



**REPUBLIC OF ALBANIA
THE ASSEMBLY**

LAW

No. 72/2019

**“ON INTERNATIONAL RESTRICTIVE MEASURES
IN THE REPUBLIC OF ALBANIA”**

Pursuant to Article 78 (1) and 83 (1) of the Constitution, and upon a proposal of the Council of Ministers,

**ASSEMBLY OF THE REPUBLIC OF ALBANIA
DECIDED:**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

The purpose of this law is to apply and implement international restrictive measures that serve to preserve peace and security, prevent international conflicts, support and strengthen the democracy, the rule of law and human rights, as well as to achieve other shared security objectives in compliance with the respective resolutions of the United Nations Security Council, acts of other international organizations, or international treaties where the Republic of Albania is a party to.

Article 2

Subject-matter

1. This law specifies the procedures for the application, implementation, amendment and termination of international restrictive measures, which the Republic of Albania applies, amends, or terminate in compliance with its Constitution, the binding international law, resolutions adopted by the United Nations Security Council, decisions approved by international organizations where Albania is a member state, as well as under this law.
2. This law does not apply to measures against financing of terrorism.

Article 3 **Scope of application**

1. This law shall apply to entities for which there are grounded suspicions for their involvement in any form which threatens peace, national and international security, democracy, human rights, designated by the United Nations Security Council resolutions, acts of other international organizations and based on this law, carried out in the territory of the Republic of Albania or abroad.
2. Entities against whom international restrictive measures may be imposed include:
 - a) states;
 - b) natural persons;
 - c) legal persons;
 - ç) legal arrangements;
 - d) other entities.
3. International restrictive measures shall be applied, implemented, amended and terminated based on:
 - a) resolutions adopted by the United Nations Security Council hereinafter referred to as the Security Council;
 - b) binding acts adopted by other international organizations where the Republic of Albania is a member state;
 - c) European Union acts;
 - ç) Article 9 of this law.

Article 4

Definitions

The following terms shall have the following meaning:

1. **“Assets”** are funds and other elements of property owned by States, international organisations, natural and legal persons and other entities on which restrictive measures are applied, which include: liquidities, cheques, financial claims, bills of exchange, e-money and other payment means, financial instruments referred in the law regulating financial markets, including shares, securities, bonds, bills, guarantees and other financial instruments that prove rights over funds or other financial sources and any other property or economic right:
 - a) controlled or fully owned directly or indirectly by the above-cited entities;
 - b) arising and generated from assets owned or controlled directly or indirectly by the above-cited entities;
 - c) of persons or entities which act on behalf or under the direction of the above-cited entities.
2. **“Technical assistance”** is any technical assistance or service referred to the development, manufacturing, adjustment, collection, testing and maintenance or any other technical service which may be in the form of instructions, consultancy services, training, transfer of knowledge or skills, including the provision of verbal assistance.
3. **“International restrictive measures”** are measures of economic, financial, diplomatic and military nature imposed on entities in line with the stipulations of this law.
4. **“Entity”** means an entity other than the State, local or foreign natural or legal person against whom an international restrictive measure is imposed under the purview of the international law binding to the Republic of Albania and the Albanian legislation.
5. **“Temporary suspension”** means prohibition of any transaction, financial service or other related services, participation in the transfer, transformation, alienation or movement of funds or other assets involving movable or immovable properties, subject to the conditions and validity period underlying the actions taken by the competent bodies in accordance with this law.
6. **“Financial restrictive measures”** are measures that suspend the use of all funds and assets, which:
 - a) are owned or controlled by the designated entity and not only those related to an act, plan or certain threat;

- b) are fully or jointly owned or controlled directly or indirectly by designated entities or persons;
- c) stem or are generated from funds or assets owned or controlled directly or indirectly by designated entities or persons;
- ç) belong to persons or entities acting on behalf of or under the direction of designated entities or persons.
7. **“Personal data”** are the data as per the definition under the legislation on protection of personal data.
 8. **“Classified data”** are the data as per the definition under the effective legislation on classified information.
 9. **“Competent body”** means the public body entrusted under the provisions of this law with the implementation of international restrictive measures within its scope of responsibility;
 10. **“Legal arrangements”** are trusts (agreements through which an entrusted person holds a property as a nominal owner in the interest of one or more beneficiaries) or other similar arrangements.
 11. **“Natural person”** means any person/individual of Albanian nationality, foreigner or non-citizens against whom the international restrictive measures are imposed in accordance with this law.
 12. **“Legal person”** mean any legal person incorporated or registered as such in the territory of the Republic of Albania or other countries, against which the international restrictive measure is imposed in accordance with this law;
 13. **“Funds”** are assets of any kind, whether tangible or intangible, movable or immovable, in whatever way acquired, as well as legal documents or instruments of any form including the electronic and digital ones, which prove the right to ownership or claim to such assets.
 14. **“Transaction”** means a business agreement or exchange involving two or more parties.
 15. **“Freezing of funds or other financial assets”** means the ban on transfer, modification, possession or displacement of any funds, assets, economic sources which are owned or controlled directly or indirectly by persons or entities against whom restrictive measures have been imposed according to the provisions of this law.
 16. **“International restrictive measures of domestic nature”** means the restrictive measures imposed by the Republic of Albania on entities in accordance with Article 3, paragraph 2 of this Law.
 17. **“UN list”** means the list of designated persons under the Security Council resolutions.

Article 5

Types of restrictive measures

International restrictive measures shall include:

1. Severance of diplomatic relations.
2. Restrictive financial measures.
3. Full or partial severance of economic, commercial and financial relations.
4. Interruption of correspondence and postal, telegraphic and telecommunication connections and other communications.
5. Banning on the transfer, brokerage, trade, transport and transit of military weapons and equipment, provision of technical or financial assistance related to military weapons and equipment abroad.
6. Prohibition of entrance and transit into the territory of the Republic of Albania to foreign natural persons in line with the effective legislation on foreigners.
7. Temporary seizure of assets located in the territory of the Republic of Albania.
8. Other restrictive measures in line with the international law binding to the Republic of Albania.

CHAPTER II

APPLICATION, IMPLEMENTATION, AMENDMENTS AND LIFTING OF RESTRICTIVE MEASURES

Article 6

Procedures

Application, amendments, and lifting of the restrictive measures

1. The provisions of this Article shall specify the procedures for the application, implementation, modification and termination of the restrictive measures provided for in letter (b) and (c) of paragraph 3 of Article 3 of this Law.
2. The Council of Ministers shall approve the application, amendment and termination of international restrictive measures upon the proposal of the minister responsible for foreign affairs, hereinafter referred to as 'Minister'.
3. The Ministry responsible for foreign affairs, hereinafter referred to as the 'Ministry', shall immediately notify the competent bodies for the international

restrictive measures imposed, amended or terminated by international organizations where the Republic of Albania is a party to.

4. Upon receipt of the notification under paragraph 3 of this Article, the competent bodies shall take immediate measures for the temporary suspension under Article 8 of this law until the approval of the relevant Decision by the Council of Ministers.

5. The Minister shall, within 5 days of receipt of the notification on the application, amendment or termination of the restrictive measure for the cases provided for in paragraph (b) of paragraph 3 of Article 3 of this law, and the recommendation of the Committee on International Restrictive Measures hereinafter referred to as the "Committee" for the cases provided for in letter (c) of Article 3 of this law, shall propose to the Council of Ministers the international restrictive measure and the entity on which this measure is imposed.

6. The Council of Ministers shall approve the application, amendment and termination of international restrictive measures in its first upcoming meeting.

7. The Council of Ministers may refuse the application, amendment or termination of international restrictive measures whereby they:

- a) are in conflict with the fundamental principles underlying the legal order;
- b) risk to jeopardise the sovereignty, national security, public order or other essential State interests.

8. Procedures for the temporary suspension under paragraph 4 of this Article shall be adopted by a Decision of the Council of Ministers, upon a proposal of the minister responsible for foreign affairs.

Article 7

Implementation, amendment and termination of restrictive measures adopted by the Security Council

1. The Republic of Albania shall implement, amend and terminate any restrictive measures designated on the basis of Security Council resolutions.

2. Upon receipt of a notification from the United Nations Security Council, the Ministry shall immediately notify the competent bodies for the application,

amendment and termination of the restrictive measures promulgated by the Security Council.

3. The Ministry shall publish on its official website all the Security Council resolutions relating to the application, amendment and termination of international restrictive measures.

4. Upon receipt of the notification, the competent bodies shall immediately take all measures for the implementation, amendment and termination of the restrictive measures promulgated by the Security Council, subject to this law.

5. For the purpose of implementation of paragraph 4 of this Article, the competent bodies shall be entitled to propose to the Council of Ministers the issuance of bylaws or to issue themselves bylaws of domestic nature.

Article8 **Temporary suspension**

1. The competent bodies, public bodies and any natural or legal entity in the Republic of Albania shall have the obligation to immediately and directly apply the temporary suspension of any action, brokerage, transaction, transfer, financial services or other related services, other funds and assets, upon receipt of notification on the application, implementation, amendment and termination of international restrictive measures under the provisions of this law, without making it conditional on the adoption of further domestic bylaws.

2. Temporary suspension under paragraph 1 of this Article shall apply in any case when the designated entity exercises ownership or control rights, by power of attorney, or other rights and interests, regardless of who owns or possesses other funds or assets, as well as for any funds or other assets found to be retained or possessed by the designated person.

3. Prior notification of the entities designated, interested or affected by the temporary suspension shall be prohibited.

4. Complete details of the suspended cases under this Article, including the thwarted transactions, shall immediately be notified by the ministry to the competent body in accordance with its scope of responsibility, asking for guidance as to whether or not to undertake further transactions or actions. The competent

body shall carry out the relevant verifications and respond within five working days from the notification.

4. Decisions adopted by competent bodies under paragraph 1 of this Article shall be directly and immediately binding and shall be valid for no longer than 30 working days starting from the next day from the issuance of the order.

5. Other temporarily suspended funds and assets shall remain in the ownership of persons having ownership rights over them at the moment the temporary suspension measure is imposed.

6. The decisions of competent bodies shall be made available to entities through publication on their official website.

Article 9

International restrictive measures of domestic nature

1. The Council of Ministers shall approve the application, amendment and termination of international restrictive measures of domestic nature.

2. The competent body which, during the exercise of its duties, has become aware or has data-based suspicions that entities referred to in Article 3(2) of this law jeopardise or seriously threaten the constitutional order and the national security of the Republic of Albania and violate its international obligations, shall immediately propose to the committee the application of the international restrictive measures.

3. The competent body shall propose to the committee the amendment and termination of international restrictive measures.

4. The proposal of the responsible body shall contain detailed reasons for the proposal, the entity's details, the restrictive measure to be imposed and any other possible information. If there is reason to believe that there may be any form of alienation of funds and other assets, the competent body shall propose the issuing of a temporary suspension order.

5. For the examination of the proposal set out in paragraphs 2 and 3 of this Article, the Committee shall convene within 5 days from the receipt of the proposal.

6. The Committee shall take the decision to recommend to the Minister the initiation of the procedure for the application, amendment or termination of the international restrictive measure of domestic nature.

7. The entities, for which international restrictive measures are imposed, amended, or lifted according to paragraph 2 of this Article, upon a recommendation of the committee, shall be forwarded to be listed in the UN List.

Article 10

Committee on International Restrictive Measures

1. The Committee on International Restrictive Measures shall be established for the purpose of implementation of this law.

2. The Committee shall perform these duties:

- a) recommend to the minister to propose to the Council of Ministers the application, amendment or lifting of international restrictive measures;
- b) recommend to the Minister to include in the UN list, as per Article 9(7) of this Law, the entities against whom a restrictive measure has been imposed, amended or terminated;
- c) monitor the implementation of international restrictive measures provided for in this Law on the basis of periodic reports submitted by the competent bodies;
- ç) give recommendations on the implementation of international restrictive measures by the competent authorities;
- d) coordinate the reporting process on the implementation of international restrictive measures at international organizations.

3. The Committee shall be chaired by the Minister and, in his absence, by the deputy Minister delegated by him/her.

4. The Committee shall be composed of senior management representatives of competent bodies for: foreign affairs, domestic affairs, finances, economy, agriculture, transport, energy, defence, justice, the General Prosecution's Office, the Special Prosecution Office against Corruption and Organized Crime, the State Intelligence Service, the Bank of Albania, the Commissioner for Protection of Personal Data, the Classified Information Security Directorate.

5. The Committee may invite in its meetings also representatives of other competent bodies.

6. The modalities for the organization and functioning of the Committee shall be laid down in a Decision of the Council of Ministers, upon a proposal of the minister responsible for foreign affairs.

Article11

Competent bodies

1. For the purpose of this law, the competent bodies for the implementation of international restrictive measures shall include:

- a) for restrictive measures of diplomatic nature – the ministry responsible for foreign affairs;
- b) for restrictive measures related to banned entry to the territory of the Republic of Albania – the ministry responsible for internal affairs and its subordinate structures;
- c) for restrictive measures of financial nature – the ministry responsible for finances and its subordinate structures, the Bank of Albania, the Financial Supervisory Authority;
- d) for restrictive measures of economic, scientific, cultural, education nature – the ministry responsible for economy, science, culture, education, agriculture, justice, transport, energy, infrastructure and their subordinate structures;
- e) for restrictive measures of military nature – the ministry responsible for defence and its subordinate structures.

2. Competent bodies shall carry out the following tasks:

- a) take immediate measures for the temporary suspension, in accordance with the provisions of Article 8 of this Law;
- b) propose to the Committee the application, amendment or termination of restrictive measures of domestic nature;
- c) take measures for the implementation of Council of Ministers' decisions on application, amendment and termination of international restrictive measures;
- ç) report to the Committee periodically and on a case-by-case basis on the implementation of international restrictive measures;
- d) issue guidance on the implementation of decisions by their licensing or monitoring subordinate structures;

- dh) collect and maintain records in relevant registers on the application, implementation, modification and termination of international restrictive measures.
 - e) impose administrative sanctions on entities that violate the provisions of this Law, according to the provisions of Article 19 of this law.
3. The Ministry, in addition to the provisions in paragraph 2 of this Law, shall be tasked with:
- a) proposing to the Council of Ministers the application, amendment and termination of international restrictive measures;
 - b) presenting reports on the implementation of international restrictive measures;
 - c) coordinating the Committee's activity,
4. The competent bodies shall conduct inspection to check the compliance of the activity of the entities they license and/or monitor with the provisions of this law and shall coordinate their activities in the implementation of the international restrictive measures.

Article 12

Freezing of assets and funds

1. The freezing obligation shall apply on:
- a) any funds and assets owned or controlled by the person or the designated entity and not only those that may be connected to an act, plan or certain threat of financing the production of weapons of mass destruction;
 - b) any other funds or assets fully or jointly owned or controlled directly or indirectly by designated entities or persons;
 - c) funds or assets stemming from or generated from funds or assets owned or controlled directly or indirectly by designated entities or persons;
 - d) funds and assets of persons or entities acting on behalf of or under the direction of designated entities or persons.
2. The competent body shall have the obligation to freeze without delay and without prior notice any assets of entities against whom the restrictive measure has been imposed.
3. Actions or transactions effected by entities against whom the restrictive measures have been imposed - involving their assets – shall be absolutely void.

4. As regards contracts, obligations or agreements concluded prior to the application of sanctions:

- a) on accounts frozen under United Nations Security Council Resolutions no. 1718 or 1737, shall apply also on interests or other income accrued in those accounts or payments deriving from contracts, obligations or agreements arising prior to the application of sanctions, provided that these interests, income or payments are subject to the measures and are frozen; and
- b) freezing applied under the United Nations Security Council Resolution no. 1737 shall not prevent the effectuation of payments by a designated person or entity which derive from contracts concluded prior to the listing of persons or entities, provided that:
 - i. the competent bodies ensure that the contract is not related to any of the products, materials, equipment, goods, technology, assistance, training, financial assistance, investment, brokering or services prohibited under the relevant Security Council resolutions;
 - ii. the payment is not directly or indirectly received by the persons or entities designated under the Resolution no. 1737;
 - iii. the relevant structure of the Security Council has been notified in advance of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, at least 10 business days prior to the domestic authorization.

5. Unless otherwise warranted under relevant resolutions and/or decisions of international organizations, any natural & legal persons and entities which conduct their activity in the territory of the Republic of Albania and which are subject to the Albanian legislation, shall be prohibited from making available assets in the name or on behalf of persons against whom restrictive measures are imposed. Financial and non-financial institutions shall immediately inform the competent body which ordered the freezing of assets, on any frozen assets, effectuated action or thwarted transaction.

6. Management of assets and funds shall be conducted in compliance with the legal acts in force by the competent bodies as per their scope of responsibility.

Article 13

Allowed use of frozen assets

1. The use of frozen assets shall be allowed only for assets that have been frozen or that may be made available to the designated person.
2. The competent court may allow that the frozen assets are freed or made available, provided that it is proven that the assets are indispensable for:
 - a) covering basic living costs, rent or house mortgage, medicines or medical treatment, taxes and insurances or public services costs;
 - b) payment only fees only for regular maintenance of frozen assets;
 - c) for extraordinary expenses, such as costs related to childbirth, death in family or similar situation.
3. When ruling in accordance with paragraph 1 of this Article, the competent court may determine the conditions under which the release or making available of the assets is to be approved.
4. The competent court shall immediately notify the Ministry of the decision to allow the use of the assets.
5. The Ministry shall notify the competent bodies to take measures for the implementation of the court decision.

Article 14

Data processing

1. The body responsible for purposes of this law shall process the data related to the application, implementation, amendment and termination of international restrictive measures.
2. The data provided for in paragraph 1 of this Article shall be processed in accordance with the legislation on information classified as State secret and on protection of personal data.
3. The data provided for in paragraph 1 of this Article shall be obtained by:
 - a) the competent body and its subordinate structures;
 - b) local or foreign natural and legal persons;
 - c) other local or foreign authorities.

4. The competent body shall send the Ministry the data on the application, implementation, amendment and termination of the international restrictive measures provided for in paragraph 2, Article 15 of this Law.

5. The data collected in the implementation of this law shall be processed in accordance with the legislation on protection of personal and, in the event that such data constitute State secret, shall be processed in accordance with the legislation on information classified as State secret.

6. Data processing modalities shall be laid down in a decision of the Council of Ministers upon a proposal of the minister responsible for foreign affairs.

Article 15 **Data register**

1. For the purpose of processing the data on the application, implementation, modification and termination of international restrictive measures, the Registry on International Restrictive Measures shall be established, hereinafter referred to as the "the Register".

2. The registry shall be maintained by the Ministry and shall contain data on:

- a) the entities provided for in paragraph 2, Article 3 of this law;
- b) the entities that violate the implementation of restrictive measures imposed under this law;
- c) other data for the implementation of this law.

3. The data contained in the Registry shall be retained, as a rule, for 10 years after the termination of the international restrictive measures, unless otherwise provided for in the legislation on the retention of information classified as State secret.

4. After the deadline provided for in paragraph 3 of this Article expires, the data shall be deleted, destroyed or archived in accordance with the legislation on protection of personal data, on protection of classified information and on archives.

5. The establishment, content, rules governing the administration, operation, use and access to the Registry shall be laid down in a decision of the Council of Ministers, upon the proposal of the minister responsible, according to the applicable legislation on state databases.

CHAPTER III FINAL PROVISIONS

Article 16 Right to information

Any interested party enjoys the right to information from competent bodies on the data related to the application, modification or termination of international restrictive measures in accordance with the applicable legislation on the right to information, the preservation of classified information and the protection of personal data.

Article 17 Publication of international restrictive measures

The Security Council resolutions and the Council of Ministers' decision on the application, amendment or termination of international restrictive measures shall be published on the Ministry's official website.

Article 18 Right to complain

1. Entities against whom restrictive measures have been imposed or amended, shall be entitled to filing a complaint to the competent court within 30 days from publication in the Official Gazette.

2. An entity against whom a restrictive measure has been imposed or amended under letters (b) and (c) of paragraph 3 of Article 3 of this law may file a complaint against the decision of the Council of Ministers to the competent court, only in case the entity claims that he/she has been wrongly identified as the designated entity.

3. An entity against whom a restrictive measure has been imposed or amended according to letter (a) of paragraph 3 of Article 3 of this law may file a complaint against the decision of the competent body, only in case the entity claims that he/she has been wrongly identified as the designated entity.

4. For damages that arise from the implementation of the United Nations Security Council resolutions or international organizations' decisions, no compensation may

be claimed from the Albanian State, unless the damage has been inflicted or by fault of the latter.

5. The judicial review of the complaint shall not suspend the immediate enforcement of the decision and other measures taken pursuant to its implementation.

6. The Ministry shall reflect the relevant changes into the register immediately upon termination of the restrictive measure against the entity and shall publish the changes on the Ministry's official website.

Article 19

Punitive measures

1. Unless constituting a criminal offence, failure by competent bodies or entities to fulfil the obligations laid down in Articles 6, 7, 8, 9, 12, 13, 14, and 15 of this law shall constitute administrative infringements and shall be punishable by one/several punitive measures and/or a fine, regardless of:

- a) warning;
- b) an order which obliges the entity to stop a certain behaviour, business practice or work, and not to repeat it in the future;
- c) an order for temporary suspension or replacement of the managers of the competent structures tasked with the implementation of restrictive measures;
- ç) fine;
- d) public disclosure of the infringing party and the nature of infringement.

2. In determining the type and extent of punishment under paragraph 1 of this Article, in addition to the criteria set forth in the law on administrative infringements, account shall be taken also of:

- a) potential benefits of the entity which committed the infringement;
- b) potential losses inflicted to third parties due to the commission of the infringement (if any);
- c) degree of collaboration of the entity with the competent bodies;
- ç) degree of responsibility of the entity that committed the infringement.

3. In case the competent body considers that the ascertained infringement is punishable by a fine, the entities shall be fined from 50,000 (fifty thousand) to 10,000,000 (ten million) ALL.

4. The competent bodies, within their scope of responsibility, shall be tasked with checking and monitoring the compliance of the activity conducted by the entities under this law with the requirements of the legal and sub-legal acts on international restrictive measures.

5. Administrative sanctions under this Article shall be imposed by the head of each competent body in accordance with their area of responsibility.

6. Upon exhausting all the means of administrative complaint review available, the entities may file a complaint with the administrative court against the decision of the competent bodies for the implementation of the international restrictive measures, in line with the rules provided by the applicable legislation on administrative courts and the adjudication of administrative disputes.

Article20

Bylaws

The Council of Ministers is hereby tasked with issuing the bylaws no later than 3 months from the entry into force of this law, pursuant to Article 6(8), Article 10(6), Article 14(6) and Article 15(5).

Article22

Entry into force

This Law shall come into force 15 days after the day of publication in the Official Gazette.

SPEAKER

GRAMOZ RUÇI

Approved on 17 October 2019