



# **ALBANIAN STATE EXPORT CONTROL AUTHORITY**



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# PRESENTATION OF AKSHE



- **STATUS;** AKSHE IS A PROPER PUBLIC INSTITUTION, IN PLACE AT THE MINISTRY OF DEFENCE, WHO ACTS AS A SEPARATE JURIDICAL ENTITY.
- **DUTIES;** STATE CONTROL OF EXPORT, IMPORT, TRANSHIPMENT, TRANSFER OF AND BROKERING ACTIVITIES WITH MILITARY GOODS AND DUAL-USE GOODS AND TECHNOLOGIES.
- **PURPOSE;** PROTECTING THE NATIONAL INTERESTS OF THE REPUBLIC OF ALBANIA, OVERSEEING OBSERVATIONS OF ITS COMMITMENTS TO INTERNATIONAL TREATIES ON NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND THEIR LAUNCHING SYSTEMS, IMPEDING TRANSFER OF CONVENTIONAL WEAPONS, AND ADHERING TO MEASURES DESIGNED TO PREVENT USE OF THESE GOODS BY TERRORISTS FOR ILLEGAL PURPOSES.



# ALBANIAN EXPORT CONTROL SYSTEM



- AKSHE IS THE INSTITUTION RESPONSABLE FOR THE APPLICATION OF THE NATIONAL POLICY IN THE EXPORT CONTROL FIELD.
- IN ACCORDANCE WITH THE ALBANIAN EXPORT CONTROL SYSTEM, ALMOST ALL THE COMPETENCES IN THIS FIELD ARE MAINLY CENTRALIZED ON THE HAND OF THIS AUTHORITY, WHICH HAVE THE LEGAL DUTY TO GOVERN THE STATE CONTROL OF EXPORT, IMPORT, TRANSHIPMENT, TRANSFER OF AND BROKERING ACTIVITIES WITH MILITARY GOODS AND DUAL-USE GOODS AND TECHNOLOGIES.
- IT'S OPTIONED FOR A PROPER AUTHORITY, SPECIALIZED IN THIS FIELD, THAT WORKS IN TOTAL TRANSPARENCE, WHICH INFORM AND COOPERATE WITH THE TRADE ENTITIES INVOLVED.



# LEGAL BASIS



- Law no. 9707, dated 5 April 2007 “On state import-export control of military goods and dual-use goods and technologies”
- Decision of the Council of the Ministers no 109, dated 09 February 2011 (updated) “On the List of Military Goods and Dual-Use Goods and Technologies, subject to State Export Control Authority”



# GOODS, DUTIES, ENTITIES



- “GOODS and TECHNOLOGIES”: goods and technologies intended for military purposes and dual use.
- Denominations and descriptions of goods subject to state export control are contained in the list of goods subject to control, adopted on a yearly basis by the Council of Ministers
- This list shall fully comply with the EU dual-use list and the lists of the other international regimes on arms control.
- “DUTIES”; export, import, transshipment, transfer of and brokering activities with military goods and dual-use goods and technologies.
- “ENTITIES”; Entities involved in international transfers of goods”: entities doing business in the Republic of Albania, duly registered by the State Export Control Authority, and their representatives, and legal or natural persons, who aim at conducting international transfers, including brokering services, as well.



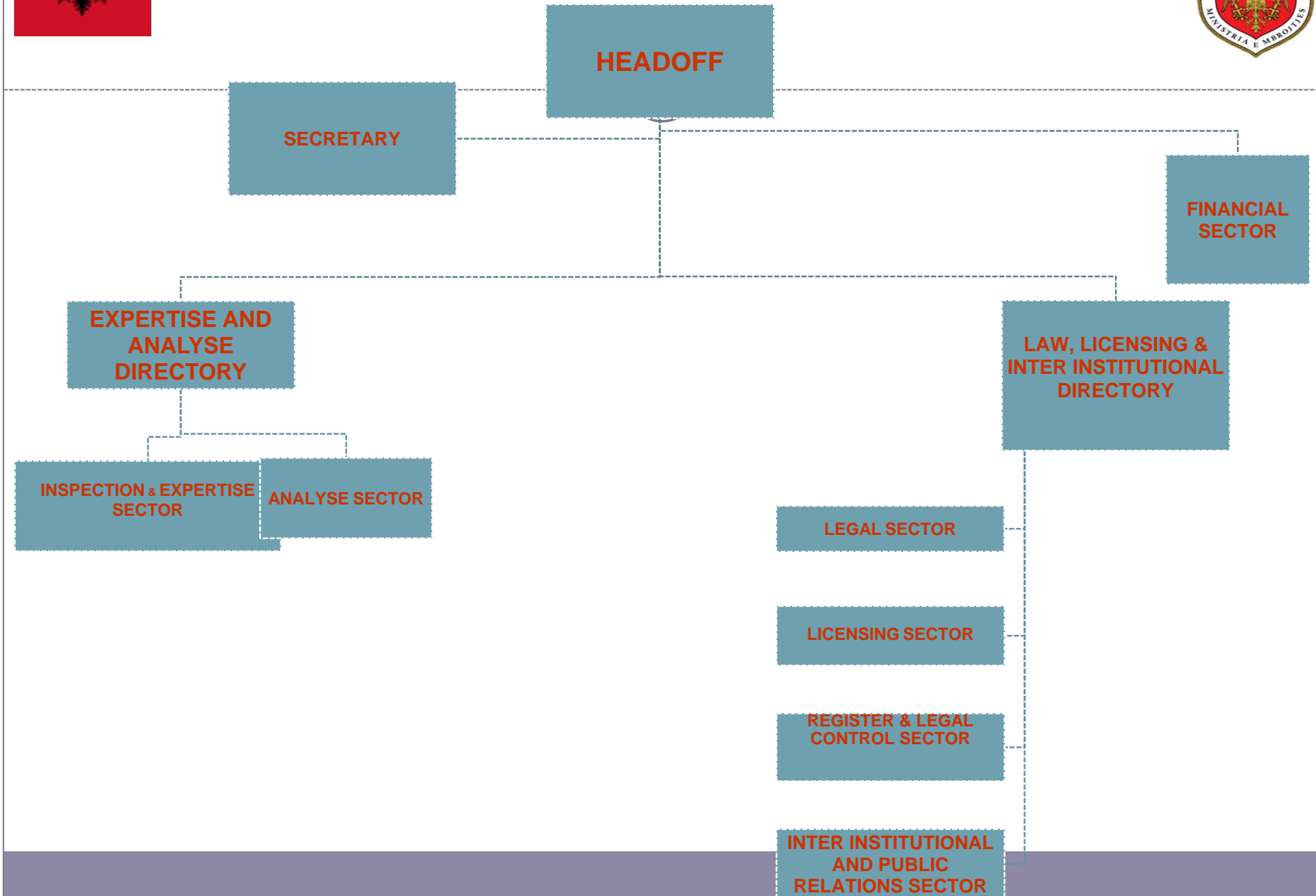
# COOPERATION WITH OTHER STATE BODIES



- Trade activities with foreigners take place on the basis of licences and authorisations issued by this Authority, following the consulting of opinion of the institutions concerned.
- The State Export Control Authority enjoys the entitlement obtaining from the other state bodies, and other entities involved in international transfers of goods, all the data required for the exercise of its functions concerning export control. It may employ and share these data with other international counterpart agencies, for the sole purpose of conducting export control and protecting national interests.



# STRUCTURE OF AKSHE





# PROCEDURE MODUS OPERANDI



The State Export Control Authority and the other authorised state bodies have the right to checking on arrival [of goods] at destination and use of goods at every stage of international transfer, even following arrival at end user,

- Registering of the trade entities involved in economic activities with military goods,
- The entities, files a written application with the State Export Control Authority, submitting the documents required for the conduct of expertise. These documents, which are attached to the application, shall contain accurate data about the goods and their international transfer procedures, and the original guarantee for these transfers,
- The State Export Control Authority conducts expertise in the state export control field in order to resolve issues concerning licences, authorisations, or international import certificates,
- Considering an application , if necessary in coordination of work among the other institutions concerned ,
- Decisions
- Analysis of reports submitted by the entities ,
- Controls on end user, on actual use of goods .





# Entities obligations



- Entities involved in international transfers of goods, which have obtained a licence, authorisation or international import certificate, submit to the State Export Control Authority a written report on the actual conduct of transfers of goods mentioned in these documents, and on use of these goods according to the stated purpose.
- The format and timescale for submission report are established by the State Export Control Authority.
- State control over local end users concerning adherence to pledges surrounding use of imported goods in line with the stated purpose, is conducted on the basis of analysis of reports submitted by the entity, being the end user, on actual use of goods, as well as on the basis of controls over goods conducted selectively by end user.
- Such controls are conducted by officials authorised by the State Export Control Authority.



# EXAMINATION OF REQUESTS FOR LICENSE



- The State Export Control Authority conducts expertise in the state export control field in order to resolve issues concerning licences, authorisations, or international import certificates, the possibility of registering the entity involved in economic activities with foreign countries, or availability of possibility of exporting and importing goods designed for military purposes
- Reviewing of applications for the purpose of issuing licences, authorisations and international import certificates is carried out by the State Export Control Authority with other state bodies, entities, institutions and other structures joining in, if necessary, provided that the questions under examination fall within their powers.



# DECISIONS



- Approval of license or authorization
- Refraining from considering an application and it's rejection
- Revoking and holding application in abeyance
- Nullification and revocation of license or authorization



# SANCTIONS



## **LEGAL ENTITIES' RESPONSABILITY FOR VIOLATIONS OF LEGISLATION IN EXPORT CONTROL FIELD**

THE STATE EXPORT CONTROL AUTHORITY IMPOSES THE FOLLOWING SANCTIONS TO TRADE ENTITIES INVOLVED IN INTERNATIONAL TRASFERS OF GOODS

- FINES
- NULLIFICATION AND REVOCATION OF LICENCE/AUTHORISATION
- REMOVE ENTITIES FROM THE ROLLS



# REVOKING AND HOLDING APPLICATIONS IN ABEYANCE



- In the event of an emergency involving national security needs and interest, or in order to ensure fulfilment of the international obligations of the Republic of Albania.
- If an entity goes into liquidation
- If the entity involved in international transfers of goods goes bankrupt
- If there is need an additional expertise
- If notice is taken that the entity involved in international transfers of goods has violated the legislation



# NULLIFICATION AND REVOCATION OF LICENSE OR AUTHORIZATION



- When the licensed goods are considered state secret
- In the event that, in consequence of this violation, the political and economic state interests have been damaged significantly

In such cases the decision for nullification and revocation of license or authorization is taken by the Council of Ministers, proposed by AKSHE.



# Agreement with Custom



- The implementation of list in Asicuda system, on 01.01.2011 starts an agreement with custom about stopping articles (which may consider dual use) in border
- This articles brings company to AKSHE and than the experts of AKSHE after verifying the items from the list and based on the correlation through Taric code and dual use code, propose and argue to Chairman the results.



**THANK YOU FOR YOUR ATTENTION!**

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Agreement where AKSHE is as contact point:



Nuclear Suppliers Group



The Missile Technology  
Control Regime



Agreement where Albania is part and AKSHE is as contact point:



Wassenaar Arrangement



Australia Group



Zangger Committee

ZANGGER COMMITTEE





# RESPONSABLE UNITS FOR EXAMINATIONS OF DOCUMENTATION BEFORE ISSUING THE LICENCE AUTHORIZATION



- Inspection and Expertise Sector
- Registration and Legal Control Sector
- Licensing Sector
- Legal Sector



# PHASES OF ISSUING THE LICENSE

- Registration of entity involved
- Examination of the request
- The expertise and control declared data and documentations
- Decisions (acceptance or rejected )



# Time-limit for Considering an Application for Licence/Authorisation

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:

- 45 days for exportation (re-exportation) of military goods.
- 30 days for exportation (re-exportation) of dual-use goods and temporary exportation (temporary importation) of any goods.
- 15 days for importation or transshipment of goods,
- 15 days for temporary importation/exportation of goods for exhibitions, fairs, advertising, testing, and other similar purposes, if this does not call for transfer of ownership.



# Types of licences and authorisations



**The State Export Control Authority issues single-use, general or unlimited licences and authorisations.**

- **SINGLE-USE**  
(A PARTICULAR INTERNATIONAL TRASFER, TIME LIMIT MAX =1 YEAR)
- **GENERAL**  
(OCCASIONAL TRANSFERS, TIME LIMIT MAX =3 YEARS)
- **UNLIMITED**  
(OCCASIONAL/MULTIPLE TRANSFERS, TIME LIMIT MAX = 3 YEARS)



# REFRAINING FROM CONSIDERING AN APPLICATION AND ITS REJECTION



- It is deposited by a person who does not have the judicial capacity
- Documents are missing
- Documents are formulated contrary to the requirements prescribed by Article 19 of this Law
- There are other reasons running counter to Albanian legislation in force, or the ratified international agreements

In these cases, AKSHE give notice to the applicant 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.