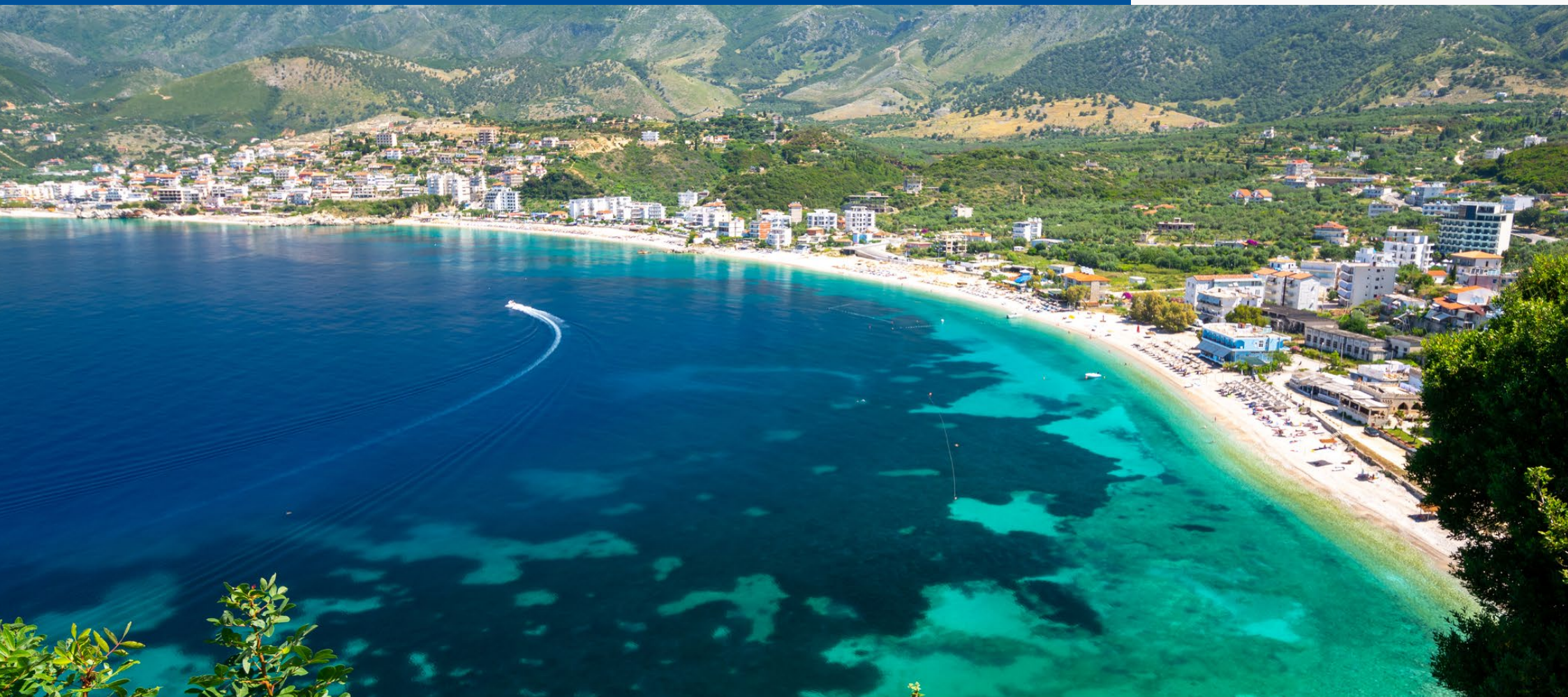
Cross-Regional Court Performance Assessment – Country Report

Albania

European Bank
for Reconstruction and Development

DENTONS



Key findings

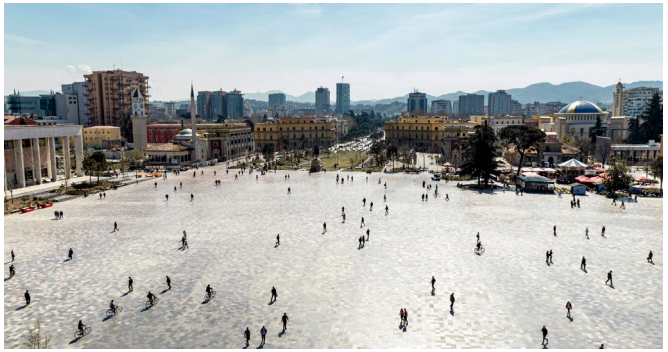
Macro Data

South-eastern Europe[1]	2,811,666 (2021)[2]	27,400.0[3]	6,492.9 (2021)[4]
EBRD region of operation	Population size	Land area (sq.km.)	GDP per capita in USD

When compared to other EBRD CoOs, Albania has lower than average scores for the majority of MLAT indicators. Albania's scores are particularly low in Dimension 2. Commercial Dispute Resolution and Dimension 3. Uncontested Procedures for Enforcing a Claim, indicating significant areas for improvement of the legal framework, IT infrastructure and administrative capacity for resolving commercial disputes and enforcing claims.

In terms of **Policies and Infrastructure for E-justice**, Albania demonstrates an adequate level of development of E-governance and E-infrastructure, including level of internet penetration and online access to administrative services. A dedicated body overseeing the digitization of the judiciary has been established. The overall level of justice system digitization is relatively high, with work currently underway to develop and launch a new integrated CMS system for all courts. The digitisation of court processes still leaves a lot to be desired. Importantly, there is no e-filing legislation yet, which is one of the key preconditions for effective processes digitalisation. One area where the country appears to lag behind is the level of stakeholder engagement in the area of e-justice.

Regarding **Commercial Dispute Resolution**, Albanian courts have a relatively low level of commercial specialisation. Only 5 of the 22 district courts have a commercial division. Albania is revising its judicial map, and the proposed new judicial map will have 13 district courts, with the possibility of some courts having a specialised commercial division. While the country has a rather well-established legislation for mediation in civil/commercial issues, there are no incentives for using mediation in commercial disputes, and no online solutions for out-of-court settlement of commercial disputes. While it is commendable that the country is able to provide disaggregated statistics on commercial litigation, its effectiveness is low in comparison to other EBRD CoOs. Part of the reason may be the vetting process for judges and prosecutors in the period 2018 – 2022, which led to the dismissal of around 50 percent of these professionals and has affected the output of courts.
As this process has now ended, it is expected that adjudication of cases would accelerate in the coming years.



[1] See https://www.ebrd.com/where-we-are.html.

[2] See https://data.worldbank.org/country/AL.

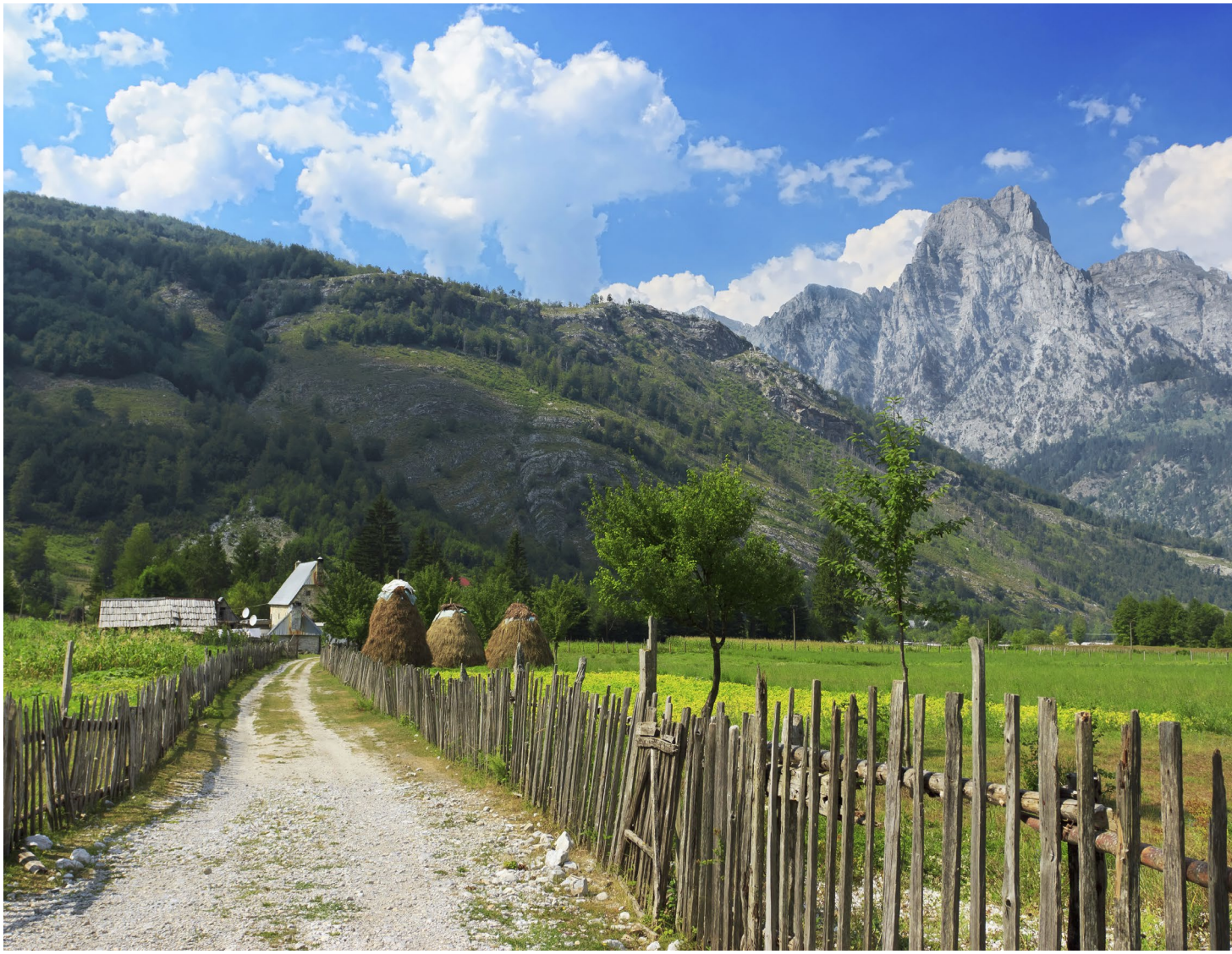
[3] See https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=AL.

[4] See https://data.worldbank.org/country/AL.

Albania had consistently low ratings across all Indicators covered in **Uncontested Procedures for Enforcing a Claim**. Claims cannot be filed online in Albania's procedure for issuance of the writ of execution, and evidence must be presented on paper. Furthermore, the procedure is peculiar in that it results in the direct issuance and entry into force of a writ of execution, and enforcement can commence without the debtor being informed of it beforehand or having had the opportunity to object against it. While such immediate enforcement is typical for procedures stemming from authentic documents, it is highly unusual for late commercial payments or even for utility bills. The fact that Albania places the burden of launching the litigious case entirely on the debtor, even for such claims with a lower level of certainty, creates risks for the debtor's right to fair trial.

Regarding **Small Claims Procedures**, Albania's scores are particularly low in terms of the ease of filing of the claim. Furthermore, there is significant room for adding more meaningful simplifications to the small claims procedure in Albania.

Overall, Albania has a relatively low of readiness for the introduction of ODR. The overall development of e-governance and e-infrastructure are a good basis for further improvements. However, the relevant legal framework and the technical infrastructure need significant and targeted improvements to enable more comprehensive digitalisation of court processes. It is not possible to identify a particular subject matter area that displays a higher level of readiness for the introduction of ODR since all three examined fields, namely commercial dispute resolution, uncontested procedures for enforcing a claim, and the small claims procedure, are still not sufficiently advanced in this regard.



Questionnaire

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 1. Policies and Infrastructure for E-Justice			
	Link to the strategy that covers e-justice (if any) and time-period of the strategy.		https://drejtesia.gov.al/plani-i-veprimit-te-strategjise-ndersektoriale-te-drejtesise/ The Cross cutting justice strategy and its action plan was approved through Council of Ministers decision no. 823, dated 24.12.2021, and it covers the period 2021 to 2025.
	Which body is responsible for digitization of the judiciary?		The institution in charge for the digitalisation of the judiciary is the Centre for the Information Technology in the Justice System (QTI - Qendra për Teknologjinë e Informacionit) (https://qti.al/). The Centre is created as a budgetary public institution[5], attached to the High Judicial Council and has two organs, the Executive Director and the Managing Board. The managing board is composed of the following representatives: a) one member of the High Judicial Council; b) one member of the High Prosecutorial Council; c) one representative from the High Justice Inspector; ç) one representative from the School of Magistrates; d) one representative from the General Prosecution; dh) one representative from the Ministry of Justice; e) one end-user representing the Special Structure against Corruption and Organized Crime; ë) one end-user representing prosecution offices; f) two end-users representing the courts of different levels; g) one end-user representing the courts against Corruption and Organized Crime.

[5] Based on article 92 of the law No. 115/2016 "On governance institutions of the justice system" (text of the law in English can be accessed at: https://www.euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=107&catid=87&m=0) and Council of Minister decision no. 972, dated 2.12.2020 "On the organization, functioning and the competences of the Centre for Information Technology for the Justice System"

No.	Indicator Component	Score	Justification for the scoring and sources
	Which body is responsible for digitization in public administration?		The institution in charge for the digitalisation in the public administration is AKSHI (https://akshi.gov.al/) (Agjencia Kombëtare e Shoqërisë së Informacionit). AKSHI was created as a central public institution, by a decision of Council of Ministers no 673, dated 22.11.2017. AKSHI is headed by a General Director that is appointed and discharged by the Prime Minister. AKSHI is financed by the state budget and other legitimate income and represents the state, as an owner, and administers any system and hardware and software infrastructure in the information technology area, for the institutions under the responsibility of the Council of Ministers.
	Is there a formal coordination mechanism for digitization projects in the judiciary and public administration? What is it?		There are no formal coordination mechanisms for digitalisation projects between AKSHI and QTI, besides the fact that digitalisation strategies for both the Judiciary and the Public Administration are approved by the Council of Ministers. In terms of digitalisation projects, they need to be in line with the strategies and other policy documents; however, considering that both these institutions regulate separate areas, no common digitalisation projects are foreseen, and hence, no coordination mechanisms exist.
	Does the Case Management System of the courts allow for auto-generation of parts of the judicial acts?		The Case Management System(s) (please not that currently there are two systems in use) does not allow auto-generation of judicial acts.
	Can judges work remotely by accessing the Case Management System of the courts from a distance?		Judges cannot work remotely by accessing to court Case Management System from a distance

[5] Based on article 92 of the law No. 115/2016 "On governance institutions of the justice system" (text of the law in English can be accessed at: https://www.euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=107&catid=87&m=0) and Council of Minister decision no. 972, dated 2.12.2020 "On the organization, functioning and the competences of the Centre for Information Technology for the Justice System"

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.1. Level of Development of E-governance and E-infrastructure			
1.1.1.	Level of internet penetration	2	Based on the World Bank 2020 data, the individuals using internet, as a percentage of the population, is 72 percent.
1.1.2.	Level of development of electronic signatures	3	Electronic signatures are regulated by law no 9880, dated 25.02.2008 "On electronic signatures" as amended. AKSHI is the public institution in charge of providing electronic signatures. Electronic signatures are issued to public employees, private subjects and foreign citizens. Albania is undergoing a digital transformation when it comes to delivering public services. Starting from May 1st, 2022, more than 95 percent of public services are offered online (application is made online through e-albania (https://e-albania.al/) and the citizen receives a document with an electronic signature or electronic seal, that has the same legal value as a printed document. However, when it comes to judiciary, electronic signatures are not used in judicial documents but in official communications between the institutions and the courts. Electronic signatures are not used in judicial proceedings, irrespective of whether the party is a private party or public institution. However, courts use electronic signature when the court and a state institutions cooperate for the purposes of administrative proceedings performed by state institutions. As an example, when a state institution grants a license, the requesting party should have full legal capacity. For the sake of fulfilling this condition, the state institution, would request from the court a document, attesting that there have been no judicial proceedings removing the requesting party's ability legal capacity. This communication between the court and the state institution is conducted electronically, through an electronic platform, and the document attesting its full capacity (or the lack of cases removing its full capacity) is submitted by the court through this electronic platform, with the electronic signature of the chancellor of the court.
1.1.3.	Level of development of electronic documents	3	Electronic documents are regulated by law no 10273, dated 29.04.2010 "On electronic documents". As explained above, electronic documents are widely used in the public administration in the interaction between two public authorities (electronic documents are used when needed during an administrative procedure) or between a public authority and citizens.

No.	Indicator Component	Score	Justification for the scoring and sources
1.1.4.	Level of development of national electronic identification	3	National electronic identification is regulated by law no 8952, dated 10.10.2002 “On the electronic identification document of Albanian citizens”, as amended. The electronic ID is valid for 10 years, starting from the date when it was issued. Based on article 6 of the law, the ID contains the following data that have been written through electronic methods: a) personal number; name; surname; name of the father; place of birth; date of birth; sex; b) photo; c) signature of the holder; ç) other security elements, in line with EU standards. Electronic identification was widely used during the last elections, where each citizen was identified as having the right to vote in a respective voting centre using electronic ID. The electronic ID provide for the possibility to be used for electronic signatures (https://www.parlament.al/Files/ProjektLigje/20210218151135shtojcatIII.pdf). However, AKSHI has based its electronic signature technology on a electronic platform (https://www.youtube.com/watch?v=3jk712peUJo) where it is not necessary to use the card itself in order to sign. the ID number but not the ID card are used to sign. A person’s phone number is registered and used for validating the signing.
1.1.5.	Level of online access to administrative services	3	Starting from May 1st, more than 95 percent of administrative services are received online, through e-albania. Citizens apply online and file all relevant documentation through e-albania (when necessary, physical copies can be send via postal services) and the citizens receives the relevant administrative service through e-albania. Since 1st of May, 2022, the use of electronic services was made mandatory. Hence, public institutions will provide public services only through the use of e-albania. However, citizens were quite extensively using electronic services prior to that date. According to the data published by AKSHI, prior to May 1st, around 56 percent of the citizens used regularly the electronic services. In order to assist citizens who cannot use electronic services Albania has set up support centres at the locations where previously physical services were being provided. Therefore, the number of engaged civil servants did not change.
1.1.6.	Level of broadband internet access	1	According to the data published on the Speedtest Global Index Albania has a download speed of 39.19

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.2. Overall level of development of justice system digitalisation			
1.2.1.	Status of e-Justice strategy	3	The Ministry of Justice, on March 2022, has published its first annual report of the Cross cutting justice strategy and its action plan.[6] According to the monitoring report, fourth policy goal: Coordination, efficient and effective management of the justice system in all institutions of the sector, has as its first SO 4.1: Full development of an integrated electronic justice system (e-justice) with unified identifiers, updated case management systems, Internet-based electronic registration for all three areas (criminal, administrative, civil) and links to registries and relevant national databases. This indicator starts to be measured after 2021, however, when it comes to other indicators, for 2021 the strategy had a good implementation rate.
1.2.2.	Case management system (CMS) deployment rate	3	In Albania there are two Case Management Systems in use by the courts. ARKIT is mainly used by Tirana District Court and ICMIS is used by other courts. The CMS is deployed in all the courts and is generally used by the judges in administering their case.
1.2.3.	Level of integration of the Case Management System	2	As explained above, in Albania currently there are two case management systems used in the courts system (ARKIT and ICMIS) and one case management system used in the prosecution offices (CAMS). However, one of the main goals of the justice crosscutting strategy (SO 4.1) is to have a full development of an integrated electronic justice system (e-justice) with unified identifiers, updated case management systems, Internet-based electronic registration for all three areas (criminal, administrative, civil) and links to registries and relevant national databases. To this aim, QTI (Information Technology Center for the Justice System) has approved the terms of business for the development of the new CMS system for Albania and the High Judicial Council has already foreseen in its midterm budgetary requests the costs of building and operating a new case management system.
1.2.4.	Official information about the justice system available over the internet	3	All the courts (except Tirana District Court and the High Court) publish their information on the website www.gjykata.gov.al. The website provides information on the contact information of all courts, schedule of court hearings and forms that can be used by citizens and businesses. Basically, in this website any information relating to the case can be accessed online, such as the number of the case, date of registration, type of case, status of each case, interim decisions, final decision, planning of court hearings (if the judge has set a hearing plan) and a history of the case. Tirana District Court and the High Court use their separate websites (respectively http://gjykatatirana.gov.al/ and https://www.gjykataelarte.gov.al/) where they also publish forms to be used for various filings with the court; for Tirana District Court in the website there is a section titled “Formularët Elektronik për Aplikimin në Gjykatë” translated to “Electronic Forms for Court Filings”, where citizens can access electronic forms, whereas the High Court has published the model form of the appeal to the High Court in the following link http://www.gjykataelarte.gov.al/web/Rregullat_e_reja_9967_1.php).
1.2.5.	Publication of court judgments and free online access to them	2	All of the judgment of the High Court are published online (http://www.gjykataelarte.gov.al/web/Kerkim_per_Vendime_37_1.php) and there is also a possibility to search based on different criteria, including keywords on the text of the decision. Additionally, a significant number of the judgments of the lower-level courts of all instances are published online (either in the website of Tirana District Court or in the website gjykata.gov.al). However, decisions are published anonymised (hence, no search based on the name of the parties is possible) and there is no search based on keywords, but only one other predefined criteria such as number of the case, type of the case, judge, status of the case, number of the decision, date of the decision and date of registration of the case.

[6] https://drejtesia.gov.al/wp-content/uploads/2022/04/Annual-Report-2021_Cross-Cutting-Justice-Strategy.pdf

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.3. Digitisation of court processes			
1.3.1.	Availability and use of e-filing	1	There is no legislation governing the submission of a case to court by electronic means.
1.3.2.	Availability and use of electronic service of process (e-service)	2	Article 129 of Civil Procedure Code[7] provides that "The court, when deeming it useful and when the party or the third party has given its prior consent, orders that the summons are to be made by means of electronic communication, according to the rules established in this chapter." Furthermore, article 141 if the CPC provides specific rules on electronic notification of acts, which inter alia provide that electronic notification of acts is done by means of electronic communications, by delivery from the court employee of the writ, or other acts which should be notified to the person determined as a recipient, to his contact details. Additionally, based on article 154 of CPC the statement of claim must contain, his or his representative's electronic contact details, if any, which the court may use to notify him. Hence, there is legislation governing e-service, however, using e-services is a choice of the parties.
1.3.3.	Possibility to check case files and track case progress remotely	2	All the courts provide for the option to check the progress of the case remotely, by publishing in their websites (either the main website gjykata.gov.al, or through their separate websites in the case of Tirana District Court and High Court) the progress of each case.

[7] An English version of the Albanian Code of Civil Procedure can be accessed at https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=257&catid=51&m=0

No.	Indicator Component	Score	Justification for the scoring and sources
1.3.4.	Possibility to hold online / videoconference hearings (for any type of case)	3	The Criminal Procedure Code[8] provides for several categories of participants in a criminal case to take part in the hearing through videoconferencing. Article 58/b of CPC provides that sexually abused victims and the human trafficking victims shall be entitled to request to be heard during the trial through audio-visual tools pursuant to the provisions of this Code. Additionally, article 167/a provides that the defendant in a joined proceeding, who is being prosecuted or is serving a sentence abroad for a different criminal offence, whose extradition has been denied, may be questioned in distance, by means of audio-visual link, pursuant to international agreements, provided that the foreign State ensures the presence of the defendant's lawyer in the venue of questioning. Lastly, article 344 provides that when a defendant has been removed from a hearing due to the fact that his behaviour hinders the regular performance of the hearing, when possible shall attend the hearing through audio and/or video links. The Civil Procedure Code provides for the use of video-conference hearings only in small claims cases. In accordance with article 236/a of Civil Procedure Code, the court may decide that the witnesses' statements be taken by way of written statements or video-conference, provided outside the court premises. Additionally, article 285/a, regulating communication with the parties, provides that the court shall order the parties to provide the explanations in writing or via video-conference. Additionally, it should be noted that on 25.03.2020 the Council of Ministers approved a normative act to take special measures in the judiciary, during the covid. One of the measures was the ability to conduct remote hearings, through videoconferences, in criminal, civil and administrative cases. Hearings were widely held in all types of cases through Microsoft Teams.
1.3.5.	Court fees	1	There are no official online court fee calculators. Online banking is quite widespread in Albania; however, to make the payment of the fee you initially need a receipt from the court, calculating the amount due, based on the case, and then the amount due can be paid in the bank. However, even at this stage making the payment online is not possible, since the court would require the receipt to have the seal of the bank, and one copy of the receipt should be deposited in the case file.
1.3.6.	Ability to initiate enforcement based on electronic enforceable titles	1	There is no legislation governing electronic enforceable titles and enforcement can only be initiated based on an enforceable title presented on paper.

[8] An English version of the Albanian Criminal Procedure Code can be accessed at https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=172&catid=11&m=0

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.4. Stakeholder engagement			
1.4.1.	Existence of an obligation for professional court users to interact with the court only electronically	1	There is no legislation regulating specifically professional court users in their interactions with the courts only electronically. However, as explained above, the statement of claim must contain, the party's representative's electronic contact details, if any, which the court may use to notify him.
1.4.2.	Availability of monetary incentives for conducting certain court actions electronically	1	There are no monetary incentives for conducting certain court actions electronically.
1.4.3.	Availability of user guides, help desk and guidance in the e-filing system	1	No e-filing is available, hence, no user guides, help desk and guidance for e-filing are provided to users.
1.4.4.	Whether court user surveys are conducted by the courts/ the judicial system on a regular basis	2	Based on article 94 of the law 115/2016 "On governance institutions of the justice system", the internal rules for the functioning of the courts, that are adopted by the High Judicial Council, shall contain also standard rules on the quality of justice which include, inter alia, the following: a) Development of surveys on the assessment of court services by court users; b) Development, testing and use of indicators for the quality of judicial services; c) Measures to improve the quality of work of judicial experts; ç) Measures to improve access to justice; So far, the courts have not conducted regular surveys but they have been conducted, on an ad hoc basis, when supported from donor implemented project. As an example, currently the District Court of Tirana is conducting a survey on the quality of service delivery in the court (http://pyetesor.klgj.al/index.php/325931) with the support of Council of Europe in Albania. The intention is to conduct this survey regularly.

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 2. Commercial Dispute Resolution			
	What is the definition of commercial case for the purposes of determining the jurisdiction of the commercial courts/divisions/chambers (if available in the country)?		Based on article 334 of Civil Procedure Code, in the competence of the sections for adjudicating commercial disputes at the courts of first instance, are: a) Contractual disputes between commercial companies and between them and natural persons registered as traders, or between these natural persons registered as traders, if it is a commercial activity for both parties. Transactions made by natural persons registered as a trader are presumed to be part of the commercial activity, unless it is proven otherwise; b) Disputes between partners of commercial companies, between the company and its partners and also between the company or its partners and its management bodies, when the disputes arise from their position in the company, and the claims of the creditors raised under the legislation in force on traders and commercial companies; c) Disputes related to a contract of alienation of rights of members of a commercial company; ç) Disputes on the right to a trade name; d) Violation of regulations on protection of competition; dh) Bankruptcy proceedings; e) Disputes resulting from the dissolutions of companies; ë) Claims on a bill of exchange, cheque and other papers of this nature provided for by law
	Have significant reforms of commercial dispute resolution been introduced in the previous three years in the country (e.g., changes to the practice and procedure of commercial litigation and/or related alternative dispute resolution (ADR))? Briefly describe the nature and impact of the reforms.		Albania is implementing a comprehensive justice reform that addresses the longstanding deficiencies in respect of independence, accountability, efficiency and professionalism of the justice system. In 2016, following a wide consultation process, the Albanian parliament unanimously approved the long-awaited judicial reform. The constitutional amendments changed 46 articles of the 1998 constitution, making the judicial reform one of the most radical transformations in legislation that Albania has seen in the last 25 years. The reforms included strengthening the independence and efficiency of the judiciary, introducing stronger accountability mechanisms, depoliticizing judicial institutions, enhancing the professionalism and at establishing anti-deadlock mechanisms for appointments of judges and prosecutors. They also include innovative solutions related to the re-evaluation (vetting) of all sitting judges and prosecutors. However, even though the reform changed the organization and functioning of the judiciary, including amendments to the procedural code, the amendments where not directly targeted at commercial dispute resolution but increased the independence and impartiality of the judiciary. Furthermore, the Assembly, in 2021 approved amendments to the civil procedure code and law on adjudicating administrative disputes aiming to increase the efficiency of civil and administrative proceedings. The new amendments provide for new rules on adjudicating cases in camera, composition of judicial panels (some cases can be adjudicated by a single judge, whereas prior to the amendments the case could be reviewed by a panel composed of 3 judges), rules on filing appeals in the high court, and the procedure of the high court for reviewing these cases etc. Lastly, the Ministry of Justice has finalized the process of drafting a new law on arbitration which is expected to be reviewed by the Assembly during this year. The efficiency package was also highlighted in the EU progress report for Albania https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-10/Albania-Report-2021.pdf (page 23)

No.	Indicator Component	Score	Justification for the scoring and sources
What has been the impact of the COVID-19 pandemic on commercial litigation in the country, e.g. introducing more electronic interactions?			On 25.03.2020 the Council of Ministers approved a normative act to take special measures in the judiciary, during the COVID 19 period. One of the measures was the ability to conduct remote hearings, through videoconferences, in criminal, civil and administrative cases. These measures are valid only during the COVID period.
Number of female/male judges in the country.			As of December 2021, there are 175 first instance court judges in Albania. Out of these 90 are females judges and 85 are male judges.
Number of female/male first-instance commercial judges in the country.			Data not available

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.1. Level of specialisation of commercial dispute resolution			
2.1.1.	Availability of a specialised commercial court or specialised commercial divisions in courts	2	Out of 22 district courts, only 5 district courts have a commercial division. Please note that Albania is undergoing a revision of its judicial map and the proposed new judicial map will have 13 district court, which would give the possibility for some court to have a specialised commercial division.
2.1.2.	Modifications of the general procedural rules in respect of commercial cases as compared to general civil cases	1	There are no modifications of the general procedural rules in respect of commercial cases as compared to general civil cases.
2.1.3.	Inception training in commercial law for commercial judges	1	There is no mandatory or voluntary training in commercial law provided to commercial judges upon entry/appointment. Please note that judges in Albania are trained either through their initial training (training programme organised by the School of Magistrates that lasts three years) or their continuous training programme (a judge should be trained not less than five full days per year and not less than 30 full days during five years). Hence there is no inception training when being appointed in a new position as a commercial judge (a judge in the general section transferred to the specialized commercial section).
2.1.4.	Continuous (regular) commercial law training for commercial judges	3	The School of Magistrates provides continuous training in commercial law topics. In accordance with article 7 of the status law, a magistrate has a right and an obligation to participate in continuous training programs. The continuous training period should be not less than five full days per year and not less than 30 full days during five years. The obligation to attend continuous training programs only if the program is relevant to his function. Hence commercial judges can fulfill the obligation to participate in continuous training program only if they participate in continuous training in commercial law topics.
2.1.5.	Capacity building for commercial judges' judicial assistants or for other types of specialised judicial clerks engaged in commercial justice (e.g., rechtspflegers)	2	Judges have a judicial secretary and, following legal amendments introduced in 2021, first instance courts will also have legal assistant, organised in a legal service unit in a court. Legal assistants need to go through a training programme in the School of Magistrates which lasts 2 years. During this training legal assistance are trained also in commercial law. However, considering that these units have not yet been created, they have not yet undergone specialised training.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.2. Use of mediation/ADR tools			
2.2.1.	Availability of mediation in civil/ commercial disputes	3	Mediation is regulated by law no 10 385, dated 24.2.2011 "On mediation in dispute resolution"[9], as amended. According to the law, mediation applies for the resolution of all the disputes in civil law, commercial, labour and family law, intellectual property, consumer rights, as well as disputes between public administration organs and private subjects. Additionally, article 158/ç of Code of Civil Procedure provides the following: 1. The judge shall make every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. The judge, where appropriate, shall order the parties involved to appear before the court. 2. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation. 3. When reconciliation is reached without starting the hearing, a record is held, which is signed by the parties. The judge approves the reconciliation by way of decision. 4. In case of submission of the act-agreement for reconciliation or resolution of the dispute through mediation, the court decides to approve it, if the latter is not inconsistent with the law. 5. Where the reconciliation is reached in the hearing, the terms of the agreement shall be reflected in the court record. The court shall give its approval decision, but in any case it should not be against the law. 6. Against the decision to resolve the dispute by reconciliation or mediation, or the rejection of the reconciliation, can be appealed separately.
2.2.2.	Availability of an official register of mediators accessible online	3	Mediators are licenced in accordance with the law no 10 385, dated 24.2.2011 "On mediation in dispute resolution"[10], as amended. According to the law, the mediator exercises the activity, as a natural or legal person, after his/her licensing and registration with the Register of Mediators, according to this law. The mediator, upon successful completion of the initial training and the qualifying examination, has the right to present the documentation for being granted the licence of mediator with the Minister of Justice. Additionally, the official registry of mediators can be accessed in the website of the Ministry of Justice in the following link: https://www.drejtesia.gov.al/ndermjetesit/

[9] An English version of the mediation law can be accessed at ??

[10] An English version of the mediation law can be accessed at

No.	Indicator Component	Score	Justification for the scoring and sources
2.2.3.	Availability of incentives for mediation	1	There are no incentives for the use of mediation in commercial disputes.
2.2.4.	Enforceability of mediation settlement agreements	3	According to article 22 and 23 of the law on mediation, when the parties agree on the acceptable resolution of the dispute between them and, together with the mediator, they sign the respective agreement, under the meaning and in implementing the terms, cases, and procedures foreseen by the law. This agreement shall be binding and enforceable similarly as the arbitration decisions. The act-agreement, shall constitute an executive title and in such case, the bailiff service is responsible for its execution. This applies also to out-of-court mediation. Specifically, article 22 of the law provides that: When the parties agree on the acceptable resolution of the dispute between them and, together with the mediator, they sign the respective agreement, under the meaning and in implementing the terms, cases, and procedures foreseen by the law. This agreement shall be binding and enforceable similarly as the arbitration decisions. Text of the law in English: https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=261&catid=23&m=0
2.2.5.	Availability and use of online solutions for out-of-court settlement	1	There are no online solutions available for out-of-court settlement of commercial disputes.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.3. Efficiency and effectiveness of commercial litigation (to be assessed only if statistical disaggregation of commercial cases is available)			
2.3.1.	Clearance rate of first-instance commercial cases for the latest year for which statistics is available	1	Clearance rate for commercial cases, as reported by High Judicial Council for 2021 is 66%. The data include both litigious and ex parte cases.
2.3.2.	Disposition time of 1st instance commercial cases as compared to CoE median for first-instance civil/ commercial cases	1	Disposition time for commercial cases for 2021 is 357.8 days whereas, according to the CEPEJ report (based on 2020 data) disposition time for first instance courts, in civil and commercial litigious cases is 201 days. Please note that, in the case of Albania, the data include litigious and non litigious (ex parte) cases Currently, a vetting process of judges and prosecutors is underway in Albania. It started in 2018 and until December 2022, has led to the dismissal of around 50 percent of the judges and prosecutors. This factor has decreased the output of courts. However, this is a transitory period and the number of judges in the system is expected to increase significantly in the next 4 years. Therefore, it is expected that adjudication of cases would accelerate in the coming years.
2.3.3.	Disposition time of commercial cases as compared to the disposition time of general 1st instance civil cases in the latest year for which statistics is available	1	Disposition time for commercial cases is 357.8 days and for civil cases is 179.8 days. Please note that the data include litigious and non litigious (ex parte) cases
2.3.4.	Dynamic of commercial cases disposition time over a 3-year period (the latest 3 years for which data is available)	N/A	Disposition time for commercial cases for 2020 was 274.4 days whereas for 2021 is 357.8 days. Data is not available for 2019 because the new methodology on collecting data in line with CEPEJ standards was approved by High Judicial Council on February 2021. Therefore, data was collected with this methodology for 2020 and 2021

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 3. Uncontested Procedures for Enforcing a Claim			
What is the name of the procedure (e.g., order for payment, issuance of a writ of execution based on document, other)? If there are several such procedures, please, describe each of them.			Uncontested claims are based on the nature of the document attesting the claim, if the law provides that that type of document is an executive title. In essence, irrespective of the type of claim, all of these claims can be enforced if the court issues a writ of execution on the document attesting the claim. A writ of execution can be issued only if the law provides that that type of document is an executive title. Article 511 of Civil Procedure Code provides that executive titles are ... d) notary documents containing monetary obligations as well as documents for the award of bank loans; dh) bills of exchange, cheques, and order papers equivalent to them and e) other documents according to specific laws, are executive titles and authorise the Bailiff to carry them out. Based on point (e) of article 511, the law on late payment in commercial transactions (law no 48/2014) provides that monetary obligations in commercial transactions are executive titles (enforceable titles as per directive language) if they are not paid within the period specified in the law. Additionally, law no 8662, dated 18.09.2000, provides that electricity bills are executive titles and therefore the courts can issue a writ of execution to enforce these claims.
Which authority is entrusted with examining claims that may be uncontested by the debtor?			General jurisdiction courts
If the courts are competent to examine such claims, do the general rules of territorial jurisdiction apply to them or is the process centralized?			The courts examine these claims based on general rules of territorial jurisdiction
What claims is the procedure applicable to (i.e., only claims based on certain trustworthy documents such as checks, bills of exchange, notary deeds, utility claims, or also all types of civil and commercial monetary claims)?			As explained above, the procedure is applicable to claims relating to notary documents containing monetary obligations as well as documents for the award of bank loans; bills of exchange, cheques, and order papers equivalent to them and other documents according to specific laws, are executive titles and authorise the Bailiff to carry them out. Specific laws that provide for claims that this procedure can be applicable are the law on late payment in commercial transactions (law no 48/2014) which provides that monetary obligations in commercial transactions are executive titles (enforceable titles as per directive language) if they are not paid within the period specified in the law. Additionally, law no 8662, dated 18.09.2000, provides that electricity bills are executive titles and therefore the courts can issue a writ of execution to enforce these claims.
Is there a monetary threshold for applying the uncontested claims procedure?			No monetary threshold is applicable to this procedure

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.1. Ease of filing			
3.1.1.	Effective self-representation	2	Self representation is allowed, however, as a general practice, parties engage a lawyer for these proceedings, irrespective of the fact that the proceedings per se, are not complicated.
3.1.2.	Availability and use of forms for filing the claim	1	There are no standard forms for filing the claim and creditors are free to choose a format, in which to do it
3.1.3.	Availability and use of online filing	1	The claims cannot be filed online. As per any other judicial request, the claims need to be filed in accordance with article 154 of civil procedure code.
3.1.4.	Level of court fees for filing a claim	3	The fees for filing a claim in this procedure is 200 ALL (circa 1.5 euro) whereas the fees for filing a general civil/commercial claim is 3000 ALL (circa 25 euros) for values under 100.000 ALL and 1 percent of the value of the claim for values more than 100.000 ALL.
3.1.5.	Simplified rules on attachment of evidence to the claim	1	Based on article 156 of Civil Procedure Code, documentary evidence always needs to be attached to the claim and presented in paper.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.2. Efficient processing			
3.2.1.	Predictability of the timelines for pronouncement	1	The timelines for pronouncement on applications under the procedure are unpredictable as they are not regulated and vary greatly on a case-by-case basis
3.2.2.	Length of timelines for pronouncement	2	The timelines for pronouncement on applications under the procedure are between 1 and 3 months. However, depending on the workload of a judge, the timelines can also be under 1 month.

No.	Indicator Component	Score	Justification for the scoring and sources
3.2.3	Availability of options for service to the debtor without proof of receipt	3	Article 511 of Civil Procedure Code provides that the examination of the request for issuing the execution order is conducted by the judge without the presence of the parties. The court issues the execution order based on the documents filed by the applicant. The executive title is notified to the debtor by the bailiff in accordance with article 517 of Civil Procedure Code, which provides that "At the commencement of the execution of the decision, the Bailiff issues the debtor with a notice of voluntary execution of the decision contained within the execution order, designating for this purpose, a timeframe of five days when the subject of the decision involves a salary or an order for maintenance and a timeframe of ten days for all other cases". The notice for voluntary execution is notified in accordance with the general procedure for notifying acts, provided in article 130, article 131 and 141 of Civil Procedure Code. The articles provide the following: Article 130: The written notification is done by the court employee or the postal service used for summons or other acts which must be notified to the summoned person, wherever he is. Notifications for persons in the military service are made through the head of the unit from which he depends. Notifications for public legal persons are made to their headquarters, or through delivery to the head of the institution or to persons in charge for receiving acts. Notifications for private legal persons are made to their headquarters, or through delivery to the representative or to the persons in charge for receiving acts and, in their absence, to another person who works at the headquarter of the legal person. When the written notification is done by the postal service, the court employee writes on the original writ, and on the copy, the name of the post office which delivered the act to the recipient by registered mail. The receipt must be attached to the original writ and included in the case file. Where the person, the notification is addressed to, rejects the reception of notification, does not know to sign or cannot sign, the judicial employee or the postal service employee shall make the respective note on the act due to be served and, to the extent possible, establish that by way of signature of a present witness. The notification in such a case shall be considered to be completed. Article 131: When it is not possible to make the notification in conformity with the above provision, it is made in the domicile or residence of the summoned person or in the office or the place where he exercises handicraft, industrial or commercial activity. If the summoned person is not found in any of these places, the notification is delivered to a person of the family who has attained sixteen years of age and, when no one of them is present, the notification should be handed over to neighbours who accept to deliver it by hand to the summoned person to his office or place of work, except when the summoned person is a minor, under sixteen years of age, or does not have capacity to act. When it is not possible to make the notification in conformity with the above paragraph, the copy of the notification is delivered to the doorman of the dwelling, the office or the place of work. In all these cases the person who receives the notification should sign the original or its copy undertaking the commitment to deliver it to the summoned person. In the copy held by the court employee, it should also be noted relationship of such person with the summoned person, the actions and searches carried out by the court employee for delivering the act to the summoned person, as well as the place and time of delivery. Article 141: Electronic notification of acts is done by means of electronic communications, by delivery from the court employee of the writ, or other acts which should be notified to the person determined as a recipient, to his contact details. Such notification must be reflected in a special record which must indicate the contact details and the means of electronic communications used for the notification, the exact date and time of the communication, the person with whom the communication was made and the purpose of the notification. The record of this communication is drafted by the court secretary and it is signed by him and the court employee in charge of carrying out the notification. This record is included in the case file. Detailed rules on the electronic notification are established by order of the Minister of Justice.

No.	Indicator Component	Score	Justification for the scoring and sources
3.2.4.	Ease of debtor's objection	1	The request to issue a writ of execution is not notified to the debtor. The court issues the execution order based on the documents filed by the applicant, without the presence of any of the parties. However, in the case of late payments, one of the conditions for the late payment to be an execution title (hence, directly enforceable) is that the debtor has not disputed the debt. The debt is notified by the bailiff through the notice of voluntary execution, provided in article 517 of Civil Procedure Code. At this stage, for the purposes of objecting the debt, the debtor can challenge it in the court, in accordance with article 609 of Civil Procedure Code, that provides details rules on the invalidity of the executive title. In accordance with this article, the debtor may request to the competent court of the place of execution to be declared that the executive title is invalid or that the obligation does not exist or that it exists to a smaller amount or has increased subsequently. The time limit for presenting this statement of claim is 30 days from receipt of notification on the beginning of the obligatory execution. The court examines the requests for suspension, in accordance to this article, within 5 days. Against this decision a special appeal may be made. The court of appeal shall examine the appeal within 30 days from the date of its filing in this court. Against the final decision of the court a special appeal can be made, in accordance to the rules of general appeal. The court of appeal shall examine the appeal, within 60 days from the date of its filing in that court.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.3. Effective linkages between the uncontested procedure and the procedure following a statement of opposition			
3.3.1.	Consequence of debtor's lack of objection	3	The request to issue a writ of execution is not notified to the debtor. However, please note that after the execution proceedings have been started by the bailiffs, the Bailiff issues the debtor with a notice of voluntary execution of the decision contained within the execution order, designating for this purpose, a timeframe of five days when the subject of the decision involves a salary or an order for maintenance and a timeframe of ten days for all other cases. If the debtor has not voluntarily paid the debt in full, the bailiff will start the forced execution proceedings, if the court has not decided to suspend the proceedings as provided in article 609 of Civil Procedure Code. Based on article 609 of Civil Procedure Code, the debtor may request to the competent court of the place of execution to declare that the executive title is invalid or that the obligation does not exist or that it exists to a smaller amount or has increased subsequently. The time limit for presenting this statement of claim is 30 days from receipt of notification on the beginning of the obligatory execution. In these cases, the court may decide to suspend the decision with or without a guarantee. The court examines the requests for suspension, in accordance to this article, within 5 days. Against this decision a special appeal may be made. The court of appeal shall examine the appeal within 30 days from the date of its filing in this court.
3.3.2.	Launching the litigious stage of the procedure	1	The request to issue a writ of execution is not notified to the debtor. However, please note that after the execution proceedings have been started by the bailiffs, the Bailiff issues the debtor with a notice of voluntary execution of the decision contained within the execution order, designating for this purpose, a timeframe of five days when the subject of the decision involves a salary or an order for maintenance and a timeframe of ten days for all other cases. Based on article 609 of Civil Procedure Code, the debtor may request to the competent court of the place of execution to declare that the executive title is invalid or that the obligation does not exist or that it exists to a smaller amount or has increased subsequently. The time limit for presenting this statement of claim is 30 days from receipt of notification on the beginning of the obligatory execution. This is a new case; in this case the debtor is the plaintiff.

No.	Indicator Component	Score	Justification for the scoring and sources
3.3.3.	Link between the fees due in the uncontested claims procedure and in the litigious procedure	1	The request to issue a writ of execution is not notified to the debtor. However, please note that after the execution proceedings have been started by the bailiffs, the Bailiff issues the debtor with a notice of voluntary execution of the decision contained within the execution order, designating for this purpose, a timeframe of five days when the subject of the decision involves a salary or an order for maintenance and a timeframe of ten days for all other cases. Based on article 609 of Civil Procedure Code, the debtor may request to the competent court of the place of execution to be declared that the executive title is invalid or that the obligation does not exist or that it exists to a smaller amount or has increased subsequently. The time limit for presenting this statement of claim is 30 days from receipt of notification on the beginning of the obligatory execution. Since this is a new case, a court fee must be paid. The fee is paid by the plaintiff, when filing the lawsuit. If the amount is lower than 100.000 ALL the fee is 3000 ALL and if its higher than that is 1% of the amount.
3.3.4.	Management of statements of opposition	2	The request to issue a writ of execution is not notified to the debtor. However, please note that after the execution proceedings have been started by the bailiffs, the Bailiff issues the debtor with a notice of voluntary execution of the decision contained within the execution order, designating for this purpose, a timeframe of five days when the subject of the decision involves a salary or an order for maintenance and a timeframe of ten days for all other cases. Based on article 609 of Civil Procedure Code, the debtor may request the competent court of the place of execution to declare that the executive title is invalid or that the obligation does not exist or that it exists to a smaller amount or has increased subsequently. The time limit for presenting this statement of claim is 30 days from receipt of notification on the beginning of the obligatory execution. Statistics are collected on the number of cases based on article 609 of Civil Procedure Code. However, these statistics do not differentiate between execution titles. It should be noted that execution titles (against which article 609 can be used) are a) civil final decisions of the court containing an obligation, decisions issued by them on securing the lawsuit as well as on temporary enforcement; b) irrevocable penal decisions in the section dealing with property rights; c) decisions of the arbitration courts of foreign countries that are empowered in accordance with the provisions of this Code; ç) the decisions of an arbitration court in the Republic of Albania; d) notary documents containing monetary obligations as well as documents for the award of bank loans; dh) bills of exchange, cheques, and order papers equivalent to them; e) other documents according to specific laws, are executive titles and authorise the Bailiff to carry them out.

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 4. Small Claims Procedures (this dimension is to be evaluated only in case a small claims procedure is available)			
	What is the name of the procedure (e.g., small claims procedure, simplified procedure, written procedure, fast-track procedure, other)? If there are several such procedures, please, describe each of them.		Based on article 162/a of Civil Procedure Code the procedure is called “procedure for small amount claims”.
	Is there a special small claims court or a special court division examining small claims?		No, they are adjudicated general jurisdiction courts.
	What is the monetary threshold for the applicability of the procedure?		Twenty times the minimum wage nationwide (the minimum wage in Albania currently is set to 32.000 ALL)
	What claims is the procedure applicable to?		The procedure is applicable to lawsuits up to twenty times the minimum wage nationwide, arising from contractual relationships.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.1. Ease of filing			
4.1.1.	Effective self-representation	2	Self representation is allowed, however, as a general practice, parties engage a lawyer for these proceedings, irrespective of the fact that the proceedings per se, are not complicated.
4.1.2.	Existence of forms for filing the claim	1	There are no standard forms for filing the claim and creditors are free to choose a format, in which to do it
4.1.3.	Availability and use of online filing	1	The claims cannot be filed online. As per any other judicial request, the claims need to be filed in accordance with article 154 of civil procedure code.
4.1.4.	Guidance to self-represented litigants	1	There are no special rules that require judges/court clerks to provide guidance to self-represented litigants

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.2. Availability of meaningful procedural simplifications of the small claims procedure			
4.2.1.	Statutory timelines in the small claims procedure	1	Civil Procedure Code provides that the examination of the case in a summary trial before the court occurs in writing. The court may conduct a verbal judicial hearing, if deemed necessary. The adjudication of the above-mentioned lawsuits, is conducted based on special procedures allowing for filing memoranda only in writing and taking witnesses' statements by way of written statements or video-conference, provided outside the court premises, which leads to a much shorter process. There are no statutory timelines, for small claims procedure. The law provides that the cases is adjudicated in a summary trial and only some provision of Civil Procedure code are applicable to these cases.
4.2.2.	Simplified evidentiary rules	2	As explained above, there are special evidentiary rules in this type of proceedings: the adjudication of these proceedings is based only the rules contained in the second paragraph of Article 172, Article 236/a, Article 285/a, 310, 315, 460, 510 of this Code shall apply. The articles provide the following: Second paragraph of article 172: Written explanations and claims submitted by the parties to support their claims and conclusions are attached to the case file or to the court record when it is typed or handwritten. Article 236/a: Regarding the lawsuits up to twenty times the minimum wage at national level, the court may decide that the witnesses' statements be taken by way of written statements or video-conference, provided outside the court premises. The warning of legal liability for false declaration must be noted in the written statement of a witness. The signature verification shall be certified by a notary or secretary of the court Article 285/a: 1. Regarding the lawsuits worth up to twenty times the minimum wage at national level, the court shall order the parties to provide the explanations in writing or via video-conference. 2. Upon the reasoned request of the parties and where the court deems it reasonable, the interrogation of the parties shall be effected by other means of distance communication. 3. Visual and audio aspects of the video-conference hearing shall be transmitted in real time to the location of the hearing where the judicial proceedings are occurring. 4. Visual and audio aspects of the video-conference hearing shall not be recorded. The abovementioned decisions are not subject to any legal remedy. A score of 2 is assigned because the evidentiary simplifications provided for include simpler requirements to the form of evidence (written statements rather than questioning witnesses in hearings) but there are no simplifications regarding a stricter relevance assessment or limitations

No.	Indicator Component	Score	Justification for the scoring and sources
4.2.3.	Simplified rules on hearings	3	Article 236/a: Regarding the lawsuits up to twenty times the minimum wage at national level, the court may decide that the witnesses' statements be taken by way of written statements or video-conference, provided outside the court premises. The warning of legal liability for false declaration must be noted in the written statement of a witness. The signature verification shall be certified by a notary or secretary of the court Article 285/a: 1. Regarding the lawsuits worth up to twenty times the minimum wage at national level, the court shall order the parties to provide the explanations in writing or via video-conference. 2. Upon the reasoned request of the parties and where the court deems it reasonable, the interrogation of the parties shall be effected by other means of distance communication. 3. Visual and audio aspects of the video-conference hearing shall be transmitted in real time to the location of the hearing where the judicial proceedings are occurring. 4. Visual and audio aspects of the video-conference hearing shall not be recorded. The abovementioned decisions are not subject to any legal remedy.
4.2.4.	Special rules on encouraging conciliation or mediation	1	There are no special rules or practices that encourage conciliation or mediation in the framework of small claims litigation as compared to general litigation.
4.2.5.	Simplified content of the judgment	3	Article 310 of Civil procedure code provides that the court decision for claims worth up to twenty times the minimum wage at national level should contain an introduction and ordering part. If the parties, within three days of notification of this decision, notify the court in writing that they will appeal the decision, the court shall reason the decision and notify the parties. In this case, the rules on the content of the judgment in the small claims procedure are the same as the rules on the content of the judgment in the general civil/ commercial procedure.
4.2.6.	Modifications to the rules on appealing the judgment in the small claims procedure	2	The rules on the appealing the judgment in the small claims procedure are the same as the rules on appealing the judgment in the general civil/commercial procedure; they are both regulated by article 460 of civil procedure code. However, it should be noted that article 35 of Civil Procedure Code provides that "The Court of Appeals examines with a single judge the appeals against the decisions for lawsuits worth up to twenty times the minimum wage at the nationwide level, deriving from the contractual relationship..." The different composition of the appeals panel is considered a simplification of the appeals procedure for the purposes of this sub-indicator.

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