

Cybercrime legislation – country profile

Albania

This profile has been prepared within the framework of the Council of Europe's Project on Cybercrime in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the country covered or of the Council of Europe.

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Country:	Albania
Signature of Convention:	23/11/2001
Ratification/accession:	Ratification: 20/06/2002
Provisions of the Convention	
<i>Chapter II – Measures to be taken at the national level</i>	
<i>Section 1 – Substantive criminal law</i>	
Article 2 – Illegal access	
Article 3 – Illegal interception	Art.123, Art.255 of the Criminal Code of the Republic of Albania
Article 4 – Data interference	Art.192/b of the Criminal Code of the Republic of Albania
Article 5 – System interference	Art.255 of the Criminal Code of the Republic of Albania
Article 6 – Misuse of devices	Art.286/a of the Criminal Code of the Republic of Albania
Article 7 – Computer-related forgery	Art.186, Art.187, Art.189 of the Criminal Code of the Republic of Albania
Article 8 – Computer-related fraud	
Article 9 – Offences related to child pornography	Art.117 of the Criminal Code of the Republic of Albania

Title 4 – Offences related to infringements of copyright and related rights	
Article 10 – Offences related to infringements of copyright and related rights	Art.148, Art.149 of the Criminal Code of the Republic of Albania Art.14, Art.50 of the Law on Copyright
Article 11 – Attempt and aiding or abetting	Art.23 and Art.27 of the Criminal Code of the Republic of Albania
Article 12 – Corporate liability	
Article 13 – Sanctions and measures	Art.117 Art.122, Art.123, Art.165, Art.186, Art.187, Art.188, Art.189, Art.190, Art.191, Art.192, Art.255, Art.286/a of the Criminal Code of the Republic of Albania Art.50 of the Law on Copyright
<i>Section 2 – Procedural law</i>	
Article 14 – Scope of procedural provisions	
Article 15 – Conditions and safeguards	
Article 16 – Expedited preservation of stored computer data	Art.299(2) of the Criminal Procedure Code of the Republic of Albania
Article 17 – Expedited preservation and partial disclosure of traffic data	
Article 18 – Production order	For Art. 18(1) of the Convention Art.191, and for the Art.18 (2) of the Convention, Art.211 of the Criminal Procedure Code of the Republic of Albania
Article 19 – Search and seizure of stored computer data	Art.202, Art.203 and for the Art.19 (3) of the Convention, Art.209 of the Criminal Procedure Code of the Republic of Albania
Article 20 – Real-time collection of traffic data	
Article 21 – Interception of content data	Art.221, Art.222, Art.223 of the Criminal Procedure Code of the Republic of Albania
<i>Section 3 – Jurisdiction</i>	
Article 22 – Jurisdiction	
<i>Chapter III – International co-operation</i>	
Article 24 – Extradition	Art.11 of the Criminal Code of the Republic of Albania Art.488, Art.489, Art.490, Art.491, Art.492, Art.493, Art.494, Art.496, Art.497, Art.498, Art.499, Art.500, Art.501, Art.502, Art.503, Art.504 of the Criminal Procedure Code of the Republic of Albania
Article 25 – General principles relating to mutual assistance	
Article 26 – Spontaneous	

information	
Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements	
Article 28 – Confidentiality and limitation on use	
Article 29 – Expedited preservation of stored computer data	
Article 30 – Expedited disclosure of preserved traffic data	
Article 31 – Mutual assistance regarding accessing of stored computer data	
Article 32 – Trans-border access to stored computer data with consent or where publicly available	
Article 33 – Mutual assistance in the real-time collection of traffic data	
Article 34 – Mutual assistance regarding the interception of content data	
Article 35 – 24/7 Network	
Article 42 – Reservations	<p>Declaration contained in a Note verbale from the Permanent Representation of Albania, dated 19 June 2006, registered at the Secretariat General on 19 June 2006 - Or. Engl.</p> <p>In accordance with Article 24, paragraph 7, of the Convention, Albania declares that the name and address of the authorities responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty are :</p> <p>Ministry of Justice, Bulevardi Zog. I., Tirana National Central Office of Interpol, Bulevardi Deshmoret e Kombit, Tirana. Period covered: 19/6/2006 - The preceding statement concerns Article(s) : 24</p> <p>Declaration contained in a Note verbale from the Permanent Representation of Albania, dated 19 June 2006, registered at the Secretariat General on 19 June 2006 - Or. Engl.</p> <p>In accordance with Article 27, paragraph 2, of the Convention, Albania declares that the name and address of the central authority responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution is:</p> <p>Ministry of Justice, Bulevardi Zog. I., Tirana Period covered: 19/6/2006 - The preceding statement concerns Article(s) : 27</p> <p>Declaration contained in a Note verbale from the Permanent</p>

Representation of Albania, dated 10 October 2006, registered at the Secretariat General on 10 October 2006 - Or. Engl.

The 24/7 Network point of contact designated by Albania is the:

Police of State
Ministry of Interior
Bulevardi Dëshmoret e Kombit
Tirana
Albania

Period covered: 10/10/2006 -

The preceding statement concerns Article(s) : 35

Appendix: Solutions in national legislation

CRIMINAL CODE OF THE REPUBLIC OF ALBANIA

Law No.7895, dated 27 January 1995

Extract

GENERAL PART

CHAPTER I-CRIMINAL LAW AND ITS APPLICATION

Article 11

Extradition

Extradition may be permitted only when explicitly provided for by international treaties where the Republic of Albania is a party.

Extradition shall be permitted when both Albanian law and foreign law provide for the criminal act, which constitutes the object of the request for extradition, as such simultaneously.

Extradition shall not be granted:

- a) if the person to be extradited is an Albanian citizen, unless otherwise provided for by the treaty;
- b) if the criminal act constituting the object of the request for extradition is of a political or military nature;
- c) when there is reasonable ground to believe that the person requested to be extradited will be prosecuted, punished or wanted because of his political, religious, national, racial or ethnic beliefs;
- d) if the person requested to be extradited has been tried for the criminal act for which a competent Albanian court demands the extradition.

CHAPTER III-ATTEMPT

Article 23

Responsibility for the attempt

The person attempting to commit a crime shall be held responsible.

Considering the stage until the realization of the consequence, as well as the causes due to which the offence remained an attempt, the court may mitigate the sentence, and may lower it under the minimum provided for by law, or may decide for a kind of punishment milder than the one provided for by law.

Article 24

Giving up the commitment of a criminal act

A person bears no criminal responsibility if, on his own will and in a definite way, he declines to commit a criminal act, despite the opportunities he may have for committing the act.

In the case that the actions committed up to that time contain elements of another criminal act, the person shall be held responsible for the acts committed.

CHAPTER IV - COLLABORATION

Article 27

Responsibility of collaborators

Organizers, instigators, and helpers bear the same responsibility as the executors for the criminal act committed.

In deciding the sentencing of collaborators, the court should consider the level of participation and the role played by everyone in committing the criminal act.

SPECIAL PART

CHAPTER II-OFFENCES AGAINST THE PERSON

CRIMES AGAINST LIFE

SECTION VIII

Criminal acts against morality and dignity

Article 117

Pornography

Producing, delivery, advertising, import, selling and publication of pornographic materials in minors' premises constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 122

Spreading personal secrets

Spreading a secret that belongs to someone's private life by the person who obtains that [secret] because of his duty or profession, when he is compelled not to spread it without prior authorization, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

The same act committed with the intent of embezzlement or of damaging another person, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 123

Halting or violation of the privacy of correspondence

The carrying out intentionally of acts such as destruction, non-delivery, opening and reading letters or any other correspondence, as well as the interruption or placement under control, hearing any conversation through telephone, telegraph, or any other means of communication, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

CHAPTER III-CRIMINAL ACTS RELATED TO PROPERTY OR IN THE ECONOMIC AREA

SECTION II-FRAUD

Article 148

Publication of another person's work with own name

Publication or use partially or totally with his own name of a work of literature, music, art or science which belongs to another, constitutes criminal contravention and is punishable by a fine or up to two year of imprisonment.

Article 149

Unlawful reproduction of the work of another

Total or partial reproduction of a work of literature, music, art or science which belongs to another, or if their use is conducted without the author's consent, when his personal and property rights are violated, constitutes criminal contravention and is punishable by a fine or by imprisonment up to 2 years. .

SECTION IV

CRIMINAL ACTS COMMITTED IN CORPORATIONS

Article 165

Falsifying signatures

Falsifying signatures and deposits, or false statement of deposits of the company's funds, or publication of signatures and deposits of fictitious people, or assessing the contribution in kind to a bigger value than the factual one, is punishable by a fine or up to five years of imprisonment.

FALSIFYING DOCUMENTS

Article 186

Falsification of Documents

The falsification or use of falsified documents is punished with imprisonment of up to three years and with a fine of from two hundred thousand to six hundred thousand lek.

When this offence is committed in collaboration or more than once or when it has brought serious consequences, it is punished with imprisonment of from six months to four years and with a fine of from three hundred thousand to one million lek. When the falsification is done by a person who has the duty of issuing the document, it is punished with imprisonment of from one year to seven years and with a fine of from five hundred thousand to two million lek.

Article 187

Falsifying school documents

Falsifying or use of falsified school documents is punishable by a fine or up to three years of imprisonment.

When the person having the capacity to issue the document makes the falsification, it is punishable by a fine or up to five years of imprisonment.

Article 188

Falsifying health-related documents

Falsifying or use of falsified health-related documents is punishable by a fine or up to three years of imprisonment.

When the person having the capacity to issue the document makes the falsification, it is punishable by a fine or up to five years of imprisonment.

Article 189

Falsification of Identity Documents, Passports or Visas

The falsification or use of falsified identity documents, passports or visas is punished with imprisonment of from six months to five years and with a fine of from four hundred thousand to one million lek.

When this offence is committed in collaboration or more than once or has brought serious consequences, it is punished with imprisonment of from six months to five years and with a fine of from six hundred thousand to two million lek.

When the falsification is done by a person who has the duty of issuing the identity document, passport or visa, it is punished with imprisonment of from three to seven years and with a fine of from one million to three million lek.

Article 190

Falsification of Seals, Stamps or Forms

The falsification or use of falsified seals, stamps or forms, or the presentation of false circumstances in the latter that are directed to state organs, is punished with imprisonment of from six months to four years and with a fine of from four hundred thousand to one million lek.

When this offence is committed in collaboration or more than once or has brought serious consequences, it is punished with imprisonment of from six months to five years and with a fine of from six hundred thousand to two million lek.

When the falsification is done by a person who has the duty of compiling them, it is punished with imprisonment of from three to seven years and with a fine of from one million to three million lek.

Article 191

Falsification of Civil Status Documents

The falsification or use of falsified civil status documents is punished with imprisonment of from three months to two years and with a fine of from three hundred thousand to six hundred thousand lek.

When this offence is committed in collaboration or more than once or has brought serious consequences, it is punished with imprisonment of from six months to four years and with a fine of from five hundred thousand to one million lek.

When the falsification is done by a person who has the duty of issuing the document, it is punished with imprisonment of from one to five years and with a fine of from one million to three million lek.

Article 192

Production of devices to falsify documents

Production of, or conserving, devices to falsify documents constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 192/a

Documents disappearing and stealing

Illegal eliminating, in any way, of archive or library documents, and, disappearing and stealing documents of a particular importance, is punished by a fine or imprisonment up to three years.

Stealing archive or library documents that are particularly important or their illegal exportation is punished by a fine or imprisonment up to five years.

Article 192/b

Interference in the computer transmissions

Interference, in any way, in the computer transmissions and programs, constitutes a penal contravention and is punished by a fine or imprisonment up to three years.

This very act, when brings about serious consequences, is punished by imprisonment up to seven years.

CHAPTER VIII

CRIMES AGAINST THE STATE AUTHORITY

SECTION II

CRIMINAL ACTS AGAINST THE ACTIVITY OF THE STATE COMMITTED BY PUBLIC OFFICIALS

Article 255

Hindering and violating the secrecy of correspondence

Giving orders or committing actions for destroying, reading and disseminating postal correspondence, or which breaks, makes it more difficult, puts under control or eavesdrops phone correspondence or any other means of communication, committed by a person holding a state

function or public service during the exercise of his duty, except the cases when it is permitted by law, is punishable by a fine or up to three years of imprisonment.

**SECTION III
CRIMINAL ACTS AGAINST PUBLIC ORDER AND SECURITY**

**Article 286/a
Illegal use of high technology**

Production and running of systems, equipment, and means of high technology, in cases of penal acts included in the articles 283 until 286/a of this Code, or when this technology is used to facilitate or enable the consumption of narcotic or psychotropic substances , or broadcasting advertisements to promote their use, is punished by imprisonment up to five years.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ALBANIA

Extract

TITLE IV

THE PROOF

CHAPTER II

TYPES OF PROOF

SECTION VIII

DOCUMENTS

Article 191

The acquiring of documents

1. There shall be permitted the acquiring of the documents representing facts, persons or objects through photographing, filming, phonographing or any other means.
2. When the original of a document is destroyed, lost or disappeared the copy may be acquired.
3. The documents that constitute real evidence must be acquired whoever be the person who produced or keeps them.

CHAPTER III

THE MEANS OF SEARCHING FOR EVIDENCE

SECTION II

INSPECTIONS

Article 202

Circumstances for carrying on inspections

1. When grounded reasons to think that someone hides real evidence of criminal offence or objects belonging to criminal offence exist, the court renders a decision regarding completion of inspection

of the person. When these objects are in a certain place inspection of the place or of the house is ordered.

2. The court which has rendered the decision may act itself or order the officers of the judicial police to complete the inspection, as specified in the inspection order.

3. In case of flagrancy or when the escaping person is being traced, which cannot wait until a decision for inspection is rendered, the officers of judicial police shall carry out the inspection of the person or of the spot following the rules provided by article 299.

Article 203

Delivery request

1. When a certain object is being searched for, the proceeding authority may ask its handing.

In case the object is handed, then the inspection is not completed, except when it is considered necessary.

2. In order to specify the objects which may be sequestrated or to reveal specific circumstances, necessary for the investigation, the proceeding authority or its authorised officers.

SECTION III

ATTACHMENT

Article 209

Sequestration of correspondence

1. When the court has grounded reasons to think that in the telegraphic or mail service offices there are letters, envelopes, boxes, telegrams and other objects of correspondence sent from or to the defendant, even under other name or through another person, it orders their sequestration.

2. When the sequestration is made by an officer of the judicial police he must hand to the judicial authority the sequestrated objects of the correspondence without opening and without having got access to them by any other means.

3. The sequestrated objects that are not part of sequestrable correspondence shall be resituated to the one they belong and may not be used.

Article 211

The obligation for delivery and secrecy

1. The persons obliged to keep the professional or state secret must immediately hand to the proceeding authority the acts and documents, even the original ones, and anything else kept by them because of duty, service or profession, except when they declare that it is a state secret or a secret related to their duty or profession. In the last case, the necessary verifications shall be completed and, when it results that the declaration has no ground, the proceeding authority orders the sequestration.

2. When the state secret is confirmed by the competent authority and the proof is essential for the solution of the case the proceeding authority decides to take the proof.

3. When within thirty days from the request the competent authority does not confirm the secret, the proceeding authority orders the attachment.

SECTION IV

INTERCEPTION OF CONVERSATIONS OR COMMUNICATIONS

Article 221

Limits of permission

1. The interception of conversations or telephone communication or other forms of telecommunication is permitted only when it is proceeded for:
 - a) intentional crimes punishable by imprisonment not less than five years maximum,
 - b) crimes connected with arms or explosive matters, narcotic substances and contraband,
 - c) criminal offences of insult and threat by phone call.

Article 222

The decision permitting the interception

1. The court authorises the interception upon request of prosecutor or injured accuser, by motivated decision for cases permitted by law and when it is indispensable for the continuation of investigations, and when there exist enough facts to prove the accuse. The decision of the court, which refuses the request for interception, can be appealed.
2. When there are grounded reasons to think that the delay may bring serious damage to the investigations, the prosecutor orders the interception by a motivated act and informs the court immediately, but not later than twenty-four hours. The judge, within twenty-four hours from the order of the prosecutor, makes the evaluation by a reasonable decision. In case this is not made within the fixed time- limit, the interception cannot continue and its results cannot be used.
3. The order for interception explains the way it shall be done and the time- limits, which cannot exceed fifteen days. The court may prolong this time- limit again to another fifteen days.
4. For the completion of the interception, the prosecutor acts himself or by an officer of the judicial police.
5. In the register which is recorded by the prosecutor are noted the acts ordering, authorising, evaluating or prolonging the supervision, as well as the starting and the termination of the action of each interception.

Article 223

Actions of interception

1. The actions of interception may be carried out only through equipment installed in designated spots and controlled by the district prosecutor.
2. The communications subject to interception are recorded and the actions are kept in the minutes. The content of the communications under interception shall be transcribed in the minutes.
3. The minutes and the records shall be immediately handed to the prosecutor and within five days from the termination of the actions they are deposited to the secretary together with the acts

which have ordered, authorised, evaluated or prolonged the interception. When the investigations may be damaged by such depositing, the court authorises the prosecutor to postpone the depositing until the preliminary investigations are completed.

4. The defence lawyers and the attorneys of the parties shall be immediately informed of the depositing in the secretary and of their right to examine the acts and to listen to the records.

The court, after hearing the prosecutor and the defence lawyers, decides on the expurgation of the records and minutes, which use is prohibited.

5. The court orders the complete transcription of the records to be taken. The transcriptions shall be put in the court file. The defence lawyers may obtain copies of transcriptions.

PART II

TITLE VI

PRELIMINARY INVESTIGATIONS

CHAPTER IV

INVOLVEMENT EX UFFICIO OF THE JUDICIAL POLICE

Article 299

The taking of sealed envelopes and correspondence

1. When the proceedings require the taking of envelopes sealed or closed by any other means, the officer of the judicial police shall send them untouched to the prosecutor for any eventual attachment. In case there are grounded reasons to think that the sealed envelopes contain data which may be lost due to delay, the officer of the judicial police informs, by the most rapid means, the prosecutor who may authorize the immediate opening.

2. For letters, envelopes, packages, patrimonial and monetary values, telegrams or other means of correspondence for which attachment is permitted, the officers of the judicial police, in case of urgency, order the person on duty in the post office to suspend the dispatching. In case within forty eight hours from the order of the judicial police the prosecutor does not order the attachment, the objects of the correspondence shall be forwarded to the destination.

TITLE X

JURISDICTIONAL RELATIONS WITH FOREIGN AUTHORITIES

CHAPTER I

EXTRADITION

SECTION I

EXTRADITION ABROAD

Article 488

The significance of extradition

1. The surrender of a person to a foreign country to execute a sentence by imprisonment or the delivery of an act which proves his proceedings for a criminal offence can be made only by means of extradition.

Article 489

The request for extradition

1. The extradition is permitted only upon request submitted to the Minister of Justice.
2. The request is presented in diplomatic channel through the Ministry of Foreign Affairs.
3. The request for extradition are attached:
 - a) the copy of the sentenced by imprisonment or of the act of proceedings;
 - b) a report of the criminal offence in charge of the person subject to extradition indicating the time and the place of the commission of the offence and its legal qualification;
 - c) the text of legal provisions to be applied, indicating whether for the criminal offence subject to extradition the law of the foreign country provides death penalty.
 - d) personal data and nay other possible information which supports to define the identity and the citizenship of the person subject to extradition.
4. When several requests for extradition compete the Minister of Justice sets forth the order of examination. He takes into consideration all of the circumstances of the case and, particularly the date of the reception of the request, the importance and the place where the criminal offence is committed, the citizenship and the domicile of the person subject to request, as well as the possibility of a re-extradition by the requesting country.
5. In case for a sole offence the extradition is requested simultaneously by several countries it shall be provided to the country subject to the criminal offence or to the country within which territory has been committed the criminal offence.

Article 490

The requirements of extradition

1. The extradition is permitted by expressed condition that the person subject to extradition shall not be prosecuted, shall be not sentenced nor shall he be surrendered to another country for a

criminal offence which has occurred before the request for extradition and which differs from that which the extradition is provided for.

2. The requirements of the paragraph 1 shall be not considered when:

a) the extraditing party gives expressed consent that the extradited is prosecuted even for another criminal offence;

b) the extradited, although has been able, has not left the territory of the country he is extradited. After thirty days from his release or after has left is returned voluntarily.

3. The Minister of Justice that permits the extradition may impose even other requirements which he considers as appropriate.

Article 491

The rejection of the request for extradition

1. The extradition may not be provided:

a) for an offence of a political nature or when it results that it is requested for political reasons.

b) when there are grounds to think that the person subject to extradition shall be subjected to persecution or discrimination due to race, religion, sex, citizenship, language, political belief, personal or social state or cruel, inhuman or degrading punishment or treatment or acts which constitute violation of fundamental human rights.

c) when the person subject to the request for extradition has committed a criminal offence in Albania.

d) when he is being tried or has been tried in Albania regardless the criminal offence has been committed abroad.

e) when the criminal offence is not provided as such by the Albanian legislation;

f) the Albanian state has provided an amnesty for this offence;

g) when the requested person is Albanian citizen and there is no agreement otherwise providing;

h) when the law of the requesting state does not provide the prosecution or the punishment for the same.

Article 492

The actions of the prosecutor

1. When receives a request for extradition from a foreign country, the Minister of Justice, if does not rejects it, shall send along with the documents to the prosecutor in the competent court.

2. The prosecutor, after receiving the request, orders the appearance of the interested person in order to identify him and to obtain his eventual consent for the extradition. The interested is explained the right to be assisted by a defence lawyer.

3. The prosecutor, through the Minister of Justice, requests from the foreign authorities the documents and the information which he considers necessary.

4. Within three months from the date on which the request for extradition has arrived, the prosecutor submits the request to the court for examination.

5. The request of the prosecutor shall be deposited in the secretary of the court along with the acts and attached objects. The secretary shall take care of the notification of the person subject to extradition, his defence lawyer and the eventual representative of the requesting country who, within ten days, have the right to access to the documents and to issue copies of them as well as to examine the attached objects and to present memos.

Article 493

Coercive measures and the attachments

1. Upon request of the Minister of Justice, presented through the prosecutor, the person subject to request for extradition may be subjected to coercive measures and an order imposing the attachment of the real evidence and of the objects related to the criminal offence for which is requested the extradition may be issued.

2. The imposing of the coercive measures shall be subjected to the provisions of the title V of this Code, as far as this can be done, considering the requirements which provide that the person subject to extradition shall not try to slip the extradition.

3. The coercive measures and the attachment shall be not imposed when there are reasons to believe that the requirements to provide a decision in the favour of extradition do not exist.

4. The coercive measures are revoked when within three months from the start of their execution it has not terminated the proceedings before the court. Upon the request of the prosecutor the time limit can be prolonged, but not longer than one month, when necessary to make particularly complex verifications.

5. The competent authority to render decision on basis of the paragraphs hereof is the district court or, during the proceedings before the court of appeal, this one.

Article 594

Temporary execution of coercive measures

1. Upon request of the foreign country, presented by the Minister of Justice through the prosecutor in the competent court, the court may impose temporarily a coercive measure before the request for extradition arrives.

2. The measure may be imposed when:

a) the foreign country has declared that the person has been subjected to a measure restricting his personal freedom or to a sentence by imprisonment and that it is going to present request for extradition;

b) the foreign country has presented circumstantial data regarding the criminal offence and sufficient elements for the identification of the person;

c) there is the eventual event of his escape.

3. The competency to impose the measure shall belong to, respectively, the court of the district where in which territory the person has the domicile, residence or the dwelling- house or the court of the district where he is. In case the competency cannot be determined by the above ways, competent shall be the court of Tirana district.

4. The court may also order the attachment of the real evidence and of the objects pertaining to the criminal offence.

5. The Minister of Justice gives notice to the foreign country of the temporary coercive measure and of the eventual attachment.

6. The coercive measures are revoked if, within thirty days from the notification hereinof, the request for extradition and the documents enclosed do not arrive to the Ministry of Justice.

Article 496

The hearing of the person subjected to the precautionary measure

1. In case a precautionary measure is imposed, the court, as soon as possible and anyway not later than five days after the execution of the measure or its evaluation, makes sure of the identity of the person and takes its eventual consent for extradition, noting this in the minutes.

2. The court makes known to the interested person the right to a defence lawyer and, ex officio, if he is absent, can appoint another defence lawyer. The defence lawyer must be notified, at least twenty-four hours before for the above mentioned actions and has the right to participate in them.

Article 497

The examination of the request for extradition

1. After the reception of the request of the prosecutor, the court fixes the hearing and notifies, at least ten days in advance, the prosecutor, the person subject to request for extradition, his defence lawyer and the eventual representative of the requesting state.

2. The court collects data and makes the necessary verifications and hears the persons summoned to appear before the trial.

Article 498

The decision of the court

1. The court renders the decision in favour of the extradition when it possesses important data on the guilt or when there is a final decision. In this case, when there is a request of the Minister of Justice, presented through the prosecutor, the court decides the holding into custody of the person who should be extradited and who is in free state, as well as the attachment of the real evidence and objects which belong to the criminal offence.

2. The court renders the decision rejecting the extradition in cases provided for the nonacceptance of the request for extradition.

3. When the court renders the decision against extradition, the extradition cannot be executed.

4. The decision against the extradition prohibits the rendering of a successive decision in the favour of extradition as a result of a new request presented for the same facts by the same state, except when the request is based on elements which are not evaluated by the court.

5. The decision of extradition regarding the request for extradition, may be appealed to the court of appeal by the interested person, his defence lawyer, the prosecutor and the representative of the requesting state, according to the general rules of appeal.

Article 499

The decision of extradition

1. The Minister of Justice decides for the extradition within thirty days from the date the decision of the court has become final. After the expiration of this time-limit, even in case the decision is not rendered by the Minister, the person subject to extradition, if imprisoned, shall be released.
2. The person shall be released even in case the request for extradition is rejected.
3. The Minister of Justice communicates the decision to the requesting state and, when this is favourable, the place of the surrender and the date by which it is expected to start. The time limit of the surrender is fifteen days from the fixed date and, upon motivated request of the requesting state, it may be also extended to twenty other days.
4. The decision of extradition shall lose its effect and the extradited shall be released in case the requesting state does not act, within the fixed time-limit, to receive the extradited.

Article 500

The suspension of the surrender

1. The execution of extradition is suspended when the extradited should be tried in the territory of Albanian state and must serve a punishment for criminal offences committed before or after that subject to extradition. But the Minister of Justice, after listening the competent proceeding authority of the Albanian state or the one of the execution of sentence, must order the temporary surrender in the requesting state of the person subject to extradition, defining the time-limits and the way how to operate.
2. The Minister may agree the rest of the punishment to be served in the requesting state.

Article 501

Extension of the provided extradition and the re-extradition

1. In case of new request for extradition, submitted after the delivery of the extradited and which subject is a criminal offence occurred before the delivery, different from that subject to the provided extradition, there are respected, as far as they are applicable, the provisions of this chapter. The request must be attached to the statements of the extradited, made before the judge of the state requesting the extension of the extradition.
2. The court proceeds in absentia of the extradited.
3. It shall not be any trial in case the extradited, by his statements provided in paragraph 1, has accepted the extension of extradition.
4. The above provisions are also applied in case the requesting state, which is surrendered the person, requests the consent for extradition of the same person in another state.

Article 502

The transit

1. The transit through the territory of the Albanian state of an extradited person from a state to another, is authorised, upon request of the latter, by the Minister of Justice, if the transfer does not impair the sovereignty, the security or other state interests.
2. The transfer is not authorised:

a) when the extradition is provided for facts which are not provided as criminal offences by the Albanian law;

b) in cases provided by article 491, paragraph 1;

c) when an Albanian citizen, for whom the extradition in the state which has requested the transit transfer should not have been provided, is involved.

3. The authorisation is not required in case the transit transfer is made by plain and there is not expected the landing in the Albanian territory. But, when the landing takes place, there shall apply, as far they are in accordance with the fact, the provisions for the precautionary measures.

SECTION II

THE EXTRADITION FROM ABROAD

Article 504

The request for extradition

1. The Minister of Justice is competent to request from a foreign state the extradition of the proceeded or sentenced person, who must be subjected to a measure that restricts the individual freedom. In this case, the prosecutor in the court of the territory where the proceedings take place or the sentence is rendered, makes a request to the Minister of Justice, sending the necessary acts and documents. In case does not accept the request, the Minister notifies the authority which has made it.

2. The Minister of Justice is competent to decide about the conditions eventually imposed by the foreign country to provide the extradition, when they do not run against the main principles of the Albanian rule of law. The proceeding authority is obliged to respect the accepted conditions.

3. The Minister of Justice may decide, for the purpose of extradition, the searching abroad for the proceeded or sentenced person and his temporary arrest.

4. The detention abroad, as a consequence of a request for extradition introduced by the Albanian state, is calculated in the duration of the detention, according to the rules provided in title V of this Code.

LAW

No. 7564, dated 19.05.1992

LAW On COPYRIGHT

Extract

CHAPTER III

Limitations of the Economic Rights

Article 14

Free Use of Computer Programs

The author's approval is not obligatory if the reproduction of the code and the adaptation ("translation") are indispensable to get the required data for the interaction of a computer program created independently of the other programs. The reproduction can be made upon the following conditions:

- a) when this actions is done by means of a license, by another person who has the right to use the copy of the program or by any authorized person;
- b) when the necessary data for interaction are not previously given to the persons mentioned in paragraph "a";
- c) when these actions are limited in those parts of the original program which are indispensable for the creation of the interaction capacity.

The use of the following data is prohibited because of the provisions of the first paragraph:

- a) for a purpose different from that of interacting capacity of the computer program created in an independent way;
- b) for giving them over to third parties, except for the cases when this is indispensable for the interacting capacity of the computer program created in an independent way;
- c) for using data for the development, production or handing over of a similar computer program concerning the way of expression or for any other purpose which violates the copyright.

The provisions of this article must not be interpreted in such a way that causes its applications to come contrary to the normal usage of the computer program, or hurts the legitimate rights of the author.

CHAPTER IX

The Measures and Sanctions in Case of Violation of the Rights Defined by this Law

Article 50

Translation, adaptation, visual or audio registration, import, reproduction and circulation, introduction of special equipments for audio and visual reproduction, radio or television transmission, or transmission in any hall or with any other means of artistic ownership, without the permission of the author or association to which the rights are transferred, in violation to the dispositions of this law or international agreements ratified by the Republic of Albania, when the moral and economic rights of the author are violated, constitutes a criminal misdemeanour and is sentenced to a fine or imprisonment up to 1 year.

Disagreements between the user of the intellectual property work and the author or association to which his/her rights are transferred, for non-fulfilment of the obligations deriving form the contract entered into between them, are presented to the respective court from the interested party for civil judgment.