



REPUBLIC OF ALBANIA
MINISTRY OF DEFENCE

ALBANIAN STATE EXPORT CONTROL AUTHORITY

Annual report on export control for 2009

ALBANIAN STATE EXPORT
CONTROL AUTHORITY

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1 . INTRODUCTION

The need for building an efficient system of state control over international transfers (import, export, transit, transshipment) of military goods and dual-use goods and technologies and as a result, for participation of the Republic of Albania in common international initiatives of supervising international transfers of sensitive goods brought to the adoption of the Law No. 9707, dated 05.04.2007 on the State Control over Import-Export Activity of Military Equipment and Dual-use Goods and Technologies, which constitutes the legal basis of the Albanian state export control system.

Article 6 of the Law describes the competences of institutions which play the main role in the export control of strategic goods.

According to this article:

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

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

The main purpose of establishing the state export control system is to protect the interests of national security, to maintain the international commitments of the Republic of Albania on non-proliferation of weapons of mass destruction (WMDs) as well as to take measures for preventing their use for terrorist or illegal purposes.

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

- a) To establish the possibility of granting licenses and authorizations to entities (natural or legal persons, public or private) involved in international transfers of goods, which give them the right to import-export, transit or to conduct negotiations followed by signing economic agreements with foreign countries, as well as to revoke these permits when the entities violate the state legislation in the field of export control.

- b) To establish the possibility of guaranteeing the issuing of international certificates for import and end user certificates.
- c) To assess the conditions for registration in AKSHE of entities aiming to conduct international transfers of military goods.
- d) To assess the possibility for presenting proposals to the Council of Ministers, through the Minister of Defence.

The approval of the Law No. 9707 “On State Control of Import-Export Activity of Military Equipments and Dual-use Goods and Technologies” was followed by drafting secondary normative acts for completion of a legal basis for state export control activity.

Currently the main bylaws (secondary normative acts) that enable efficient functioning are drafted by AKSHE and approved later by a decision of the Council of Ministers.

An additional part of bylaws include Orders approved by the Chairman of AKSHE, which mainly relate to internal procedures, organizational aspects and specific details of control activities.

At the end of August 2008 the establishment of AKSHE was initiated with the appointment of the Chairman of the Agency by the Minister of Defence.

The activity of AKSHE has developed in four main directions to date:

1. Recruitment and training of staff.
2. Cooperation with international bodies, cooperation with counterpart authorities, and participation in conferences, seminars in the field of state export control.
3. Drafting of secondary normative acts for the completion of legal basis of national state export control activity.
4. Initiation of the effective activities related to issuance of legal documents, licences, authorizations and certificates.

1. Recruitment and training of staff

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

In parallel with the recruitment of staff, participation in various training conferences and seminars, as well as cooperation with international bodies in the same field is taking place.

2. Cooperation with international bodies, counterpart authorities and industry

Lately, AKSHE has had a continuous and fruitful cooperation with some counterparts and international bodies.

It is worth mentioning here:

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

Cooperation with the industry

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

3. Drafting of secondary normative acts, which will serve as a legal basis of national state export control

Drafting of secondary normative acts provided by the Law No. 9707, dated 05.04.2007 on the State Control over Import-Export Activity of Military Equipment and Dual-use Goods and Technologies, which would enable the full functioning of the State Export Control Authority, was a priority of this agency since the first moment of its establishment. Currently this Law is being amended in compliance with the developments in the international field. In particular, the amendments brought by the European Union Regulation No. 428/2009 dated 05.05.2009 are being implemented.

4. Issuing legal documents, licenses, authorizations and certificates

As of 01 June 2009, AKSHE started the process of issuing licenses, authorizations and certificates to entities for military goods and dual-use goods. This year's annual report is the second report of the Republic of Albania on export control, after the first one for the period 2007-2008. The report contains description of national legislation related to the export control system for military goods and dual-use goods and technologies, as well

as the description of the licensing process stages. The national list of products subject to control, criteria for its adoption and respective links are given in the Annex. The report also focuses on international conventions and agreements ratified by the Republic of Albania, weapon control regimes and obligations stemming from those. The position of the Republic of Albania in the export control system and its cooperation with international bodies and industry were analysed from this point of view. The final part of the report contains detailed data on exports of military goods and dual-use goods and technologies for 2009. The tables provide the data on destinations, quantities, economic value and code of the exported goods.

2. NATIONAL LEGISLATION ON STATE EXPORT CONTROL

2.1 LEGISLATION ON EXPORTS CONTROL

Law No. 9707 dated 05.04.2007 on the State Control over the Import-Export Activity of Military Equipment and Dual-use Goods and Technologies¹

Decision of the Council of Ministers No. 43, dated 16.01.2008 on the Organisation, Functioning and Status of the State Export Control Authority

Decision of the Council of Ministers No. 1569, dated 19.11.2008 on Adopting of 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 25.03.2009 on Setting up the Procedures for Conducting Expertise and Control by the Albanian State Export Control Authority (AKSHE)

Decision of the Council of Ministers No. 305 dated 25.03.2009 Setting up the Procedures of Issuing Legal Documents in the Field of State Control of Import-Export of Military Goods and Dual-use Goods and Technologies

Decision of the Council of Ministers No. 341 dated 08.04.2009 on Establishing the Tariffs for Issuing Legal Documents

Decision of the Council of Ministers No. 604 dated 28.08.2003 on Approving, in Principle, the EU Code of Conduct on Arms Exports

Order of the Head of AKSHE No. 76 dated 30.12.2008 on Setting the Format of the Report, Timeframes and Deadline for Presenting Reports

Order of the Head of AKSHE No. 72 dated 30/12/2008 on Regulations on Organization and Functioning of the Albanian State Export Control Authority

2.2 LEGISLATION RELATED TO AKSHE ACTIVITY

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

Some of the implemented laws are:

Law No. 9723 dated 03.05.2007 on National Registration Centre

¹ Currently Law No. 9707 dated 05.04.2007 on the State Control of the Import-Export activity of Military Equipment and Dual-use Goods and Technologies is going through amendments to comply with the EU Regulation no 428/2009 dated 05 May 2009.

Law No. 10081 dated 23.02.2009 on Licenses, Authorizations and Permits in the Republic of Albania

Law No. 8449 dated 27.01.1999 on the Customs Code of the Republic of Albania

Law No. 7582 dated 13.07.1992 on State Enterprises

Law No. 9901 dated 14.04.2008 on Entrepreneurs and Companies

Law No. 7926 dated 20.04.1995 on the Transformation of State Enterprises into Commercial Companies

3. STATE EXPORT CONTROL SYSTEM

3.1 ALBANIAN STATE EXPORT CONTROL AUTHORITY

In the Republic of Albania the responsible institution for enforcing the state policy in the field of state export control is the State Export Control Authority (AKSHE), which acts in cooperation with the ministries and other state entities responsible for export controls. Other state bodies, such as diplomatic and consular offices of the Republic of Albania abroad, may be engaged in this control in terms of enforcing measures in the process of export control upon obtaining the consent from a superior institution. AKSHE is a central institution subordinate to the Minister of Defense, which conducts the activity of state control over export, import, transit, transshipment and brokering activity for military goods and dual-use goods and technologies. AKSHE is also the responsible institution for enforcing the state policy in the field of exports and imports of military goods and dual-use goods and technologies.

The institution:

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

A very important role that AKSHE plays, as a result of its legal competences, is to act as the point of contact in implementing international agreements in this field, implementing procedures deriving from international standards, overseeing implementation of full and partial embargos, with careful analysis of destinations and end-use and continuous exchange of information regarding trade entities involved in illicit operations.

3.2 STATE CONTROL OVER EXPORTS

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

The main international provisions in this field include:

- The Resolution 1540 of the United Nations Security Council that specifically defines the obligation of UN member states to take measures of controlling the transfer of these goods, while building efficient systems of state control.

- The European Union Regulation No. 428/2009 dated 5 May 2009, as well as a series of joint positions and actions, which build a combined system of movement control of military and dual-use goods.
- The Code of Conduct on Arms Exports approved by EU, implemented in the Republic of Albania by virtue of the Decision of the Council of Ministers No. 604 dated 28.08.2003 on Approving in Principle the EU Code of Conduct on Arms Exports.
- The Common position of EU Council 2008/944/CFSP on the Common Rules related to the Export Control of Military Goods and their technologies.
- Provisions deriving from international agreements on non-proliferation and control of exports such as Wassenaar Agreement, Missile Technology Control Regime, Code of Hague for preventing ballistic rockets, Australia Group, Chemical Weapons Convention, OPCW (Albania is a state party), Zangger Committee, etc.
- The state control over these goods constitutes one of the criteria included in the Stabilization and Association Agreement (SAA) necessary to be fulfilled by Albania in order to join the European family.

State control over exports includes:

- Items

All items included in the Common Lists of the European Union, which are approved and updated every year by a Decision of the Council of Ministers (currently the lists in effect were approved by the Council of Ministers Decision No. 1569 dated 19.11.2008 on the Approval of the List of Military Goods and the List of Dual-use Goods and Technologies Subject to the State control of Import-Export).²

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

² Currently the new list of goods, which reflects the changes provided by Regulation 428/09 of the European Union, is in the process of being approved.

Military equipment and technologies include:

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

Dual-use goods include:

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

- Entities
 - Natural persons conducting activities related to the transfer of the above-mentioned items
 - Legal persons conducting activities related to the transfer of the above-mentioned items
- Activities
 - Export
 - Import
 - Transit
 - Transshipment
 - Brokering

3.3 PROCESS STAGES

The process of licensing regarding the entities

■ Registration

Regarding entities that are involved in activities related to military goods, as a first step, they must register with AKSHE, which issues for these entities a Registration Certificate and holds a record of all entities involved in international transfers. This is the first step of the licensing process.

■ Application

Commercial entities wishing to obtain a licence, authorization or certificate shall present the required documentation to AKSHE and fill in the required sample form. The required criteria,

the respective documentation, frequently asked questions, public point of information and all the necessary information is published in the website www.akshe.gov.al.

■ Cooperation of AKSHE with commercial entities

To enable an effective and transparent control system, a spirit of cooperation between AKSHE and commercial entities is needed at all stages of this process. AKSHE is trying to perform state export controls by fast, transparent and efficient procedures, providing all the necessary information and assistance. Natural and legal persons involved in international transfers of military goods and dual-use goods and technologies, who have obtained a license, should cooperate with the expert staff of AKSHE to allow the actual control of the goods included in the control lists.

■ Reporting

Natural and legal persons involved in international transfers of military goods, dual-use goods and technologies, who have obtained a licence 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 according to the stated purpose

Natural and legal persons involved in the international transfers of the goods shall submit to AKSHE, within 10 days from the date of completing the transfer of each merchandise, a copy of the following documentation:

- Export or import licence
- International transport document
- Customs statement
- Invoice of the goods.

Control and licensing process by the Albanian State Export Control Authority

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

This control may include:

a) Control of documentation and requests

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

b) Technical control by the experts

This control phase is related to actual physical control of goods subject to license, comparing the data described by the applicant against the actual goods. With regards to this phase, it is very important for the applicant to correctly classify the goods according to the numbers in the control list, enabling each item included in the application for a

license to have its correct respective number. This control consists of technical expertise and analysis performed by the AKSHE experts or other bodies if necessary. As regards to the time period, control may include all stages of the process , not only a preliminary check in the pre-licensing phase, but it may continue in the post-licensing stage to verify the actual state during transport and in the country of final destination of the goods. The maximum duration of the process is 30 days from the date of providing all necessary documents; work will be coordinated with other stakeholders, if necessary.

c) Licensing control

This phase is related to the evaluation of applications. In the process of decision-making all the objective and subjective aspects are taken into consideration, such as nature of the sensitive goods, countries under embargo, respect for international agreements, end-users, the purpose of the end-use of goods, financial aspects, etc. This is control of the equipment against legal documentation of the applicant, closely related to the decision-making process. Although the Albanian export control system gives the exclusive right of decision-making to AKSHE, in order to have an efficient control over these goods, often other state entities are involved in this process and their activity is related to the activity of AKSHE. If necessary, other specialized state entities are involved in the decision-making process, for example the General Directorate of Customs, the Ministry of Foreign Affairs, the Ministry of Economy, the Ministry of Finance, intelligence services such as SHISH, SHIU, etc.

3.4 LEGAL DOCUMENTS ISSUED BY AKSHE

LICENSES

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

AUTHORIZATIONS

8. Authorization for international transfer of military goods in the territory of Albania
9. Authorization for international transshipment of military goods in the territory of Albania
10. Authorization for international transit of dual-use goods in the territory of Albania
11. Authorization for the transshipment 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 for the export of goods to a country under embargo
15. Authorization for the export of goods which are not listed in the control list

CERTIFICATES

16. Registration certificate for military goods
17. International import certificate for 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-user 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
- Disregarding or denial of the licensing request
- Revocation and suspension of the request
- Termination of the license

3.6 SANCTIONS

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

- Fines, which are provided by article 31 of Law No. 9707, dated 05.04.2007 on the State Control of the Import-Export Activity of Military Equipment and Dual-use Goods and Technologies
- Revocation and suspension of the license
- Termination of registration of the entity

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

In order to define exactly the military goods or dual-use goods and technologies subject to AKSHE control, Article 10, point 3 of Law No. 9707 dated 05/04/2007 on the State Control over Import-Export activity of Military Equipment and Dual-use Goods and Technologies emphasizes that “every year the Council of Ministers approves the list of goods that are subject to state export control”.

This list of goods was enforced in November 2008 by virtue of the Decision No. 1569, dated 19.11.2008 of the Council of Ministers “Approving the List of Military Equipment and the List of Dual-use Goods and Technologies subject to State Control of Import-Export”. This list of goods must be updated every year based on the needs of the Albanian State in the field of export control, but also on the fulfilment of international obligations of the Republic of Albania in this field.

The updating of this list is approved in compliance with the list of dual-use goods and technologies included in Annex I of the European Union Regulation No. 428/2009 dated 5 May 2009 and in compliance with the Decision of the European Union Council No. 2010/C 69/03 (CFSP) on the list of military goods.

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

- a) Military goods and the related technologies, which is a list included in the Joint Position of the member states of European Union on the “Code of Conduct”. Despite the fact that this list is a concrete example for member states which are free to approve their own list of military goods and technologies, without being legally, politically and practically obliged to fully implement this list, these states have fully aligned with this list.
- b) Dual-use goods and technologies, which is a list provided by the EC Regulation No. 1183/2007 dated 18 September 2007, amending the Regulation (EC) No. 1334/2000 on Setting up a Community Regime for the Control of Exports of Dual-use Items and Technologies.

This list includes all those items or technologies which are mainly designed for civilian use, but in the wrong hands they may be used for military or terrorist purposes.

The List of Military Goods:

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

The List of Dual-Use Goods:

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

5. INTERNATIONAL REGIMES OF ARMS EXPORT CONTROL

Although the Albanian legislation on exports control of military goods and dual-use goods and technologies and the national list of military goods control are in compliance with international standards, Albania is not yet a participant in all international agreements in this field.

The main goals of these regimes are 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 the weapons of mass destruction in non-member states.

What we can certainly say is that accession to these regimes remains a priority for the Republic of Albania. In compliance with this priority and by virtue of the Common Order of the Minister of Defense and the Minister of Foreign Affairs No. 957, dated 31.05.2010 an inter-institutional workgroup has been set up to start the negotiation procedures for the Republic of Albania to join the Regimes of Non-Proliferation of Weapons of Mass Destruction which are as follows:

1. Wassenaar Arrangement (WA)
2. Australia Group (AG)
3. Nuclear Suppliers Group (NSG)
4. Zangger Committee (ZC)
5. Missile Technology Control Regime (MTCR)

1. Wassenaar Arrangement is a multilateral export control regime with 40 member states. It was established by the Committee of Multilateral Export Control, on 12 May 1996 in Wassenaar, the Netherlands. The administration secretariat of this arrangement is located in Vienna, Austria. The objective of the arrangement is the export control of conventional arms and dual-use goods. Membership in WA does not generate obligations for member states. The decision to transfer or to deny transfer of any material is a responsibility of each member state. All measures with respect to the arrangement are taken in compliance with national policies and legislation and are implemented on the basis of national interests.

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

3. The Nuclear Suppliers Group is a multinational organisation which aims to contribute to the non-production of nuclear weapons through the implementation of Guidelines for nuclear exports and nuclear related exports. This group controls the export and transfer of goods

that can be used to develop nuclear weapons. It was established in 1974 after the Indian nuclear test which proved that some specific nuclear technologies which are not designed for armaments may be converted into weapons. After a series of meetings in London from 1974 to the end of 1978 it was agreed on the guidelines for such exports. These guidelines are implemented in each of the member states in compliance with national laws and practices. The decision for application of the guidelines is made at the national level, in line with national requirements for licensing exports.

4. Zangger Committee, also known as the Nuclear Exporters Committee, sprang from article III, 2 of the Treaty on the Non-Proliferation of Nuclear Weapons, which entered into force on March 5, 1975. Under the terms of Article III, 2 International Atomic Energy Agency (IAEA) safeguards must be applied to nuclear exports. This Committee offers a series of guidelines for all its member states.

5. The Missile Technology Control Regime has been negotiated and implemented by Dr. Richard H. Speier; it is an informal voluntary agreement of 34 countries to prevent the production of uncontrolled technology for weapons of mass destruction. The goal of this initiative is the non-production of autonomous systems, able to spread weapons of mass destruction and coordination of national export licenses, aiming at preventing their use.

6. The Hague Code of Conduct against Ballistic Missile Proliferation was established in November 2002 in Hague. The Code is supplementary to MTCR, but membership is not limited. This Code presents political obligations of the state parties to prevent the proliferation of weapons of mass destruction, ballistic missiles and to exercise maximum control in the development, testing and placing these missiles in combat positions.

6. ALBANIA AND ITS INTERNATIONAL COMMITMENTS

6.1 INTERNATIONAL COMMITMENTS

For many years the Republic of Albania has been committed to the application of and accession to international instruments and agreements related to disarmament, non-proliferation and arms control. These Agreements are now part of the Albanian legislation and are consistently enforced. Albania is a signatory of the following international agreements:

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

Date of entry into force of the Convention: 02.12.1983

Signing date for Albania:

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

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

Date of entry into force of the Convention: 30.07.1988

Signing date for Albania:

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

3. The Protocol on the Prohibition or Restrictions on the Use of Mines, Booby-Traps and Other Devices, amended on 03.05.1996 (Protocol II amended on May 3 1996) annex to the 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 Have Indiscriminate Effects, concluded in Geneva on 03.05.1996.

Date of entry into force of the Convention 3.12.1998

Signing date for Albania:

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

4. Amendment of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapon Which May be Deemed to Be Excessively Injurious or Have Indiscriminate Effects (Protocol I, II, III), made in Geneva on 21.12.2001.

Date of entry into force of the Convention: 18.05.2004

Signing date for Albania:

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

5. Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or Have Indiscriminate Effects (Protocol V), concluded in Geneva on 28.11.2003.
Date of entry into force of the Convention: 12.11.2006
Signing date for Albania:
Date of ratification/accession/entry into force in Albania: 12.05.2006
6. Convention on the Prevention of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction concluded in Geneva on 03.09.1992.
Date of entry into force of the Convention: 29.04.1997
Signing date for Albania: 14.01.1993
Date of ratification/accession/entry into force in Albania: 11.05.1994
7. Nuclear Test-Ban Treaty concluded in New York on 10.09.1996.
Date of entry into force of the Convention: not in force yet
Signing date for Albania: 27.09.1996
Date of ratification/accession/entry into force in Albania: 23.04.2003
8. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, signed in Ottawa on December 3-4 1997.
Date of entry into force of the Convention: 01.03.1999
Signing date for Albania: 08.09.1998
Date of ratification/accession/entry into force in Albania: 29.02.2000
9. Nuclear Non-Proliferation Treaty (NNPT or NPT), concluded in New York on 1 July 1968.
Date of entry into force of the Convention: 05.03.1970
Signing date for Albania:
Date of ratification/accession/entry into force in Albania:
12 September 1990 (L) (London)
14 September 1990 (M) (Moscow)
28 September 1990 (W) (Washington)
10. Chemical Weapons Convention (CWC) concluded in Paris on 13.01.1993.
Date of entry into force of the Convention: 29.04.1997
Signing date for Albania: 14.01.1993
Date of ratification/accession/entry into force in Albania: 23.05.1994
11. Biological and Toxic Weapons Convention (BTWC), concluded in London, Moscow and Washington on 10.04.1975.
Date of entry into force of the Convention: 26.03.1975
Signing date for Albania:

Date of ratification/accession/entry into force in Albania: 03.06.1992

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

Date of entry into force of the Convention: 29.07.1957

Signing date for Albania: 25.03.1988

Date of ratification/accession/entry into force in Albania: 25.03.1988

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

Date of entry into force of the Convention: 30 April 2004

Signing date for Albania: 2 December 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 on 17 July 1925.

Date of entry into force of the Convention: 8 July 1928

Signing date for Albania:

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

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

INTERNATIONAL AGREEMENTS ON CONVENTIONAL ARMS AND SMALL ARMS AND LIGHT WEAPONS	COMMITMENT OF ALBANIA
European Code of Conduct on Arms Export	August 2003
OSCE Document on Small Arms and Light Weapons (SALW)	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
OSCE Decision on MANPADS (Man-Portable Air Defence System)	2003
OSCE Decision on End-User Certificates	2004
OSCE Decision on Brokering	2004
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action on Small Arms and Light Weapons	2001

Other applicable laws:

1. Law No. 7532 dated 11.12.1991 on the Republic of Albania acceding to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
2. Law No. 7747, dated 29.07.1993 ratifying the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction.

Albania also has the legal obligation to report to:

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

International Agreements which Albania is party to:

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

1. Nuclear Non-Proliferation Treaty is legally binding. It recognizes the rights of states to participate in the exchange of equipment, materials and information for peaceful use of atomic energy. Article 1 of this treaty obliges member states that own nuclear weapons not to transfer any kind of nuclear weapons or equipment of this nature.

2. Chemical Weapons Convention is a legally binding agreement that prohibits the development, production, stockpiling, transfer and use of chemical weapons and aims to eliminate them. It gives the right to member state to become participants in international exchange of scientific information, chemical materials and equipments for purposes allowed by the convention.

3. Biological and Toxin Weapons Convention is a legally binding agreement that prohibits the development, production, stockpiling, supplying and keeping of biological weapons and the ways of their proliferation. Member states to this convention have the right to participate in the exchange of equipment, materials and information if this exchange has a peaceful purpose.

4. International Atomic Energy Agency (IAEA) is the center of world cooperation in the nuclear field. It was established in 1957 as the world organization “Atoms for Peace” in UN. The Agency works with its member states and partners worldwide to promote security and peace in the field of nuclear technologies.

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

The three main fields of this agency mission are:

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

In the past Albania possessed stockpiles of chemical weapons, which contained 16,678 kilograms of chemical substance.

Albania is among the first countries to sign the Chemical Weapons Convention (CWC) in 1993. This agreement which came into force in the same year required disclosure of chemical stocks, destruction of chemical weapons and the means of their production or transfer.

Albania is one of the 6 countries which declared to possess chemical weapons in March 2003, after discovering, in December 2002, 600 containers or chemicals in an abandoned bunker.

On July 11, 2007 the Organization for the Prohibition of Chemical Weapons (OPCW) confirmed the destruction of all chemical weapons stockpiles in Albania, thus making Albania the first country to completely destroy its chemical weapons in compliance with the provisions the CWC. The United States assisted and funded this destruction operation. The OPCW aims at total elimination of chemical weapons worldwide. The main mission of OPCW is to verify the destruction of all existing chemical weapons and to take the necessary measures to end this kind of weapons manufacture. This organization provides assistance and protection to all Member States which are subject to threat or attack by chemical weapons. Only 11 years after entry into force in 1997, OPCW has embraced over 185 countries. Four other countries have signed it, thus bringing all their political support to the objectives and principles of the Convention. Only 6 states that haven't signed it 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 for the prohibition of biological weapons. It also acceded to the Treaty on Non-Proliferation of Nuclear Weapons in September 1990. On 20 December 1989 Albania joined the Geneva Protocol on the Prohibition of Biological and Chemical Weapons.

Albania has sought to be part of the Wassenaar Arrangement on Export Control of Conventional Arms and Dual-use Goods and Technologies in April 2004 (Decision of the Council of Ministers No. 248, April 2004).

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

6.2 INTERNATIONAL COOPERATION

Since the creation of AKSHE and throughout its activities, assistance provided by and cooperation with international institutions of this field have been a great help in preparing and training of the specialised staff for the state control of exports.

Cooperation with various international institutions has produced results in the creation, adoption and the implementation of the legal basis in the field of export controls.

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

In the two years after the establishment of AKSHE a series of successful cooperation events were organized with international partners, as follows:

- In the framework of the EU Cooperation under the long-term project “Assistance in the Export Control of Military Goods and Dual-use Goods and Technologies” several seminars were organized with our partner BAFA (Germany).
- Seminars were also organized with our partner in Romania - ANCEX.
- In October 2008 our representatives participated in the 9th Annual Conference on Export Control in Croatia.
- In June 2009 our representatives participated in the 10th Annual Conference on Export Control in Turkey with participants from 100 states.

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

1. Seminar on the Evaluation of Tracker System funded by the American Government in February 2009.
2. Seminar organized by the Organization for the Prohibition of Chemical Weapons in February 2009, Croatia.
3. Training the staff of AKSHE organized and funded by BAFA in April 2009 in Germany.
4. Seminar organized by the Organization for the Prohibition of Chemical Weapons in April 2009, Croatia.
5. Seminar on Export Control organized in April 2009, Serbia.
6. Our representative also participated in the 56th session of the Executive Council meeting of OPCW held in April 2009, the Netherlands.
7. In cooperation with the American Embassy and representatives of various institutions related to export control, a training course on basic rules of export control was organized in April 2009 in Albania.
8. Seminar organized by OPCW in May 2009 in Grodno, in Belarus.
9. Seminar funded by BAFA and organized by AKSHE with representatives from various institutions and industry on the subject “Cooperation between different institutions, AKSHE and Industry”, in May 2009 in Albania.
10. Workgroup organized by the American Government and the Polish Government on the evaluation of TRACKER system held in May 2009 in Poland.
11. Regional seminar with representatives from countries of the region on arms export controls, held in June 2009 in Albania.
12. Seminar organized by the Organization for the Prohibition of Chemical Weapons in June 2009 in Bosnia-Herzegovina.
13. Training course organized by RACVIAC on aerial surveillance in the framework of the Open Skies Treaty held in July 2009 in Rakitje, Croatia.

14. Regional conference on arms export control reporting, held in July 2009 in Montenegro.
15. Meeting of experts at the Biological Weapons Conference, held in August 2009 in Switzerland.
16. OSCE Conference to Discuss the OSCE Document on SALW and Additional Decisions, held in September 2009 in Austria.

6.3 COOPERATION WITH INDUSTRY

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

It is worth mentioning here a successful seminar on May 8, 2009 with the subject: "Necessity of Cooperation between State Institutions, Industry and AKSHE". Representatives of Chambers of Commerce and Industry of Tirana, Durrës and Vlora participated in this seminar, as well as representatives from other trade entities that operate in this field. During this seminar the participants were informed on national and EU legislation, licensing procedures and process, national list of military and dual-use goods and technologies, etc.

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

7. OBJECTIVES AND ACTIVITIES FOR THE FUTURE

The current most immediate objectives of AKSHE are:

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

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

- Development of national legislation in terms of bylaws and implementation of the existing legislation in the field of import-export control of military goods and dual-use goods and technologies by all stakeholders in this field.
- Further strengthening of cooperation with state institutions that are part of the Albanian state export control system and signing of bilateral technical protocols between AKSHE and the institutions such as Customs, Ministry of Foreign Affairs, SHISH, Ministry of Economy, etc.
- The adoption of the new national list of military goods and dual-use goods and technologies.
- Fulfilment of international commitments of the Republic of Albania deriving from its membership in UN and from resolutions, recommendations and other documents related to the prevention of non-proliferation of weapons of mass destruction and combating terrorism.
- Continuation of the procedures for Albania to join international treaties and control regimes as a member state of Wassenaar Agreement (WA), Australia Group (AG), Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG) and Zangger Committee (ZC).
- Creation of an effective regional cooperation in the field of export control.
- Consistent participation in EU Cooperation under the Long Term Project (LTP).
- Completion of Tracker System implementation.
- Continuous work shall upgrade the level of professionalism aiming at a more efficient exercise of legal competences.

Annex 1. EXPORTS OF MILITARY LIST GOODS IN 2009

DESTINATION	EU ML CATEGORIES	VALUE	NR. OF LICENSES
Montenegro	ML1	2,546,960 USD	3
	ML3	34,653 USD	
Total		2,581,613 USD	3

Annex 2. IMPORTS OF MILITARY LIST GOODS IN 2009

ORIGIN	EU ML CATEGORIES	VALUE	NR. OF LICENSES
Germany	ML17l	1,905,814 Euro 18,045,000 Lek	3
	ML17k		
	ML7f		
	ML7g		
	ML13d		
	ML13c		
Italy	ML1	777,291 Euro	3
	ML1a		
	ML3a		
Total		2,683,105 Euro	6

Annex 3. END-USER CERTIFICATE FOR MILITARY GOODS IN 2009

ORIGIN	EU ML CATEGORIES	VALUE	NR. OF CERTIFICATES
Italy	ML1	532,556 Euro	3
	ML 3		
Germany	ML1a	1,905,814 Euro 18,045,000 Lek	3
	ML17		
	ML 13		
	ML 7		
Total		2,438,371 Euro	6

In total the Albanian State Export Control Authority has assessed:

- 7 (seven) applications for Registering Certificates for military goods. 6 (six) have been accepted.
- 7 (seven) applications for an import license for military single-use goods. 6 (six) licenses have been issued.

- 7 (seven) applications for an export license for military single-use goods. 6 (six) licenses have been issued.
- 6 (six) applications for End-user Certificates for military goods. 6 (six) certificates have been issued.
- 1 (one) application for the authorization for temporary import. 1 (one) authorization has been issued.
- 1 (one) application for the authorization for the negotiation of international agreements.

Note 1: Applications for licenses, authorizations, certificates were refused due to lack of documentation.

Note 2: Out of 6 issued export licenses only 3 were used. One has been invalidated, whereas regarding the other two, an agreement has not been reached between the parties involved in the transfer of goods subject to the license.

