

**REPUBLIC OF ALBANIA  
ASSEMBLY**

**LAW  
No. 9092 date 03.072003**

**For**

**Implementation of the Convention on the Prohibition of the  
Development, Production, Stockpiling and Use of Chemical Weapons  
and on their Destruction**

On the bases of Articles 78, 83, Paragraph 1 and Article 122 and paragraph 1 of the Constitution of the Republic of Albania, upon the Proposal of Council of Ministers, the Assembly of Republic of Albania:

**DECIDED**

**Article 1  
The Object**

This law defines the authority, responsibilities, creation and operation of agencies necessary to implement the obligations that derive from the Convention on the Prohibition of Chemical Weapons (CPCW) in the Republic of Albania, as a State Party.

**Article 2  
Definitions**

For the purpose of this law, the following terms have these meanings:

1. Chemical Weapons are together or separately:
  - a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;
  - b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a).
  - c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).

2. OPCW - Organisation for the Prohibition of Chemical Weapons, established in The Hague, Netherlands.

3. Chemical Weapon CAS - registry number of chemical product, according to Chemical Abstract System.

4. Convention - Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and their destruction dated 13 January 1993, together with annexes (Annex 1 "On Chemicals", Annex 2 "On Implementation and Verification" and Annex 3 "On Protection of Information").

### **Article 3**

#### **National Authority for Implementation of Convention**

1. Minister of Defense is the National Authority of the Republic of Albania for the implementation of the Convention.

2. National Authority carries out functions specified in Paragraph 4, Article 7 of the Convention and in the provisions of this law.

3. National Authority coordinates the activity of all agencies, national and international industrial enterprises to fully implement the Convention. The National Authority, in cooperation with Minister of Foreign Affairs, Minister of Industry and Energy, Minister of Finance, Minister of Economy, Minister of Public Order and Minister of Environment, prepares and issues necessary regulations.

### **Article 4**

#### **The Operation of the Structure for Implementation of Convention, Responsibilities and Creation of the Board of Advisors**

1. In order to support the National Authority, at the Ministry of Defense it is established and operates the structure for implementation of the Convention, which:

a) Follows the progress of the relations with OPCW and the National Authorities of other countries;

b) Prepares the conditions for signing the agreements between the Republic of Albania and OPCW;

c) Prepares the annual report and presents it to the Minister of Defense; the report provides a detailed description of the information on the implementation of the Convention in the territory of the Republic of Albania;

c) Informs the institutions mentioned in Paragraph 3, Article 3 of this law regarding the situation in the country;

d) Exchange data on the production, possession, use, transfer, export, import and destruction of products that are used in the chemical industry as mentioned in Article 5 of this law.

2.The above-mentioned structure, apart from the responsibilities and obligations set in Paragraph 1 of this article, carries out other obligations which are defined by legal and sub-legal acts.

3.A board of advisers, an advisory body, is established at the Minister of Defense regarding the matters of the Convention.

4.Composition, duties, responsibilities and compensations of members of the board of advisers is determined by a decision of the Council of Ministers, upon proposal from the Minister of Defense.

#### **Article 5**

#### **Obligation to Declaring the Activity and Verification from the National Authority**

1.Natural and legal persons, national or foreign, that produce, possess, use, transfer chemicals, import and/or transport toxic chemicals as listed in schedules 1, 2 and 3 attached to this law, as well as the owners of the plants that produce these chemicals, in order to ensure the compliance of their activity with the Convention and the law, are subject of declarations and verification by the National Authority.

2.Natural and legal persons, national or foreign are obliged, as often as requested by the National Authority, to provide all data about the activity carries out, when this activity contains elements of the field covered by the Convention, in order to be verified whether this activity is carried out in accordance with requirements of the Convention and of this law.

3.The information is submitted through an annual declaration, according to the form issued by the National Authority.

#### **Article 6**

#### **Cooperation with Experts**

The National Authority cooperates with scientific institutions, like the Polytechnic University, the central lab of Armed Forces, the associations of the chemical industry and other experts specialized in chemistry for technical assistance.

**Article 7**  
**Permanent Representative to OPCW**

The permanent representative of the Republic of Albania to OPCW is a foreign service personnel, appointed by the Minister of Foreign Affairs.

**Article 8**  
**National Security Issues**

The National Authority, for issues that impact the national security, informs the Assembly, the President of Republic and the Prime Minister.

**Article 9**  
**Rules for Declaration and Getting a License**

In application of the Convention and of this law, the Council of Ministers approves:

1. Obligatory regulations for declaration and getting the license for:
  - a) Production, stockpiling, transferring and use of dual-purposes products, specific military products, and all the other chemicals as listed in the annexes of the Convention;
  - b) Importing, exporting, transiting and mediating the dual-purposes products, specific military productions, and all the other chemicals under the application of the Articles of the Convention.
2. Guidelines for the implementation of Paragraph 1 of this article.

**Article 10**  
**The Obligation to Inform the Controlling Institutions**

1. Every natural and legal person who requests licensing or already possesses it, is obliged to provide to controlling institutions established by this law, all the data and information necessary for the overall evaluation of the activity or for carrying out the respective controls.
2. The obligation as defined in Paragraph 1 of this law is applicable even for other citizens that have obligations in implementing this law.

## **Article 11**

### **Issuing License**

1.A Natural or legal persons cannot import or export chemical substances as listed in schedules 1, 2 and 3 and cannot produce chemical substances that contain phosphor, sulfur and fluorite without the relevant license issued by the Minister of Industry and Energy.

2.The request for licensing, together with the necessary documentation to carry out the activity which is controlled by this law and this Convention, is sent to the Ministry of Energy and Industry.

This Ministry, in every case, gets the approval of National Authority before issuing the license.

3.Issuing the license is accompanied with conditions and obligations, which in any case does not consist of a conflict of interests.

4.The Minister of Defense and the Minister of Industry and Energy prepare joint regulations about the documentation that accompanies the request for licensing.

## **Article 12**

### **Refusal to Issue the License**

1.The request for licensing is not accepted when the activity is against:

- a) The Convention on the Prohibition of Chemical Weapons (CPCW) and other international agreements in this field;
- b) The requirements and conditions set in this law and other legal or sub-legal acts.

2.Issuing the license to produce, elaborate, use and stockpile the chemicals as listed in schedule 1 is refused if:

- a) The activity does not have scientific, medical or pharmaceutical purpose;
- b) The sort and quantity of chemicals are not within the limits permitted for scientific, medical or pharmaceutical activities;
- c) The general quantity of these chemicals for use in the Republic of Albania for scientific, medical or pharmaceutical activity is more than one ton;
- ç) The general quantity of these chemicals produced or exported in the Republic of Albania is more than one ton.

3. Issuing the license to import is refused in the cases when the quantity of chemicals as listed in schedule 1, together with the general quantity of permitted chemicals in the territory of Albania, is more than one ton.

4. Issuing the license to export is refused if:

a) The chemicals as listed in schedule 1 will be exported to a country that is not a party to the Convention or will be re-exported to a third country;

b) The chemicals will not be used for scientific, medical or pharmaceutical purposes or for defense against chemical weapons;

c) The chemicals as listed in schedule 2 and 3 will be exported to a country that is not a party to the Convention or will not be accompanied with necessary documents that would guarantee the usage only for aims permitted by the Convention.

### **Article 13**

#### **The Transfer and the Duration of License**

1. The issued license, according to the criteria set by this law and other legal sub-legal acts is un-transferable to other natural or legal persons.

2. The license is valid only for 12 months starting with the issuing date. The duration of its term can be extended only once, up to six months. The procedures to approve the request to extend the duration are the same as the ones defined in Article 11 of this law.

### **Article 14**

#### **Revoking the License**

The license is revoked when:

a) Some circumstances might appear after the issuance of the license, which create the conditions for refusal as defined in Article 12 of this law;

b) Conditions and obligations for which the license is issued have not been respected.

### **Article 15**

#### **Measures Taken Against Countries that are the Last Users of a Product**

1.The Council of Ministers, in accordance with and in implementation of the international agreements has the right the refuse the request of permission to any country that is the last user of the product, when it is observed that the provisions of the Convention and of this law are violated.

2.The Council of Ministers sets facilities or excludes controlling measures toward a country:

- a) It is State Party to the Convention;
- b) It is signatory party of international controlling measures, not binding by international rights, established with bilateral agreements.

### **Article 16 Inspections**

1.Declarations and accuracies of documentation are verified through direct inspections on the spot.

2.Declarations on the production of chemicals listed in schedule 1 are verified not only through direct inspections, but also through instruments or equipment set up in the plant that will be verified.

### **Article 17 State Inspection**

At the Ministry of Industry and Energy is created and functions, as controlling body, as the structure of state inspection.

### **Article 18 International Inspection**

International inspection is carried out by the representatives of OPCW with the presence of a national accompanying group that is chaired by a representative of the National Authority and representatives from Ministry of Industry and Energy, Ministry of Foreign Affairs, Ministry of Economy, Ministry of Environment, Ministry of Health and experts from Polytechnic University and the central labs of Armed Forces.

### **Article 19 Enter to an Agreement for Inspection**

1.Periodic inspections of natural and legal persons that carried out activities in the field of chemical industry or other fields that contain elements defined in the Convention and for the which the Republic of Albania has signed inspection agreements with OPCW are done in accordance with this law and the Convention.

2.For every inspection, parties enter into agreements about the rules of carrying out the inspection.

3.The agreement is signed by the chairman of the inspection team from OPCW and the chairman of accompanying group for the Albanian Party.

## **Article 20**

### **Cooperation with Inspectors**

1.The licensed subjects, in order to own or lead the plants of fabrication of chemicals of any kind, are obliged to permit inspections and cooperate with inspectors.

The licensed subjects should put at the disposal of inspection team or authorized person:

- a) All the required data to be provided during the inspection;
- b) Telecommunications equipment and the means of transport, necessary to move within these locations during the inspection;
- c) Samples as requested by the team and to permit the photographing of the objects and plants they are inspecting;
- ç) Analyses, with the request and in the presence of inspection team, when this action is not against technical security measures;
- d) All the respective documentation regarding the parts and plants that is inspected when entrance of inspectors is not permitted.

Although the subjects should:

- Take security measures during the inspection (protect the life and health of inspectors) and provide data about administration and logistics;
- Contribute in evaluating preliminary results of inspection and give explanations on uncertain cases;
- Provide to the respective bodies the necessary information for the negotiations and results of the agreements of the inspectors, in cases when the inspection is required by the OPCW.

2.The expenses of inspectors, in cases when the control is required by OPCW for accommodation, communication (translator included) transportation, medical health in case of emergencies, are provided by the owner of the director of the plant and later reimbursed by the OPCW.

The request for reimbursement is submitted to the National Authority, who later presents it to OPCW.

## **Article 21**

### **The Execution of Inspections**

The International Inspections Teams of OPCW in the territory of the Republic of Albania are permitted to:

(a) Enter and exit freely during normal business hours the premises of the plant undergoing inspection.

(b) Use the material approved by OPCW inside the different sections of the plant under inspection in respect of the conditions and the technical security measures

(d) Carry out all the investigations required for the inspection and to collect all the data necessary for this purpose by interrogating, when necessary, the personnel of the plant under inspection.

(e) Check the documentation materials, the packaging and the registration of the products located at the plant.

(f) Take chemical samples only with permission from the owner or from the director of the plant under inspection

(g) Test the samples taken inside the plant undergoing inspection or at an outside lab that is recognized and approved by OPCW.

(h) Set measuring instruments and equipment for the continual monitoring of the plants licensed to produce chemical substances of schedule 1 in a way that does not hamper the plants' operation.

(i) Request information for the entrance and exit of all means of transportation that move in the plant undergoing inspection.

(j) Monitor and inspect the means of transportation that enter and exit from the plant, excluding small transportation means, (low tonnage private vehicles).

## **Article 22**

### **The Responsibilities of the Accompanying Group**

The accompanying Group takes all the measures needed for a sudden and efficient inspection without encroaching on the interests of the owner or the director of the plant under inspection.

The Group has the following responsibilities:

Creating the conditions needed for the inspection without infringing on the activity of the plant during the execution of the inspection.

Protecting the information classified as “State Secret”, the private equipment and guarding the confidentiality.

Classifying all the data that is made available to the inspection team.

c) Cooperating with the owner or the director of the plant undergoing

inspection to make confidential data available to the inspection team.

d) Ensuring, upon the request of the owner or the director of the plant undergoing

inspection, that the information and data do not leave the plant, preventing

industrial espionage.

dh) Holding talks with the inspection team for the proper procedures to protect the

parties and the objects of the plant under inspection.

(e) Receiving the report of the inspection team, including the remarks of the inspectors and providing a copy of this report to the owner or to the director of the plant that underwent inspection.

### **Article 23**

#### **The Obligation for Cooperation Between the State Agencies and the Directors of the Plants that will be Inspected**

The owner or the director of the plant undergoing inspection must be notified by the respective state agencies for the planned inspection by OPCW, the place where it will take place, the composition of the inspection team and of the accompanying group.

When, during the inspection, the owner or the director of the plant, because of the actions of the third parties, suffers damages, the Republic of Albania supports the request for damages in conformity with its legal competences.

### **Article 24**

#### **Prohibited Activities**

Natural and legal persons, native or foreign in any occasion are prohibited from:

(a) Developing, producing, purchasing, storing, possessing chemical weapons or transferring them directly or indirectly to other persons.

(b) Using chemical weapons

(c) Attending military training in the use of chemical weapons

(d) Assisting, inciting or forcing in any form other persons to take part in any activity prohibited to any state signatory of the Convention

(e)Transferring or receiving from states that are not party to this Convention the chemical substances of schedule 1 and 2 of the Convention.

This article is applicable even for the Albanian citizens that perform their activity outside of the territory of the Republic of Albania.

### **Article 25**

#### **Protection of the Data**

The personnel of the International Organizations and the experts are obliged to guard the information classified as “State Secret ” in conformity with the Law “On Information Classified as “State Secret” in the Republic of Albania and with the provisions of the Criminal Code of the Republic of Albania.

### **Article 26**

#### **Administrative Contraventions**

Evasion from the obligations of the Convention and from Articles 5, 6, 10, 13, 20, 23, 24, 25 of this law comprises an administrative contravention and is punishable with a fine of 100 000 leke to 300 000 leke.

Evasion from the obligations set in Paragraph 1 of this article when it has taken place more than once comprises a criminal offence punishable according to the provisions of the Criminal Code.

The fines set in Article 1 and the reporting of the evasion from the obligations of Paragraph 2 are charged by the Control Agency.

4. The subjects, who are fined for administrative contravention in accordance with this article, have the right of claim by the National Authority. The National Authority establishes a special commission to review the claims.

### **Article 27**

#### **The Execution of the Fine**

The examination of the administrative contravention, of the appeal of the decision of the National Authority, and of the execution of the fine takes place in accordance with the provisions of the Law No. 7687, dated May 7, 1993 “On Administrative Contraventions” as amended, and the Civil Procedure Code.

### **Article 28**

#### **Expenses**

The funds that cover the expenses for the activities in application of the Convention and of this law are planned and underwritten by the state budget.

**Article 29**  
**The Issuing of Acts**

The Council of Ministers issues the normative acts required for the application of Articles 4, Paragraph 4, and Article 9 and 15 of this law.

**Article 30**  
**The Entrance into Force**

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