

REPUBLIC OF ALBANIA
Council of Ministers

DECISION
No. 305, date 25.3.2009

ON

**DEFINING THE PROCEDURES OF ISSUING LEGAL DOCUMENTS OF
GUARANTEE IN THE FIELD OF STATE CONTROL OF IMPORT-EXPORT OF
MILITARY GOODS AND DUAL-USE GOODS AND TECHNOLOGIES**

Based on Article 100 of the Constitution, and point 8, article 25, Law no. 9707, dated 5.4.2007, "On State Control of Import-Export of Military Goods and Dual-Use Goods and Technologies", as proposed by the Minister of Defense, the Council of Ministers

DECIDED:

1. All commercial, physical and juridical entities, complying with the criteria determined by the legislation in force, to carry out import-exports, which import to the Republic of Albania military goods, goods and technology of dual use, have the right to request to be equipped with one of the legal documents of guarantee from the State Export Control Authority (AKSHE).
2. The guarantee documents are issued by AKSHE, based on legal requests, to obtain the export license in the area of export control of strategic goods, of another country, from which these goods will be exported.
3. These guarantee documents are issued by AKSHE after controls and verifications undertaken by this authority, based on the subject declaration, which needs to be provided along with one of these legal documents.
4. Documents of guarantee are presented in the following forms:
 - International import certificate;
 - End user certificate;
 - Delivery certificate;
 - Certificate of customs declaration;
5. The subject that carries out international goods transfers, and that requires to be provided with one of the legal documents of the guarantee – subject of this decision, presents a request to AKSHE according to a standard model approved by this authority.
 - 5.1. The request should be enclosed in an envelope along with the respective documents and registered in AKSHE's protocol office.
 - 5.2. The documents to be submitted by the physical or juridical subject and which are required in order to obtain one of the guarantee certificates - subject of this decision, are determined by AKSHE.

- 5.3 The external side of the envelope should bear the subject's full address, contact numbers, telephone and fax, signature and stamp and should write reference as for example: "Documents to obtain international import certificate, end user certificate, delivery certificate, certificate of customs declaration".
- 5.4 The request for certificates – subject of this decision - must not have corrections, additions or changes to the format of the request's text. In cases when AKSHE notices corrections in the form, it is turned back to the subject in order to make the necessary completions. Documents should be completed within 10 days.
- 5.5 The request and the attached documents should be in Albanian (documents should be translated and notarized).
- 5.6 Every photocopied document should be notarized.
6. AKSHE's reviewing time limits of the documentation required to issue the guarantee certificates – subject of this decision - since the delivery of the request, are as following:
- 10 days for issuing the international import certificate;
 - 10 days for issuing of the end user certificate;
 - 7 days for the delivery certificate;
 - 7 days for the certificate of customs declaration.
- 6.1 These time limit starts from the day of submitting the full documentations at AKSHE.
- 6.2 The time required to receive additional information from the subjects involved in the international transfer of goods is not included in these time limits.
7. Every request received is checked and verified by AKSHE and is accompanied by a justified decision.
8. AKSHE verifies the following:
- Subjects' requests.
 - Certificates issued before, subject of this decision, and customs declaration.
 - Correspondence with the subjects involved in international transfers of goods.
9. AKSHE communicates, in written, the approval or refusal of the request, to the subjects involved in the international transfer of goods and which have submitted the request.
10. Certificates - subject of this decision - are received by the legal representative of the subject or an authorized person through a notary act, to carry out this action (A copy of the notary authorization is deposited in the file, which is archived).
11. Guarantee certificates – subject of this decision, are not transferable from one person, physical or juridical, to another.

12. When a subject loses the certificates, subject of this decision, it informs immediately and officially AKSHE, in order to be provided with a duplicate, by submitting the documents considered as required by the authority.
13. The international import certificate, the delivery certificate and the end user certificate can be revoked in the cases foreseen by Article 21, Law no. 9707, date 5.4.2007, "On State Control of Import-Export of Military Goods and Dual-Use Goods and Technologies".
 - 13.1 AKSHE has the right to revoke the certificate – subject of this decision, if the declared data in the documentation changes constantly.
14. AKSHE immediately informs the responsible authority of exports control of the exporter state in the cases mentioned in the items 12 and 13 of this decision.
15. The subject provided by AKSHE with an international import certificate, end user certificate and delivery certificate, should inform on every change related to the data included in the deposited documentation within 10 (ten) days from the day of such change.
16. The Ministry of Defense, AKSHE and the other institutions cooperating with this authority are in charge of the implementation of this decision.

This decision takes effect upon publication in the "Official Gazette".

PRIME MINISTER
SALI BERISHA