

DECISION
No. 454, dated 10.6.2020
FOR THE IMPLEMENTING PROVISIONS OF LAW NO. 72/2019, "FOR
MEASURES
INTERNATIONAL BINDING IN THE REPUBLIC OF ALBANIA"

Based on point 2, article 100, of the Constitution, articles 6, point 8, 10, point 6, 15, point 5, of law no. 72/2019, "On international austerity measures in the Republic of Albania", and Article 4 of Law no. 10325, dated 23.9.2010, "On state databases", with the proposal of Prime Minister and Minister for Europe and Foreign Affairs, Council of Ministers,

DECIDE:

I. PROCEDURES FOR TEMPORARY FREEZING

1. The Ministry responsible for foreign affairs, hereinafter referred to as the Ministry, upon receipt of the notification for establishing, changing and revoking the coercive measures imposed, according to the letters "b", "c" and "ç", point 3, article 3, of law no. 72/2019, "On international austerity measures in Republic of Albania", hereafter Law no. 72/2019, immediately notify the responsible bodies.
2. The notification is made to the contact points, designated by the responsible bodies, through mail electronic official.
3. Upon receiving the notification, the responsible bodies immediately take measures to block the temporary assets located in the territory of the Republic of Albania, until the approval of the relevant decision of the Council of Ministers.
4. Upon receiving the notification for the establishment, implementation, change and repeal of the measures international coercion, responsible bodies, public bodies, as well as any natural or legal person, in the Republic of Albania, are obliged to implement immediately and in a way directly, without conditioning the process with the approval of further by-laws within country, the temporary freezing of any action, mediation, transaction, transfer, service financial or other related, funds and other assets.
5. The minister responsible for foreign affairs, within 5 (five) days of receiving knowledge of the decision, changing or repealing the coercive measure in cases of mandatory acts approved by international organizations and the recommendation of the International Sanctions Committee for the acts of the European Union, proposes the coercive measure to the Council of Ministers international and the subject to whom this measure is imposed.

II. ORGANIZATION AND FUNCTIONING OF THE COMMITTEE OF INTERNATIONAL FORCING MEASURES

1. The International Restrictive Measures Committee, hereinafter the Committee, is headed by the minister responsible for foreign affairs and, in his absence, by the deputy minister delegated by him.
2. The committee convenes as follows:
 - 2.1. At the request of the ministry to review:
 - a) the request of the responsible body addressed to the ministry, for cases where the latter will propose the change and abolition of international coercive measures of an internal nature.

The request of the responsible body to the ministry must be in accordance with the provisions of Article 9 of Law no. 72/2019.

b) notices of coercive measures imposed on the basis of:

- i. mandatory acts, approved by international organizations, where the Republic of Albania is a member state, excluding the coercive measures imposed by the UN;
- ii. acts of the European Union.

2.2 On his initiative, to fulfill the duties defined in the letters "b", "c", "ç" and "d", point 2, article 10, of law no. 72/2019.

3. The committee convenes after receiving the notice, in writing, from the ministry. The notice contains the agenda of the meeting, the time and date, which must be within 5 (five) days of receiving the notice.

4. Except in cases where the Committee's meeting does not have the purpose of giving recommendations, the Committee decides to come up with a recommendation, which will be signed by all its members.

5. The head of the ministry appoints an official of the relevant structure for international organizations as a "contact point" for the implementation of coercive measures, according to law no. 72/2019, who will participate in every meeting of the Committee.

6. With the authorization of the minister responsible for foreign affairs, the Committee can also be assisted by an employee of the relevant structure that covers the organization, which has announced the change and cancellation of the international coercive measure, as well as an employee from the structure that will prepare the legal package for approval in the Council of Ministers of the decision to establish, change or abolish international coercive measures.

7. Documentation and materials used for Committee meetings are archived in accordance with the legislation in force on archives.

III. ESTABLISHMENT, CONTENT, ADMINISTRATION AND OPERATION, USE AND ACCESS RULES OF THE DATA REGISTER FOR INTERNATIONAL FORCING MEASURES

1. The electronic register of the database for international coercive measures is created in the ministry.

2. The register is kept, saved, administered and updated in electronic form through a computer system by the official in charge with the authorization of the head of the ministry.

3. The register contains data collected from authentic sources of data creation by the ministry, as well as data provided by the bodies responsible for:

- a) subjects to whom international coercive measures are imposed;
- b) entities that violate the implementation of coercive measures, established according to law no. 72/2019.
- c) court decisions, if any;
- ç) the framework of international austerity measures.

4. The following elements are registered as primary data in this database:

- a) The Authority, which has imposed the international coercive measure;
- b) Summary presentation of the factual circumstances;
- c) The reasons for which the international coercive measure was imposed;
- ç) Disposition of the decision;
- d) Date and place of decision making.

5. The following are recorded as secondary data in this database:

- a) data regarding the location of the person/subject;
- b) the data/details of the subject against whom the coercive measure has been imposed international.

6. The register is accessed by:

- a) the ministry, as administrator and user of the register;
- b) responsible implementing bodies, as readers of the register;
- c) the public, as readers through the ministry's online interface and the e-Albania government portal.

6.1 Access to this data is regulated according to the legislation on the right to information and the legislation on the protection of personal data.

IV. FINAL PROVISIONS

1. The responsible bodies, defined in point 4, of article 10, of law no. 72/2019, they send them the ministry, the contact points and the functions of the representatives of the Committee, within 15 (fifteen) days from the date of entry into force of this decision.

2. The responsible bodies defined in Article 11 of Law no. 72/2019, for the implementation of this decision.

This decision enters into force after publication in the Official Gazette.

Prime Minister
Edi Rama