

LAW
No. 46/2018

**ON THE STATE CONTROL OF INTERNATIONAL TRANSFERS OF MILITARY
GOODS AND OF DUAL-USE ITEMS AND TECHNOLOGIES¹**

Pursuant to Articles 78 and 83, point 1, of the Constitution, upon the proposal of the Council of Ministers,

PARLIAMENT
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1

Purpose

1. The purpose of this law is to establish state control over the international transfer of military goods and dual-use items and technologies, in order to ensure the protection of the national interests of the Republic of Albania, its security and foreign policy, its international credibility, and to guarantee the respect of the international commitments of the Republic of Albania in this field.

2. This law regulates the state control of international transfers of military goods, dual-use items and technologies, including control prior to, during, and upon the implementation of licenses or authorisations for export, temporary export, import, temporary import, transit, transshipment, brokering activity, and technical assistance.

Article 2

Definitions

In this law, the following terms have the following meanings:

1. “International transfer of goods” means export, temporary export, import, temporary import, re-export, brokering, transit or transshipment through the territory of the Republic of Albania and any other transfer outside or within this territory, involving different entities and controlled goods.

2. “Export” means:

- a) an export procedure, within the meaning of the Customs Code of the Republic of Albania;
- b) re-export, within the meaning of the Customs Code of the Republic of Albania, excluding goods in transit; or
- c) the transmission of software *software* or technology via electronic media, including by fax, telephone, email or any other electronic means, including making available such *soft* and this technology, in electronic form, to legal and natural persons outside the territory of Albania or to a foreign person within the territory of Albania.

“Export” shall also mean the verbal transmission of technology, when the technology is described over the telephone, by fully or partially reading a document containing controlled

¹ “Ky ligj është përafuar pjesërisht me Rregulloren e Këshillit (KE) nr. 428/2009, datë 5 maj 2009, “Mbi vendosjen e një regjimi komunitar për kontrollin e eksportit, transferimit, ndërmjetësimit dhe tranzitit të mallrave me përdorim të dyfishtë”, të ndryshuar. Numri CELEX 32009R0428, Fletorja Zyrtare e Bashkimit Evropian, seria L, nr. 134, datë 29.5.2009, faqe 1–269”.

technology or by describing it in such a way as to achieve the same result.

3. "Export declaration" is the act by which a person expresses, in the prescribed form and manner, the intention to place controlled goods under the export procedure.

4. "Re-export declaration" is the act by which a person expresses, in the prescribed form and manner, the intention to remove non-Albanian controlled goods, except for those under a free zone or temporary storage regime, outside the customs territory of the Republic of Albania.

5. "Exporter" is:

a) any natural or legal person, or partnership, in whose name the export customs declaration is made or the person who, at the time the declaration is accepted, has the contract with the consignee in the foreign country and has the authority to decide on the dispatch of the goods outside the customs territory of Albania. If no export contract has been concluded or if the holder of the contract does not act in his own name, the exporter is the person who has the authority to decide on the dispatch of the goods outside the customs territory of Albania;

b) any natural or legal person who decides to transfer or make available programs *software* or technology via electronic media, including by fax, telephone, email or by any other electronic means to a destination outside the Albanian territory or to a foreign person located in the Albanian territory;

c) the contracting party established in Albania, which exports controlled goods, according to the contract on which the export is based, in the name of and on behalf of a person established outside the Albanian territory;

ç) any individual who exports controlled goods even when these goods are in their personal luggage.

6. "Import" is:

a) an import procedure, within the meaning of the Customs Code of the Republic of Albania;

b) the transfer of programs *software* or technology via electronic media, including by fax, telephone, email or any other electronic means for natural and legal persons, from outside the Albanian territory to a person or entity within the Albanian territory.

7. "Importer" is:

a) the natural or legal person established in the territory of the Republic of Albania, in whose name an import declaration is made or a person who at the time of the issuance of the license has signed a contract with the consignee of the goods within the customs territory of the Republic of Albania;

b) the person authorized to receive the goods within the customs territory of the Republic of Albania, if there has been no contract for the export or if one of the parties to the contract does not act on his/her behalf;

c) any person who has the right to release controlled goods for free circulation within the territory of the Republic of Albania;

ç) any individual who imports controlled goods, even when these goods are in his/her personal luggage.

8. "Import declaration" is the act by which a person expresses, in the prescribed form and manner, the will to place controlled goods under the import procedure.

9. "Transit" is the land, sea, air and/or combined transport of controlled goods, within the meaning of the Albanian Customs Code, that enter and pass through the territory of the Republic of Albania, destined for a country outside Albania and without changing the ownership of the goods, including the following items:

a) which are stored temporarily and which are re-exported directly from the temporary storage facilities;

b) which have been brought into the territory of Albania with the same vessel or flight that will remove them from that territory without unloading them and from the same customs point;

c) which are subject to internal transship.

10. "Transship" is the transfer/transshipment of the cargo from one means of transport to another for further transit to complete the journey and to transport the cargo to its final destination, without changing the ownership of the goods.

11. "The person responsible for transit" is:

a) the natural or legal person who currently decides on the transit; or
b) if this natural or legal person cannot be identified, the person responsible for transit is the natural or legal person who is responsible for the transport.

12. "Temporary export of goods" is considered the movement of controlled goods outside the customs territory of the Republic of Albania, to be returned later to the same territory.

13. "Temporary import of goods" is considered the movement of goods from a foreign country into the territory of the Republic of Albania, to be returned later to the country of origin.

14. "Embargo" (full or partial) is considered the prohibitive measures or restrictions on the international transfers of goods and controlled services to entities, persons or states, which are imposed by a binding resolution of the United Nations Security Council, the OSCE, a decision of the Council or a regulation adopted by the EU, or as a result of decisions taken according to the specific policies of the Republic of Albania.

15. "Controlled goods" are goods, including *software* and the technologies listed in the list of military goods and dual-use items, as well as any other item, within the meaning of Article 11 of this law.

16. "Military goods" are:

a) goods that are designed, developed, manufactured, assembled or have been modified for military use, including technology and *software* associated with these goods;
b) goods specified in the list of military goods; or
c) goods, within the meaning of Article 11 of this law.

17. "Technical data" are designs, plans, sketches, schemes, diagrams, models, formulas, specifications, *software*, manuals and guides, printed or stored in a retrieval system, including an electronic one.

18. "Technical assistance" is any technical instruction related to the repair, development, production, assembly, maintenance and testing of goods and technology or any other technical assistance related to these goods, provided in the form of instructions, training, knowledge sharing and consulting services.

Technical assistance also includes instructions given verbally or in writing and training courses.

19. "Provider of technical assistance" is a natural or legal person, resident in the Republic of Albania, who provides technical assistance services.

20. "Dual-use goods" are items, including *software*-goods and technologies, which may be used for both civilian and military purposes and include:

a) items that may be used for non-explosive purposes, as well as items that may be used in any manner for the proliferation of weapons of mass destruction or their production;
b) items specified in the list of dual-use goods;
c) items, within the meaning of Article 11 of this law.

21. "End-user" is:

a) the natural or legal person, private or public, who are the ultimate recipients of the controlled goods controlled;
b) the natural or legal person, private or public, who has received technical assistance relating to the controlled goods controlled.

22. "Military end-use", within the meaning of letter "b", point 2, Article 11, means:

a) goods included in the list of military goods of the Republic of Albania;

b) use for the production, testing of analytical equipment and their components, for the development, production or maintenance of military items listed in the list of military goods;

c) the use of any unfinished product in a factory for the production of military items, listed in the list of military goods.

23. "Individual license" is the license issued by the State Export Control Authority to a legal or natural person, to carry out one or more international transfers of controlled goods to an end-user or ultimate recipient and includes one or more controlled goods.

24. "Global license" is the license issued by the State Export Control Authority to a specific exporter, regarding a particular good or category of controlled goods, which is valid for exports to one or more specified end-users and/or in one or more specified foreign countries.

25. "General license" is the license issued by the State Export Control Authority to carry out an international transfer of controlled goods to or from several designated countries, usable by all legal or natural persons who comply with the conditions and requirements for use set out in the general license.

26. "Internal compliance programme" means the effective, appropriate, and proportionate tools and procedures, including the development and implementation of standardised operational compliance policies, procedures, codes of conduct, as well as the entirety of safeguard measures developed by exporters and importers to ensure compliance with the provisions, terms, and conditions of the licenses set out in this law.

27. "Broker" is any Albanian citizen wherever located or any foreign citizen, natural or legal person, who is physically present within the territory of Albania and who carries out brokering activities.

28. "Brokering activity" is:

a) the negotiation or organisation of transactions for the purchase, sale, or supply of controlled goods from one foreign country to any other foreign country; or

b) the purchase, sale, or organisation of transfers of controlled goods located in one foreign country, to another foreign country.

For the purposes of this law, ancillary services shall not be considered brokering activities. Ancillary services include transport, financial services, insurance, reinsurance, as well as general advertising or promotion.

29. "International import certificate" is a document issued by the state control authority of the importing state that confirms the importer's commitment to import goods into its country and, after importation, not to export or send them to another country without the permission of the aforementioned authority.

This certificate shall be considered valid when submitted to the authorities within 6 months from the date of issuance.

30. "Certificate of arrival of goods at destination" is a document issued by the state control authority of the importing state and confirms that the intended recipient of the goods has received them in the quantity and type specified in the license.

This certificate shall be considered valid when submitted to the authorities within 6 months from the date of issuance.

31. "End-user certificate" is a document in which the end user specifies the place where the controlled goods will be installed (used), the final purpose of use, as well as guarantees that the goods will not be used for any purpose other than that specified in the certificate, will not be transferred to another entity within the territory of the country of destination, or re-exported without permission from the exporting country.

This certificate shall be considered valid when submitted to the authorities within 6 months from the date of issuance.

The end-user certificate in the Republic of Albania is issued by the State Export Control

Authority in cases where natural/legal persons intend to obtain an import license and when required by the exporting state.

32. “Inspection” is a form of control for the purpose of verifying compliance with legal requirements, pursuant to this law, which the State Export Control Authority carries out in accordance with this law and Law no. 10 433, dated 16.6.2011, “Për inspektimin në Republikën e Shqipërisë”.

33. “Governing body” is the head or any other body established by this law or its bylaws, for the purpose of decision-making.

Article 3

Scope of application and exemptions

1. This law regulates the licensing of activities related to the international transfer of controlled goods, including brokering activities, production, scientific and technical cooperation, as well as their display at exhibitions, international fairs for advertising, testing, marketing purposes and operations related thereto, until their end use or until their arrival at the end user.

2. This law does not apply to:

a) the transfer of controlled goods related to the activities of the Armed Forces or other state security structures of the Republic of Albania outside its territory, carried out within the framework of international agreements, which provide the mechanism for state control of the movement of these goods;

b) the international transfer of controlled goods related to the activity of foreign military forces in the territory of the Republic of Albania, carried out within the framework of international agreements, which provide the mechanism for state control of the movement of these goods;

c) international transfers of anesthetics (medical anesthetic gases), sporting and hunting weapons, excluded from the list of military goods, gas containers, in the export and import of personal armament of military service personnel and of law enforcement and state internal security bodies, who are equipped with weapons, according to the law;

ç) international transfers of controlled goods intended for the provision of state military assistance, in accordance with the conditions set forth in international agreements and treaties to which the Republic of Albania is a party, as well as the movement of goods outside the country for the provision of emergency assistance to foreign states, when this is decided according to the law.

Article 4

Principles of international transfer of controlled goods

The international transfer of controlled goods is based on the following principles:

1. Priority to national interest – political, economic, and military interests, the protection of which is necessary for guaranteeing national security.

2. Protection of the political, economic, and military interests of the country.

3. The obligation to respect the international commitments undertaken by the Republic of Albania for the non-proliferation of weapons of mass destruction, their means of delivery, and to ensure state control over international transfers of goods designed for military purposes and dual-use items, as well as to prevent the use of these goods for terrorist acts and other unlawful purposes.

4. The conduct of control over international transfers of these goods to the extent required to achieve only its purpose.

5. Harmonization of procedures and state control regulations for the international transfer of these goods with international legal norms and practices.

6. Ensuring cooperation with international organizations and foreign states in the field of state

control over international transfers, for the strengthening of international security and stability, including the non-proliferation of weapons of mass destruction and their delivery systems.

Article 5

The methods of implementing the policy for state control of international transfers

The methods of implementing the policy for state control of international transfers include the following:

- a) the issuance or refusal of the license or certificate, by allowing the conduct of international transfers of controlled goods or the issuance of authorization for conducting negotiations for these transfers;
- b) the suspension, revocation of licenses or certificates issued in accordance with the cases specified in this law;
- c) the implementation of customs control procedures for international transfers of controlled goods, in accordance with the provisions of this law, as well as the customs legislation in force;
- ç) the enforcement of sanctions for activities that violate the procedures governing the international transfer of goods, as defined by this law and other legal and sublegal acts in this field.

Article 6

Competences for the control of the international transfer of goods

1. The Council of Ministers develops and implements the policy of control for international transfers.
2. The state policy in this field is also implemented by the State Export Control Authority, ministries, and other state bodies that have competences to carry out controls. These institutions may involve other state bodies in the implementation of measures undertaken in the export control process, including the diplomatic and consular representations of the Republic of Albania in other states, with the consent of the supervising institution.
3. The State Export Control Authority, directly or together with other central executive bodies:
 - a) carries out activities, as well as promotes communication with commercial entities and industry, regarding the international transfer of goods, if these are in accordance with this law;
 - b) restricts/prohibits these activities if they are contrary to national interests, with the international commitments undertaken by the Republic of Albania, and with its commitments to the fight against the proliferation of weapons of mass destruction and terrorism.

Article 7

Exchange of data in the process of state control of international transfers

1. The State Export Control Authority has the right to obtain from other state bodies, as well as from other entities involved in the international transfer of controlled goods, all the necessary data for exercising its functions in relation to the control of international transfer. It may use and exchange these data with other counterpart international agencies only for the purpose of conducting international transfer control and protecting national interests.
2. The exchange of information on international transfers of controlled goods must not be contrary to the applicable Albanian legislation and national interests.

Article 8

Protection of data of entities involved in international transfers

1. Employees of the State Export Control Authority, during the exercise of control activities over international transfers, have the obligation to protect personal data, as well as data related to the commercial activities of entities, data which they become aware of during the administrative procedure and which are protected according to the legislation on the protection of personal data.

2. This obligation applies during and after the completion of the duty, in accordance with the legislation on the protection of personal data.

CHAPTER II

BASIS FOR THE ORGANISATION AND IMPLEMENTATION OF CONTROL FOR INTERNATIONAL TRANSFERS

Article 9

The state authority for the control of international transfers of military goods, articles and dual-use technologies

1. Within the Ministry of Defence operates the State Export Control Authority (AKSHE), which is the state structure responsible for international transfers of military goods, articles and dual-use technologies.

The State Export Control Authority is a central institution, with the status of a public legal person, under the authority of the Minister of Defence, headquartered in Tirana.

2. The State Export Control Authority performs the following duties:

a) registers, as applicable, natural and legal persons, including public authorities, for carrying out activities with military goods, and licenses activities related to the international transfer of controlled goods;

b) issues, upon the request of interested persons, licenses, registration certificates, international import certificates, goods distribution certificates, as well as other documents provided for in this law and in the bylaws adopted pursuant to it;

c) carries out control activities at all stages of licensing, registration, notification, delivery, post-delivery, as well as, as applicable, at all stages prior to licensing;

ç) coordinates the national system of activities involving controlled goods and carries out periodic activities for informing and preparing other state institutions and interest groups related to the control of activities involving controlled goods, as well as other inter-institutional cooperation activities and activities with the public.

3. International transfer of goods is conducted on the basis of licenses, authorizations, and certificates issued by the State Export Control Authority, after obtaining the opinion of other state bodies, according to their area of competence.

4. The Council of Ministers approves by decision the organization, composition, functioning, and status of the State Export Control Authority, as well as the deadlines, manner, and procedure for the exchange of information and obtaining opinions with other institutions involved in the international transfers of controlled goods.

Article 10

List of controlled goods subject to international transfer control

1. The State Export Control Authority, with the contributions of ministries and other interested bodies, drafts the list of goods subject to state control of international transfers.

The Council of Ministers approves the list of military goods, items, and dual-use technologies, in accordance with the relevant lists of the European Union.

2. Also subject to licensing and control, pursuant to the provisions of this law, are the goods described in Article 11, which are not listed in the list of goods subject to state control of international

transfers.

3. By decision of the Council of Ministers, items which are not included in points 1 and 2 of this Article become subject to licensing and control in cases where their transfer conforms to the criteria set out in letters “a”, “b”, “c”, “ç”, “d”, “dh” and “e” of Article 12 of this law.

The decision of the Council of Ministers determines the time period for the control and licensing of the items mentioned in the first paragraph of this point.

Article 11

Control over goods and items not included in the list of controlled goods

1. Any state institution that has information regarding the purpose or possibility of the use of certain goods, which are not included in the controlled lists, for the production, assembly, testing, repair, processing, technical service, modification, improvement, operation, management, direction, storage, exhibition, identification, or proliferation of weapons of mass destruction and their means of delivery, is obliged to inform the State Export Control Authority, which has the right to apply the procedures of state control to these items even if they are not on the list.

2. A license is also required for the export/transit/brokering, as well as the technical assistance of goods and items/technologies that are not included in the list of controlled goods, in the event that goods, items/technologies:

a) are or may be intended, wholly or partially, for the development, production, modification, operation, processing, assembly, testing, repair, making available, use, maintenance, storage, detection, or proliferation of weapons of mass destruction;

b) will be used or may be used, wholly or partially, for military end use in the buyer's country or the end user's country, if that country is subject to an arms and military equipment embargo, based on the relevant decisions of the United Nations Security Council, the Organization for Security and Cooperation in Europe and other international organizations, which are binding for the Republic of Albania or based on the relevant provisions of domestic legislation;

c) will be used or may be used, wholly or partially, as parts or components of weapons and military equipment products, as specified in the national control list of weapons and military equipment and which have been exported from the territory of the Republic of Albania without a license or in violation of the conditions specified in the license issued in accordance with this law;

ç) will be used or may be used in connection with terrorist offences.

In these cases, the State Export Control Authority notifies exporters/transiters/intermediaries/providers of technical assistance to obtain a license.

3. If an exporter/person responsible for transit/intermediary or provider of technical assistance has knowledge that the goods, items/technologies that he intends to transfer, which are not listed in the list of controlled goods, are destined or may be used, wholly or partially, for any of the purposes specified in point 1 of this Article, he shall inform the State Export Control Authority, which will decide whether or not a license is required for this export.

Article 12

Criteria for risk assessment in international transfers of controlled goods

The international transfer of controlled goods of controlled goods is carried out on the basis of a license issued by the State Export Control Authority. In making the decision to issue the license for the international transfer of controlled goods, the State Export Control Authority and other state authorities involved in the control system assess the risk, according to the analysis of the following criteria, whether:

a) this transfer threatens the respect of the international obligations of the Republic of Albania,

arising from its membership in the United Nations, the Organization for Security and Cooperation in Europe, the European Union and other international organizations, as well as obligations from conventions on the prohibition of the proliferation of weapons of mass destruction and other international treaties;

b) this transfer threatens the respect of human rights in the end-user country or contributes to the violations that this country commits against the rules of international humanitarian law;

c) this transfer enables the initiation or continuation of armed conflicts or other conflicts or would worsen existing tensions or conflicts in the end-user country;

ç) this transfer threatens the maintenance of peace, security, and stability in the region;

d) this transfer endangers the security and defense interests of the Republic of Albania;

dh) this transfer is against the foreign policy interests or the economic interest of the Republic of Albania;

e) this transfer has a negative impact on the attitude of the final destination country towards the international community, especially on its stance towards terrorism, international organized crime, and respect for international law;

ë) there is a risk that the goods may be diverted, retransferred, or re-exported from the final destination, under undesirable conditions;

f) the goods included in international transfers are not in accordance with the technical and economic capacity of the recipient country, taking into account that it is desirable for states to meet their legitimate security and defense needs by engaging as few human and economic resources as possible for armaments. economic resources for armaments.

Article 13

General criteria for licensing

Entities that seek to obtain a license for the international transfer of controlled goods cannot be granted a license if:

a) criminal proceedings have been initiated against the applicant entity for violation of the provisions of this law or its bylaws, or criminal proceedings have been initiated against the applicant in relation to national security;

b) the applicant entity has been convicted by a final court decision for committing a criminal offence, according to the provisions of this law or other legal provisions related to constitutional order and national security, or is under criminal proceedings or has been convicted by a foreign court with a final decision for violation of the legislation on controls of international transfers; final form for the violation of legislation on controls of international transfers;

c) the applicant entity is found responsible for violating an embargo or international sanction;

ç) the submitted documents do not correspond to the end use of the controlled goods, as stated in the application;

d) the goods for which the license is requested are under police investigation or judicial proceedings.

CHAPTER III MILITARY GOODS

Article 14

Registration for international transfers of military goods

1. Natural/legal persons who express interest in carrying out international transfers of military goods or engaging in brokerage activities are required to register with the State Export Control Authority upon submission of registration documentation and obtain a registration certificate.

2. The data of natural and legal persons provided with a registration certificate are kept in the register of the State Export Control Authority.

The Chairman of the State Export Control Authority, by order, determines the format of the register, as well as the data of the entities that must be registered.

3. The State Export Control Authority approves the decisions for registration, refusal of registration, and deletion of entities from the register.

4. The registration certificate is valid for 3 years from the date of issuance.

5. The issuance of a registration certificate to a natural/legal person may be refused in the event that:

a) the applicant submits false or forged documentation or intentionally conceals information or misinforms in relation to the registration application;

b) the applicant is responsible for and has been convicted by a final decision for violating provisions in the legislation on international transfers of controlled goods, which constitute a criminal offence or other provisions related to national security;

c) the applicant is responsible for violation of an embargo or international sanction;

ç) a criminal charge has been brought against the applicant for a violation of provisions in the legislation on international transfers of controlled goods or a civil or criminal proceeding has commenced related to national security;

d) there are reasonable grounds to suspect that the representative of the entity or its employees have entered into an agreement or negotiated a contract with a company, individual, or organization involved in illegal activities, including the transfer, use, or production of military goods or weapons of mass destruction;

dh) there are other reasons for compromising national security.

Article 15

Security check

1. The natural/legal person who has submitted an application for a registration certificate to The State Export Control Authority must meet special criteria, which are important for the protection of security and other interests of the Republic of Albania.

2. Fulfillment of these criteria is analyzed during the control procedure conducted by the competent security authorities of the Republic of Albania, in accordance with the law regulating the protection of personal data and the laws governing the field of security controls.

3. The checks specified in point 2 of this Article shall be carried out within 60 days from the date of submitting the request to the competent security authorities of the Republic of Albania.

Article 16

Submission of a new registration application

If the State Export Control Authority refuses to register or approves a decision for deregistration against a natural/legal person, the latter may submit a new registration application after eliminating the reasons that led to the refusal of the application or to the deregistration.

Article 17

Licenses for the international transfer of military goods

1. The State Export Control Authority shall issue only individual licenses for the international transfer of military goods, applying the criteria set out in Article 12 of this law.

2. The individual license for international transfer is issued with a validity period for a specified period of time, but not longer than 1 year.

3. The license for brokerage or technical assistance services is an individual license, which is issued to a broker or provider of technical assistance, for an end-user or recipient in another country and covers one or more military goods or other services.

4. The State Export Control Authority may extend the validity period of the license, upon the request of the entity, but not beyond the validity period provided for in the economic agreement to which this license refers.

The individual license may be subject to additional conditions imposed by The State Export Control Authority.

Article 18

Transit of military goods

1. The transit of military goods by land or water routes, from customs/the point of entry to at customs/the point of exit, is carried out based on the license issued by the State Export Control Authority. The State Export Control Authority reviews the request for the issuance of a transit license for military goods by land and water routes, applying the criteria specified in Article 12 of this law.

2. The transit of military goods by air, which includes the transportation of military goods by aircraft over the territory of the Republic of Albania, with or without landing in the territory of the Republic of Albania (overflight), is carried out based on written authorization issued by the Civil Aviation Authority of the Republic of Albania and with the approval of the State Export Control Authority. The State Export Control Authority reviews the request for approval of the transit of military goods by air, applying the criteria specified in Article 12 of this law.

Article 19

Security measures

1. During the transport of military goods, the necessary security measures must be taken. The transport of goods by land within the territory of Albania, when they are imported or exported, is carried out with armed escort, according to the legal provisions in force.

2. During the transport and transit of military goods, the necessary security measures are taken. The transport and transit of military goods by land and water from the customs/entry point to the customs/exit point is carried out with armed escort, according to the legal provisions in force.

Article 20

Authorization for the international transfer of military goods related to state secrets

1. Commercial entities engaged in economic activities with foreign countries for the international transfer of military goods, classified as state secrets, are authorized by the Council of Ministers.

2. The Council of Ministers approves the procedures for the issuance, revocation, or suspension of licenses for undertaking the international transfer of goods as provided for in this article, taking into account the assessment criteria defined in Article 12.

CHAPTER IV

DUAL-USE ITEMS AND TECHNOLOGIES

Article 21

Licenses for the international transfer of dual-use items

1. The State Export Control Authority issues individual, general, or unlimited licenses for the international transfer of dual-use items, applying the criteria set out in Article 12 of this law.

The individual license is valid for a specified period of time, but not more than 1 year. The State Export Control Authority, based on the applicant's request, may extend this period, but not beyond the validity period foreseen in the economic agreement to which this license refers.

The individual license may be subject to additional conditions imposed by the State Export Control Authority.

2. The global license is valid for a specified period of time, but not more than 2 years. The global license may be subject to additional conditions imposed by the State Export Control Authority.

3. The general license is valid for a three-year period and may be used by all natural/legal persons who act in accordance with the requirements and conditions set forth by this law, the bylaws, as well as in accordance with the conditions specified in the general license.

4. The general license may not be used if the State Export Control Authority has informed the exporter, importer, intermediary, person responsible for transit/transshipment, or the provider of technical assistance that the goods in question are or may be destined, wholly or partially, for purposes contrary to this law, or when the exporter, importer, intermediary, person responsible for transit/transshipment, or provider of technical assistance is aware that the goods are or may be destined for such a purpose.

Article 22

Transit of dual-use items

1. The transit of dual-use items and technology is not subject to licensing by the State Export Control Authority, except in the case specified in point 2 of this Article.

2. The State Export Control Authority, in cooperation with other state bodies, makes the decision to prohibit or license the transit of dual-use items specified in the control list or items that are not included in the control list but may be destined, in whole or in part, for purposes provided for in Article 11 of this law.

3. The State Export Control Authority shall inform the customs authorities of the decision to prohibit or license the transit immediately after making the decision referred to in point 2 of this Article.

Article 23

Intermediation services

1. The intermediation of dual-use items and technology is not subject to licensing by the State Export Control Authority, except in the case specified in point 2 of this Article.

2. A license shall be required for intermediation services involving dual-use items specified in the control list or items not included in the control list, if the intermediary has been informed by the State Export Control Authority that such items are or may be, in whole or in part, destined for uses specified in Article 11 of this law.

3. If the intermediary is aware or has grounds to suspect that dual-use items specified in the control list or items not included in the control list, in whole or in part, are or may be intended for purposes specified in Article 11, he shall notify the State Export Control Authority, which shall determine whether a license is required for such intermediation services.

4. The intermediation services referred to in points 2 and 3 of this Article may be performed only after the State Export Control Authority issues an intermediation license or decides that such a license is not necessary.

Article 24

Technical assistance

1. The provision of technical assistance for dual-use items and technologies is not subject to

licensing by the State Export Control Authority, except in the case specified in point 2 of this Article.

2. A license shall be required for technical assistance related to dual-use items specified in the control list outside the territory of the Republic of Albania, if the State Export Control Authority has informed the provider of the technical assistance that such assistance is or may be intended for purposes provided for in Article 11 of this law.

3. If the provider of technical assistance is aware or has grounds to suspect that the technical assistance he intends to provide in relation to dual-use items specified in the list is or may be intended for the purposes set out in Article 11 of this law, he shall notify the State Export Control Authority, which shall determine whether such technical assistance requires a license.

4. The technical assistance specified in points 2 and 3 of this Article may be provided only if the State Export Control Authority issues a license or concludes that such a license is not necessary.

Article 25

Organization of the internal compliance program in entities involved in international transfers of controlled goods

1. The State Export Control Authority requires applicants for the global license, as well as users of the general license, to establish a mandatory internal compliance program (hereinafter ICP).

2. Applicants for the global license and users of general licenses, for which the State Export Control Authority has designated an ICP as mandatory, shall apply to the State Export Control Authority for certification of the ICP.

For the certification of the ICP, the authority assesses the fulfillment of the following criteria:

a) the number of employees of the applicant, the volume of trade, the nature of the transactions, the profile of the consignees and the declared end use of the controlled goods, proven experience in handling and managing trade in controlled goods; compliance history; any relevant court decision; licenses for the international transfer of controlled goods and experienced management staff;

b) the appointment by the applicant of an employee as responsible for the management of the control of the international transfer of controlled goods;

c) a written undertaking by the applicant, signed by the responsible person specified in letter “b” of point 2 of this Article, to take all necessary measures to implement and put into practice all specific conditions relating to the end use and trade controls for each specific component or product received or exported;

ç) a written undertaking by the applicant, signed by the senior legal officer specified in letter “b” of point 2 of this Article, to provide the State Export Control Authority with detailed information on the actions taken regarding the applicant’s procedures for conducting end-user due diligence and verification and the legality of the end use of all controlled goods that are for export, import, transit, transshipment, re-export, or in connection with which brokerage services and technical assistance are to be provided;

d) the compliance of the ICP implemented by the applicant with the guidelines established by the State Export Control Authority.

3. The State Export Control Authority assists legal and natural persons in the development of the ICP and provides them with the necessary information, as well as drafts and publishes guidelines for the ICP.

4. Authorized representatives of the State Export Control Authority or other law enforcement agencies may audit the ICP. If the audit finds that the ICP does not meet the criteria identified in this Article or the guidelines established by the State Export Control Authority, the authority shall take measures to suspend or revoke the global license or the use of general licenses.

CHAPTER V

LICENSING PROCEDURES

Article 26

Issuance of licenses/authorisations or certificates

1. For the issuance of licenses/authorisations or certificates in the international transfer of goods, the natural/legal person shall apply in writing to the State Export Control Authority, submitting the necessary documents for review and evaluation. These documents, which are attached to the application, contain accurate data about the goods and the procedures for their international transfer, as well as the original guarantee documents for these transfers.

2. The State Export Control Authority, together with other state bodies and structures, carries out the evaluation of the international transfer based on the assessment criteria of Article 12 of this law.

3. The State Export Control Authority approves by order of its head the standard models of licenses/authorisations and certificates, the formats of application requests for these documents, as well as the criteria for application.

Article 27

Timeframe for the review of a license/certificate application

1. The timeframe for the evaluation of an application is determined in accordance with the categories of goods, but must not exceed the following time limits from the date of submission of the complete documentation:

- a) 45 days for the export, re-export, and brokerage activity of military goods;
- b) 30 days for the import of military goods and for the registration certificate for military goods;
- c) 30 days for the export, re-export, and brokerage activities of dual-use items and technology;
- ç) 20 days for the import of dual-use items and technology;
- d) 15 days for transit/transshipment, technical assistance, as well as the temporary import/export of controlled goods for the purpose of exhibition, fair, advertising, tests, and other similar purposes, provided this does not require the transfer of ownership;
- dh) 15 days for international import certificates, end-user certificates, certificates of arrival of goods at destination.

2. The time limits specified in point 1 of this Article do not include the time required to obtain additional information from entities (legal or natural persons) involved in the international transfer of goods.

3. If the additional information requested from the applicant is not received within 15 days from the date of the authority's request for additional information, the application for a license/certificate or authorization shall be considered rejected and will not be subject to review.

4. The time limits may be extended up to 30 days in cases where additional information is requested from other state bodies involved in the export control system.

Article 28

Technical expertise during the assessment

1. Before commencing international transfer activities, the exporter, importer, broker, person responsible for transit, and provider of technical assistance must determine whether the goods in question are controlled goods, in accordance with the provisions of this law and the bylaws enacted pursuant to it.

2. The State Export Control Authority conducts the assessment in the field of state export

control to resolve issues related to the issuance of licenses or certificates.

3. The State Export Control Authority may appoint external experts to resolve issues that cannot be covered by state institutions.

4. Persons who have a conflict of interest may not be appointed as experts. The applicant for a license or certificate shall cover any costs that may result from the expertise.

5. The expertise shall not last more than 15 days from the date of receipt of all necessary documents and this period shall be added to the deadlines mentioned in Article 27 of this law.

Article 29

Refusal of an application

1. The application for obtaining licenses, authorizations, or certificates is refused by the State Export Control Authority if:

a) institutions or other governmental bodies, which have authority over international transfer controls, do not give their consent during the assessment;

b) the conditions provided for in Article 12 of this law exist;

c) the information provided in the application is intentionally incomplete or inaccurate, or it has been formulated in contravention of the requirements provided for in this law;

ç) there are other reasons that are contrary to the Albanian legislation in force or to ratified international agreements.

2. In case the application for obtaining licenses or the certificate is refused, the State Export Control Authority notifies the applicant, as well as the responsible state body, according to point “a” of point 1 of this article, within 3 days from the date of the relevant decision, providing the explanations and reasons on which the refusal decision is based.

Article 30

Suspension of licenses, authorizations, certificates

1. The State Export Control Authority suspends the issued license, authorization, or certificate if:

a) The United Nations Security Council or another international organization of which the Republic of Albania is a member imposes restrictive measures against the country for which the license was issued or if there are changes in other circumstances that may affect the position of the country's foreign policy or defense interests;

b) determines that one or more of the conditions under which the license was issued no longer exist;

c) in cases of emergency, related to the needs and interest of national security or to guarantee the fulfillment of the Republic of Albania's international obligations.

2. The State Export Control Authority may adopt a decision for the temporary suspension of the license if, based on information it has itself or information received from other state authorities, it finds that it is necessary to carry out additional verification of the data.

3. The Republic of Albania does not bear legal responsibility for any possible damages caused by the suspension of the license in the cases specified in the points of this Article.

Article 31

Revocation of licenses, authorizations, of certificates

1. The State Export Control Authority adopts a decision for the revocation of the license, authorization, or certificate issued if:

a) it is determined that after issuance, the criteria or any of them established in Article 12, are fulfilled;

b) an exporter, importer, transit operator, intermediary, or provider of technical assistance does not act in accordance with the license;

c) it is determined that the license was granted on the basis of incorrect or incomplete information;

c) the subject in question is removed from the register of entities engaged in the international transfer of military goods;

d) if the entity involved in the international transfer of goods goes bankrupt and the respective legal insolvency proceedings are initiated against it;

d) it is determined that after issuance, the criteria of letters “b” and “c” of Article 13, are fulfilled.

2. The Republic of Albania bears no legal responsibility for possible damages caused by the revocation of the license, authorization, or certificate in the cases specified in the points of this Article.

Article 32

Data retention

The State Export Control Authority retains in its archive, for a period of 10 years, all documentation related to the issuance, suspension, or revocation of the license/authorization/certificate or rejection of the application, as well as the applications and other documents submitted by the relevant entities and state institutions. the relevant entities and state institutions.

CHAPTER VI

STATE CONTROL FOR ACTIVITIES RELATED TO INTERNATIONAL TRANSFERS OF CONTROLLED GOODS

Article 33

Principles of signing contracts with foreign countries for the international transfers of controlled goods

1. Agreements or economic contracts with foreign countries for the international transfer of controlled goods shall be signed by entities engaged in economic activities with foreign countries, in accordance with the legislation of the Republic of Albania and the state policies established by the Council of Ministers in this field.

2. Domestic commercial entities, engaged in economic activities abroad, during the process of drafting these agreements or contracts and other means of international transfer of goods, as provided by this law, are presumed to be aware that the goods and items, which are the subject of these transfers (agreements and contracts), may be used by other states or by foreign economic entities for the creation of weapons of mass destruction and their means of dissemination.

3. An entity engaged in economic activities with foreign countries is obligated to refuse the implementation of an agreement/economic contract with foreign countries for the international transfer of goods, if it is notified that the goods will be used for purposes other than those stated in the agreement/contract or in other documents related to this transfer, or will be used by an end user different from the one for whom the license was issued.

Article 34

State control over the conduct of negotiations for the signing of an economic agreement or contract with foreign countries

1. Domestic entities involved in the international transfer of controlled goods with countries/subjects or foreign individuals must obtain an authorization from the State Export Control Authority to conduct negotiations for the signing of an agreement/economic contract for the export of controlled goods to a country/subject or to foreign individuals who are under partial embargo or restrictive measures.

2. To establish and review the requirements for granting authorization for negotiations referred to in point 1 of this Article, the State Export Control Authority may involve other state bodies and obtain their opinions.

The procedures and requirements for obtaining authorization shall be determined by order of the governing body of the State Export Control Authority.

3. Being granted authorization to conduct negotiations does not oblige the The State Export Control Authority to issue an export license.

Article 35

State control over the end use of goods

1. A subject involved in international transfers of controlled goods shall provide the State Export Control Authority with comprehensive and accurate information regarding the end user of the controlled goods that are the subject of the international transfer, as well as submit the original certificate for the use of the goods solely for the purpose declared by the end user.

2. Subjects involved in international transfers of goods shall take measures to verify arrival of the goods at the destination and the end user and, following this verification, provide the State Export Control Authority with the information necessary for carrying out the required verification.

3. In accordance with the procedures provided in this article, the State Export Control Authority and other authorized state bodies have the right to control and inspect the premises, documents concerning the arrival of goods at the destination, and the use of the goods at all stages of international transfer, including after arrival to the domestic end user.

4. State control over the compliance of domestic end users with their undertakings regarding the use of imported goods in accordance with the purpose declared in the license is carried out based on the analysis of reports submitted by the subject, who is the end user for the actual use of the goods, as well as on the basis of selective inspections of the goods carried out by the end user.

5. Such inspections are carried out by officials authorized by the State Export Control Authority.

6. Representatives of foreign exporters or of the state bodies of the exporting country, after notifying the State Export Control Authority, may participate in the verification of the use by the Albanian end user of goods previously imported under the state guarantee for their use, in accordance with the declared purposes, only if this is stipulated in agreements or economic contracts, or if this right arises from obligations contained in international agreements to which the exporting country and the Republic of Albania are parties.

7. The State Export Control Authority may verify, by means of documents or through the diplomatic service, where possible, the use by the foreign end user of goods exported from Albania to the territory of the countries of these users, under the state guarantee for their use in accordance with the declared purposes.

8. The procedures related to the issuance of guarantees and the conduct of state control, in accordance with the obligations for the end use of the goods, including the issuance of international import certificates and end user certificates and certificates of arrival of the goods at their destination, shall be determined by decision of the Council of Ministers.

Article 36
Customs control

1. Customs control of goods and other customs procedures are carried out on the basis of the Customs Code of the Republic of Albania and the bylaws issued pursuant thereto, as well as this law.

2. The State Export Control Authority must provide the customs authorities with a copy of the license issued for the international transfer of controlled goods, as well as inform them about decisions regarding suspensions or revocations of issued licenses.

3. In carrying out the duties specified in point 1 of this Article, the customs authority may request the assistance of the State Export Control Authority for the identification and classification of controlled goods during their international transfer and to determine whether they are in compliance with the issued license or require a license.

4. If the customs authority verifies that the provisions of this law or the Customs Code have been violated or has reasonable suspicion that:

a) the relevant information was not taken into account when the license was issued; or
b) the circumstances have materially changed since the time the license was issued, it shall suspend the process of the international transfer of controlled goods within the territory of the Republic of Albania, as well as request the assistance of the the State Export Control Authority, as specified in point 3 of this Article, in order for the final decision to be made.

Article 37
Record-keeping obligations for subjects involved in the international transfers of controlled goods

1. Subjects involved in the international transfers of controlled goods, which have been issued a license, shall submit to the State Export Control Authority a written report on the current transfers of the goods mentioned in these documents and on the use of these goods according to the declared purpose.

2. The State Export Control Authority shall determine by order of the governing body the format and deadlines, as well as the timing for the submission of reports.

3. Subjects engaged in the international transfer of military goods are required to archive for a period of at least 20 years after the completion of the international transfer, and 10 years in cases of dual-use goods. the following documentation:

a) the technical description of the goods which enables the classification of goods in the national list of controlled goods, based on the provisions of this law, the customs tariff nomenclature, as well as the classification for dangerous goods, according to the United Nations, where applicable;

b) the quantity of goods in measuring units and the net weight of the goods;

c) the name and full address of the exporter, importer, person responsible for transit, transshipment, re-exporter, or provider of brokerage services or technical assistance services:

i) the name and full address of the seller or recipient of the goods;

ii) the name and full address of the end user of the goods;

ç) the description of the brokerage services, the name and full address of the recipient(s) and other parties (as applicable);

d) any business correspondence, e-mail and audio-video recordings related to exports, imports, transits, transshipments, re-exports and the provision of brokerage services or technical assistance services involving controlled goods;

dh) orders, invoices, contracts, purchase orders, delivery notes, loading lists and other documents related to export, import, transit, transshipment, re-export and the provision of brokerage services or technical assistance services involving controlled goods;

e) any other document specified by the State Export Control Authority.

Article 38

Reporting obligations for entities involved in the international transfer of controlled goods

1. Entities involved in the transfer of goods, which have been granted a licence, are obliged to:
 - a) at the request of an official of the State Export Control Authority or another supervisory body, to provide all documentation specified in Article 37 of this law;
 - b) to comply with the conditions under which the licence was issued and to notify the State Export Control Authority within 5 days of any change that has occurred in the international transfer of controlled goods;
 - c) notify in writing the State Export Control Authority of any change regarding the end user or any other party in an international transfer of controlled goods, within 10 days from the date of the change;
 - ç) at the request of the State Export Control Authority, provide confirmation of delivery and receipt of goods;
 - d) to return any used licence to the State Export Control Authority within 7 days from the completion of the relevant transaction;
 - dh) to return any unused licence or certificate to the State Export Control Authority within 7 days from the expiry of the licence or certificate;
 - e) to comply with the obligations, terms, and other conditions that are part of the licences or certificates issued by the State Export Control Authority pursuant to this law.
2. The reporting formats, as well as the deadlines and the timing for submission of reports, shall be determined by an order of the managing body of the State Export Control Authority.

CHAPTER VII

PREVENTION OF VIOLATIONS AND RESPONSIBILITIES FOR CONTROL OF EXPORTS

Article 39

Prevention of violations of legislation and responsibility for state export control

1. In order to prevent violations of legislation in the field of state export control, the State Export Control Authority and other state bodies, within the responsibilities recognized to them by law, have the right to check documentation or to inspect the premises of entities involved in international transfers, in order to prevent violations of legislation in the field of state export control, including the control of the arrival at destination of goods, correspondence, documents related to declared objectives, and other documents on which the international transfer of goods is based.
2. The inspection is carried out in accordance with this law and with Law no. 10 433, dated 16.6.2011, “Për inspektimin në Republikën e Shqipërisë”.
3. When other state bodies observe violations as provided for in Article 41 of this law, they immediately notify the State Export Control Authority.
4. When there is sufficient information indicating that attempts are being made to commit a criminal offence or when it has actually been committed by any entity and if it involves goods that are subject to state export control, the State Export Control Authority immediately notifies the criminal authorities.

Article 40

Liability of individuals and entities involved in international transfers of goods for violations of legislation in the field of state export control

Entities involved in economic activities with foreign countries, and individuals who violate legislation in the field of state export control, bear criminal, administrative, and civil liability, according to the committed violation and in accordance with the provisions set out in this law or in the Criminal Code of the Republic of Albania.

Article 41

Violations of legislation in the field of state export control

The following violations, committed by natural/legal persons, when they do not constitute a criminal offence under the Criminal Code, constitute an administrative offence:

a) carrying out international transfer of controlled goods without a license or certificate, according to legal procedures;

b) carrying out international transfers of controlled goods, on the basis of licenses, authorizations, and certificates, issued on the basis of forged documents or documents containing false information;

c) carrying out international transfers of controlled goods in violation of the conditions set out in the license or certificate, including intervening and making changes to the economic agreement/contract with foreign countries without the knowledge of the State Export Control Authority, as well as to the names and conditions established by the exporter, importer, intermediary, and end user, and in the description of goods, end-use commitments, and the provision of guarantees;

ç) changing the destination of controlled goods during international transfers and using them for different purposes or by end users other than those declared in the economic agreement/contract with foreign countries and in other related documents, on the basis of which the license, authorization, and international import certificate were issued;

d) signing economic agreements/contracts for the international transfer of any kind of goods or participating in their implementation, in a manner not specified by this law, if the party involved in this transfer has received information that the goods will be used by the foreign country or entity for the creation of weapons of mass destruction, as well as for their means of delivery;

dh) intentional concealment of information that may affect the decision-making process for granting the license, authorization, and certificate;

e) intentional destruction of documents related to the international transfer of controlled goods, on the basis of which licenses, authorizations, or certificates have been issued, before the deadline provided for in Article 37 of this law;

ë) failure to submit the delivery verification certificate issued by the country of final destination or the end-user, confirming the receipt of the exported controlled goods, upon request of the State Export Control Authority;

f) conducting negotiations without the authorization of the State Export Control Authority for the signing of agreements/economic contracts for the export of controlled goods to a state/individual or entity under partial embargo;

g) creating obstacles to the exercise of official duties by employees of the State Export Control Authority and other state bodies that carry out state export control, according to the legal competencies granted to them by this law;

gj) unfounded refusal to provide the information and documents requested by the State Export Control Authority or by any other body exercising state export control within its legal competencies, and the intentional falsification or concealment thereof;

h) failure to submit or delayed submission of reports and relevant documents, as well as failure to notify or inform the State Export Control Authority, in accordance with the provisions of this law and its bylaws;

i) failure to comply with the conditions for keeping records, as provided by this law and its bylaws;

j) failure to notify the State Export Control Authority in writing within a period of 15 days of any change regarding the issued license or certificate;

k) failure to return an unused license to the State Export Control Authority within a period of 15 days from its expiration date.

Article 42

Fines and administrative penalties for violations of legislation in the field of export control

1. The State Export Control Authority imposes a principal penalty of a fine on commercial entities involved in international transfers of goods, as follows:

a) for violations provided for in letters “a”, “b”, “c”, “ç”, and “d” of Article 41 of this law, from 500,000 (five hundred thousand) to 5,000,000 (five million) lek;

b) for violations provided for in letters “dh”, “e”, “ë”, and “f” of Article 41 of this law, from 200,000 (two hundred thousand) to 2,000,000 (two million) lek;

c) for violations provided for in letters “g” and “gj” of Article 41 of this law, from 100,000 (one hundred thousand) to 1,000,000 (one million) lek;

ç) for violations provided for in letters “h” and “i” of Article 41 of this law, from 50,000 (fifty thousand) to 500,000 (five hundred thousand) lek;

d) for violations provided for in letters “j” and “k” of Article 41 of this law, from 10,000 (ten thousand) to 20,000 (twenty thousand) lek.

2. The entities referred to in point 1, in cases of repeated violations provided for in letters “a” and “b” of this Article, in addition to the fine, may be subject to an additional measure prohibiting them from carrying out international transfers of controlled goods. The specified additional measure is imposed for a period of up to 3 years from the date of the final decision.

3. The State Export Control Authority, in addition to the administrative sanctions provided for in Article 41 of this law, may revoke the license or certificate granted to these entities or deregister them (in the case of military goods) when they repeat violations or do not take measures to correct them.

4. In cases of criminal investigation related to criminal offences linked to international transfers activity or to national security, the license issued by the State Export Control Authority may be suspended until the completion of the criminal investigation.

Article 43

Appeal against decisions of the State Export Control Authority

1. The decision taken by the State Export Control Authority to impose fines, suspend, revoke the license, certificate or authorization, or deregister an entity involved in international transfers of military goods may be appealed in accordance with the Code of Administrative Procedures.

2. The Albanian state bears no responsibility towards any entity for losses caused due to the suspension or revocation of a license, authorization, certificate, and state guarantee, if these actions are undertaken for the purpose of protecting national security interests and ensuring the fulfillment of the state's international obligations.

Article 44

Authority for imposing fines for violations of legislation in the field of transfers of controlled goods

1. The fines provided for in Article 42 of this law, on behalf of the State Export Control Authority, are imposed by a commission of 3 members, established and chaired by its head, in accordance with the provisions of this law and the law on inspection.

2. When the authorized person of the State Export Control Authority observes one of the

violations provided for in Article 41 of this law, he/she draws up a record, to which are attached the explanations of the head of the entity that committed the violation and of other responsible officials, as well as other necessary documents that prove the violation, which are submitted to the commission of the authority mentioned in point 1 of this article.

3. In the event that the violations provided for in Article 41 of this law are identified by the authorized official during the inspection, the fines provided for in Article 42 of this law are imposed by the authorized official himself/herself, in accordance with this law and the law on inspection.

4. Against the decision of the commission, taken in accordance with point 1 of this article, an administrative appeal may be filed with the minister responsible for defence and against the decision of the minister an appeal may be filed with the the competent court, in accordance with this law and the law on inspection.

5. Against the decision of the authorized official, taken in accordance with point 3 of this article, an administrative appeal may be filed with the commission specified in point 1 of this article, in accordance with this law and the law on inspection, and against the decision of the commission, according to this point, a direct appeal may be filed with the competent court, in accordance with this law and the law on inspection.

6. The fine is paid by the subject within 30 days. In case of non-payment within this period, the legislation in force on administrative offences shall apply.

7. The fines imposed by the State Authority for Export Control are paid 100 percent into the state budget.

CHAPTER VIII FINANCIAL SUPPORT FOR STATE CONTROL OF EXPORTS

Article 45

Financing of the activity of state control of exports

The activity of the institution responsible for state control of exports is financed by the state budget.

Article 46

Collection of fees for registration and issuance of documents

1. For the issuance of registration documents for subjects involved in the international transfer of military goods, licenses, authorizations, and certificates in the territory of the Republic of Albania, a fee shall be paid, which is determined by a decision of the Council of Ministers.

2. The income generated by The State Authority for Export Control, from the value of the fees, as referred to in point 1 of this Article, shall use them in accordance with Decision No. 432, dated 28.6.2006, of the Council of Ministers, “Për krijimin dhe administrimin e të ardhurave që krijojnë institucionet buxhetore”.

CHAPTER IX TRANSITIONAL PROVISIONS AND FINAL

Article 47

Transitional provisions

For the licensing, control, and reporting procedures initiated before the entry into force of this law, the provisions of Law No. 9707, dated 5.4.2007, “Për kontrollin shtetëror të veprimtarisë së import-

eksportit të mallrave ushtarake dhe mallrave e teknologjive me përdorim të dyfishtë” shall apply.

Article 48

Bylaws and internal rules

1. The Council of Ministers, within 6 months, shall approve the acts specified in point 4 of Article 9, point 1 of Article 10, point 2 of Article 20, point 8 of Article 35, and point 1 of Article 46 of this law.

2. The State Export Control Authority shall approve the bylaws for the implementation of this law, as provided in point 2 of Article 14, point 3 of Article 25, point 3 of Article 26, paragraph 2 of point 2 of Article 34, point 2 of Article 37, and point 2 of Article 38 of this law.

Article 49

Repeals

1. Law no. 9707, dated 5.4.2007, “Për kontrollin shtetëror të veprimtarisë së import-eksportit të mallrave ushtarake dhe mallrave e teknologjive me përdorim të dyfishtë”, is repealed.

2. The bylaws approved prior to the entry into force of this law, and which are not in conflict with it, shall apply until the issuance of the bylaws for the implementation of this law.

Article 50

Entry into force

This law enters into force 15 days after its publication in the Official Gazette.

Approved on 23.7.2018

**Promulgated by Decree no. 10861, dated 2.8.2018 of the President of the Republic of Albania,
Ilir Meta**