



**REPUBLIC OF ALBANIA
THE ASSEMBLY**

Final version

**LAW
No. 9258 Date 15.07.2004**

**ON
MEASURES FOR THE SUPPRESSION OF TERRORISM FINANCING**

Pursuant to article 78, point 1; article 81, point 1; article 83 point 1 and 2 of the Constitution, after a proposal from the Council of Ministers, the Assembly of the Republic of Albania

DECIDED:

**CHAPTER 1
GENERAL PROVISIONS**

**Article 1
Object of the law**

1. This law regulates measures to suppress terrorism financing, the competencies and the relations between the bodies in charge for the proposal, the approval the control as well as for the implementation of these measures.

**Article 2
Purpose of the law**

1. The purpose of this law is to prevent and crack down terrorists, terrorist organizations and those who support and finance terrorism by freezing and seizing their funds and other assets through the implementation of respective resolutions of the United Nations Security Council, other international acts and agreements to which Albania is party.

**Article 3
Definitions**

For an understanding of this law, unless otherwise expressly determined in separate provisions, the following terms have the following meaning in this law:

- 1 “Freeze” means to prohibit every transaction or dealing in the transfer, conversion, alienation, or movement of funds and other assets on the basis of and for the duration of the validity of actions undertaken by competent bodies in accordance with this law. The frozen funds and other assets remain the property of the persons that had such rights on them at the time freezing was imposed.
- 2 “Seize” means to prohibit every transaction or dealing in the transfer, conversion, alienation, or movement of funds and other assets, on the basis of and for the duration of the validity of actions undertaken by competent bodies in accordance with this law. The seized funds or other assets remain the property of the persons that had such rights on them at the time seizing was imposed.

By incurring the seizing measure, the competent bodies may exert all rights of control on the seized funds and assets, including possession, administration and other actions that they deem necessary.

- 3 “Funds and other assets” means financial property, and assets of any kind, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in such funds or assets. These funds and assets include, but are not limited to, bank credits, travelers’ checks, bank checks, money orders, shares, securities, bonds, drafts, letters of credit, and any interest, dividend, or other income collected or generated by such funds and assets.
- 4 “Terrorist” means any natural person who: is suspected to have committed or attempted to commit willfully, terrorist acts by any means, directly or indirectly; participates as an accomplice in terrorist acts or their financing; organizes or directs other persons to commit terrorist acts or finance them; contributes willfully or aware of, in terrorist acts or their financing by a group of persons acting with a common purpose.
- 5 “Terrorist entities” means every juridical person, organization, enterprise, or any other entity owned or controlled by terrorists.
- 6 “Person who finances terrorism” means everyone who provides or collects, by any means, directly or indirectly, funds and other assets that could be used, in whole or in part, to facilitate the commission of terrorist acts, or to any persons acting for or on behalf of, or at the direction of such persons. This category includes those who provide or collect funds and

other assets with the intention that they will be used or in the knowledge that they are to be used in order to carry terrorist acts.

- 7 “Designated person” refers to any person, Albanian, foreigner, or stateless, as well as any juridical person, registered or not, who has been designated and listed as a terrorist, terrorist entity or terrorist financier, or with respect to whom similar decisions have been made by the resolutions of the United Nations Security Council or respective acts of international organizations or other international agreements to which Albania is party.
- 8 “Interested person” refers to anyone who has or claims to have a legitimate right in the funds and assets of the designated person.

Article 4 **Scope of the law**

1. This law is implemented in relation to designated persons for terrorist acts and terrorist financing committed within or out of the territory of the Republic of Albania.
2. This law is implemented also for acts of terrorism as well as for funds and other assets which have served for financing terrorism, committed prior to its entry into force.

Article 5 **Designated persons**

1. In implementation of the resolutions of the United Nations Security Council, the Council of Ministers, in accordance with the principles and procedures stipulated in this law, shall decide to include in the list persons designated by these resolutions, and take the necessary measures against these designated persons.
2. The Council of Ministers may decide to include in the list persons designated through acts of other international organizations or other international agreements to which Albania is party.

Article 6 **Measures on funds and other assets of designated persons**

1. On funds and other assets of persons designated by the Council of Ministers pursuant to this law, the Minister of Finance orders that one or more of the following measures be taken:
 - a. Freezing;
 - b. Seizing;

- c. Prohibiting the provision of financial services, funds, financial means, or other assets.

CHAPTER II

RESPONSIBLE BODIES AND SUBJECTS' COOPERATION OBLIGATIONS

Article 7

Responsible bodies for measures to suppress financing of terrorism

1. The Council of Ministers shall issue decisions on approving, altering, or revoking the list of designated persons pursuant to article 5, paragraph 1 and 2 of this law and on other issues related to measures against terrorist financing.
2. The Minister of Finance is the responsible body to implement measures against terrorist financing, including issuing and implementing acts related to measures set forth in article 6 of this law.

Article 8

Administration of data

1. The General Directorate for Prevention of Money Laundering shall collect, process, systematize, analyze, store, use, exchange and present information related to the implementation of measures according to this law.
2. The Minister of Finance, the Minister of Public Order, the General Prosecutor, the Director of the State Informative Service as well as the directors of other informative services, in accordance to their field of competence, designate together the rules for the announcement, the collection, the exchange and the use of the data for the designated persons, the data or the suspicions for the financial transactions or other actions which aim at terror financing.
3. The Minister of Finance takes care of the development of the relationship of international cooperation on investigation, exchange of data and other activities related to measures against terrorism financing.

Article 9

Collection of data

1. The General Directorate for Prevention of Money Laundering takes measures on collecting and managing data related to:
 - a) Designated persons;
 - b) Funds and other assets disposed of or related to rights and other interests of designated persons.

2. Collection, management, and storage of data shall be done both in hard and electronic copies.
3. Detailed rules on management, storage, classification of data, the cases and ways of notification and publication of acts and data according to this article, are defined upon instructions of the Minister of Finance.

Article 10 **Obligation to inform and report**

1. Any person who knows that given financial operations, transactions or any other actions are aimed at terror financing shall immediately notify the Minister of Finance, the General Directorate for Prevention of Money Laundering, or other structures assigned to detect and investigate criminal offenses.
2. As stipulated in law No. 8610, dated May 17, 2000 “On prevention of Money Laundering”, the persons responsible for identifying and reporting shall immediately notify the General Directorate for Prevention of Money Laundering whenever they possess information on or suspect of financial operations, transactions or other actions aimed at terror financing, despite their significance. In any case, the General Directorate for Prevention of Money Laundering exercises the respective rights and responsibilities provided for in the law “On prevention of Money Laundering.”
3. Notification and report, in accordance with paragraph 2, must include data on identification of funds and other assets, information on ownership and related interests, as well as possible explanations on motifs that sustain sufficient reasonable grounds on terror financing.
4. In cases foreseen in paragraphs 1, and 2, the Minister of Finance may decide immediately, discharging the preliminary notification requirement, to suspend an operation or transaction, for a period of up to 7 working days, starting the first day after the order is issued. Simultaneously, the Minister immediately notifies the General Prosecutor regarding the necessary data on the transaction or action needed for a possible criminal proceeding.

Article 11 **Protection of the identity of persons who provide information**

1. The competent authorities having received data, information or reports related to the application of this law shall keep anonymous the persons who provided the information.
2. The Council of Ministers approves detailed rules on the measures and the procedures for the protection of identity of the persons who give information in compliance with this law.

Article 12
Prohibition of data publication

1. Any information obtained in accordance with this law may only be used for the purposes of this law, for criminal proceedings, or for other purposes expressly established by law.
2. The competent authorities, reporting entities, and their employees who receive data, information or reports in accordance with this law, shall not make public facts they have come into knowledge in the course of, or because of their office.
3. The competent authorities, reporting entities, and their employees shall produce in court documents requested and testify only in cases stipulated in article 160 of the Criminal Procedure Code.

Article 13
Protection of entities in good faith from claims of third parties

1. Any person fulfilling the obligations or seeking in good faith to fulfill the obligations that arise from the provisions of this law, shall not be sued, criminally proceeded against, or be subject to any similar action or responsibility for this reason.

CHAPTER III
LIST OF DESIGNATED PERSONS

Article 14
Verification of identity, funds, and other assets

1. The Minister of Finance, in coordination with bodies listed in points 2 and 8 of this law, verifies the identity of persons who are subject to procedures of designated persons, and funds and other assets they possess, control or have any other right or interest.
2. At the earliest instance, however no later than 7 days from receiving notice, the bodies listed in point 2 and 8 of this law present to the Minister of Finance, through the General Directorate for Prevention of Money Laundering, a written report stating:
 - a) The reasonable grounds that a designated person has rights and interests over other funds and assets;
 - b) That it is not possible to determine within the deadline set in this paragraph whether a designated person has any right or interest in the funds and other assets.

Article 15
Criteria on the list of designated persons and measures against their funds and assets

1. In the case set forth in article 5, paragraph 1 of this law, determinations by the structure and resolutions of the UN Security Council constitute reasonable grounds to believe that a person is a terrorist, part of a terrorist entity, or a person who finances terrorism, and to issue a decision of the Council of Ministers to include them in the list of designated persons.
2. In the case stipulated in article 5, point 2, when taking the decision, the Council of Ministers is based on reasonable grounds, which include but are not limited to, acts issued by international organizations, or international agreements to which Albania is party, which may be supplemented by information presented by the General Directorate for Prevention of Money Laundering, criminal prosecution bodies, national intelligence services, and other national and international institutions, as well as information provided by fund and asset holders foreseen in article 10 of this law.
3. The Minister of Finance, based on documentation set forth in paragraph 1 and 2 above, recommends to the Council of Ministers, respectively, to include in the list of designated persons or determine a designated person, and takes the necessary measures to freeze or seize his/her funds and assets.
4. Measures under article 6 of this law shall be imposed on any fund and other asset with regard to which a designated persons exercises ownership rights, control rights or other rights or interests.
5. Measures under article 6 of this law shall be imposed despite who owns or uses the other funds or assets, as well as any fund and other asset found in the possession of or held by designated persons.
6. The implementation of the measure of freezing or seizing does not prevent from accrument of interests and benefits from funds and other assets. These measures extend automatically on funds and other assets accrued after their implementation.
7. Any type of action or transaction linked to frozen funds and assets is prohibited, with the exception of cases expressly stipulated in the law and determinations made on its basis in the respective act of temporary freezing.

Article 16 **Temporary freezing**

1. If regarded as the only way to prevent avoiding implementation of measures set forth in this law, or to ensure their effectiveness, the Minister of Finance immediately orders the temporary freezing of funds and other assets of designated persons, even

before the respective decision is issued by the Council of Ministers according to article 18 of this law.

2. The order of the Minister of Finance on freezing funds and other assets is enforced immediately, and is valid for a period of no more than 30 working days starting the first day after the order is issued.
3. When there is information on a terrorist act or terrorist financing act, the Minister of Finance orders the temporary freeze of funds and other assets as stipulated in this article, and immediately notifies the General Prosecutor, and delivers him/her all necessary data regarding the suspect and his/her funds or other assets.

Article 17

Appeal against the temporary freezing

1. The interested person may file a special complaint with the court against the Minister of Finance's order to temporarily freeze funds and other assets pursuant to article 16, point 1 to the Tirana District Court.
2. The Court examines the case within 10 days, implementing provisions for administrative cases. In any case, the complaint does not suspend immediate execution of the Minister of Finance's order.
3. The interested person shall be obliged to prove to the Court that he/she:
 - a) has a legitimate right in the funds and other assets of the designated person;
 - b) has legal resources for the rights and interests in the funds and assets; and that
 - c) the funds and assets being regarded by the Court are not related to terrorists, terrorist entities, persons financing terrorism or other persons related to them.
2. The interested person is considered notified from the date of being in the knowledge of the issuance of the order. In any case, the case is examined within the deadline set forth in paragraph 2 above, if the Minister or his designee presents sufficient data for the failure to find the address, location of the interested person or his/her presence within the legal deadline for trying the case.
3. In the case of freezing real estate, a copy of the freeze order and the court's decision shall be sent to the respective real estate office. The latter is obligated to take measures for enforcing them immediately.

Article 18

Decision of the Council of Ministers

1. The Council of Ministers, on proposal of the Minister of Finance, decides to adopt, modify, or revoke the list of designated persons with respect to whom measures against terrorism financing and seizing funds and other assets shall be applied herein.

2. The decision of the Council of Ministers becomes effective immediately and is published in the Official Gazette.

Article 19

Appeal against a decision of the Council of Ministers

1. The designated person may file a special complaint against the decision of the Council of Ministers with the District Court of Tirana within 15 days of coming into knowledge. The right to challenge a decision may be exercised only in cases when the person claims to have been mistakenly identified as a designated person.
2. The Court tries the case by applying the provisions for administrative decisions. In any case, the claim does not suspend instant execution of the decision and the other measures taken in its application.

Article 20

Execution of the decision of the Council of Ministers

1. In execution of the decision of the Council of Ministers, the Minister of Finance takes measures for temporary freeze, the seizing and administration of all funds and other assets, or transactions that have to do with the insurance of these funds and other assets of designated persons.
2. In the instance of seizure of real estate, a copy of respective acts and a copy of the court's decision are sent to the respective real estate office. The latter shall take measures for enforcing them immediately.
3. For the administration of the frozen and seized assets, according to this law, are applied the provisions into power for the responsible structures and procedures on the funds and assets seized and confiscated in criminal proceedings or out of them.

Article 21

Permitted expenses from funds and other assets

1. The Minister of Finance may authorize, within 72 hours from submission of the request, that payments be made from funds and other seized assets for medical, familiar or personal needs of a designated person, for debts/liabilities to the government, or debts deriving from executed performance or obligatory insurances.
2. An appeal may be filed with the Tirana District Court to challenge the order of the Minister of Finance for turning down the requested authorization. In any case, the claim does not suspend instant execution of the decision and the other measures taken in its application.

3. The Minister of Finance establishes detailed rules and procedures on permitted expenses, taking into consideration the criteria set forth in the Resolutions of the United Nations Security Council.

Article 22

Appeal by interested or third persons

1. Interested persons and third parties who claim to act in good faith may ask for their rights over seized funds and other assets by challenging the decision at Tirana's District Court, no later than 30 days after becoming aware of the act of seizing. In any case, the claim does not suspend instant execution of the decision and the other measures taken in its application.
2. Interested persons and third parties claiming to act in good faith, shall implement the liabilities set forth in article 17, point 3 of this law.

Article 23

Modification and revocation of the decision on designated persons

1. Within 15 days after submission of the proposal of the Minister of Finance, or the complaint of the designated person, the Council of Ministers may decide to modify or revoke the decision on the list of designated persons, accompanied by explanations for the changed respective circumstances that motivated its issuance.
2. Effects of the revocation or modifications to the measures in the list of designated persons enter into force on the seventh day after this decision is published in the Official Gazette.
3. The decision of the Council of Ministers on the list of designated persons is revoked or modified only in those cases when circumstances and facts are provided determining that its further use is unnecessary for the following reasons:
 - (a) A subsequent decision is issued by the United Nations Security Council structures pursuant to Chapter VII of the United Nations Charter, in cases set forth in article 6, paragraph 1 of this law;
 - (b) An obligation requested from or arising to the Republic of Albania pursuant to article 25 of the United Nations Charter;
 - (c) A respective decision of other international organizations or rules stipulated in international agreements to which Albania is party.

CHAPTER IV SANCTIONS

Article 24

Administrative contraventions

1. If the act committed does not constitute a criminal offense, the failure of the entities listed in this law and in the law “On preventing money laundering” to meet requirements under these laws, is considered an administrative contravention/offense and is punishable by a fine ranging from 50 thousand to 10 million ALL, as well as indemnifying the government for the value, of the fund and of the other asset, with respect to which it is proved that the designated person has an interest.
2. Administrative sanctions according to paragraph 1 of this article are established by the Minister of Finance.
3. Complaint procedures and execution of the decisions on administrative contraventions are carried out in compliance with the law no. 7697 date 07.04.1993 “On administrative contraventions” as amended.

CHAPTER V TRANSITORY AND FINAL PROVISIONS

Article 25 Criminal proceeding

1. Whether the provisions of this law are implemented or not, the court and prosecution office in accordance with the criminal procedure provisions may go ahead with seizure and confiscation of funds and other assets, temporarily frozen or seized in accordance with this law.

Article 26 Approval of sub-legal acts

1. Within 60 days after entry into force of this law the responsible bodies shall issue sub-legal acts in application of Articles 7, 9 point 3, 11 point 2 and 21 point 3.

Article 27 Internal rules

Within 90 days from the entry into force of this law, conform the respective responsibilities, the supervisory authorities and entities of article 3 of the law no. 8610, date 17.05.2000 “On preventing money laundering”, as amended, shall approve and implement special internal rules on the criteria and actions identification procedures, transactions and persons suspicious to be related to terrorist financing, as well as for the identification of the financial actions, transactions, and other suspicious acts of terrorism financing.

Article 28 Entry into force

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

CHAIRPERSON

SERVET PELLUMBI