



# **STATE EXPORT CONTROL AUTHORITY**

**Annual Report on Export Control for 2012**

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# INTRODUCTION

The need for an efficient system of state control over international transfers (import, export, transit, trans-shipment) of military goods, dual-use goods and technologies, as well as 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. This constitutes the legal basis of the Albanian state export control system. Article 6 of the Law stipulates the competencies of institutions playing the main role in the export control of strategic goods.

Based on 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 also 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) Establish the possibility of guaranteeing licenses and authorizations to entities (individ-

- uals, or public or private legal entities) 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 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 registering entities aiming to conduct international transfers of military goods with AKSHE; and
  - d) To assess the possibility of submitting proposals to the Council of Ministers through the Minister of Defense.

Upon approval of the amended Law No. 9707 on “State Control of Import–Export Activity of Military Equipment and Dual–use Goods and Technologies” 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 Council of Ministers’ decision.

Supplementing parts of the bylaws include Orders approved by the Chair of AKSHE, which are mainly related to the internal procedures, the organizational aspects, and specific details of the control activities.

At the end of August 2008, AKSHE was established and the Chair 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. Participation in conferences and seminars in the area of state export control;
3. Drafting the sublegal acts required for completing the legal basis of the national state export control activity;
4. Efficient issuing of legal documents, licenses, authorizations and certificates.

## **1. Recruitment and training of personnel;**

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

Along with the recruitment process, AKSHE personnel are participating in various training conferences and seminars in order to strengthen the cooperation with international and regional bodies working in the same area.

## 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 Border Security (EXBS). EXBS 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 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 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 supported training of AKSHE personnel and has expressed its readiness to provide 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, and 2011, and the regional reports 2008–2012 have been published in cooperation with SEESAC.
- The Stockholm International Peace Institute (SIPRI) has provided significant support through seminars and trainings, and is willing to continue its contribution in the future.
- Cooperation contacts have been made 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, mutual cooperation such as this between public and private entities is 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 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 “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, has been, and continues to be, 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 fifth report of the Republic of Albania on export control, after the four reports issued for the years 2007-2008, 2009, 2010 and 2011.

The report contains 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.

In the attached annex is the national list of products subject to control, the criteria for the list's adoption, and respective links.

The report also focuses on the international conventions and agreements ratified by the Republic of Albania; as well as weapons control agreements and obligations. The report analyzes the Republic of Albania's position in the export control system and its cooperation with the arms industry as well as with other international bodies.

The final part of the report contains detailed data on the exports of military goods, dual-use goods, and technologies in 2011.

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

## NATIONAL LEGISLATION

### 2.1.

#### LEGISLATION ON EXPORT CONTROL

**Law No. 9707 dated April 5, 2007**

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

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

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

**Decision of the Council of Ministers No. 106, dated 9 February, 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 March, 2009**

*On “Establishing 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 “Establishing 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 April 8, 2009**

*On “Establishing the Tariffs for Issuing Legal Documents.”*

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

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

**Order of the Head of AKSHE No. 76, dated December 30, 2008**

On *“The Format of the Report, Timeframes and Deadline for Presenting Reports.”*

**Order of the Head of AKSHE, No. 72, dated December 30, 2008**

On *“Regulation on Organization and Functioning of the Albanian State Export Control Authority.”*

**2.2.**

**LEGISLATION RELATED  
TO AKSHE'S ACTIVITY**

AKSHE implements regulations related to 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 the implemented laws are as follows:

Law No. 9723, dated May 3, 2007 on	”National Registration Center ”;
Law No. 10081, dated February 23, 2009 on	“Licenses, Authorizations and Permits in the Republic of Albania”;
Law No. 8449, dated January 27, 1999 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”;
Law No. 7926, dated April 20, 1995 on	“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 responsible institution for enforcing 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 embargoes, 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 on 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 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 Stabilization and Association Agreement (SAA), required to be fulfilled by Albania in order to join the European Union family.

State control over exports includes:

#### • Items

All 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. 106 dated February 9, 2011 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 designed for military purposes (examples: arms, ammunition);
- Services designed for military purposes (examples: design, assembly, repair); and
- 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 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**

- Individuals 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**

- Export
- Import
- Transit
- Trans-shipment
- 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 licensing process.

• **Application:**

- Application: Commercial entities wishing to obtain a license, authorization, or certificate need to submit the required documentation to AKSHE and complete the required form. The required criteria, 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](http://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 commercial entities is needed 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. Individuals/legal entities 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**

Individuals/legal entities 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 written reports to AKSHE on a quarterly basis, regarding the following:

- Transfer of the goods specified in the documents;
- Use of these goods in compliance with the stated purpose.
  
- Individuals/legal entities 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:
  - Export/import license;
  - International transport document;
  - Customs statement;
  - 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 of the pre-licensing, licensing, and post-licensing process.

This control may include:

- a) Control of documentation and request  
This control consists of verifying the accuracy and correctness of the completed documents submitted in compliance with the 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 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 period, 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 goods during transport, as well as their final arrival.

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 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 electronic transfer of software or technology.

##### AUTHORIZATIONS

8. Authorization of 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 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).

## GUARANTEE 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

Decisions may be issued on:

- Granting the license/authorization;
- Disregard or refusal 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 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;
- Revocation and suspension of the license;
- Termination of registration of the entity.

## 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 over 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 February 2011, by a decision of the Council of Ministers No. 106, dated February 9, 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 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, as well as with 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 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’ Joint Position on the Approval of the Code of Conduct. 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.” This list includes all the articles or technologies which are designed for civilian use but that, if in the wrong hands, can be used for military or terrorist purposes.

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 AGREEMENTS 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 international agreements 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 agreements of Non-Proliferation of Weapons of Mass Destruction:

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

**1. Wassenaar Agreement (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 its member states.
5. **Armament Technology Control Regime (ATCR)** was negotiated and implemented by Dr. Richard H. Speier and is an informal voluntary agreement of 34 countries to prevent the uncontrolled production of mass destruction weapons technology. This initiative aims to halt the production of autonomous systems, capable of proliferating weapons of mass destruction, and to coordinate national export licenses with the goal of preventing the production of these weapons.
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 ATCR 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:

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), 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 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), 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 Indiscriminate 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 May Be Deemed to Be Excessively Injurious or to Have Indiscriminate 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 May Be Deemed to Be Excessively Injurious or to Have Indiscriminate 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:

INTERNATIONAL AGREEMENTS ON CONVENTIONAL WEAPONS AND SMALL ARMS 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. 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. 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. 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. 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 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.

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 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 provided financial assistance for this destruction. 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 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 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.

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

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

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.	DATES	LOCATION	TOPIC
1	31 Jan - 01 Feb 2012	Vlore, (Albania)	Workshop funded by EU/ Organized by BAFA & AKSHE
2	21-23 Feb 2012	Zagreb, (Croatia),	Workshop organized by RACVIAC
3	26-28 March 2012	Jahorinë, (Bosnia-Herzegovina)	7 <sup>th</sup> RIEP Meeting organized by SEESAC and the Foreign Affairs Ministry of BH
4	21-24 March 2012	Brussels (Belgium)	Meeting on the EU assistance on the export control for the weapons and dual use goods, organized by EU
5	18-20 April 2012	Belgrade (Serbia)	Regional Workshop on Arms Trade
6	08 - 10 May 2012	Warsaw (Poland)	EU Meeting in cooperation with UN Research Institute on Disarmament, 11 <sup>th</sup> Regional Meeting of the national authorities of Southeastern Europe organized by OPCW
7	07-09 May 2012	Portoro (Slovenia)	13 <sup>th</sup> International Conference on Export Control organized by EU and USA
8	31May-01 June	Tirana (Albania)	Bilateral meeting (American team of CP(D) of NATO and the Albanian Team)
9	11-12 July 2012	Warsaw (Poland)	Regional Workshop of the Arms Safety Initiative (PSI). Rrg. MPJ (Poland)
10	25-27 September 2012	Madrid (Spain)	Study visit for the establishment of a identification and tracking of the explosive materials for civilian use system organized by TAIEX
11	22-25 November 2012	Hague (Netherlands)	14 <sup>th</sup> Meeting of the National Authorities. Org. (OPCW)
12	27-28 November 2012	Ispra (Italy)	Workshop on control of dual use goods organized by European Commission & JRC Ispra

### **6.3. COOPERATION WITH THE 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 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 industry and trade chambers of Tirana, Durres, and Vlore 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](http://www.akshe.gov.al) where entities may find application forms, procedures to be followed, 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, 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, SHISH, 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.
- Continue the procedures required from 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).

- Establishment of an effective regional cooperation in the field of export control.
- Consistent participation in EU Cooperation under the Long term project (LTP).
- Continuous 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 2012

End User State	Nr	Control List Code	Type of good	Quantity pieces	Value based on license	Valued Realization for 2012-2013
Czech Republic	1	ML 3	Ammunition 7.62x39 mm	12 936 000	388 080 \$	204 768 \$
		ML 3	Ammunition 7.62x39 mm	23 014 560	575 364 \$	0
Czech Republic	1	ML 3	Ammunition 7.62x54 mm	6 300 000	189 000 \$	0
		ML 3	Ammunition 12.7x108 mm	2 500 000	500 000 \$	
		ML 1	Machine gun 12.7 mm DSK	100	40 000 \$	
Czech Republic	1	ML3	Ammunition 7.62*39 mm	30 000 000	690 000 \$	103 680 \$
<b>Total</b>	<b>3</b>				<b>2,382,444 \$</b>	<b>308,448 \$</b>
USA	1	ML 1	Rifle M-56	14 581	583 240 \$	580 920 \$
USA	1	ML 1	Rifle M-53	8 660	173 200 \$	173 200 \$
USA	1	ML 1	Rifle SKS M-56	350	17 500 \$	17 500 \$
USA	1	ML3	projectiles	8 221	287 735 \$	285 495 \$
<b>Total</b>	<b>4</b>				<b>1,061,675 \$</b>	<b>1,057,115 \$</b>
Austria	1	ML 1	Rifle M53	1 120	22 400 \$	22 400 \$
		ML 1	Rifle M56,	500	20 000 \$	20 000 \$
Austria	1	ML 1	Rifle SKS	40 000	1 600 000 \$	240 000 \$
		ML 3	cartridges cal.7.62x39mm	5 700 000	171 000 \$	0
		ML 3	cartridges cal.7.62x54mm	5 500 000	165 000 \$	
<b>Total</b>	<b>2</b>				<b>1,978,400 \$</b>	<b>282,400 \$</b>
Montenegro	1	ML 3	Projectile	3 000 000	90 000 \$	90 000 \$
<b>Total</b>	<b>1</b>				<b>90 000 \$</b>	<b>90 000 \$</b>
Bulgaria	1	ML 3	Rounds 120 mmPredhë Mine	161 790	2 426 850\$	90 000\$
		ML 3	Rounds 82 mm Mine	96 506	482 530 \$	180 000\$
		ML 3	Rounds for canon 120 mm	11 600	116 000 \$	112 000 \$
		ML 3	Plasës M-12	170	170 \$	0
		ML 3	Plasës M-429	11 904	11 904 \$	0

End User State	Nr	Control List Code	Type of good	Quantity pieces	Value based on license	Valued Realization for 2012-2013
Bulgaria	1	ML 6	ZIL 485-Amfib armament and ammunition	1	33 615 \$	33 615 \$
Total	2				3,071,069 \$	415,615 \$
Federal Republic of Nigeria	1	ML3	Ammunition	2 000 000	100 000 \$	100 000 \$
Total	1				100 000 \$	100 000 \$
Dem. Rep. Congo	1	ML 3	cartridges 7.62mmx54	3 000 000	75 000 \$	74998 \$
Total	1				75 000 \$	74998 \$
Ethiopia	1	ML 3	cartridges 7.62x39mm	22 000 000	660 000 \$	0
Total	1				660 000 \$	0
Republic of Kosovo	1	ML 3	Pistol cartridges "Parabel"	300 000	50970 \$	50970 \$
Total	1				50970 \$	50970 \$

## Annex 2 LICENSED AND COMPLETED IMPORTS OF MILITARY GOODS IN 2012

Country of origin/ Exporter	Nr	Type of good	Qty/piece	Value based on license	Valued realization 2012-2013
Germany	1	Rifle, Pistols, Machine guns, grenade launcher	30	67 303.50 €	67 303.50 €
Total	1			67 303.50 €	67 303.50 €
Czech Republic	1	Black powder S020-04	2000 kg	30 000 \$	30 000 \$
Total	1			30 000 \$	30 000 \$
Italy	1	Pistols 9x19 mm	50	16 000 €	16 000 €
		Rifles AR 5.56x45 mm	170	222 000 €	220 .000 €
		Sniper Rifle	10	92 500 €	92 500 €
		Rifle semi automatic	4	76 000 €	76 000 €
Italy	1	Projectiles	136 042	34 540 €	34 540 €
Italy	1	Spare parts for helicopter. AB-205,AB-206	68	131 405 .85 €	51 323 €
Total	2			572,445.85 €	492,363 €
France	1	Spare parts, equipments, tools, technical doc.for helicopter AS-532 AL Cougar	594	8 368 376 €	8 368 376 €
France	1	Ammunition 20x102 TP-T boxes 400	1	0	0
France	1	Helicopter Cougar AS532 AL	1	15 237 922.80 €	15 237 922.80 €
Total	3			23,606,298.80 €	23,606,298.80 €
USA/USA	1	Horus vision Scope	1	1 500 \$	1 500 \$
		Laser Range Finder	1	1 822 \$	1 822 \$
Total	1			3322 \$	3322 \$

**STATE/PRIVATE ENTITIES REGISTERED AND EQUIPPED WITH REGISTRATION CERTIFICATE.**

Nr	Subject	Address
1	“MEICO”	Rr.”4 shkurti “nr.5, Tiranë
2	“ARMS & B” sh.p.k	Rr.”Urani Pano” Pallati i Ri, Tiranë
3	“Klik Ekspo Group” sh.p.k	Bul.Dëshmorët e Kombit Hot.Rogner Europapark
4	Ministry of Defence	Bul.Dëshmoret e Kombit, Tiranë
5	Ndërmarrja Shtetërore “Uzina Lëndëve Plasëse Mjekës”	Mjekës, Elbasan.
6	“Albafire” sh.p.k	Rr.”Emin Duraku”,Nr.15/1 Tiranë
7	“Shila Dreams” sh.p.k	Lagjja 1, Rr.Pjetër Arbnori Bathore, Kamëz, Tiranë
8	“Eni-Arb” sh.p.k	Rr.”I. Qemali”, Pallati i Ri Kati2, Zyra 10, Tirane
9	“M.S Import- Eksport” sh.p.k	Rr.”Dëshmoret e 4 shkurtit”Pall.Leskova. Ap.17.Tirane
10	“American Capital Group” sh.p.k	Rr.”Donika Kastrioti” Nr.14 Suite 400, Tiranë
11	“KEON” shpk	Rr.”Dibrës” 400/4 Tiranë
12	“Babasi COO” shpk	Arramerras, Fushe-Krujë
13	“Trust Partners” sh.p.k	Rr.”Sabaudin Gabrani “ Ish SMT
VITI 2011		
14	“Military Sitems Trade Company” sh.p.k	Rr. “Elbasanit” Vila 71 Tiranë
15	“Horanlliu” sh.p.k	Rr.”Shemsi Haka” Nr.26, Tiranë
16	“TMC-Albania” shpk	Rr.”Irfan Tomini” P.3 Ap.17 Tiranë
17	General Directorate of State Police	Rr.”Bulevardi Bajram Curri” Tiranë
20	Ndërmarrja Shtetërore “Kombinati Mekanik Poliçan”	Poliçan, Skrapar
21	Deutsche Marketing Geselleschaft	Rr. Ismail Qemali, Pallati Mbi Banken Amerikane Ap A-8, Tiranë,
22	A&A Security Survey shpk	Rr. Lord Bajron, Vila Nr. 1, Tiranë
VITI 2012		
23	Caswick Sh.p.k	Pallati 9-katësh i firmës ANA, kati I, nr 5, Kashar Tiranë
24	Vesel ABDULLAI	Lgj “30 Vjetori”, Pall 73 AP, 16 Berat
25	GREEN TECHNOLOGIES	Bulv “Dëshmorët e Kombit” Kullat Binjake, Kati 13, Tiranë
26	RSM & RB Finance Al	Rr “Vaso Pasha”, 11, Tiranë
2013		
27	MSSCSh.P.K	Rr.Vaso Pasha Pall.27, shk3, Tirane
28	KOAN Sh.P.K	Rr.Dora D'Istria, nr.2, Tiranë
29	Sphinx Sh.P.K	Rr.Ismail Qemali, 34/1, kati 5/3, Tiranë
30	Dnx-Nitro Sh.P.K	Bul. "Gjergj Fishta", Ish parku Spedicionit, Qendra Alpas, K4, Tiranë
31	International Security Network GmbH	Rr.S.Delvina, P.13, Sh.9, Ap.52, Tiranë
32	Eagle One Sh.P.K	Lundër/Farkë, Pranë Universitetit Amerikan te Tiranë
33	SHPATA Sh.P.K	Rr.Ismail Qemali, Pall.Fratari, Tiranë
34	Trust Partners Albania Sh.P.K	Rr.Marco Bocari, pall. "Pinarit", H.1, ap.14, Tiranë



