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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2021)

ALBANIA

The following communication, dated 7 December 2021, is being circulated at the request of the delegation of Albania.

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¹ See document G/LIC/3, Annex, for the Questionnaire.

1 PLANT PROTECTION PRODUCTS (PPP)

Outline of System

1. The procedure of licensing in Albania is made in accordance with Law No. 10081, dated 23 February 2009 "On Licensing, Authorizations and Permits in the Republic of Albania", as amended. Import of products for plant protection in Albania is conducted through permissions issued by the NBC, based on some preliminary criteria to be fulfilled by the interested parties.

The entities are inspected from the National Food Authority. The decision of the NFA is based on the evaluation of submitted documents and on-site inspection to assess fulfillment of requirements and mandatory standards defined in the legislation. Approval or refusal is published in the register within the deadline, otherwise it is considered as approved. This license is issued through the NBC.

According to Law No. 105/2016 dated 14 October 2016 "On the plant protection services" in Albania, only registered products for plant protection can be imported. The procedures for the registration of PPP are performed by the Ministry of Agriculture and Rural Development.

Purpose and coverage of licensing

2. The licensing system covers plant protection products such as insecticides, fungicides, herbicides, disinfectants and similar products. These products fall under code 3808 of the Combined Nomenclature.

3. All PPPs marketed or used in the territory of the Republic of Albania should undergo the registration procedure. Only the PPPs, registered in one of the EU countries, can be registered in Albania.

4. This licensing system does not intend to restrict the quantity or value of imports coming into Albania. The purpose of issuing the import license of PPP is to strictly control the products. Since these are poisonous products, their careless utilization can affect plants, animals, human beings and the environment. It is the only known method for plant protection in international legislation.

5. The Albanian legislation that regulates this licensing system includes:

- Law No. 10081 dated 23 February 2009 "On Licensing, Authorizations and Permits in the Republic of Albania";
- Law No. 105/2016 dated 14 October 2016 "On the plant protection services"; and
- Decision of the Council of the Ministers No. 532 dated 11 September 2018, "On the approval of the rules on trade, transport, preservation and storage of plant protection products".

Procedures

6.I-XI. Not applicable.

7. Where there is no quantitative limit on importation of a product or on imports from a particular country:

- (a) The importer can import the product at the time when he judges is appropriate. The time limit to obtain a license is 15 days and the license cannot be obtained for goods arriving at the port without a license.
- (b) The license is granted after the examination of the required documentation, within the time limits set forth in the legislation. Up to now, no emergency applications for licenses are deposited in the National Business Centre.
- (c) No limitations related to the period of the year during which applications for license can be made.

- (d) Application for trading licenses are affected only by one administrative organ, which is the National Business Centre.

8. The license can be refused when the importer fails to meet the appropriate conditions on storage and preservation of the plant protection products as required by the legislation (including the necessary documentation). The applicant is informed officially by the NBC, for the reasons of the license's refusal. This information is published automatically on the NBC's website. According to the legislation on plant protection in the case of the refusal of the license, the applicant has the right to appeal at higher administrative bodies and at the court of first instance.

Eligibility of Importers to Apply for License

9. There are no restrictive systems. All persons, firms and institutions that satisfy the criteria set forth in the current legislation have the right to apply for a license.

No, there is not such a system. All persons who have wholesale trading licenses are eligible to import plant protection products that are registered in Albania. The list of approved licenses by subjects is published on the website of the NBC. The list is available to the National Food Authority for control effects.

A list of fees exists which is based on the common guidance of the Ministry of Finances and Economy and Ministry of Agriculture and Rural Development, No. 8 dated 8 May 2007 "On the fees and secondary revenues applicable by institutions of the agriculture and food system", as amended.

Documentational and other requirements for a permit application

10. The applicant presents the required documents to the Directory of the NBC. The whole set of documents is available at the NBC office.

11. Wholesale trading license of plant protection products is presented at the quarantine inspectorate office at the cross-border points. After the control by quarantine inspectorate is carried out, the customs authorities accomplish customs procedures.

12. Licensing fee is 2.000 ALL.

13. No deposit or advance payment requirement.

Conditions of licensing

14. The license is permanent.

15. No penalty.

16. The license is not transferable.

17. No conditions are attached to the issuing of the license.

Other Procedural requirements

18. Yes, there is the procedure of the PPP registration in the Republic of Albania. This procedure is performed by the Ministry of Agriculture and Rural Development.

19. Foreign exchange is provided automatically by banking authorities, every day.

2 LIVE ANIMALS, LEATHER, FEED, BIOLOGICAL MATERIAL ON ANIMAL INSEMINATION, VETERINARY DRUGS AND VACCINES

Outline of system

1. The procedure of licensing is performed according to Law "On licensing", No. 10081, dated 23 February 2009, as well as according to sublegal acts for law implementation. The legislation on licensing defines the activities according to fields (categories and sub categories) and special criteria for licensing; evincive documentation and any other accompanying documents for each activity.

Requests for licensing of activities included in such categories or sub categories are checked over by the National Business Centre (NBC) at the Ministry of Finances and Economy.

Assessment on fulfillment of criteria for licensing (approval) is done by the institution that covers the respective field of activity.

The decision of the competent Directory in the Ministry of Agriculture and Rural Development is based on the evaluation of submitted documents and on-site inspection to assess fulfillment of requirements and mandatory standards defined in the legislation. Approval or refusal is published in the register within the deadline, otherwise it is considered as approved.

The final decision of the NBC is published in the register and the title is delivered to the applicant in the premises of the NBC.

The competent Directory in the Ministry of Agriculture and Rural Development can suspend or revoke the license in cases where, during controls and verifications results that the technical-technological and sanitary-veterinary requirements are not fulfilled according to the respective law.

Purpose and coverage of licensing

2. Import licensing system is covering these groups of products:

- (a) live animals;
- (b) biological material on animal insemination;
- (c) veterinary medicinal products.

3. Import is carried out based on bilateral trade agreements that Albania has signed with various countries where the products are imported from (or even from other countries that meet the requirements of the legislation in force).

4. The licensing system does not intend to restrict the quantity and the value of imports. There is not any alternative method. The Ministry of Agriculture and Rural Development does not determine quotas for import licenses.

Licensing is a legal request, and the licensing system is based on the following legal framework:

- Law No. 10081, dated 23 February 2009 "On licenses, authorization and permission in Republic of Albania";
- Law No. 10465 dated 29 September 2011 "On veterinary service in the Republic of Albania";
- Law, No. 10137, dated 11 May 2009 "On some amendments in current legislation on licenses, authorization and permission in Republic of Albania";
- Law No. 9426 dated 6 October 2005 "Animal Breeding" – as amended.
- Decision, No. 538, dated 26 May 2009 "On licenses and permits treated by or through the National Licensing Centre (NLC) and some other common sub-legal regulations";
- Decision, No. 1295, dated 29 December 2009, "On some amendments in Decision, No. 538, dated 26 May 2009 "On licenses and authorization that are checked over through NBC and some other common sub-legal regulations".

Licensing is authorized by the Law No. 10081, dated 23 February 2009 "On licenses, authorization and permission in the Republic of Albania" and the system cannot be abolished without legislative approval. The legislation does not leave designation of products to administrative discretion.

Procedures

6. I-XI. Not applicable.

7. Where there is no quantitative limit on importation of a product or on imports from a particular country:

- (a) Imports can be carried out only after issuance of the import license. Goods cannot arrive at the port without the license. The import is being made only after the NBC issues the license to the importer.
- (b) No, because the licensing authority must examine the documentation required. The timing to issue a license is 10-15 days.
- (c) No limitations for the time of application.
- (d) The NBC is the only entity where the applicant needs to apply (each importer) and present all the documentation. Documents are being sent online (from the NBC office), for approval to the Ministry of Agriculture, and Rural Development. After this process, the NBC issues the import license to the applicant

8. The license can be refused in cases when the importer does not meet the requirements set forth in the law and regulations.

The applicant is informed officially by the NBC, for the reasons of a license's refusal. This information is published automatically on the NBC's website.

Any interested party has the right to appeal on an administrative procedure to the NBC or Ministry of Agriculture and Rural Development for cases of licenses with preliminary inspections. Administrative complaints are analyzed by representatives of the NBC, except cases of licenses with preliminary inspection which are analyzed by the Ministry of Agriculture and Rural Development.

In the cases of preliminary inspection, the Ministry of Agriculture and Rural Development is informed by the NBC when a complaint is presented to their office.

In both cases, complaints addressed to the NBC or Ministry of Agriculture and Rural Development, are published in the National Registry of Permits and Licenses.

For administrative issues, a decision given after reviewing the administrative complaint may be directly appealed to the competent court.

The above mentioned issues are followed by the terms specified in section 6 of the Code of Administrative Procedures on administrative complaints within one month.

Eligibility of Importers to Apply for a License

9. There are no restrictive systems. All persons, firms and institutions that satisfy the criteria set forth in the current legislation have the right to apply for a license. No, there is no such system.

A list of fees exists which is based on the guidance of the Ministry of Finances and Economy and Ministry of Agriculture and Rural Development, No. 8 dated 8 May 2007 "On the fees and secondary revenues applicable by institutions of the agriculture and food system", as amended.

The list of approved licenses is published on the NBC's website and is sent to the National Authority of Veterinary and Plant Protections and National Food Authority.

Documentational and other requirements for a permit application

10. The necessary information and the documentation to be filled by the applicant are provided by the NBC.

11. The required documents are those issued by the National Business Centre (NBC).
12. Depends on the type of license. There is a different fee for different licenses. The fee for a license is:
- (a) for live animals - 10.000 ALL;
 - (b) for trading of racial material – 10.00 ALL; and
 - (c) for veterinary medicinal products - 100.000 ALL.

If made online, the application is free of charge otherwise if made at the NBC's premises the administrative charge is 100 ALL.

13. No advance payment or deposit is required.

Conditions of licensing

14. All licenses are indefinite based on Article 11, Law No. 10081, dated 23 February 2009 "On licenses, authorization and permission in the Republic of Albania". In order to check if the conditions are fulfilled by the applicant, the Ministry of Agriculture and Rural Development performs frequent on-site controls. If some conditions are not fulfilled then the Ministry of Agriculture and Rural Development presents the proposal to the NBC for the refusal of this license.

15. No.

16. No, licenses are not transferable.

- 17.(a)Not applicable. We do not have quantity restrictions for products.

- (b) No.

Other Procedural requirements

18. No, there are not any other administrative procedures.

19. Foreign exchange is provided automatically by banking authorities, every day.

3 CHEMICALS (MERCURY)

Outline of Systems

1. Republic of Albania has ratified the Minamata Convention, by Law No. 7/2020 "On ratification of the Minamata Convention "On mercury"". From 26 May 2020, Albania is listed among Parties which have ratified the Minamata Convention. <http://www.mercuryconvention.org/Countries/Parties/tabid/3428/language/en-US/Default.aspx>.

In the field of chemicals management, on 17 March 2016, in Republic of Albania has been approved the new Law No. 27/2016 "On chemicals management".

In article 28, point 1, of this law, is specified that the production, placing on the market, deposit and storage of hazardous chemicals are performed by licensed legal entities. The license for the production, placing on the market, deposit and storage of hazardous chemicals shall be issued by the Minister responsible for industry. Documentation and procedures for issuing licenses for the production, placing on the market, storage and storage of hazardous chemicals shall be approved by the Council of Ministers, on the proposal of the Minister responsible for industry.

Purposes and Coverage of Licensing

2. The license foreseen in the law of chemicals No. 27/2016, cover the production, placing on the market, deposit and storage of hazardous chemicals.

Based on point 3, Section II.2, of the DCM No. 442, dated 26 June 2019 "On approval of the Rules for the Prohibition of Export of Metal Mercury, Mercury Compounds and Mercury Mixtures, Safe storage of metallic mercury and Specific Criterias for Safe storage of metallic mercury Considered waste", is specified that: In any case, placing on the market, deposit and storage of wastes (mercury wastes) shall be carried out in accordance with the requirements laid down in the applicable legislation on the management of chemicals by natural or legal persons, provided with a relevant license for the production, placing on the market, and the storage of hazardous chemicals. This DCM has entered into force after 1 January 2020.

DCM No. 442/2019, also foreseen that import of mercury and the import of mercury mixtures listed in Annex I to that Decision for a particular use in accordance with the legislation on chemicals management is allowed only when the ministry responsible for the environment/Chemicals Office, in frame of the obligations of Mercury Convention, has given written consent for that import. Consent in writing is given when:

- (a) the exporting State is a Party to the Convention and the mercury to be exported shall not be considered as the primary extract of the mineral wool, prohibited under the Convention; or
- (b) The exporting State not party to the Convention provides the document that the mercury is not considered to be the primary extract of the mercury mineral.

3. The system applies to hazardous chemicals, coming from all countries, and which intend to be produced, placed on the market (including import), deposit and storage hazardous chemicals in Republic of Albania.

4. The license foreseen in the law of chemicals No. 27/2016, does not aim to restrict quantity or values imported, but to regulate the interior procedures for hazardous chemicals with purpose protection of human health and the environment.

5. The licensing system for the production, placing on the market, deposit and storage of hazardous chemicals, including mercury, is based on:

- 1. Law No. 27/2016 "On chemicals management";
- 2. DCM No. 442, dated 26 June 2019 "On approval of the Rules for the Prohibition of Export of Metal Mercury, Mercury Compounds and Mercury Mixtures, Safe storage of metallic mercury and Specific Criterias for Safe storage of metallic mercury Considered waste",
- 3. Documentation and procedures for issuing licenses for the production, placing on the market, storage and storage of hazardous chemicals shall be approved by the Council of Ministers, on the proposal of the Minister responsible for industry.

Procedures

6.I.-XI. Non applicable.

7. Where there is no quantitative limit on importation of a product or on imports from a particular country:

- (a)-(c) The documentation and procedures requested for the licence for the production, placing on the market, storage and storage of hazardous chemicals, are not approved yet by the Council of Ministers, on the proposal of the Minister responsible for industry.
- (d) Based on the Law No. 27/2016 "On chemicals management", documentation and procedures for issuing licenses for the production, placing on the market, storage and storage of hazardous chemicals shall be approved by the Council of Ministers, on the proposal of the Minister responsible for industry. In this regard, the above questions will be properly addressed after preparation, approval of that DCM.

8. Please refer to point 7(d), above.

Eligibility of Importers to Apply for License

9. Based on the Law No. 27/2016 "On chemicals management", the license for the production, placing on the market, deposit and storage of hazardous chemicals, shall be issued to legal entities if they meet the essential requirements for the storage of hazardous chemicals:

- (a) Have a system for maintenance and storage of special hazardous chemicals;
- (b) Prevent the access/entry of unauthorized persons who may use chemicals for inappropriate purposes;
- (c) Take preventive measures to avoid the risk of dangerous chemicals.

With this license can also be provided to natural persons who use hazardous chemicals for such activities as: artistic activities, scientific research activities and other specific activities.

The detailed documentation and procedures for issuing this license for the production, placing on the market, storage and storage of hazardous chemicals, will be specified in the Decision of Council of Ministers, on the proposal of the Minister responsible for industry.

Documentational and Other Requirements for Application for License

10. Based on point 3, Section II.2, of the DCM No. 442, dated 26 June 2019 "On approval of the Rules for the Prohibition of Export of Metal Mercury, Mercury Compounds and Mercury Mixtures, Safe storage of metallic mercury and Specific Criterias for Safe storage of metallic mercury Considered waste", is specified that: In any case, placing on the market, deposit and storage of wastes (mercury wastes) shall be carried out in accordance with the requirements laid down in the applicable legislation on the management of chemicals by natural or legal persons, provided with a relevant license for the production, placing on the market, and the storage of hazardous chemicals.

The detailed documentation and procedures for issuing this license for the production, placing on the market, storage and storage of hazardous chemicals, will be specified in the Decision of Council of Ministers, on the proposal of the Minister responsible for industry.

DCM No. 442/2019, in point 2, of Section II.2, also foreseen that import of mercury and the import of mercury mixtures listed in Annex I to that Decision for a particular use in accordance with the legislation on chemicals management is allowed only when the ministry responsible for the environment/Chemicals Office, in frame of the obligations of Mercury Convention, has given written consent for that import. Consent in writing is given when:

- (a) the exporting State is a Party to the Convention and the mercury to be exported shall not be considered as the primary extract of the mineral wool, prohibited under the Convention; or
- (b) the exporting State not party to the Convention provides the document that the mercury is not considered to be the primary extract of the mercury mineral.

The formats for the implementation of point 2, will be approved by the Minister of Environment in charge.

11. DCM No. 442, dated 26 June 2019 "On approval of the Rules for the Prohibition of Export of Metal Mercury, Mercury Compounds and Mercury Mixtures, Safe storage of metallic mercury and Specific Criterias for Safe storage of metallic mercury Considered waste", entered into force on 1 January 2020. In this context for import of the actual mercury, the entity must have the license for the production, placing on the market, storage and storage of hazardous chemicals, based on the Law No. 27/2016, also the MSDS in Albanian and English languages. Import of mercury as a pesticide, is not permitted in the country.

12-13. The detailed documentation and procedures, including if there would be any fee for issuing this license for the production, placing on the market, storage and storage of hazardous chemicals, including import of mercury, will be specified in the Decision of Council of Ministers, on the proposal of the Minister responsible for industry.

Conditions of Licensing

14. – 17. The documentation and procedures requested for the licence for the production, placing on the market, storage and storage of hazardous chemicals, are not approved yet by the Council of Ministers, on the proposal of the Minister responsible for industry.

Other Procedural Requirements

18. Yes, DCM No. 442/2019, in point 2, of Section II.2, also foreseen that import of mercury and the import of mercury mixtures listed in Annex I to that Decision for a particular use in accordance with the legislation on chemicals management is allowed only when the ministry responsible for the environment/Chemicals Office, in frame of the obligations of Mercury Convention, has given written consent for that import. Consent in writing is given when:

- (a) the exporting State is a Party to the Convention and the mercury to be exported shall not be considered as the primary extract of the mineral wool, prohibited under the Convention; or
- (b) the exporting State not party to the Convention provides the document that the mercury is not considered to be the primary extract of the mercury mineral.

The formats for the implementation of point 2, will be approved by the Minister of Environment in charge.

19. We do not have information on that.

4 OZONE-DEPLETING SUBSTANCES

Outline of Systems

1. In January 2019, Council of Minister has approved a new DCM No. 10/2019 "On Rules for the Production, Import, Export, placing on the Market and Use of Ozone-Depleting Substances, as well as the Products and Equipment that Contain these Substances", which has partially transposed in place three EU regulation Nos. 1005/2009; 291/2011; and 744/2010.

Based on this DCM:

- (a) Import and/or export of Controlled Substances is carried out only by the Entities equipped with the relevant license with Code III.3, in accordance with the criteria, terms, deadlines and procedures set out in Law No. 10081/2009 and other applicable acts on licenses, authorizations and permits in the Republic of Albania. (point 1, chapter VII). Procedures and documentation for equipment with the import license code III.3, are determined, approved by Minister of Tourism and Environment Order No. 166, dated 24 May 2019, amended.
- (b) The import of Controlled Substances included in Annex C, Group 1 of Annex I of this Decision is allowed only on the basis of annual quotas, determined in Annex IV of this Decision. The way for allocating the annual import quotas of the controlled substances, is determined by Minister of Tourism and Environment Guideline No. 1, dated 6 May 2019, amended.

Purposes and Coverage of Licensing

2. The licensing system, cover the controlled substances that deplete the ozone layer, included in Annex C, Group 1 of Annex I.

3. From all countries which are Party to the Montreal Protocol.

4. DCM No. 10/2019, intend to regulate among others also import and placing in the market of controlled substances that deplete the ozone layer, and products, equipment's that contain such substances. Through the licensing system, and issuing the License "Import of Ozone Depleting Substances" Code III.3, is regulated the field of activity for entities operating in this area.

The import of Controlled Substances and its quantities is restricted/controlled through the Authorization of Minister of Tourism and Environment, in which is/are specified, issued annual import quotas on ozone deplete substances, for each entity. Authorization of the Minister, can be issued only to entities licensed with License Code III.3.

5. The licensing system for the controlled substances that deplete the ozone layer, is based on:

1. DCM No. 10/2019 "On Rules for the Production, Import, Export, Placing On the Market and Use of Ozone-Depleting Substances, as well as the Products and Equipment that Contain these Substances";
2. Minister of Tourism and Environment Order No. 166, dated 24 May 2019 "On procedures and documentation for equipment with the import license code III.3, and for its suspension/revocation", amended;
3. Minister of Tourism and Environment Guideline No. 1, dated 6 May 2019, "On the way of determining the way to allocate the importation of controlled substances annual quotas", amended

Procedures

- 6.I. The controlled substances that deplete the ozone layer, and the products relying on them, are specified in DCM No. 10/2019, mentioned above in point 5. DCM in itself together with the two sub law which regulate procedures that need to be followed, are available for the public and interested stakeholders and published in the Official Journal webpage. The annual quotas Diagram for Republic of Albania, are determined in Annex 4, of the DCM No. 10/2019. These quotas are not separated by countries or importers, but are given as a quantity in total for a specific year. Based in this Diagram, the annual quantity of such substances/products relying in them, which were allowed to be imported for the year 2021 was 60 T, and in 2022 the annual allowed quota is foreseen to be reduced on 55 T. This annual import quota, must be distributed among the licensed entities with code III.3, which apply to the Ministry responsible fo environment, keeping in mind the observance of the rules for avoiding monopoly. In no case shall the full import quota be issued to a single entity.

DCM No. 10/2019, foreseen also some exceptional cases for import of controlled substances. In exceptional cases, for controlled substances other than hydro chlorofluorocarbons, exemptions may be made from the import prohibitions when protecting human life, biological diversity, national security, scientific research or to deal with natural disasters. This exemption is allowed when it is argued that there are no other solutions from the environmental point of view or other solutions are economically unaffordable. Any exemption, shall be made by order of the Minister responsible for the environment, on the basis of the reasoned request of the relevant national authority, specifying the type and quantity of controlled substance to be imported, the country from which it will be imported. And the time of delivery, after written approval from the Ozone Secretariat has been obtained in advance.

- II. Quotas are determined on a yearly basis. Based on the new approved legislation in this area, the License "Import of Ozone Depleting Substances" with Code III.3, has not a specific duration time but, the license issued is not valuable if it's not accompanied by the Minister authorization, where are specified the relevant import quotas given to the entity, on a yearly basis. Application for the Minister Authorization for annual importing quotas, can be done only once a year by a entity.
- III. The licensing system is Referred to the DCM 10/2019, import and/or export of the controlled substances can be done only by the licensed entities with code III.3. The import of controlled substances shall be permitted only at customs branches having trained personnel and equipment for the identification of ozone depleting substances. If the entity, has not been equipped with the relevant license III.3, following the Minister Authorization, the General Customs Directorate do not allow import. All the interested stakeholders, upon a request, can have all the necessary information. The Minister Guideline 1/2019, amended, has foreseen as above:

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- The Responsible Directorate of Ozone Depleting Policies establishes and maintains a register of applicant entities, import quota authorizations issued or refused and any other data related to this process.
 - The list of importing entities and the relevant approvals for the import of Controlled Substances shall be published on the website of the Ministry responsible for the environment.
- IV. There is no specific time mentioned. With the beginning of the new coming year, subjects which are equipped with the License III.3, based on their needs for import, can apply to the Ministry responsible for environment, for annual import quotas.
- V. Both the license application for License III.3, also the application for Ministers Authorization, has a time limit 20 days. In the case of Authorization, when the entity is required to fulfill the missing documents, the period of reviewing the application is postponed to maximum 25 days.
- VI. No time specified. The import procedures can be followed after issuing of the Ministers authorization.
- VII. Application for License III.3, is done through the National Business Center (NBC). The next steps are determined and approved by the Minister order 166/2019, amended. The NBC, electronically transmits to the National Environment Agency (NEA) the applications of entities for equipment with a license "Import of ozone depleting substances" code III.3. NEA downloads applications of entities for equipment under this License and sends them immediately to the Environmental Permitting and Licensing Monitoring Sector in the Ministry which review the application and prepares relevant act approval or/refuse of it.
- No, the importer does not have to approach more than one administrative organ for the license.
- VIII. Procedures of issuing the License III.3, are separate from the Ministers authorization of annual import quotas. In the Ministers Guideline, 1/2019, amended, is specified that:
- Where more than one entity applies to the Ministry at the same time, the available annual import quota shall, where possible, be distributed equally or roughly between interested entities. In any case, the allocation of the quota is distributed and based on a simple mathematical calculation that includes the number of entities that applied, what amount they applied for and how much is the total amount that can be imported to Albania for the year in question.
 - The annual import quota, set out in Annex 4 of the DCM No. 10/2019, is distributed among the licensed entities with code III.3, applying to the Ministry, and keeping in mind the observance of the rules for avoiding monopoly. In no case shall the full import quota be issued to a single entity.
- IX. Referred to the DCM No. 10/2019, import of the controlled substances can be done only by the licensed entities with code III.3, accompanied by the Minister authorization, where are specified the relevant import quotas given to the entity, on a yearly basis. For having the license in such cases, entities must follow the procedure mentioned in point VII, above.
- X. The import of controlled substances in Republic of Albania, is permitted only at customs branches having trained personnel and equipment for the identification of ozone depleting substances. The importing procedures of controlled substances, can only happen if the importing entity has the relevant license III.3, and the annual Ministers Authorization with detailed importing quotas given.
- XI. No.
- 7.(a)-(d) The controlled substances that deplete ozone layer, are based on quantitative limit, in this regard questions above are not relevant in this case.
8. Any interested party subject to DCM No. 10, dated 9 January 2019, has the right to complain to the NBC on administrative acts, acts or omissions of the Ministry.

Eligibility of Importers to Apply for License

9.(a) and (b) No there is not such a system. The Responsible Directorate of Ozone Depleting Policies has the duty to establish and maintains a register of applicant entities, import quota authorizations issued or refused and any other data related to this process.

Documentation and Other Requirements for Application for License

10. Any natural or legal person who carries out import activity of controlled substances, In order to obtain the license of "import of ozone depleting substances" with code III.3, apply to the windows of the National Business Center (NBC), by submitting the following documentation:

- (a) Request to the Ministry responsible for environment for equipment with import license for Ozone Depleting Substances. The application must contain in a precise and complete manner the points specified in the licensing device approval act set out in Schedule 1/a to Minister Order No. 166/2019.
- (b) High school diploma or university diploma for technical director;
- (c) Employment contract proving the required employment relationship with the technical manager;
- (d) Certificate of ownership or lease of premises;
- (e) Self-declaration on suitability of premises and equipment.

11. Please refer to point IX, above.

Referring to point 6, of the Ministers Guideline No. 1/2019, amended, entities licensed with code III.3, to carry out the import activity of controlled substances under, for each quantity they import within the annual quota, must submit to the Ministry of Tourism and the Environment the following documents:

- (a) The requirement to obtain an authorization for an import quota for ozone depleting substances. The application must contain accurately and fully the information specified in the authorization for ozone-depleting equipment for the ozone-depleting substances set out in Annex 1/a of the Ministers Guideline.
- (b) Copy of the License "On the Import of Ozone Depleting Substances", code III.3;
- (c) Completed import notification form for controlled substances, as set out in Annex 8 of DCM No. 10/2019;
- (d) Self-declaration regarding the fulfillment of reporting obligations according to the DCM No. 10/2019.
- (e) Copies of the reporting submitted to the ministry and the National Ozone Unit, in accordance with point 3, Chapter XI, of DCM No. 10/2019.

12-13. Application near NBC, for obtaining the License with code III.3, has as fee of 100 lek/1 Dollar/around 1 Euro. Meanwhile, application in the Ministry responsible for environment for obtaining Ministers Authorization with the annual importing quotas, has no fee.

Conditions of Licensing

14. Please refer to point II, above.

Based on the Guideline of the Minister No. 1/2019, the period of validity of the Minister Authorization for import quota of ozone depleting substances, was three months from the date of approval/issuing of the Authorization. Taking into consideration that the most part of the interested companies, applied at the beginning of the year 2020, and the lockdown situation that most countries faced at the first months of 2020 from COVID-19, the Ministry of Tourism and Environment, evaluated to extent the Authorizations issued for the year 2020, from three months until to the end of the year 2020. This extension, has been made though the Minister Guideline No. 2, dated 8 July 2020 "On some changes on the Guideline No. 1, dated 6 May 2019 "On the way of determining the way to allocate the importation of controlled substances annual quotas".

15. No, but based on the Ministers Guideline No. 1/2019, amended, any importing entity within ten calendar days after the end of the Ministers Authorization shall formally notify the Ministry of Tourism

and the Environment as well as the National Ozone Unit, on the application or not by their side of the authorization received and if the import has occurred or not.

Non fulfillment of the reporting obligation, can be a reason for refusal of subsequent applications for Ministers Authorization and import quota of Controlled Substances.

16. No the legislation in force, does not foresee such thing.

17.(a) Please refer to point 10, above.

(b) Such products are not subject to licensing or Ministers Authorization procedures.

Other Procedural Requirements

18. Please refer to point X, above.

19. No, the legislation in force for import of controlled substances that deplete the ozone layer, does not foresee such thing.

5 MILITARY GOODS

Outline of Systems

1. The import of the military goods and dual use goods and technology is managed by the Albanian State Export Control Authority (AKSHE) under the Minister of Defense. Trade with foreign parties is performed based on licenses and authorizations issued by this authority after consultations if needed with the relevant institutions.

This permission is issued based on Law No. 46/2018 "On state, international transfer control of military goods and dual-use items and technologies"

AKSHE's work is focused on the state control of exports, imports, transits, transfers and intermediary activities for military goods and dual use goods and technology, to ensure the interests of the Republic of Albania, to supervise its commitment to international treaties of non-proliferation of weapons of mass destruction and their launching systems, the transfer of conventional weapons, as well as the implementation of measures aiming prevention of use of such goods for unlawful purposes.

Purposes and Coverage of Licensing

2. The licensing system for military goods and dual use goods and technology function as one, concentrated in the State Export Control Authority mentioned in the previous question.

The products that are covered are listed in the national list according to the Council of Ministers Decision No. 91 on 27 February 2019: "On the approval of the updated lists of military goods and related technologies with dual use, which undergo the import-export state control"

This list is based on European Union published list on military goods and dual-use goods and technology.

3. The system does not discriminate any country.

4. The licensing system is not intended to restrict the quantity or values of imports. In the Albanian legislation for the import of military and dual use goods there is no restriction in value or quantity.

The state export – import control policy is built on the following principles:

- Priority of national interest – political, economic and military, the protection of which is necessary for guaranteeing national security.
- Protection of the political, economic and military interest of the country.

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- Obligation to observe the international commitments undertaken by the Republic of Albania about the non-proliferation of weapons of mass destruction, their means of delivery, and to ensure state control over international transfer of goods designed for military purposes, and dual-use items, as well as to prevent these goods from being used for terrorist acts and other illegal purposes.
 - Conduct of export control over the international transfers of these goods to the extent required to only achieve its purpose.
 - Harmonization of state control procedures and regulations, international transfers of these goods with international legal norms and practices.
 - Ensuring interaction with international organizations and foreign countries in the state export control area, so as to reinforce international security and stability, including non- proliferation of weapons of mass destruction and the system for their proliferation.

5. The Albanian legislation for the import-export military goods and technology of dual use is as follows:

- The Law No. 46/2018, "On state, international transfer control of military goods and dual-use items and technologies";
- The Law No. 74/2014 "On Arms";
- Ministries Council Decision No. 31, dated 22 January 2020 "On organizing, function and status of State Export Control Authority"
- The Council of Ministers Decision No. 91, on 27 February 2019: "On the approval of the updated lists of military goods and related technologies with dual use, which undergo the import-export state control";
- The Council of Ministers' Decision No. 604, on 28 August 2003 "On approval, in principle, of code of conduct of European Union on weapons exports";
- The Council of Ministers' Decision No. 202, 10 April 2019 "On designating fees for issued legal documents"; and
- The Council of Ministers' Decision No. 76, on 30 December 2008 "On designated format, schedules and presentation time of reports".

Any import of military and dual use goods need to be licensed by the State Export Control Authority.

An import license is always required.

An exception from this is made only in the cases that follow:

- a) the transfer of controlled goods in connection with the activities of Armed Forces, or other state security structures of the Republic of Albania outside of its territory, carried out as part of international agreements ensuring the mechanism of state control over the movement of these goods;
- b) the international transfer of controlled goods in connection with the activities of foreign military forces in the territory of the Republic of Albania, carried out in the framework of international agreements ensuring the mechanism of state control over the movement of these goods;
- c) the international transfers of anesthetics (medical anesthetic gases), sports and hunting arms excluded from the military list, gas transport vessels, and exportation and importation of personal armament of military servicemen, and state law enforcement and internal security bodies, which carry arms in accordance with the law; and
- d) the international transfer of controlled goods, which aim at ensuring provision of state military assistance in accordance with the terms contained in international agreements and treaties to which the Republic of Albania is a party, and the movement of goods outside of the country with a view to offering emergency assistance to foreign countries, when this is established by law.

The licensing system in Albania cannot be abolished without legislative approval.

Procedures

- 6.I. The licensing procedures and formalities are published on the official website of the State Export Control Authority www.akshe.gov.al. In the Albanian legislation there is no restriction in the value, quantity or license quotas.

Also, according to the Albanian legislation there cannot be derogations from the licensing requirement.

- II. There are no such as size of quotas. A license can be issued with the validity from 1-3 year with the extend option if there is a contract between the entities involved.
- III. There is no restriction in the Albanian legislation related this matter.

An import license is issued only when there is an application for it, which fulfils the requirements of the Albanian legislation. Also, the State Export Control Authority has the authority to do controls before, during, and after issuing the import license. Also, to obtain an import license is needed an end-user statement or certificate which is filled by the importer or any other who is the end user.

- IV. Not applicable.

- V. If issuance of licences and authorisations does not call for coordination of work among the other institutions concerned, the time-limit for considering an application shall be determined in accordance with the categories of goods, but shall not exceed the following timescale as of the day of application:

1. Fifteen days for importation or transshipment of goods, and temporary importation/exportation of goods for exhibitions, fairs, advertising, testing, and other similar purposes, if this does not call for transfer of ownership.
 - (a) 30 days for import of military goods and for registration to conduct transfers of military goods.
 - (b) 20 days for the import of dual use items and technologies
 - (c) 15 days for transit/transshipment and technical assistance of controlled goods, and temporary importation/exportation of controlled goods for exhibitions, fairs, advertising, testing, and other similar purposes, if these do not call for transfer of ownership.
 - (d) 15 days for international import certificates, end user certificates, delivery verification certificates.

This time-limit does not include the time required for obtaining additional information from entities involved in international transfers of goods.

- VI. There are no such provisions in the Albanian legislation. After that the import license is granted the importation can be done at any time during its validity period.

- VII. A license application is proceeded by the State Export Control Authority.

Trade activities with foreigners take place on the basis of licences and authorisations issued by this

Authority, following if required the consulting of opinion of the institutions concerned.

The concerned institutions are the Ministry of Defence, Ministry of Foreign Affairs, Intelligence Agencies, and Ministry of Interior.

- VIII. If the demand for licenses cannot be fully satisfied, the license cannot be granted. There are no exceptions.

The new importers that want to deal with international trade of military goods need to be registered by the State Export Control Authority. After they get the Registration Certificate, they can demand for an import license. This registration is not required for the trade of dual use goods and technologies.

- IX. In the Republic of Albania for the import of military goods and dual use goods and technology, always is required an import license even when there is an export license issued by the exporting countries.

Also, in this case the import license is not issued automatically but the application is subject to controls.

- X. Not applicable

- XI. Not applicable

- 7.(a) The application must be done 15 days before to import the goods. This time limit is the maximum to proceed an import license. If the importer submits all the necessary documents and satisfy all the requirements, the license can be obtained within a shorter time. But this is to be considered case by case.

- (b) No. It has to be revised step by step.

- (c) No.

- (d) A license application is proceeded by the State Export Control.

Trade activities with foreigners take place on the basis of licences and authorisations issued by this

Authority, following if required the consulting of opinion of the institutions concerned.

The concerned institutions are the Ministry of Defence, Ministry of Foreign Affairs, Intelligence Agencies, and Ministry of Interior.

8. The circumstances under which the license can be refused are:

- The application for obtaining licences, authorisations or international import certificates will not be taken into consideration if:

1. The application for obtaining licences, will be rejected by the State Export Control Authority if:

- (a) During the assessment, the institutions or other governmental bodies which have powers over international transfer controls did not give their consent.
- (b) there are conditions prescribed under Article 12 of this law.
- (c) the information provided in the request is intentionally incomplete or incorrect or they are formulated contrary to the requirements prescribed by this Law;
- (d) There are other reasons running counter to Albanian legislation in force, or the ratified international agreements.

In the event that the application for obtaining licenses, or certificate is rejected, the State Export Control Authority gives notice to the applicant and the state body responsible within three days from the taking of the relevant decision, laying down the explanations of and reasons behind failure to consider it or its rejection.

The decision made by the State Export Control Authority to revoke licence, authorisation and international import certificate, or to remove from the rolls the name of an entity involved in economic activities with foreign countries for international transfers of goods, may be appealed

against to the court of appeal, in accordance with the general rules of appeal. Appeal against decision does not suspend its execution.

Eligibility of Importers to Apply for License

9. A person or a firm or institution that wants to deal with the import of military goods has first to be registered by the State Export Control Authority. This provision is not required for the import of dual use goods.

The registration certificate fee for military goods is US\$30.

All the persons or firms that are registered by the State Export Control Authority are in a list published on the website: www.akshe.gov.al.

Documentational and Other Requirements for Application for Licence

- 10.1. Certificate of registration (only for military goods).
2. License application form completed by type, according to the guidelines set forth in this form, signed by the legal representative of the entity (notarized photocopy of the passport).
3. Brief summary of current commercial activity, which reflects the entity's ability to perform activities in the area of transfer of military goods (only private commercial entities)
4. A natural person who seeks to obtain a license must submit the following documents:
 - Document that certifies expertise in the field of international transfers of military goods
 - Identification document (identity card, passport,).
 - Proof that the judicial process is not (Section Civil and Criminal) issued by the judicial district in which the person resides.
 - Certificate of prosecution that is not a criminal proceeding.
 - Certificate of execution that no obligations to individuals or legal entities, private or state.
 - Document that proves he is not convicted of any offense that constitutes grounds for denial of license, the illegal activities during the last ten years from the date of the application for license.
 - Certificate of tax authorities and the bank where the money transfer will be performed.
 - Taxpayer Personal Identification Number (allowed for import-export).
 - Extract the simple and historical taken by the National Registration Centre.
5. Legal person who seeks to obtain a license must submit the following documents:
 - Confirmation that the company is trial (Civil and Criminal Section) issued by the judicial district in which the company is headquartered.
 - Certificate of prosecution that is not a criminal proceeding
 - Certificate of execution that no obligations to individuals or legal entities, private or state.
 - Proof of payment of taxes by the tax department.
 - Certificate from the bank where the money transfer will be performed.
 - Statute of the company (notarized copy).
 - The act of establishment (notarized copy).
 - Decision of the court to establish the company.
 - Taxpayer Personal Identification Number.
 - Extract the simple and historical taken by the National Registration centre.
6. International import certificate or end-user.
7. Documents that provide information on the description of goods, conditions of delivery, quantity of goods, the value of goods, state transit transship, destination country and the last user, and country of origin of goods.
8. Notarized copy of the contract or order certified by the legal representative of the subject.
9. Bill of goods.
10. Documents that provide information on the description of goods, conditions of delivery, place of destination or origin of goods.

11. Documents that provide information on the partner firm address, financial credibility, the bank account.
12. Other valid documents to be considered as such by the State Export Control Authority.
13. Warrant payment of the appropriate fee.

11. The documents required upon importation are the documents mentioned in the previous question.

12. The licensing fee for an import license with the validity of one year is US\$30.

13. There is not other deposit or advance payment except that paid for licensing fee.

Conditions of Licensing

14. The validity of the license is from one-three years, according to the type of the license required. The validity of the license can be extended, but not after the term of validity of the economic agreement, which refers to this license.

15. There is not penalty for non-utilization of the licenses.

16. Licenses are not transferable.

17. There are not other conditions attached to the issue of the license.

Other Procedural Requirements

18. No, there are not other procedures prior importations.

19. All banks provide foreign exchange automatically.
