

ANNUAL REPORT | 2015

on EXPORT CONTROL

STATE EXPORT CONTROL AUTHORITY



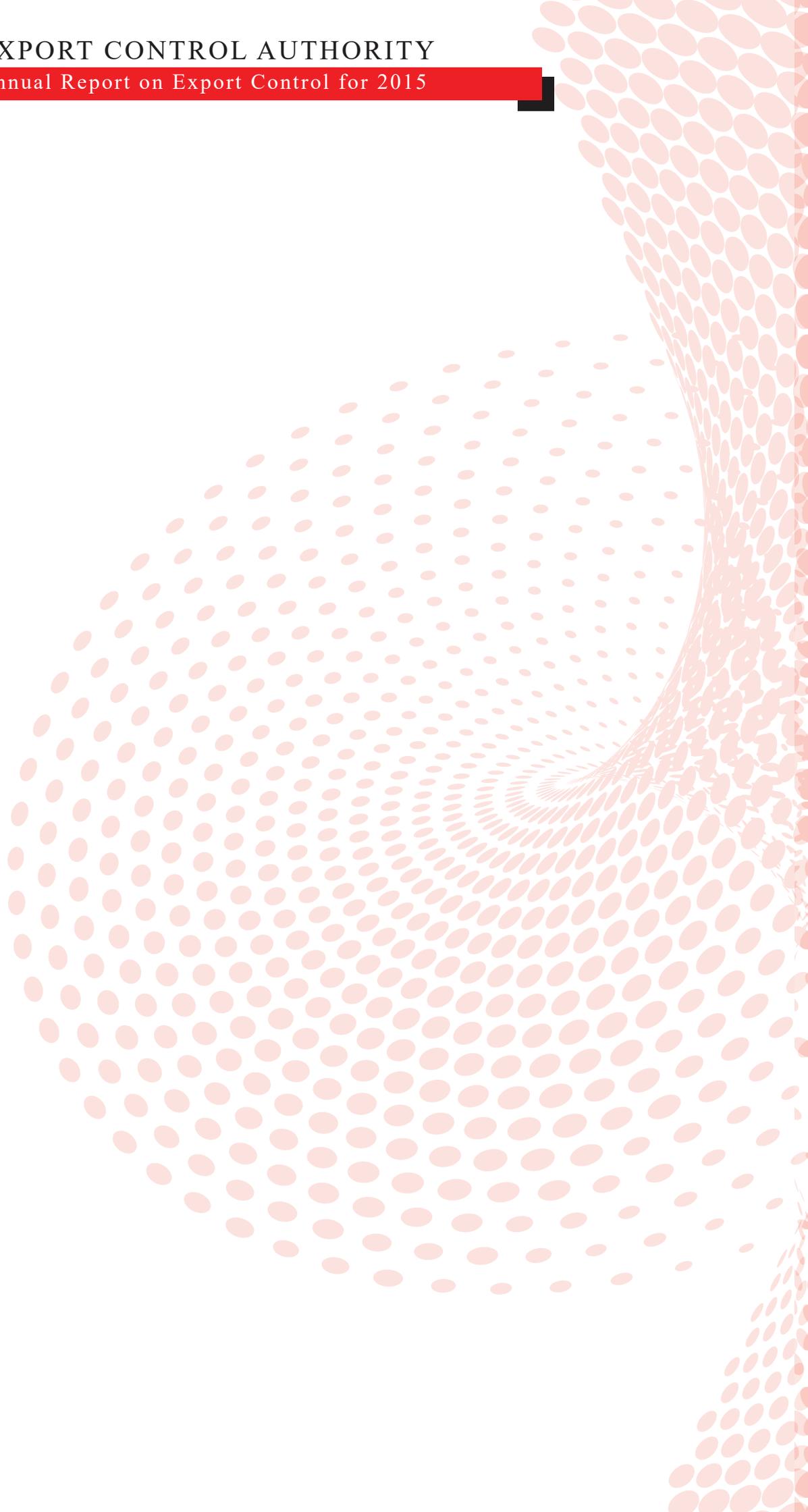
REPUBLIC OF ALBANIA
MINISTRY OF DEFENSE



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INTRODUCTION

The need for the establishment of an efficient system of state control on international transfers (import, export, transit, trans-shipment) of military goods, dual-use goods and technologies, and as a consequence of the participation of the Republic of Albania in joint international initiatives on the supervision of international transfers of sensitive goods, resulted in the adoption of the Law No. 9707, dated April 5, 2007 "On the State Control over Import-Export Activity of Military Equipment and Dual-use Goods and Technologies", changed, which constitutes the legal basis of the Albanian state export control system. Article 6 of the Law stipulates the competencies of the institutions playing the main role in the export control of strategic goods.

Pursuant to this article:

- a) The Parliament decides on 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 is implemented even by the State Export Control Authority, the Ministries, and other state entities which share competencies in the export control.

The institution responsible for implementing the state policy in the area of export controls in the Republic of Albania is the State Export Control Authority (AKSHE), in cooperation with Ministries and other state entities that share competencies over export control.

The main purpose of establishing the state export control system is to protect national security interests, to fulfill Albania's international commitments on non-proliferation of weapons of mass destruction, restriction of illegal conventional arms transfers, and on taking the appropriate measures to prevent their use for terrorist or other illegal purposes.

The main objectives of the state export control system are:

- a) Establishing the possibility of guaranteeing licenses and authorizations to entities (private or public natural or legal people) involved in international transfers of goods, which grant them the right to import and export, transit, or conduct negotiations followed by signing international economic transactions with other countries, as well as to revoke these permits when the entities breach the legislation in the field of state export control.
- b) Establishing the possibility of guaranteeing the issuance of international certificates for import and end-user certificates.
- c) Assessing the conditions for the registration of entities, which intend to conduct international transfers of military goods, at the State Export Control Authority
- d) Assessing the possibility of submitting proposals to the Council of Ministers through the Minister of Defense.

Upon the approval of Law No. 9707 on "State Control of Import-Export Activity of Military Equipment and Dual-use Goods and Technologies", changed, work continued to prepare the bylaws, in order to complete the legal framework of the national export control activity.

Currently, the main bylaws, which ensure an efficiently functioning export control, have been drafted by AKSHE and subsequently approved with a Decision of the Council of Ministers.

Supplementing parts of the bylaws include Orders approved by the Chairman of AKSHE, whose profile is mostly related to the internal procedures, the organizational aspects, and specific details of the control activities.

At the end of August 2008, the structure of AKSHE started to be established and the Chairman of the Agency was appointed by the Minister of Defense.

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

1. Training of personnel;
2. Cooperation with international bodies and the respective counterparts and the participation in conferences and seminars in the area of state export control;
3. Drafting the sublegal acts required to complete the legal basis of the national state export control activity;
4. Effective activities in relation to the issuance of the legal documents, licenses, authorizations and certificates.

1. Personnel recruitment and training;

The recruitment and training of the personnel of a new institution, taking into account the difficulties of this specific activity area, can now be considered complete.

Along with the recruitment process, AKSHE personnel are participating in various conferences and seminars for both training and cooperating purposes with the international and regional organisms of the field.

2. Cooperation with international bodies, counterpart authorities and the industry:

During this time period, AKSHE has had a continuous and fruitful cooperation with some of its counterparts and international bodies, among whom it is worth mentioning the following:

- The Export Control and Related Border Security (EXBS) Program. EXBS Program has provided its contribution, by funding the participation of AKSHE personnel in various conferences and seminars, as well as by providing literature in the field of export control. EXBS Program 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 Federal Office of Economics and Export Control (BAFA), which plays a primary role in the field of state export control in the European Union and is at the same time the leading representative of the EU in helping Western Balkan countries build and strengthen the capacities of state control of exports. BAFA has provided its contribution training the staff of AKSHE and has expressed its availability for an all-inclusive support in the future;
- The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) has provided strong support to AKSHE, by organizing various activities at the regional level, such as seminars and trainings. In addition, the Annual National Reports for 2007-2008, 2009, 2010, 2011, 2012, 2013 and the regional reports 2008-2013 have been published in cooperation with SEESAC.

- Cooperation contacts have been settled with other international bodies and authorities and this collaboration is expected to be strengthened in the future.

Cooperation with industry

Considering that industry is one of the main actors in the field of state control of exports, cooperation becomes a necessity.

Meetings have been held with companies involved in commercial activities in the field of exports to discuss various issues of concern.

Since the establishment of AKSHE, contacts have been made with the Chambers of Commerce and Industry of various districts. Representatives of these institutions have been invited regularly to participate in the activities organized by AKSHE in Albania.

3. Drafting of sublegal normative acts, in order to complete the legal basis of the national state export control activities.

Drafting of sublegal acts provided by Law No. 9707 dated April 5, 2007 "On the State Control over the Import-Export Activity of Military Equipment and Dual-use Goods and Technologies", changed, which would enable the full-functioning of the State Export Control Authority, has been a priority for this agency since its establishment.

4. Issuing the 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 eighth report of the Republic of Albania on export control, after the five reports issued for the years 2007 - 2013.

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

The national list of products subject to control, the criteria for its adoption, and the respective links are found attached.

The report also focuses on the international conventions and agreements ratified by the Republic of Albania; as well as weapons control agreements and obligations, which stem from them.

In this prospective, the position of the Republic of Albania is analyzed in the system of exports control as well as in the system of international cooperation and the one with industry.

The final part of the report contains detailed data on the exports of military goods, dual-use goods, and technologies in 2014.

The tables provide data on the destination, quantities, economic value, type of goods, and the code of exported goods etc.

NATIONAL LEGISLATION ON STATE EXPORT CONTROL

2.1 LEGISLATION ON EXPORT CONTROL

Law No. 9707 dated April 5, 2007

“On the State Control over the Import-Export Activity of Military Equipment and Dual-use Goods and Technologies”, amended.

Law No. 6/2014 dated 30.1.2014

On the ratification of Arms Trade Treaty

Law No. 74/2014

“On Firearms”

Decision of the Council of Ministers No. 43 dated 16 January, 2008

“On the Establishment, Functioning and Status of the State Export Control Authority.”, as amended.

Decision of the Council of Ministers No. 106, dated 12. 10. 2016.

“On the Adoption of the Updated 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 March, 2009

“On the Stipulation of 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 March, 2009

“On the Stipulation of the Procedure 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 April 8, 2009 “On the Stipulation of the Tariffs for Issuing Legal Documents.”

Decision of the Council of Ministers No. 604, dated August 28, 2003

“On the Approval, in Principle, of the EU Code of Conduct on Arms Exports.”

2.2 LEGISLATION RELATED TO AKSHE'S ACTIVITY

AKSHE implements even legal norms related to the export control of military goods and dual-use goods and technologies while exercising its functions and coordinating its work with other state or private institutions.

Among them the following are the enforceable ones:

Law No. 9723, dated May 3, 2007 "On the National Registration Center";

Law No. 10081, dated February 23, 2009 "On Licenses, Authorizations and Permits in the Republic of Albania";

Law No. 102/2014 on "On Customs Code of the Republic of Albania";

Law No. 7582, dated July 13, 1992 "On State Enterprises";

Law No. 9901, dated April 14, 2008 "On Entrepreneurs and Commercial Companies"; as amended

Law No. 7926, dated April 20, 1995 "On the Transformation of State Enterprises into Commercial Companies."; and

Law No. 10 433 dated June 16, 2011 "On the Inspection in the Republic of Albania".

EXPORT STATE CONTROL SYSTEM

3.1 ALBANIAN STATE EXPORT CONTROL AUTHORITY (AKSHE)

The responsible institution for enforcing the state policy in the field of state export control in the Republic of Albania and in cooperation with ministries and other state entities responsible for export control is the State Export Control Authority (AKSHE). Other state agencies, such as diplomatic and consular offices of the Republic of Albania abroad, may be engaged in the process of controlling the export upon approval from their Governing institution.

The Albanian State Export Control Authority is a central institution under the Minister of Defense.

The Albanian State Export Control Authority is the state institution whose activity object is the state control over export, import, transit, trans-shipment and brokering activities for military goods and dual-use goods and technologies.

It is also the responsible institution for the implementation of state policy in the area of export and import control of military goods and dual-use goods and technologies.

This institution:

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

As a result of its legal competencies as a focal point in implementing international agreements,

AKSHE plays another important role - by implementing procedures deriving 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 illegal 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 on controlling the transfer of these goods while building efficient systems of state control.
- The Arms Trade Treaty
- 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 Decision of the Council of Ministers No. 604 dated August 28, 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, which has replaced the Code of Conduct on Arms Export.
- Provisions deriving from international agreements on non-proliferation and control of exports such as: the Wassenaar Agreement, Missile Technology Control Regime, the Hague Code of Conduct against Ballistic Missile Proliferation, Australia group, Convention on Chemical Weapons, OPCW (Albania is a member), Zangger Committee, etc.
- State control over these goods is also one of the criteria included in the National Plan on European Integration NPEI, required to be fulfilled by Albania in order to join the European Union family.

State control over exports includes:

- Items

All the items included in the Common Lists of the European Union control, which are approved and updated every year by a Decision of the Council of Ministers (the lists currently in force were approved by the Council of Ministers Decision No. 703 dated 12.10.2016 on the "Approval of the List of Military Goods and the List of Dual-use Goods and Technologies subject to State control of Import-Export").

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

Military equipment and technologies include:

- Products predesigned for military purposes (examples: arms, ammunition);
- Services predesigned for military purposes (examples: design, assembly, repair); and
- Technologies predesigned 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 purposes, or works and services related to them, which, apart from civilian use can be used for military or terrorist purposes or are in their design, method of production and use for military purposes, weapons of mass destruction, their proliferation or explosives and nuclear materials (example: nuclear materials, chemical agents, bacteriological agents, biological agents and toxic preparations)

- Entities
 - Natural persons conducting activities in relation to the transfer of the above-mentioned items;
 - Legal entities conducting activities in relation to the transfer of the above-mentioned items
- Activities
 - o Export
 - o Import
 - o Transit/Trans-shipment
 - o Brokering

3.3 PHASES OF THE PROCESS

The licensing process related to the entities:

- Registration:
 - Registration: The entities involved in activities with military goods have to register with AKSHE, which issues a Registration Certificate and keeps a Register of the entities involved in international transfers. This is the first step of the typical licensing process.
- Application:
 - Application: Commercial entities which want to obtain a license, authorization, or certificate need to submit the required documentation to AKSHE and complete the required form. The required criteria, the relevant documentation, frequently asked questions, information sections for the public as well as all useful information is published on the following website: www.akshe.gov.al.

AKSHE's cooperation with commercial entities

In order to enable an effective and transparent control system, a spirit of cooperation between

AKSHE and the commercial entities is necessary at all stages of this process. AKSHE is trying to perform the state export control through fast, transparent, and efficient procedures, providing all the necessary information and assistance. Natural/legal people involved in international transfers of military goods, dual-use goods, and technologies who are licensed need to cooperate with the expert staff of AKSHE in order to allow the factual control of goods included in the control lists.

Reporting

Natural/legal people involved in international transfers of military goods, dual-use goods, and technologies, who have obtained a license/authorization and an international import certificate, are required to submit a written report to AKSHE on a quarterly basis, related to the situation of:

- Transfers of goods specified in the documents herein;
- Use of these goods in compliance with the stated purpose.
- Natural/legal people involved in international transfers of goods are required to submit to AKSHE, within 10 days from the date of completing the transfer of each merchandise, a copy of the following documentation:
 - o Export/import license;
 - o International transport document;
 - o Customs statement;
 - o Invoice of the goods.

Controlling and licensing process by the Albanian State Export Control Authority

The Albanian State Export Control Authority exercises comprehensive control throughout the licensing process, covering the entire time frame before, during and after the moment the subject is equipped with the specific legal document.

The subject of this control might be the following directions:

a) Control of documentation and request

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

b) Technical control by the experts

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

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

Regarding the time frame, the control phase may permeate all stages of the process. That is to say, the control phase may not be limited to a preliminary check in the pre-licensing phase, but may continue in order to verify the transport moments, as well as the final arrival of goods.

The maximum duration of the process is 30 days from the date of submitting all the required documents; if coordination with other stakeholders is not necessary.

c) Licensing control

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

This control serves for a complete evaluation of the license-issuing process, and is closely connected to the decision-making process.

In order to have efficient control over these goods, other state entities are involved in this process – closely related to AKSHE. For each application during the decision-making process, cooperation is ensured, and information is exchanged with other specialized government entities such as the Intelligence Services, while information is requested on a case-by-case basis from the General Directorate of Customs, the Ministry of Foreign Affairs, the Ministry of Economy, the Ministry of Finance, 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 the transfer of software or technology electronically.

AUTHORIZATIONS

8. Authorization of international transfer of military goods in the territory of Albania;
9. Authorization of trans-shipment of military goods in the territory of Albania;
10. Authorization of 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 (catch-all).

WARRANTY DOCUMENTS (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

The decisions might be on:

- Granting the license/authorization;
- Disregard or refusal of the licensing request;
- Abrogation or revocation of the request;
- Termination of the license

3.6 SANCTIONS

In cases when AKSHE verifies an administrative violation of the procedures and obligations by the commercial entities, sanctions include:

- A fine (foreseen by article 31 of Law No. 9707, dated April 5, 2007 “On the State Control of Import-Export of Military Equipment and Dual-use Goods and Technologies”, amended;
- Abrogation or revocation of the license;
- Subjects’ deregistration.

LIST OF MILITARY GOODS AND DUAL USE GOODS AND TECHNOLOGIES

In order to accurately define the military goods or dual-use goods and technologies subject to AKSHE control, Article 10, Point 3 of Law No. 9707 dated April 5, 2007 "On the State Control on Import-Export activity of Military Equipment and Dual-use Goods and Technologies", amended, 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 October 2016, by a decision of the Council of Ministers No. 703, 12.10.2016 "On the Approval of 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 yearly based on the needs of the Albanian state in the field of export control as well as in line with the international obligations of the Republic of Albania in this area.

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, revised with the Commission delegated Regulation (CE) 2015/2420 of 12 October 2015 as well as with the Decision of the European Union Council, No. Nr. 2015/C 129/01 on the military goods' list.

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

- a) Military Goods and Related Technologies, which is included in the EU member states' Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment. The member states have aligned fully – both politically and in practice – with this list, despite the fact that they are free to approve their own list of military equipment and technology, and only use the EU list as an example.
- b) Dual-use goods and technologies, which is a list approved through the Regulation of the European Union Council Decision No. 428/2009, dated May 5, 2009, on "setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items." revised with the Commission delegated Regulation (CE) 2015/2420 of 12 October 2015. This list includes all the articles or technologies which are designed for civilian use but in an unlawful way they can be used for military or terrorist purposes or for the proliferation of weapons of mass destruction.

List of military goods

<http://www.akshe.gov.al/Mallrat%20Ushtarake.html>

List of dual-use goods

<http://www.akshe.gov.al/Mallrat%20me%20perdorim%20te%20dyfishte.html>

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 member of some international agreements in this area.

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

What can be stated for certain is the fact that adherence to these international agreements remains a priority for the Republic of Albania. In compliance with this priority and through the Common Order of the Minister of Defense and the Minister of Foreign Affairs No. 957, dated May 31, 2010, an inter-institutional workgroup has been established to start the negotiation process for the Republic of Albania's adherence to the following International Regimes of Non-Proliferation of Weapons of Mass Destruction:

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

1. Wassenaar Arrangement (WA) is a multilateral export control regime with 40 member states. It was established after the Coordination Committee of the Multilateral Export Control on May 12, 1996 in Wassenaar, Netherlands. The WA Secretariat is in Vienna, Austria. The purpose of this agreement is the export control of conventional arms and dual-use goods. WA Membership does not generate obligations for member states. All measures with respect to the agreement are taken in compliance with national policies and legislation, and are implemented based on 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 chemical and biological weapon proliferation through monitoring and controlling the technologies that serve to develop these weapons. The number of members of the group has increased from 15 to 41, including all member countries of OECD except Mexico, 27 EU-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 subject to export restrictions. Member states do not assume any legal obligations. The 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 implementing 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 such. After a series of meetings in London from 1974 to the end of 1978, the group agreed on a set of guidelines related to these kinds of exports. Every member state adheres to these guidelines in accordance with their national laws and practices. Decisions on applying these guidelines are taken at the national level, in line with national requirements for exports licensing.

4. Zangger Committee (ZC), also known as the Nuclear Weapons 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. This article stipulates that the International Atomic Energy Agency (IAEA)'s security measures need to be applied to nuclear weapons exports. This Committee offers a series of guidelines for all the countries which are parties in this agreement.

5. Missile Technology Control Regime (MTCR) which was negotiated and implemented by Dr. Richard H. Speier, is a voluntary non-formal agreement among 34 countries to prevent the uncontrolled manufacturing of the mass-destruction weapons. The objective of this initiative is the nonproduction of the autonomous systems which are capable to distribute mass-destruction weapons and the coordination of the national export licenses which intend to prevent their production.

6. The Hague Code of Conduct against Ballistic Missile Proliferation entered into force in November 2002 in The 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, and ballistic missiles; and to exercise maximum control in the development, testing, and placing of these missiles in combat positions.

ALBANIA AND ITS INTERNATIONAL COMMITMENTS

6.1 INTERNATIONAL COMMITMENTS

For several years, 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 enhanced. Albania is a signatory of the following international agreements:

The International Acts where the Republic of Albania is a member:

1. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, Which May Be Deemed to Be Excessively Injurious or to Have Effects (Protocol I, II, III), signed in Geneva on October 10, 1980.

Date of entry into force of the Convention: December 2, 1983

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: August 28, 2002

2. Additional Protocol of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, which might be injurious or have effects (Protocol IV, named Protocol on Blinding Laser Weapons), signed in Vienna on October 13, 1995;

Date of entry into force of the Convention: July 30, 1988

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: August 28, 2002

3. The Protocol on the Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, amended on May 3, 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 effects, signed in Geneva on May 3, 1996;

Date of entry into force of the Convention: December 3, 1998

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: August 28, 2002

4. Amendment to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, which might be injurious or might have effects, signed in Geneva on December 21, 2001;

Date of entry into force of the Convention: May 18, 2004

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: May 12, 2006

- 5. Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which might be injurious or might have effects (Protocol V), signed in Geneva on November 28, 2003**

Date of entry into force of the Convention: November 12, 2006

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: May 12, 2006

- 6. Convention on the Prevention of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction signed in Geneva on September 3, 1992.**

Date of entry into force of the Convention: April 29, 1997

Signing date for Albania: January 14, 1993

Date of ratification/accession/entry into force in Albania: May 11, 1994

- 7. Nuclear Test-Ban Treaty signed in New York on September 10, 1996;**

Date of entry into force of the Convention: not in force yet

Signing date for Albania: September 27, 1996

Date of ratification/accession/entry into force in Albania: April 23, 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: March 1, 1999

Signing date for Albania: September 8, 1998

Date of ratification/accession/entry into force in Albania: February 29, 2000

- 9. Nuclear Non-Proliferation Treaty, (NNPT or NPT), signed in New York, July 1, 1968;**

Date of entry into force of the Convention: March 5, 1970

Signing date for Albania:

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

September 12, 1990 (L) (London);

September 14, 1990 (M) (Moscow);

September 28, 1990 (W) (Washington).

- 10. (Chemical Weapons Convention, CWC), signed in Paris, January 13, 1993.**

Date of entry into force of the Convention: April 29, 1997

Signing date for Albania: January 14, 1993

Date of ratification/accession/entry into force in Albania: May 23, 1994

- 11. Biological and Toxic Weapons Convention, BTWC, signed in London, Moscow and**

Washington, April 10, 1975;

Date of entry into force of the Convention: March 26, 1975

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: June 3, 1992

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

Date of entry into force of the Convention: July 29, 1957

Signing date for Albania: March 25, 1988

Date of ratification/accession/entry into force in Albania: March 25, 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: April 30, 2004

Signing date for Albania: December 2, 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: July 8, 1928

Signing date for Albania:

Date of ratification/accession/entry into force in Albania: December 20, 1989

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

IAGREEMENTS ON CONVENTIONAL WEAPONS AND SMALL AND LIGHT WEAPONS	ALBANIA'S COMMITMENT
European Code of Conduct on Arms Exports	August 2003
Arms Trade Treaty	January 2014
OSCE Document on Small Arms and Light Weapons	November 2000
OSCE Document on Stockpiling of Conventional Ammunition	December 2003
OSCE Decision on MANPADS (Man-Portable Air Defense Systems)	2003
OSCE Decision on End-user Certificates	2004
OSCE Decision on Brokering	2004
Stability Pact Regional Implementation plan	November 2001
United Nations Program of Action on Small Arms Light Weapons	2001

Other applicable laws are:

1. Law No. 7532 dated December 11, 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 July 29, 1993 on the ratification of 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:

- United Nations Program on Small Arms and Light Weapons,
- United Nations 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 Toxic Weapons Convention (BTWC);
4. International Atomic Energy Agency (IAEA).

1. The Nuclear Non-Proliferation Treaty is legally binding. It recognizes the right of states to participate in the exchange of equipment, materials, and information for the peaceful use of atomic energy. Article 1 of this Treaty obliges those states that are in the possession of nuclear weapons to not transfer any kind of nuclear weapons, or related equipment.

2. The 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. The Convention provides certain purposes under which member states have the right to exchange scientific information, chemical materials, and equipments.

3. The 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 the right to take part in the exchange of equipment, materials, and information only if this exchange is peaceful in its nature.

4. The International Atomic Energy Agency (IAEA) is a center for world cooperation in the nuclear field. It was established in 1957 as a world-wide organization "Atoms for Peace" by the United Nations. The Agency works with its member states and partners worldwide to promote security and peace in the field of nuclear technologies. IAEA's mission is guided by the interests and needs of member states as well as the Agency's strategic vision.

The three main areas of the Agency's mission are:

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

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 six countries which declared to possess chemical weapons in March 2003, after discovering 600 containers of chemicals in an abandoned bunker in December 2002.

On 11 July 2007, the Organization for the Prohibition of Chemical Weapons (OPCW) confirmed the complete destruction of chemical weapons stockpiles in Albania, by becoming so the first country to destroy chemical weapons in line with this Convention. The United States assisted and financed this destruction operation. The OPCW aims at the 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 encompasses about 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 have not 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 recalling that Albania acceded to the Biological Weapons Convention on June 3, 1992 on the prohibition of biological weapons. In September 1990, Albania also acceded to the Treaty on Non- Proliferation of Nuclear Weapons. On September 20, 1989, Albania joined the Geneva Protocol on the Prohibition of Biological and Chemical Weapons.

- At the same time, by Decision of the Council of Ministers No. 604, dated August 28, 2003, Albania implemented the EU Code of Conduct, which is replaced by the Common Position of the EU Council 2008/944/CFSP on the common rules in relation to the Export control of the military goods and their technologies. 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 has received assistance from international institutions of the same nature which has been very helpful in preparing and training the specialized staff for the state control of exports. The cooperation with different international institutions has been very fruitful with regards to the establishment, adaptation, and implementation of the legal basis in the field of export controls.

- Among our partners in this field are the US Department of State's Export Control and Related Border Security (EXBS) program, the European Union through the German Federal Office of Economics and Export Control (BAFA), the Commission's Working Party on Conventional Arms Export (COARM), the Consortium headed by France Expertise and the South Eastern and Eastern Europe (SEESAC), and non-governmental Organization.

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

Nr.	DATE	LOCATION	TOPIC
1	27-28 January	Frankfurt (Germany)	Seminar on upcoming and new challenges on Export Controls. Organized by EU/BAFA
2	08-10 April	Zagreb (Croatia)	Regional Seminar on Chemical Weapons Convection, Organized by RACVIAC and OPCW
3	13-15 April	Zagreb (Croatia)	Regional Seminar on Non-Proliferation of Weapons of Mass Destruction Organized by RACVIAC and US-EUCOM
4	25-26 May	Zagreb (Croatia)	Study visit on best practices. Organized by EXBS Program
5	26-28 May	Ljubljana (Slovenia)	14-th meeting of NA for East Europe Countries organized by OPCW
6	11 June	Budva (Montenegro)	14-th RIEP meeting organized by SEESAC
7	29-30 June	Zagreb (Croatia)	Meeting on 1540 UN resolution. Organized by OSCE.
8	29-30 June	Zagreb (Croatia)	Regional Seminar for Transit Controls organized by EXBS Program
9	18-24 August	Alpbach (Austria)	Summer Course on Export Control of Dual use goods and nonproliferation. Organized by EU
10	22-25 September	Zagreb (Croatia)	Regional Meeting on Strategic Goods Organized by RACVIAC
11	13-14 October	Belgrade (Serbia)	Regional seminar on Export Controls of military goods. Organized by COARM and BAFA.
12	28-30 October	Belgrade (Serbia)	15-th RIEP meeting organized by SEESAC
13	17-18 November	Ispra (Italy)	5-th Seminar on technical assessment of dual use goods. Organized by EU
14	27-29 November	Hag (Holland)	15-th meeting of NA organized by OPCW

6.3 COOPERATION WITH INDUSTRY

Since industry is one of the main actors in the field of export control then 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 the Chambers of Commerce and Industry in several districts. Representatives of these institutions have been regularly invited to activities conducted in Albania by AKSHE.

The workshops were attended by the representatives of the Chambers of Commerce and Industry of Tirana, Durrës, and Vlorë as well as representatives from other trade entities that operate in this field. During these workshops, participants were informed about national and EU legislation, licensing procedures and processes, national list of military and dual-use goods and technologies, etc.

In order to have more access to information, AKSHE has an official web site www.akshe.gov.al, where entities may find application forms, procedures to be followed, the legislation and other useful information.

OBJECTIVES AND FUTURE ACTIVITIES

The current most immediate objectives of AKSHE are:

The training activities of AKSHE, such as workshops, training courses, and workgroups on the implementation of the national legislation and effective adaptation of international norms in the field of export control have to continue. This requires the support of the international community and certainly, the cooperation with institutions directly involved in this field, including the 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.
- Required amendments to the Law No. 9707, on “Export-Import State Control of Military Goods and Dual-use Goods and Technologies”, amended 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 these institutions such as Customs, Ministry of Foreign Affairs, AIM (Defense Intelligence Agency), Ministry of Economy, etc.
- Fulfillment of international commitments of the Republic of Albania deriving from its membership in the UN as well as from resolutions, recommendations and other documents related to the prevention of proliferation of weapons of mass destruction and combating terrorism.
- Commencement of the procedures for the accession of Albania in international treaties and control regimes as a member state of Wassenaar Arrangement (WA), Australia Group (AG), Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG) and Zangger Committee (ZC).
- Establishment of an effective regional cooperation in the field of export control.
- Consistent participation in EU Cooperation under the Long term project (LTP).
- Continuousness of work should enhance the level of professionalism aiming at a more efficient exercise of legal competences.

Annex 1

LICENSED AND COMPLETED EXPORTS OF MILITARY GOODS IN 2014

No	End User State	Type of good	Control List Code	Value based on license	Valued Realization for 2015 - 2016
1	Republic of Kosovo	Ammunition Parabellum 9x19mm	ML 3	55.200 \$	33.126 \$
2	Czech Republic	Mortar Lancer 120 mm	ML 3	26.000 \$	26.000 \$
		Mortar Lancer 82 mm	ML 3	46.800 \$	46.800 \$
		Mortar Lancer 60 mm	ML 3	30.000 \$	30.000 \$
3	Republic of Kosovo	Ammunition Parabellum 9x19mm	ML 3	83.000 \$	0
4	Bulgaria	Mortar Lancer 120 mm	ML 3	25.000 \$	25.000 \$
		Mortar Lancer 82 mm	ML 3	45.000 \$	45.000 \$
		Mortar Lancer 60 mm	ML 3	30.000 \$	30.000 \$
5	Bulgaria	Ammunition 7.62 x 39 mm	ML 3	300.000 \$	300.000 \$
		Mortar Shells 120 mm	ML 3	225.000 \$	225.000 \$
		Mortar Shells 82 mm	ML 3	220.000 \$	220.000 \$
		Mortar Shells 60 mm	ML 3	35.000 \$	35.000 \$
6	United Kingdom	Rockets HJ8 in Tub	ML 4	0	Total realized
		Lancer control Station	ML 2	0	
		Battery	ML 2	0	
		Battery Charger	ML 2	0	
		Three leg tripod	ML 2	0	
7	Austria	Ammunition 7.62 x 54 mm mod 53	ML 3	304.000 \$	99.348\$
8	Bulgaria	Ammunition 7.62x 54 mm mod 53	ML 3	144.000 \$	143.982\$
9	Bulgaria	Ammunition 7.62x 39 mm mod 56	ML 3	300.000 \$	300.000 \$
10	Czech Republic	Mortar Shells120 mm	ML 3	120.000 \$	0
11	Czech Republic	Mortar Shells 60 mm	ML 3	150.000 \$	149.940\$
		Mortar Shells 82 mm	ML 3	90.000 \$	89.914\$
		Mortar Shells 120 mm	ML 3	70.000 \$	70.000\$
12	Czech Republic	TNT Demolition Charges	ML 4	300.000 \$	0
13	Czech Republic	Ammunition 7.62 x 39 mm mod 56	ML 3	300.000 \$	299.851\$
14	Bulgaria	DSHK 12.7 Heavy machine guns model 1954	ML 1	120.000 \$	120.000 \$
15	Bulgaria	RPG-7 Lancer 40 mm KT	ML 2	100.000 \$	100.000 \$
16	Bulgaria	Ammunition 7.62 x 39 mm mod 56	ML 3	300.000 \$	299.989\$
17	Czech Republic	Ammunition 7.62 x 54 mm mod 53	ML 3	260.000 \$	259.987\$
18	Bulgaria	Ammunition 12.7 x 108 mm	ML 3	120.000 \$	120.000 \$
19	Czech Republic	Mortar Lancer 60 mm	ML 2	19.600 \$	19.600 \$
20	Czech Republic	RPG-7 Lancer 40 mm KT	ML 2	100.000 \$	0
21	Czech Republic	Ammunition 12.7 x 108 mm	ML 3	600.000 \$	0
TOTAL				4.518.600 \$	3.088.537 \$

Annex 2

LICENSED AND COMPLETED IMPORTS OF MILITARY GOODS IN 2014

No	Country of origin/ Exporter	Type of good	Control List Code	Value based on license	Valued Realization for 2015 - 2016
1	ITALY	Pistols 9x19 mm Beretta	ML 1	41.636 €	41.636 €
2	ITALY	Pistols 9x19 mm Beretta Spare parts for Beretta	ML 1	615.494 €	615.494 €
		Rifle SAKO Spare parts for SAKO			
3	ITALY	Ammunition Fiocchi 9x19 mm	ML 3	4.336 €	4.336 €
		Ammunition Fiocchi SS FMJ 5.56x45			
		Practice Grenade			
		Ammunition Sako			
		Ammunition Lapua 338 LM			
4	ITALY	Pistol Beretta 9x19 mm	ML 1	0	Realizuar Totalisht
5	ITALY	Spare parts for Beretta 92FS 9x19mm	ML 1	0	Realizuar Totalisht
6	ITALY	Ammunition 5.56 x 45mm	ML 3	2.811.285 €	2.811.285 €
		Ammunition 7.62 x 51mm			
		Ammunition 40 x 46mm			
		Ammunition 308 Winchester 338 Lapua			
		Ammunition 12.7 x 99mm FMJ Sniper			
		12.7 x 99 mm TPS Sniper			
7	ITALY	Vehicle Standart LMV	ML 6.a	1.420.000 €	1.420.000 €
8	TURQI	Land Rover Defender Station 110	ML 6.a	122.000 €	122.000 €
9	BRAZIL	Pistols Taurus & magazines	ML 1	78.522 €	6.594 €
10	ITALY	Pistols Beretta APX 9x19 mm	ML 1	125.913 €	125.913 €
11	ITALY	Pistols Beretta 92 FS 9x19 mm	ML 1	29.640 €	29.640 €
12	FRANCË	Electronic Display Unit for COUGAR Helicopter	ML 10	24.732,5 €	24.732,5 €
13	GJERMANI	Helicopters EC 145 SAR, Loose parts Spare parts for Helicopters EC 145-SAR	ML 10	14.697.896 €	14.697.896 €
14	KROACI	Pistol HS	ML 1	81.125 €	57.850 €
15	ITALY	Beretta PX4 9x19mm Magazines	ML 1	89.775 €	89.775 €
16	ITALY	Pistol Beretta 9x19mm	ML 1	61.050 €	61.050 €
		Rifle CX4 Storm Beretta 9x19mm			
17	ITALY	Ammunition 9x 19 mm	ML 3	62.557 €	62.557 €
18	TURQI	Pistol 9x19mm Cougar	ML 1	6.450 €	6.450 €
19	GJERMANI	Machine Gun 5.56 mm MG 4 Kits & spare parts	ML 1	1.511.198 €	1.511.198 €
		Machine Gun 7.62 MG 5 Kits & spare parts			
20	AUSTRI	Glock, Cal 9x19mm pistol Magazine Spare Parts	ML 1	84.063,2 €	81.523,08 €
	TOTAL			21.867.672,70 €	21.769.929,58 €

REGISTERED STATE/PRIVATE LEGAL ENTITIES WITH REGISTRATION CERTIFICATE.

Nr	SUBJECT
1	NDËRMARRJA SHTETËRORE "MEICO"
2	"ARMS SCHOOL ACADEMY" SH.P.K
3	"KLIK EKSPLO GROUP" SH.P.K
4	MINISTRIA E MBROJTJES
5	NDËRMARRJA SHTETËRORE "UZINA LËNDËVE PLASËSE MJEKËS"
6	"ALBAFIRE" SH.P.K
7	"SHILA DREAMS" SH.P.K
8	"ENI-ARB" SH.P.K
9	"M.S IMPORT- EKSPORT" SH.P.K
10	"AMERICAN CAPITAL GROUP" SH.P.K
11	"KEON" SHPK
12	"BABASI COO" SHPK
13	"TRUST PARTNERS" SH.P.K
15	"HORANLLIU" SH.P.K
16	"TMC-ALBANIA" SHPK
17	DREJTORIA E PËRGJITHSHME E POLICISË SË SHTETIT
18	NDËRMARRJA SHTETËRORE "KOMBINATI MEKANIK POLIÇAN"
19	DEUTSCHE MARKETING GESELLESCHAFT
20	A&A SECURITY SURVEY SHPK
21	CASWICK SH.P.K
22	VESEL ABDULLAI
23	GREEN TECHNOLOGIES
24	MSSC SH.P.K
25	KOAN SH.P.K
26	SPHINX SH.P.K
27	DNX-NITRO SH.P.K

28	EAGLE ONE SH.P.K
29	SHPATA SH.P.K
30	TRUST PARTNERS ALBANIA SH.P.K
31	ALGI-GJ SH.P.K
32	HS CAPITAL SH.P.K
33	G.M.S SH.P.K
34	TCN SH.P.K
35	ROGAT SECURITY
36	RASS (ROGAT ALL SECURITY SERVICES)
37	X-2M SH.P.K
38	AULONA POL
39	DEFENCE SECURITY TECHNOLOGY- ALBANIA SH.P.K
40	TARIAN SH.P.K
41	ADRIATIC PARTNERS SH.P.K
42	2LX SH.P.K
43	ARB – SECURITY SH.R.S.F

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STATE EXPORT CONTROL AUTHORITY



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MINISTRY OF DEFENSE