

LAW

No. 9861, dated 24.01.2008

ON STATE BORDER CONTROL AND SURVEILLANCE

Pursuant to Articles 78 and 83, point 1 of the Constitution, at the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

Decided:

CHAPTER I

GENERAL PROVISIONS

Article 1 Content of the law

This law regulates the control and surveillance of the state border, the mission of the Border and Migration Police, cross border police cooperation, cooperation within the structures of the State Police, and the cooperation with other agencies that have legal obligations related to border security.

Article 2 Subjects

Subjects of this law are the citizens crossing the state border, as well as those moving along or at the state borders.

This law respects the fundamental human rights and freedoms established by the Albanian Constitution and the European Convention on Human rights, without impairing the rights of the persons who ask for international protection by respecting the principle of non-refoulement.

Article 3 State border

The state border of the Republic of Albania is defined and is regulated based on international agreements ratified by the Parliament of Albania, as well as bilateral or multilateral treaties with other countries.

Article 4

Definitions

Special expressions used in this law shall mean the following:

1. **The borderline** is a set of dots determined according to the state coordination system, along which the border line is stretched.
2. **the state border** (referred to as the border) is the line that separates the land territory, the internal and territorial waters, as well as the underground of the Republic of Albania with the neighboring countries, and the state border in the territory of the border crossing points in airports, airdromes, sea, river and lake ports through which the international transport is carried out.
3. **Border management** is the activity carried out at the borders, in compliance with this law, as a response towards a purpose to cross or the act of crossing the border that implies border control and border surveillance.
4. **Border crossing point** is the location authorized by competent authorities where certain categories of persons may cross the border during official working hours.
5. **Border controls** are the controls performed at any point of the border to ensure that persons, including their vehicles and their belongings, meet the conditions to enter or exit the territory of the Republic of Albania.
6. **Border surveillance** is the surveillance of the borders between BCPs, surveillance of the BCPs out of the official working hours, as well as the surveillance of movements along or at the border with the purpose to avoid the possibility that someone avoid the border control during the border crossing.
7. **Inland border control** is the control performed by the Border and Migration Police on foreigners and stateless persons, out of the obligatory border control posts.
8. **The crossing of the State borders** is every movement of people, livestock, goods and vehicle through the state borders.
9. **Border and Migration Police Employee** is the State Police employee of the Border and Migration Police structures who has been given tasks regarding border management, in compliance with this law and its implementing legal acts, bylaws.
10. **Border Control Information System - BCIS**, (part of TIMS) is the system where all BCP data are administered.
11. **Border control zone at the BCP** (referred to as control zone) shall be determined specifically for each BCP in accordance with a decision made by the respective local authority of Border and Migration Police, and is considered:

- In Air BCP

-In exit, the territory from the control booth, transit area, including the apron of the planes).

-in entrance, the territory from the apron to the exit out of the control booth.

- In Maritime BCPs

It is considered the territory from the control booth of citizens and vehicles, the pier for the processing of the ferries and ships including the external roadstead where the ships anchor.

- In Lake BCPs

It is considered the territory from the processing booth of passengers and vehicles, the pier for the processing of the ferries and ships water space in the internal and external roadstead where the ships berth.

- In River BCP

It is considered the territory from the control booth of the citizens and vehicles including the pier for the processing of the ferries and ships, up to the border line.

- In land BCP

It is considered the territory from the location where the Border and Migration Police have marked the perimeter to the border line.

- In rail BCPs

-it is considered the territory in the control and/or train processing point up to the borderline, as well as the train in motion from the station in entrance and exit, in accordance with the international agreements.

12. Operator shall be called::

1. the natural or legal person who is owner or user of the airport or airdrome (airport operator);
2. port administration of the sea port and the ports of internal waters which manage the port zone (port operator);
3. the natural or legal person who makes supplies in the rail transport, which means the steady rail aggregates (railway operator);

The operator provides for the security and maintenance of objects and premises, as well as to afford the expenses deriving from the building and maintenance of the above-mentioned premises necessary for the efficient performance of the border control.

13. Cruise ship shall be called a ship which follows a given itinerary in accordance with a predetermined program, which includes a program of tourist activities in the internal and territorial waters of the Republic of Albania, and which normally neither takes passengers on nor allows passengers to disembark during the voyage

14. Pleasure boating shall be considered the use of pleasure boats for sporting or tourism purposes;

15. Coastal fisheries is fishing carried out with the aid of vessels which return every day to a port situated in the territory of the Republic of Albania.

16. Regular ferry line is any ferry line between two or more ports in the territory of the Republic of Albania or with ports of other countries, without stops out of these ports, and which consists in transporting passengers and vehicles in accordance with a predetermined schedule.

CHAPTER II

AUTHORITY AND POWERS FOR THE BORDER CONTROL AND SURVEILLANCE

Article 5

Authority that performs border control and surveillance

1. Border control and surveillance are a power of the Ministry of Interior.
2. The tasks of border control and surveillance are performed by BMP which acts in accordance with the duties assigned by this law and the responsibilities stemming from other legal acts and bylaws.
3. BMP has under its disposal the personnel, financial resources, equipment and technology necessary for the border control and surveillance, in order to ensure a continuous professional level, specialized and efficient for the performance of the services.

4. BMP cooperate closely and continuously with other services of the State Police and other subjects operating in BCPs.

Article 6

Mission of border and migration police at the border

Border and Migration Police, in implementing the constitutional principles, of this law, legal acts and bylaws, perform these functional duties:

1. Control and survey the state border in order to protect human lives and health, and to prevent illegal migration.
2. Take measures to stop persons performing illegal activities through the border as well as wanted persons; interdict the vehicles and goods entering/exiting illegally and when they have any suspicion or come to know violations of the Customs Code inform immediately the Customs Office.
3. Implement the obligations stemming from international conventions, bilateral or multilateral agreements. Organize meetings with counterpart agencies in neighboring and other countries regarding the implementation of joint agreements and information exchange, in the interest of the implementation of the above-mentioned.
4. Gather and process data in the interest of the service, for the control and surveillance of the border as well as its crossing. When it suspects, or has preliminary information performs physical and detailed checks of persons, goods, luggage and vehicles.
5. In the BCPs it requests from the Albanian and foreign citizens, the implementation of control rules and respect of interview procedures related to the crossing of the border, in accordance with the criteria set by this law and its implementing bylaws.
6. BMP perform duties and implement measures for the entrance, stay, handling and control of foreigners in the territory of the Republic of Albania.

Article 7

Inland Powers of Border and Migration Police

In the implementation of this law as well as in the context of the fight against trafficking, for the prevention of illegal border crossings and the control of foreigners, BMP exercises its competencies inland by performing these activities:

- a) Takes measures to detect illegal entrance and stay of people, national and foreigners, who organize trafficking towards borders;
- b) In cooperation with other State Police structures, check the persons, objects and transportation means at roads away from BCPs, with the purpose to stop illegal entrance and stay in the Republic of Albania.

Article 8

Creating conditions for border management

1. For the implementation of this law the BMP is authorized to set and use technical means and service dogs for the performance of control and surveillance of the borders, as well as to set obstacles to make impossible the illegal crossing of the border.
2. The owners or the administrators of the land close to the borderline are obligated to allow to pass by without hindrance the BMP personnel so that they perform regularly the border surveillance, carrying out works and maintenance of the border marks along the border.

3. BMP is allowed to move on these lands, when this is necessary to perform the surveillance of the border, despite the provisions of other orders.

CHAPTER III

DESIGNATION AND MAINTENANCE OF THE BORDER LINE

Article 9

Delimitation, demarcation, and adjustment of the border line

The Ministry of Foreign Affairs of the Republic of Albania regarding the implementation of the border policy together with the competent authorities of the neighboring countries, performs works that are related to the specification of the border line, and makes the necessary preparations to bind international agreements related to the border.

The Border and Migration Police, in cooperation with the Albanian Military Geographical Institute measures, demarcates, renovates and maintains the border signs delimited at the borders and prepares documents on the border.

Article 10

Signals, boards and marking signs along the borderline

1. On the roads leading to the BCPs warning signs are placed indicating the relevance of the Republic of Albania and in accordance with the requirements, also for the neighboring countries.
2. If the borderline is not very visible, in land roads and other lines of communication special boards are placed with inscriptions and signals informing the approach to the borderline.
3. The BMP, in cooperation with the Albanian Military Geographical Institute places special boards with inscriptions and signals.
4. On the special tables with inscription and signals it is prohibited to place other tables and other signals which would decrease the visibility of the table or signalization informing the public regarding the borderline.

Article 11

The visibility of the border line and the prohibition of activities

- a. If not stipulated otherwise in international agreements, the BMP in cooperation with the Albanian Military Geographical Institute ensures the border line visibility, which in compliance with international agreements should be cleaned from high trees, bushes etc, which decrease the quality of sight of border signs or the extension of the borderline, as well as.
- b. Upon a decision of the council of Ministers, for security reasons, sailing, fishing, passing or stay of the planes and other aircraft and mobile means can be prohibited in the border line. The reasons and the duration of the prohibition are explained in the decision of the Council of Ministers.
- c. Because of the visibility of the borderline the Minister of Interior with a special act proposes to the Republic of Albania Territorial Regulatory Committee to take concrete steps for the prohibition of the construction of buildings, planting or cultivating some special agricultural plants, wood or trees along the borderline.

- d. As part of the procedure for the approval of the regulatory plan of the prefecture, which regulates the space under their jurisdiction, through which the space up to 50 m from the border line is determined, in compliance with the relevant law, the approval of the Minister of Interior is required.

Article 12

Infringements and incidents at the border

1. Infringements at the borders are border incidents and other infringements of the state border.
2. Border incidents are activities of the bodies of foreign countries in the territory of the Republic of Albania, which are not allowed through international agreements or from the national legislation as well as every kind of transgression (breach of the inviolability of the border) done by the local or state employees of the neighboring country.
3. The Ministry of Foreign Affairs in cooperation with the Ministry of Interior verifies and solves the border incidents.
4. The Ministry of Interior verifies and sorts out other violations of the state border by informing on them the Ministry of Foreign Affairs.

CHAPTER IV

CROSSING OF THE BORDER AND BORDER CROSSING POINTS

Article 13

Crossing of the Border

1. The crossing of the border is carried out only at a BCP, within official working hours, with valid travel documents or documents which authorize crossing of the border; with a valid visa if required, except cases when a valid residence permit is produced; when the purpose and circumstances of planned stay are justified, and when there are sufficient means of subsistence; when there are no data on the person in the data system; when the person is not a threat to public order and security, public health or international relations with other countries.
2. Valid travel documents are those ones considered as such by our legislation, and those defined in international agreements ratified by the People's Assembly of the Republic of Albania.
3. As an exception to the rule mentioned in paragraph 1 of this Article, in cases of force majeure or if so determined by an international agreement, the border may be crossed at any time and place, by immediately notifying the Border and Migration Police.

Article 14

Border Document

1. Unless otherwise stipulated in international agreements for special needs which are not in conflict with public interests, the BMP reviews the request of an individual or a group of persons and approves documents for crossing the border out of the conditions set forth in paragraph 1 of Article 13 of this Law.
2. The border document is valid for a period of up to 1 year.
3. The issuance of a border document is done by the authority responsible for issuing passports to citizens.

4. The BMP shall withdraw the right a person has to use such border documents issued in accordance with this Article if they notice that the document has been misused, not used at all, or the reasons for which it was issued are no longer existent.

Article 15 **Border Crossing Points**

1. The Border Crossing points are locations for crossing the border through automobile roads, railways, air, sea, rivers and lakes, permanent or temporary, in which full checks are carried out.
2. The Border Crossing points are open to international and cross-border traffic.
3. BCPs are opened and defined by decisions of the Council of Ministers. The decision determines the location, the type (category) as well as the operation hours.
4. BCPs are divided according to their importance and activity in:
 - a. BCPs for international movement of people, vehicles and goods;
 - b. BCPs for international movement of people;
 - c. BCPs for cross-border movement;
 - d. Agricultural and livestock BCPs.

Article 16 **Temporary Border Crossing Points**

1. In case of a need, the Council of Ministers orders the opening of a temporary BCP after prior approval of the Ministry of Foreign Affairs, other interested ministries and of the respective body in the neighboring country, for the following activities:
 - a) cultural, religious, scientific, professional and tourism activities;
 - b) request for re-regulating the small border movement;
 - c) activities deriving from the implementation of cross-border agreements;
 - d) agricultural, livestock-related or other activities.
2. A temporary BCP may be operational for a period of up to 3 months during a calendar year.
3. The order for the creation of a temporary BCP shall include:
 - location, time and manner of crossing the border;
 - overhead expenses of the temporary BCP which are borne by the party filing the request for the opening of this BCP.

Article 17 **Duties of the operator at a BCP**

1. Operators shall prepare the conditions for the functioning of the BCP to ensure an effective and secure check, in compliance with the standards and criteria determined by a decision of the Council of Ministers.
2. Operators shall ensure an uninterrupted border check in compliance with the provisions of this law.
3. Operators at BCPs with international movement shall ensure separate facilities for passengers entering and those exiting the Republic of Albania, create conditions for exercising separate border checks for pedestrians from those traveling in vehicles, as well as a facility for

accommodating foreigners who do not meet the criteria for entry into the country, in accordance with provisions regulated by a separate law.

4. Operators shall bear expenses of installing and maintaining the abovementioned objects and facilities, as well as other expenses in implementing the provisions of this law.

Article 18

Signs at the BCP and control area

1. The BCP and its respective check area are signed with special marks and other signaling.
2. At a proposal of the BMP and other border agencies, the operators shall approve and maintain the proposed signs and marks, as well as other signaling installed for the purposes of implementing this law.
3. The BMP determine the border control area around the BCP, as well as rules regarding staying within it.

Article 19

Construction and installation of facilities in the control area.

1. The Minister of Interior approves the constructing, installing or changing of the destination of a facility in the BCP controlled area, as well as the manner of carrying this action out, under the condition that the project does not hamper the border check and the implementation of security measures at the border.
2. The Minister of Interior may request that the relevant authorities remove the issued permit in cases when the construction hampers the normal functioning of the BCP.

Article 20

Movement and stay in the BCP control area

At the BCP check area is allowed the movement and stay of persons, vehicles and goods which cross the border and are kept there for purposes of border check, as well as those having the authorization of competent authorities.

Article 21

Duties of personnel working in the BCP control area

1. The operator, other natural or legal persons who conduct economical activities in the BCP control area shall present to the BMP, prior to starting their activities, a list with personal data of their employees.
2. After approval is granted by the Directorate General of State Police, the subjects mentioned in paragraph 1 of this article shall, at their own expenses, provide their employees with ID cards, which shall be kept by the latter in visible places. The form and content of ID cards shall be determined by the relevant authority of the BMP in cooperation with the operator.

CHAPTER V

BORDER SURVEILLANCE, CHECKS AND PROCEDURES

SECTION I

SURVEILLANCE AND CHECKS

Article 22

Border Surveillance

1. Border surveillance has to do with the entirety of measures taken to prevent illegal border crossings, prevent and interdict other illegal activities being carried out through the border.
2. The BMP shall conduct surveillance of the border by using stationary and mobile units in order to thwart and apprehend persons who are avoiding checks at BCPs.
3. The BMP shall conduct surveillance of the border between BCPs by using units and methods in compliance with the actual or expected risks and threats.
4. The BMP shall patrol and stay in locations along the borderline which are considered as vulnerable to illegal crossing. For this the BMP shall also use technical and electronic equipment.

Article 23

Border Checks

1. The border check is normally conducted at the BCPs, and in cooperation with the other ASP structures, along the entire borderline as well as on the location where a person is interdicted while crossing the border illegally.
2. In special occasions defined by sub-legal acts implementing this law, the border check may be conducted out of the BCP check area, onboard trains, aircrafts, ships or other locations.
3. The border check is conducted out of the BCP check area for special technical or health-related reasons at the request of the passengers. In these cases the expenses are borne by the latter.
4. In compliance with international agreements, the border check is conducted in full in the territory of the other country as well.
5. The joint check areas of border crossing are determined and regulated by international agreements.
6. The BMP may conduct inland checks in order to prevent illegal migration.
7. All persons crossing the border are subjected to border checks. They shall produce their travel documents for crossing the border.
8. Exceptions to the border check are those special cases defined in law or international agreements.
9. All persons shall abide by the instructions and orders of the BMP during the time they stay within the control area of the BCP.

SECTION II

TYPES OF BORDER CHECKS

Article 24

Minimal Checks of Persons

1. Every person is subjected to a minimal check for the determination of their identity based on a travel document. This minimal check consists in a rapid and straightforward verification with the help of the BCIS database and records on stolen, falsified, lost or invalidated documents.
2. In cases of suspicious identity of a person or transportation of illegal items, or if a person is suspected as connected to an illegal crossing of the border, as a hazard for the public order and security, the BMP officer shall conduct a full check in addition to the minimal one.

Article 25

Full Checks of Persons

The full check includes the verification of terms for crossing the border, defined in point 1, Article 13 of this Law, and the Border and Migration Police shall:

1. Check that the persons has a valid travel document for crossing the border, which has not expired, has a visa or a residence permit if that is required by the current legislation.
2. Fully inspect the travel document for any signs of falsification, alteration or validity;
3. Examine entry/exit stamps on travel documents to verify by comparing entry/exits dates whether the person has overstayed the authorized timeline in the territory of the country;
4. Verify the departure and destination of person as well as purpose of residence, by checking other additional documents if needed;
5. Verify that the person possesses sufficient financial means for the timeframe and purpose of residence and return to country of origin or transit to a third country where he/she is authorized to enter; or verify that he/she is in such position as to be able to achieve those financial means in a legal way;
6. Verify that the person, his/her transportation means and items transported do not constitute a risk to public order and security, public health or international cooperation with other countries, by consulting the records and database.

Article 26

Checks on Belongings and Means of Transportation

1. Checks on belongings shall include personal belongings possessed by the person crossing the border.
2. In case of suspicions about possession of forbidden objects or materials, or for the purpose of verifying someone's identity, a BMP employee shall ask the person to display objects in his/her possession.
3. Checks on means of transport include a visual internal and external inspection of the means of transport, and verification on respective databases. The BMP employee who conducts the check on the means of transport shall carry out, based on the powers vested by this law, a more thorough inspection of the vehicle and the persons in it in case he/she

has reason to believe that they have hidden persons, forbidden substances, materials or objects which affect the verification of their identities or the identities of other travelers.

4. The BMP employee shall hand over to the Customs or other competent authorities operating at the border the objects or other items found during the check and inspection procedure, which are not the object of work of the BMP. This is carried out in accordance with pre-determined procedures.

Article 27 **Checks on Road Traffic**

1. The BMP employees shall check the persons without them getting off the vehicle during their crossing of the border, at the control area.
2. Under special circumstances the BMP employees may ask the persons to get off the vehicles.
3. At any case, priority is given to checks of sick persons, persons with disabilities or pregnant women.
4. In cases of heavy traffic, priority is given to checks of passengers onboard shuttle buses.

Article 28 **Checks on Railway Traffic**

1. Checks on railway traffic are carried out on all passengers and staff of trains crossing the border, including freight trains and empty ones. Checks are conducted on the railway station platform, prior to departure and after arrival of the train, as well as from the platform to the borderline.

An engineer of a train for international traffic shall not stop the train on the rails between the border and the BCP, unless this is necessary for regulating railway traffic or in cases of Force majeure.

In cases of a stop in such areas, the engineer shall immediately notify the closest BMP station, as well as take immediate measures to prevent passengers from leaving the train.

2. Under international agreements, the checks on passengers onboard trains may extend from the last railway station while exiting to the first station while entering the neighboring country.

Article 29 **Checks on Vessels**

1. Checks on vessels are conducted at the port of departure or arrival, onboard the ship or in the designated area close to the ship. Under an agreement, checks may also be conducted during the crossing of the border, in the territory of another country of departure or arrival.
2. The Albanian or foreign ship is subjected to a border crossing check and the captain, or in his absence the individual or company representing the ship owner in all matters, shall submit to the BMP station the moment it arrives at the port two copies of the list of crewmembers or passengers. If due to Force majeure the list cannot be sent to the station, a copy is sent to the border post or to the ship authority, who, without delay, shall submit it to the BMP.
3. The captain of the Albanian or foreign ship in the border crossing check area shall notify BMP of the presence onboard of individuals with no valid documents for crossing the border, or of persons with no tickets who have boarded without permission.

4. The crewmembers and passengers of an Albanian or foreign ship are allowed to land only after termination of border crossing check procedures.
5. The ship captain shall not get onboard or off board, while in internal and territorial waters of the Republic of Albania, persons who have not been subjected to checks at a BCP, with the exception of cases when assistance is sought because of Force majeure.
6. The ship captain shall immediately notify the BMP via the harbormaster's office, of the ship's berthing out of the border crossing check area due to various reasons. The captain shall not get to the shore, embark or disembark persons with or without required documents while out of the border check area or those areas allowed by BMP for getting persons to shore.
7. The foreign seamen onboard ships bearing a foreign flag may get to the port or visit the town or its areas in its vicinity at the request of the ship's captain and with individual passes issued at the BCP in accordance with territorial validity, and with pass timeframe.
8. In cases when there are suspicions that criminal acts against public order and safety have been committed, or acts related to illegal migration, the BMP shall check the ship within the internal and territorial waters along the border of the Republic of Albania.
9. Foreign vessels may conduct tourism, sports, survey, research, scientific and other similar activities in the internal and territorial waters of the Republic of Albania after they have been subjected to border crossing checks.
10. The permit for conducting activities mentioned in point 9 of this article is issued by the respective central state authority, whereas the permission to sail is given by and under the control of the BMP.
11. Professional fishing ships and pleasure boats shall present to the BMP a written request to sail, in which they give the crewmembers list, the area where they will sail and the time of stay. For this category, the BMP shall conduct checks in the context of illegal migration risk analysis, when there are leads or based suspicions.
12. Not later than 24 hours prior to the hunting or fishing, the BMP shall be notified in written about the intention to fish individually or in groups, for areas until 300 meters close to the borderline.
13. In cases of international sports activities, vessels are allowed to transit after they have notified the local BMP about the time, number of vessels and itinerary.

Article 30

Checks on persons onboard ferryboats

Checks on persons onboard ferryboats are carried out as follows:

For pedestrians and bus passengers: individually

For vehicle passengers: while they are in their vehicles

For drivers of trucks and their co-travelers: while they are in their trucks

BMP shall ensure there are several lanes so that checks are carried out in a short time;

1. In order to detect illegal migrants checks are carried out on transportation means as well as the loads and goods on these means;
2. Ferryboat crewmembers shall be checked the same way as the merchant ships crewmembers.

Article 31

Checks on Civilian Air Transport

1. Checks on Civilian Air Transportation:

- a) Shall be carried out in the area specifically designated for this purpose;
 - b) Shall be carried out on the aircraft, in special occasions in the context of risk analysis related to internal security and illegal migration.
2. The airport operator shall take necessary measures to prevent the entry and exit of unauthorized persons into/from restricted areas, or into/from the transit area.
 3. No checks shall be conducted in the transit area with the exception of cases when there is information, in the context of risk analysis, related to the internal security and illegal migration.
 4. At the transit area, checks shall be carried out on persons subject to an airport transit visa to pass through the transit area.
 5. When an aircraft flying from another country lands into an area which is not a BCP, due to force majeure, an imminent danger, at instructions of authorities, or without permission, that aircraft may resume flight only after it has been checked according to normal procedures and after being authorized by the BMP and Customs.
 6. BMP shall conduct border checks according to normal procedures mentioned in this law also on private aircraft, helicopters, gliders, etc. The operator of an aerodrome where there is no BCP shall immediately notify the BMP in cases when such an aircraft lands on the aerodrome.
 7. In cases of internal private flights, prior to departure the captain shall submit to the BMP a general declaration which includes information on passengers and flight plan.

Article 32

Relaxation of Border Checks

Border checks may be relaxed as a result of exceptional and unforeseen circumstances. Such exceptional and unforeseen circumstances shall be deemed to be those where unforeseeable events lead to traffic of such intensity that the waiting time at the border crossing point becomes excessive, and all resources have been exhausted as regards staff, equipment, facilities and organization.

Border checks on entry movements shall take priority over border checks on exit movements. The decision to relax checks shall be taken by the central authority of the BMP.

Such relaxation of checks shall be temporary, with expedited procedures, checks at intervals adapted to the circumstances justifying them, and introduced gradually.

For this, separate processing and informing lanes shall be ensured through the installment of boards and signs.

In the event that checks are relaxed, the BMP employee shall only stamp the travel documents, without registering them.

Article 33

Checks on Certain Categories of Persons

Exempt from border checks are Heads of State, Chairpersons of Parliaments, and Heads of governments, their counterparts and the members of their delegations, whose arrival and departure has been officially notified through diplomatic channels.

Exempt from border checks are holders of a pilot's license or crewmember's certificates in the event they:

embark and disembark in the stop-over airport or the airport of arrival situated in the territory of the Republic of Albania;

enter the territory of the stop-over airport or the airport of arrival go, by any means of transport, to an airport situated in the territory of Albania in order to embark on an aircraft departing from that same airport.

Priority will be given to checks on aircraft crews, either at special locations set aside for the purpose or before passengers.

Crews known to BMP staff may be subjected to random checks.

Article 34 **Checks on Diplomatic Corps Representatives**

The holders of diplomatic or service passports issued by their Governments or by recognized international organizations, traveling in the course of their duties, enjoy priority and facilitation during border checks.

The persons holding documents defined in point 1 of this Article shall not be asked to prove having sufficient subsistence means.

The BMP requires a person who invokes privileges, immunities and exemptions to provide evidence of his or her status, such as the diplomatic or service passport, as well as other documents proving his/her status.

Accredited members of diplomatic missions and of consular representations and their families are allowed to pass through a BCP upon presentation of a special card issued by the Ministry of Foreign Affairs.

If there are doubts or alerts by the national information system, the BMP shall notify the supervising authorities and confirm with them before refusing entry into the territory of the Republic of Albania.

Article 35 **Cross-border Workers**

During frequent crossings through the same BCP, cross-border workers are subjected to complete checks by presenting only a valid document which authorizes them to cross the border.

Exceptionally, when there are alerts on these persons by the national information system, they are not allowed to enter the BCP.

Article 36 **Minors**

Minors shall be subject to same complete checks of documents as the adults. The checks shall be conducted by a BMP employee in a specifically designated area for checks on accompanied and unaccompanied minors.

In cases when, by the check of the documents of a minor accompanied by an adult, the BMP employee has reason to believe that the minor is being removed from the custody of the person(s) legally exercising parental care over them, the BMP shall carry out a further investigation in order to detect any inconsistencies in the information given.

In the case of minors traveling unaccompanied, they shall be subject to thorough checks on travel documents in order to ensure that the minors do not leave the territory against the wishes of their parents.

Article 37
Affixing Stamps on Travel Documents

Travel documents of passengers shall be systematically stamped on entry and exit at the border. Specifically, the entry and exit stamps shall be affixed on:

- a) documents with valid visas which allow the persons to cross the border;
- b) documents which allow the persons to cross the border after they are issued a visa at the border;
- c) documents which allow persons not subject to a visa requirement to cross the border.

The stamp shall be affixed so that it covers the edge of the visa, without affecting the legibility of the indications on the visa or its security elements. The stamp shall be affixed on the page facing the one on which the visa is affixed, or the subsequent page. The stamp shall not be affixed on the last page (where the instructions for the user of the passport are), or on the cover (inner page) of the passport, or on the machine-readable zone (passport reader).

Article 38
Exemptions from Stamp Affixing

Entry and exit stamps shall not be affixed on:

- travel documents of heads of state and personalities, whose arrival is officially announced before through diplomatic channels;
- pilot licenses or airplane crewmembers' certificates;
- travel documents of seamen present in the territory of the Republic of Albania only when their ships berth and only at the port area where they are berthed;
- border documents or special permits issued for local border traffic to citizens by the BMP;
- Identity cards of nationals from countries which an Albanian government decision allows entry into the Republic of Albania.

Travel documents of Albanian citizens who cross a BCP (where TIMS is installed) several times a day shall be affixed entry-exit stamps only once.

Article 39
Local cross-border Traffic

Upon bilateral agreement between neighboring countries, local cross-border traffic can be regulated as a systematic crossing of the border by legitimate residents of areas adjacent to the border.

They enjoy facilitations during frequent crossings, such as:

- a) They are allowed to cross by presenting a border document or special permit issued by BMP.
- b) If necessary, the persons may be required to present documentation certifying their residence in areas adjacent to the border and the reasons for the frequent crossings.
- c) The abovementioned subjects shall be authorized to cross the border out of the BCP and after official working hours.
- d) Their crossing through the BCP shall be conducted through a separate lane created specifically for this category.

Article 40
Entry of Members of Foreign Security Services

Members of foreign security services shall be authorized to enter the Republic of Albania when they are:

- a) wearing their uniforms,
- b) equipped with a short-barrel firearm, and
- c) on a vehicle bearing his country's license plates or logos.

The central BMP authority shall authorize the entry as well as transiting of members of foreign security services provided this entry is not in conflict with the legislation of the Republic of Albania. The authorizing act shall determine special conditions for entry.

Entry into the Republic of Albania shall be authorized, even without a special approval, to members of foreign security services mentioned in paragraph 1 of this article who are members of official or business delegations, wearing uniforms and in possession of firearms if they are part of the uniform, after prior written notification by the Ministry of Foreign Affairs.

CHAPTER VI

COOPERATION

Article 41
National Cooperation with Border Agencies

BMP shall cooperate with state institutions, central and local government entities in the territory it is situated, other natural and legal subjects as well as foreign agencies operating in Albania and having legal responsibilities related to the border.

Forms of cooperation with each agency mentioned in paragraph 1 of this article shall be regulated by normative acts.

Article 42
Cross-border Cooperation and its Forms

1. Cross-border cooperation includes the activity of foreign police services in the territory of the Republic of Albania, or Albanian police services in foreign territory, cooperation of security services and exchange of contact officers.
2. BMP shall cooperate with counterpart police agencies of neighboring countries on:
 - a) -Joint risk analysis
 - b) -Information exchange (local and central level)
 - c) -Joint centers for information exchange and risk analysis
 - d) -Exchange of contact officers
 - e) -Joint controls and patrolling (creation of joint patrols)
 - f) -Joint training of personnel
 - g) -Periodic meetings (local and central level)
 - h) -Joint border checkpoints
 - i) -Joint use of equipment and communication devices

Article 43
Joint Risk Analysis

In implementing this law, BMP shall conduct an analysis of the situation and criminality rate for crimes committed at the border and those committed inland but related to border.

In this context, BMP shall cooperate with neighboring countries' counterpart authorities by exchanging information on the situation and criminality rate and conducting joint analysis.

Article 44
Joint Border Patrols

BMP, in cooperation with neighboring countries' counterpart agencies shall organize joint patrols alongside the common borders in accordance with joint agreements, in order to avoid threats to public security and combat illegal cross-border activities.

During joint patrolling BMP employees shall comply with the national legislation of the country in whose territory they are operating.

During joint patrolling or operations, police employees of each country shall keep their uniforms and respective equipment in accordance with the agreement with the neighboring country.

The use of firearms shall be authorized only in cases of self-defense.

Article 45
Contact Officers

By signing bilateral agreements the Albanian government may place and allow the exchange of contact officers, with a view to enhance and expedite cooperation in the form of:

- exchange of information
- execution of requests for mutual police assistance in criminal cases
- duties effectuated by the authorities responsible for border management

The activity of contact officers shall consist in providing advice and assistance, not having the right to undertake independent police actions; in providing information and carrying out duties in compliance with instructions issued by the central police authorities and by the country where they have been placed.

Article 46
Technical Measures in Cross-Border Cooperation

With bilateral agreements and by taking into consideration local circumstances and technical possibilities, cross-border police agencies shall install telephone, radio and telex lines in special border areas as well as direct lines in order to facilitate police cooperation, especially regarding timely information exchange by:

- a) Exchanging equipment or placing contact officers equipped with compatible radios;
- b) Widening frequency bands used in border areas;
- c) Establishing connections between police services operating in same areas;

- d) Coordinating procurement programs for communication equipment aiming at installing standard and compatible communication systems.

CHAPTER VII

COLLECTION OF PERSONAL DATA AND RECORDS

Article 47

Collecting, Processing and using Data

BMP shall directly collect personal data of persons who are subject to border checks. These data are saved and processed in records with the assistance of technical means in accordance with this law. BMP shall use personal and other data from records under their own administration, in compliance with other legal and sub-legal acts.

Article 48

Equipment and Methods Employed for Data Collection

BMP shall carry out border management aiming at investigating, verifying the identity and apprehending perpetrators of criminal acts. For this purpose, the BMP shall take photographs, video-photographic images, as well as use other automated devices.

The equipment mentioned in paragraph 1 of this law shall be installed in visible places at the border checkpoint, and their presence shall be announced to the persons present in the area.

The data recorded during actions mentioned in paragraphs 1 and 2 of this article shall be destroyed after 1 year if they are no more useful for apprehending perpetrators of criminal acts.

Article 49

Records

In order to carry out an effective border management, the BMP shall keep:

- a) records of persons, vehicles and objects subjected to border checks;
- b) records of persons subjected to verification of identity procedures;
- c) records of persons issued border documents;
- d) records of approvals to stay given to foreign ship crews at BCPs for international traffic.
- e) Records of entry authorizations given to members of security services with official uniform, armament and transportation;
- f) Records of persons issued identity cards (badges) for movement in the BCP control area;
- g) records of persons who have breached the state borders;
- h) records of natural persons who have declared they were going hunting or fishing in areas alongside the borderline.

Article 50

Personal Data

1. In compliance with this law and Albanian legislation, BMP shall log personal data collected manually or electronically in the records mentioned in article 49 of this law.
2. The records mentioned in article 49 of this law shall collect personal data such as biographical information, number of logbook, residence address, citizenship, travel document, fingerprints and handprints, border document etc, in accordance with determinations from sub-legal acts related to personal data.
3. The sub-legal act for personal data records provides modalities for the collection, usage and time limits for keeping data in any type of records.

CHAPTER VIII

DISCIPLINARY MEASURES

Article 51 Sanctions

1. The violation of the provisions of this law when it is not a criminal act, it constitutes an administrative contravention and is punishable by the BMP, in accordance with Law 7697, dated 7 April 1993 "On administrative contraventions" as follows:
 - a) Fine of Lek 50,000-800 e to persons who:
 1. Cross or attempt to cross the state borders out of a BCP, not during working hours of the BCP or in violation with the BCP destination.
 2. Evade border checks or leave the BCP area before a border check is conducted, or otherwise attempt to avoid border checks.
 - b) Fine of Lek 10,000-50,000 to natural or legal persons who:
 1. Hamper or do not allow for free movement, or otherwise hamper the state border surveillance activities.
 2. Cross the border due to force majeure, but do not notify the BMP immediately.
 3. Without the Minister's approval on the harmonization of the master plan with the specific conditions required of the facility, start constructing the facility or making changes to the existing one or other equipment installed at the BCP area.
 4. (operator or other responsible person) do not submit to the BMP personal data of employees prior to starting work at the BCP area.
 5. Commander of freight or passenger ship who, during international traffic sails in Republic of Albania territorial waters through the shortest route and does not berth at the port where the BCP is situated;
 6. Commander of passenger ship, who does not submit to the BMP the list of crew members and passengers within 24 hours before the initiation of the border check.
 7. Commander of the vessel entering or exiting who does not submit to the BMP the list of crew members and passengers, or does not present BMP with their travel documents.
 8. Commander, head or owner of a vessel which does not meet requirements after entry into port.
 9. Foreign national who is given permission to exit the port but does not comply with the criteria determined in the permit.
 10. Train engineer who, during entry into the Republic of Albania, with the exception of cases when it is necessary for the regulation of rail traffic or due to force majeure, stops the train between the state border and the BCP;

11. Install signs with other information which affect the visibility of the board and other signs signaling about the border line;
12. Conduct sailing, hunting, fishing, flying by small planes and other aircraft; move, stay or reside in the vicinity of the border line, if that is prohibited by a Council of Ministers Decision;
13. Go hunting or fishing, individually or in a group, up to 300 meters away from the border line, without a written notification submitted 24 hours before to the BMP;

c) Fine of Lek 500-10,000 to natural or legal persons who:

1. Have repeatedly moved through or stayed in the area of the BCP not aiming to cross the border, without being subjected to a border check or without other justifiable reasons, disobeying the BMP;
2. Do not wear their identity cards with their information visibly during their movement or stay in the BCP area.
3. Operators who do not process their employees' identity cards before they start working at the BCP area.
4. Commander of a pleasure or sports yacht or boat which sails on maritime routes in internal and territorial waters (sea, river or lake) of the Republic of Albania and does not sail on the shortest route to the closest international traffic port, and does not meet requirements of this law regarding border checks in a BCP area and does not act in accordance with orders and warnings of BMP personnel;
5. Commander of a vessel which, in the event of a force majeure in international traffic berths his/her vessel out of a maritime BCP without respective authorization;
6. Commander or head of sail who, in search and rescue operations, embarks or disembarks persons out of a BCP and does not immediately inform the closest BMP station;
7. Train engineer who has not taken necessary measures to prevent disembarking of passengers during a stop, or does not notify police of a stop;
8. During a border checks do not present for inspection the travel document destined for border crossing;
9. Do not clarify all circumstances related to the crossing of the border or do not act in accordance with notifications or warnings of relevant employees conducting border checks.
10. Plant certain trees and shrubs along the border line when this is prohibited by an order of the relevant Minister.

Article 52

Execution of Disciplinary Measures

1. Appealing and execution of disciplinary measures shall be carried out in accordance with Law 7697, dated 7 April 1993 "On Administrative Contraventions", amended.
2. Sub-legal acts defining cases not foreseen in the above articles shall be issued for the implementation of this chapter.
3. Foreign nationals may also pay fines imposed on them in foreign currency based on the daily currency rate.

CHAPTER IX

TRANSITORY PROVISIONS

Article 53
Abrogation

Law 8771, dated 19 April 2001 “On the State Border of the Republic of Albania”, Law 8772 dated 19 April 2001 “On the surveillance and control of the State Border of the Republic of Albania”, as well as any other provisions in conflict with this law are abrogated.

Article 54
Entry into Force

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

Proclaimed with Decree no. 5612, dated 11 February 2008, of the President of the Republic of Albania, Bamir Topi