

EXPORT CONTROL OF ARMS AND DUAL USE ITEMS

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ALBANIAN CONTROL SYSTEM OF ARMS AND DUAL USE ITEMS

International Obligations:

- Treaty on the Non-Proliferation of Nuclear Weapons (NPT);
- Chemical Weapons Convention (CWC);
- Biological and Toxin Weapons Convention (BTWC);
- IAEA Safeguard Protocols.

Reports to the:

- UN Program of Action on SALW;
- UN Register of Conventional Arms;
- OSCE Document on SALW;
- OSCE Document on Conventional Ammunition.

Part to different Programs:

Stability Pact Regional Implementation Plan on SALW

Albania has asked to be part to the *Wassenaar Arrangement* on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, in April 2004 (Decision Council of Ministers no. 248 of 30 April 2004).

At the same time with the Council of Ministers decision no. 604 of 28 August 2003 has decided on the approval of the *EU Code of Conduct*.

Albania uses both the EU common list of military equipment and the Wassenaar Arrangement lists of dual-use goods, technologies and munitions for controlling arms, military equipment and dual-use goods that are subjected to export controls.

- **The national legislation**

The current export control regime for military equipment is based mainly on the following decisions of the Council of Ministers and regulations of the Albanian Government:

1. Council of Ministers (CoM) Decision No. 366, "On the foundation of the import-export enterprise [depending] on the Ministry of Defense", 5 October 1991;

2. CoM Decision No. 135,"On the approval of the sale of weapons and ammunitions by the Ministry of Defense", 1 May 1992;
3. CoM Decision No. 275,"On the administration and controls for weapons of individuals, legal persons and entities", 25 June 1992;
4. CoM Decision No. 365,"On the destruction or selling of ammunitions for which the period of use is coming to an end or has already expired and on the selling of surplus armaments and ammunitions", and its amendments, 6 June 1994;
5. Regulation of the Albanian Government No. 366,"On selling armaments and ammunition", 10 August 1996;
6. CoM Decision No. 05 "On the functioning of the army's import-export company, MEICO, and its relations with other departments and units in the Ministry of Defence", 08 January 2002;
7. CoM Decision No. 617,"On the removal of armaments, parts of weapons and military equipment from the Armed Forces for their destruction, dismantling and selling", and related regulations, 4 December 2002.

Export-import of military goods

The Ministry of Defense controls the export-import of military goods and technology through MEICO (Military Export Import Company), in compliance with the respective decisions of the Albanian Government. "MEICO" is a public enterprise under the Albanian Ministry of Defense. It was established in 1991, by the Order of Council of Ministers No. 366 of 05.10.1991 "For the creation of Import- Export Enterprise under the Ministry of Defense".

Its activities are governed primarily by the following documents:

1. CoM Decision No. 366,"On the foundation of the import-export enterprise [depending] on the Ministry of Defense", 5 October 1991;
2. CoM Decision No. 135,"On the approval of the sale of weapons and ammunitions by the Ministry of Defense", 1 May 1992;
3. Law No. 7566,"On Weapons", 25 May 1992;
4. CoM Decision No. 365,"On the destruction or selling of ammunitions for which the period of use is coming to an end or has already expired and on the selling of surplus armaments and ammunitions", and its amendments, 6 June 1994;
5. Regulation of the Albanian Government No. 366,"On selling armaments and ammunition", 10 August 1996;
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Albania issues a very small number of import and/or export licenses per year. Only MEICO can apply for a license for export of military equipment, ammunition and industrial and military explosives, and is regarded as the main contact point for foreign partners interested in concluding arms deals with Albanian parties. Licenses are issued on case by case basis. The Ministry of Defense checks each application with the Ministry of Foreign Affairs, which usually informs the Ministry of Defense within ten days as to whether the recipient is under embargo or the transfer poses a risk or threat to national or international security.

The Ministry of Foreign Affairs is responsible for inter-ministerial coordination for actions in order to put into effect the counter-proliferation strategies and initiatives. Every year the MFA provides MEICO with an updated list of UN and EU embargoed states. The MFA also provides information on new embargoes as soon as they are announced. It also updates the Ministry of Defense regarding lists of military equipment and dual-use goods from the EU and Wassenaar Arrangement.

In all this process of verification of the relevant information, the Embassies of UK and USA are of great assistance.

There is no private enterprise on arms import-export or brokering in Albania. With the entry into force of the proposed law on export controls, however, this will change. The new legislation will open up the possibility for privately owned Albanian-registered firms to operate in the arms market as importers, exporters or brokers, and allow for the transshipment of goods through the country.

Export- import rules for items of military character in Republic of Albania

The conditions that a foreign trade subject should meet to export armaments, ammunition and materials of military character from the Republic of Albania through MEICO are as follows:

- Must be a registered trade subject in a country that is not under the embargo of UN, where it is prohibited the import- export of armaments, ammunitions and other items, in compliance with the respective international instruments where the Republic of Albania is a party.
- Must hold a valid license for the import of armaments, ammunition and other items issued by authorities of its country.
- Must present the End User licence, a document issued by authority of its country, guaranteeing that this item will reach that country and will not be reexported or transited, (as mentioned, for the moment this is not regulated by law, but it is applied in practice in almost all of the cases)

In order to increase the transparency for arms export control, a full comprehensive report was published in 2005, which covers all activities on

arms transfer from 1992 - 2004. This report was submitted to the Parliament, Government and several foreign Embassies in Tirana.

The report contained:

- Technical data on arms that have been transferred;
- Financial data for each category;
- End user information;
- List of buyers, and so on.

However it lacked the information about the licenses that are refused or denied and the report is not divided by categories of the EU Military list. Nevertheless, experts agree that these details will be included in the forthcoming report.

The new legislation

The Albanian government is drafting a new law on arms export control and it will be ready by the second half of 2006. The Albanian Project "Law for the control over import-export activity of military materials and dual-use goods and technology" will be in line with the EU code of Conduct for Arms Control.

The new law will:

- Establish an authorized legal body on the control of import-export of military and dual use goods;
- List the goods subject of control that refer to the Wassenaar Arrangement and the EU Military list;
- Include regulations for transit and transshipment controls, controls on brokering and associated activities;
- Require each transfer to be accompanied by an end user certificate and pre-shipment verifications before a license can be issued;
- Will open up the possibility for privately owned Albanian-registered firms to operate in the arms market as importers, exporters or brokers, and allow for the transshipment of goods through the country.

With the new legislation introduced, the MFA will become directly involved in the export licensing process in place of the Ministry of Defense, which currently plays the lead role on this issue.

In all the process, as above-mentioned, the Albanian authorities have been in close cooperation with the international partners active in our country, such as: European Union Monitoring Mission (EUMM), International Organization on Migration, International Criminal Investigative Training Assistance Program (ICITAP), Police Assistance Mission of the European Commission to Albania

(PAMECA), UNDP, and so on.