



REPUBLIC OF ALBANIA  
MINISTRY OF DEFENCE



# ALBANIAN STATE EXPORT CONTROL AUTHORITY

ANNUAL REPORT ON EXPORT CONTROL FOR 2010





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Annual report on export control for 2010







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# 1. INTRODUCTION

The need for building an efficient system of state control over international transfers (import, export, transit, trans-shipment) of military goods and dual use goods and technologies, and the resulting participation by the Republic of Albania in joint international initiatives to supervise international transfers of sensitive goods, brought about the adoption of the Law No. 9707, dated 05.04.2007 on the State Control over Import-Export Activity of Military Equipment and Dual-use Goods and Technologies, which constitutes the legal basis of the Albanian state export control system. Article 6 of the Law describes the competencies of institutions which play the main role in the export control of strategic goods.

According to this article:

- a) The Parliament lays down the legal basis of the export control policy,
- b) The Council of Ministers drafts and implements the state policy of export control,
- c) The state policy in this field is also implemented by the State Export Control Authority, the ministers and other state entities with competences in export control.

The responsible institution in the Republic of Albania for the implementation of the state policy in the field of state export controls is the State Export Control Authority (AKSHE), in cooperation with ministries and other state entities that have competences over export control.

The main purpose of establishing the state export control system is to protect the interests of national security, to maintain the international commitments of the Republic of Albania related to non-proliferation of weapons of mass destruction, and limitation of illegal conventional arms transfers, as well as to take measures for preventing their use for terrorist or other illegal purposes.

The main objectives of building the state export control system are:

- a) To establish the possibility of granting licenses and authorizations to entities (individuals, or public or private legal entities) involved in international transfers of goods, which gives them the right to import and export, transit, or conduct negotiations followed by signing of economic agreements with other countries as well as to revoke these permits when the entities violate state legislation in the field of state export control.
- b) To establish the possibility of guaranteeing the issuance of international certificates for import and end user certificates.
- c) To assess the conditions of registration of entities aiming to conduct international transfers of military goods with AKSHE.
- d) To assess the possibility of submitting proposals to the Council of Ministers through the Minister of Defense.

The approval of the Law No. 9707 on “State Control of Import-Export Activity of Military Equipment and Dual-use Goods and Technologies” was followed by drafting of the secondary legislation and thus provided for establishment of the legal basis for state national export control activity.

At the moment, the main bylaws (secondary legislation) that enable efficient functioning are drafted by AKSHE and approved later by a decision of the Council of Ministers.

Additional bylaws include Orders approved by the Chair of AKSHE, which mainly relate to internal procedures, organizational aspects and specific details of control activities.

At the end of August 2008, the establishment of AKSHE was initiated with the appointment of the Chair of the Agency by the Minister of Defense.

Since then, the work of AKSHE has developed in four main directions:





1. Recruitment and training of staff;
2. Cooperation with international bodies and counterpart authorities, and participation in conferences and seminars in the field of state export control;
3. Drafting of secondary legislation required for the completion of the legal basis of the national state export control activity;
4. Effective activity related to issuance of legal documents, licenses, authorizations and certificates.

#### 1. Recruitment and training of staff

Recruitment and training of staff for the new institution, taking into account the difficulties of such a specific field of activity, can now be considered almost complete.

In parallel with the recruitment of staff, AKSHE is participating in various training conferences and seminars, and is strengthening cooperation with international bodies in the same field.

#### 2. Cooperation with international bodies, counterpart authorities and industry

During this period, AKSHE has had a continuous and fruitful cooperation with some of its counterparts and international bodies.

- **The Export Control and Border Security (EXBS)**. EXBS has given its contribution in terms of funding the participation of AKSHE staff in different conferences and seminars, as well as by providing literature in the field of export control. EXBS expressed its willingness to cooperate with and support AKSHE in the future, in order to build an efficient Albanian system of export control.
- **The German State Control Authority (BAFA)**, which plays a primary role in the field of state export control in the European Union, is at the same time the leading representative of the EU in helping Western Balkan countries to build and strengthen the capacities of state control of exports. BAFA has given its contribution by training AKSHE and has expressed its readiness to provide a comprehensive support in the future.
- **The South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC)** has provided a considerable support to AKSHE, organizing different activities at the regional level, such as seminars and trainings. In cooperation with this organization, we published the Annual National Report for 2007-2008, Annual National Report for 2009, and contributed to 2008-2009 regional reports.
- **Stockholm International Peace Institute (SIPRI)** has given a considerable contribution to organization of seminars and trainings, and it continues to show its willingness to contribute in the future.
- In addition, contacts have been made with other international bodies and authorities and this collaboration is expected to be strengthened in the future.

##### Cooperation with industry

As industry is one of the main actors in the field of state control of exports, cooperation with it is of great importance. Meetings have been held with companies involved in commercial activities in the field of exports where various issues were discussed. Since the establishment of AKSHE, contacts have been made with Chambers of Commerce and Industry in the districts. Representatives of these institutions have been regularly invited to take part in the activities conducted by AKSHE in Albania.

#### 3. Drafting of secondary legislation, which will serve as a legal basis of the national state export control

Drafting of secondary legislation provided by the Law No. 9707 dated 05.04.2007 on State Control over Import-Export Activity of Military Equipment and Dual-use Goods and Technologies, which would enable the full-functioning of the State Export Control Authority,





was a priority of this agency since its establishment.

#### **4. Issuing legal documents, licenses, authorizations and certificates**

As of June 1, 2009, AKSHE has started the operational process of issuing licenses, authorizations and certificates for entities dealing with military goods and dual-use goods. This year's annual report is the third report of the Republic of Albania on export control, after two reports issued for the years 2007-2008 and 2009.

The report contains description of national legislation related to the export control system for military goods and dual-use goods and technologies, as well as the description of the stages of the licensing process.

The national list of products subject to control, criteria for its adoption and respective links are given in the Annex.

The report also focuses on international conventions and agreements ratified by the Republic of Albania, weapons control regimes and obligations stemming from them. This report analyzes the position of the Republic of Albania in the export control system and its cooperation with international bodies and industry.

The final part of the report contains detailed data on exports of military goods and dual-use goods and technologies in 2010.

The tables provide data on destinations, quantities, economic value and code of exported goods.



## 2. NATIONAL LEGISLATION ON STATE EXPORT CONTROL

### 2.1 LEGISLATION ON EXPORT CONTROL

Law No. 9707 dated 05.04.2007

*on "State Control over the Import-Export Activity of Military Equipment and Dual-use Goods and Technologies."*\*

Decision of the Council of Ministers No. 43 dated 16.01.2008

*on the "Organization, Functioning and Status of the State Export Control Authority."*

Decision of the Council of Ministers No. 106, dated 09.02.2011

*on "Adopting the List of Military Goods and the List of Dual-use Goods and Technologies subject to State Import-Export Control."*

Decision of the Council of Ministers No. 304, dated 25.3.2009

*on "Setting up the Procedures for Conducting Expertise and Control by the Albanian State Export Control Authority (AKSHE)."*

Decision of the Council of Ministers No. 305, dated 25.3.2009

*on "Setting up the Procedures of Issuing Legal Documents in the Field of State Control of Import-Export of Military Goods and Dual-use Goods and Technologies."*

Decision of the Council of Ministers No. 341, dated 08.04.2009

*on "Establishing the Tariffs for Issuing Legal Documents."*

Decision of the Council of Ministers No. 604, dated 28.8.2003

*on "Approving, in Principle, the EU Code of Conduct on Arms Exports."*

Order of the Head of AKSHE No. 76, dated 30.12.2008

*on "Setting the Format of the Report, Timeframes and Deadline for Presenting Reports."*

Order of the Head of AKSHE, No. 72, dated 30.12.2008

*on "Regulations on Organization and Functioning of the Albanian state Export Control Authority."*

### 2.2 LEGISLATION RELATED TO AKSHE ACTIVITY

In exercising its functions and coordinating its work with other state or private institutions, AKSHE implements regulations related to export control of military goods and dual-use goods and technologies.

Some of the implemented laws are:

Law No. 9723, dated 3.5.2007 on	"National Registration Center";
Law No. 10081, dated 23.2.2009 on	"Licenses, Authorizations and Permits in the Republic of Albania";
Law No. 8449, dated 27.01.1999 on	"Customs Code of the Republic of Albania";
Law No. 7582, dated 13.7.1992 on	"State Enterprises";
Law No. 9901, dated 14.4.2008 on	"Entrepreneurs and Companies";
Law No. 7926, dated 20.4.1995 on	"Transformation of State Enterprises into Commercial Companies."

■ \*Currently, the Law No. 9707 dated 05.04.2007 on the State Control of the Import-Export activity of Military Equipment and Dual-use Goods and Technologies is being amended to comply with the EU Regulation no. 428/2009 dated May 5, 2009.



## 3. STATE EXPORT CONTROL SYSTEM

### 3.1 ALBANIAN STATE EXPORT CONTROL AUTHORITY (AKSHE)

In the Republic of Albania, the responsible institution for enforcing the state policy in the field of state export control is the State Export Control Authority (AKSHE), which acts in cooperation with ministries and other state entities responsible for export control. Other state bodies, such as diplomatic and consular offices of the Republic of Albania abroad, may be engaged in the process of controlling the export upon obtaining the consent from a responsible institution.

AKSHE is the central institution under the Ministry of Defense.

AKSHE is the responsible institution for enforcing the state policy over export, import, transit, trans-shipment and brokering activity for military goods and dual-use goods and technologies.

This institution:

- Conducts analysis and provides the needed expertise regarding goods and activities subject to export control. This control includes all phases of the process, starting from pre-licensing through further control after the entity is granted a license, to verification of the end user and destination of goods.
- Issues legal documents: licenses, authorizations and certificates.
- Sanctions legal violations in the field of state export control.
- Fosters the enforcement of embargos.
- Serves as a contact point in implementing international agreements.

As a result of its legal competencies, AKSHE plays another important role - that of a focal point in implementing of international agreements in this field, implementing procedures that derive from international standards, overseeing implementation of full and partial embargos, carefully analyzing destinations and end-uses and continuously exchanging information regarding trade entities involved in illicit operations.

### 3.2 STATE CONTROL OVER EXPORTS

The state control of the import-export of military and dual-use goods as well as their technologies is a joint international initiative born out of a necessity to oversee the international transfer of sensitive goods.

The main international provisions in this field include:

- Resolution 1540 of the United Nations Security Council that specifically defines the obligation for UN member states to take measures of controlling the transfer of these goods while building efficient systems of state control.
- European Union Regulation No. 428/2009 dated May 5, 2009, as well as a series of joint positions and actions, which build a combined system of control of military and dual-use goods movement.
- The Code of Conduct on Arms Exports approved by EU, implemented in the Republic of Albania by the Decision of the Council of Ministers No. 604 dated 28.08.2003 on "Approving in Principle the EU Code of Conduct on Arms Exports."
- The common position of EU Council 2008/944/CFSP on the Common Rules related to the Export Control of Military Goods and their technologies.
- Provisions deriving from international agreements on non-proliferation and control of exports such as Wassenaar Agreement, Missile Technology Control Regime, Hague Code of Conduct against Ballistic Missile Proliferation, Australia group, Convention of Chemical Weapons, OPCW (Albania is a member), Zangger Committee, etc.
- State control over these goods comprises one of the criteria included in the Stabilization and Association Agreement (SAA), necessary to be fulfilled by Albania in order to join the European family.



State control over exports includes:

- Items.

All items are included in the Common Lists of the European Union, which are approved and updated every year by a Decision of the Council of Ministers (the lists currently in effect were approved by the Council of Ministers Decision No. 1569 dated 09.02.2011 on the "Approval of the List of Military Goods and the List of Dual-use Goods and Technologies subject to the State control of Import-Export).

One list refers to military goods whereas another to the dual-use goods.

Military equipment and technologies include:

- Products designed for military purpose (examples: arms, ammunition);
- Services designed for military purposes (examples: design, assembly, repair);
- Technologies designed for military purposes (examples: information, technical data, and technical assistance).

Dual-use goods include:

Special products, equipment, materials, software and technology that are not exclusively designed for military purpose, or works and services related to them, which, apart from civil use can be used for military or terrorist purposes or are in their design, manner of production and use intended for military purposes, weapons of mass destruction, their proliferation or explosives and nuclear weapons (example: nuclear materials, chemical agents, bacteriological agents, biological agents and toxic preparations).

- Entities:
  - Individuals that conduct activities in relation to the transfer of the above-mentioned items;
  - Legal entities that conduct activities in relation to the transfer of the above-mentioned items.
- Activities:
  - Export;
  - Import;
  - Transit;
  - Trans-shipment;
  - Brokering.

### 3.3 STAGES OF THE PROCESS

The process of licensing entities

Registration:

As far as the entities involved in activities related to military goods are concerned, they have to register with AKSHE, which issues a Registration Certificate to these entities and keeps a Register of the entities involved in international transfers. This is the first step of the licensing process.

Application:

Commercial entities wishing to obtain a license, authorization or certificate need to submit the required documentation to AKSHE and fill in the required form. The required criteria, adequate



documentation, frequently asked questions, information points for citizens as well as all useful information are published in the following website: [www.akshe.gov.al](http://www.akshe.gov.al).

Cooperation of AKSHE with commercial entities:

In order to enable an effective and transparent control system, a spirit of cooperation between AKSHE and commercial entities is needed at all stages of this process. AKSHE is trying to perform state export controls by fast, transparent and efficient procedures, providing all the necessary information and assistance. Individuals/legal entities involved in international transfers of military goods and dual-use goods and technologies who are licensed need to cooperate with the staff of AKSHE experts in order to allow the actual control of goods included in the control lists.

Reporting:

Individuals/legal entities involved in international transfers of military goods, dual-use goods and technologies, who have obtained a license and an international import certificate are required to submit written reports to AKSHE on a quarterly basis regarding the following:

- Transfer of the goods specified in the documents;
- Use of these goods for the stated purpose.

Individuals/legal entities involved in the international transfers of goods are required to submit, within 10 days from the date of completing the transfer of each merchandise, a copy of the following documentation:

- Export/import license;
- International transport document;
- Customs statement;
- Invoice of the goods.

#### **Controlling and licensing process by the Albanian State Export Control Authority**

AKSHE exercises a comprehensive control throughout the licensing process, covering the entire timeframe of the pre-licensing, licensing, and post-licensing process.

This control may include:

a) Control of documentation and requests

This control consists of verifying the accuracy and correctness of the completed documents submitted in compliance with legal procedures in force and verifying the proper completion of the licensing request, which is considered as the documentation control phase.

b) Technical control by the experts

This control phase is related to the actual, physical control of goods subject to license, comparing the data described by the applicant against the actual goods.

With regards to this phase, it is very important for the applicant to correctly classify the goods according to the numbers in the control list, ensuring that each item included in the licensing application has its correct corresponding code. This control consists of technical verification and analysis performed by the AKSHE experts or other bodies if necessary.

With regards to the time period, control may include all stages of the process, not only a preliminary check in the pre-licensing phase, but it may continue in the post-licensing stage to verify the actual state during transport.

The maximum duration of the process is 30 days from the date of submitting all necessary documents; the work will be coordinated with other stakeholders, if necessary.



c) Licensing control

This phase is related to the evaluation of the application. In the process of decision making, all of the objective and subjective aspects are taken into consideration, such as the nature of the sensitive goods, countries under embargo, respect for international agreements, end-users, the end-use of goods, financial aspects, etc.

This is a control of the equipment against legal documentation of the applicant, closely connected to the decision-making process.

Although the Albanian export control system gives the exclusive right of decision-making to AKSHE, in order to have an efficient control over these goods, often other state entities are involved in this process and their activity is related to the activity of AKSHE. If necessary, other specialized state entities are involved in the decision-making process, for example the General Directorate of Customs, the Ministry of Foreign Affairs, the Ministry of Economy, the Ministry of Finance, Intelligence services such as SHISH, SHIU, etc.

### 3.4 LEGAL DOCUMENTS ISSUED BY AKSHE

#### LICENSES

1. Export license for military goods (single use, general, unlimited);
2. Import license for military goods (single use, general, unlimited);
3. Brokering license for military goods (single use, general, unlimited);
4. Export license for dual-use goods (single use, general, unlimited);
5. Import license for dual-use goods (single use, general, unlimited);
6. Brokering license for dual-use goods (single use, general, unlimited);
7. License for electronic transfer of software or technology.

#### AUTHORIZATIONS

8. Authorization for international transfer of military goods in the territory of Albania;
9. Authorization of international trans-shipment of military goods in the territory of Albania;
10. Authorization for international transit of dual-use goods in the territory of Albania;
11. Authorization for the trans-shipment of dual-use goods in the territory of Albania;
12. Authorization to negotiate international agreements on military goods;
13. Authorization to negotiate international agreements on dual-use goods;
14. Authorization to export goods to countries under embargo;
15. Authorization to export goods not listed in the control list.

#### CERTIFICATES

16. Certificate of registration for military goods;
17. International certificate for import of military goods;
18. End-user certificate for military goods;
19. Goods distribution certificate for military goods;
20. International import certificate for dual-use goods;
21. End-users certificate for dual-use goods;
22. Goods distribution certificate for dual-use goods.

### 3.5 DECISIONS

Decisions may be issued on:

- Granting the license/authorizations;
- Disregard or denying of the licensing request;
- Revocation and suspension of the request;



- Termination of the license.

### 3.6 SANCTIONS

In cases when AKSHE verifies an administrative violation of the procedures and obligations by commercial entities, then it can sanction them with:

- Fine (foreseen by article 31 of Law No. 9707, dated 5.4.2007 on the “State Control of Import-Export of Military Equipment and Dual-use Goods and Technologies”);
- Revocation and suspension of the license;
- Termination of registration of the entity.



## 4. LIST OF MILITARY GOODS AND DUAL-USE GOODS AND TECHNOLOGIES

In order to define exactly the military goods or dual-use goods and technologies subject to AKSHE control, Article 10, point 3 of Law No. 9707 dated 05.04.2007 on the “State Control over Import-Export activity of Military Equipment and Dual-use Goods and Technologies” emphasizes that every year the Council of Ministers approves the list of goods that are subject to state export control.”

This list of goods was enforced in February 2011, by a decision of the Council of Ministers No. 106, dated 09.02.2011 on “Approving the Updated list of Military Equipment and the List of Dual-use Goods and Technologies, subject to the State Control of Import-Export.”

This list of goods must be updated every year based on the needs of the Albanian state in the field of export control as well as in line with the fulfillment of international obligations of the Republic of Albania in this field.

The updated list is in compliance with the list of dual-use goods and technologies presented in Annex I of the European Union Regulation No. 428/2009, dated May 5, 2009, as well as to the Decision of the European Union Council, No. 2010/C69/03 (CFSP) on the military goods’ list.

The list of military goods and of dual-use goods and technologies used in the Republic of Albania is the list of goods subject to the export control of the European Union, more precisely the list of:

- a) Military goods and related technologies, which is a list included in the Joint Position of the member states of the European Union on the Code of Conduct. Regardless of the fact that this list is a concrete example for member states that are free to approve their own list of military equipment and technology and are thus not legally obliged to implement it, these states, both politically and in practice, have fully aligned with this list.
- b) Dual-use goods and technologies, which is a list provided by the Regulation of the European Union Council No. 428/2009, dated May 5, 2009, on “Determining of Community Regime for the Control of Exports of Dual-use Items and Technologies.”  
This list includes all the articles or technologies which are designed for civil use but if in wrong hands, can be used for military or terrorist purposes.

List of Military Goods:

[http://www.akshe.gov.al/Mallrat Ushtarake.html](http://www.akshe.gov.al/Mallrat%20Ushtarake.html)

List of dual-use goods

[http://www.akshe.gov.al/Mallrat me perdorim te dyfishte.html](http://www.akshe.gov.al/Mallrat%20me%20perdorim%20te%20dyfishte.html)





## 5. INTERNATIONAL REGIMES OF ARMS EXPORT CONTROL

Although the Albanian legislation on export control of military goods and dual-use goods and technologies, and the National List of Military Goods Control are in compliance with international standards, Albania is not yet a participant in all international agreements in this field.

The main goals of these regimes are identification of goods and technologies subject to export control, the exchange of information on the risk of proliferation and promotion of non-proliferation of weapons of mass destruction in non-member states.

Republic of Albania has made adherence to these regimes its priority thus confirming its commitment. In compliance with this priority and by virtue of the Common Order of the Minister of Defense and the Minister of Foreign Affairs No. 957, dated 31.05.2010, an inter-institutional workgroup has been established to start the negotiation process for the Republic of Albania's adherence to the Regimes of Non-Proliferation of Weapons of Mass Destruction described below:

1. Wassenaar Agreement;
2. Australia Group;
3. Nuclear Suppliers Group;
4. Zangger Committee;
5. Missile Technology Control Regime .

1. **Wassenaar Agreement (WA)** is a multilateral export control regime with 40 member states. It was established by the Committee Multilateral Export Control on May 12, 1996 in Wassenaar, Netherlands. The administration secretariat of this agreement is in Vienna, Austria. The purpose of this agreement is the export control of conventional arms and dual-use goods. Membership in WA does not generate obligations for member states. All measures with respect to the arrangements are taken in compliance with national policies and legislation and are implemented on the basis of national interests.

2. **Australia Group (AG)** is an informal regime of countries established in 1985 (after Iraq used chemical weapons in 1984), to assist in the reduction of the chemical and biological weapon proliferation through monitoring and control of technologies that serve to develop these weapons. The number of members of the group increased from 15 to 41, including all member countries of OECD, except Mexico, 27 member states, Croatia, Ukraine and Argentina. The group deals with a joint list of technologies that can be used in chemical and biological weapons programs which are subjected to export restrictions. Member states do not assume any legal obligations. Efficiency of cooperation among them depends only on their commitment not to produce chemical weapons and to prevent their proliferation.

3. **Nuclear Suppliers Group (NSG)** is a multinational organization which aims to contribute to the non-production of nuclear weapons through the implementation of Guidelines for nuclear exports and nuclear related exports. This group controls the export and transfer of goods that can be used to develop nuclear weapons. It was established in 1974 after the Indian nuclear test which proved that some specific nuclear technologies which are not designed for armament may be converted into weapons. After a series of meetings in London from 1974 to the end of 1978, the group agreed over guidelines related to these kinds of exports. These guidelines are followed from every member state in accordance with national laws and practices. Decisions for application of the guidelines are made on the national level, in line with national requirements for licensing exports.

4. **Zangger Committee (ZC)** also known as the Nuclear Exporters Committee, was established on the basis of Article III, 2 of the Treaty on the Non-Proliferation of Nuclear Weapons, which entered into force on March 5, 1975. Under the terms of this article, the International Atomic



Energy Agency (IAEA) safeguards need to be applied to exports. This Committee offers series of guidelines for all its member states.

5. **Missile Technology Control Regime, (MTCR)** was negotiated and implemented by Dr. Richard H. Speier and is informal voluntary agreement of 34 countries to prevent the production of uncontrolled autonomous systems, capable of spreading weapons of mass destruction, and to coordinate national export licenses with the goal of preventing the production of these weapons.
6. **Hague Code of Conduct against Ballistic Missile Proliferation** was established in November 2002 in Hague. The Code was conceived as a supplement of MTCR but its membership is unlimited. This Code presents political obligations of state parties to prevent the proliferation of weapons of mass destruction, ballistic missiles and to exercise maximum control in the development, testing and placing of these missiles in combat positions.



## 6. ALBANIA AND ITS INTERNATIONAL COMMITMENTS

### 6.1 INTERNATIONAL COMMITMENTS

The Republic of Albania has committed itself to the implementation of and adherence to Pacts and International Agreements related to disarmament, non-proliferation and arms control. These Agreements have become part of national legislation and are constantly enforced. Albania is a signatory of the following international agreements:

1. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Protocol I, II, III), held in Geneva on 10.10.1980;

Date of entry into force of the Convention: 02.12.1983

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: 28.08.2002

2. Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Protocol IV, named Protocol on Blinding Laser Weapons), issued in Vienna on 13.10.1995;

Date of entry into force of the Convention: 30.07.1988

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: 28.08.2002

3. The Protocol on the Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, amended on 03.05.1996 (Protocol II amended on May 3, 1996), Annex to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, issued in Geneva on 03.05.1996;

Date of entry into force of the Convention: 03.12.1998

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: 28.08.2002

4. Amendment to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, issued in Geneva on 21.12.2001;

Date of entry into force of the Convention: 18.05.2004

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: 12.05.2006

5. Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Protocol V), issued in Geneva on 28.11.2003;

Date of entry into force of the Convention: 12.11.2006

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: 12.05.2006

6. Convention on the Prevention of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction concluded in Geneva on 03.09.1992;



Date of entry into force of the Convention: 29.04.1997  
Signing date for Albania: 14.01.1993  
Date of ratification/accession/entry into force in Albania: 11.05.1994

7. Nuclear Test-Ban Treaty concluded in New York on 10.09.1996;

Date of entry into force of the Convention: not in force yet  
Signing date for Albania: 27.09.1996  
Date of ratification/accession/entry into force in Albania: 23.04.2003

8. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personal Mines and on their Destruction, signed in Ottawa, December 3-4, 1997;

Date of entry into force of the Convention: 01.03.1999  
Signing date for Albania: 08.09.1998  
Date of ratification/accession/entry into force in Albania: 29.02.2000

9. Nuclear Non-Proliferation Treaty, NNPT or NPT, concluded in New York, 01.07.1968;

Date of entry into force of the Convention: 05.03.1970  
Signing date for Albania:  
Date of ratification/accession/entry into force in Albania:

12 September 1990 (L) (London);  
14 September 1990 (M) (Moscow);  
28 September 1990 (W) (Washington).

10. Chemical Weapons Convention, CWC, concluded in Paris, 13.01.1993;

Date of entry into force of the Convention: 29.04.1997  
Signing date for Albania: 14.01.1993  
Date of ratification/accession/entry into force in Albania: 23.05.1994

11. Biological and Toxic Weapons Convention, BTWC, concluded in London, Moscow and Washington, 10.04.1975;

Date of entry into force of the Convention: 26.03.1975  
Signing date for Albania:  
Date of ratification/accession/entry into force in Albania: 03.06.1992

12. Agreement between the Republic of Albania and the International Atomic Energy Agency (IAEA) implementing guarantees in all nuclear activities of Albania, IAEA concluded on October 23, 1956;

Date of entry into force of the Convention: 29.07.1957  
Signing date for Albania: 25.03.1988  
Date of ratification/accession/entry into force in Albania: 25.03.1988

13. Additional Protocol to the Agreement on Guarantees in All Nuclear Activities of Albania, between the Republic of Albania and International Atomic Energy Agency (IAEA), signed on September 22, 1998;

Date of entry into force of the Convention: 30.04.2004  
Signing date for Albania: 02.12.2004  
Date of ratification/accession/entry into force in Albania:

14. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, signed in Geneva, July 17, 1925.



Date of entry into force of the Convention: 08.07.1928

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: 20.12.1989

Republic of Albania takes all the necessary measures and uses instruments for non-proliferation and arms control, recognizing and implementing the following agreements:

INTERNATIONAL AGREEMENTS ON CONVENTIONAL WEAPONS AND SMALL ARMS AND LIGHT WEAPONS	ALBANIA'S COMMITMENTS
European Code of Conduct on Arms Exports	August 2003
OSCE Document on Small Arms and Light Weapons	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
OSCE Decision on MANPADS (Man-Portable Air Defence Systems)	2003
OSCE Decision on End-user Certificates	2004
OSCE Decision on Brokering	2004
Stability Pact Regional Implementation plan	November 2001
UN Programme of Action on Small Arms Light Weapons	2001

Other applicable laws:

1. Law No. 7532 dated 11.12.1991 on the Republic of Albania acceding to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.
2. Law No. 7747, dated 29.7.1993 ratifying the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

Albania has a legal obligation to report to:

- UN Program on Small Arms and Light Weapons,
- UN Register of Conventional Arms.

International Agreements that Albania is party to:

1. Nuclear Non-Proliferation Treaty (NNPT);
2. Chemical Weapons Convention (CWC);
3. Biological and Toxin Weapons Convention (BTWC);
4. International Atomic Energy Agency (IAEA).

1. **Nuclear Non-Proliferation Treaty** is legally binding. It recognizes the rights of states to participate in the exchange of equipment, materials and information for peaceful use of atomic energy. Article 1 of this treaty obliges member states that own nuclear weapons not to transfer any kind of nuclear weapons or equipment of this nature.
2. **Chemical Weapons Convention** is a legally binding agreement that prohibits the development, production, stockpiling, transfer and use of chemical weapons and aims to eliminate them. It gives the right to member state to become participants in international exchange of scientific information, chemical materials and equipments for purposes allowed by the Convention.
3. **Biological and Toxin Weapons Convention** is a legally binding agreement that prohibits the development, production, stockpiling, transfer and use of biological weapons as well as ways of disseminating the same. Member states to this Convention have a right to take part in the exchange of equipment, materials and information only if this exchange is peaceful in its nature.



**4. International Atomic Energy Agency (IAEA)** is a center for world cooperation in the nuclear field. It was created in 1957 as a world wide organization (Atoms for peace) by United Nations. The Agency works with its member states and partners worldwide to promote security and peace in the field of nuclear technologies.

The mission of International Atomic Energy Agency is guided by the interests and needs of member states, the strategic plans and visions of this agency.

The three main fields of this agency mission are:

- Safety and Security;
- Science and Technology; and
- Safeguards and verifications.

In the past, Albania possessed a stockpile of weapons of mass destruction. This stockpile of chemical weapons contained 16, 678 kg of chemical substance.

Albania was among the first countries to sign the Chemical Weapons Convention (CWC) in 1993. This agreement, which entered in force in the same year, required disclosure of chemical stocks, destruction of chemical weapons and the means of their production or transfer. Albania is one of the six countries which declared to possess chemical weapons in March 2003, after discovering 600 containers of chemicals in an abandoned bunker in December 2002.

In July 2007, the Organization for the Prohibition of Chemical Weapons (OPCW) confirmed the complete destruction of chemical weapons stockpiles in Albania, which thus became the first country to destroy chemical weapons in line with this Convention. The United States provided financial assistance for this destruction operation. The OPCW aims at total elimination of chemical weapons worldwide. The main mission of OPCW is to verify the destruction of all existing chemical weapons and to take the necessary measures to end this kind of weapons manufacture. This organization provides assistance and protection to all Member States which are subject to threat or attack by chemical weapons. Only 11 years after entry into force in 1997, OPCW embraced over 185 countries. Four other countries have signed it, thus bringing all their political support to the objectives and principles of the Convention. Only 6 states that haven't signed still remain outside OPCW. It is very important for these states to accede as soon as possible in order to ensure a total ban on chemical weapons and to benefit from security and economic advantages OPCW provides to Member States.

It is worth mentioning that Albania adhered to the Biological Weapons Convention on June 3, 1992 related to the prohibition of biological weapons as well as to the Treaty on Non-Proliferation of Nuclear Weapons in September, 1990. On September 20, 1989, Albania joined the Geneva Protocol on the Prohibition of Biological and Chemical Weapons.

Albania requested to become a part of Wassenaar Arrangement on Export Control of Conventional Arms and Dual-Use Goods and Technologies in April 2004 (Decision of the Council of Ministers No. 248, April 2004).

At the same time, by the Decision of the Council of Ministers No. 604, dated August 28, 2003, Albania implemented the EU Code of Conduct. This Code is composed of three criteria and is applied by all member states on the export of weapons. This Code is composed of eight criteria and is applied by all member states in the field of arms exports.

## 6.2 INTERNATIONAL COOPERATION

Since its establishment and throughout its activities AKSHE was assisted by international institutions of the same nature which have been very helpful in preparing and training of the specialized staff for the state control of exports. Cooperation with different



international institutions has been very fruitful with regards to the establishment, adoption and implementation of the legal basis in the field of export controls.

- Our main partners in this field have been: Export Control and Related Border Security Program (EXBS), an office established by the American State Department and BAFA (Germany), EU Cooperation Under the Long Term Project (LTP), Stockholm International Peace Research Institute, SIPRI, and the Southeastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) on behalf of EU Cooperation Under the Long Term Project (LTP).

At the same time, with the support and funding of the American Government (Department of State), Germany (BAFA), SIPRI, SEESAC and by self-funding, numerous seminars have been organized with different workgroups, in Albania and abroad, with representatives from counterpart institutions in the field of export control:

1. Seminar organized by SIPRI in February 2010 in Slovenia.
2. Seminar organized by Cooperation Center for Security, in February 2010, in Croatia.
3. Meeting organized by SEESAC over Regional Export of Weapons in March 2010, in FYROM.
4. Seminar organized by the Organization for Chemical Weapons Prohibition for licensed officials and Customs, in April 2010 in the Czech Republic.
5. Workshop on licensing training, organized by EXBS in May 2010 in Albania.
6. Our representative took part in the ninth Regional meeting of Southeast European countries, organized by OPCW in May 2010 in Bosnia and Herzegovina.
7. Our representative also took part in the 11<sup>th</sup> International Conference on Export Control in June 2010 in Ukraine.
8. Seminar organized by UN (UNODA), over implementation of Resolution 1540 (2004) of UN Security Council, held in June 2010, in Croatia.
9. Seminar organized by SEESAC on the Second Regional Report on Arms Exports in June 2010, in Bosnia and Herzegovina.
10. Training course on licensing and end-users, organized by EXBS, in June 2010 in Albania.
11. Regional seminar with regional representatives on the Arms Export Control, held in June 2009 in Albania.
12. Seminar organized by BAFA on Export Control in July 2010 in Germany.
13. Training course for experts, held at the Helsinki University, Department of Chemistry, in August 2010, Finland.
14. Seminar organized by SEESAC on marking and tracing of firearms, September 2010, Serbia.
15. Training organized by the Institute for Protection and Security of Citizens (IPSC) & European Commission, October 2010, Italy
16. Training organized by the Organization for Prohibition of Chemical Weapons (OPCW) in October 2010, Hungary
17. 12<sup>th</sup> Annual Meeting of National Authorities for Application of Chemical Weapons organized by OPCW, November 2010, Netherlands.



18. Conference organized by SEESAC on the Process of information exchange and publishing of national and regional reports, November 2010, Serbia.
19. Seminar organized by BAFA on new provisions of the Regulation 428/2009, held in December 2010 in Germany.

### **6.3 COOPERATION WITH INDUSTRY**

As industry is one of the main stakeholders in the field of export control, cooperation is essential. Meetings have been held with economic operators involved in commercial activities in the field of exports, where various issues were discussed. Since the establishment of AKSHE contacts have been established with Chambers of Commerce and Industry in the districts. Representatives of these institutions have been regularly invited to activities conducted in Albania by AKSHE.

These seminars were attended by the representatives of industry and trade chambers of Tirana, Durrës and Vlorë as well as by the representatives from other trade entities that operate in this field. During the seminar, participants were informed about national and EU legislation, licensing procedures and process, national list of military and dual-use goods and technologies, etc.

In order to have more accessible information, AKSHE has an official web site [www.akshe.gov.al](http://www.akshe.gov.al) where entities may find application forms, procedures to be followed, legislation and other useful information.





## 7. OBJECTIVES AND ACTIVITIES IN THE FUTURE

The current most immediate objectives of AKSHE are:

The training activities of AKSHE, such as seminars, training courses and workgroups on the implementation of the national legislation and efficient adoption of international norms in the field of export control will continue. This requires support of the international community and naturally, cooperation with institutions directly related to this field, including industry.

For further progress in the field of import-export control, the following is required:

- Development of national legislation in terms of bylaws and implementation of the existing legislation in the field of import-export control of military goods and dual-use goods and technologies by all stakeholders in this field.
- Amendments to the Law No. 9707, on “Export-Import State Control of Military Goods and Dual-use Goods and Technologies”, in compliance with the EU Regulation 428/2009.
- Further strengthening of cooperation with state institutions that are part of the Albanian state export control system and signing of bilateral technical protocols between AKSHE and the institutions such as Customs, Ministry of Foreign Affairs, SHISH, Ministry of Economy, etc.
- Fulfillment of international commitments of the Republic of Albania deriving from its membership in UN and from resolutions, recommendations and other documents related to the prevention of non-proliferation of weapons of mass destruction and combating terrorism.
- Continuation of the procedures necessary for Albania to join international treaties and control regimes as a member state of Wassenaar Agreement (WA), Australia Group (AG), Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG) and Zangger Committee (ZC).
- Creation of an effective regional cooperation in the field of export control.
- Consistent participation in EU Cooperation under the Long term project (LTP).
- Completion of TRACKER SYSTEM implementation.
- Continuous work shall upgrade the level of professionalism aiming at a more efficient exercise of legal competences.



Annex 1 EXPORT OF MILITARY GOODS FOR YEAR 2010

End User	Nr of Licenses	Control List Category	Licensed Goods	Licensed Quantity	Value
Czech Republic	1	ML3	Ammunition 7.62x54	50,000,000 pcs	1,250,000\$
		ML3	Munitions 12.7x108 mm	10,000,000 pcs	3,000,000\$
Montenegro	1	ML1a	Machine gun 12.7mm Model 54.4 Cat II	100 pcs	35,000 \$
Czech Republic	1	ML8	Hexogen 0%	53,200 Kg	20,000 €
		ML8	Hexogen 1%	50,952.5 Kg	
		ML8	Hexogen 5%	5,717.5 Kg	
Montenegro	1	ML2	Mortars 60mm	100 pcs	18,000 \$
Montenegro	1	ML3	Mortars Shell 60mm	40 pcs	340 \$
		ML3	Mortars Shell 82	30,000 pcs	450,000 \$
		ML3	Mortars Shell 120	35,000 pcs	525,000\$

Annex 2 IMPORT OF MILITARY GOODS FOR YEAR 2010

Nr of Licenses	Country of Origin	End User	Transit Point	Control List Category	Licensed Goods	Licensed Quantity	Value
1	Italy	Ministry of Defense	N/A	ML 10	Helicopter AB205 + engine LYCOMING T-53-L-13B	2	2,016,205 €
1	Italy	Ministry of Defense	N/A	MI 10	Spare parts for Helicopters	11 packages	5,293 €
1	Germany	Ministry of Defense	N/A	ML 10	Cartridges, Power device	1 pcs	----
1	Italy	Police, General Directorate	Slovenia, Croatia, Serbia, Macedonia	ML3	Bullets cal 9	500,000 pcs	85,000 €
1	Finland	Ministry of Defense	N/A	ML3	Bullets 8.58x69.20 mm Nato	7,000 pcs	33,950 €
				ML 3	Bullets 7.62x51 mm NATO	10,000 pcs	19,500 €



STATE/PRIVATE LEGAL ENTITIES REGISTERED AND WITH REGISTRATION CERTIFICATE

Nr	Entity	Address
1	Public Enterprise "MEICO"	4 shkurti St. No. 5, Tirana
2	"ARMS & B" sh.p.k	Urani Pano St. Pallati i Ri, Tirana
3	"Klik Ekspo Group" sh.p.k	Bul.Dëshmorët e Kombit Hot.Rogner Europapark
4	Ministry of Defense	Bul.Dëshmoret e Kombit, Tirana
5	Public Enterprise "Uzina Lëndëve Plasëse Mjekës"	Mjekës, Elbasan
6	"Albafire" sh.p.k	Emin Duraku St. No.15/1 Tirana
7	"Shila Dreams" sh.p.k	Lagjja 1, Pjetër Arbnori Bathore St., Kamëz, Tirana
8	"Eni-Arb" sh.p.k	I. Qemali St. Pallati i Ri Kati2, Office 10, Tirana
9	"M.S Import- Eksport" sh.p.k	Dëshmoret e 4 shkurtit St. Pall.Leskova. Ap.17. Tirana
10	"American Capital Group" sh.p.k	Donika Kastrioti St. No.14 Suite 400, Tirana
11	"KEON" shpk	Dibra Street" 400/4 Tirana
12	"Babasi COO" shpk	Arramerras, Fushe-Krujë
13	"Trust Partners" sh.p.k	Sabaudin Gabrani St. Former SMT
14	"Horanlliu" sh.p.k	Shemsi Haka St. Nr.26, Tirana
15	"Military Systems Trade Company" sh.p.k	Elbasanit St. Vila 71 Tirana
16	"TMC-Albania" shpk	Irfan Tomini St. P.3 Ap.17 Tirana
17	General Directorate of State Police	Seremedin Toptani St. Ministry of Interior
18	"UNIMESKO" sh.p.k	Sami Frashëri St. P.Teknoprojekt Ap.4 K.2 Tirana
19	"Nitro-Chem" sh.p.k	Sami Frashëri St. P.Teknoprojekt Ap.4 K.2 Tirana
20	Public Enterprise "Kombinati Mekanik Poliçan"	Poliçan, Skrapar
21	Deutsche Marketing Geselleschaft	Ismail Qemali St., Pallati Mbi Banken Amerikane Ap A-8, Tirana
22	A&A Security Survey shpk	Lord Bajron St., Vila No. 1, Tirana

