

REPUBLIC OF ALBANIA  
PARLIAMENT

LAW

No. 9515 DATE 18/04/2006

ON

THE IMPLEMENTATION OF THE CONVENTION ON THE BAN OF USE, STORAGE, PRODUCTION AND TRANSFER OF THE  
ANTI PERSONNEL MINES AND THEIR DESTRUCTION

Based on articles 78, 81 point 1 and 122 point 1 of the Constitution, upon proposal of the Council of Ministers

THE PARLIAMENT  
OF THE REPUBLIC OF ALBANIA

DECIDED:

Article 1  
Object

This law determines the authority, responsibilities and the functions of the entities required for the fulfillment of the obligations deriving from the "Convention on the Ban of Use, Stockpile, Production and Transfer of the anti-personnel mines (APM) and their destruction" in the Republic of Albania, as a state party and which herein under will be referred as "the Convention".

Article 2  
Competencies of the Government Authority to the implementation of the Convention

1. The Minister of Defense is the government authority of the Republic of Albania responsible for the implementation of the Convention.

2. The Government authority cooperates with all national and international organizations, to the full implementation of the Convention.
3. The Government Authority in case of discovering mined areas or suspected to be mined, orders to take all measures to secure, fence and place visible marking signs to the area as well to inform, warn with any possible mean the civilian population of the area.

#### **Article 3**

##### **Obligation on the declaration of the activity and verification by the government authority**

1. The physical or juridical body, national or international, carrying out the activity allowed at article 8, point 2 of this law, is required to give all information on his/its activity through an annual statement, according to the form issued by the government authority.
2. The physical or juridical body, national or international, in addition to the information given in accordance with point 1 of this article, is required to give, whenever is requested by the government authority, all information on his/its activity when this latter contains elements covered by the Convention, in order to verify that the activity is carried out in compliance with the requirements of the Convention and this law.

#### **Article 4**

##### **International Inspection**

The international inspection is carried out by the inspectors of the Evaluation Mission of the United Nations Organization and is carried out in presence of a local group which is led by the representative of the government authority.

#### **Article 5**

##### **Cooperation**

1. The entities that possess or are suspected to possess anti-personnel mines of any type are required to allow inspections and to cooperate with the inspectors.  
The entities make available to the inspection team or the authorized person:
  - a) all information requested for purposes of the inspection
  - b) the telecommunication means, working premises, transport means needed for movement within these premises for purposes of the inspection.
  - c) The relevant documentation for the parts and objects under inspection.

In addition the entities are required to:

- take security measures during the inspection (to protect the life and health of the inspectors);
- contribute to the evaluation of the preliminary results of the inspection and in clarifying suspicious issues.

#### **Article 6**

## Inspections

The teams of the UN Evaluation Mission in the territory of the Republic of Albania are allowed to:

- a) Have free access during the normal working hours to the premises where is located the subject under inspection.
- b) Carry out all investigation needed for the inspection and gather all information useful to this purpose, by interrogating, when is necessary, the personnel of the entity under inspection.
- c) Control documents, materials, packing and registers of the products found in the entity;
- d) Request information regarding the movement of all transport means entering and leaving the entity under inspection.

## Article 7

### Responsibilities of the accompanying group

The local accompanying group takes all necessary measures for a sudden and effective inspection, without violating the interests of the owner or the manager of the entity under inspection.

The group has the following responsibilities:

- a) creates the conditions needed for inspection
- b) protects the information, classified as "state secret", and conserves the confidentiality
- c) Makes a clear classification of all data into the disposition of the inspection team.
- d) Takes decisions for making available to the inspection team of all classified information in accordance with the Law nr.8457, date 11.02.1999 "On the information classified as State Secret" and the sub legal acts in force;
- e) Discusses with the inspection team the application of special procedures in cases envisaged by article 8, point 14 of the Convention.

## Article 8

### Prohibited activities and exceptions

1. The physical and juridical bodies, national and international, *are prohibited* in all cases to:
  - a) develop, produce, buy, storage, possess antipersonnel mines or transfer those, directly or indirectly to other bodies;
  - b) use antipersonnel mines;
  - c) help, encourage or force, in any mean, other bodies to participate in any activity prohibited for a state signatory to the Convention;
  - d) transfer to or receive antipersonnel mines from state non-parties to the Convention;
2. The processing, transfer, use and storage of the anti personnel mines is allowed if the activity has purposes of:
  - a) training
  - b) clearance
  - c) mine destruction technique

The activity allowed according to point 2 of this article, is approved by order of the Government Authority.

**Article 9**  
**Administrative violations and their execution**

1. Non-compliance with the obligations of the convention and with the article 3 and 89 of this law, when actions do not contain elements of criminal offences envisaged in articles 278 and 278/a of the Penal Code, is considered administrative violation and is penalized with a fine from 100,000 to 300,000 Leke.
2. The fines envisaged at point 1 of this article are authority of the Control Body which is established and functions upon order of Government Authority.
3. The entities, which are fined based on this article for administrative violation, have the right to claim to the Government Authority, who establishes a special commission to examine these claims.
4. The examination of the administrative violations, the claim on the decisions of the Government Authority and the fine execution are made in compliance with the dispositions of the law nr. 7687, date 07.04.1993 "On the administrative violations" amended as well the Administrative and the Civil Code.

**Article 10**  
**Issue of the acts**

The Ministry of Defense is responsible for issuing the sub-legal acts needed to implement the articles 8 and 9 of this law.

**Article 11**  
**Entry into force**

This law enters into force 15 days after publication in the Official Gazette.

**SPEAKER OF PARLIAMENT**  
**JOZEFINA TOPALLI**