



REPUBLIC OF ALBANIA
MINISTRY OF DEFENSE

ALBANIAN STATE EXPORT CONTROL AUTHORITY

Annual Report on Export Control for 2007 and 2008



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1. INTRODUCTION

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

Article 16 of the Law provides for competences of institutions that play the main role in strategic goods export control. According to this article:

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

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

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

The main objectives of building the state system of export control 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 issuing international certificates for import and end user certificates.
- c) To assess conditions for registration with the AKSHE of entities aiming at conducting international transfers of military goods.
- d) To assess the possibility for presenting proposals to the Council of Ministers, through the Minister of Defense.

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

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 President 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 President of the Agency by the Minister of Defense.

Since then, activity of AKSHE was developed in four main directions:

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

1. Recruitment and training of personnel;

The recruitment and training of staff of the new institution in the specific field of activity is now almost complete.

Concurrently with the recruitment of personnel, participation in various conferences and seminars for training purposes as well as cooperation with international organizations in the field is being made possible.

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

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

To name a few:

- The Export Control and Border Security (EXBS). EXBS gave its contribution in funding the participation of AKSHE staff in conferences and seminars as well as in providing literature in the field of export control. EXBS showed its readiness to cooperate and support AKSHE in the future, aiming at building an efficient Albanian system of export control;
- The German State Control Authority "BAFA", which plays the primary role in the field of state control of exports in the European Union, is also the leading representative of EU in helping countries of Western Balkans to build and strengthen capacities of state control of export. BAFA gave its contribution in the field of training the staff of AKSHE and expressed its readiness for a comprehensive support in the future;
- The Romanian State Control Authority ANCEX, which is one of the state authorities of export control with a long experience in countries of Eastern Europe, and with a functional organizational structure similar to the structure of AKSHE. ANCEX contributed with information and experiences exchange with AKSHE, and also expressed its readiness to contribute in the future using its experience;
- The Embassy of the Czech Republic and representatives of Czech State Control Authority. The Czech Embassy and representatives of this authority, during the EU Presidency, organized in Tirana, at the beginning of June this year, the international conference on "State Control of Arms Exports".
- Initial contacts were established with other international bodies and authorities, which are expected to deepen in the future.

Cooperation with the industry

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

3. Drafting of secondary normative acts necessary for completion of a legal basis of the national export control.

Drafting of secondary normative acts foreseen by the Law no. 9707, dated 05.04.2007 "State Control of Import – Export Activity of Military Goods and Dual-use Goods and Technologies", which would enable full functioning of the State Export Control Authority, was a priority of the agency since the first moments of its establishment.

4. Issuing legal documents; licenses, authorizations and certificates.

As of 1st of June 2009, AKSHE started the operating process of issuing licenses, authorizations and certificates to entities for military goods and dual-use goods.

This year's Annual Report is also the first report of the Republic of Albania on export control.

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

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

The Report was also focused on conventions and international agreements ratified by the Republic of Albania, weapon control regimes and obligations stemming from those.

The position of the Republic of Albania in the system of export control as well as international cooperation and the industry were analyzed from this point of view.

The final part of the report contains detailed data on export of military goods and dual-use goods and technologies for 2007-2008.

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

2. NATIONAL LEGISLATION ON STATE export control

2.1 Legislation on export controls

Law No. 9707, dated 05.04.2007

“State Control of Import – Export Activity of Military Goods and Dual-use Goods and Technologies”

Decision of the Council of Ministers no. 43, dated 16.01.2008

“on Organizing, Functioning and Status of the State Export Control Authority”

Decision of the Council of Ministers no. 1569, dated 19.11.2008

“on Adopting the List of Military Goods and the List of Dual-use Goods and Technologies, subject to the State Import-Export Control “

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

“Setting the Procedures for Conducting Expertise and Control by the State Export Control Authority (AKSHE)”

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

“Setting the Procedures of Issuing Legal Documents in the Field of State Control of Import-Export of Military and Dual-use Goods and Technologies”

Decision of the Council of Ministers no. 341, dated 8.4.2009

“Setting the Tariffs for Issuing Legal Documents”

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

“Approving, in Principle, the EU Code of Conduct on Arms Exports”

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

“Setting the Format of the Report, Timeframes and Deadlines of Presenting Reports “

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

“Regulations on Organization and Functioning of the State Export Control Authority”

2.2 Legislation related to export control activities

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 of dual-use goods and technologies.

Some of the enforced laws are:

Law No. 9723, dated 3.5.2007 ” on National Registration Center”

Law No. 10 081, dated 23.2.2009 “ on Licenses, Authorizations and Permits in the Republic of Albania ”

Law No. 8449, date 27.01.1999 “Customs Code of the Republic of Albania”

Law No. 7582, dated 13.7.1992 “on State Enterprises”

Law No. 9901, dated 14.4.2008 “on Entrepreneurs and Companies”

Law No. 7926, dated 20.4.1995 “on Transformation of State Enterprises into Commercial Companies”

3. STATE EXPORT CONTROL SYSTEM

3.1 State Export Control Authority (AKSHE)

The responsible institution in the Republic of Albania for enforcing the state policy in the field of state control of exports is the AKSHE, in cooperation with ministries and other state entities, with competences in the field of export control. 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 the measures in the process of export control, with the consent from a superior institution. AKSHE is the central institution, subordinate to the Minister of Defense.

AKSHE is a state institution that 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 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 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.
- Sanctions the legal violations in the field of state control export.
- Fosters the enforcement of embargos.
- Serves as a point of contact in implementing international agreements.

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

3.2 State control over exports

State control of import-export of military and dual-use goods, and their technology is a joint international initiative deriving as a requirement of overseeing international transfers 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 in controlling transfer of these goods while building efficient systems of state control.
- The European Union Regulation no. 1344/2000, as amended by the Regulation no.1167/2008, provides a range of common positions and actions that build a combined system of movement control of military goods and dual-use goods.
- EU Arms Control Code of Conduct 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".
- Provisions deriving from international agreements on non-proliferation and control of exports such as Wassenaar Arrangement, Non-proliferation regime in missile sector, Code of Hague for preventing

ballistic rockets etc. Australia Group, Chemical Weapons Convention, OPCW (we are a party thereof), Zangger Committee etc.

- State control over these goods constitutes one of the criteria included in the Stabilization Association Agreement (necessary to be fulfilled by Albania in order to join the European family).

State control over export includes:

- Items

All items included in the Common Military Lists of the European Union, which are approved and updated every year by a Decision of the Council of Ministers (lists in effect are approved by the Council of Ministers by virtue of the Decision no. 1569, dated 19/11/2008 “on Approving the List of Military Goods and List of Dual-use Goods and Technologies, subject to State Control of Import-Export”)

One list refers to military goods and the other to dual-use goods.

Military equipment and technologies include:

- Products designed for military purpose (example: arms, ammunition)
- Services designed for military purpose (example: projecting, assembling, repair)
- Technologies designed for military purpose (example: information, technical data, technical assistance)

Dual-use goods include:

Special products, equipment, material, software and technology, not specifically designed for military purpose, as well as labor and services related to them, which except civilian use, may be used for military or terrorist purposes on in design, production, use of designed weapons for military purposes, WMDs, manner of their proliferation or explosive and nuclear equipment (example: nuclear materials, chemical agents, bacteriologic agents, biologic agents and toxic preparations)

- Entities
 - Natural persons conducting activities related to transfer of abovementioned goods
 - Legal persons conducting activities related to transfer of abovementioned goods
- Activities
 - Export
 - Import
 - Transit
 - Transshipment
 - Brokering

3.3 Process stages

Licensing process of entities

- Registration:
 - Registration: as regards the entities involved in activities of working with military goods as the first step, they shall register with AKSHE which issues them a Registration Certificate and maintains a register of entities involved in international transfers. This is the first step of licensing process.
- Application:
 - Application: commercial entities wishing to obtain a license, authorization or certificate shall present the required documentation to AKSHE and fill in the required type form. The required criteria, respective documentation, frequently asked questions, public point of information and all required information are published on the website www.akshe.gov.al
- Cooperation of AKSHE with trade entities.

In order to enable a transparent and effective control system what is required is a spirit of cooperation between AKSHE and trade entities at all stages of this process. AKSHE will attempt to carry out state control of exports with efficient, rapid and transparent procedures, providing all the necessary information and assistance. Natural/legal persons involved in international transfers of military goods and dual-use goods and technologies, who have obtained the license/authorization, should cooperate with expert staff of AKSHE to allow actual control of goods included in the control lists.

- Reporting

Natural/legal persons involved in international transfers of military goods, dual-use goods and technologies, who have obtained the license/authorization, international import certificate, shall present a written report to AKSHE on a quarterly basis, regarding the situation of:

- Transfer of goods specified in those documents,
- Use of those goods according to stated purpose.
- Natural/legal persons, involved in international transfers of goods, within 10 days from the date of completing a transfer for every merchandise, shall send a copy of the below documentation to AKSHE:
 - Export/import license,
 - International transport document,
 - Customs statement,
 - Invoice of the goods.

Control and licensing process by the State Export Control Authority

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

This control may include:

a) Control of documentation and request.

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

b) Expert's technical control.

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

With regard to this phase, it is very important for the entity to correctly classify the goods according to the numbers from the control list, in the way that each commodity included in the application for a license has the correct number.

This control consists of technical expertise and analysis by AKSHE experts or other bodies if necessary.

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

Maximum duration of the expertise is 30 days from the date of providing all necessary documents; work will be coordinated with other interested institutions, if necessary.

c) Licensing control

This phase relates to the evaluation of applications. In the decision making process all objective and subjective aspects are taken into account, such as care of sensitive goods, countries under embargo, respecting international agreements, the end user, the purpose of end use of goods, financial aspect etc.

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

Although the Albanian export control system gives exclusive right of decision-making to the State export control Authority, in order to have an efficient control system over these goods, often other state bodies are involved in this process, whose activity is related to the activity of AKSHE.

If necessary for decision making, cooperation takes place and inputs are received from other specialized state bodies, (General Directorate of Customs, Ministry of Foreign Affairs, Ministry of Economy, 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 transit of military goods in the territory of Albania.

9. Authorization for 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 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 for dual-use goods.

14. Authorization for export of goods destined for countries under embargo

15. Authorization for export of goods not 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 and denial of the licensing request
- Revocation and suspension of the license
- Termination of a license

3.6 SANCTIONS

In cases when AKSHE identifies an administrative violation in procedures and obligations on the part of trade entities, it may sanction them with:

- Fine (measures foreseen in article 31 of the Law no. 9707, dated 5.4.2007 “State Control of Import – Export Activity of Military and Dual-use Goods and Technologies”
- Revocation and suspension of the licensing request
- Termination of registration of the entity

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

In order to clearly determine the military goods and dual-use goods and technology, subject to AKSHE control, point 3 of article 10, of the Law no. 9707, dated 05.04.2007 on "State Control of Import – Export Activity of Military Goods and Dual-use Goods and Technologies", the state "Council of Ministers shall approve each year the list of goods subject to state export control".

This list of goods was implemented in November of 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, which are 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 control of exports, but also on the fulfillment of international obligations of Republic of Albania in this field.

List of military goods and dual-use goods and technologies implemented by Republic of Albania is the list of goods subject to export control of EU, more specifically the list of:

- a) Military goods and their technologies, which is a list included in Joint Position of EU member states of "Code of Conduct". Despite the fact that this list is a concrete example for member states which are free of approving their list of goods and technologies without being legally, politically and practically bound to fully implement this list, these states have fully adjusted with the list.
- b) Dual-use goods and technologies which is a list approved through EC Regulation no. 1183/2007 dated 18 September 2007, amending and updating the EC Regulation no. 1334/2000 "Setting up a Community Regime for the Control of Exports of Dual-use Items and Technologies".

The list includes all the goods or technologies, mainly projected for civilian use, but if they fall in wrong hands, they may be used for military or terrorist purposes.

List of military equipment

http://www.akshe.gov.al/Military_goods.html (Link)

List of dual-use goods

http://www.akshe.gov.al/dual_use_goods.html (Link)

5. INTERNATIONAL REGIMES OF ARMS EXPORT CONTROL

Although Albanian legislation on export control of arms and the national list of military goods is in accordance with the implementation of international standards, Albania is not yet participating in some 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 as well as promotion of non-proliferation and weapons of mass destruction to non-member states.

We may certainly note that accession to these regimes remains a priority for Republic of Albania. Here are some of the important treaties or regimes in the field of control of military goods of dual-use goods and technologies:

- 1. Wassenaar Arrangement** it is a multilateral export control regime with 40 participating countries. It was established after the Committee for multilateral coordination of export control, on May 12, 1996 in Wassenaar, Netherlands. Secretariat of the administration 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 Wassenaar Arrangement does not create obligations for member states. The decision to transfer or deny transfer of any item is the sole responsibility of each Participating State. All measures with respect to the Arrangement are taken in accordance with national legislation and policies and are implemented on the basis of national discretion
- 2. Australia Group**, The Australia Group (AG) is an informal regime of countries established in 1985 (after the use of chemical weapons by Iraq in 1984) aiming at helping the reduction of spread of chemical and biological weapons through monitoring and control of technologies that contribute to the development of chemical or biological weapons. Number of members of the group increased from 15 to 41, including all OECD member states except Mexico, 27 EU member states, Croatia, Ukraine and Argentine. The group contains a common list of technologies that may be used in chemical and biological weapon programs, which face export restrictions. Participating members don't assume any legal obligations. Efficiency of cooperation among them depends only from engagement for non-production of chemical weapons and preventing their spread.
- 3. Nuclear Suppliers Group (NSG)**, the Nuclear Suppliers Group (NSG) is a multinational organization which seeks to contribute to the non-production of nuclear weapons through the implementation of Guidelines for nuclear exports and nuclear related exports. This group controls export and transfer of goods that may be used for developing nuclear weapons. It was established in 1974 after Indian nuclear testing that proved that some specific nuclear technologies which are not designed for armament may be transferred into weapons. After a range of meetings in London from 1974 until 1978, it was agreed on guidelines of such exports. These guidelines are implemented by each member state in line with national laws and practices. Decision for application is taken in national level, in line with national requirements for licensing exports.
- 4. Zangger Committee**, also known as the committee of nuclear weapons exporters, is established through article III, 2 of the Nuclear Non-Proliferation Treaty that entered into effect on 5th of March 1975. According to terms of this article, security measures drafted by International Atomic Energy Agency shall apply on export of nuclear weapons.
- 5. Missile Technology Control Regime (MTCR)** is negotiated and implemented by Dr. Richard H. Speier; it is an informal voluntary agreement among 34 countries to prevent uncontrolled production of WMD technology. This initiative aims at non-production of autonomous systems, capable of spreading WMDs, and coordination of national export licenses aiming at preventing their use.
- 6. Hague Code of Conduct against ballistic missile proliferation** was established in November 2002 in Hague. The Code is supplementary to MTCR, and membership is not limited. The Code presents political obligations of participating countries aiming at non-proliferation of WMDs, Ballistic Missiles and to exercise maximum restriction in developing, testing and placing these missiles in combat position.

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 pacts and agreements relating to disarmament, non-proliferation and arms control.

These agreements are now a part of the Albanian legislation and are consistently enforced. Albania is a signatory of the following international agreements:

The Republic of Albania is a part of the following international acts:

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 (with Protocol I, II, III), Geneva, on 10.10.1980.

The Convention entered into force on: 02.12.1983

Signing date Albania:

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

2. Additional protocol of 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, titled Protocol on Blinding Laser Weapons), made in Vienna, on 13.10.1995.

The Convention entered into force on: 30.07.1988

Signing date Albania:

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

3. Prohibition or Restrictions on the Use of Mines, Booby-Traps and Other Devices, amended on 3.05.1996 (Protocol II amended on 3 May 1996), annex to the Additional Protocol of 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, made in Geneva on 03.05.1996.

The Convention entered into force on: 3.12.1998

Signing date 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 Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, made in Geneva on 21.12.2001;

The Convention entered into force on: 18.05.2004

Signing date Albania:

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

5. Protocol on Explosive Remnants of War of 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), made in Geneva on 28.11.2003.

The Convention entered into force on: 12.11.2006

Signing date Albania:

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

6. Convention on the Prevention of Development, Production, Storing and Use of Chemical Weapons and on their Disposal, made in Geneva on 03.09.1992.

The Convention entered into force on: 29.04.1997

Signing date Albania: 14.01.1993

Date of ratification/accession/entry into force in Albania: 11.05.1994

7. Nuclear Test-Ban Treaty, made in New York, on 10.09.1996.

The Convention entered into force on: not in force yet

Signing date Albania: 27.09.1996

Date of ratification/accession/entry into force in Albania: 23.04.2003

8. Convention of 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.

The Convention entered into force on: 01.03.1999

Signing date Albania: 08.09.1998

Date of ratification/accession/entry into force in Albania: 29.02.2000.

9. Nuclear Non-Proliferation Treaty, NNPT or NPT, made in New York, on 1.07.1968.

The Convention entered into force on: 5.03.1970

Signing date 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, made in Paris, on 13.01.1993.

The Convention entered into force on: 29.04.1997

Signing date Albania: 14. 01. 1993

Date of ratification/accession/entry into force in Albania: 23.05.1994

11. Biological and Toxic Weapons Convention, BTWC, made in London, Moscow and Washington, on 10.04.1975.

The Convention entered into force on: 26.03.1975

Signing date Albania:

Date of ratification/accession/entry into force in Albania: 3.06.1992

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

The Convention entered into force on: 29.07.1957

Signing date Albania: 25. 03. 1988

Date of ratification/accession/entry into force in Albania: 25.03. 1988

13. Additional protocol of the agreement on guarantees in all nuclear activities of Albania, between Republic of Albania and International Atomic Energy Agency (IAEA), signed on 22 September 1998.

The Convention entered into force on: 30 April 2004

Signing date Albania: 2 December 2004

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

14. Geneva Protocol (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.

The Convention entered into force on: 8 July 1928

Signing date Albania:

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

The Republic of Albania shall take all measures and required instruments on non-proliferation and arms control, recognizing and implementing the following agreements:

INTERNATIONAL AGREEMENTS	COMMITMENT OF ALBANIA
EU Code of Conduct of Arms Exports	August 2003
OSCE document on SALW	November 2000
OSCE document on conventional ammunition storage	December 2003
Decision of OSCE on MANPADS (man portable air defense systems)	2003
OSCE decision on end user certificates	2004
OSCE decision on Brokering	2004
Plan for implementing the Regional Stability Pact	November 2001
Action program of UN on small arms and light weapons	2001

Other applicable laws:

1. Law No. 7532 dated 11.12. 1991 on the Republic of Albania's acceding to the "Convention on the Prohibition of the Development, Production, Stockpiling of Bacteriological (biologic) Weapons and Toxins and their Disposal"
2. Law No. 7747, dated 29.7.1993 ratifying the Convention "On Prohibition of the Development, Production, Stockpiling of Bacteriological (biological) Weapons and Toxins and on their Disposal"

Albania has a legal obligation to report to:

- United Nations Program on small arms and light weapons
- Conventional arms register of the United Nations

International instruments

The Republic of Albania is party to:

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

- 1. Nuclear Weapons Non Proliferation Treaty** is legally binding. It recognizes the right of states to participate in the exchange of equipment, materials and information for peaceful use of atomic energy. Article 1 of this Agreement obliges member states that possess nuclear weapons not to transfer nuclear weapons or any equipment of this nature.
- 2. Chemical Weapons Convention** is a legally binding agreement that prohibits development, production, stockpiling and use of chemical weapons and aims at eliminating them. It gives the right to member states to become members of international exchange of scientific information, chemical materials and equipment for purposes permitted by the convention.
- 3. Biological and Toxin Weapons Convention** is a legally binding agreement that prohibits development, production, stockpiling, supply and keeping biological weapons and ways of their spread. Member states of this convention have the right to take part in exchange of equipment, material and information if the purpose of exchange is peaceful.
- 4. International Atomic Energy Agency (IAEA)** is the center of global 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 technology.

The mission of the International Atomic Energy Agency is guided by the interests and needs of Member States, strategic plans and vision of this agency.

Three main fields of mission of the agency cover:

- Safety and Security;
- Science and Technology; and
- Safeguards and Verification

Times ago Albania possessed a stock of WMDs. This stock of chemical weapons contained 16,678 kilograms of chemical substance.

Albania was one of the first countries that signed the Chemical Weapons Convention (CWC) in 1993. This agreement entered into force in the same year, requiring disclosure of chemical stockpiles, 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, following the discovery in December 2002 of 600 containers of chemicals in an abandoned bunker.

On 11 July 2007, the Organization for the Prohibition of Chemical Weapons (OPCW) confirmed the total destruction of the stock of chemical weapons in Albania, thus making Albania the first country that fully destroyed chemical weapons under the terms of this convention (CWC). The United States assisted and financed the destruction operation. The Organization for the Prohibition of Chemical Weapons 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 appropriate measures in order to bring this kind of weapons manufacture to an end. The organization provides assistance and protection to all Member States, who are subject to threat or attack with chemical weapons. Only 11 years after entry into force in 1997, OPCW embraced over 185 countries. Four other countries have signed it, thus bringing all their political support to the objectives and principles of the Convention. Only 6 states that didn't sign 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 3 June 1992 for prohibition of biological weapons. It also acceded to the Agreement of Non-Proliferation of Nuclear Weapons in September 1990. Albania joined the Geneva Protocol on 20 December 1989 for the Prohibition of Biological and Chemical Weapons.

Albania has sought to become part of the Wassenaar arrangement on export control of conventional arms and dual-use goods and technologies, in April 2004 (Decision of the Council Ministers No. 248, April 2004).

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

6.2 International cooperation

Just like upon the creation of the AKSHE and through its activities, provided assistance by and cooperation with International Institutions of this field has been a great help for the preparation and training of specialized staff in state control of exports.

Cooperation with various international Institutions has been effective as in the creation, adoption and in implementation of the legal basis in the field of control of exports.

Among our main partners in this field we may mention the Export Control and Related Border Security Program (EXBS), office established by U.S. Department of State, as and BAFA (Germany) on the part of EU Cooperation Under the Long Term Project (LTP), Stockholm International Peace Research Institute, SIPRI

In two years of the establishment of this institution, a series of successful cooperation was yielded with our international partners, while it is worth of mentioning the following:

- As a part of EU cooperation in the long-term project Assistance on export control of military and dual-use goods and technologies", several seminars were organized with our partner BAFA (Germany).
- Seminars were also organized with our partners in Romania – ANCEX.
- In October 2008 our representatives attended the 9th annual Conference on Export Control in Croatia.

- In June 2009 our representatives attended the 10th annual Conference on Export Control in Turkey with participants from over 100 countries.

Seminars and working groups with representatives of counterpart institutions in the field of export control were held in Albania and abroad with financial support of US Government (State Department, Germany (BAFA), SIPRI and self-funded:

1. Seminar on "Registration and tracking, as a measure for preventing and fighting SALW trafficking", held in October 2008, Croatia.
2. Seminar on "Policies of export control and regimes, and licensing and enforcement of the law", held in October 2008 in USA.
3. Annual meeting of State Authorities for implementing the Chemical Convention, held in November 2008, in the Netherlands
4. Conference of Member States of the Organization for the Prohibition of Chemical Weapons, held in December 2008, in the Netherlands.
5. Training on licensing procedures organized and funded by BAFA, December 2008, Germany.
6. Training organized and funded by US Government in ANCEX, December 2008, Romania.
7. Seminar to evaluate the Tracker System funded by US Government in February 2009.
8. Seminar organized by the Organization for the Prohibition of Chemical Weapons in February 2009, in Croatia
9. Training organized and funded by BAFA with the staff of AKSHE in April 2009, in Germany.
10. Seminar organized by the Organization for the Prohibition of Chemical Weapons in April 2009, in Croatia.
11. Seminar on Export Control in April 2009, Serbia.
12. Our representatives participated the 56th Session of the meeting of OPCW Executive Council held in April 2009, the Netherlands.
13. In cooperation with US Embassy and representatives of various institutions related to export control, a training course was organized on basic rules of export control, in April 2009 in Albania.
14. Seminar organized by OPCW held in May 2009, in Grodno, Belorussia.
15. Seminar funded by BAFA and organized by AKSHE with representatives of various institutions and industry on cooperation among various institutions, AKSHE and industry in May 2009 in Albania.
16. Working group organized by US Government and Polish Government to evaluate the TRACKER System, held in May 2009 in Poland.
17. Regional seminar with representatives of regional countries on Arms Export Control held in June 2009 in Albania.
18. Seminar organized by Organization for the Prohibition of Chemical Weapons held in June 2009 in Bosnia and Herzegovina.
19. Training course organized by RACVIAC on Aerial Observation as a part of Open Skies treaty held in July 2009 in Rakitje Croatia.

20. Regional conference on arms export control report held in July 2009 in Montenegro.
21. Meeting of experts in Biological Weapons Conference held in August 2009 in Switzerland.
22. OSCE conference to discuss the OSCE document on SALW and supplementary decision, held in September 2009 in Austria.

Activities due to take place in the near future:

1. Seminar, inter-institutional working group organized by SIPRI in cooperation with AKSHE, in November 2009, Albania.
2. Training course on concepts of export control and officers involved, organized by US Government in October 2009 in USA.

6.3 Cooperation with industry

Knowing that industry is one of the main stakeholders in export control, cooperation is essential.

Meetings were held and various issues were discussed with the economic operators that conduct commercial activities in the field of export.

Since the establishment of AKSHE, contacts were established with Chambers of Industry and Trade in the districts. Representatives of these Institutions have been invited regularly in activities that are conducted in Albania by AKSHE.

Just to mention, in May 8, 2009 a successful seminar on “Necessity of Cooperation between the State Institutions, Industry and AKSHE” was organized.

Representatives of Chambers of Industry and Commerce, Tirana, Durrës, Vlorë, as well as traders and representatives of entities operating in this field participated in this workshop.

During this workshop participants were informed on national and the EU legislation, licensing procedures and process, national list of military and dual-use goods and technologies, etc.

In order to disseminate the information, AKSHE is running a website www.akshe.gov.al, where entities may find application forms, procedures to be followed, legislation and everything required.

7. OBJECTIVES AND ACTIVITIES IN THE FUTURE

The current objectives of AKSHE are:

Training activities of AKSHE, such as seminars, training courses, working groups on implementation of national legislation and efficient adaptation to the international norms in the field of export control should continue. This requires the support of the international community and certainly, collaboration with institutions which are directly related to this area, 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 and dual-use goods and technologies by all stakeholders involved in this field.
- Further strengthening of cooperation with state institutions that are part of the Albanian system of state control of exports and signing of bilateral technical protocols between AKSHE and these Institutions such as Customs, Ministry of Foreign Affairs, Intelligence Service, Ministry of Economy, etc.
- Adoption of the new national list of military goods and dual-use goods and technologies.
- Fulfilling international commitments of the Republic of Albania that derive from membership in the United Nations through Resolutions, Recommendations and other documents related to the prevention of non-proliferation of weapons of mass destruction and fighting terrorism.
- Establishing the accession procedure in international treaties and regimes of control such as Wassenaar Arrangement (WA), Australia Group (AG), Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG) and Zangger Committee (ZC).
- Establish an efficient regional cooperation in the field of export control.
- Continue membership in EU Cooperation under the Long Term Project (LTP)
- Implementation of TRACKER system.
- 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 2007

DESTINATION	EU ML CATEGORIES	VALUE	NO. OF LICENSES
Germany	ML1,ML2,ML3	43,860 USD	1
Afghanistan	ML3	133,067 USD	11
Total		17,6927 USD	12

Annex 2 IMPORTS OF MILITARY LIST GOODS IN 2007

ORIGIN	EU ML CATEGORIES	VALUE	NO. OF LICENSES
Austria	ML1,ML5	13,742 Euro	1
Italy	ML10	377,152 USD	11
Germany	ML10	1,084,373 Euro	1
Macedonia	ML3,ML13	26,136 Euro	1
Total		1,124,251 Euro 377,152 USD	14

Annex 3 EXPORTS OF MILITARY LIST GOODS IN 2008

DESTINATION	EU ML CATEGORIES	VALUE	NO. OF LICENSES
USA	ML2, ML3, ML4	380,871 USD 17,920 Euro	15
Total		380,871 USD 17,920 Euro	15

Annex 4 IMPORTS OF MILITARY LIST GOODS IN 2008

ORIGIN	EU ML CATEGORIES	VALUE	NO. OF LICENSES
Switzerland	ML10	18,680 USD 221,982 Euro	3
Italy	ML10	166,612 Euro 55,687 USD	3
Germany	ML10	3,669,651 Euro	2
Total		4,058,245 Euro 74,367 USD	8