementation of Article VI of the GATT 1994, the Government of Albania submits the attached law relevant to the Agreement. In addition, the Government of Albania wishes to inform the Committee that new law and regulations are currently being drafted. Enactment is expected in the second semi-annual of 2005, at which time a translation into WTO language will be prepared and the law will be notified to the Committee.

Law
No. 8466, dt. 24.03.1999-04-22

“On Anti-Dumping”

In compliance to the articles 78 and 83/1 of the constitution, upon the proposal of the Council of Ministers,

The Parliament of the Republic of Albania

DECIDED

PART I
Object, Definitions and Principles

Article 1
Object

This law intends to protect the domestic product, when it is injured or prevented by unfair practices of international trade through dumping.

Article 2
Definitions

In the meaning of this law:

- (a) "dumping" shall mean the introduction of a product into the commerce of another country at a price which is less than its normal value;
- (b) "dumping margin" shall mean the difference between the export price and the normal value as it results from the comparison of the two in accordance with the provisions of the law;
- (c) "injury" shall mean material injury to a domestic industry, threat of material injury to a domestic industry or material retardation of the establishment of a domestic industry;
- (ç) "domestic industry" shall mean the Albanian producers as a whole of the like products or those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products;
- (d) "related producers" shall mean domestic producers, who are deemed to be related to exporters or importers only if one of them directly or indirectly controls the other, or both of them are directly or indirectly controlled by a third person, or together, they directly or indirectly control a third person;
- (dh) "like product" shall mean a product which is identical, i.e. alike in all respects to the product under consideration, or in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the product under consideration.
- (e) “Anti-dumping office” shall mean the state organ charged to investigate and to put the anti-dumping duties;

- (ë) “investigation” shall mean the examination to define the existence, extension and effect of the dumping;
- (f) “interested parties” shall mean:
- the exporters or foreign producers of the investigated product;
 - the importers of the investigated product;
 - trade or business associations, a majority of members of which are producers, exporters or importers of the investigated product;
 - the government of the exporting countries;
 - the domestic producers of the like product;
 - trade and business associations, a majority of the members of which produce the domestic like product.

Article 3 **Principles**

1. A product is considered as being dumped if the export price of the product exported to the Republic of Albania is less than the comparable price for the like product when destined for consumption, in the ordinary course of trade, in the exporting country.
2. The exporting country is normally the Country of origin. However, it can be an intermediate Country, except when products are merely transshipped through the intermediate Country, or are not produced in the intermediate Country and there can be no price for them in the intermediate Country.
3. The anti-dumping office may impose an anti-dumping duty on dumped products only when it determines that the release for free circulation of these products in the Republic of Albania would cause a material injury to the domestic industry.

PART II **Determination of dumping, Injury and Causal Link**

Chapter I **Determination of dumping**

Article 4 **Normal Value**

1. In order to define the dumping, the anti-dumping office shall establish the normal value of a product on the basis of the comparable price, paid or payable in the ordinary course of trade, by independent buyers, when destined for consumption in the exporting country.
2. Sales of the like product destined for consumption in the domestic market of the exporting country shall normally be considered a sufficient quantity for the determination of the normal value if such sales constitutes 5 % or more of the sales of the investigated product to the Republic of Albania, provided that a lower ratio should be acceptable where the evidence demonstrates that domestic sales at such lower ratio can provide for a proper comparison.
3. When there are no sales of the like product in the ordinary course of trade in the domestic market of the exporting country, or when, because of the particular market situation or the low volume of the sales in the domestic market of the exporting country, such sales do not permit a proper comparison, the normal value of the investigated product shall be determined on the basis of:

- a comparable price of the like product when exported to a third country;
- the cost of production in the country of origin plus a reasonable amount for administrative, selling and general costs and for profits.

Article 5

Sales below cost as sales not in the ordinary course of trade

1. The anti-dumping office will take into account sales made in the ordinary course of trade, to determine the normal value. It treats sales of the like product in the domestic market of the exporting country or sales to a third country at price below per unit cost of production (fixed and variable production cost, administrative, selling and general costs), as not being in the ordinary course of trade by reason of price and shall disregard such sales in determining normal value, only if determines that such sales are made:

- within an extended period of time (normally one year, but in no case less than six months);
- in substantial quantities. The anti-dumping office will consider sales below per unit costs are made in substantial quantities when the anti-dumping office establishes that the weighted average selling price of investigated transactions under consideration for the determination of the normal value is below the weighted average per unit costs, or that the volume of sales below per unit costs represents not less than 20% of the volume sold in transaction under consideration for the determination of the normal value;
- at prices which do not provide for the recovery of all costs within a reasonable period of time.

If prices which are below per unit costs at the time of sale are above weighted average per unit costs for the period of investigation, the anti-dumping office shall consider such prices as providing for recovery of costs within a reasonable period of time.

2. For the purpose of article 4/3, the anti-dumping office shall normally calculate costs on the basis of records kept by the exporter or producer under investigation, provided that such records are in accordance with the general accepted accounting principles of the exporting country and reasonably reflect the costs associated with the production and sale of the product under consideration.

Article 6

Export price

1. The export price is the price actually paid or payable for the product when sold for export from the exporting country to the Republic of Albania.

2. In cases where there is no export price or where the export price is considered unreliable by the anti-dumping office because of association or a compensatory arrangement between the exporter and the importer or a third party, the export price may be constructed

- (a) on the basis of the price at which the imported products are first resold to an independent buyer, or,
- (b) if the products are not resold to an independent buyer, or not resold in the condition as imported, on such reasonable basis as the anti-dumping office may determine.

Article 7

The essential factors to realize the comparison

1. The essential factors which determine the comparison price are: sale conditions, taxation, levels of trade, quantities, physical characteristics, and any other differences which are also demonstrated by interested parties to affect price comparability. As some of the above factors may overlap, the anti-dumping office shall ensure that they do not duplicate adjustments.
2. The anti-dumping office shall indicate to the parties what information is necessary to ensure a fair comparison and shall not impose an unreasonable burden of proof on those parties.

Article 8

Comparison methods

Subject to the provisions governing fair comparison in article 7/1., the existence of dumping shall normally be established on the basis of a comparison of a weighted average normal value with a weighted average of prices of all comparable export transactions or by a comparison of normal value and export prices on a transaction-to-transaction basis.

A normal value established on a weighted average basis may be compared to prices of individual export transactions if the anti-dumping office finds a pattern of export prices which differs significantly among different purchasers, regions or time periods. In such circumstances, the anti-dumping office shall explain why such differences cannot be taken into account.

Article 9

Conversion of currencies

When the comparison requires a conversion of currencies, the anti-dumping office shall make such conversion using the rate of exchange on the date of sale.

The date of sale shall normally be the date of contract, purchase order, order confirmation, or invoice, whichever establishes the material terms of sale.

The anti-dumping office shall ignore fluctuations in exchange rate and shall allow exporters at least 60 days to have adjusted their export prices to reflect sustained movements in exchange rates during the period of investigation.

Chapter II

Determination of injury and causal link

Article 10

Determination of Injury

A determination of injury shall be based on positive evidence and involve an objective examination of:

- (a) the volume of dumped imports;
- (b) the effect of the dumped imports on prices in the domestic market for like products;
- (c) the consequent impact of these imports on domestic producers of such products.

Article 11

Determination of the volume of dumped imports

With regard to the volume of the dumped imports, the anti-dumping office shall consider whether there has been a significant increase in dumped imports, either in absolute terms or relative to production or consumption in the Republic of Albania.

Article 12

Effects of the dumped imports on prices in the domestic market

1. With regard to the effects of the dumped imports on prices in the market of the Republic of Albania, the anti-dumping office shall consider:

- whether there has been a significant price undercutting by the dumped imports as compared with the price of a like product of the Republic of Albania;
- whether the effects of such imports is otherwise to depress prices to a significant degree or prevent price increases, which otherwise would have occurred, to a significant degree.

2. When imports of a like product from more than one country are simultaneously subject to anti-dumping investigations, the anti-dumping office may cumulatively assess the effects of such imports only if it determines that:

- (a) the margin of dumping established in relation to the imports from each country is more than de minimis and the volume of imports from each country is not negligible as specified in article 18/6 of this law;
- (b) a cumulative assessment of the effects of the imports is appropriate in the light of the conditions of competition between the imported product and the like domestic product.

Article 13

Impact of the dumped imports on the Albanian Industry

1. The examination of the impact of the dumped imports on the Albanian industry concerned shall include an evaluation by the anti-dumping office of all relevant economic factors and indices having a bearing on the state of the industry, including:

- (a) actual and potential decline in sales, profits, output, market share, productivity, return on investments, or utilization of capacities;
- (b) factors affecting domestic prices;
- (c) the magnitude of the dumping margin;
- (d) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital or investments.

2. The anti-dumping office shall assess the effects of the dumped imports in relation to the Albanian production of the like product when available data permit the separate identification of that production on the basis of such criteria as the production process, producers' sales and profits. If such separate identification of that production is not possible, the effects of the dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes the like product, for which the necessary information can be provided.

Article 14
Threat of material injury

The anti-dumping office shall base their determination of a threat of material injury on facts and not merely on not proved declarations.

When the threat of material injury results from the dumped imports, the anti-dumping office, examining and determining to impose anti-dumping measures, shall consider *inter alia* such factors as:

- (a) a significant rate of increase of dumped imports;
- (b) a significant depressing effect on Albanian prices, increasing the demand for imports.

Article 15
Causal Link

It must be demonstrated by the anti-dumping office that the dumped products are, through the effects of dumping as set forth in the Articles of this chapter, causing injury within the meaning of this law. The demonstration of a causal link between the dumped imports and the injury to the Albanian industry shall be based on an examination of all relevant evidence before the anti-dumping office. The anti-dumping office shall also examine any known factors other than the dumped imports which at the same time are injuring the Albanian industry, and the injuries caused by these other factors must not be attributed to the dumped imports.

PART III
The Anti-dumping Office

Article 16
The anti-dumping office

The anti-dumping office, as a public institution under the Ministry covering the Trade, will be established to implement the provisions of this law. The office anti-dumping will be guided by one General Director, who is appointed and dismissed by the Prime Minister. The anti-dumping office is composed of investigating and decision-making structures. The Anti-dumping Commission, which is composed of seven members, makes the decisions on impose of anti-dumping duties. The members of this commission are proposed by the Council of Ministers and approved by the Parliament for a period of six years.

PART IV
INVESTIGATIONS

Chapter I
Initiation of Investigations

Article 17
Applications and filling the forms

1. An investigation to determine the existence, degree and effect of any alleged dumping shall only be initiated upon a written application by or on behalf of an Albanian industry. In special

circumstances, the anti-dumping office may initiate an investigation without having received a written application by or on behalf of the Albanian industry. In such a case, the anti-dumping office shall proceed only if they have sufficient evidence of dumping, injury and causal link, within the meaning of Part II of this law, which make the legal base to initiate an investigation.

2. Applications shall be submitted to the anti-dumping office in specify form.
3. An application under par. 1 shall include evidence of dumping, injury and causal link, within the meaning of Part II of this law.

Article 18 **Decision to initiate an investigation**

1. The anti-dumping office shall examine the accuracy and adequacy of the evidence provided in the application to determine whether there is sufficient evidence to justify the initiation of an investigation.
2. The customs must give the needed requested information to the anti-dumping office.
3. The anti-dumping office shall initiate an investigation only after having determined that the application is made by or an behalf of the Albanian industry and there is sufficient evidence of dumping injury and causal link within the meaning of Part II of this law.

If the anti-dumping office is satisfied that the conditions of this paragraph are not fulfilled, they shall notify the applicants of the reasons for not initiating the investigation.

4. The anti-dumping office shall normally decide whether or not to initiate an anti-dumping investigation within 60 days of the date of the application. When the applications involve complex issues, or the anti-dumping office have sought additional information from the applicant, the time period may be extended to 60 days.
5. Any application may be withdrawn prior to initiation of the investigation, in which case it shall be considered not to have been made.
6. The anti-dumping office shall not initiate an investigation with respect to given allegedly dumped product, if, from information reasonably available, they determine that the margin of dumping is less than two per cent, or that the volume of dumped imports, actual or potential, is negligible.

The volume of data import shall be regarded as negligible if the volume of the imports from a particular country represents a market-share of below 3% of Albanian consumption, unless countries whose individual imports represent a market-share of below 3% of the Albanian consumption, collectively account for a market-share of less than 7% of the Albanian consumption.

Article 19 **Application made "by or on behalf of the domestic industry"**

For purposes of this law, an application shall be considered to have been made "by or on behalf of the domestic industry" only if:

- (a) it is supported by those Albanian producers whose collective output constitutes more than 50% of the total production of the like product produced by the portion of the Albanian industry expressing either support for or opposition to the application;

- (b) Albanian producers expressly supporting the application account for no less than 25 % of total production of the like product by the Albanian industry.

Article 20

Publication of the request

1. The anti-dumping office shall avoid, unless a decision has been made to initiate an investigation, any publicizing of the application for the initiation of the investigation.
2. After receiving the application which is made according to art. 18 the anti-dumping office must notify the respective government of the exporting country.

Article 21

Notify the initiation of the investigation

When the anti-dumping office have decided to initiate an investigation, it shall give public notice of the initiation of the investigation in the written daily media and/or in the Official Journal of the Republic of Albania, and notify the initiation of the investigation to the States the products of which are subject to such investigation and to the interested parties known to have an interest therein.

Chapter II

Conduct of Investigations

Article 22

General provisions

1. The anti-dumping office shall, except in special circumstances, conclude anti-dumping investigations within one year, and in no case more than 18 months, after their initiation.
2. An anti-dumping procedure shall not hinder the procedures of customs clearance. Once measures are adopted, no additional formalities other than those required for the application of these measures shall be applied.
3. Any information which is by nature confidential, shall, upon good cause shown, be treated as such by the anti-dumping office.

Article 23

The right of the interested parties to be informed

The anti-dumping office shall establish and maintain a public file relating to each investigation or review. The public file shall be available to the general public for review and copying.

Article 24

Gathering the information

1. Upon initiation of the investigation, the anti-dumping office shall send questionnaires to any person they believe may have information relevant to the investigation, including known domestic producers, importers, exporters and foreign producers.

The exporters and foreign producers receiving questionnaire, must answer in written within 40 days from the date on which the questionnaire was sent to the appropriate diplomatic or official representative of the exporting country.

2. In order to verify information provided or to obtain further details, the anti-dumping office may carry out investigations in the territory of other countries as required, provided that the firms concerned and the government of the country in question, previously officially notified, gives their consent.

Article 25 **Hearings**

1. There shall be no obligation on any interested party to attend a hearing, and failure to do so shall not be prejudicial to that interested party's case.

2. Interested parties shall also have the right, on justification, to present other information orally during meetings with officials of the anti-dumping office. Oral information shall be taken into account by the anti-dumping office only in so far as it is subsequently reproduced in writing (or recorded) and made available to other interested parties.

Article 26 **Contribution of the consumer associations and industrial users**

The anti-dumping office shall provide opportunities for industrial users of the product under investigation in the Republic of Albania and for representative consumer organizations in cases where the product is commonly sold at the retail level in the Republic of Albania, to provide information or submit arguments concerning matters relevant to the investigation, inclosing interest of the Republic of Albania in imposing measures. Information and arguments shall be provided in writing.

The anti-dumping office shall allow industrial users of the investigated product and representative consumer organizations to make oral presentations at any hearing held during the course of the investigation.

Article 27 **Final determination**

1. The anti-dumping office shall, at least 30 days before the final determination is made, inform all interested parties in writing, subject to the requirement to protect confidential information, of the essential facts under consideration which form the basis for the decision whether to apply definitive measures.

Interested parties shall submit comments in writing within 15 days of the communication.

2. An investigation shall be concluded by a final determination, whether affirmative or negative. The anti-dumping office shall issue a public notice of the final determination. The notice shall include all relevant information on the matters of fact and law and reasons that have led to the determination, due regard being given to the requirement for the protection of confidential information.

The notice shall be published in the daily written media and/or in the Official Journal of the Republic of Albania and shall be forwarded to the Country the products of which are subject to such determination and to other known interested parties.

3. After the final determination has been issued, the anti-dumping office shall, on request made within 15 days of the publication of the final determination, hold separate disclosure meetings with exporters or producers requesting such a meeting, to explain the dumping calculation methodology finally applied for those exporter's or producer's products.

Chapter 3
Conclusion of the Investigation

Article 28
Provisional Measures

1. The anti-dumping office may impose provisional measures if an investigation has been initiated in accordance with the provisions of Article 17, a public notice has been given to that effect, the interested parties have been given adequate opportunities to submit information and make comments, a preliminary affirmative determination has been made of dumping and consequent injury to a domestic industry, and the interest of the Republic of Albania determine that provisional measures are necessary to prevent injury being caused during the investigation.

2. Provisional measures shall take the form of a provisional duty or, preferably, a security - by cash deposit or bond - not greater than the provisionally estimated margin of dumping.

3. Provisional measures shall not be applied sooner than 60 days from the date of the initiation of investigation.

4. Provisional measures shall be applied for a period not longer than six (6) months from the date of the initiation of investigation.

The anti-dumping office may, upon request by exporters representing a significant percentage of the trade involved, extend the period of application of provisional duties to a period not exceeding nine months.

5. The provisions of Article 32 shall be followed in the application of provisional measures.

Article 29
Undertakings

1. The anti-dumping office may suspend an investigation without the imposition of provisional measures of anti-dumping duties upon receipt of satisfactory voluntary undertakings from any exporter to revise its prices or to cease exports to the area in question at dumped prices so that the anti-dumping office are satisfied that the injurious effect of the dumping is eliminated.

2. Price undertakings may be suggested by the anti-dumping office, but no exporter shall be forced to enter into such an undertaking. The fact that exporters do not offer such undertakings, or do not accept an invitation to do so, shall in no way prejudice the consideration of the case.

3. The anti-dumping office may require any exporter from whom undertakings have been accepted to provide periodically information relevant to the fulfilment of such an undertaking, and to permit verification of pertinent data. The communication of these data shall be subject to the relevant provision on confidentiality. Failure to provide information requested by anti-dumping office may be deemed to be a violation of the undertaking.

Article 30

Rejection of undertakings

1. Prices undertakings shall not be sought or accepted from exporters unless the anti-dumping office has made a preliminary affirmative determination of dumping, injury, and causal link.
2. Undertakings offered are not accepted if the anti-dumping office considers their acceptance impractical. If the anti-dumping office decides not to accept an undertaking, they shall provide to the exporter the reasons which have led to consider acceptance of an undertaking as inappropriate. The anti-dumping office shall, to the extent possible, give exporters an opportunity to make written comments thereon.

Article 31

Violation of undertaking

If an undertaking is violated, the anti-dumping office may, in conformity with the provisions of this law, take expeditious actions which may constitute immediate application of provisional measures using the best information available. In such cases, definitive duties may be levied in accordance with this law on goods entered for consumption not more than ninety days before the application of such provisional measures, except that any such retroactive assessment shall not apply.

Article 32

Termination With out Adoption of Measures

1. An application may be withdrawn at any time after an investigation has been initiated, in which case the anti-dumping office shall terminate the investigation without measures, unless it determines that it is in the interest of the Republic of Albania to continue the investigation.
2. An investigation shall be terminated promptly at any time the anti-dumping office is satisfied that there is not sufficient evidence of their dumping or injury to justify proceeding with the case or when the anti-dumping office determine that the dumping margin is de minimis, or that the volume of dumped imports, actual or potential , of the injury, is negligible under the art. 18/6.

Article 33

Imposition and collection of Anti-dumping Duties

1. When the anti-dumping office has determined that all requirements for the imposition of anti-dumping measures have been fulfilled, it shall examine whether the imposition of such measures would be in the interest of the Republic of Albania. Consideration of the interest of the Republic of Albania shall include, in addition to the interest of the Albanian industry concerned, the situation of domestic competition for the product under investigation, the needs of industrial users and the interest of final consumers where applicable.
2. Anti- dumping duties shall take the form of *ad valorem*, specific or variable duties.
3. Anti- dumping duties shall be imposed in addition to other import duties levied on the imported products concerned. Anti-dumping duties shall be collected by the customs authorities in appropriate amounts in each case, on a non discriminatory basis on imports of such product from all sources found to be dumped and causing injury, except as to imports from those sources from which price undertakings under the terms of this law have been accepted.

Article 34
Retroactivity

1. Except as provided for in art. 31, provisional measures and anti-dumping duties shall only be applied to products which enter into the Republic of Albania for consumption on or after the date of publication of an affirmative preliminary or final determination in an investigation.

2. Where the anti-dumping office make a final determination of injury, but not of a threat thereof or of material retardation of the establishment of an industry or, in the case of a final determination of a threat of injury, where the anti-dumping office consider that the effect of the dumped imports would, in the absence of the provisional measures, have led to a determination of injury, definitive anti-dumping duties may be levied retroactively for the period for which provisional measures, if any, have been applied.

If the definitive anti-dumping duty, is higher or lower than the amount estimated for the purpose of the security, the difference shall be released in the case of a bond, or reimbursed, with an appropriate amount for interest, in the case of a cash deposit.

Where the anti-dumping office make a negative final determination, any security provided during the period of application of the provisional measures shall be released within 45 days.

PART V
Duration, Review and Refunds

Article 35
Duration

1. An anti-dumping duty shall remain in force only as long as and to the extent necessary to counteract dumping which is causing injury.

2. Any definitive anti-dumping measure shall be terminated on a date not later than five years from its imposition or from the date of the most recent review under following par. if that review has covered both dumping and injury. The anti-dumping office shall, in the course of the year preceding the expiry of the measure, publish a notice of impending expiry of anti-dumping measures in the Official Journal of the Republic of Albania and in a domestic newspaper widely disseminated in the Republic of Albania. However, definitive measures may not expire if the anti-dumping office determine, in a review initiated before the date of expiry on its own initiative or upon a duly substantiated request made by or on behalf of the Albanian industry within 45 days from the public notice of impending termination of the definitive anti-dumping measures concerned, and no later than 90 days before the date of expiry of the measures, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury. The duty may remain in force pending the outcome of such a review.

Article 36
Review

The anti-dumping office shall review the need for the continued imposition of the duty, where warranted, on [their] /own initiative or, provided that a reasonable period of time has elapsed since the imposition of the definitive anti-dumping duty, upon a written request submitted by any interested party which contains positive information substantiating the need for review. The anti-dumping office shall notify the interested parties.

In conducting a review under this article, the anti-dumping office shall, upon request from any interest party, examine whether the continued imposition of the duty is necessary to offset dumping, whether the injury would be likely to continue or recur if the duty were removed or varied, or both. If, as a result of a review under this Article, the anti-dumping office determines that the anti-dumping duty, is no longer warranted, it shall be terminated immediately.

Article 37 **Refunds**

1. An importer shall be granted a refund of duties collected by customs authorities if the anti-dumping office determines that the dumping margin, to the basis of which duties were paid, has been eliminated or reduced to a level which is below the level of the duty in force.

2. The importer shall submit an application for the refund of anti-dumping duties collected, within 6 months from the date customs authorities have proved the final amount of taxes to be collected, or from the date the decision on final collection of the cash deposit as provisional measures has been made.

The application shall contain information on the amount of refund of anti-dumping duties claimed for the period and all customs relating to the calculation and payment of such amount. It shall include evidence of normal value and export prices to the Republic of Albania for the exporter or the producer to which the duty applies. In case the importer is not associated with the producer or exporter and such information is not immediately available, or where the producer or the exporter is unwilling to release it to the importer, the application shall contain a statement from the producer or exporter that the dumping margin has been reduced or eliminated and that the relevant supporting evidence will be directly provided to the anti-dumping office. Where such evidence is not forthcoming from the exporter or producer within a reasonable period of time, the application shall be rejected.

3. When investigating pursuant to an application for refund, the anti-dumping office shall apply the relevant provisions of this law to [their] determinations. In particular, when determining whether and to what extent a refund should be made when the export price is unreliable pursuant to art. 6/2, the anti-dumping office shall take account of any change in normal value, any change of costs incurred between importation and resale.

The anti-dumping office shall provide the importer making the request with a detailed explanation of the reasons for the decision concerning the request for refund.

4. Refunds of duties shall normally take place within 12 months and in no case more than 18 months, after the date on which an application for a refund was made. Any refund authorized, plus a reasonable amount for interest, shall be made within 90 days of the decision to grant a refund. The observance of the time-limits mentioned in this paragraph may not be possible where the determination to apply the duties in question is subject to judicial review proceedings.

PART VI **Judicial Review and Sanction**

Article 38 **Judicial Review**

Any interested party who participated in an investigation, review or refund procedure may seek, through discussions, a prompt review of decisions taken by the anti-dumping office relating to

final determinations, reviews of determinations and refund determinations and if in the end of the negotiations, the party judges its request has not been taken into account unreasonably, it has the right to address to the competent court, according to the provisions of the Civil Procedure Code.

Article 39
Sanctions

Penalties of not less than 100.000 Lek and not more than 400.000 Lek will be applied to the parties involved in the investigation not offering the available information upon the reasonable request of the anti-dumping office during the investigation, according to the article 24/1 to this law.

PART VII
Final Provisions

Article 40
International Obligations

This law will be implemented in compliance to the obligations that Albania will have as a member of WTO and especially in compliance to the Agreement on implementation of Article 6 of GATT 1994, "On Anti-dumping measures".

Article 41

The Council of ministers is charged to issue the bylaws concerning with:

- the organization and function of the Anti-Dumping Office;
- the definition and fulfilment of the application – forms;
- the content of the public notice for the initiation of the investigation;
- the confidential information;
- the public file (registry) of the anti-dumping office;
- the notice of the final decision.

Article 42

This law comes into force 6 months after the publication in Fletorja Zyrtare.

Proclaimed with the decree no. 2341, dt. 2.4.1999 of the President of the Republic of Albania, Rexhep Meidani.
