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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 (2020)

ALBANIA

The following communication, dated 16 September 2020, is being circulated at the request of the delegation of Albania.

1 MILITARY GOODS

Outline of System

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 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 91, on 27.02.2019: " *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.

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

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.
- 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 22.01.2020 "On organizing, function and status of State Export Control Authority".
- The Council of Ministers Decision 91, on 27.02.2019: "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 305, on 25.3.2009 "On the designating procedure, regarding the issuing of assured legal documents in the field of state control activities of import-export, military goods, and related technologies of dual use".
- The Council of Ministers' Decision 304, on 25.3.2009 "On the designating procedures regarding expertise's fulfilment and the control by the State Control Authority of Exports".
- The Council of Ministers' Decision 604, on 28.8.2003 "On approval, in principle, of code of conduct of European Union on weapons exports".
- The Council of Ministers' Decision 341, 8.4.2009 "On designating fees for issued legal documents".
- The Council of Ministers' Decision 76, on 30.12.2008 "On designated format, schedules and presentation time of reports".

Any import of military and dual use goods needs 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 anaesthetics (medical aesthetic 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;
- 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 <http://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 fulfills 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:

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

- 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:

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 licence

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 30 USD.

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

Documentation and other requirements for application for licence

10.

- a. Certificate of registration (only for military goods).
- b. 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).
- c. 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).
- d. 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 10 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 Center.
- e. 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 Center.
- f. International import certificate or end-user.
- g. 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.
- h. Notarized copy of the contract or order, certified by the legal representative of the subject.
- i. Bill of goods.
- j. Documents that provide information on the description of goods, conditions of delivery, place of destination or origin of goods.
- k. Documents that provide information on the partner firm address, financial credibility, the bank account.

- l. Other valid documents to be considered as such by the State Export Control Authority.
- m. 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 30 USD.

13. There is no other deposit or advance payment except that paid for licensing fee.

Conditions of licensing

14. The validity of the license is from 1-3 year, 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 no other conditions attached to the issue of the license.

Other procedural requirements

18. No, there are no other procedures prior importations.

19. All banks provide foreign exchange automatically.
