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CODE OF CIVIL PROCEDURE OF THE REPUBLIC OF ALBANIA[1]

Pursuant to Article 16 of Law No. 7491, dated 29.04.1991, "On the fundamental constitutional provisions", upon the proposal of the Council of Ministers,

THE PEOPLES ASSEMBLY

OF THE REPUBLIC OF ALBANIA

D E C I D E D:

PART I
GENERAL PART

TITLE I
FUNDAMENTAL PRINCIPLES OF JUDICIAL PROCEEDINGS

[1] Adopted by Law no. 8116, dated 29.03.1996;
Amended by Law no. 8431, dated 14.12.1998;
Amended by Law no. 8491, dated 27.05.1999;
Amended by Law no. 8335, dated 18.10.1999;
Amended by Law no. 8812 dated 17.05.2001;
Amended by Law no. 9953, dated 14.07.2008;
Amended by Law no. 10052, dated 29.12.2008;
Amended by Law no.122/2013, dated 18.04.2013;
Amended as per Constitutional Court decision no. 11, dated 05.04.2013;
Amended by Law no.160/2013, dated 17.10.2013;
Amended by Law no. 114/2016, dated 03.11.2016;
Amended by Law no. 38/2017, dated 30.03.2017;
Amended by Law no. 44/2021, dated 23.3.2021

Article 1

The Code of Civil Procedure of the Republic of Albania sets out the binding, unified and equal rules for the adjudication of civil and other disputes provided for in this Code and in specific laws.

The court cannot refuse to examine and render decisions on matters submitted for examination, on the grounds of absence of statute, the latter being incomplete, contradictory or unclear.

The United Chambers of the Supreme Court, in their civil unifying decision No. 3, dated 29.03.2012, have addressed for legal unification the following matters:

1. What role should the court play, particularly in the process of identifying the subject matter of the dispute that it is to examine and resolve, without infringing on the parties' right to dispose of the matter they have initiated?
2. Should the preparation and subsequent adjudication of the case be confined solely to what is formally stated and to what is designated in the introductory part of the claim as the "object of the claim" and the "legal basis"?

The United Chambers of the Supreme Court held that:

29. This situation arises from the fact that a particular set of facts may give rise to multiple legal relationships, either simultaneously or successively. These legal relationships are rooted in the underlying cause of the respective claims that the parties may bring. The object of the claim—i.e., the relief sought against the opposing party—may be identical in multiple claims; however, they differ in that they are based on distinct legal grounds. For this reason, it is the plaintiff's responsibility to specify before the court the cause upon which the claim is based, thereby clarifying the specific rights he or she seeks to protect through the legal action.

In this regard, the court must determine the cause of the claim by examining the claim in its entirety, rather than limiting itself solely to the legal provisions cited by the plaintiff in the introductory section of the pleading. Even where the plaintiff has incorrectly referred to certain legal provisions, the substance of the claim may clearly indicate the right the plaintiff seeks to protect. In such cases, the court is obliged to decide the case based on the legal cause that emerges from a comprehensive examination of the claim—establishing the link between the facts alleged by the plaintiff and the rights or interests claimed to have been violated.

Accordingly, Article 17 of the Code of Civil Procedure grants the court the authority to invite the parties to provide legal clarifications the court deems necessary for the resolution of the case. Through these clarifications, the parties have the opportunity to clarify and rectify any incidental discrepancies in their legal references.

Article 2

Only the parties can recourse to the court to the effect of instituting judicial proceedings, unless the law provides otherwise.

The parties are free to withdraw the lawsuit at any time, however, always before its lapse to the effect of the trial or based on the law.

Article 3

The request of the parties for instituting judicial proceedings shall be subject to meeting their obligations stemming out of these proceedings, in the forms and time limits provided for in this Code.

Article 4

The court shall attend to the due development of legal proceedings. To this effect, on basis of the competence assigned by this Code, the court shall determine the time limits and order the taking of the necessary measures.

Article 5
Scope of dispute

The scope of dispute is defined in the claims of parties.

The claims shall be submitted with the act initiating legal proceedings, as well as while assuming their rights stemming out of such proceedings. The scope of dispute may change concurring with the requests emerging during the proceedings, where such requests are sufficiently related to the initial claims.

Article 6

The court adjudicating the dispute must express an opinion on everything sought and only on what has been sought.

Article 7
Facts

A fact is considered to be any human conduct, social event or natural phenomenon, to which the law assigns a legal consequence.

Article 8

The parties shall be subject to the obligation of submitting the facts whereon they base their claims.

Article 9

The court shall invite the parties to provide explanations on the facts it considers necessary for the solution of the dispute.

Article 10

The court shall base its decision only on the facts, having been submitted during the judicial proceedings.

Article 11
Evidence
(Amended by Law no. 38/2017, article 1)

Evidence are data being taken from the sources and under the rules provided for in this Code and in other laws, which corroborate or reject the claims or defences of the participants to the proceeding.

Article 12

The party asserting a right shall be subject to the obligation of establishing the facts whereon he/she bases its claim in compliance with the law.

Article 13

The commonly or officially known facts shall not be necessary to be established.

Facts, whereon a legal presumption exists, need not be established by the party benefiting from the presumption.

Article 14

(Amended by Law no. 10052, 29.12.2008, Article 1)

The Court shall be subject to conducting a due legal process, by way of guaranteeing the conduct of a complete and comprehensive investigation in compliance with the law.

Article 15

The parties shall be obligated to render their assistance for the normal conduct of the judicial investigation. The court shall hold them liable in case of their guilty omission or obstruction.

Article 16
Applicable law

The court shall settle the dispute in conformity with legal provisions and other effective norms, being binding to be applied. It shall make an accurate denomination of the facts and actions related to the dispute, not bound to the denomination, which may be proposed by the parties.

Nevertheless, the court cannot change the legal basis of the lawsuit, if not requested to do so by the parties.

The United Chambers of the Supreme Court, in their unifying decision No. 9, dated 09.03.2006, have addressed for legal unification the following matters:

Article 16 of the Code of Civil Procedure provides that:

"The court shall resolve the dispute in accordance with the legal provisions and other applicable rules that are binding upon it. It shall make an accurate legal characterization of the facts and actions related to the dispute, irrespective of the legal qualification proposed by the parties. However, the court may not alter the legal basis of the claim without a request from the party."

It is precisely the content of the second paragraph of the above provision that is overlooked and not addressed by the court of appeal. Referring to the phrase "The court shall make an accurate legal characterization of the facts and actions related to the dispute, irrespective of the legal qualification proposed by the parties," found in the first paragraph, and the phrase "The court may not alter the legal basis of the claim without a request from the party," in the second paragraph, at first glance it may appear that these two paragraphs present contradictory provisions. However, this is not the case.

From the presentation of the facts and circumstances of the case by each party (in the statement of claim, in substantive responses, or in the counterclaim), the court forms its own understanding regarding the nature of the legal relationship from which the dispute between the parties has arisen. In other words, regardless of the qualification proposed by the parties concerning the legal characterization of the facts (events or actions), the court clarifies for itself the appropriate legal characterization.

However, the legal basis of the claim is determined exclusively by the plaintiff in the content of the statement of claim, by making the relevant reference to the specific provisions of the substantive law. Both of these elements assist the court in clarifying the nature of the legal relationship from which the conflict between the parties arises.

In conclusion, within the meaning of Article 16 of the Code of Civil Procedure, the accurate legal characterization of the facts and actions (more precisely, the events and actions constituting legal facts) related to the dispute is carried out by the court adjudicating the case, whereas the determination of the legal basis of the claim is made by the plaintiff, at the time of filing the claim, and remains fully within the plaintiff's discretion to amend until the conclusion of the judicial investigation, by submitting a request to the court in a procedurally appropriate form.

In Article 185 of the Code of Civil Procedure, attention is drawn to the use of the term "legal ground of the claim", alongside the term "object of the claim". The doctrine of civil procedural law has clearly defined these two essential elements of a claim. The cause (legal ground) is the reason for the judicial request, which is composed of the right and the factual situation that opposes this right (*causa petendi*), i.e., the circumstance that infringes, impairs, or denies the plaintiff's subjective right.

On the other hand, the object is that which is requested as the outcome of the claim, namely, the application of the law and the acquisition of what is sought as a consequence of the law's application (*petitum*).

The subjective right claimed by the plaintiff and defined in the statement of claim, as a constituent part of the legal ground of the claim, within the meaning of Article 185 of the Code of Civil Procedure, is identical to the legal basis of the claim (the legal qualification made by the plaintiff) within the meaning of Article 16(1) of the Code of Civil Procedure.

The "statement of facts and circumstances on which the claim is based", as provided in Article 154 of the Code of Civil Procedure, serves the court for the purpose of "making an accurate legal characterization of the facts and actions related to the dispute" within the meaning of Article 16(1) of the Code, and for determining the factual situation that contradicts the plaintiff's subjective right, which is part of the legal ground of the claim, as defined in Article 185 of the Code.

The "statement of the right on which the claim is based", within the meaning of Article 154 of the Code, corresponds to the plaintiff's subjective right as a constituent part of the "legal ground of the claim" within the meaning of Article 185, and also to the "legal basis of the claim" as defined in Article 16(2) of the Code of Civil Procedure.

The "specification of the plaintiff's demand" in the statement of claim, within the meaning of Article 154 of the Code, corresponds to what is sought to be obtained as a consequence of the application of the law, in line with the definition of the object of the claim, as provided in Article 185 of the Code of Civil Procedure.

Article 17

The court invites the parties to give explanations from the legal viewpoint, which it considers necessary for the settlement of the dispute.

Article 18

Adversarial procedure

No party can be tried without being heard or without being summoned to trial.

Article 19

The parties must make known to each other, in due time, the means and the facts on which they base their claims, the evidence they shall present and the legal provisions they shall refer to, in order to make it possible for each party's interests to be defended in trial.

Article 20

The court must itself abide by the adversarial principle and must request this principle be applied.

It supports its decision only on the means, explanations, documents and other evidence shown or brought by the parties, when the latter have been in a position to debate in conformity with the adversarial principle.

Article 21

When the law allows and the circumstances of the case dictate the taking of a court decision, independently from the knowledge of one party, the latter has the right to appeal in a court way against the decision made.

Article 22
Defence

The parties may defend themselves, except for the cases when representation is mandatory.

Article 23

The parties are free to set up the defence of their interests in trial through representation or through any other legal assistance, in conformity with provisions in force.

Article 24

The court always hears the parties directly, unless the law provides otherwise.

Article 25
Conciliation and Mediation of parties
(Amended by Law no. 38/2017, article 2)

It is a task of the court to make efforts to reconcile the parties in dispute and/or notify and steer the parties on the possibility of resolving the dispute through mediation.

Article 26
The public character of judicial proceedings
(Amended paragraph II by law no. 8812, 17.5.2001, Article 1)

The judicial proceedings are open, unless otherwise provided in this Code.

The court shall not allow the participation of mass media when it is deemed that such participation is not beneficial to the case. In any case, the final decision of the court shall be made public.

Article 27

Use of Albanian language in trial

The Albanian language is used in all trial stages.

Persons, who do not know Albanian language, use their own language. They receive knowledge on the evidence and for the whole development of the trial through the interpreter.

Article 28

The court in civil judicial proceedings

(Amended by law no. 8812, 17.5.2001, Article 2)

The court must rule on all claims that are put forward in the lawsuit without transcending its boundaries, and shall perform a just, independent and impartial judgement within a reasonable timeframe

Article 29

The court bases its decision on the evidences presented by the parties or by the attorney, taken in court session.

The court evaluates the evidences which are in the acts and on basis of its inner conviction, formed by the consideration of the circumstances of the case in their entirety.

Article 30

Publication of final decision

(Amended by law no. 8812, 17.5.2001, Article 3)

When it is deemed that the publication of the final decision serves the purposes of rehabilitation and/or indemnity, the court, upon request of the interested party, shall order publication of the decision by the mass media.

Should the court fail to issue notification within the specified timeframe, the favoured party has the right to request publication at the expense of the person obliged.

TITLE II

LAWSUIT

Article 31

(Amended paragraph II by law no. 8812, 17.5.2001, Article 4)

To file a lawsuit is the right of any person that raises a claim, to be heard on the foundation of such claim, in order for the court to declare it based or not.

The opposing party has the right to discuss on and present evidence against the foundation and the legal grounds of the claim.

The United Chambers of the Supreme Court, in their unifying decision No. 22, dated 13.03.2002, have addressed for legal unification the following matters:

1. Should a construction built without the authorization of the competent state authority be included in the division of joint property?
2. Does such a construction give rise to the acquisition of ownership through a judicial decision?
3. Is the administrative authority permitted to intervene with regard to the unlawful construction following the issuance of the court's decision?

The United Chambers of the Supreme Court held that:

Pursuant to Article 370 of the Code of Civil Procedure, "The adjudication concerning the division of property in co-ownership or inheritance, in its initial phase, aims to examine and determine the co-ownership rights of the litigating parties, their respective shares, as well as the assets to be divided. Once the necessary evidence is gathered, the court, by way of an interim decision, authorizes the division and determines the circle of co-owners, the items to be divided, and the share due to each of them."

The legal concept of co-ownership is provided under Article 199(1) of the Civil Code, which states: "Co-ownership exists when one or more things or other real rights belong jointly to two or more persons." Therefore, the plaintiff must prove before the court that they and the other participants in the proceedings hold ownership rights over the property they seek to divide.

The legal notion of ownership is always linked to its statutory definition, as derived from the content of Article 149 of the Civil Code: "Ownership is the right to freely enjoy and dispose of property, within the limits prescribed by law."* This right (ownership) is acquired through methods provided by the Civil Code and other means established by special law.

In the case at hand, the plaintiff did not present any evidence to substantiate the claim of ownership or the transfer of the property into co-ownership. Furthermore, as noted, the construction (an addition) in question is not registered in the immovable property register.

Under these circumstances, since the plaintiff failed to prove co-ownership rights over the object of the litigation, they lack standing to seek its division. In accordance with Article 6 of the Code of Civil Procedure, *"The court must decide on everything requested and only on what has been requested."*

An addition or construction carried out in violation of applicable legal norms and unregistered in the immovable property register cannot be subject to judicial partition. Moreover, the interested party, not representing a lawful interest in such a case, cannot be legitimized to bring a claim for the division of the property.

Thus, a judicial decision cannot serve as a basis for legalizing ownership over an unlawfully constructed, unregistered structure, nor can such construction be subject to partition. Additionally, the existence of such a court decision does not prevent administrative authorities from acting within their competence concerning the illegality of the construction.

Article 32

(Amended by law no. 8812, 17.5.2001, Article 5)

The lawsuit can be filed:

a) to claim the restoration of a right or legitimate interest that has been infringed;
b) to prove the existence of a legal relationship or of a right or lack thereof;

c) to recognise the truthfulness or untruthfulness of a document bearing legal consequences for the plaintiff.

Article 33

No lawsuit can be initiated by a person who lacks juridical capacity to act.

Article 34
Abuse with rights in the proceeding
(amended by Law no. 38/2017, article 3)

1. The court, at any instance of proceedings, when determining that the parties or their representatives knowingly file abusive lawsuits, complaints, requests or claims, which are repeated and with malice, or when intentionally seek to procrastinate proceedings, or when it is determined that the parties or their representatives have hidden or distorted in bad faith, or severe guilt, facts and important circumstances related to the case, shall order by decision made at the conclusion of the proceedings, unless provided otherwise in this Code, the issuance of a fine to those responsible in the amount from 50,000 (fifty thousand) to 100,000 (one hundred thousand) ALL. An appeal against this decision shall be allowed under the rules for final or nonfinal decisions, depending on the type of decision that concludes the relevant proceedings.
2. If it turns out that the party that has lost the trial has acted or has been defended in the trial in bad faith or severe guilt, the court, at the request of the other party, shall charge it to pay both the court costs and the compensation of the damage concerned. The request for the compensation of the damages shall be filed in writing by the interested party during the proceedings at first instance, until the judicial investigation has not been declared closed and it shall be subject to appeal and execution under the general rules.

TITLE III
THE COURT, JURISDICTION AND COMPETENCE

CHAPTER I
COMPOSITION OF THE COURT

Article 35
(Amended by law no. 8812, 17.5.2001, Article 6, Law no. 10052, 29.12.2008, Article 2, Law no. 49/2012, Law no. 122/2013, Article 1, amended paragraph II letter 'a', paragraph IV and V by Law no. 38/2017, article 4; paragraph IV amended paragraph V second sentence added by law no. 44/2021, Article 1)

The First Instance Court tries by means of an adjudicating body composed of one or three judges. The adjudicating body composed of three judges shall try the following cases:

a) lawsuits exceeding the value of 50 million ALL;
b) *(repealed)*.

c) lawsuits for the declaration of a person as missing or deceased.

ç) lawsuits for the deprivation or limitation of a person's legal capacity to act.

Other cases shall be tried by one judge.

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 special appeal against the decision rejecting the request for issuing the execution order, special appeals against the decision of the court having examined the contestation of the actions of the judicia; bailiff, as well as in other cases provided for in this Code.

The High Court adjudicates in a Chamber with a panel consisting of 3 judges. The High Court adjudicates on the unification and development of the judicial practice with adjudicating panels of five judges. The High Court adjudicates in Joint Chambers, with the participation of all judges, the cases envisioned explicitly in other provisions of this Code.

CHAPTER II
JURISDICTION

Article 36

(Amended by Law no. 38/2017, article 5)

All civil disputes and other disputes provided in this Code and in specific laws fall under the jurisdiction of the courts.

Civil court jurisdiction is exercised in conformity with the provisions of this Code and other laws.

No other institution has the right to accept for consideration a civil dispute which is being tried by the court.

Any agreement entered into contrary to this provision is invalid.

The jurisdiction shall be determined at the time of filing the lawsuit in court, despite the subsequent changes to the fact or law.

The United Chambers of the Supreme Court, in their unifying decision No. 8, dated 10.06.2011, have addressed for legal unification the following matters:

1. When employment contracts are concluded between entities that enjoy immunity from the jurisdiction of Albanian courts (pursuant to the Convention on the Privileges and Immunities of the Specialized Agencies and its Annexes, ratified by Law No. 9105, dated 17.07.2003, as well as the Bilateral Agreements entered into between the Government of the Republic of Albania and the governments of other states), and Albanian nationals, do Albanian courts have jurisdiction to adjudicate disputes arising from such employment relationships?

The United Chambers of the Supreme Court held that:

The United Chambers of the Supreme Court held that:

16. When employment contracts are concluded between entities that enjoy immunity from the jurisdiction of Albanian courts, pursuant to the Bilateral Agreement entered into between the Government of the Republic of Albania and the Government of the United States of America, dated 10.06.1992, and Albanian nationals, then—irrespective of the law applicable to the resolution of the dispute—Albanian courts do not have jurisdiction to adjudicate disputes arising from such employment relationships.

17. Considering the particular circumstances of the case, especially the provisions of the employment contract between the litigating parties, and with reference to Article 32(2) of the Vienna Convention on Diplomatic Relations and Article 39(a) of the Code of Civil Procedure, the United Chambers conclude that the decision of the Tirana Judicial District Court—which dismissed the defendant's claim by upholding the jurisdiction of Albanian courts to adjudicate the matter—is correct and should therefore be upheld.

18. As regards the second issue submitted for resolution by the Civil Chamber of this Court, the United Chambers of the Supreme Court consider that, in the case under review, legal elements exist that constitute an exception to the general rule of immunity, and these are supported by paragraph "a" of Article 39 of the Code of Civil Procedure and Article 32(2) of the Vienna Convention on Diplomatic Relations (1961).

Article 37

(Amended by law no. 8812, 17.5.2001, Article 7)

The jurisdiction of the Albanian courts for foreign natural and legal persons is regulated by law.

The jurisdiction of Albanian courts cannot be transferred to a foreign jurisdiction by agreement, unless the trial is related to an obligation between foreign persons or between a foreign person and an Albanian citizen or a legal person with no domicile or residence in Albania and when these exemptions are included in international agreements, ratified by the Republic of Albania.

Article 38

(Amended by Law no. 38/2017, article 6)

1. When the same claim, between the same parties, with the same cause and subject of the lawsuit is being considered simultaneously by a court of a foreign country and the Albanian court, the latter may suspend the proceedings on this dispute when:

a) The lawsuit has been filed before in time in the court of a foreign country;
b) The decision of a court of a foreign country can be recognized and / or enforced in the Republic of Albania;
c) The Albanian court is satisfied that the suspension is necessary for the proper administration of justice.

2. The Albanian court can continue the process at any time if:

a) The possibility of having two incompatible decisions disappears;
b) The proceedings in the court of a foreign country has been suspended or terminated;
c) The Albanian court is satisfied that the process in the court of a foreign country will not be completed in reasonable time; or
ç) The continuation of proceedings shall be requested for a better administration of justice.

3. The Albanian court shall close the case, when the court of a foreign country resolves the dispute by a final decision, which can be recognized and/or enforced in the Republic of Albania.

Article 39

Jurisdiction on consular and diplomatic missions

(Amended item "b" by law no. 8812, 17.5.2001, Article 8)

Members of consular and diplomatic missions residing in the Republic of Albania are not subject to the jurisdiction of Albanian courts unless:

a) they voluntarily agree;
b) the conditions and terms provided by the Vienna Convention on Diplomatic Relations are in place.

Article 40

Civil jurisdiction of the Albanian courts does not extend to the representatives of other states and to their accompanying group, when they are staying in the Republic of Albania upon an official invitation.

CHAPTER III

COMPETENCE

A. MATERIAL COMPETENCE

Article 41

(Amended by law no. 8812, 17.5.2001, Article 126; amended by Law no. 38/2017, article 7)

In the competence of the courts of first instance shall be all civil and other disputes provided for in this Code and in other laws.

The competence shall be determined at the moment of filing of the lawsuit in court, despite the subsequent changes of the fact or of the law.

B. TERRITORIAL COMPETENCE

Article 42

Lawsuits are brought in the court of the place where the defendant has its domicile or its residence, and in those cases when it is not known, at the court of the place where he has a temporary residence.

When the defendant has neither a domicile, residence nor temporary residence in the Republic of Albania, the lawsuit is brought at the court where the plaintiff has its residence.

Article 43

(Amended paragraph II by law no. 8812, 17.5.2001, Article 126)

When the defendant is a legal person, lawsuits shall be filed at the place of the legal person's headquarters.

Lawsuits that ensue from a legal relationship with a branch or a local agency of the legal person may also be filed in the court where this branch or agency has its seat, as well as in the First Instance Court where the legal person has a building in which it conducts its activity, or an authorised representative that can appear in court for the purpose of the lawsuit.

Article 44

Lawsuits against minors, who have not reached the age of fourteen years or against persons who have been totally deprived of the capacity to act, are brought in the court where their legal representative has its residence.

Article 45

Lawsuits on real rights to immovable objects, and on the division of common objects and possession are brought in the court of the place where these objects are or where their greater part is located.

Lawsuits resulting from denouncement of a new work and of a possible damage are brought in the court of the place where the action on which the lawsuit has been brought took place.

Article 46

Lawsuits resulting from inheritance, lawsuits on invalidity of testament and those on division of inheritance are brought in the court of the place where the person leaving the inheritance has had his latest residence and, when the residence is not known, in the court of the place where all the properties or its greatest part are.

When the person leaving the inheritance is an Albanian citizen and at the time of his demise did not have a residence in the Republic of Albania, lawsuits as provided in the first paragraph may be brought in the court of the place where the person leaving the inheritance has had his last residence in Albania or in the court of the place where the greater part of his properties are situated. In case the person leaving the inheritance did not have any last residence, or property in the Republic of Albania, the above-mentioned lawsuits are brought in the court of the capital city.

The Civil Chamber of the Supreme Court, in its unifying decision No. 00-2024-3759(90), dated 29.02.2024, has addressed for legal unification the following matters:

1. In proceedings concerning matters of a gratuitous character (i.*e., without adversarial parties*), may the court, as a preliminary matter, examine and decide on the lack of territorial jurisdiction?

Regarding the above, the Civil Chamber of the Supreme Court has determined the following:

…11. In the prevailing practice of the Civil Chamber of the Supreme Court, where Article 61 of the Code of Civil Procedure (CCP) has been interpreted following the amendments introduced by Law No. 38/2017, it has been consistently held that the court's authority to assess territorial jurisdiction as a preliminary matter is restricted solely to claims brought under Articles 45 and 46 of the CCP. This authority may not be extended to other types of claims governed by different procedural provisions. Since 2019, the Supreme Court has issued a series of decisions confirming that an interpretation aligned with the general principles governing

civil proceedings—and with the legislative intent behind the amendment of Article 61 of the CCP—requires a strict (*stricto sensu*) application of the exception established by this provision.

In this regard, the court's competence to examine territorial jurisdiction as a preliminary issue constitutes an exception to the general rule and to the principle of party disposition, and as such, cannot be broadly interpreted or applied to cases other than those explicitly provided for under Articles 45 and 46 of the CCP (see Decision No. 00-2019-155, dated 28.03.2019; Decision No. 00-2019-265, dated 09.05.2019; Decision No. 00-2019-188, dated 28.03.2019; Decision No. 00-2019-120, dated 04.03.2019; Decision No. 00-2021-1005, dated 30.06.2021; Decision No. 00-2022-1362, dated 20.07.2022 of the Civil Chamber of the Supreme Court, etc.).

15. The Chamber emphasized that the ongoing ambiguity in judicial practice—even years after the entry into force of the amendments to Article 61 of the CCP by Law No. 38/2017—is incompatible with the principles of the rule of law and legal certainty. The European Court of Human Rights (hereinafter "ECtHR"), in a number of decisions, has emphasized that consistency and equal application of the law by the courts are integral elements of the right to a fair trial (Article 6 of the European Convention on Human Rights). According to the ECtHR, a pattern of contradictory decisions by domestic courts may give rise to legal uncertainty, thereby eroding public confidence in the judiciary—an essential component of a democratic state governed by the rule of law (see *Vinčić and Others v. Serbia*, Application No. 44698/06, ECtHR judgment dated 01.12.2009).

38. In the same vein, the amendment of Article 62 of the CCP and the repeal of Article 63 further support the legislator's intention to treat territorial jurisdiction in civil proceedings as a narrowly defined procedural exception. Prior to the amendments introduced by Law No. 38/2017, Article 62 of the CCP provided the right to lodge a special appeal with the Supreme Court against a court decision declaring a lack of jurisdiction to adjudicate the dispute. The earlier version of this provision explicitly stated: "*A special appeal may be filed with the Supreme Court against the decision of the court that declares incompetence to adjudicate the dispute, as well as against its decision based on Article 60 of this Code, by the parties and by the prosecutor, when a claim has been filed or when he has participated in the adjudication of the dispute.*"

Article 47

Lawsuits on the demand for sustenance and lawsuits resulting from labour relations may be brought either in the court where the defendant has his residence or in the court where the plaintiff has his residence.

The lawsuit on the termination or reduction of the decided sustenance is brought in the court of the place where the plaintiff has his residence.

Article 48

Lawsuits resulting from damage may be brought either in the court of the place where the plaintiff has his residence or in the court of the place where the damage has been caused. When compensation for damage caused by death or impairment of health is requested, the lawsuit may also be brought in the court of the place where the plaintiff has his residence.

Article 49

Lawsuits, requesting enforced execution on things, are brought in the court of the place where these things are or the greatest part of their value is.

Lawsuits requesting enforced execution on performance of or omission to perform a certain action are brought in the court of the place where such enforcement must be fulfilled.

The United Chambers of the Supreme Court, in their unifying decision No. 1, dated 17.01.2011, have addressed for legal unification the following matters:

1. Is a decision of the Civil Service Commission (KSHC) an enforceable title (even when such decision becomes final due to the absence of an appeal)?
2. 2. If not, is the decision of the Court of Appeal—rendered upon adjudicating the Institution's appeal—an enforceable title?
3. 3. If so, which court is functionally competent to issue the execution order?
4. 4. If it is ultimately determined that the court of the judicial district is competent to issue the execution order, which court is territorially competent: the court where the KSHC is located, the court where the institution is headquartered, or the court where the civil servant resides?
5. 5. In light of previous decisions rendered by the United Chambers—which have characterized the KSHC as a "*quasi-judicial*" body and the Court of Appeal as the appellate body reviewing KSHC decisions—then, from a territorial standpoint, which Court of Appeal is competent to adjudicate the matter: the Tirana Court of Appeal (based on the location of the KSHC) or the Court of Appeal in the jurisdiction where the appealing institution is headquartered?

The United Chambers of the Supreme Court hold that:

Upon analyzing the relevant legislation (including the Law on the Civil Servant, the Code of Civil Procedure, and the applicable unifying decisions), it is evident that both central and local administrative institutions are legally obliged to immediately execute the decisions of the KSHC—whether such decisions become final due to the lack of an appeal or as a result of being upheld by higher courts. In cases where KSHC decisions are not executed voluntarily by the administrative bodies, and given that such decisions are equivalent to judgments rendered by a court of first instance, the civil servant has the right to request their compulsory enforcement pursuant to the provisions set forth in the Code of Civil Procedure (Part Four – Compulsory Execution, Article 510 and following articles).

From a procedural standpoint, the following are considered enforceable titles: all final civil judgments that impose an obligation, court rulings on interim measures for securing claims, and decisions on provisional enforcement which are binding and enforceable. The United Chambers of the Supreme Court conclude that the decisions of the KSHC—which, both in nature and binding force, are equivalent to first-instance judicial decisions and become final either through the lapse of the appeal deadline or confirmation by a higher court—constitute enforceable titles.

According to Article 511 of the Code of Civil Procedure, enforcement of an executive title is initiated upon the creditor's request. For this purpose, the execution order is issued within five (5) days from the date of submission of the creditor's request, pursuant to subparagraphs (a) and (b) of the aforementioned article, by the court that rendered the decision. The enforceable title serves as a direct and immediate basis for the creditor's application for enforcement and for the obligation of the enforcement office to carry out the execution accordingly.

The United Chambers of the Supreme Court further conclude that any party in whose favor a decision has been rendered by the KSHC—which has either not been appealed or has been upheld and thereby become final—and which has not been voluntarily executed by the relevant administrative institution, has the right to request compulsory enforcement. This is done by submitting a request to the court that rendered the decision, seeking the issuance of an execution order in accordance with Article 511 of the Code of Civil Procedure.

Article 50

Lawsuits having as subject the objection of actions performed by the bailiff for enforced execution are brought in the court of the place of execution.

Article 51

Lawsuits on proving the existence or non-existence of marriage, on annulment of marriage and on its dissolution, may be brought either in the court of the place where the spouses had their latest common residence or in the court of the place where the defendant has his residence. When the defendant does not have a domicile, residence or temporary dwelling in the Republic of Albania, the lawsuit is brought in the court of the place where the plaintiff has his domicile, residence or temporary dwelling, and when even the plaintiff does not have one of them, the lawsuit is brought in the court of the capital city.

Article 52

Territorial competence may be changed by written agreement of the parties, except for the cases provided in Articles 45 and 46 of this Code, and when the law prohibits such an agreement. **Article 53**

When there are several defendants, who have their domicile or residence in different places, the lawsuit may be brought in the court of the place where each of the defendants has his domicile or residence.

Article 54

The right to choose between several competent courts rests with the plaintiff and is exercised through the bringing of the lawsuit.

C. CHANGE OF COMPETENCE DUE TO CONNECTION BETWEEN DISPUTES

Article 55

The court which tries the main lawsuit has the jurisdiction to consider also the secondary requests, the countersuit or the main intervention. In this case, the court takes decides for their joinder into a single case.

The United Chambers of the Supreme Court, in their unifying decision No. 3, dated 28.04.2014, have addressed for legal unification the following matters:

1. If, in a civil proceeding, a counterclaim of an administrative nature is raised—or conversely, in an administrative proceeding, a civil counterclaim is raised—how should the court proceed in regard to subject-matter jurisdiction for the adjudication of such claims?
2. How is subject-matter jurisdiction to be determined in first-instance, appellate, and Supreme Court proceedings in cases where the counterclaim was raised and accepted for examination prior to 04.11.2013, compared to cases in which the counterclaim was initially raised before 04.11.2013, but the court accepted (or is now accepting) it for examination after that date?

The United Chambers of the Supreme Court held that:

32. If, in a civil proceeding, a counterclaim of an administrative nature is raised, the court adjudicating the principal claim lacks subject-matter jurisdiction to examine the defendant's counterclaim. Similarly, if, in an administrative proceeding, a counterclaim of a civil nature is raised, the court reviewing the main claim does not have the competence to accept the counterclaim due to lack of subject-matter jurisdiction.

Where the subject matter of the dispute encompasses multiple claims of both civil and administrative nature—regardless of whether the claims are merely related or are substantively interdependent—and in reference to Articles 61 and 159 of the Code of Civil Procedure, as well as Articles 13 and 23 of Law No. 49/2012, the court must sever those claims falling outside its subject-matter jurisdiction and transfer them to the court with proper competence.

i. In cases where, during the course of proceedings, a counterclaim of a different legal nature from the main claim (respectively, administrative or civil) is raised, and such counterclaim was submitted prior to 04.11.2013, it shall continue to be reviewed by the court competent to adjudicate the principal claim—whether at the first-instance, appellate, or Supreme Court level.

ii. Cases in which the subject matter includes multiple claims of both civil and administrative nature, and all such claims were submitted before 04.11.2013, shall continue to be adjudicated by the court before which they were initially raised.

The United Chambers of the Supreme Court, in their unifying decision No. 4, dated 12.10.2013, have addressed for legal unification the following matters:

1. When the subject matter of a case involves multiple claims of both a civil and an administrative nature, and the court determines that they constitute a simple aggregation, then, in accordance with Articles 61 and 159 of the Code of Civil Procedure and Articles 13 and 23 of Law No. 49/2012, the court must separate the claims falling outside its subject-matter jurisdiction and transfer them to the competent court.
2. When the subject matter of a case involves multiple claims of both a civil and an administrative nature, and the court determines that they constitute an interdependent aggregation, then, pursuant to Article 55 of the Code of Civil Procedure, Article 24 of Law No. 49/2012, and the application of the principle *lex specialis derogat legi generali*, the competent court shall be determined as follows:
   - Where, among the claims, the plaintiff contests an administrative act, and the legal consequences of that act give rise to civil liability, in all such cases the administrative court shall have jurisdiction.
   - Where one of the claims is of a civil nature but is closely connected to an administrative act, and the consequences of that act originate from the exercise of state authority, the administrative court remains the competent forum.
   - Where the remaining claims, although not in themselves administrative in nature, are interdependent with the effects of the administrative act, jurisdiction shall likewise rest with the administrative court.
3. When, based on the subject matter and legal grounds of the claim, the dispute is classified as civil in nature, and the resolution of that civil matter entails the execution of certain administrative actions—such as an order directed to the Immovable Property Registration Office (ZVRPP) to register or delete a property entry—then the examination of the case falls within the jurisdiction of the court competent to adjudicate civil disputes.

Where the decision of the Commission for the Return and Compensation of Properties or the Agency for the Return and Compensation of Properties is challenged within the subject matter of the dispute, that matter is to be regarded as a civil dispute, and will be examined by the court with jurisdiction over civil cases.

Article 56

(Amended item "b" by law no. 8812, 17.5.2001, Article 9)

The court that has the authority to examine the dispute, upon the request of the parties, may decide to transfer the case to another court retaining the same authority only when:

a) transfer to the other court facilitates a quicker settlement than the court selected by the plaintiff;
b) the request of the defendant to try the dispute at the court of his current residence or domicile is deemed relevant, if his place of residence or domicile was not known.

Article 57

(Amended by Law no. 38/2017, article 8)

1. When two or more lawsuits are being adjudicated in different proceedings and are linked between them by subject or cause, they can be joined into a single trial.
2. The decision for joinder of cases shall be made by the court in which the case has been filed before in time.
3. The joinder of cases can be joint upon request of the parties or ex officio, until the order for scheduling the judicial hearing by the court that makes the decision, has not been issued.
4. When joining lawsuits, which are adjudicated according to the rules of a summary trial with lawsuits adjudicated according to ordinary rules, for the adjudication of the case shall be applied the ordinary rules.
5. This provision shall not apply where the material competence in the cases under consideration is not the same.

Article 58

When at the same court, or at different courts, disputes between the same parties are reviewed at the same time, and have the same cause and subject, the court decides to cease the trial of the disputes presented after the one first registered one.

D. OBJECTION TO THE JURISDICTION AND COMPETENCE

Article 59

(Amended paragraph II by law no. 8812, 17.5.2001, Article 126; paragraph II amended by law no. 44/2021, Article 2)

The court, at any stage and level of the trial, even ex officio, shall consider whether the case under examination shall be subject to judicial or administrative jurisdiction.

When the court decides to take the case out its judicial jurisdiction, a special recourse is allowed to the High Court, meanwhile, when deciding that the case falls under the judicial jurisdiction, an appeal is allowed against the decision together with the final or non-final decision.

Article 60

(Amended paragraph I by law no. 8812, 17.5.2001, Article 126)

In the case a state institution claims that the dispute accepted for examination by the court is subject to administrative jurisdiction, the claim is settled by the High Court upon request of the state institution or of the prosecutor.

The initiated trial shall be suspended until the decision settling the dispute regarding the jurisdiction is released. Meanwhile the court may be allowed only to take measured for securing the lawsuit as well as perform procedural actions which cannot be postponed.

Article 61

Transferring the case to the competent court

(Amended by Law no. 38/2017, article 9)

1. The court, when finding that it is not competent because of the subject-matter, the function or the exclusive territorial competence, as per Articles 45 and 46 of this Code, ex officio or upon request of the parties, shall determine its noncompetence and shall transfer the acts to the competent court.
2. In the other cases, the lack of territorial competence could be considered only at the request of the parties, until the order for scheduling the judicial hearing has not been issued.

The Civil Chamber of the Supreme Court, in its unifying decision No. 00-2018-611, dated 07.02.2018, has addressed for unification the following matters:

1. The adjudication of judicial cases registered prior to the entry into force of Law No. 133/2015;
2. The adjudication of legal actions brought after the entry into force of Law No. 133/2015, challenging prior decisions issued by the competent administrative bodies for property return and compensation—namely, the former Property Return and Compensation Commissions (hereinafter, the former K.K.K.P.), the former Regional Offices of the Agency for the Return and Compensation of Properties (hereinafter, the former Z.R.V.K.K.P.), or the former Agency for the Return and Compensation of Properties (hereinafter, the former A.K.K.P.);
3. The adjudication of disputes between former owners and third parties, in which the decision of the competent authority for property return and compensation is no longer challenged as an administrative act, but rather as a title of ownership.

Regarding the above, the Civil Chamber of the Supreme Court has determined the following:

For legal actions registered with the court after 23.02.2016—the date on which Law No. 133/2015 entered into force—filed by the subject/former owner or their heirs against a decision rendered by the former K.K.K.P., former Z.R.V.K.K.P., or former A.K.K.P., concerning claims submitted under the prior legal framework governing property return and compensation, the Court of Appeal shall have subject-matter and functional jurisdiction.

Legal actions, counterclaims, or principal intervener claims filed against decisions of the former A.K.K.P., K.K.K.P., or Z.R.A.K.K.P., rendered in favor of a subject and concerning a matter that was not subject to further appeal—and where such decisions are now contested not as administrative acts but as ownership titles—shall fall within the jurisdiction of the courts of first instance in the territory where the property in dispute (the non-appealable matter) is located.

Furthermore, legal actions initiated and registered in court by subjects/former owners or their heirs prior to 23.02.2016—i.e., before the entry into force of Law No. 133/2015—challenging decisions of the former A.K.K.P., K.K.K.P., or Z.R.A.K.K.P., shall continue to be adjudicated and concluded by the courts of first instance in the territory where the non-appealable matter is located. The competence and jurisdiction of these courts, pursuant to the principles of *perpetuatio iurisdictionis* and *perpetuatio fori*, are determined on the basis of the legal framework in force at the time the legal action was filed.

In this decision, the provisions of the Code of Civil Procedure are applied to determine the subject-matter and functional competence of the courts in property-related disputes arising as a consequence of the entry into force of Law No. 133/2015.

Article 62

(Amended by law no. 44/2021, Article 3)

Against the decision of the court on the competence for the adjudication of the dispute, an appeal is allowed together with the final or non-final decision.

Article 63

The appeal suspends the trial

(Amended by Law no. 122/2013, Article 2; repealed by law no. 44/2021, Article 4)

Article 64

Obligation to accept a case for trial

(Amended by Law no. 122/2013, Article 3; Law no. 38/2017, article 10; paragraph II amended and paragraph III and IV added by law no. 44/2021, Article 5)

The case, which is sent for consideration from a court to another one of the same level or by a higher court, should be accepted and reviewed by the court to which the case is sent.

The conflicts on competence between the courts shall not be permitted, but the court is entitled to present its stance to the High Court, which decides on the determination of the competence in the counselling chamber, with an adjudicating panel composed of 3 judges.

The High Court shall express its opinion through a reasoned opinion no later than thirty days from the moment the submission is filed.

The High Court, in its decision for the determination of the competence, shall provide the necessary instructions on the conducted trial and its continuation by the court that is declared to be competent.

CHAPTER IV

RULES ON DETERMINING THE VALUE OF THE LAWSUIT

Article 65

The value of the lawsuit is estimated at the moment of its filed to the court. Requests presented in the same process against the same person are put together including matured interest, expenses and claimed damages.

When it is requested by several persons or against several persons, the fulfilment of an obligation by shares, the value of the lawsuit is determined by the entire obligation.

Article 66

The value of the lawsuit related to the existence, validity or dissolution of a legal relation of obligation is determined on basis of that part of the ratio which is under dispute.

If the lease contract of immovable things has terminated, the value is determined on basis of the amount of requested rent, but if there are contests on the continuation of the lease contract, the value is determined by adding up the lease payments for the contested period.

On a division of property, the value is determined by the value of the requested part.

Article 67

In case of request for a periodic sustenance obligation, when title is objected, the value is determined on basis of the total amount which should be given over two years.

In cases related to life rents, when title is objected, the value is determined by the sum of the values for twenty years, whereas in case of temporary rents, the value is determined by the annual sums requested for up to ten years.

Article 68

When a sum of money or a movable thing is requested, the value is determined on basis of the indicated amount or, of the declared value by the plaintiff. In the absence of the indication or declaration, it is accepted that the determination of the value is in the competence of the court.

The defendant may object the value declared or assumed as above, but only at the beginning of his defence.

Article 69

(Amended by law no. 8812, 17.5.2001, Article 10)

In the case that the lawsuit claims an immovable property or incorporeal rights (rights in rem) thereon, the value of the lawsuit shall be determined by the market value of the property or of the rights claimed.

Article 70

The value of the lawsuit objecting the obligatory execution is determined by the pretended credit for which the lawsuit is filed. The value of the lawsuit of a third person who objects the obligatory execution depends on the value of the things for which the objection is made.

CHAPTER V

DISMISSAL OF JUDGE, REQUEST FOR DISMISSAL

Article 71

Criteria to be nominated as a judge are determined by law.

Article 72

Cases for dismissal of the judge
The judge is obliged to withdraw from a case when:

1. he has an interest in the case or in another dispute which is related to it in the trial.
2. he or his spouse has kin relations to the fourth degree or in-law to the second degree, or is related by obligations of child adoption, or lives together in a permanently with one of the parties or attorneys.
3. he or his spouse is in legal conflict or in enmity or in relations of credit or loan with one of the parties or one of the representatives.
4. he has given advise or has expressed opinion on the case in trial or has participated in the trial of the case in a different level of the process, has been questioned as a witness, as expert or representative of one or the other party.
5. he is guardian, employer of one of the parties, administrator or has another task in an entity, association, society or other institution which has interests in the case in trial.
6. in any other event when, according to concrete circumstances, serious reasons for partiality are verified. The request for resignation is presented to the chairman of the respective court who decides. The chairman of the Court of Appeal decides on the presentation of the resignation of the chairman of the district court, and the Chairman of the High Court decides on the request of the chairman of the Court of Appeal.

The parties are notified on the content of the request.

Article 73
Withdrawal of judge from trial of case
(Amended by Law no. 10052, 29.12.2008, Article 3)

The judge who on his conscience assesses that there are reasonable causes not to take part in the revision of a case, requests the chairman of the court to be replaced. When Chairman of the court deems relevant the request orders his replacement with another judge through lot

Article 74
Procedure for dismissal of the judge
(Repealed paragraph V, VI by law no. 8812, 17.5.2001, Article 11)

In cases where the resignation of a judge is mandatory, each of the parties may request the exempt of the judge.

The request, signed by the respective party or its representative, must be deposited with the court secretariat when the announcement of the judge or judges that shall examine the case is made public, or if not, immediately after the announcement of the judge or judges that shall try the case.

Later submission of the request is permitted only in the instance that the party has received information on the grounds of dismissal, or if the judge has inappropriately expressed biased opinion of the facts and circumstances pertaining to the trial during the execution of his duties, although no later than three days from receipt of information.

The request must contain the grounds of dismissal, documents and other available evidence.

Article 75

Competence for examination of the request

(Amended by law no. 8812, 17.5.2001, Article 12; law no. 122/2013, Article 4; by Law no. 38/2017, article 11; paragraph II and III amended by law no. 44/2021, Article 6)

The request for the dismissal of a judge is examined in consultation chamber in a session by another judge of the same court. The appeal against the decision to accept or reject the request for dismissal is allowed together with the final decision.

Regarding the request recusing the judge of the court of appeal, the decision is made by another judge of this court, other than from the judges of the trial panel to which the judge, being requested to be recused, belongs. The decision shall be final.

Regarding the request for recusing the judge of the High Court, the decision is made by another judge of this court, other than from the judges of the Chamber to which the judge, being requested to be recused, belongs. The decision shall be final.

Requests to dismiss judges assigned to decide on the dismissal are not accepted.

The judge, whose recusal has been requested, shall be entitled to submit his opinion in writing in connection with this request.

In these cases, the adjudication shall not be suspended, but the judge cannot give or take part in the giving of the decision, until the issuance of the decision to declare inadmissible or to reject the request for recusal.

The Constitutional Court, in Decision **No. 11/2013**, repealed Article 75 of the Code of Civil Procedure (CCP), reading as follows: "*The request for the recusal of judges shall be examined in a hearing by the same panel that is adjudicating the case*." with the following reasoning:

> The assessment by the judge himself of the request for his own recusal.
> The Court finds that such a procedural arrangement raises doubts regarding the impartiality of the judge or judicial panel from the very moment the request for recusal is filed, as it is difficult for the parties to expect the judge himself to assess whether or not he is influenced by objective or subjective factors in the adjudication of the case. Regardless of any efforts the judge may make to remain objective, it is difficult for this to be perceived as such by the parties. It is precisely this lack of trust on the part of the parties that may lead to a belief that they will not have a fair legal process, since the judge fails to instill that sense of assurance.
> Paragraph 28.
> The Court reiterates that when a particular case is being adjudicated, and there exists a legitimate reason to doubt the impartiality of a judge, the perspective of those raising such a claim is relevant; however,

decisive remains the determination of whether such doubt is objectively justified (See Decision No. 23/2008 of the Constitutional Court). Precisely the decision regarding whether the doubt is justified or not cannot be made by the same judge against whom the impartiality claim is raised. In this respect, the Court finds that the provision contained in the first sentence of Article 75 of the CCP is not in compliance with the principle of adjudication by an impartial court, as provided in Article 42(2) of the Constitution.

Article 76

Sanctions on a request deemed unacceptable

(Amended paragraph II by law no. 8812, 17.5.2001, Article 13 and Law no. 38/2017, article 12)

The request for exception is deemed unacceptable in cases when it is not made in accordance with the procedure and timeframe provided in Article 74 of this Code.

The decision, which declares inadmissible the request or rejects the recusal of the judge, shall contain the relevant court costs, as well as a fine of up to 50,000 ALL for a natural person and up to 100,000 ALL for a legal person, charged on the party, which through abuse, has lodged a wrongful request.

CHAPTER VI

COURT SECRETARIAT

Article 77

Duties of the court secretary

(Added paragraph III by law no. 8812, 17.5.2001, Article 14) (Amended by Law no. 122/2013, Article 5)

In the instances and manners provided by law, the court secretary files for all the effects, the authentic activities of the court, parties and other participants involved in the process. The secretary participates in all court activities involving mandatory record taking.

The secretary records the cases, forms the case files, including there all documents or certified copies, as by law, and enters immediately the date when the documents were filed, maintains them, compiles the communication and notifications envisioned by law or by the court and carries out other duties related to the judicial proceedings.

The secretary issues, against payment, copies of the compiled documents, of recordings made with audio or audio-visual means, of their full or partial transcript, as well as original extracts of typed or hand-written documents.

Article 78

Court employee

(Amended by Law no. 38/2017, article 13)

The court employee participates in the court session and takes measures for the implementation of orders, follows the procedure for the notification of the acts and performs either task related to the court process.

The court employee shall be responsible for the regular conduct of notifications. He/she shall make arrangements to give effect to the necessary enquires surrounding the address of the person the notification is addressed to, with the public registers, state administration authorities, family and relatives, the last domicile or residence of the person the notification is addressed to or by conveyance of other eventual sources.

The queries of the court employee are binding on the persons being addressed to. The latter have to respond within the timing set out in the query. The court employee shall, with regard to these arrangements, draft a report which he/she submits to the court.

Article 79
Responsibility for damage caused

The court secretary is charged with civil responsibility, for the damage caused to the parties according to the provisions in force, when without justified reasons, he renounces from the filling in the acts as required by law or does not perform such actions within the determined time limits, that have been fixed by the respective court upon the request of the parties.

Article 79/a
State Advocate's Office
(Added by law no. 8812, 17.5.2001, Article 16)

The State Advocate's Office exercises representation in cases provided by law. The court, which tries a case for which by law representation and defence is the authority of the State Advocate's Office, shall order the notification of its actions to the latter, with the aim of enabling the State Advocate's Office to participate in the trial.

The United Chambers of the Supreme Court, in their unifying decision no. 13, dated 24.03.2004, addressed for legal unification the following matters:

1. In the adjudication of a request to oppose enforcement actions, is the summoning of the parties a mandatory requirement, or is it left to the discretion of the court (Article 610/2 of the Code of Civil Procedure)?
2. If the summoning is discretionary, what factors should the court consider in deciding whether to summon the parties (creditor and debtor)?
3. Must the decision be notified to a party that was not present at the hearing? Can a party who was absent from the hearing appeal the decision (Article 611/2 of the Code of Civil Procedure)?
4. Must the State Advocate be notified in such proceedings when one of the parties is the state or a public institution (Article 79/a of the Code of Civil Procedure)?
5. When an enforceable judicial decision designates two or more creditors for the same object of enforcement, and one creditor seeks enforcement while another opposes it, how should the bailiff proceed with enforcement?
6. In cases where a limited liability company (sh.p.k.) is established with a statute specifying a fixed amount of initial capital in cash, may the partners, in the context of a dispute, assert that funds not formally deposited into the company should nonetheless be considered part of the company's capital, even though those funds have not been previously allocated or deposited by

each partner, nor has an increase of capital been approved by a decision of the general meeting of partners?

The United Chambers of the Supreme Court held that:
The summoning of the parties cannot be interpreted as an unrestricted prerogative of the court, and even less as a procedural act whose legal basis renders it immune from challenge or review by higher courts. Given that the legislator has explicitly provided for the possibility of summoning and the participation of the parties in such proceedings, the United Chambers find that the court is obliged, in every case involving a challenge to the actions of a judicial enforcement officer, to assess—based on the specifics of the case—whether the summoning of the parties is necessary. Where the court determines that there are circumstances and justifications warranting such summoning—as in the case at hand—it must order that the parties be summoned.
From the content of Article 79/a of the Code of Civil Procedure, it follows that when the court is reviewing a case in which the representation and defense of one of the parties is legally assigned to the State Advocate, the court is required to ensure that all procedural acts are duly notified to the State Advocate. Only through such notification can the State Advocate be afforded a genuine opportunity to participate in the proceedings for the purpose of fulfilling its role in defending the legal interests of the state in the cases defined by law.
The judgment affirms that while certain procedural measures—such as the summoning of parties—may be within the discretionary authority of the court, this discretion must be exercised in a reasoned and case-specific manner. In circumstances involving the state or public institutions, procedural safeguards, including the obligation to notify the State Advocate, must be strictly observed in order to guarantee effective legal representation and the protection of public interests.

CHAPTER VII
THE EXPERT
(Abrogated the articles 80-83 by law no. 8812, date 17.05.2001, article 17)

TITLE IV
THE PROSECUTOR
(Abrogated the articles 84-89 by law no. 8812, date 17.05.2001, article 17)

TITLE V
LODGING OF LAWSUIT

CHAPTER I
PARTIES

Article 90
Definition

Parties on a civil trial are physical or juridical persons on behalf of or against whom the trial takes place.

No one may represent the rights of others in a civil trial, unless otherwise is provided by the law.

Article 91

Capacity to act

Persons that freely exercise their rights, which should be respected by others, have capacity to act in a civil trial.

Persons who do not have the capacity to act in a civil trial may participate in trial only when they are represented in conformity with provisions regulating their capacity.

Article 92

Representation in trial

Juridical persons participate in trial through his representative in conformity with legal provisions.

Article 93

Persons, having capacity to act, may perform all procedural actions themselves except when law provides differently.

Article 94

When the person, who must be represented in trial in conformity with the second paragraph of Article 91 of this Code, is absent and there are justified reasons which require a quick performance of certain procedural actions, a special guardian may be appointed until the case is attended by the person who is designated to represent him.

It is acted in the same way for the designation of a special guardian for the represented person when there is a conflict of interest with the representative.

Article 95

No one can make valid on his name the right of another person in a civil legal process, except when expressly provided by law.

CHAPTER II

REPRESENTATIVES

(Amended paragraph I by law no. 8812, 17.5.2001, Article 126)

Article 96

Providing representatives with power of attorney

(Amended paragraph I by law no. 8812, 17.5.2001, Article 17)

Representatives with the power of attorney of parties can be:

a) private lawyers;
b) spouses, the linear descendants and ascendants, and siblings;
c) legal graduates and other authorized employees of state institutions or of other legal persons;

ç) persons that the court allows to act as representatives in a case;
d) other persons for whom it is allowed by the law to be representatives of the parties.

The following cannot serve as representatives of parties:

a) persons that have not reached 18 years of age;
b) persons who have had their capacity to act, legally removed;
c) private lawyers, during suspension from legal practice;
ç) judges and prosecutors.

The power of attorney may be general or specific. Power of attorney is put forth in writing in accordance with the provisions of the Civil Code as well as verbally before the court examining the dispute

Article 96/a
Representation in the High Court
(Added by Law no. 38/2017, article 14)

1. Representation of parties before the High Court shall be only through an advocate.
2. This provision shall not apply in cases where representation is made by the State Advocacy Office in accordance with the law.

Article 97
Rights of the representative during legal proceedings
(Amended by law no. 8812, 17.5.2001, Article 126)

When parties are represented in court by a representative, the representative may perform and acquire in the interest of the party, all actions necessary to the process that are not prohibited by law.

In any event, a representative may not perform actions resulting in the disposal of rights, unless he has explicitly obtained the right to do so.

Article 98
Abrogation and renunciation of power of attorney
(Amended by law no. 8812, 17.5.2001, Article 126)

Those represented may abrogate the power of attorney at any time and the representative may renounce the position at any time; however, the abrogation and renunciation shall not have consequences for the other party until the representative is substituted.

Article 99
(Amended by law no. 8812, 17.5.2001, Article 126)

The party or its representative, provided the latter has the necessary authority to exercise the right of the representative via power of attorney, may appear in trial without the presence of any other representative, unless the law provides otherwise.

CHAPTER III

TASKS OF PARTIES AND OF ATTORNEYS

(Amended by law no. 8812, 17.5.2001, Article 126)

Article 100

(Amended by Law no. 38/2017, article 15)

Parties and their representatives have the obligation that during the judicial proceeding to behave in good faith and with honestly.

Article 101

Parties and their representatives should not use inappropriate or offending expressions in the documents presented to the court and in the discussions during the legal process.

The court may order inappropriate or offending expressions to be stricken in any phase of the trial and in its final decision may assign in favour of the offended person and charge the author of the offence or of the inappropriate expressions an amount of lek as compensation for non-property damage when the offending expressions are not related to the subject of the dispute.

CHAPTER IV

PARTIES LIABILITY FOR COSTS AND DAMAGES DURING THE LEGAL PROCESS

Article 102

Constitution of court costs

(Amended by Law no. 38/2017, article 16)

1. Court costs consist of fees and other costs necessary to adjudication.
2. Court fees, their types, rates, and other issues related to them, shall be regulated in a specific law.

Article 103

(Repealed by Law no. 38/2017, article 17)

Article 104

Manner of assessment

(Added paragraph I by law no. 8812, 17.5.2001, Article 21)

(Repealed by Law no. 38/2017, article 18)

Article 105

Prepayment of court costs

(Amended by Law no. 38/2017, article 19)

1. Costs for witnesses, bailiffs, experts, translators and for inspection of items or inspection *in situ*, shall be prepaid by the party that requested them to the sum specified by the court. The court, taking in account the circumstances of the case and the wealth situation of the parties, by decision, imposes on one or both parties the costs, regardless of which of them requested

the questioning of witnesses, the performance of expertise, the availability of translators or the inspection.

2. This decision is immediately enforceable by the enforcement service.

Article 105/a

(Added by law no. 8812, 17.5.2001, Article 22)

Witnesses, experts and translators are entitled to receive back the expenses they have made for their appearance in court as well as remuneration for taking a leave of absence from their workplace.

Experts shall also be entitled to remuneration for their service.

The amount of expenses and remuneration of witnesses and experts is determined by the Council of Ministers.

Article 105/b

(Added by law no. 8812, 17.5.2001, Article 23; amended by Law no. 38/2017, article 20)

The persons, according to the provisions for the fee are exempt from payment of this tax, shall also be exempt from payment of the other court costs. In these instances, the costs shall be covered by the relevant fund foreseen in the State Budget.

Legal persons that according to the law "On court fees" are exempt from the payment of the fee, shall pay the other court costs.

Article 106

The burdened party

(Amended by law no. 8812, 17.5.2001, Article 24; Law no. 38/2017, article 21)

The fee, the other court costs as well as the remuneration of a lawyer, in case there was one, that were paid by the plaintiff, shall be charged to the defendant to the extent of the part of the lawsuit that was endorsed by the court. The fee and the other court costs, from the payment of which the party has been exempt in accordance with article 105/b, shall be charged to the other party to the extent of the part of the lawsuit that was endorsed by the court.

The defendant is entitled to request payment of court costs incurred, in proportion to the unendorsed part of the lawsuit.

The defendant is entitled to request payment of court costs incurred, even in the event of the decision for dismissal of adjudication.

Article 107

(Amended by Law no. 38/2017, article 22)

Where the litigant or their representative has caused, without reasonable cause, delays in the adjudication of the case, the court *ex officio* may impose an additional court fee, as per the provisions of the law 'On court fees'.

When the defendant through his behavior has not given cause to the bringing of the lawsuit, the court costs shall be charged to the plaintiff even if the lawsuit is accepted.

Article 108

(Amended by law no. 8812, 17.5.2001, Article 25)

When the case is settled amicably, court costs shall lie to each party that made them, unless there is agreement to the contrary.

Article 109

(Amended by law no. 8812, 17.5.2001, Article 26)

The third person who makes a secondary intervention shall not be bound to or charged with payment of court costs.

Article 110

(amended by Law no. 38/2017, article 23)

1. Direct recourse may be taken due to the wrong assessment of the value of the lawsuit and to the wrong calculation of the fees and other courts costs.
2. The appeal against the decision does not suspend the enforcement of the court decision.

TITLE V

LEGAL MEANS OF DEFENCE

(Abrogated art 111-114 by law no. 8812, 17.5.2001, Article 28)

TITLE VI

PROCEDURAL DOCUMENTS, NOTIFICATIONS AND TIMESCALES

CHAPTER I

DRAFTING OF THE LEGAL DOCUMENTS

Article 115

The drafting of legal documents

(Amended title by law no. 8812, 17.5.2001, Article 29)

Procedural documents, for which the law does not require the use of standardized templates, can be conducted in the most appropriate way for the purposes required.

Article 116

The language used in the drafting of legal documents

(Added title by law no. 8812, 17.5.2001, Article 30)

Procedural documents are written in the Albanian language.

In cases where persons giving testimony do not speak the Albanian language or for the translation of documents written in a foreign language, the court shall request the services of a translator.

If the translator fails to appear without legitimate reason, the translator shall be ordered to appear by the court. The translator has a penal and civil responsibility parallel to that of an expert.

Article 117
Content of procedural act

Unless otherwise provided for by the law, the summons to trial, the statement of claim and the countersuit should indicate the court, the parties, the subject, the legal grounds of the request and the conclusions as well as the date of drafting and should be signed by the party which presents the act or by its representative both in original and copies for notice.

Article 118
Court records
(Amended by law no. 8812, 17.5.2001, Article 31, Law no. 122/2013, Article 6; amended by Law no. 38/2017, article 24)

The single judge or the presiding judge must ensure that record is kept through an audio or audiovisual mean of the hearing and of any judicial procedural action outside the hearing. If it is not possible to keep a court record by audio or audio-visual recording, an accurate typed or handwritten summary is prepared.

The court record shall indicate:

a) Location where the procedural judicial action takes place;
b) Time when the procedural judicial action takes place;
c) Composition of the panel of judges and name of the court secretary; ç) Data of the participants in trial; and
ç) Invited persons, who failed to appear, as well as, if known, the reason of their absence.

The court record should describe the procedural actions carried out in the course of the trial and reflect word by word:

a) All claims and objections of the parties and third parties;
b) The accurate summary of every explanation and written claim submitted by the party;
c) Questions and statements of persons taking part in the trial, including witnesses and experts;
ç) Evidence taken, including the content of the written evidence which has been submitted, tapes, slides and films;
d) All decisions and orders issued by the court during the trial; and
dh) All final claims of the parties.

When the court record is typed or handwritten in the form of a summary and one of the parties asks the court to include in the record parts from the statements of the other party, the court must take this request into account.

When the court record is typed or handwritten in the form of a summary, it is signed at the bottom of each page by the court secretary, and by the presiding judge at the bottom of the document, immediately after the hearing, and it is included in the case file.

The court records are an integral part of the court file and are kept for as long as the case file is kept. Detailed rules on maintaining and archiving the court records are established by order of the Minister of Justice.

Article 118/1

Transcript of audio or audio-visual court records

(Added by Law no. 122/2013, Article 7)

Transcript of audio or audio-visual court records is done by the court secretary or technicians contracted by the court and who act under the court secretary's supervision.

The court records are transcribed when:

a) It is requested by the members of the panel of judges;
b) It is requested in writing, by the parties in trial or other interested persons, upon approval by the presiding judge, and upon payment of the respective fees, which are established by order of the Minister of Justice.

Transcript of court records may be done for all the hearings of a trial, for special hearings or parts of them, as requested by the person who asked for the transcript.

Transcript may be requested even before the court has ruled on the case.

The transcript is attached to the case file without prejudice to the court records kept according to Article 118 of this Code.

CHAPTER II

INVALIDITY OF ACTS

Article 119

Proclamation of invalidity

The procedural act, which has not been made in the form expressly required by the law, should be proclaimed invalid.

The act should also be proclaimed invalid when it lacks the essential data for the achievement of its aim.

The invalidity cannot be proclaimed when the act has achieved the aim for which it is destined.

Article 120

(Amended by Law no. 38/2017, article 25)

The invalidity of a procedural act cannot be proclaimed without the request of the party, unless otherwise provided by the law.

Only the party in whose interest the law provides an element of procedural act, can reject the invalidity of the act for the lack of that element. The rejection should be raised in the first hearing after the announcement, or immediately when notified during the adjudication.

The invalidation cannot be rejected by the party that has caused it or by the party that has tacitly waived.

Article 121
Partial invalidity

The invalidity of an act is not relevant with regard to previous acts when they are independent from it.

The invalidity of a part of an act does not affect the other parts which are independent. When the shortcoming of a procedural act hinders a certain effect, the other effects produced resulting from it, for which it has been made, are valid.

Article 122
Invalidity of notice

Notice is invalid when the provisions related to the manner and the person to whom a copy of the act should be delivered is not applied, or when there is full uncertainty as to the person or the date of such notice.

Article 123
Invalidity of court decisions
(Amended by law no. 8812, 17.5.2001, Article 126)

The invalidity of court decisions that are subject to revision by the Court of Appeal or are subject to a claim at the High Court is assessed in accordance with the restrictions and the regulations pertaining to the grounds of appeal.

Article 124
Renewal of the procedural document
(Amended paragraph II by law no. 8812, 17.5.2001, Article 126; Law no. 38/2017, article 26)

A court that declares a procedural document to be invalid shall, where possible, take action for the complete or partial renewal of the procedural document.

In cases when invalidity of a procedural document is a result of a fault of the secretary, bailiff or representative, the court, by decision, shall charge the costs of the renewal of the document in question.to the person accountable.

The court within the decision on the dispute shall, upon the request of the afflicted party, order the person accountable for the invalidation to compensate the damage caused.

CHAPTER III
DECISIONS OF THE COURT

Article 125

Intermediary decisions

(Amended by law no. 8812, 17.5.2001, Article 32)

Intermediary decisions are issued by the court during the court session to respond to claims and to ensure that the trial is performed in accordance with the provisions of this Code.

Article 126

Final decisions

(Amended paragraph II by law no. 8812, 17.5.2001, Article 33)

The final ruling, settles the case in merits and, is provided by the court at the end of the trial. The final ruling, as well as the rulings that finalise the civil judicial proceedings, provided in Article 127 of this Code, shall be issued, "In the name of the Republic" and each one shall contain the legal basis on which the settlement of the dispute rests, analysis of the evidence and the manner of the settlement.

Article 127

Non-final decisions

Non-final decisions are the decisions that cease the case by which the court or the judge, in cases provided in this Code, terminate the court civil process without settling the case fundamentally as well as any other decision, which without settling the case fundamentally, terminates the initiated court proceeding.

CHAPTER IV

NOTICES

Article 128

Notification of acts

(Amended by Law no. 122/2013, Article 8; Law no. 38/2017, article 27)

Notification of the acts is done by the means envisioned in this chapter. The judge or the chairperson of the judicial panel shall follow and supervise the notification process, that is carried out by court employees appointed for its execution.

Article 129

Summons to the court

(Amended by Law no. 122/2013, Article 9; Law no. 38/2017, article 28)

The summons to the court are made by notification of a writ, which should contain information on the court which has issued it, the name and family name of the summoned person, time and venue of the court session, the dispute for which the person is being summoned, the time of notification of the act, as well as the legal consequences if the summoned person fails to appear in court.

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.

When a person is under detention, or serving a sentence of imprisonment, the court shall serve the notification to the place of execution of the measure or sentence, ordering the relevant authorities to accompany the person to the court, when they want to take part personally in the trial. In these cases, the court shall repeat the notification of the person for every hearing, unless they request the continuation of the trial in absentia.

When the selection of an address for notification to the court is expressly provided in the contract of the parties for all disputes arising from this contract, the court may carry out the notification service in that way.

The parties or third parties, are obliged to inform the court for any subsequent change of their address and electronic contact data or those of their representatives. Violation of this obligation shall make the claim for invalidity of notice unacceptable.

This provision is applicable to notification services at any stage and instance of adjudication.

Article 130

Rules on written notification of acts

(Amended by Law no. 122/2013, Article 10; Law no. 38/2017, article 29)

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

(Amended by Law no. 122/2013, Article 11; Law no. 38/2017, article 30)

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 neighbors 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 132

(Amended by Law no. 38/2017, article 31)

1. Where the family members of the person the notification is addressed to or the neighbours to whom the notification is handed over to be delivered to the person the notification is addressed to, refuse to receive the notification, do not know to sign or cannot sign, a notice is made on the copy of the notification and, when possible, it is also confirmed by the signature of a witness present.
2. In this case the notification is considered served.

Article 133

(Amended by Law no. 10052, 29.12.2008, Article 4; Law no. 122/2013, Article 12; Law no. 38/2017, article 32)

1. Anyone can appoint an authorized person to receive notifications. The appointment act shall be filed with the court.
2. The court employee shall register the authorized person in the national electronic portal, which is created and administered by the High Judicial Council.

Article 133/a

(Added by Law no. 38/2017, article 33)

The notification shall be served by public announcement, if:

a) the notification has not been possible to be affected under the provisions of Articles 129, 130, 131, 132 and 133 and after the judicial employee has made all necessary arrangements to find the address of the person, the notification is addressed to, or
b) The person, the notification is addressed to, has no residence, domicile, has not chosen any residence or has not nominated any representative in the Republic of Albania and the notification of that person has not been able by one of the ways provided by the law.

Article 133/b

(Added by Law no. 38/2017, article 33)

1. The notification by public announcement shall be effected by way of posting the notice at the court of the place where the dispute shall be adjudicated, at the place where the person, the notification is addressed to, has his/her residence or domicile, as well as in the administrative unit in which he/she has the residence or domicile.
2. Where the person, the notification is addressed to, is a private legal entity, the notification shall be effected by way of posting it at the seat being registered on the respective public registers.
3. The notification shall also be published on a specific portal on the official internet website of the court and/or on a national electronic portal being established to this effect.
4. The notification by public announcement shall denominate:

a) Litigants;
b) Identity of the party being notified by announcement and the address of residence or domicile.
c) Date and time of hearing, the court adjudicating the dispute, the subject matter of the dispute and the data surrounding the act subject to notification;
ç) The official or office where the party can take the act subject to notification, as well as the consequence ensuing due to the omission of the party, the notification is addressed to.

5. This notification shall stay posted for not less than 20 days.

Article 134
Announcement of acts of a foreign state

Notification of acts coming from institutions of a foreign state to the direction determined by the authorities of that state, is made through their simple delivery according to the rules provided in this Code.

Article 135

The announcement of acts of a foreign state is done through the Ministry of Justice, which passes them on to the district court of the place where the announcement should be made. When there is a reciprocal agreement providing legal aid the dispatching for notification and the notification is made directly between the competent governmental bodies of two states or in any other manner stipulated in the agreement.

When the Ministry of Justice assesses that the request for notification of an act is not in conformity with the rules provided in this Code, or in the respective international agreement, it returns the documents back to the governmental bodies of the sending state giving full specifications on the necessary adjustments.

Article 136

The party requesting the notification should follow the request with the payment necessary for the notification, in conformity with existing international agreements, except when the law or those agreements stipulate the exemption from payment in advance of expenses.

Article 137

The act is notified in the language of the country from which it is sent, but the receiver who does not know the language in which the act is made has the right to refuse the notification and to request that it should be translated into the Albanian language or into another language known by the receiver on behalf of the requesting party and at its expense.

Article 138

Records are held or a certificate is filled in on the notification of the act, in which it is obligatorily mentioned the place, the date of notification, the person to whom the act was delivered, his relationship to the person to whom the act is addressed, the signature and, if it is the case, also the reasons which have hindered the notification.

Article 139

For documents on the execution or non-execution of the requests of the announcement is acted upon in the same manner as for sending the requests for notification.

Article 140

The execution of a request of the announcement or transmission may be refused by the competent Albanian authorities when the sovereignty or security of the state is jeopardized, as well as when they have not been presented in conformity with the provisions of this Code.

Article 141

Rules on electronic notification of acts

(Amended by Law no. 122/2013, Article 13; Law no. 38/2017, article 34)

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.

Article 141/a

(Abrogated by Law no. 122/2013, Article 14)

Article 142

(Abrogated by Law no. 122/2013, Article 14)

Article 143

(Amended by Law no. 122/2013, Article 15)

If the notification cannot be made in writing or by electronic means, the rules envisioned in Article 133 of this Code shall apply.

Article 144

Other means of notification

(Amended by Law no. 122/2013, Article 16)

Notification may be done by any other means which guarantees a regular notification, as long as the recipient personally confirms in writing that the notification has been received.

Article 144/a

Role of bailiffs in the process of notification to the court

(Added by Law no. 10052, 29.12.2008, Article 6; amended again by Law no. 38/2017, article 35)

The rules provided for in this chapter for notifications shall also be applied by judicial bailiffs, when that is ordered by the court. In this case, judicial bailiffs shall conduct the same tasks as those of court employees. Judicial bailiffs shall not act as a court employee during the phase pf execution of the executive title.

CHAPTER V

TIME LIMITS

Article 145

The time limits for the performance of procedural acts are determined by law and, if permitted by law, also by the court.

The time limits may be preclusive if the law expressly provides so.

Article 146

The time limits set by the law are ordinary, except when the law expressly provides them to be rigid.

The rigid time limits cannot be shortened or extended, even with the consent of the parties.

Article 147

Extension of time limits

Before the end of the time limit, the court may extend by decision a time limit which is not rigid before the end of the time limit. The extension cannot be longer than the initial time limit, except when there are particularly grave reasons which legitimize the request.

Article 148

Calculation of time limits

When the time limit has been determined in days and hours, the day and hour, on which the event has started or the time on which the time limit shall start, are excluded.

The time limit determined in weeks, months or years terminates with the passing of that day of the last week, or of the last month which has the same name or number with that of the day when the time limit started. When such a day is lacking in the last month, the time limit terminates with the passing of the last day of that month.

When the last day of a time limit is a holiday, the time limit terminates on the working day following the holiday.

Article 149

The last day of the time limit continues until its 24-th hour, but, when a procedural act is to be made or any request or other act is to be presented to the court, the time limit terminates at the moment when the official working day ends.

The time limit is not considered passed when the request or act is sent by mail even on the last day of the time limit.

Article 150

Time limits and suspension of trial

When the trial is suspended all the other time limits which have started to count but have not terminated are suspended too. In this event the suspension of the time limit starts from the moment in which the event has happened which has triggered the suspension of the trial.

Article 151

Reinstatement of the time limit

(Amended by Law no. 38/2017, article 36)

Where the parties or the prosecutor has, due to reasons emerging out of force majeure or reasons which could not have been predicted by them, exceeded the legal procedural time limit or that set out by the court, they may request from the court the reinstatement of procedural time limits, unless the time limits have preclusive character.

Article 152

(Amended by Law no. 10052, 29.12.2008, Article 7)

The request to reinstate the surpassed time limit is examined by the court to which also the documents, which justify or for which the reinstatement of the time limit is requested, must be

presented. A separate appeal may be made against the decision of the court. The other party is summoned during the consideration of the request.

A special appeal may be filed against the court's.

The Administrative Chamber of the Supreme Court, in its unifying administrative decision no. 00-2023-4279(259), dated 07.07.2023, held that:

Pursuant to Articles 152 and 458 of the Civil Procedure Code, in all administrative proceedings where a request for the reinstatement of a lapsed time limit for appeal is submitted, the applicant is required to attach to the request the procedural act of the appeal for which the reinstatement is being sought.

SECOND PART
TRIAL AT FIRST INSTANCE

TITLE I
FILING OF LAWSUIT, STATEMENT OF DEFENCE, PRELIMINARY ARRANGEMENTS
(Title amended by Law no. 38/2017, article 37)

CHAPTER I
LAWSUIT DRAFTING, PRESENTATION TO COURT, LAWSUIT NOTIFICATION AND PREPARATORY ACTIONS
(Added by law no. 8812, 17.5.2001, Article 35)

Article 153
Drafting of lawsuit

Adjudication of a case in court begins with the presentation of the statement of claim in writing.

Article 154
(Repealed last paragraph by law no. 8812, 17.5.2001, Article 36)
(Amended by Law no. 122/2013, Article 17; Law no. 38/2017, article 38)

1. The statement of claim is written in Albanian language and must contain:

a) the court before which the lawsuit is filed;
b) first name, father's name, surname, domicile or residence of the plaintiff and of the defendant and of the persons representing them respectively, if any. If the plaintiff or the defendant is a legal entity, its denomination as it appears in public registers, showing the seat or the headquarters, where the notification shall be served.
c) a definition of subject of the lawsuit;
ç) an indication of concrete facts, circumstances, documents and other evidence, grounds on which the lawsuit is based on, as well as the concrete claim of the plaintiff;
d) value of the lawsuit, if the subject of the lawsuit is calculable.

2. In addition to these criteria, the plaintiff in the statement of claim shall clearly indicate and/or attach:

a) his or his representative's electronic contact details, if any, which the court may use to notify him;
b) the list of persons he wants to be summoned to court in the capacity of witnesses, by clearly specifying the first name, father's name and last name, and their full address and the facts required to be proven by them;
c) the evidence required to be taken by the respondent and third parties, determining the reasons and location of these evidence;
ç) the type of expertise required to be carried out during the trial;
d) first name, father's name, surname or the denomination, if it is a legal entity, as well as the full address of third parties required to be summoned in this capacity;
dh) the act certifying the payment of the claim fee, in accordance with the law.

Article 154/a
Filing the statement of claim
(Added by law no. 8812, 17.5.2001, Article 37)

The statement to claim is filed in court by the plaintiff or by his representative equipped with power of attorney. The statement of claim may also be filed in court via mail.

The lawsuit is appointed to the judges by drawing of lots.

When the statement of claim does not fulfil the criteria detailed in this chapter, the single judge shall return it to the plaintiff at the time of its filing or he shall be notified in writing to make the necessary amendments, and after the date of filing of the lawsuit has been recorded, a time limit scale shall be determined for the completion of the necessary amendments. Until this date the lawsuit shall be inactive.

When the plaintiff fails to make the necessary amendments within the specified time limit, the statement of claim shall not be regarded as filed and shall be returned to the plaintiff together with the other acts.

Against the decision of the single judge for the return of the statement of claim, a special appeal may be filed.

When the amendments of the statement of claim have been rectified within the specified time limit, it shall be regarded as filed from the date of its registration in the court. The same rule shall be applied in the case that the defects of the statement of claim are discovered during adjudication of the case.

Article 155
Preliminary notification of the lawsuit
(Repealed by Law no. 38/2017, article 39)

Article 156
Acts that are attached to the lawsuit
(Modified by Law no. 38/2017, article 40)

Jointly with the statement of claim must be filed:

a) power of attorney, if the statement of claim is filed on behalf of the plaintiff by his representative;
b) copies of the statement of claim and of the proving acts, in as many copies as there are defendants, as well as for the instance foreseen in article 197 of the Civil Code.

With the filing of the statement of claim is paid the fee, as well as the necessary costs for the notifications or the other court services.

To the statement of claim is attached the summons in which are indicated the date of appearance before the court, as well as the instruction that on that date must be accurately defined the evidence that the plaintiff claims that should be heard by the court.

Article 157
Presentation of lawsuit
(Abrogated by law no. 8812, date 15.7.2001, Article 38)

Article 158
Preliminary arrangements of the single judge
(Amended by Law no. 122/2013, Article 18; Law no. 38/2017, article 41)

1. The court, after evaluating the lawsuit as without defects, pursuant to articles 154/a and 156 of this Code, orders the plaintiff to issue the statement of defense, not later than 30 days from notification of the statement of claim. The same rules shall apply also in the event of the filing of the lawsuit by the main intervener or of the countersuit.
2. The court informs the defendant in connection with the necessary contents of the statement of defense under paragraph 3 and 4 of this article, in connection with the opportunity to request legal aid and with the legal consequences of not issuing a statement of defense.
3. The statement of defense shall be drafted in Albanian and shall contain:

a) the court before which the statement of defense has been submitted to;
b) the first name, father's name, surname, place of residence or domicile of the plaintiff and defendant, as well as persons representing them respectively, if there is any. If the plaintiff or the defendant is a legal entity, its denomination as it appears on the public registers, displaying their seat or main office, where notification shall be carried out;
c) indication of concrete facts, circumstances, documents or further evidence, as well as arguments objecting the lawsuit, if any.

4. In addition to these requirements, the defendant clearly declares in/or attached to his statement of defense:

a) his electronic contact data or those of his representatives, as appropriate, which the court may make use of to notify them;

b) the list of persons required to be summoned to proceedings in the capacity of witnesses, specifying clearly their names, father's name and surname, and their full address, as well as the facts required to be proved by them;
c) the evidence required to be taken from third parties or from the plaintiff, specifying the rationale and the location of evidence;
ç) the types of expertise required to be carried out during the trial;
d) the name, father's name, surname or the denomination of the legal entity, as well as the full address of the third parties required to be summoned to the trial in this capacity;
dh) the countersuit, when requesting to exercise this right, under Article 160 of this Code.

5. The defendant shall notify the court regarding any subsequent change in the address and electronic contact data for himself and his representative. The violation of this obligation shall render the claims surrounding the invalidity of the notification inadmissible.
6. The statement of defense, along with the evidence and the other acts attached, shall be communicated to the plaintiff by the court. The plaintiff has the right to present other evidence, in addition to those defined in the statement of claim, only when they relate to new claims of the defendant, laid out in the statement of defense.
7. Objections and evidence that may be raised or submitted only with the request of the parties, shall not be accepted by the court subsequently, if they have not been submitted together with the statement of defense.

Article 158/a

Decisions of the judge during preliminary arrangements

(Added by law no. 8812, 17.5.2001, Article 39; amended by Law no. 10052, 29.12.2008, Article 8, Law no. 122/2013, Article 18; Law no. 38/2017, article 42)

1. In case that from the preliminary study of the acts, the judge notes the absence of jurisdiction or competence, or that the parties are lacking the capacity to act or that the representation is at conflict with the law, then he shall respectively decide that the case falls outside their judicial jurisdiction, transfers the case for adjudication to the competent court, takes a decision in accordance with the provisions of this Code, or sets out a time limit to the parties to rectify their acts of representation.
2. The judge shall, by decision, without conducting a preliminary hearing, conduct the following arrangements:

a) exempt the plaintiff from payment of the fee in the instances provided for by law and a request has been made by the plaintiff;
b) set out the evidence that will be examined during the judicial hearing and appoint an expert in the relevant field of expertise, who is then notified to the parties;
c) decide on the taking of evidence and information from third parties, when the parties declare and prove that they cannot take them by themselves;
ç) decide to the taking of measures to secure the lawsuit, in exceptional or urgent instances, under Article 205 of this Code;
d) if necessary, decide to secure the evidence, according to Articles 292 to 295 of this Code and proceed to take them in a special hearing under Article 296 of this Code.

dh) decide on the suspension of proceedings in instances set out in Article 297 of this Code;
e) decide on the dismissal of adjudication in instances set out in Article 299 of this Code;
ë) decide on the joinder of lawsuits into one court case in the instances provided for in this Code or for the separation of claims;
f) decide on the request for summoning of the third person in the proceedings, in compliance with Article 193 of this Code.

Article 158/b

Preparatory hearing

(Added by law no. 8812, 17.5.2001, Article 40)
(amended by Law no. 38/2017, article 43)

1. The judge shall always appoint the hearing for preparatory arrangements whenever he is receiving the requests for the main and secondary interventions, for procedural replacement, procedural transition, for changing or increasing the cause, decreasing or changing the scope of the lawsuit, filing a countersuit and assigning the expert.
2. Regarding the other decisions made by the judge in the course of preliminary arrangements, preparatory hearing shall be held as long as summoning and hearing the parties is deemed necessary by the judge and in other cases provided by law.

Article 158/c

The order for scheduling the hearing

(added by Law no. 38/2017, article 44)

1. The judge, immediately after performing all necessary preliminary and/or preparation actions, shall issue an order setting the hearing, which is notified to the parties or third parties.
2. The order setting the hearing shall include:

a) Date, time and venue of the hearing;
b) The parties required to be questioned by the court under Article 182 of the Code and, where appropriate, the witnesses, who must participate in the hearing;
c) The expert or group of experts appointed by the judge;
ç) Notification and the manner of notification of the parties and persons, who must attend the hearing.

3. The notification served to the witnesses, interpreter, and expert should contain a warning of sanctions, according to the law, for failure to appear at the hearing, without a lawful reason.

Article 158/ç

Actions of reconciliation

(Added by Law no. 38/2017, article 44)

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.

Article 159
Joinder of claims

In a statement of claim may be presented many claims if the court has authority for all the claims. When the court assesses that their joint consideration shall cause visible difficulties in the conduct of adjudication, it decides that they be considered separately.

Article 160
Countersuit
(Amended paragraph III by law no. 8812, 17.5.2001, Article 41; amended paragraph II by Law no. 38/2017, article 45)

The defendant is entitled to file a countersuit if the claim of the countersuit is related to that of the lawsuit or if between them mutual compensation is possible.

The countersuit may be submitted as long as the order for scheduling the court hearing is not issued, in accordance with Article 158/c of this Code.

In the case that the amendments of the countersuit are not rectified within the timeframe specified by the court, the countersuit shall be returned.

CHAPTER II
SUITS BY SEVERAL PLAINTIFFS AGAINST SEVERAL DEFENDANTS

Article 161
(Added letter 'c' by Law no. 10052, 29.12.2008, Article 9; added letter 'ç' by Law no. 38/2017, article 46)

Lawsuit may be brought jointly by many plaintiffs or against many defendants (co-participants) if:

a) they have joint rights or obligations on the subject of the lawsuit;
b) their rights or obligations have the same basis from the point of view of the fact or of the law;

c) in case trial has started and the plaintiff founds that his claim extends also against another person, he may extend the claim even against the latter, summoning him as defendant;

ç) If a decision cannot be given except against several persons in the case of mandatory joint judgement, the latter should be summoned as defendants in the same process. When the judge determines that the mandatory joint judgement is incomplete binding on the defendants, he shall leave the plaintiff a time limit up to 20 days to fix it, according to letter "c" of this article and Article 154 / a of this Code. If the plaintiff does not act within the above time limit, the court shall decide to dismiss the proceedings.

Article 162

Each of the co-participants is represented in an independent manner against the opposing party in order that his procedural actions or omissions do not bring neither damage nor benefit to the others.

When, due to the nature of the juridical relations which are in conflict or due to a legal provision, the effect of the decision which shall be given is extended to the entire co-participants, the procedural actions which have been carried out by some co-participants have effect also on other co-participants who have not appeared in court or who have not undertaken any action in the designated time limit.

The United Chambers of the Supreme Court, in their unifying decision no. 901, dated 14.07.2000, addressed for legal unification the following matters:

1. Does the court hearing the case have the authority, contrary to the plaintiff's disposition, to summon a third party as the defendant and impose upon that third party the obligation initially claimed by the plaintiff against the originally summoned defendant?
2. What are the defining characteristics and distinctions between the procedural instruments used by the plaintiff and the defendant in civil proceedings—namely: the statement of claim, the defense (rebuttal), and the counterclaim?

The United Chambers of the Supreme Court held that:

Pursuant to Article 160(1) of the Code of Civil Procedure: "*The defendant has the right to file a counterclaim when the claim of the counterclaim is connected to the main claim, or when mutual claims may be set off.*"

Within the meaning of this provision, a counterclaim constitutes the defendant's claim brought against the plaintiff, submitted during an already initiated proceeding, provided that the judicial investigation has not been concluded.

In order for a defendant's claim to be qualified as a counterclaim and be admissible for joint adjudication alongside the main claim in the same proceedings, it must satisfy at least one of the two substantive criteria set out in Article 160(1) of the Code of Civil Procedure:

– either a nexus (connection) with the main claim,

– or the potential for mutual set-off of obligations.

Given that both the main claim and the counterclaim may independently be subject to separate proceedings, depending on the court's discretion, it follows that where they are adjudicated together in a single proceeding, the final judgment may, as appropriate, result in one of the following outcomes:

a) acceptance of both the main claim and the counterclaim, including, where applicable, a decision on mutual set-off of obligations;

b) acceptance of the main claim and dismissal of the counterclaim;

c) dismissal of the main claim and acceptance of the counterclaim;

ç) dismissal of both the main claim and the counterclaim.

In the case under review, the court neither issued—nor was it in a position to issue—a decision corresponding to any of the aforementioned outcomes.

Furthermore, where a claim and a counterclaim are joined in a single proceeding through a procedural decision on joinder (Article 55 of the Code of Civil Procedure), third parties holding independent claims distinct from the object of the main claim or the counterclaim cannot be summoned as plaintiffs or defendants.

Such third parties may only be procedurally joined in consolidated litigation with either the plaintiff/counter-defendant or the defendant/counter-claimant where the conditions for joinder of parties under Articles 161–162 of the Code of Civil Procedure are met.

Article 162/a

Adjudication procedure for small amount claims

(Added by Law no. 38/2017, article 47; paragraph I partially and paragraph IV amended by law no. 44/2021, Article 7)

1. Lawsuits up to twenty times the minimum wage nationwide, arising from contractual relationships shall be adjudicated by the court in a summary trial.
2. Examination of the case in a summary trial before the court shall occur in writing. The court may conduct a verbal judicial hearing, if deemed necessary.
3. Regarding the adjudication of the above-mentioned lawsuits, 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.
4. If the value of the lawsuit is less than twenty times the minimum wage at the national level and the value of the counter-lawsuit exceeds twenty times the minimum wage at the national level, the trial shall be conducted according to the general provisions for ordinary trial.

CHAPTER III

STEERING THE PROCEEDINGS

(Abrogated Articles 163-164 by law no. 8812, 17.5.2001, Article 42)

CHAPTER IV

FINES

Article 165

Non-appearance in court without reasonable causes

(Amended by Law no. 38/2017, article 48)

When the witness or expert who has been summoned to court does not appear, without reasonable cause, the court punishes him with fine from 50 000 to 100 000 lekë and orders his enforced appearance.

Article 166

Objection to give evidence

(Amended by Law no. 38/2017, article 49)

When without a reasonable cause the witness objects to give evidence or the expert to give his opinion, the court punishes him with fine from 50 000 to 100 000 lekë.

Article 167

Failure to appear in trial of document or thing by the third person

(Amended by Law no. 38/2017, article 50)

When a third person who is not a party does not accept to present a document or a thing which is proved to be by him and which has been requested to him by the court is punished with fine from 50 000 to 100 000 lekë.

Article 168

Disobeying an order of chairman of the hearing

(Amended by Law no. 38/2017, article 51)

When the persons who participate in the trial of the case as well as other persons who assist do not obey the orders of the chairman of the court hearing, they may be punished with fine from 50 000 to 100 000 lekë by court decision. In cases where a prosecutor and/or an advocate does not obey orders of the court under this Article, the court has an obligation to notify responsible bodies of their discipline.

Article 169

Objection to punishment decision

The persons who have been punished by fine, in conformity with the above-mentioned provisions, within three days may present to the court who has punished them, the request for the removal of the punishment, by indicating also the causes.

When the court finds those causes grounded, it revokes the decision of the punishment with fine as well as the order of enforced appearance. It may also only diminish the designated fine. Otherwise, it rejects the request.

The time limit to present the request starts from the date of the court session and in the cases provided in articles 165 and 167 from the date of the announcement of the punishment decision.

The decision given by the court in the above-mentioned cases is irrevocable and no appeal is permitted against it.

TITLE II

CONSIDERATION OF THE CASE

CHAPTER I

PREPARATORY ACTIONS

(Abrogated by law no. 8812, 17.5.2001, Article 43)

Article 170

(Abrogated Articles 163-164 by law no. 8812, 17.5.2001, Article 43)

Article 171

Conciliation actions

(Abrogated Articles 163-164 by law no. 8812, 17.5.2001, Article 42)

Article 171/a

The right of the court to conduct legal proceedings and the means of their application

(Added by law no. 8812, 17.5.2001, Article 45)

(amended by Law no. 38/2017, article 52)

The court shall exercise all rights defined in this Code that are essential to the development of the trial process.

The court shall determine the sessions and timeframes within which parties and other ordered persons must perform the procedural legal actions and any other actions the court requests.

The court administers the judicial proceeding via decisions and orders. Decisions and orders announced during a court session shall be considered as acknowledged by the parties in attendance or those who should have attended the session. Decisions announced outside the session and decisions subject to special appeal are communicated to the interested parties by the secretary of the session no later than three days from their announcement.

Article 171/b

(Added by law no. 8812, 17.5.2001, Article 46)

(amended by Law no. 38/2017, article 53)

Interim decisions and orders issued by the court during the court session must be justified and must not prejudice the resolution of the case.

Decisions may be altered or revoked by the court that announced them unless:

a) the decisions have been announced on the basis of an agreement between parties whereby they have deliberated between themselves. However, the court retains the right to revoke decisions if it is so stipulated in the agreement;
b) a separate appeal can be filed against the decisions, as defined in this Code;
c) the law declares that the decisions cannot be appealed.

CHAPTER II

STEERING THE PROCEEDINGS AND THE COURT SESSION

(Title added by law no. 8812, 17.5.2001, Article 44)

Article 172

(Amended by Law no. 122/2013, Article 20)

The consideration of the case before the court is made orally, but the parties may present in writing their explanations and claims with regard to the case in trial.

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 173

Closed door proceedings

(Amended by law no. 8812, 17.5.2001, Article 47)

Minors under 16 years of age are not permitted to attend in camera proceedings unless they are called by the court.

The court can forbid the attendance of the mass media and the public for a part or for the entirety of the trial if:

a) it is in the interests of morality;
b) it is in the interest of public order;
c) it is in the interest of safeguarding classified information or matters of national security;
ç) it is in the interest of minors or the protection of the privacy of parties participating in the trial;
d) trade secrets or industrial inventions are mentioned which, if made public, could harm interests protected by law;
dh) their publication could, to a degree, as assessed by the court, prejudice the interests of justice in particular circumstances.

The verdict shall be publicly spelled out.

Article 174

Opening and development of court session

(Amended by Law no. 38/2017, article 54)

On the designated day and time, the parties or their representatives are obligated to notify the court on their presence.

Before the start of the court session the secretary or the court employee calls the parties or their representatives and invites them to take the designated places.

Article 175

After the court session is declared open the court verifies the presence of the parties and investigates the causes if one or both of them have not appeared in the session.

If the non-appearance has occurred because of illness or any other legitimate cause, the court adjourns the trial to another day.

The United Chambers of the Supreme Court, in unifying decision No. 4, dated 01.02.2006, have addressed for legal unification the following matters:

1. When proceedings on the main claim are suspended, does the review of the counterclaim follow the same course, or should the counterclaim be adjudicated as a separate claim?

2. In the present case, the plaintiff was removed from the courtroom for disrupting order, and subsequently, his legal representative voluntarily exited the hearing without declaring a withdrawal of the claim filed on his behalf. The Chamber observes that the absence or unjustified departure of the plaintiff from the hearing may be interpreted as a waiver of the main claim (although, in this case, it was not the plaintiff himself but his representative who left). In light of this, should the court consider such departure as a waiver of the main claim, or should it have first ascertained the plaintiff's intent by summoning him to a subsequent hearing?
3. Even when the court has ruled to proceed in the absence of a party, does the party concerned—namely, the plaintiff—have to be notified of the continuation of proceedings regarding the counterclaim?

The United Chambers of the Supreme Court held that:

In a proceeding where it has been determined that the main claim and the counterclaim are to be examined concurrently, the suspension of the proceedings on the main claim—regardless of the reason—does not automatically entail the suspension of the counterclaim's examination. On the contrary, the counterclaim may continue independently, and the court, in its final decision, must adjudicate both the main claim and the counterclaim, as though they were being tried in two separate but parallel proceedings.

Moreover, in order to uphold the principles of judicial efficiency and to protect the independent legal interest of the counterclaimant—specifically, in preventing, through no fault of his own, the expiration of statutory deadlines that would apply if the counterclaim were pursued as a separate action—the counterclaimant retains the procedural right to request the continuation of the counterclaim even after the main claim has been suspended. This procedural will was, in the case at hand, explicitly expressed by the counterclaimant following the court's issuance of the interim decision to suspend the proceedings on the main claim.

The mere fact that the plaintiff initiated the proceedings by filing the original claim does not constitute sufficient grounds to terminate a proceeding already underway. Furthermore, in proceedings where the main claim and the counterclaim have been joined, the original initiative of the plaintiff does not negate the procedural standing of the counterclaimant to act independently and to define the conditions under which the civil process may continue—thus effectively resulting in two separate, opposing claims, albeit between the same parties.

Accordingly, the United Chambers of the Supreme Court conclude that neither the plaintiff's removal from the courtroom pursuant to Article 178 of the Code of Civil Procedure, nor the departure of his legal representative from the hearing—even if not accompanied by a formal clarification—can be considered a waiver of the main claim within the meaning of Article 299(b) of the Code of Civil Procedure, nor can it be construed as a non-appearance in the procedural sense. In this context, the term "*non-appearance of the parties*", as set out in Articles 175 and 179 of the Code of Civil Procedure, must be interpreted in accordance with its proper procedural definition.

Article 176

Legalization of parties to the case

The court verifies the legalisation as parties of the persons or of their representatives present and if it is the case invites them to fulfil the acts and documents which result with shortcomings, including here also the acts related to representation and if it considers it necessary determines a time limit to the parties.

Article 177

Administration of court investigation by the chairman of the session

(Amended by Law no. 122/2013, Article 21)

The chairman of the court session administers the court investigation and the talks of the parties in conformity with the rules provided in this Code.

When any of the parties makes remarks against the actions of the chairman of the court session, by claiming that their rights are being limited or violated, these must be reflected in the minutes when a summary of it is typed or handwritten.

Article 178
Ensuring law and order in a court session

The chairman of the court session takes care for the maintenance of law and order in the session. He has the right to order the persons who disturb the order and quietness of the development of the court session to leave the court room. When the attorney or the advocate do not obey the orders of the chairman of the court session, the court notifies the relevant organ of the Attorney's office or the managing council of the chamber of advocates and requests from them the taking of disciplinary action. The court may decide to adjourn the session until another attorney or advocate is designated[2].

Article 179
Legal consequences for parties that fail to attend
(Amended by Law no. 38/2017, article 55)

1. Should both parties, without any reasonable cause, fail to appear at a preliminary hearing or a judicial hearing and it turns out that they have been regularly notified, the court shall decide to dismiss the proceedings.
2. Should the plaintiff, without any reasonable cause, fail to appear at a preliminary hearing or judicial hearing, and it turns out that he/she has been regularly notified, the court shall decide to dismiss the proceedings, if the defendant has not filed a statement of defence. Where the defendant has filed a statement of defence, he/she may request that the trial proceeds in absentia for the plaintiff, and when the court considers that the defendant's request has been based on legitimate cause, the court shall continue the trial in absentia for the plaintiff.
3. Should the defendant, without any reasonable cause, fail to appear at a preliminary hearing or judicial hearing, and it turns out that he/she has been regularly notified, the court shall decide to dismiss the proceedings, if the plaintiff shall not request that the trial proceeds in absentia.
4. Unless otherwise provided by law, the court shall no more notify the party that decides to proceed in absentia.

Article 180
Announcement of adjudicating body and explanations by parties
(Repealed paragraph IV and V by Law no. 38/2017, article 56)

[2] **Decision No. 4, dated 01.02.2006, of the UCSC** establishes that the removal of the plaintiff by the court pursuant to Article 178 of the Civil Procedure Code (CPC), or even the departure from the courtroom by their legal representative—with or without explanation—cannot be considered as a withdrawal of the lawsuit (Article 299/b of the CPC) or as failure of the parties to appear as foreseen by Articles 175 and 179 of the CPC.

After the above-mentioned action have been performed, the composition of the adjudicating body is announced and the preliminary claims of the parties are solved.

The court in the first court session requests the parties to give the necessary explanations, on basis of the facts claimed by them, by pointing out the issues which it considers necessary and beneficial for the trial of the case from the procedural point of view.

At first the plaintiff gives explanations with regard to the claims presented in the lawsuit, then the defendant and the other participants in the case. Each of them is obligated to determine the facts and evidence on which their claims and rebuts are based.

Repealed.

Repealed.

Article 181

Conclusion of trial by same adjudicating body

(Amended by Law no. 38/2017, article 57)

The court must organize the work in order that the trial of the case be concluded by the same adjudicating body.

When for legitimate cause, the composition of the panel shall change, the new member or members must have access to the content of the judicial process. The new member or members can request that judicial investigations be entirely or partially repeated.

Repealed.

Article 182

Appearance of parties in person

At any stage of the trial the court has the right to request that the parties appear in person in order to be questioned on circumstances it estimates that are important for the solution of the case, regardless of the fact that they have representatives or that the trial is conducted in their absence.

When despite the request of the court in conformity with the above paragraph the summoned party has not appeared without any legitimate cause or refuses to answer the questions asked, the court considers its attitude in harmony with the other evidence.

Article 183

Settlement of claims of parties

Regarding the claims presented by the parties in conformity with articles 180 and 182 of this Code, the court pronounces itself by means of a decision. In special cases, which present difficulties in trial it may adjourn the announcement of the decision up to three days.

The court, by decision, allows the acquisition of evidence when it is the case also the way of acquiring them. The refusal for acquiring the requested evidence must be reasoned by the court, without prejudicing the case.

Article 184

Replacement of parties

When during the trial emerges that the lawsuit is brought by a person who has no right to bring it, or is brought against a person against whom it must not have been brought, on the request of the interested party the court may allow the replacement of the first plaintiff or defendant by the plaintiff who enjoys the right to bring the lawsuit or by the defendant against whom the lawsuit must have been brought. For such replacement the court must first receive the approval of both parties and of the person who comes in their place as a party.

Article 185

Alterations to legal grounds and the subject of the lawsuit

(Amended by Law no. 38/2017, article 58)

1. A plaintiff has the right, during preparatory actions, to submit a written request to change the cause of the lawsuit. The plaintiff, without changing the cause of the lawsuit, can increase, reduce or change its scope.
2. Only the scope of the lawsuit can be increased, reduced or changed at a court hearing, when such a need arises because of the evidence received at the court hearing.
3. When the above changes are made in absentia of the defendant or third parties summoned to the court, the changes must be communicated to them in writing.
4. Seeking of interests or other incomes of the scope of the lawsuit, shall not be considered as an increase to the scope of the lawsuit.

Article 186

Extension of evidence

(Amended by Law no. 38/2017, article 59)

1. Following the order of the single judge setting the hearing under Article 158 "c" of this Code, no new evidence can be claimed and no new facts can be alleged, unless:

a) The interested party proves that, not because of its fault, it was not able to present these facts and / or new evidence before;
b) The interested party can prove that it could not be aware of the new facts and/or evidence;
c) There is a public interest for admission of new evidence.

2. This provision does not apply to obtaining judicial or extrajudicial confession.

Article 187

(Amended by Law no. 38/2017, article 60)

The party that is declared in absentia can appear at any moment of the proceedings. It may require that procedural actions be carried out on its behalf regarding the judicial investigation held earlier, when proving the invalidity of the call to appear in court or the failure to appear for reasons independent of it.

Article 188

The decision of the court which accepts the request on the intermediate questioning or other requests in conformity with the above article is notified to the absent party in the time limits decided by the court. The other acts and actions are not subject to notification.

CHAPTER III
PARTICIPATION OF THIRD PARTIES IN CIVIL PROCESS

Article 189
Main intervention

Anyone may intervene in a court process which takes place between other persons, when he claims for himself the entire or part of the thing or the right which is the subject of the lawsuit in consideration, or which is related to the conclusion of the trial, by bringing lawsuit against both parties or against one of them.

The United Chambers of the Supreme Court, in their unifying decision no. 74, dated 07.10.2002, unified the following legal matters:

A third party in a judicial proceeding exercises the protection of their economic rights through the plaintiff. For this reason, in seeking to protect those rights, the third party cannot be regarded as an adversarial party to the plaintiff. However, with respect to moral rights, the position of the third party, as the author, is autonomous—which means that the third party, should they so decide, holds a procedural status that entitles them to bring a claim directly against any person whom they allege has violated such rights.

The accurate determination of the legal relationship from which the conflict between the parties arises—through reference to the relevant substantive legal provisions—is a crucial and decisive step in establishing the standing (*locus standi*) of the plaintiff, the defendant, and any third parties, as well as in clarifying the cause of action and the object of the claim.

Pursuant to Article 189 of the Code of Civil Procedure, any person may intervene in a judicial proceeding between other parties when they assert ownership—either in whole or in part—of the subject matter of the dispute or a right related to the outcome of the judgment, by filing a claim against both parties or against one of them. In such cases, the intervention constitutes an independent claim, directed either against both parties or one of them, with demands that are distinct from those advanced by the original plaintiff in the pending proceedings.

If the third party seeks compensation for the violation of the author's moral rights, they may qualify as a principal intervener, by filing a direct claim against the defendant, "Albtelecom" sh.a., thereby removing the plaintiff from the procedural position with respect to that specific claim, since moral rights are exclusive and non-transferable, as recognized by the applicable legal provisions. However, in the absence of such a distinction in the third party's claim—where the claim instead mirrors that of the plaintiff—they cannot be legitimized as a principal intervener. In such a case, the appropriate procedural mechanism would have been to request the substitution of the plaintiff.

In the present matter, the third party's economic interests are identical to those of the plaintiff, and these interests have been, and continue to be, represented by the plaintiff. Therefore, if the third party wishes to participate in the proceedings in relation to the same claim, they may do so only as a secondary intervener, either by joining the position of the plaintiff or by reaching an agreement to be procedurally substituted for the plaintiff.

In order to ensure the uniform application of the law by the courts with respect to the procedural positioning of principal and secondary interveners, this decision is accorded binding effect as a unifying decision, pursuant to Article 141(2) of the Constitution.

Article 190

(Amended by Law no. 38/2017, article 61)

To intervene in a civil proceeding under Article 189 of this Code, the third party should submit a request together with the lawsuit, as long as the order setting the hearing has not been issued, under Article 158/c of this Code, fulfilling the requirements of Articles 154 and 156 of this Code.

The United Chambers of the Supreme Court, in their unifying decision no. 1029, dated 27.10.2000, held that:

…Amounts paid by the losing party in execution of court decisions that have subsequently been overturned by a final and binding decision must be returned to that party. Restitution shall be carried out by the Bailiff's Office that initially undertook and continued the compulsory enforcement procedures.

Under the former Code of Civil Procedure, Article 190(1) expressly provided:

"*When the new decision issued after the annulment differs from the first decision, which has been executed in whole or in part, the person who benefited is obliged to return all gains received from the execution of the previous judgment*."

Although this provision no longer appears in the current Code of Civil Procedure, this does not imply that such situations are to be resolved differently under the new legal framework.

By referring to Article 319(2) of the current Code of Civil Procedure, which regulates the consequences of the annulment of a judgment previously enforced provisionally, the following rule is established:

"*In the event that, following the annulment of the initial decision, the claim is rejected and the new judgment becomes final, the initial prevailing party is obliged to return everything received by way of provisional enforcement of the first decision*."

Through a logical interpretation of this provision, it follows that in all cases where the new decision issued after annulment diverges from the original decision—whether the latter has been enforced in full or in part—the beneficiary is obligated to return all benefits received from the enforcement of the annulled decision.

As a general rule, the restitution of such benefits should be ordered in the new final decision issued following the annulment of the previous judgment(s). However, even where the court does not explicitly address the return of benefits derived from the (full or partial) execution of the overturned judgment, such restitution is considered legally implied and enforceable.

The Bailiff's Office, which carried out the full or partial enforcement of the overturned judgment, is required—upon request by the new prevailing party and in accordance with the procedure set forth in Article 511 of the Code of Civil Procedure—to initiate enforcement measures compelling the beneficiary to return all undue benefits received.

Article 191

Secondary intervention

(Amended by Law no. 38/2017, article 62)

Anyone may intervene in a court process which takes place between other persons when it is interested to support one or the other party with which it joins in trial in order to assist it. The request along with the probative acts, if any, may be exercised as long as the order for setting the judicial hearing has not been issued, under Article 158/c of this Code.

Article 192

Summons of third party

(Amended by Law no. 38/2017, article 63)

Each party may call into the trial of the case a person with which it thinks it has the case in common or from which may be requested a guarantee or compensation which is related to the conclusion of the case.

The third party is summoned by a writ which is presented in the preparatory session or to the court secretariat when the consideration of the lawsuit has started. The request is notified immediately to the judge who orders the notification of the third person, possibly without adjourning the designated court session.

The summon of the third party can be made as long as the order for setting the judicial hearing has not been issued in accordance with Article 158/c of this Code.

Article 193

(Amended by Law no. 38/2017, article 64)

Where the Court considers that the judicial proceedings should take place in the presence of a third party, which finds that it has interests in the case, the court shall call it as long as the order for setting the judicial hearing has not been issued, under Article 158/c of this Code.

The secretary notifies him by writ.

Article 194

The court accepts the participation of the third person into the civil trial by an intermediate decision.

A separate appeal may be made against the decision that rejects the participation of the third person.

Article 195

Procedural rights of third person

The third person has the right to perform all procedural actions which are allowed to the parties, except those which constitute the possession of the subject of the dispute.

With the consent of the two parties, the third person who has intervened himself or has been summoned to court may take the place of one of the parties for which he has intervened and that party may withdraw from the trial.

Article 196

The decision which is given after the secondary intervention or the summoning of the third person has effects against him with regard both to his relationship to the person who called him or for assisting whom he has intervened and to his relationship with the opposing party.

Article 197

If the person who has offered guarantee appears in court and assumes to replace in the case the guaranteed person, the latter may request his withdrawal from the trial, by being represented in trail by the guarantor, if the parties do not object.

The court decides on this request but its decision on the grounds of the case extends its effects also on the guaranteed person.

Article 198
Withdrawal from trial of sued person

The person who is sued for the payment of an obligation or for the delivery of a thing or for the acknowledgement of a real right, on which has claims also a third person, has the right to call him in trial, in order for the case to be tried between the plaintiff and that person and to request from the court to withdraw from trial by accepting to pay the obligation or to deposit the thing or to recognise the real right in the place and in the manner determined by the court.

The withdrawal of the defendant from the trial is made by permission of the court.

When the third person does not accept to participate in trial, the cessation of the case is decided and the amount paid or the thing deposited is delivered to the plaintiff.

Article 199
Procedural assignment

When one of the parties dies, the case continues by or against its heirs.

When the party which is a legal person terminates, the case continues by or against the legal or natural person to whom are transferred the rights and obligations of the legal person who has terminated.

Article 200

When during the proceedings of the trial the right in conflict is assigned to another person by means of an act between living people or by means of a special title, the court process continues between the same parties who were at the beginning.

The person to whom is assigned the right in conflict may intervene or may be summoned in trial as a third person or may replace the party from which the right to the conflict was assigned, but only within the conditions provided in this Code.

The decision issued has effects also against the person to whom is assigned the right in conflict, except in the case when the right to ownership on the movable thing has been won in good faith (article 162 of the Civil Code) and in application of the rules for the registration of things.

Article 201

Withdrawal from the adjudication

(Amended by Law no. 38/2017, article 65)

1. The plaintiff in any stage of proceedings at first instance, may waive the trial of the lawsuit. Waiver shall have effect if the defendant admits it. However, the admission of the defendant is not required if he, at the time when the plaintiff submits a request to waive the trial, has not yet filed a statement of defence on the merits of the case.
2. The Court may decide to dismiss the trial even if there is no legitimate cause for the refusal of the defendant.

Article 201/a

Waiver of the right to sue

(Amended by Law no. 38/2017, article 66)

A plaintiff, in any stage of the trial, may completely or partially waive the right to sue. In this case, the lawsuit shall be dismissed and the plaintiff has no right to file the same lawsuit again. Waiver of the right to sue before the Court of Appeal, consequently brings the reversal of the decision of the first instance court and the dismissal of the lawsuit.

CHAPTER IV

SECURING THE LAWSUIT

Article 202

When is lawsuit allowed to be secured

(Amended by Law no. 10052, 29.12.2008, Article 10)

On the request of the plaintiff, the court allows within 5 days the taking of measures to secure the lawsuit, when there are reasons to doubt that the execution of the decision for the rights of the plaintiff shall become impossible or difficult.

The securing of the lawsuit is allowed when:

a) the lawsuit is based on evidence in writing;
b) the plaintiff gives guarantees to the degree and kind determined by the court for the damage that may be caused to the defendant by securing the lawsuit.

The United Chambers of the Supreme Court, in their unifying decision no. 10, dated 24.03.2004, have addressed for legal unification the following matters:

1. What are some of the “other appropriate measures” that may be taken to secure a claim, pursuant to this provision?
2. What is the meaning of the provisional measure of suspension of enforcement, and in which cases may it be granted?
3. Must the security measure under Article 206, point “b” of the Code of Civil Procedure always be conditioned upon a defined or definable material object of the claim?

4. In a civil case where the forced performance of a contractual obligation to act or to refrain from acting is sought, may security measures be granted under Article 206, point “b” of the Code of Civil Procedure?
5. If one party to a contract unilaterally terminates the agreement, does the court adjudicating the dispute have the power to order the reinstatement of the contract as a provisional measure? Can the prior contractual relationship be reinstated by means of a security measure?
6. May a security measure consist of an order compelling the defendant to perform the very act that the plaintiff seeks through the claim and which the defendant contests?
7. In other words, may the provisional security measure ordered by the court be identical to the substantive remedy sought by the plaintiff in the claim?
8. What should be the procedure for reviewing a request for a security measure, and what should the decision contain and justify, in order to avoid the perception that the court has prejudged the merits of the case or is contributing to unnecessary delay in resolving the substance of the dispute?
9. Does the suspension of the execution of an administrative act under Article 329 of the Code of Civil Procedure constitute a security measure within the meaning of Article 206, point “b” of the Code of Civil Procedure?
10. Are there distinguishing features between security measures in purely civil cases and those involving the suspension of an administrative act subject to judicial review?

The United Chambers of the Supreme Court held that:

Courts must not base decisions granting provisional security measures on facts, actions, or legal qualifications that pertain to the substantive adjudication and resolution of the case. The assessment of a request for such a measure must be carried out in a manner that avoids any appearance that the court has prejudged the main claim or lacks impartiality in its examination.

As a result, a provisional measure may not serve to reinstate the prior contractual relationship between the parties as it existed before the dispute arose. More broadly, where a contract provides that either party may unilaterally terminate it under certain conditions (e.g., clause 13.3 of the agreement), the court hearing the case has no authority to preliminarily order the re-establishment of the contract. Reinstatement of a contract cannot be considered a security measure within the meaning of Article 206, point “b” of the Code of Civil Procedure. Such relief may only be granted through a final decision on the merits.

These principles apply not only to contractual disputes, but to all civil cases involving the restoration of violated, infringed, or denied civil rights, and any associated claims for damages. Under no circumstances may the court, through a provisional measure, compel the defendant to perform the same act sought by the plaintiff in the claim and contested by the defendant. In other words, a provisional security measure may not duplicate the relief requested in the substantive claim.

As for the “other appropriate measures” referenced in Article 206, point “b” of the Code of Civil Procedure—beyond the suspension of enforcement—these are not exhaustively defined. Accordingly, the court retains discretion, on a case-by-case basis, to determine a measure it considers suitable and effective to protect the plaintiff’s rights, provided that such a measure does not infringe upon the legitimate rights and interests of the defendant. However, even these discretionary measures must be conditioned upon a material object of the claim that is defined or capable of being defined.

For this reason, the court may authorize security through various forms of provisional measures, but only up to the amount equivalent to the value of the claim. In the case under review, the court should have first required the plaintiff to clearly identify the object of the claim relating to the request for compensation arising from the disconnection of service (signal interruption). The identification of the object of the claim serves as the foundational basis for determining the appropriate security measure.

Article 203

(Amended by Law no. 122/2013, Article 23)

The securing of the lawsuit is allowed for all kinds of suits and at any stage of the trial, until the decision becomes irrevocable. The securing of the lawsuit is allowed also by the Court of appeal, when the lawsuit is being considered by it.

The securing of the lawsuit is not allowed when lawsuits are submitted during the phase of the decision execution, for which the fourth part of this Code applies.

Article 204

The securing of the lawsuit may be requested also before the lodging of the lawsuit in the court of the place where the plaintiff has his place of abode, or where the property is located with which the lawsuit shall be secured.

In this case the court determines a time limit of not more than 15 days within which the lawsuit must be presented to the court.

Article 205

(Amended by Law no. 38/2017, article 67)

The securing of lawsuit may be permitted for the entire lawsuit or only for parts of it, if the court finds them grounded, in conformity with the rules provided in article 202 of this Code. The request, as a rule, is considered in the presence of the parties, but in special or hasty cases, it may be considered in consultation chamber.

Article 206

Types of measures for securing lawsuit

(Amended by Law no. 122/2013, Article 24)

The securing of the lawsuit is made:

a) by sequestering the movable and immovable things as well as the credits of the debtor;
b) by other appropriate measures taken by the court.

The court may permit the securing of the lawsuit by some of the different types of the security measures, but always for a general amount not greater than that of the lawsuit.

Sequester cannot be placed on things which cannot be sequestered in conformity with article 529 of this Code.

Article 207

Change and replacement of measures for insurance of lawsuit

On request from one of the parties the court may substitute one security measure with another, after having heard first also the opposing party.

In this way is proceeded also when the court decides on the removal of the security measure, when it estimates that the cause for which it was taken has disappeared.

Article 208
Execution of measures for insurance of lawsuit

The decisions for securing the lawsuit are executed in conformity with the rule provided in this Code on the execution of the decisions on movable and immovable things.

Article 209
Appeal

Against the decision of the court which has decided the acceptance of the request for securing the lawsuit may be made a separate appeal for the change or removal of the security measure of the lawsuit.

The appeal against the above decision does not hinder the continuation of the consideration of the lawsuit.

Article 210

The appeal against the decision which allows the security measure does not suspend its execution.

The appeal against the decision by which the security measure is replaced or removed suspends its execution.

Article 211
Revocation of measures for insurance of lawsuit
(Amended by Law no. 122/2013, Article 22)

Failure to submit the lawsuit within the term determined by the court, and certified by the chief secretary, abolishes the measure for insurance of lawsuit.

When the refusal of the lawsuit or the cessation of the trial is decided, the court decides the removal of the security of the lawsuit, which is applied when the decision has become irrevocable.

The guarantee given in conformity with article 202 of this Code is returned to the plaintiff, in case the other party does not bring a lawsuit for the compensation of the damage suffered due to such a cause within fifteen days from the date the decision has become irrevocable.

Article 212
Legalization of measures for securing lawsuit

When in the final decision the lawsuit is accepted, the court decides also the legitimization of the security of the lawsuit.

When sequester has been decided as a security measure, it becomes executive sequester after the decision becomes irrevocable.

CHAPTER V
GENERAL RULES FOR ACQUIRING EVIDENCE

Article 213
Permission for evidence

In application of article 12 of this Code, the court, by decision, permits the parties to prove the facts on which they base their requests and claims, by presenting to the court only that evidence which is indispensable and is related to the case in trial.

Article 214
Court admission

Admissions made in court by the parties or by their representatives are estimated by the court without underestimating other evidence and the circumstances of the case.

Article 215
Delegation of authority

When the evidence must be taken outside the territory of the activity of the court, it delegates its competences to the court of the place where the evidence is, except when the parties jointly request to delegate one of the members of the adjudicating body for this purpose.

In the decision of the court shall be established a time-period within which evidence must be taken and is decided the next session for the continuation of the adjudication.

Article 216

Evidence is taken by the judge designated by the chairman of the court to which the request is addressed by reflecting the actions performed in minutes, which are sent to the court in the determined time-period.

The parties are free to participate in the acquisition of evidence.

The statements of parties and of the witnesses are taken in first person and after being read to the person making the statement, are signed by him.

Article 217

The judge proceeding with the acquisition of evidence, even when he is delegated in conformity with article 215 of this Code, decides by decision all issues which emerge during the acquisition of evidence.

Article 218
Witness who cannot hear or speak

When questioning a person who cannot hear or speak, the court calls a person who understands the signs of the person who is questioned if the questioning cannot be made in writing.

Article 219
Legal assistance by courts of foreign countries

When it is necessary to perform a court procedural action outside the borders of the Republic of Albania, for the clarification of circumstances, assessment of facts, sending of a document or for other reasons which the court considers necessary for the clarification of the issue in trial, the court through the Ministry of Justice of the Republic of Albania requests relevant legal assistance to the competent organ of the other country.

When the juridical procedural action may be performed by the diplomatic or consular representation of the Republic of Albania, the request is sent to the latter.

The above request must designate the issues on which legal assistance is requested and must contain the necessary data for the fulfilment of legal assistance.

When between the two states there is an agreement on providing reciprocal legal assistance the provisions of that agreement are applied.

Article 220

Application of foreign law

In the event the application of the laws of a foreign country is necessary for the trial of a case, the court must make all efforts to find and apply them in conformity with their content.

When any effort of the court in conformity with the first paragraph of this article is not successful and none of the parties has been able to provide the court with the requested provisions, certified by the competent organs of the other state, the court decides in conformity with Albanian legislation.

Article 221

Legal assistance for courts of foreign countries

Albanian courts provide legal assistance to courts of other states on their request. Legal assistance cannot be provided when:

a) its provision does not comply with the basic principles of Albanian legislation in effect;
b) the object of the request is not under the competence of Albanian courts.

Article 222

The request for providing legal assistance, made by the court of a foreign state, must contain the conditions provided by the above article, be drafted in the Albanian language or be translated in this language and have the necessary expenses for translation attached. In the opposite case the court or the receiver may refuse the performance of the requested actions.

When between the two states there is an agreement on the reciprocal provision of legal assistance, the provisions of that agreement apply.

Article 223

Acquisition of evidence at third persons

On the request of the interested party the court may order the other party or a third person who does not participate in the case, to present in trial a document or another thing, when this is estimated as necessary by the court.

In this case the court gives the necessary instructions on the time, place and the manner of their presentation. The party which has requested the acquisition of the document is obligated to indicate in detail all the circumstances which make credible as to where the document is, its characteristics as well as the facts which shall be proved by this document.

The necessary expenses are paid in advance by the party which has made the request.

Article 224

The court may officially request from the organs of the state administration data in writing on acts and documents which are in that organ and which are necessary to be considered in the court process. When the data requested constitute a state secret, the court requests the permission of the central organ under whose authority the state administration, where the requested data are, is. When the request is rejected the request of the party is considered statute barred.

Article 224/a

(Added by law no. 8812, 17.5.2001, Article 51; amended by Law no. 38/2017, article 68)

Should the assessment or clarification of facts pertaining to the case require specialist input in the fields of science, technology or art, the court may order the attendance of one or more experts.

The experts shall be chosen from an online register of licensed persons, which shall be administered and published by the Ministry of Justice, except for the conditions laid down in Article 224/d, paragraph 2 of this Code. The experts shall be appointed under the rules contained in this Code.

Article 224/b

(Added by law no. 8812, 17.5.2001, Article 52)

Experts shall be required to provide opinions in writing, but they can also be heard at the hearing and be questioned by the court as well as involved parties.

The opinion of the expert is not legally binding for the court and when the court has a view contrary to that of the expert, the court must then provide a detailed account of its opinion explaining the reasons for this in the final decision or in a decision issued during the trial.

Provision of legal opinions is not part of the mission of the expert.

Article 224/c

(Added by law no. 8812, 17.5.2001, Article 53; amended by Law no. 38/2017, article 69)

The expert is bound to fulfil all duties assigned by the court unless reasonable grounds are presented and are accepted by the court.

Failure to appear in court without legitimate reason shall result in the expert being forced to appear in court.

The expert shall only be exempt from participating in the trail in accordance with the conditions defined in Article 72 of this Code.

The request for disqualifying the expert shall be filed with the court reviewing the case, which decides on it.

Article 224/ç

Liability of the expert

(Added by law no. 8812, 17.5.2001, Article 54)

In the instance that an expert refuses to perform the duty they have been assigned, or provides the court with false information, the expert shall be held liable in accordance with the Penal Code.

If the expert causes damages to the parties or to other participants of the trial, the expert shall be obliged to compensate them.

Article 224/d

Electronic register of experts

(Added by Law no. 38/2017, article 70)

1. Ministry of Justice shall establish, administer and make available to the public an online register for experts. This register shall be split up into various sections to group experts referring to their field of expertise and the place of their work.
2. The judge shall appoint an expert off the online register, only when for the needs of the process, the expert is required to come from specific areas of expertise, for which the law does not provide for their licensing.
3. The Ministry of Justice accepts the registration of experts in the online registry, if they meet the following criteria:

a) ten years of professional experience in a specific or similar field; Five years of professional experience of the same type shall be sufficient as long as the applicant has completed a professional training in the pertinent field;
b) Full capacity to act;
c) Be registered and have regularly fulfilled the obligations with the tax authorities.

4. The online register should provide a separate section, where the interested parties can evaluate the expert about his acts of expertise in the past, by using a scoring system.

CHAPTER VI

EXPERT AND ACT OF EXPERTISE

(Title changed by law no. 8812, 17.5.2001, Article 50)

Article 225

Manner of appointment

(Amended by Law no. 38/2017, article 71)

1. The expert shall be appointed by the court.
2. The decision on the appointment of the expert shall be served to him by the court secretary, the latter notifying also the date when he is going to attend the respective hearing.
3. The expert not admitting to assume this task shall notify the court, providing the respective arguments, at least five days prior to the hearing.
4. According to circumstances, the parties shall immediately request the disqualification of an expert, submitting the respective arguments.

Article 226
Taking the oath

Before the expert starts to perform his task, the court reminds him of the importance of the function for which he has been called and invites him to take the oath that he shall perform well and honestly the task assigned, with the only purpose of making the truth known to the court.

Article 227
Tasking and performance of expertise
(Amended by Law no. 38/2017, article 72)

1. The court, after receiving the opinion of the parties, shall assign cases to the expert on which his opinion has to be taken.
2. The decision on assigning the tasks to the expert should include:

a) Tasks assigned to the expert;
b) Deadline for submission of the act of expertise to the secretary by the expert, in as many copies as the parties are and a copy for the file of the trial, when the expertise cannot be done instantly;
c) The subject whom the prepayment of the expert's fee is charged to and the deadline for the execution of this liability;
ç) Ordering third parties, where appropriate, to allow the expert to perform the tasks assigned by the court, through surveillance, under the provisions laid down in Title I, Part I, Chapter X of this Code.

3. The Court invites the parties to receive their copy of the act of expertise and after considering the opinion of the parties, shall assign the latter a time period within which they may submit written opinions and observations on the act of expertise.
4. The expert has the right to have access to the case materials, take part in the hearings, ask questions, give explanations and require the parties to obtain information from third parties within the limits necessary for performing the task.
5. An expert may be assisted by his assistants, but the responsibility for the accuracy of expertise remains with him.
6. When under the court decision to perform the expertise, it is necessary for the expert to have access to things, evidence, accounts and other documents, the parties may be present and may submit to the expert written opinions and remarks of their specialists, who can be called

as witnesses or requirements related to the fulfilment of the task, but always within the competences determined in the decision of the court.

7. In case of obstruction without reasonable cause, the expert shall inform the court which, when deemed necessary, shall order the state police to support him in carrying out the tasks set by the court.

Article 228

Performance and assessment of expertise

When expertise is performed in the presence of the court or of the delegated judge, minutes are held, but the court may request from the expert to give the conclusions of the expertise in a written report.

When the expertise is performed without the direct participation of the court, the expert must draft a written report on the expertise performed, in which must be reflected also the remarks and the requests of the parties. The possible statements of the parties mentioned in the report are estimated by the court taking into consideration the rules provided in article 29 of this Code.

The report must be deposited with the secretariat in the time-period determined by the court.

Article 229

Repetition of expertise

When it is observed that the expertise is with shortcomings or unclear as well as when there are differences of opinion between experts, the court, on its own or on the request of any of the parties, may request additional clarifications or may order the performance of a new expertise, by calling other experts.

Article 230

Presentation of conclusions of expertise

The opinion of the expert must be justified.

When experts are of the same opinion, the conclusions of the expertise may be presented by one who is appointed by them; when there are differences of opinion between the experts, each of them must present himself his opinion. Questions may be asked to the experts after they have presented their opinion.

CHAPTER VII

WITNESSES TESTIMONIES

(Amended by law no. 8812, 17.5.2001, Article 55)

Article 231

Limits of permission of evidence by witness

Evidence by witness is permitted in all cases, except when the law demands a written matter for the validity or the proving of a juridical action.

Article 232

(Amended by Law no. 10052, 29.12.2008, Article 11)

Evidence by witness is not permitted against or beyond the content of an official or private act which constitutes a full evidence. It is not permitted also to prove by witness the agreement of parties on the change of contract or termination by payment or relief from obligations in money which result from a contract which is made or must have been made in writing.

Article 233

Cases of permitting evidence by witness

The rules provided in the above two articles are not applied and evidence by witness is permitted:

a) when the document demanded by the law on the validity or the proving of the juridical action is lost or is destroyed without the party being guilty for it;
b) when there is a start of an evidence by written matter. Start of an evidence by a written matter is called any written matter which results from the one towards which the search is addressed and from the content of which emerges that the alleged fact is almost true;
c) when the juridical action made by a written matter has been performed:

- contrary to the law, by fraud;
- under the influence of deceit, threat or because of an agreement in bad faith entered into between the representative of one party and of the other party; - under the influence of great necessity by the party;

ç) when due to circumstances in which a juridical action is performed or due to the special relationship between the parties it has not been possible to acquire evidence by written matter.

Article 234

Against or beyond the content of a juridical action made by written matter, the third person is free in the presentation of evidence. When one of the contracting parties claims that the juridical action has been performed only in appearance without the parties having the purpose of creating legal consequences, or to cover another court process which the parties wanted, the evidence by witness is permitted in the events when there is evidence by written matter issued by the other party or statements made by it in front of state institutions, by which it is made credible that the court process is performed only for appearance.

Article 235

Prohibition for questioning as witness

There cannot be questioned as witness:

- the representatives of the parties in case, on circumstances on which they have received knowledge from the persons they represent because of their duty as representatives;
- persons who due to physical or mental disabilities are not capable of a just understanding of the facts which are important for the case and to testify regularly;
- spouses yet non-divorced, children, parents, grandparents, or cousins, in direct or indirect line up to the second degree, except when the case is related to personal and family problems, as well as minors under the age of fourteen, except when their sayings are indispensable for the solution of the case.

These persons decide themselves whether they shall testify and they cannot be punished for refusing to testify.

Article 236

Regulations for hearing witnesses

(Amended paragraph III by law no. 8812, 17.5.2001, Article 126)

Witnesses are heard by the court during the judicial debate. In special cases or in the event of illness or because of the occupation of the witness, being these circumstances, which prevent the witness from appearing before the court, the court may rule that the witness is questioned by a member of the adjudicating body out with the premises of the courthouse. In these cases, the questioning of the witness shall be carried out prior to the court session and the evidence gathered shall be recited during the court session. In all cases, the witness shall be questioned in the presence of the parties or their representatives, who shall be e duly notified.

The testimony of the President of the Republic of Albania is taken at the residence where the function of Head of the State is carried out.

When taking the testimony of the Chairperson of the Parliament, the Chairperson of the Council of Ministers, the Chairperson of the Constitutional Court or of the Chairperson of the High Court, they can request to be questioned at the residence where they conduct their duties.

The court shall consistently evaluate the testimonies of witnesses in conjunction with other the evidence admitted during the review of the case.

Article 236/a

Rules of questioning of witnesses for small amount claims

(Added by Law no. 38/2017, article 73; amended partially by law no. 44/2021, Article 8)

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 237

Taking the oath

The chairman of the court session, after he has been assured of the identity of the witnesses, makes them conscientious of the importance of the mission and of the oath taken before the court and makes known to them that they are obligated to tell the truth on what they know in relation to the case, warns them on responsibility they bear for false testimony. In the meantime, the court secretary reads the oath formula as follows: "Conscientious, I swear that I shall say the truth and only the truth". While standing, the witness answers "I swear" and waits outside the court room under instruction not to communicate with each other.

Article 238
Order of questioning

The order of questioning witnesses is determined by the chairman of the court session by taking into consideration the witnesses of each party. They are questioned one by one in the presence of the parties without the presence of the witnesses that are questioned later.

Article 239

The witness is questioned first by the party who has requested his summons and then by the other party. Each of the parties has the right to ask additional questions to the witness to clarify or to complete the answers given by him. In each case the parties ask questions to the witness by permission and through the court.

The court may ask questions and ask for clarifications any time it considers it necessary for the just solution of the case.

Article 240
Confrontation of witnesses

When between the sayings of the witnesses there are such inconsistencies which create difficulties for the discovery of the truth, the court itself or on request by the parties makes the confrontation of the witnesses previously questioned.

Article 241
Re-questioning of witness

After ending his evidence, the witness may leave with the permission of the court. In case his requestioning may be necessary, then the court orders that he stays in the room without contacting the other witnesses.

Article 242
Renunciation from questioning the witness

The party which has requested the summons of a witness may request that he is not questioned. The request is taken into consideration if the other party agrees and when the court estimates that his questioning shall not be necessary for the clarification of the case.

Article 243

When during the trial, the facts and the claims of the parties result clarified, the court on its own or on their request may renounce from questioning the other witnesses summoned for this purpose.

Article 244
Use of notes by witnesses

The court may permit the witness to use notes or other written data, when they talk on issues having to do with accounts and data which are difficult to remember.

Article 245
Indictment for false evidence

In the event a witness gives false evidence before the court, it decides the indictment to the attorney's office for penal prosecution.

CHAPTER VIII
WRITTEN MATTER

Article 246
Evidentiary power of written matter

Written matter have proving power when they have been drafted in the defined form, have the necessary elements for their value, are not cut into pieces, torn or extinguished, do not have scratches or additions between the lines or other disorders by erasure and may be read.

Article 247

When written matter is damaged in the manner described in the above article, it is presumed to have been done to devaluate its proving value, except when the contrary is proved.

Article 248

The person who presents and uses as a proving means a written matter which bears changes must prove that the changes have been made by the one who has issued the written matter, or by the one to whom it may serve as evidence or by the one to whom the right is assigned or they have been made by someone else on their instruction.

Article 249

When the written matter presented refers to another written matter, it is joined to it except when the written matter that is taken substitutes the referring written matter or contains its full content.

When the written matter taken has a different content from the referring written matter, then the content of the latter is preferred.

Article 250
Written matter in safekeeping or unusable

In cases when evidence by written matter is under protection for legal reasons or impossibility of use and cannot be taken, the court has the right, besides other means, to allow a legalized copy of it to be taken, which has proving power just as the original written matter. When later on this has been lost, the court decides to administer the written matter which proves the identity with the original.

Article 251
Copy of written matter and its original

Copies of written matter have the same proving power with the original when their accuracy is proved by the competent person.

Article 252
Verification of content of written matter at its issuing place

If for unjustified reason it is difficult to acquire the evidence in trial or because of its importance or its nature the danger exists that it may lose or be damaged, the court may order the verification of the written matter by a member of the adjudicating body or its checking by the court of the place where the written matter is, through a delegation of authority or to allow the taking of photocopy or certified photograph.

Article 253
Official acts

Official acts which are drafted by a state employee or a person exercising public activity, within the limits of their competence and in the determined form, constitute a full evidence of the statements that are made in front of them on the facts and events which have happened in their presence or on action performed by them. The opposite is permitted to be proved only when it is claimed that the written matter is forged.

Article 254

Official acts which are issued by state organs and which contain an order, a decision or any other measure taken by them or which indicate the performance of an action by those organs, constitute full evidence on their content. The opposite is permitted to be proved only when it is claimed that the written matter is forged.

Article 255

Copies and shortenings of the acts mentioned in article 253 and 254 certified in conformity with the law have the same proving effect as the originals.

Article 256

Written matter drafted by an employee of a foreign state or by a foreign person who exercises public activity and which in that country is considered as a public entity have the proving effect provided in article 253.

Article 257

Written matter drafted on basis of article 253 on the performance of the juridical action or its certification, as far as the statements of the parties are concerned, constitute a full proof for all.

The provisions mentioned in the above paragraph have effect for anything mentioned in the written matter so far as they have direct relationship to the main subject of the written matter. The ones which do not have direct relationship are considered as a start of evidence by written matter.

Article 258
Simple written matter

The written matter which has been drafted by an official person who has not had the authority or which is not according to the determined form, has proving effect as a simple written matter, if it is signed by the parties.

Article 259

The simple written matter, signed by the person who has issued it, constitutes full evidence that the statement it contains are of the one who has signed it, in case the person, against whom the written matter is presented, admits that it is signed by him.

Article 260

Private written matter are considered also:

- books of traders and professionals who keep them in conformity with the Commercial Code or other provisions;
- the books of advocates, notaries, bailiffs, doctors, pharmacists and other professions in conformity with the provisions in power.

When part from the book or the entire book are presented as evidence and contain also data which are not related to the subject of the trial, those parts of the written matter which are related to the trial may be taken.

Article 261

The private written matter acquires an accurate date against third persons only from the day when it has been certified by the notary or the competent public employee in conformity with the law or when one of those who have signed it dies or has not been in the physical capacity to write or when its substantial content is repeated or assessed in an official act as well as from the day in which another fact has occurred which proves in the same manner that the written matter is drafted at an earlier date.

Article 262

The private written matter constitutes evidence in favour of the author only if it is presented by the opposing party or if the books mentioned in article 260 are meant.

Article 263

The books mentioned in article 260, paragraph 1 and 2, when they are drafted in the determined form, constitute full evidence for what is written in them, for traders or other persons who are obligated to keep the same books, but the opposite is permitted to be proved when forgery is claimed. Nevertheless, against persons who are not obligated to keep those books, they constitute full evidence for the extension of claims, when their presence is certified in another manner and only within one year from the date of signature, except when the person obligated proves their content with his signature.

Article 264
Obligation for the presentation of documented evidence
(Amended title by law no. 8812, 17.5.2001, Article 56)

Any party involved in the trial shall be obligated to present the documents they have lodged to facilitate the trial of the case.

Any party or third person involved in the trial shall be obligated to present their documents as evidence in support of their case with the exception of having legitimate and justifiable reason for not doing so. Legitimate reasons are particularly considered to be cases whereby testimony is not permitted.

Article 265

Execution of the decision ordering the presentation of the written matter is made in conformity with provisions related to the execution on delivering the thing or the performance of the action.

This provision is applied also when the written matter are in a state organ or in the state legal persons, except when the written matter constitutes a state secret.

Article 266
Written matter in foreign language

When the written matter is in a foreign language it is presented together with the translation legalised by the relevant embassy or consulate or by another competent organ.

When the court cannot verify itself the accuracy of the written matter, it designates a translator.

Article 267
Obligation to prove that private written matter is original

When the originality of the private written matter is put in doubt, the one presenting it must prove it, except when the written matter is so changed that it is difficult for the court to assess that it is original.

The person against whom the written matter is presented is obligated to declare immediately if he accepts or not the originality of the signature, otherwise the written matter is considered accepted.

If the originality of the signature is recognised or proved, it is considered that the originality of the content is certified, with the reservation of it being hit for falsity.

Article 268

The private written matter may be proved as original by any proving means.

Article 269
Procedure for comparison of written matters

When the comparison of written matters is made, the person presenting the evidence is obligated to notify to parties the list of written matters with which comparison shall be made or to deposit the originals with the secretariat of the court not later than ten days before the day designated for comparison. The truthfulness of these written matters must not be objected.

When written matters which may be compared are in the possession of the opposing party or the third person, their presentation may be requested. In case of objection, the rules provided in article 265 of this Code may be applied.

The party or the third person to whom the originality of the writing or signature may be denied, may be obligated to write before the court or the before the judge with delegated authority a specific text with which the comparison shall be made. The text is attached to the file. The court estimates freely the denial of the party or of the third person to write or to make efforts to change his writing.

Article 270
Hit for falsity

Any written matter may be hit for falsity. The private written matter may be hit for falsity even when by comparison to others it is certified that they are original.

Article 271
Indictment for penal prosecution

When forging is attribute to a specified person indictment for penal prosecution may be made.

Article 272

When there are serious doubts for forgery against a concrete person and that the written matter presented as forged is estimated as fundamental for the clarification of the case, the court has the right to suspend the trial of the case until the conclusion of the trial of the penal case or to order the presentation of evidence for forgery.

Article 273
Proving falsity of written matter

The one who claims the falsity of a written matter is at the same time obligated to present that written matter which prove the falsity and to indicate the names of witnesses or other proving means, otherwise his claim is unacceptable.

Article 274

When the written matter is presented as forged without indicating the person to whom is attributed the forging, the court orders the acquisition of evidence only when the one who presents the written matter insists that it be presented as evidence and estimates that it has essential importance for the clarification of the case.

Article 275

The secretariat of the court sends immediately the copy of any decision which proclaims the written matter as forged to the attorney's office and to the state organ that has issued the written matter.

The written matter which is proclaimed forged is not given to the party but remains in the archive of the court together with the decision which proclaimed it forged. In these cases, the secretary notes on the written matter that it is forged.

When its copy is given, it contains also the note mentioned in the above paragraph.

Article 276

Persons, who do not participate in the case, when requested a written matter which is with them and do not have the possibility to present it within the time-period determined by the court, are obligated to notify the court for not presenting the written matter in time also indicating the causes. The court, when it does not consider as appropriate the causes indicated as well as when it is not notified that the written matter cannot be sent, has the right to punish the responsible persons in conformity with article 167 of this Code.

Article 277

The party against which a written matter has been presented as evidence may object to its truthfulness in one of these ways:

a) by denying the writing or the signature in the simple written matter;
b) by declaring that it does not know that the writing or signature in the simple written matter belongs to its inheritance-leaver or to the person from which it removes rights;
c) by claiming that the written matter is forged.

Article 278
Photographic, cinema film and other recordings

Photographic films or cinema films, cassettes of any kind and any other recording may constitute evidence for the events and things recorded when the court is convinced on their accuracy and truthfulness. For this purpose, it may call also competent experts.

Article 279

Photographs or photocopies of the written matter have the same effect with the original, in so far as their accuracy is certified by the person who has the authority to issue copies in conformity with the law.

Article 280

After checking the truthfulness of the document, the court pronounces itself whether the document is or is not true by decision which it gives during the trial or by the final decision. When it results that the document is not true, the court dismisses it from the evidence and if it results that the document is forged, it sends it to the attorney for penal prosecution.

By the decision which admits that the document is true, the court punishes the party who claimed its falsity or which denied its writing or signature by a fine of up to 50 000 lek.

CHAPTER IX
ADMISSIONS BY PARTIES

Article 281

Court admission may be casual or urged by questions made in an official manner for such a purpose.

Article 282

The casual court admission may be given orally or in any procedural act personally signed by the party.

Article 283
Procedure for requesting admissions by parties

Questions are made on facts, circumstances and in a manner that the claims of the parties be admitted or rejected.

On the admission of the questions, the court proceeds in the manner and time-periods defined in its intermediate decision.

It is not permitted to ask questions on facts different from those formulated in the court decision except for questions on which the parties agree and which the court estimates to be beneficial to the court process. The court may ask the necessary clarifications at any occasion for the answers given.

Article 284

The questioned party must reply personally. It cannot use written and in advance prepared notes. Nevertheless, the court may permit the use of notes or other written data when they speak of issues which have to do with accounts and data that are difficult to remember.

Article 285
Non-appearance and refusal to answer of the party

When the questioned party does not appear, or refuses to answer without justified cause, the court by estimating also other evidence may consider as admitted the facts presented in the questions. When non-appearance of the party to answer is with reason, the court decides the postponement of the session or the acquisition of the answers outside the court session.

Article 285/a
Communication with parties for small amount claims
(Added by Law no. 38/2017, article 74; paragraph I partially amended by law no. 44/2021, Article 9)

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.

CHAPTER X
EXAMINATION OF PERSONS, THINGS AND EXAMINATION IN PLACE, EXPERIMENTATION

Article 286

When it is estimated necessary by the court for a person or a thing to be examined directly by it, on its own or on the request of the parties, it decides for their examination to be made in the place with or without experts.

Article 287
Procedure of implementation

The examination of persons, places, movable or immovable things is made by decision of the court, in which are defined the time, place and manner of the examination.

The examination is made by the court itself or by a judge delegated by it or by the judge of the place where the examination shall take place. When it is necessary a technical expert may be present, who acts in conformity with the rules provided in Chapter VI of part two of this Code. The parties are duly notified for the performance of the examination.

Article 288
Safeguarding of personal dignity

In the examination of a person the court must take care in order not to touch his personal dignity. It may not be present itself and may assign this task to an appropriate expert.

Article 289
Making photographic productions and films

The court may decide for photographic reproductions of the objects, documents or things to be made and when necessary and possible also film them or make use of other mechanical means and actions. In order to become sure on the existence of a fact, the court may order that this be verified by proceeding in a defined manner for its reproduction, by acquiring evidence by means of photographs or filming. The court manages itself the experiment or when it considers it appropriate entrusts it to an expert by applying the rules on the appointment and responsibility of the expert provided in this Code.

Article 290
Right of the court to secure things and data necessary for examination

During the examination or the experiment, when it considers it necessary, the court may hear witnesses in order to acquire data and to secure the presentation of the things as well as to take measures to enter into places which must be exposed or examined by the court.
It may order the entry into places which are property or in possession of persons unrelated to the court process, may hear the latter, by taking the necessary measures to avoid damage to their interests.

Article 291
Content of minutes of examination

Minutes are held on the examination in place and on any other examination, which is made outside the court, in who are indicated the parties which have participated, their claims and remarks about the examination and the conclusion of the examination. As the case may be, the minutes are signed by all the judges or by the single judge as well as by the parties and other persons present during the examination.

CHAPTER XI
SECURING OF EVIDENCE (PRELIMINARY EVIDENCE)

Article 292
When can securing of proof be requested

When an evidence on which depends the solution of the dispute or which influences its clarification, is in danger of disappearing or its acquisition to become difficult, on the request of the interested party, it may be ordered its acquisition in advance.

Article 293
Submission and content of request

The request for the securing of the evidence is presented to the court which considers the case and in case the lawsuit has not been lodged, in the court of the place where the person to be questioned has his place of abode, or where the thing that must be examined is located.

Article 294

In the request for securing the evidence must be shown: the evidence to be taken, the circumstances for whose proving it serves and the reasons which justify its acquisition in advance.

The copy of the request is communicated to the other party, except when it is not known or when the acquisition of the evidence does not allow delay.

Article 295
Content of the court decision

The decision by which the request for securing the evidence is accepted must indicate the evidence to be acquired and the manner of acquiring the evidence.

A separate appeal may be made against the decision of the court, by which the request to secure the evidence is rejected.

Article 296

The non-appearance of the party which has requested the acquisition of the evidence brings about the dismissal of the request, except when the other party requests it or when the court estimates that it is to the benefit of the trial.

On the manner of the acquisition of the proof as well as for its proving effect the general rules are applied.

Expenditure for the acquisition of the evidence is paid in advance by the person requesting it and at the end of the trial are charged to a party, in conformity with the general rules.

CHAPTER XII
SUSPENSION AND CESSATION OF TRIAL

a. Suspension of trial

Article 297

(Amended by Law no. 38/2017, article 75)

The court decides the suspension of trial when:

a) the case cannot be settled before another penal, civil or administrative case is resolved;
b) is requested by both parties;
c) one of the parties dies or is terminated as a legal person;
ç) one of the parties does not have or has lost later on the legal capacity to act as party and it is considered necessary to appoint to it a legal representative;
d) is expressly provided by law; dh) one of the parties shall submit the request for resolution of the dispute through mediation and the court shall consider it as reasonable.

During the suspension of the trial cannot be performed procedural actions.

Article 298

(amended by Law no. 38/2017, article 76)

In the instances provided for in letters "c" and "ç" of the above article, the suspension of the trial continues until the party appears to participate in the case, or is summoned by the opposing party, the person entering the rights or the legal representative of the party who has lost the capacity to act as a party.

In the instances provided by letters "a", "b" and "d" of the above article, the trial of the case resumes after the obstacles that caused its suspension have disappeared. In these cases, even when the next hearing has not been scheduled, the interested party addresses the court with a request to continue the trial.

The court sets the date of the hearing for the continuation of the trial and orders that this be notified to the parties.

The court may also *ex officio* take measures to remove these obstacles. The trial starts from the procedural action remaining at the time of its suspension.

In the case provided in letter "dh" of Article 297, the adjudication of the case shall be resumed when the mediation agreement is not reached and / or the deadline of 30 days has expired.

b. Cessation of trial

Article 299

(Amended by Law no. 38/2017, article 77)

The court decides the cessation of trial when:

a) none of the parties' requests within six months the restart of the trial suspended on their request, when the court has not designated a next session in the decision of the suspension.
b) the plaintiff renounces from the trial of the lawsuit;
c) The court finds that the case does not fall under the court jurisdiction, and when the lawsuit could not be brought or the proceedings could not continue. When these causes are ascertained by higher courts, they shall quash the decision of the lower court and dismiss the proceedings.
ç) the cessation of the trial is expressly provided by law.

Article 300
Juridical effects of cessation of trial

The cessation of trial brings as a consequence the annulment of all procedural actions, including the decisions given during the trial, but in case the plaintiff lodges again the same lawsuit, the evidence gathered in the suspended trial may be taken into consideration in the trial of this lawsuit, if for the renewed acquisition of them there are insurmountable difficulties or obstacles.

The cessation of the trial does not dissolve the lawsuit.

Article 301
Appeal

A separate appeal may be made to the court of appeal against the decision by which is decided the suspension, cessation or the rejection of the restart of trial, except in the cases when it is otherwise provided by law.

CHAPTER XIII
CONCLUSION OF COURT INVESTIGATION AND ISSUANCE OF DECISION

Article 302
Conclusion of court investigation

After all evidence which the court has accepted to acquire are considered, the parties are asked if they have other requests to the benefit of the trial of the case, and if they are not accepted the court concludes the court investigation and invites the parties to present their final claims regarding the case in trial. As a rule, they are presented to the court in writing. On the request of the parties, when it is considered appropriate, the court gives them a time limit of up to 5 days in order to prepare their presentations.

Article 303
Final talks

In the final talks, the first to speak is the plaintiff and the secondary intervenor who has joined him and after him the defendant and the secondary intervenor who has joined him and when in the case participates also the main intervenor, he speaks after the plaintiff and the defendant have spoken. The latter have the right to speak again after the main intervenor.

The attorney speaks first in the cases in which he himself has brought the lawsuit, while in the cases he has participated he speaks after the parties.

Article 304
Request for reopening court investigation
(Amended by Law no. 38/2017, article 78)

No other evidence may be taken after the judicial investigation is concluded. The parties may require the opening of judicial investigations for obtaining new evidence only under the conditions of Articles 151 and 186 of this Code. The court decides on this request, in conformity with the estimation of the circumstances of the case.

Article 305
Withdrawal of the court in consultation chamber

After the parties have presented their conclusions and claims, the court announces its withdrawal in consultation chamber, in order to give the final decision.

Article 306
Issuance of decision

In consultation chamber, when the case is discussed and the decision is drafted, will stay only the judges that constitute the adjudicating panel. It is not permitted that during discussion of the case to enter or stay the secretary of the session, experts or other persons.

Article 307

The adjudicating body under the direction of the chairman of the session puts forward for discussion and decides in turn for all the issues which have been considered during the trial.

The first to vote is the youngest judge and the last is the chairman of the session. None of the judges may abstain from decision. The opinion of the judge in minority, presented in writing, is attached to the decision.

If in relation to an issue several solutions are proposed and no majority is formed with the first voting, the chairman puts forward for voting two solutions in order to exclude one and so on until the solutions remain only two and the final voting is made on them.

Article 308
(Amended paragraph I by law no. 8812, 17.5.2001, Article 58,
Amended paragraph II by Law no. 38/2017, article 79)

The decision must be signed by all members of the adjudicating body that have participated in the issue of the decision. A judge, whose opinion has been in the minority shall inscribe the word “against” on the decision and then sign it.

The court can only pronounce the ordering provisions, submitting it justified to the secretary not later than twenty days, or postpone the announcement of a reasoned decision, up to twenty days. The reasoning of the decision shall be made by the chairperson of the hearing, except when he/she goes against.

Article 309

The decision is based only on data which are in the acts and which have been considered in court session.

The court estimates the evidence acquired during the trial of the case, in conformity with its inner conviction, formed by the consideration of all the circumstances of the case in their entirety.

Article 310

Content of the court decision

(Amended by Law no. 122/2013, Article 25; Law no. 38/2017, article 80; paragraph 3 second sentence amended by law no. 44/2021, Article 10)

The decision must contain the introduction, the descriptive-justifying part and the ordering part.

I. In the introduction of the decision must be mentioned:

1. the court which has tried the case;
2. the adjudicating body and the secretary;
3. the time and place of the issuance of the decision;
4. the parties, indicating their identity and their position as plaintiff, defendant, intervenors as well as their representatives;
5. the name of the attorney, if he has participated;
6. the subject of the lawsuit;
7. the final requests of the parties;
8. the opinion of the attorney if he has participated;

II. In the descriptive-justifying part must be mentioned:

1. the circumstances of the case, as they have been assessed during the trial, and the conclusions drawn by the court;
2. the evidence and reasons on which the decisions are based;
3. the legal provisions on which the decision is based. The court decision for claims worth up to twenty times the minimum wage at national level should contain an introduction and ordering part, under paragraph 1 of this Article. 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.

III. In the ordering part, among others must be mentioned:

1. what has the court decided;

1/1.if the court imposes obligations for the parties, their specific content and that the decision is enforceable by judicial bailiffs.

2. who is charged with the court expenses;
3. the right of appeal and the time limit for its presentation.

Article 310/1

(Added by Law no. 122/2013, Article 26; Repealed Law no. 38/2017, article 81)

Article 311

When the decision contains the obligation for the delivering of a thing in kind or the obligation for the performance of a certain action, the court may indicate in the decision the time limit for the execution of the decision.

The court may designate a time limit for the execution of the obligation in money or may divide it in instalments, on the request of the interested party, by taking into consideration the state of possessions of the parties and other circumstances of the case.

Article 312
Correction of mistakes

After the announcement of the decision the court cannot annul or change it.

At the request of the parties or on its own it may correct at any time only errors made in writing or in calculation, or any obvious inaccuracy of the decision.

After summoning the parties, in session, the court considers the request in conformity with the rules of this Code, issues decision, which is attached to the corrected decision.

A separate appeal may be made to the Court of Appeal against the issued decision in the cases provided in the second paragraph of this article.

Article 313
Completion of decision

Each of the parties may request the completion of the decision, within thirty days from the announcement of the decision, in case the court is not pronounced on all the requests on which the party has presented evidence.

After summoning the parties, the court considers the request by the same adjudicating body and issues such complementary decision.

Appeal may be made against such decision in conformity with the general rules.

Article 314
Clarification and interpretation of decision

The court has the right to give clarifications or to make the interpretation of the decision it has issued when it is obscure and the parties request it.

The request for the clarification and the interpretation of the decision may be presented at any time until the decision has not been executed.

Separate appeal may be made against the above decisions in conformity with the general rules.

Article 315
Intermediate decisions

Decisions issued during the trial and which are not final, may be changed or revoked by the court which has issued them, except when in this Code it is provided that a separate appeal may be made against them.

Article 316
Notification of decision
(Amended by Law no. 122/2013, Article 27)

Final, non-final and interim decision of the court which may be appealed against, are notified to the parties or other participants in the process, within three days from the date of the decision or, in case the reasoned decision is issued later, within three days after the issuing of the reasoned decision.

Notification is done according to the rules envisioned in chapter IV, title VI of part.

The United Chambers of the Supreme Court, in their unifying decision No. 2, dated 27.03.2012, have addressed for legal unification the following matter:

1. When a case has been adjudicated by the court of first instance or by the appellate court in the absence of one of the parties, when does the time limit for appeal commence—on the day the decision is notified, or on the day following such notification?

The United Chambers of the Supreme Court held that:

The time limit for filing an appeal is regulated by Article 444 of the Code of Civil Procedure, whereas Article 148 of the Code of Civil Procedure provides general rules on the calculation of time limits. According to these provisions, when a time limit is expressed in days or hours, the day and hour of the event that triggers the time limit or from which it begins to run are excluded from the calculation.

The United Chambers of the Supreme Court conclude that when a case has been adjudicated by the court of first instance or the appellate court in the absence of one of the parties, the time limit for filing an appeal or recourse by that party is to be calculated starting from the day following the date of receipt of the notification of the decision, in accordance with the rules provided in Articles 316 and 148 of the Code of Civil Procedure.

CHAPTER XIV
DECISIONS OF TEMPORARY EXECUTION

Article 317
Cases of issuing decisions of temporary execution

`The decision of the court may be issued for temporary execution when it has been decided:

a) the obligation for sustenance;
b) on the retribution for work;
c) on the return of possession of conjugal place of abode.

The decision may be issued for temporary execution also when due to the delay of execution the plaintiff may suffer important damage, which cannot be remedied or when the execution of the decision would become impossible or would be made exceedingly difficult. In this case the court may demand that the plaintiff give a guarantee.

Article 318
Appeal

A separate appeal may be made against the decision by which is accepted or rejected the request for temporary execution.

Article 319
Consequences of cancellation of decision
(Amended by law no. 8812, 17.5.2001, Article 126)

In case the decision is cancelled by the court of appeal or the High Court the temporary execution shall be suspended.

In the event that after the cancellation of the first decision the lawsuit is dismissed and the decision becomes irrevocable, the first winner shall be obligated to return to the other party anything it has taken by means of the temporary execution of the first decision.

TITLE III
SPECIAL TRIALS

CHAPTER I
GENERAL PROVISIONS

Article 320
(Repealed letter 'a' by law no. 49/2012; *amended letter 'b' by law no. 114/2016, article 1)*

Special sections are created in the composition of district courts for the trial of:

a) administrative disputes;
b) commercial disputes and of insolvency proceedings;
c) disputes related to minors and family.

Article 321

The President of the Republic, on proposal by the Minister of Justice, designates the courts in which these sections shall be created, as well as the zones where they shall extend their competence, on the basis of the joinder of territorial competence of one or several courts of first instance.

The Minister of Justice determines the number of judges for each section and takes care for their training according to their relevant section.

Article 322

(Amended by law no. 8812, 17.5.2001, Article 126)

When it is in the interests of a fair division of tasks, the chief judge of the court of first instance or his deputy, during specific periods of time, may assign judges appointed to sections also with the adjudication of cases of another nature, which are not of competence of the sections established in this court.

Article 323

(Added last paragraph by law no. 114/2016, article 2)

The provisions of the first and the second part of this Code are applicable for all special trials, except when it is otherwise provided in this title and in title IV of this part.

The provisions of this Code are applicable in insolvency cases, for as much as not differently provided for in the law on bankruptcy.

CHAPTER II

ADJUDICATION OF ADMINISTRATIVE DISPUTES

Article 324

Material competence

(Repealed by law no. 49/2012)

Article 325

(Repealed by law no. 49/2012)

Article 326

(Repealed by law no. 49/2012)

Article 327

Territorial competence

(Repealed by law no. 49/2012)

Article 328

Time limit

(Repealed by law no. 49/2012)

Article 329

Suspension of execution of administrative act

(Repealed by law no. 49/2012)

Article 330

Joinder of lawsuits

(Repealed by law no. 49/2012)

Article 331

Decision of the court

(Repealed by law no. 49/2012)

Article 332

(Repealed by law no. 49/2012)

Article 333

Appeal

(Repealed by law no. 49/2012)

CHAPTER III

TRIAL OF COMMERCIAL DISPUTES

Article 334

Competence

(Amended by law no. 8812, 17.5.2001, Article 126; Law no. 38/2017, article 82)

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.

Article 335

(Amended by law no. 8812, 17.5.2001, Article 126)

A lawsuit filed in accordance with Article 334 of this Code shall be reviewed by the relevant section of the First Instance Court in the jurisdiction of where the indicted commercial legal or natural person

has its main offices, except when both parties under contract have designated another court retaining the same authority.

Upon filing of a lawsuit to the First Instance Court of the district where the commercial natural or legal person has its main office, the lawsuit shall be sent to the court where the section for the trial of commercial disputes has been created no later than after three days.

Article 336
Appeal

Appeals against the decisions issued by the relevant section of the district court are considered by the court of appeal in conformity with the general rules by court councils consisting of judges specialized in this field.

TRIALS ON INVALIDATION OF A CHEQUE, BILL OF EXCHANGE AND PAPERS OF THIS KIND

Article 337

The person, who enjoys the right to a value paper such as cheque, bill of exchange, promissory note and other value papers of this kind, may request their invalidation when they are lost, stolen or damaged in the cases provided by law.

Article 338
Territorial competence
(Amended paragraph III by law no. 8812, 17.5.2001, Article 126)

The claim shall be reviewed by the section of the court designated to the trial of commercial disputes where securities must be paid or where the defendant has its place of abode.

The plaintiff is entitled to the choice.

Upon submission of the claim to the First Instance Court of the district where securities must be paid, the claim shall be sent no later than three days to the court where the section for the trial of commercial disputes is located.

Article 339

When there are many defendants and the plaintiff does not prefer to bring the lawsuit in the place of payment of the value paper, the lawsuit is brought in the place of abode of any of the defendants.

Article 340
Content of request

In the request for the invalidation of the cheques, bill of exchange and other papers of this kind, the interested person must indicate among others:

a) the kind of paper and the necessary elements for its identification, attaching a copy of it certified by the notary;

b) the circumstances in which its loss, theft or damaging has occurred as well as the arguments which certify his right on this value paper.

Article 341

In the trial of this lawsuit cannot be brought a countersuit and it cannot be joined to other lawsuits which may be related to it.

Article 342
Procedure of trial

When the court sees that the requirements of article 340 of this Code are fulfilled, it gives an opinion in council, which among others must contain:

a) the identity of the seeker;
b) the kind of value paper mentioned in article 337 of this Code and the necessary elements for its identification;
c) the order addressed to the payer not pay the value paper to the holder;
ç) a notice addressed to the possible holder of the value paper, in order to present his rights within 30 days from the issuing of the decision, indicating that in the opposite case it shall be invalidated.

The decision is announced in the court, in the place designated for this purpose and is published in the Official Gazette and at least in one national newspaper. The copy of this decision is send also to the payer.

Article 343

The actual holder of the value paper mentioned above must notify, within the time limit designated in the above article, to the court his objection to its invalidation, to determine the necessary evidence to certify that he has won it by right and to deliver the value paper to the court or to a bank in conformity with the relevant provisions of the Civil Code on bank deposits and security boxes until the dispute is resolved.

In the case provided in the first paragraph of this article, the court suspends the trial and notifies the person who has requested the invalidation of the value paper in order to bring a lawsuit on the recognition of his right to the above paper within the time limit of one month. In case such a lawsuit is not brought within this time limit, the court decides the cessation of the trial Code.

Article 344

When the holder of the paper has not performed the actions provided in the first paragraph of article 343 of this Code, the court decides the dissolution of all rights on the lost, stolen or damaged value paper and recognizes to the person who has requested its invalidation the right on its payment or the equipment with a new value paper.

Article 345

In the trial of the case in conformity with paragraph II and II of article 343 and article 344 of this Code, the court notifies the natural or legal person who has requested the invalidation of the value paper as well as the one who has issued the value paper, but their presentation does not stop the consideration of the case.

Article 346

When the court dismisses the request on the invalidation of the value paper, it revokes its by notifying the payer.

Against the above decision as well as against decisions in conformity with articles 343 and 344 of this Code may be appealed in conformity with the general rules.

Article 347
Exercise of lawsuit for unjust enrichment

The holder of the invalidated value paper, who has not been able to declare, for any cause

Code may sue the person to whom has been recognized the right of payment of the value paper or may request the equipment with another identical paper in conformity with article 655 of the Civil Code.

Article 348
Trials related to patents and other rights arising from industrial property
(Amended by law no. 8812, 17.5.2001, Article 126)

Disputes arising from patents, trade and service brands, commercial designs, models and any other rights arising from industrial propriety, shall be tried by the section of commercial disputes in the First Instance Court of the district of Tirana, in accordance with the regulations provided in this Code.

Article 349
Material competence
(Amended by law no. 8812, 17.5.2001, Article 126)

The sections for family disputes in the First Instance Courts have authority over:

a) disputes on the dissolution of marriage by divorce, on the invalidity and annulment of marriage;
b) awarding and removing the custody of minors, issuing temporary orders for the upbringing and education of children until the dissolution of the marriage and the alteration of previous judicial decisions in light of arising circumstances;
c) the approval of adoption;
ç) disputes relating to awarding maintenance;
d) the division of marital property and of marital quarters; dh) claims on the suspension and restoration of parental rights.

A. PROCEDURE FOR ESTABLISHING CUSTODY

Article 350
Territorial competence
(Amended by law no. 8812, 17.5.2001, Article 126)

To award or remove custody and to suspend or restore parental rights shall be the authority of the relevant section of the First Instance Court of the district where the minor resides.

Article 351
Right for presentation of request to the court

The request to place under guardianship is presented to the court by the next of kin of the child and by anyone who receives notice on the children remaining without parents, on the birth of a child with unknown parents and on any other circumstance for which the law demands the placement of guardianship.

When on the opening of a will, the notary, who makes its publication, takes knowledge on the appointment of guardian, he must notify the court not later than 10 days from receiving knowledge and the court proceeds and decides within not later than 15 days.

Article 352

The minor who has accomplished 16 years of age may exercise himself the right to address the court on the placement of guardianship.

Article 353
Designation of guardianship

The court appoints a single guardian even when there are several minor brothers and sisters. When there is conflict between the interests of the minors, it may appoint also another guardian or several guardians.

Article 354

The court appoints as guardian the person designated in the will and in his absence one of the next of kin in direct line and after that in indirect line.

If the court estimates that the solution has not been made in the interest of the child it acts on its own on the appointment of the guardian.

Article 355
Special guardian

The court appoints a special guardian when this is required by the interests of the minor. The special guardianship is removed when the causes for which it was placed cease.

Article 356
Questioning of minor by the court

Before the court proceeds for appointing a guardian, it must ask also the minor when he has accomplished 10 years of age.

Guardianship terminates when the minor accomplishes 18 years of age or when the minor gets married before this age.

Article 357
Replacement of guardian

On the request of the persons mentioned in article 351 the court removes the guardian at any time and replaces him with another, when it observes that he has abused the rights belonging as guardian, when he has been careless in performing his duty or in other manners has put in danger the interests of the minor as well as when the guardian himself requests his release for reasonable causes.

The court may remove the guardian only after it has duly heard or notified him.

B. TRIALS RELATED TO MARRIAGE

Article 358
Lawsuit for divorce

The lawsuit for dissolution of marriage by divorce, besides what is provided in article 154 of this Code, must contain also:

- the identity of the minor children and with whom of the spouses or other person they live with;
- the sources and amount of income each spouse receives, if they have minor children or if any of them is incapable to work;
- the common wealth the spouses have, if they request its division.

To the request to sue are attached:

- certificate of marriage and the birth certificates of the children.

Article 359
Joint lawsuit of spouses

Divorce may be requested also by both spouses when they argue and the court creates the conviction that the divorce is requested on their free will as well as on the need of the dissolution of marriage. Nevertheless, each of the spouses may withdraw the request to sue as long as the decision has not been announced.

Article 360

The joint request to sue by the spouses must be accompanied by an agreement in writing between them in relation to the leaving of their minor children for upbringing and education, the necessary income for their upbringing and education, the contribution of each of them and, if they shall consider it necessary, the regulation of their reciprocal relationship on wealth.

When the court estimates it reasonable, and according to the circumstances presented by the parties, the court may accept also a partial agreement on some of the issues of interest to the spouses.

Article 361
Efforts of the court for conciliation

In the consideration of the lawsuit for divorce the court designates a preparatory session in which the spouses must appear personally. The judge may hear each separately and then jointly, without the presence of their representatives.

When conciliation is reached, minutes are held and the trial is ceased for this cause.

When in this session the plaintiff does not appear although he had due knowledge, the single judge decides the cessation of the trial of the action. When the defendant does not appear, although he had due knowledge, the judge postpones the preparatory session by repeating the notice to the defendant. If also in this session he does not appear without any reasonable cause, the judge after hearing the plaintiff and forming the conviction that the conciliation cannot be reached, designates the court session by ordering the summons of necessary evidence.

Article 362
Delay in announcement of final decision

The court may postpone the announcement of the decision for up to one year, when it has not created the conviction that any possibility of conciliation of the spouses is excluded.

Article 363
Suspension of trial on request by pregnant woman

When the woman is pregnant, on her request, the court suspends the trial of the divorce lawsuit until the child reaches the age of one year.

Article 364
Joinder of other requests

In the divorce lawsuit is requested the obligation of the other spouse to meet the expenses for sustenance and education of children, living expenses for the needy spouse, in the cases provided by the law, as well as the request of gifts and the division of the conjugal wealth, except when it shall make difficult the consideration of the case. In such an event the court separates the divorce lawsuit from the other suits related to it.

Article 365
Taking temporary measures

On the request of the interested party the court may take such temporary measures on the sustenance and education of minor children, for the sustenance of the spouse, when the law sets forth such right, for the securing of the place of abode as well as of the wealth gathered during the marriage.

The decision on the taking of a temporary measure has effect until the final decision is given, but it may be changed or repealed by the court when it estimates that the circumstances have changed or when the decision is taken on inaccurate and incomplete data.

Article 366
Court expenses

Court expenses of the divorce lawsuit are charged to the party who has become the cause for the dissolution of marriage, except when it is otherwise stipulated in the agreement between the parties.

The court, by taking into consideration the economic situation of the parties, may exempt fully or partially one of the parties and charge the other party.

Article 367
Sending of decision to office of civil register

The ordering part of the decision for divorce, after it has become irrevocable, is sent by the court to the office of the civil register for registration.

Article 368
Lawsuit on invalidity and nullification of marriage

The rules provided in this Chapter are applied also for other suits resulting from marriage.

CHAPTER V
COURT DIVISION

Article 369

In the trial of a lawsuit for division of inheritance or of things in joint ownership, the rules provided in articles 207 and 227 of the Civil Code are respected.

Article 370
Stages of trial

The trial for the division of things in joint ownership and in inheritance in its first stage aims to investigate and determine the right of joint ownership of the parties, their belonging parts as well the things to be divided. After the court has acquired the necessary evidence, by an intermediate decision,

it permits the division and determines the circle of joint owners, the things to be divided and the belonging parts of each of them.

Separate appeal is permitted against such decision, the presentation of which suspends the further continuation of trial.

Article 371

When the parties declare that they do not have any complaint against the intermediate decision mentioned in article 370 of this Code, a note is made in the court minutes, which is signed also by the parties or their representatives. In such an event as well as in the event when the intermediate decision which has permitted the division has become irrevocable, the court continues the trial in the second stage by considering the requests that the joint owners may have on the accounts which they must give between them and which result from the relationship of joint ownership.

Article 372
Assessment of wealth and formation of parts

The court makes the appreciation of the things to be divided, after it has previously received the opinion of the experts, and when the things may be divided in kind as many parts are formed as there are co-sharers. In each of these parts must be included, to the degree possible, a quantity of the things or the credits of the same nature equal in value to the belonging part. Inequality in kind of the things between the shares is compensated in money. The court decides also on the financial relationship of the parties because of the joint ownership.

Article 373 Decision of the court
(Added paragraph II by law no. 8812, 17.5.2001, Article 60)

When the thing is divided in equal parts or of equal value, the court shall draft a division plan which is submitted to the secretariat in no less than ten days prior to the subsequent court session. The parties shall be permitted to make observations on the plan submitted up until no later than five days prior to the subsequent court session.

The court shall determine ownership for each part of each joint owner in its final decision. Should the value of the division of the immovable property be equal, parties can request that the property be allocated to each owner by means of drawing lots. Should a co-sharer request ownership of an indicated part, the court may accept such request if the court deems it as appropriate in view of the profession or of the nature of the items included in the indicated part. The division of immovable property is carried out in accordance with city planning regulations.

Article 374
Sale of thing at auction

When in the final decision it has been ordered that a thing must be sold by auction because it cannot be divided in kind, the decision, after it has become final, is executed by the bailiff in conformity with the rules of enforced execution.

CHAPTER VI

DECLARATION OF DISAPPEARANCE OR DEATH OF A PERSON

Article 375

The Request

(Amended by Law no. 122/2013, Article 28)

A request to declare a person as disappeared or dead may be filed by any interested person, by the notary who has drafted a will by notary act or who has been keeping the oleograph will or the special will, or by the prosecutor in the court of the area where the person, who is requested to be declared as such, last abode.

Article 376

Content of request

In the request for the declaration of a person disappeared or dead, besides the circumstances through which his disappearance or death becomes credible, is indicated also the guardian or his legal representative if there are such.

In the request for the declaration of a person dead must be indicated also the other persons who are or may be his heirs as well as all other persons to whom it is known that they gain or lose rights from this fact.

Article 377

Publication of statement of claim

The court, within ten days from the filing of the request for adjudication, sends a copy of it to the municipality or the commune where the person requested to be declared disappeared or dead has had his last place of abode in order to announce it in a visible place. The abovementioned request is also published in the Official Gazette as well as at least in one local newspaper.

The consideration of the case by the court cannot be made before six months have passed from the announcement of the request or its publication in the Official Gazette.

Article 378

Procedure of trial

In the consideration of the request to declare a person disappeared or dead, the court asks his relatives, takes data on this person from the municipality or the commune where he has had his last place of abode as well as from any other source which may give news on that person.

Article 379

In the consideration of the request for the change or revocation of the decision which has declared a person dead must be called the persons who had requested the statement of death and the persons who have gained rights from the declaration of death.

Article 380
Publication of decision
(Amended by Law no. 122/2013, Article 29)

The court decides on the declaration of a person disappeared or dead after having heard also the persons mentioned in article 375 and 376 of this Code as well as the attorney.

The court orders the publication of the summary of the decision in the Official Gazette or in at least one local newspaper designated by the court or in another manner which it shall consider beneficial.

The Court may take measures secure the inheritance property. It authorizes the Chamber of Notaries, at the local level, which covers the local government unit where the person declared disappeared or dead last resided, or the notary who has drafted the will or kept the oleograph or special will, to make the inventory of the heir's property. The Chamber of Notaries, at the local level, appoints a notary to make the inventory of the heir's property.

The notary, in turn, must appoint a person as the guardian of the inheritance property until when the inheritance procedure is initiated.

Article 381
Registration of decision in office of civil register

The decision of the court, which declares a person disappeared or dead, is sent for registration to the office of the civil register in which he has been registered, after being assured that its publication has been made in conformity with the above provision.

CHAPTER VII
REMOVAL OR LIMITATION OF CAPACITY TO ACT

Article 382
Who makes the request

The removal or limitation of the capacity to act is made on the request of the spouse, next of kin, prosecutor as well as other persons who have legitimate interest on this fact.

The request is presented to the court of the place where the person to whom is requested to be removed or limited the capacity to act has his place of abode.

Article 383
Procedure of trial

The request on the removal or limitation of the capacity to act is notified to the prosecutor. The request must contain the fact on which it is based as well as the necessary evidence. The court decides in relation to the request after having questioned the person for whom is requested the removal or limitation of the capacity to act, persons from his next of kin, the doctor who has cured him or after

having received the opinion of other expert doctors as well as other evidence it shall estimate as necessary.

The questioning of the person for whom is requested the removal or limitation of the capacity to act is made at the institution where he is accommodated for medical treatment or in his place of abode by a delegated judge, when it is not possible for the person to appear himself in court.

Article 384
Temporary guardian

At any stage of the trial the court may appoint a temporary guardian to the person for whom is requested the removal or the limitation of the capacity to act.

After the decision of the court becomes irrevocable, it is sent to the competent organ to appoint a guardian.

Article 385
Appeal

Appeal may be made against the decision for the removal or limitation of the capacity to act by the person himself, his temporary guardian, the person who has made the request as well as all other persons who in conformity with article 382 of this Code have the right to request the removal or the limitation of the capacity to act, independently from their participation or not in the trial of this case. In this case the court allows them to get acquainted with the content of the court file.

Article 386
Reference provision

The provisions provided in this chapter are applied also for the restitution of the capacity to act.

Article 387
Access of interested persons to the decision of the court

After the decision, by which the capacity to act is removed or limited, becomes irrevocable, a summary of it is sent to all courts in order to be registered in a special form, with which may get acquainted anyone who is interested.

The court sends a summary of this decision also to the National Chamber of Notaries, which notifies it to the chambers of notaries in districts.

CHAPTER VIII
COURT CERTIFICATION OF THE FACTS

Article 388
When a request can be made
(Amended paragraph II by law no. 8812, 17.5.2001, Article 126)

Should the formation, alteration or termination of the personal or property rights of a person be dependent on one fact and the document that certifies it has either disappeared, is lost and cannot be remade or cannot be obtained in any other way, the interested person shall be entitled to request that the fact is certified by a decision of the First Instance Court. The request for the certification of events shall be filed to the First Instance Court in the jurisdiction where the claimant resides. Should certification of an event for a static object be requested, the request shall be filed to the First Instance Court in the jurisdiction where the item is located.

The same shall apply in the event of a request for the correction of mistakes in documentation as detailed in the first paragraph of this article.

Article 389
Content of request

In the request for the certification of facts must be shown:

a) the purpose for which the seeker presents the request for the certification of the specified fact;
b) the causes due to which the written matter cannot be obtained or for which it cannot be made again;
c) the evidence by which shall be proved both the cause due to which it is not possible to obtain or make again the written matter as well as the fact which is requested to be certified.

Article 390
Procedure of trial

The request for the certification of court facts is considered in court session in the presence of the seeker and of the natural or legal persons who have an interest in the case. When the case presents public interest and the court considers it reasonable, also the attorney may be called.

Article 391
Decision of the court

In the decision of the court must be shown the fact certified by it and the evidence on basis of which the fact has been certified.

In conformity with the general rules, appeal may be made against the decision by which the request is accepted or rejected by the seeker as well as by the natural or legal persons who have been called to participate in the trial of the case.

The decision does not have proving effect against natural or legal persons who have not been called if they object to the fact certified in the decision.

Article 392
Effects of the court decision

When during the consideration of the request a conflict arises between the seeker and another interested person on the civil right which is related to the certification of the fact, the court decides the cessation of the consideration of the case. In this case the parties may address the court through a lawsuit in conformity with the general rules.

CHAPTER IX

RECOGNITION OF DECISION OF FOREIGN COUNTRIES

Article 393

Conditions for execution of decisions issued by foreign courts

The decisions of courts of foreign countries are recognized and applied in the Republic of Albania in the conditions provided in this Code and the separate laws.

When for this purpose there is a special agreement between the Republic of Albania and the foreign state, the provisions of the agreement apply.

The United Chambers of the Supreme Court, in their unifying decision No. 6, dated 01.06.2011, have addressed for legal unification the following matters:

1. What constitutes the proper jurisdictional formation for adjudicating a request for recognition and enforcement of a foreign court decision pursuant to Articles 393–397 of the Code of Civil Procedure?
2. In appellate proceedings, must the case be heard in the presence of both parties (i.e., the adjudicating authority and the party seeking enforcement), or only with the participation of the adjudicator who is requesting the enforcement of the foreign decision?
3. If, in these proceedings, the same procedural rules are applied as those governing the admission of a standard claim—such as the requirement to pay a 1% court fee on the value of the claim—how should such procedural matters be handled?

The United Chambers of the Supreme Court held that:

22. Pursuant to Article 396 of the Code of Civil Procedure, the creditor seeking recognition and enforcement of a foreign court decision is required to submit to the court, a copy of the foreign decision to be enforced, duly translated into Albanian and notarized; confirmation from the issuing court that the decision is final, likewise accompanied by a notarized Albanian translation.

Both documents must be authenticated by the Ministry of Foreign Affairs of the Republic of Albania. If the request is submitted by a legal representative of the interested party, a power of attorney, also translated and notarized, must be filed with the appellate court.

31.1. The appellate court shall verify and, where necessary, undertake all actions prescribed by civil procedural law, the New York Convention, any applicable special legislation, or other relevant international agreements in force, in order to ensure that all debtor parties—as identified in the foreign court decision or foreign arbitral award—are properly summoned before the appellate court in connection with the enforcement proceedings.

31.2. In reviewing the request for recognition and enforcement of a decision of a foreign court or foreign arbitral tribunal, the appellate court shall apply the procedural rules of first-instance adjudication.

31.4. If the request for enforcement of the foreign court decision or arbitral award contains deficiencies or formal irregularities, the appellate court shall grant the applicant a reasonable period to supplement or

correct the defects. If the applicant fails to cure the deficiencies within the prescribed time limit, the appellate court shall return the request and accompanying documents without further action.

31.5. If the request for enforcement of the foreign court decision or arbitral award meets the formal and procedural requirements, the appellate court shall schedule a hearing limited to the examination of whether any legal prohibitions or obstacles exist as defined in:

– Article 394 of the Code of Civil Procedure;

– Article 5 of the New York Convention; or

– any other applicable special provision provided by domestic law or international agreement.

At the conclusion of the hearing, the appellate court shall issue a decision either accepting or rejecting the request for recognition and enforcement of the foreign court decision or arbitral award.

Article 394
Legal obstacles for the execution of decisions issued by foreign courts

The decision of a court of a foreign state does not become effective in Albania when:

a) in conformity with the provisions in effect in the Republic of Albania, the dispute cannot be within the competence of the court which has issued the decision;
b) the statement of claim and the writ of summons to court has not been notified duly and in time to the absent defendant in order to give him the possibility to defend;
c) between the same parties, on the same subject and on the same cause has been issued another, different decision by the Albanian court;
ç) a lawsuit, which has been filed before the decision of the court of the foreign state has become irrevocable, is being considered by an Albanian court;
d) the decision of the court of the foreign state has become final in violation of its legislation; dh) it does not comply with the basic principles of the Albanian legislation.

Article 395
Consideration of request

The request to make effective a decision of a foreign court is presented to the court of appeal.

The request may be presented also through diplomatic ways when it is allowed by international agreements based on reciprocity.

In such events, if the interested party has not appointed a representative, the Chairman of the court of appeal appoints an advocate to present the request.

Article 396

To the request to make effective a decision of a foreign court must be attached:

a) copy of the decision which must be applied and its translation in the Albanian language legalized by a notary;
b) certificate by the court issuing the decision that it has become irrevocable as well as its translation and legalization by a notary. Both the copy of the decision and the certificate that

it has become irrevocable must be certified by the Ministry of Foreign Affairs of the Republic of Albania;

c) the power of attorney in case the request is presented by the representative of the interested person, translated and legalized by a notary.

Article 397

The court of appeal does not consider the case in foundation, but only checks whether the decision presented does not contain provisions which conflict with article 394.

The court of appeal issues a decision on the request presented.

Article 398
Application of decision of foreign court

The decision of the court of a foreign state is applied in the Republic of Albania only on the basis of the decision of the court of appeal which gives effects to that decision and is executed in conformity with the relevant provisions of this Code.

Article 399
Award of arbitration court

The provisions of this chapter are applied also on the recognition of the final award of an arbitration of a foreign state.

CHAPTER X
JUDGEMENT ON REQUESTS FOR ASCERTAINING VIOLATIONS OF REASONABLE TIME, EXPEDITION OF PROCEEDINGS AND COMPENSATION FOR DAMAGE
(Added the whole chapter X by Law no. 38/2017, article 83)

Article 399/1
Scope

1. In the competence of courts, according to the instances of adjudication specified in this Chapter, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms".
2. Provisions of this chapter define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.

Article 399/2
Reasonable timing

1. Reasonable timing for completion of an investigation, trial or execution of a decision with final force and effect, for the purposes specified in Article 399/1 shall be considered:

a) The completion of a trial, in administrative adjudication at first instance and on appeal, within one year of its starting in each instance.
b) The completion of a process in a civil trial at first instance within two years, in a civil trial on appeal within two years; and in a civil trial at the High Court within two years.
c) The one-year time limit of the procedure for the execution of a civil or administrative decision, except periodic obligations or obligations defined on time, shall start from the date of submission of the request for putting it into execution.
ç) The maximum time limit of duration of investigations under the Criminal Procedure Code, for investigations of criminal offenses.
d) In criminal trials at first instance, the time limit for adjudication of crimes shall be 2 years and for misdemeanours 1 year, the time limit of completion of a trial on appeal shall be 1 year for crimes and 6 months for misdemeanours, and the time limit of completion of a trial at the High Court shall be 1 years for crimes and 6 months for misdemeanors.

2. The parties may require the ascertainment of undue prolongation of proceedings under Article 399/6, paragraph 1, even without the expiry of the above time limits, taking into account the complexity of the case, the subject matter of dispute, proceedings or trial, the behaviour of the body conducting proceedings, and any other person connected with the case, when claiming procrastination in investigations, trial or execution of the decision.
3. The time limit, when a case has been suspended for legitimate reasons, has been delayed due to the requirements of the requesting party in accordance with this chapter or when circumstances appear for objective impossibility of processing, shall not be counted to the length of the trial or proceedings.”.

Article 399/3
Just satisfaction

1. Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision, and/or compensation of the damage, according to the provisions of this Chapter.
2. Anyone who is involved in a legal process, as a party in the process, has the right to just satisfaction as determined by Article 399/3 of this Code.

Article 399/4
Competence for examining a request or statement of claim

1. The request to ascertain a violation and expedite proceedings shall be addressed to the competent court, under Article 399/6, paragraph 1 of this Chapter. The court shall, as appropriate, receive information during the trial from the body that is conducting the proceedings.

2. The statement of claim, under Article 399/6, paragraph 3, shall be addressed to the civil court of first instance that is competent under the general rules, only after the procedure for ascertaining the violation and expediting proceedings has been exhausted under paragraph 1 of this article, and the decision of the court has not been executed by the body that has committed the violation under paragraph 1 of this article. The Ministry of Justice and Ministry of Finance, or the responsible private bailiff service shall be summoned in the trial as defendant.

Article 399/5

Submitting a request to ascertain violation of reasonable time and expedite proceedings

1. The request shall be filed with the court that is in delay, or with the court competent for execution. The request must contain:

a) Litigants, the body alleged to have committed the violation, the subject matter of dispute or execution;
b) A summary presentation of facts of the case;
c) Reasons for which the ascertainment of violation of reasonable time and expedition of proceedings has been required;
ç) Measures required to be taken;

2. Together with the request shall also be submitted:

a) Acts that prove the exceeding of reasonable time;
b) Intermediate minutes and decisions;
c) Acts of enforcement practice, as appropriate;
ç) Power of attorney, whether the request has been made by an advocate or a representative of the complainant.

3. Filing and examination of the request under this article, does not suspend the judgment on the merits of the case, or enforcement procedures.

Article 399/6

Competent court to examine a request or statement of claim

1. The request to ascertain the violation and to expedite proceedings shall be addressed to the competent court according to the type of criminal, civil or administrative dispute, as follows:

a) Where the case, on which the violation is alleged, is being tried at a court of first instance, the request shall be examined by the Court of Appeal, under the jurisdiction of which is the court of first instance;
b) Where the case, on which it is alleged to have occurred a violation, is being tried at a court of appeal, the request shall be examined by the respective Chamber of the High Court;

c) Where the case, on which it is alleged to have occurred a violation, is being tried at the High Court, the request shall be examined by another Chamber of the High Court;
ç) Where the case, on which it is alleged to have occurred a violation, is in the execution procedure, the request shall be adjudicated by the Judicial District Court, competent for execution under the applicable rules.

2. Where there is a decision with final force and effect on the ascertainment of violation and expedition of proceedings, the requesting party may file a lawsuit for compensation of damages under paragraph 3 of this Article.
3. The statement of claim for compensation of damages shall be filed with the civil court of first instance, where the body against whom the violation is ascertained has its seat. The lawsuit lapses within 6 months from the violation being ascertained by a decision with final force and effect.

Article 399/7
Trial of a request or statement of claim

1. Adjudication of a statement of claim, under Article 399/6 paragraph 3, shall be made pursuant to ordinary judgement rules, within a period of 3 months from the filing of the statement of claim.
2. Examination of the request under Article 399/6, paragraph 1, is made in consultation chamber, and the court examining the case shall make a decision within 45 days of the filling of the request. Within 15 days of the filling of this request, the body alleged to have committed the offense, shall send a copy of the file and an opinion in writing to the court examining the request.
3. If during the examination of the request, the body that is carrying out actions, takes the actions that are required by the party within 30 days of the filing of the request, the examination of the request ceases.
4. In case the request is rejected, it cannot be reiterated for the same facts.

Article 399/8
Decision making

1. Upon the examination of the request, the court may:

a) Accept the request, the finding of violation, ordering certain procedural actions to be taken within the time limits during the trial or execution;
b) Reject the request.

2. The court's decision is final and irrevocable.

Article 399/9
Acceptance of a request

1. The court decides on accepting the request, when the violation of reasonable time is proven under Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms".
2. The court, in determining the violation, shall assess the complexity of the case, the subject matter of dispute, proceedings or trial, the conduct of the parties and panel in the trial or the conduct of the bailiff and any other person connected with the case.

Article 399/10
Contents of decision on awarding damages

1. Upon the examination of the statement of claim, the court decides to award damages from 50 000 to 100 000 ALL, for each year, or month in relation to the year, beyond the reasonable time.
2. Damages shall be awarded by keeping in mind:

a) The difficulty of the process in which the violation is proven;
b) The conduct of the panel or the bailiff and parties;
c) The nature of interests in the case;
ç) The value and importance of the case, regarding the subject matter of dispute or execution, evaluated also in relation to the personal circumstances of the parties.

3. The amount of compensation of the damage should not exceed the scope of the lawsuit or execution.

Article 399/11
Binding enforcement of guidelines

Guidelines and conclusions of a higher court issued during the examination of a request under Article 399/6, paragraph 1, are binding for the court that examines the case on the merits or for the body that is conducting the execution of a court decision with final force and effect.

Article 399/12

The decision with final force and effect of the competent court under Article 399/6, shall be forwarded to the High Justice Inspector, to assess whether the delays caused by judges, under this Chapter, constitute disciplinary offenses.

TITLE IV
ARBITRATION
(The provisions on arbitration are repealed upon entry into force of the law on arbitration as foreseen by Law no. 122/2013, Article 30)

CHAPTER I
GENERAL PROVISIONS

Article 400

Scope of application

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 401

Designation

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 402

Subject competence

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 403

Arbitration agreement

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 404

Invalidity of the arbitration agreement

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 405

Determining the number of arbitrators

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 406

Initiation of arbitration proceedings

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

CHAPTER II

FORMATION OF THE ARBITRATION COURT

Article 407

Who can be an arbitrator

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 408

Procedure for forming the arbitral tribunal

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 409

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 410

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 411

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 412

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 413

Duration of the term of arbitrator

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 414

Jurisdiction of the arbitral tribunal

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

CHAPTER III

ARBITRATION PROCEDURE

Article 415

Commencement of the activity of the arbitral tribunal

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 416

Determining the working procedure

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 417

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 418

Taking measures to secure the lawsuit

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 419

Place of arbitration

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 420

Allowing and obtaining evidence

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 421

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 422

Trial in absentia

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 423

Replacement of the arbitrator

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 424

Drafting of procedural acts

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 425

Rendering of the arbitral award

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 426

Closing the judicial investigation

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 427

Applicable law

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

CHAPTER IV

DECISION OF THE ARBITRATION COURT

Article 428

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 429

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 430

Content of the final decision

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 431

Correction of errors in the final decision and its interpretation

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 432

Order of execution of the decision of the arbitral tribunal

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 433

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

CHAPTER V

APPEAL AGAINST THE ARBITRATION COURT DECISION

Article 434

Cases when an appeal is allowed

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 435

Deadline for appeal

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 436

Review by the appellate court

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 437

Disallowing recourse to the High Court

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 438

Execution of the decision

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

CHAPTER VI

INTERNATIONAL ARBITRATION

Article 439

Establishment of the International Court of Arbitration

(Repealed by law no. 122/2013, dated 18.4.2013, article 30)

Article 440

Determining the arbitration procedure

(Repealed by law no. 8812, dated 17.5.2001, article 68)

Article 441

Applicable law

(Repealed by law no. 8812, dated 17.5.2001, article 68)

THIRD PART

APPEALS AND THE MANNER OF THEIR ADJUDICATION

(Amended by law no. 8812, 17.5.2001, Article 69)

TITLE ONE

APPEALS AND THEIR SUBMISSION

(Amended by law no. 8812, 17.5.2001, Article 69)

CHAPTER I

THE MEANS AND TIME LIMITS OF APPEAL

(Amended by law no. 8812, 17.5.2001, Article 69)

Article 442

Means of appeal

(Amended by law no. 8812, 17.5.2001, Article 126)

Court decisions shall be appealed via the following routes: appeal by the Court of Appeal, recourse by the High Court and request for reconsideration.

Article 442/a

Appeal

(Added by law no. 8812, 17.5.2001, Article 70)

Appeal is the legal action by which parties or other participants in the process present their arguments against a decision by the court and against the actions of the bailiff, with the aim of defending their rights and interests.

Article 442/b

Recourse

(Added bylaw no. 8812, 17.5.2001, Article 71)

Recourse is the action by which parties or other participants in the process, in accordance with the regulations provided in this Code, present their arguments against a decision made by the First Instance Court and that of the Court of Appeal, to the High Court.

Article 443

Timescale for appeal

(Added paragraph IV, amended paragraph II by law no. 8812, 17.5.2001, Articles 72, 126; paragraph IV partially amended by law no. 44/2021, Article 11)

Appeals against final decisions of the First Instance Court must be filed with the Court of Appeal within 15 days.

Recourse against decisions of the Court of Appeal must be filed with the High Court within 30 days. Request for reconsideration of a decision of the First Instance Court must be filed within 30 days.

Specific appeals and recourses must be filed within 5 days.

Article 444

Commencement of time limits for appeal procedure

(Amended by Law no. 38/2017, article 84)

The time limits set out in Article 443 shall be preclusive and they start to run on the date following the notification of the reasoned decision.

The United Chambers of the Supreme Court, in their unifying decision No. 8, dated 24.03.2005, have addressed for legal unification the following matters:

1. In cases where a request is filed for the review of a final-form decision, should Article 445 or Article 496 of the Code of Civil Procedure apply?
2. Does the commencement of the time limit apply uniformly to all cases provided for in Article 494 of the Code of Civil Procedure, or does it depend on the specific ground for review invoked in each case?

The United Chambers of the Supreme Court held that:

In cases involving the filing of a request for the review of a final-form judicial decision, Article 445 of the Code of Civil Procedure is to be applied in conjunction with Article 496, particularly in regard to the one-year preclusive time limit. As a result, any request for review submitted after the expiration of this one-year period shall be considered inadmissible.

The facts or legal circumstances that constitute valid grounds for review are strictly enumerated in Article 494 of the Code of Civil Procedure. Except for the case provided in point “a”, the remaining grounds outlined in points “b,” “c,” “ç,” “d,” and “e” of Article 494—interpreted together with Article 495—generally involve a final-form judicial decision, either of a civil or criminal nature.

In particular, under point “d” of Article 494, the ground for review may arise from a judicial or administrative decision that overturns a prior decision—either a decision of another institution or its own prior decision—provided such reversal is within the competence conferred by law. In such cases, the overturned decision must constitute the basis for the decision being subjected to review.

Regardless of the specific legal ground for review, the thirty-day time limit—calculated from the date the applicant became aware of the ground for review—and the one-year time limit—calculated from the date on which the ground arose—apply uniformly to all grounds for the review of final-form judicial decisions. These deadlines, being preclusive (due to *decadenza*), are not subject to suspension, interruption, or reinstatement.

In conclusion, the United Chambers of the Supreme Court hold that a request for the review of a final-form civil decision is to be examined by the Civil Chamber in conciliation session, without the participation of the parties.

Article 445

Preclusion of appeal

(Amended by law no. 8812, 17.5.2001, Article 74, Law no. 122/2013, Article 32)

Appeals with the Court of Appeal, recourse with the High Court cannot be made after one year has elapsed from the announcement of the decision. This provision shall not be applicable in cases where the absent party proves that they had no knowledge of the court process due to the incorrect notices being issued.

Article 446

Court where appeal is presented

Appeal is presented to the court which has issued the decision against which appeal is made.

Article 446/1

(Added by Law no. 122/2013, Article 33)

The decision of the Court of Appeals, which changes a decision of the first instance court, based on which an execution order is issued, according to part fourth of this Code, is accompanied in any case by the order of execution, signed by the presiding judge of the panel which rendered the decision. The execution order is submitted to the judicial secretary and after is confirmed by the chancellor is notified to the court of first instance, which rendered the revised decision, as Well as notified to the parties, according to the rules provided by Chapter IV, title IV, part I.

Article 447

Notice of appeal

(Amended by Law no. 122/2013, Article 31)

Appeal is notified to the parties in conformity with the rules provided in Chapter IV of Title VI of Part I of this Code on notice and summons to the court.

Article 448

Joinder of appeals

(Amended by Law no. 38/2017, article 85)

All appeals made separately against the same decision are joined in a single process.
This provision shall not apply where the appeals are of various kinds.

Article 449

(Amended by law no. 8812, 17.5.2001, Article 126)

Execution of the appealed decision shall be suspended until the Court of Appeal has completed consideration, unless the law provides otherwise. In the case of recourse to the High Court, the decision may be suspended by the High Court.

Article 450

Dismissal of appeal

(Amended by Law no. 38/2017, article 86)

1. The single judge of the court that issued the decision, in consultation chamber, immediately after the filing of the appeal, shall decide to dismiss the appeal when:

a) It is belated;
b) Deficiencies are not corrected within the prescribed deadline, under article 455 of this Code;
c) It is made against a decision against which no appeal is permitted;
ç) It is made by a person who is not legitimized to appeal;
d) The appeal is waived;

2. Against the decision of dismissal of appeal may be filed a separate complaint.
3. Dismissal of the appeal may be declared in all instances of adjudication.

Article 450/a

(Added by law no. 8812, 17.5.2001, Article 76)

Should the court accept the request, the court shall send a copy of such request to the opposing party, while the documents pertaining to the case and the appeal shall be sent to the court of appeal the day after the expiration of the allocated timescale or earlier than the expiration of the allocated timescale provided that all parties have submitted their request to appeal.

Article 451
Irrevocable decision

The decision of the court becomes irrevocable when:

a) it cannot be appealed against;
b) no appeal has been made against it within the time limits determined by law or when the appeal has been withdrawn;
c) the appeal presented has not been accepted;
ç) the decision of the court is left in effect, is changed or trial in the second level has been ceased.

Article 451/a

(Added by law no. 8812, 17.5.2001, Article 77)

A decision that has become irrevocable shall be mandatory for parties, their heirs, for the people who take away rights from the parties, the court that has issued the decision and for all other courts and other institutions.

A decision that has become irrevocable has authority over only what has been decided between the same parties, on the same subject and for the same cause. A conflict that has been resolved via an irrevocable decision cannot be tried again unless the law provides otherwise.

CHAPTER II
FILING THE APPEAL AND ADJUDICATION AT APPEAL
(Added by law no. 8812, 17.5.2001, Article 78)

Article 452
Decisions which may be appealed against

All decisions issued by a court of first level may be appealed against to the court of appeal, except for the cases when appeal is excluded by law.

The United Chambers of the Supreme Court, in unifying decision No. 20, dated 15.11.2007, have addressed for legal unification the following matters:

1. When central or local administrative institutions file an appeal with the Court of Appeal against a decision of the Civil Service Commission (K.Sh.Civil), should the Court of Appeal apply the procedural rules of a court of first instance, or proceed according to the standard appellate procedure?
2. In cases where the parties do not appear, should the Court of Appeal apply Article 179 of the Code of Civil Procedure, or Article 461 of Law No. 8431, dated 14.12.1998—which stipulates that non-appearance of the parties does not prevent the court from examining the case—when no valid reason has been submitted for such absence?

The United Chambers of the Supreme Court held that:

In light of the established conclusion that the Civil Service Commission (K.Sh.Civil) serves as a first-instance administrative authority, and that its decision is to be treated as equivalent to a judicial decision rendered at first instance, the United Chambers of the Supreme Court hold that, in addressing the questions raised, the Court of Appeal must apply the procedural rules provided in Title II, beginning with Article 452 and the subsequent provisions of the Code of Civil Procedure, governing the filing and examination of appeals.

Accordingly, the Court of Appeal shall review appeals filed against decisions of Civil Service Commission pursuant to Article 461 of the Code of Civil Procedure. Under this provision, the non-appearance of the parties—provided they have been duly notified of the hearing—does not bar the court from adjudicating the case.

In conclusion, the United Chambers of the Supreme Court hold that the procedure applicable before the Court of Appeal, in cases involving appeals against decisions of the Civil Service Commission, shall be that prescribed by Article 461 of the Code of Civil Procedure. Therefore, the Court of Appeal shall proceed with the appellate review of the case.

Article 453
Signing of appeal

The appeal addressed to the court of appeal must be signed by the party itself, the advocate or the representative equipped with power of attorney.

Article 454
Content of appeal

The appeal must indicate:

a) the parties to the case;
b) the decision against which appeal is made;

c) the causes for which appeal is made;
ç) what is requested by the appeal.

Article 455
Documents that must be attached to appeal
(Amended paragraph II by law no. 8812, 17.5.2001, Article 79)

The appeal must be accompanied by the following:

a) copies of the appeal and other documents for each of the persons within the respective parties participating in the case;
b) in the event that the appeal does not meet all of the conditions detailed above and those detailed in articles 453 and 454 of this Code, the court shall notify the party responsible to make the necessary amendments within 5 days otherwise the appeal shall be resituated.

Article 456
Objection appeal

The party who has not made an appeal, or the party against which appeal is made may object to it by a counter-appeal within 5 days from receiving notice on the appeal of the other party.

Objection appeal shall be notified to the other parties in trial in conformity with the rules for the notification of the appeal.

Article 457
Intervention in appeal process
(Repealed by law no. 8812, 17.5.2001, Article 80)

Article 458
Rescheduling of appeal timescales
(Amended by law no. 8812, 17.5.2001, Article 81)

When parties have lost the right of appeal for legitimate reasons, they may submit a request to the court that issued the decision for the timescale to be renewed. The request shall be reviewed by the court and a separate appeal may be filed against the decision of the court.

Article 459
Decline of requests
(Amended by Law no. 38/2017, article 87)

1. When requests and allegations unacceptable by the court of first instance do not recur in the appeal, it is considered that they have been renounced.
2. No new requests can be raised in appeal, which have not been submitted to the judgement at first instance.

Article 460

Adjudication of the case in appeal

(Amended by Law no. 38/2017, article 88; paragraph 5 amended, and paragraph 5/1 added by law no. 44/2021, Article 12)

1. The rapporteur of the case is determined by lot.
2. The rapporteur shall set the date and time of the hearing in accordance with the timetable for examining cases, taking into account the order in the time of arrival of the file at the Court of Appeal.
3. The parties may request the rapporteur in writing to accelerate the reviewing of the case due to particularly serious and motivated reasons, when this is not inconsistent with the law.
4. The High Judicial Council defines more detailed rules for the enforcement of this Article.
5. The notification of the date and time of the hearing as well as the composition of the panel that adjudicates the case shall be made by the court of appeal with advertisement in its premises and in the respective court of first instance. This notification shall also be made on the internet website of the court of appeal, and on the internet website of the relevant court of first instance, if any, and, by individual notice in case the parties have given an email address in the first instance court. The announcement or notification shall be made at least 15 days before the hearing. When the composition of the adjudicating panel is not notified according to the rules stipulated in this paragraph, the parties may claim the postponement of the trial, apart from the cases when they participate in the trial and they do not claim the recusal of the judges.

   5/1. The parties have the right to submit written submissions up to 5 days before the review of the case regarding the reasons contained in the complaint and counter-appeal.
6. For retrial cases, or when the reopening of judicial investigations has been declared, or when a hearing takes place before the 15-day deadline, the notification shall be made directly to the parties, their representatives and the prosecutor, according to the rules of Part I, Title VI, Chapter IV, "Notifications" of this Code.

The United Chambers of the Supreme Court, in their unifying decision no. 14, dated 16.02.2001, addressed for legal unification the following legal question:

1. What is the starting point for the time limit to file a recourse (appeal to the Supreme Court) against a judgment rendered in the absence of the party submitting the recourse—i.e., should the recourse be filed within 30 days from the date the judgment is issued, or within 30 days from the notification of the judgment?

The United Chambers of the Supreme Court held that:

In cases where the appellate hearing is conducted in the absence of one of the parties, but the procedural requirements set forth in Articles 460 and 461 of the Code of Civil Procedure have been fulfilled—namely, that the parties have been duly notified, the court has verified the grounds for absence, and service of process has been confirmed as regular—the final decision of the Court of Appeal must still be formally notified to the absent party. In such cases, the 30-day time limit for filing a recourse shall be calculated from the day following the notification of the decision.

It is precisely due to procedural ambiguities, inconsistencies, and interpretative contradictions within the referenced provisions that a unified interpretation is required—based on careful legal analysis and reasoned conclusions.
Through the interpretation of this provision, it is concluded that—notwithstanding the general rule that the time limit for filing a recourse is 30 days and that this time limit is preclusive, meaning that it cannot be reinstated or extended beyond the 30-day period—an exception exists. Otherwise, the above-mentioned provision, which establishes a one-year preclusive time limit, would be rendered meaningless.
The exception must be found in the interpretation of the phrase "regardless of notification."
It is understood that this refers specifically to the notification of the decision of the appellate court to the party who was absent from the hearing.
This, in itself, serves as further support for the unified interpretation adopted by this decision.

Article 461

(Added paragraph II, III by law no. 8431, 14.12.1998, Article 2)

Initially, the court shall verify the accuracy of the parties' presentation, merge appeals against the same decision and make efforts to settle the case amicably.

If parties who received notification by means of announcement fail to attend, it does not hinder the examination of the case unless acceptable reasons are provided for their absence.

The court may not review the case in their absence, when the oral testimony of the absent parties is required or when the notification was incorrect.

Article 462

Participation of prosecutor

(Repealed by law no. 8812, 17.5.2001, Article 82)

Article 463

Renunciation from the appeal

The appellant or its representative may renounce from the appeal at each stage of the trial of the case in appeal. In this event the cessation of the consideration of the case by the court of appeal is decided.

Article 464

The court session

(Amended by law no. 8812, 17.5.2001, Article 83)

The court session shall commence with a report by one of the members of the adjudicating body. Afterwards the parties, if present, provide explanations. The party filing the appeal is the first to take the stand, followed by the other parties involved in the trial. When the former has presented their written evidence, they are read by one of the members of the adjudicating body. If the prosecutor is appealing against the decision of the court on a lawsuit he had previously filed, then he shall speak first.

Article 465

Limits of examination of cases on appeal

(Amended by Law no. 38/2017, article 89)

1. The Court of Appeal considers cases within the limits of appeal.
2. In considering cases on appeal, there shall be taken into account, to the extent applicable, provisions on the procedure at the first instance.
3. At the request of parties, or ex officio, the Court of Appeal shall partially or entirely reopen judicial investigations".
4. No new requests can be submitted in the proceedings at the Court of Appeal, to add or change elements of the lawsuit, except the request for the costs of the hearing on appeal.
5. The Court of Appeal may accept for review new facts and evidence, if:

a) The interested party proves that, not because of its fault, during the examination of the case before the Court of First Instance, it was not able to present these facts and/or new evidence;
b) The interested party has requested, but the court of first instance, against the law, did not take these facts and/or evidence, which are relevant to the case;
c) The interested party can prove that it could not be aware of the new facts and/or evidence during the proceedings at first instance.

6. This provision does not apply to obtaining judicial or extrajudicial confession.

Article 465/a

Appellate adjudication in consultation chamber

(Added by Law no. 38/2017, article 90; paragraph 2 partially and paragraph 3 amended by law no. 44/2021, Article 13)

1. In cases where the Code provides for the appellate proceedings be conducted in consultation chamber, the proceedings shall be conducted on the basis of acts and/or documents.
2. The Rapporteur shall prepare the summarized report and shall set the date and time for a hearing in consultation chamber, ordering the notification of the parties under Article 460 of this Code, on the composition of the panel, the date, time and venue of the examination of the case. Parties are entitled to submit, within 5 days before the hearing of the case, in consultation chamber, written submissions on the causes raised on the appeal and counter-appeal.
3. The court shall, in a consultation chamber, decide to transfer the case to a hearing in the presence of the parties, when it deems that the judicial debate is necessary:

a) To evaluate whether new facts or evidence should be received or accepted, according to article 465 of this Code, or
b) When it questions aspects of the fact or of the law, for which the parties have not presented their opinion earlier.

4. For the examination of the case in consultation chamber a protocol shall be kept by the judicial secretary.

Article 466
Decision of the Court of Appeal
(Amended item "d" by law no. 8812, 17.5.2001, Article 126; paragraph II amended by law no. 44/2021, Article 14)

Following the examination of a case, the Court of Appeal may rule to:

a) endorse and sustain the decision of the First Instance Court;
b) amend the decision;
c) revoke the decision and dismiss the case;
ç) revoke the decision and order a retrial by the First Instance Court for cases provided by Article 467 of this Code.

A special recourse is allowed against the decision of the court of appeal revoking the decision of the first instance court and the dismissal of the case.

Article 466/1
(Repealed by Law no. 38/2017, article 91)

Article 467
Order for retrial
(Amended by Law no. 8431, 14.12.1998, Article 3; Law no. 8812, 17.5.2001, Articles 84 and 126, Law no. 122/2013, Article 34; Law no. 38/2017, article 92; amended by law no. 44/2021, Article 15)

The Court of Appeal quashes the decision of the court of first instance, partially or entirely, under the limits of Article 121 of this Code and sends the case for retrial when:

a) The first instance court has violated the provisions on jurisdiction and competence;
b) the composition of the panel has not been correct or the decision has not been signed by its members, or the principle of impartiality has been violated;
c) The first instance court has decided to dismiss the case in violation of the rules established by this Code;
ç) The case was tried in absentia of participants in the process, without being aware of the day of the hearing;
d) The joint judgement is not correctly established under Article 162, paragraph 2 of this Code; dh) Where the claim, the court record, appeal, and any other document that influenced decision making are missing or invalid;
e) The first instance court did not conduct judicial review of all requests related to the subject matter of dispute.

A special recourse is allowed against the decision of the court of appeal dismissing the decision of the first instance court completely or partially and sending the case for retrial.

The First Instance Court during the retrial is obliged to follow the decision of the Court of Appeal regarding any procedural decisions decided in that.

The court, by means of and intermediate decision, may rule not to carry out specific actions, when, due to new circumstances emerging in the retrial, are deemed to be unnecessary. A separate appeal can be made against this decision.

At retrial, the invalid claims proven in previous proceedings cannot be raised, when the relevant decisions have not been quashed for them. The court that will carry out the retrial, for the sake of proceedings, shall take for granted the evidence that is administered regularly in previous proceedings, unless the decision is quashed because of paragraphs (a), (b), (ç), (d) of this Article. In these cases, the court may administer again the evidence, where that has been tasked by the higher court or obtain new evidence, where this is necessary for conducting full and comprehensive investigations. No new claims different from those that have been accepted in the decision of the court of appeal can be raised in the retrial, apart from the need for implementation of the tasks set by that court.

Article 467/a

(Added by law no. 8431, 14.12.1998, Article 4)

Should the Court of Appeal revoke the decision, it cannot order the return for retrial, but shall examine the case as a First Instance Court.

When the decision is revoked due to non-compliance with the duties set by the highest court, without a specific decision taken in accordance with the Article 467 of this Code, the Court of Appeal, upon the request of parties, can transfer the fee of all costs incurred to the relevant adjudicating body.

The United Chambers of the Supreme Court, in their unifying decision no. 979, dated 29.09.2000, held that:

In the application of Article 467/a of the Code of Civil Procedure, when the Court of Appeal annuls the decision for the second time and retains the case for adjudication as a court of first instance, the case must be examined by the same judicial panel and without initiating a new proceeding.

In such circumstances, the issue arises as to whether, under Article 467/a of the Code of Civil Procedure, the Court of Appeal, upon annulling for the second time the decision of the district court, proceeds to adjudicate the case itself within the same proceeding and by the same judicial panel, acting as a first-instance court, or whether it merely annuls the decision, requiring that the case be retried separately, potentially before a different judicial panel.

Article 467/a provides that, when annulling a decision, the Court of Appeal may not remand the case for retrial a second time, but must instead adjudicate the case itself as a court of first instance. The term “Court of Appeal”, as used in this provision, must be understood in a procedural, not institutional, sense, and therefore refers to the judicial panel.

Accordingly, when the provision states that the Court of Appeal shall adjudicate the case itself as a court of first instance, it means that the same judicial panel shall continue the proceedings without interruption. The phrase “as a court of first instance” does not mean that the Court of Appeal becomes a first-instance court institutionally, but that—similar to the situation addressed in Article 465 of the same Code—it is authorized to repeat the judicial investigation in whole or in part.

Conversely, had the legislator intended for the Court of Appeal to function institutionally as a court of first instance in such cases, it would have provided for the right to appeal against the decision issued under this procedure—a provision which does not exist. Moreover, the purpose of the legislator in enacting this rule was to promote judicial economy, i.e., to avoid undue delays in the resolution of cases.
Accepting the opposite interpretation—namely, that under Article 467/a, when a case is adjudicated for the second time by the Court of Appeal, it must be processed in two separate proceedings (first as an appellate and then as a first-instance court), potentially involving different judicial panels—would result in delays equivalent to those that would occur if the case were remanded to the district court for retrial.
Accordingly, in such cases, through a single proceeding and by means of one final decision, the Court of Appeal both annuls for the second time the decision of the district court and adjudicates the case on its merits.

Article 467/b

(Added by law no. 8812, 17.5.2001, Article 84; amended by Law no. 38/2017, article 93)

When the court, for a case that was not under its competence, has issued a just decision and, on the other side, the competence of the court competent to try the case has not been surpassed, the court of appeal has the right not to revoke the decision, but to satisfy itself with informing the respective court of the irregularity of its decision.

When the court of appeal finds that there are established the conditions to supplement the decision provided for in Article 313 of this Code, the court decides to supplement them by itself, while noting the irregularity to the first instance court.

Article 468

(Repealed by Law no. 38/2017, article 94)

Article 469

Suspension of execution of decisions

(Amended paragraph II by law no. 8812, 17.5.2001, Article 126; paragraph II repealed by law no. 44/2021, Article 16)

Should the decision of the First Instance Court be revoked and the case is ordered for retrial, the execution of the decision shall be suspended.

Article 470

Appeal against intermediate decisions

(Amended by Law no. 38/2017, article 95; paragraph II and III partially amended by law no. 44/2021, Article 17)

1. Intermediate decisions issued by the court of first instance may be amended or withdrawn during the proceedings. These decisions may be appealed together with the final decision.
2. However, in cases expressly provided for in this Code, a special appeal may be filed against intermediate decisions to the appeal court or a special recourse to the High Court, within 5 days of their notice.

3. Special appeals or recourses against intermediate decisions shall be examined in consultation chamber, within 30 days of their registration in the higher court.

Article 471
Suspension of execution of intermediate decisions

The submission of the appeal against an intermediate decision suspends neither the trial nor the execution of the decision, except when it is otherwise provided in this Code or when the court of appeal decides on suspension until it issues the decision on the separate appeal.

Article 471/a
Examination of complaints against non-final decisions
(Added by law no. 44/2021, Article 18)

The special appeals and recourses against non-final decisions are reviewed in the counselling chamber within 30 days from the day of their registration at the higher court.

TITLE II
RECOURSE TO THE HIGH COURT
(Amended by law no. 8812, 17.5.2001, Article 126)

Article 472
Causes for recourse
(Amended by law no. 8812, 17.5.2001, Article 87; Law no. 122/2013, Article 35; Law no. 38/2017, article 96)

1. Decisions announced by the court of appeal and those of first instance in the instances provided for in this Code may be appealed through recourse to the High Court:

a) for incorrect implementation of material or procedural law, of essential importance for the unification, certainty and/or development of case law;
b) when the appealed decision is different from the case law consolidated by the Civil Chamber or the unified case law of the Joint Chambers of the High Court;
c) there are serious violations of procedural norms, resulting in the invalidation of the decision or of the judgment procedure, in accordance to article 467 of this Code.

2. Recourse shall not be allowed against decisions of the court of appeal in claims amounting up to 150,000 lekë.

Article 473
(Repealed by law no. 8812, 17.5.2001, Article 88)

Article 473/a
Limits of examination of recourse
(Added by Law no. 38/2017, article 97; paragraph II added by law no. 44/2021, Article 19)

The High Court shall consider the recourse within its limits, unless the law provides otherwise.

In instances where the High Court brings for discussion matters of the law, which are examined *ex officio* and for which the parties have not previously submitted their opinion, prior to the review the parties shall be notified, and a deadline shall be set for the submission of their submissions on matters of the law. The notification in these cases is carried out according to the general rules.

Article 474

Signing of recourse

(Amended by law no. 8812, 17.5.2001, Article 126; Law no. 38/2017, article 98; amended by law no. 44/2021, Article 20)

The recourse and all other requests filed with the High Court shall be signed by the advocate representing the party, and if the party so requests, also by the latter.

Article 475

Content of recourse

(Paragraph I letter "ç" amended and paragraph II added by law no. 44/2021, Article 21)

Recourse must contain:

a) the parties to the case;
b) the decision objected;
c) a succinct presentation of the facts of the case;
ç) the reasons for which the decision is objected, as well as the arguments that support the allegation that there are reasons for recourse according to the provisions of Article 472 of this Code;
d) the power of attorney if recourse is made by the advocate or the representative of the appellant.

The recourse may be drafted in accordance with the format approved by the Council of the High Court.

Article 476

Filing the recourse

(Amended by law no. 8812, 17.5.2001, Articles 89 and 126; amended by law no. 44/2021, Article 22)

1. The recourse shall be filed with the secretariat of the court that renders the decision, within the time limit of 30 days from the moment the parties are notified.
2. Together with the recourse, the following shall be filed:

a) The certified copy of the objected decision and when necessary, also the certified copy of the notification when it has been made;
b) The specific power of attorney;

c) The acts and the documents on which the recourse was based, in as many copies as the number of the parties.

3. Where the recourse does not meet the conditions provided for in paragraphs 1 and 2 of this Article, it is not signed in accordance with the provisions of Article 474, or when the recourse is not lodged in accordance with Article 475 of this Code, the rapporteur or the sole judge notifies the party to rectify the recourse deficiencies within 5 (five) days. In this case, the examination of the recourse is made in consultation chamber.
4. Where the complainant does not fill in or rectify the flaws within the time period, the recourse shall be considered not to have been lodged and it shall be returned to the party, along with the other acts submitted by them. A separate recourse may be filed against the decision of the judge returning the recourse.
5. When the flaws of the recourse are rectified within the set time limit, it is considered registered on the date of filing with the court.
6. The secretariat of the court issuing the contested decision shall, after the revision by the judge whether the recourse has been completed on time, forward the file together with the documents to the secretariat of the High Court.
7. When the flaws of the recourse have not been ascertained by the lower court, the rapporteur of the case at the High Court shall, by way of a decision, notify the party to rectify the flaws within 5 (five) days. When the flaws of the recourse are not rectified within the deadline, the rapporteur shall, in the deliberations room, decides to return the recourse. No appeal may be filed against this decision.

Article 477
Counter-recourse

The party against which recourse is made may object to it by means of a counter-recourse, which must be notified to the recourse maker at his place of abode within 20 days from the notification of the recourse. If this notice is lacking, the party cannot present counter-recourse but can only participate in oral discussion.

The rules provided in articles 456 and 457 of this Code are applied for the counter-recourse.

Article 478
Presentation of other documents

Deposition of acts and documents which have not been presented in previous levels of trial is not accepted, except for those which are related to the appealed decision and the acceptance of the recourse or counter-recourse.

Deposition of documents as above must be notified to the other parties.

Article 479
Suspension of execution of decision
(Amended by law no. 8812, 17.5.2001, Article 126; Law no. 38/2017, article 99)

1. The High Court, upon the filing of recourse, at the request of the party, may decide suspension of execution of the decision when:

a) Immediate execution of the decision shall incur serious and irreparable consequences; and/or
b) The party filing the recourse produces evidential guaranties that shall ensure the execution of the decision.

2. The request for suspension is submitted in recourse or separately. The High Court takes the necessary measures that the request be notified to the other party and the request be tried as soon as possible. The party has the right to present in writing, within three days, from the following day of notification of the request for suspension, the arguments and requests.
3. The request is examined in consultation chamber.
4. If the circumstances of the case indicate and the risks exist that the right of the recourse will be impossible to be enforced, upon a reasoned decision, the request may be examined without notifying the parties.
5. The decision of the High Court on the request for suspension must be notified to the parties.
6. The decision of the High Court on the request for suspension may be revoked or amended upon request of the parties. The parties shall be notified of the examining of the request changing or revoking a suspension measure. The other party, within 3 days, has the right to submit claims in writing. The requests shall be examined in consultation chamber.
7. In any event, the High Court shall reason its decision.

Article 480

Non-acceptance of recourse

(Amended by law no. 8812, 17.5.2001, Article 126, Law no. 122/2013, Article 36)

Non-acceptance of the recourse is decided in consultation chamber, in the Chamber, with a judicial panel composed of 3 judges, when:

a) is done for several reasons from those allowed by the law;
b) procedural requests provided by this chapter are not completed;
c) the party which asked for the recourse withdraws from it;

The party against which the recourse is filed, may submit objections according to the rules provided by article 477 of the Code.

The review is made within 60 days from the submission of the recourse, without the presence of the parties, but after the written claims of the parties on the issue of the acceptance are examined.

The same panel of judges decides on any procedural requests from the parties, except on requests to dismiss a judge.

CHAPTER II

TRIAL PROCEDURES

Article 481

Adjudication for the unification or changing of the judicial practice

(Repeal of last sentence of paragraph II by decision no. 46/1999 of the Constitutional Court; amended title, repealed paragraph I by law no. 8812, 17.5.2001, Article 90; amended totally by law no. 44/2021, Article 23)

1. The Civil Chamber, *ex officio* or at the request of the parties, may decide to initiate proceedings to unify or change the judicial practice. The initiation of the procedure for changing the judicial practice may also be decided by the President of the High Court.
2. The interim decision of the Civil Chamber or of the Chairperson of the High Court to transfer the case over to a court session determines the issues raised for unification or the unified court practice that should be changed. The decision shall be published, immediately after the reasoning, on the website of the High Court[3].
3. The trial for the unification of judicial practice is conducted by the Civil Chamber with a adjudicating panel of 5 judges, wherein participate the judicial panel that is examining the recourse and two other judges of the Chamber, appointed by lot.
4. The decision to change the unified judicial practice is made by the Joint Chambers of the High Court. The President of the High Court, as the President of the Joint Chambers, sets the date and time of the adjudication of the case for changing the judicial practice. The Joint Chambers of the High Court shall adjudicate according to the rules laid down for the chamber when not less than two-thirds of all members of the High Court participate.
5. The date and time of the hearing shall be notified to the parties by the judicial secretary in accordance with the general rules of notification, at least 15 days before the date of the hearing.
6. The Civil or Joint Chambers shall, ex officio or at the request of the parties, may decide to amend the issues raised for unification or changing the judicial practice. This interim decision shall be published on the website of the High Court.
7. Due to the interest raised from the unification or amendment of the judicial practice in these adjudications, the High Court may, accordingly, request the opinion in writing from the State Advocate, as well as from public or private legal people, who are deemed to have special knowledge on the legal cases presented for the unification or the amendment of the judicial practice. The High Court shall, in its request for providing an opinion in writing, determine a time limit within which the opinion may be provided, which in any case shall not be less than 14 days. The opinions in writing are not mandatory and shall be published on the electronic webpage of the High Court.
8. The decision of the Civil Chamber and the Joint Chambers is binding on the courts in adjudicating similar cases.

Article 482

Adjudication of the case

(Repealed paragraph I, amended paragraph II by law no. 8812, 17.5.2001, Article 91; amended by Law no. 122/2013, Article 37; Law no. 38/2017, article 100; amended totally by law no. 44/2021, Article 24)

[3] **See Decision No. 46/1999 of the Constitutional Court**, as the applicable norm has subsequently been amended by the legislator as it is.

1. The adjudication of the case before the High Court shall, as a rule, be done on the basis of documents in the counselling chamber.
2. The rapporteur judge appointed by lot sets the date and time for the hearing of the case in the counselling chamber in accordance with the rules of trial planning provided by law.
3. The secretariat of the High Court announces the lists for the revision of recourses at least 15 days before the review date. The notification of the day, time and composition of the adjudication panel reviewing the recourse is made by posting within the premises of the High Court, as well as on its website and by individual notification, as long as the parties or their representatives have left their electronic data of contact at other instances of adjudication.
4. The parties may request in writing from the rapporteur to expedite the examination of the case for particularly serious and motivated reasons, when this is not contrary to law.
5. The rapporteur judge submits the explanatory report, reflecting in it, among others, the reasons for the acceleration of the case, if any, the content of the contested decision, the allegations and reasons raised in the recourse, the objections presented in the recourse, the review of the facts relevant to the decision and his proposal for legal settlement of the case.
6. The minutes are kept by the court secretary for the examination of the case in the counselling chamber.

Article 482/a

Transferring the case over to judicial hearings

(Added by law no. 44/2021, Article 25)

1. The court, in counselling chamber, shall decide on the examination of the case in a court hearing in the presence of the parties, in case that:

a) The case is of significance in terms of law for unifying or developing the judicial practice;
b) It is deemed necessary by the Civil Chamber to summon and hear the parties due to the problems or complexity of the case, according to letters "b" and "c" of Article 472, as well as the second paragraph of article 473/a of this Code.

2. The above decision, as well as the date and time of the judicial hearing shall be notified to the parties by the judicial secretary in accordance with the general rules of notification, at least 15 days before the date of conducting the hearing.

Article 483

Judicial review

(Repealed paragraph III, added last paragraph by law no. 8812, 17.5.2001, Article 92)

At the court hearing, the rapporteur shall present the facts pertinent to the making of the decision, the content of the appealed decision and the reasons for recourse and for counter-recourse.

Following the report, the chairperson shall invite the legal representatives of parties to present their defence.

(repealed).

Objection shall not be permitted, however the legal representatives of the parties may, during the same hearing, present their opinions to the court, briefly, in writing.

A record of the court session shall be taken by the court secretary.

Article 483/a
Preliminary proceedings
(Added by law no. 44/2021, Article 26)

1. If the Civil or the Joint Chambers of the High Court, during the examination of the case, in the counselling chamber or in the court hearing, decide to address the European Court of Human Rights or other international courts, according to the obligations deriving from international agreements ratified by the Republic of Albania, shall take a decision to suspend the examination of the case.
2. The decision on suspension lasts until the decision of the international court. The decision of the international court shall be notified to the parties together with the date of the hearing.

Article 484
Taking of decision
(Amended paragraph II by law no. 8812, 17.5.2001, Article 93)

Following the discussion of the case, the court shall withdraw to consultation chamber, to take the decision. In certain cases, the complicated nature of the case or its importance may postpone the decision-making process for as many days is necessary.

The decision shall be signed by all members of the adjudicating body.

Article 485
Decisions of the High Court
(Amended by law no. 8812, 17.5.2001, Article 126; Law no. 38/2017, article 101; amended by law no. 44/2021, Article 27)

1. After the examination of the case, the Civil Chamber or Joint Chambers of the High Court decide:

a) non-admission of the recourse, in the instances where it has been filed for other reasons as those provided for in Article 472 of this Code;
b) quashing the decision of the appeal court and upholding the decision of the first instance court;
c) quashing the decision of the Appeal Court and remitting the case for re-trial to this court by another adjudication panel;
ç) quashing the decisions of the appeal court and the first instance court and remitting the case for retrial to the first instance when the non-final decision of the court of first instance was taken at variance with the law and this violation was not found out by appeal court;
d) quashing the decision of the court of first instance and the court of appeal and terminating the adjudication of the case;

dh) amending the decisions of the court of first instance and court of appeal and resolving the case in a final form, when the application of the procedural or material law is not dictated by the need to re-evaluate the facts or evidence of the case;
e) upholding the decision of the Appeal Court;

2. In cases where the Civil or the Joint Chambers of the High Court decide on the unification or changing the judicial practice, the court formulates in its decision the rule of law for each issue raised for settlement in the interim decision taken during the adjudication of the case. In this case, the decision is published in the Official Journal.

Article 485/a
Consequences of revocation of an unjust decision that is enforced fully or partially
(Added by Law no. 10052, 29.12.2008, Article 12)

When the new decision taken after revocation is different from the first decision that is enforced fully or partially, the person who has benefitted is obliged to return all the benefits obtained from enforcement of the decision.

Article 485/b
Notification of the decision of the High Court
(Added by law no. 44/2021, Article 28)

The judicial secretariat notifies the decisions of the High Court according to Article 316 of this Code.

Article 486
Mandatory implementation of instructions
(Amended by law no. 8812, 17.5.2001, Article 126)

The instructions and conclusions of the High Court are mandatory for the court which reconsiders the case.

Article 487
Errors in reasoning of the decision
(Amended by law no. 8812, 17.5.2001, Article 94)

Errors in the reasoning of the decision shall not be considered as grounds for its encroachment, when the settlement is in principle fair. In this case, the court shall be limited in correcting the justification.

Article 488
Trial costs

The court, in case it dismisses the recourse, charges the cost of the trial to the one who made the recourse.

Article 489

Non-repetition of recourse

(Amended by law no. 8812, 17.5.2001, Article 95)

A recourse case that is deemed unacceptable may not be represented even in cases where the timeframe determined by law has not expired.

Article 490

Renunciation of recourse

(Added paragraph III by law no. 8812, 17.5.2001, Article 96; amended by law no. 44/2021, Article 29)

1. The party may withdraw from the recourse as long as the Civil Chamber or the Joint Chambers of the High Court have not withdrawn for decision-making. The withdrawal is made in writing, signed by the party themselves or their lawyer, provided with a power of attorney to this purpose.
2. The act of withdrawal shall be notified to the parties. Upon withdrawing from the recourse and all parties or their representatives having participated in the adjudication, there is no need for a special notification of the decision for not admitting the recourse, but the decision is made available to the parties.

Article 491

Expenses of renunciation of recourse

(Repealed sentence II by law no. 8812, 17.5.2001, Article 97)

In the case of renunciation of recourse, the court shall charge the expenses to the renouncing party.

Article 492

Correction of errors in documentation

(Amended paragraph I by law no. 8812, 17.5.2001, Article 126)

If the decision proclaimed by the High Court contains errors in evidential data or in calculation, the interested party is entitled to require, by means of request, their correction or rectification within sixty days from the notification of the decision.

For this type of request, the court deliberates in the consultation chamber, as per the regulations stipulated in the last paragraph of Article 480 of this Code.

Article 493

Retrial

(Amended by law no. 8812, 17.5.2001, Articles 98 and 126; paragraph II and III added by law no. 44/2021, Article 30)

The First Instance Court, or the Court of Appeal in the case of retrial, shall apply the same procedural regulations as provided for a trial at this level.

The High Court, when returning the case for retrial, shall determine in the decision which part of the decision or evaluation of fact is quashed and for which part of the dispute the retrial should take place.

The retrial of the case after quashing the decision is limited only to the causes of the decision being quashed. The parts of the decision or adjudication not affected by the higher court shall not be reviewed.

The duties set by the High Court are mandatory for the court that retries the case, with the latter, after completion of these tasks, resolves the case according to its belief.

Invalidities declared in previous trials may not be raised during the retrial. During retrial, parties may not make claims different to those accepted in the decision of the High Court except when alternate claims are considered to be a necessity for reaching conclusions that emerge from the decision of the High Court.

THIRD TITLE
RECONSIDERATION

Article 494
Request for reconsideration and cases of reconsideration

(Amended title by law no. 8812, 17.5.2001, Article 99) (Added paragraph I by law no. 8812, 17.5.2001, Article 99) (Added paragraph by Law no. 10052, 29.12.2008, Article 13)

The request for reconsideration is a document by which the review of an irrevocable decision of the court is requested.

The interested party may request the reconsideration of a decision that has become irrevocable when:

a) new circumstances or new written evidence pertinent to the case, which could not have been known by the party during the consideration of the case, are discovered;
b) it is proven that the testimonies of the witnesses or experts' statements contributing to the decision have been false;
c) the parties, their representatives or any member of the adjudicating body, who have participated in the trial of the case, have committed criminally punishable acts influencing the decision;
ç) it is proven that the decision is based on forged documents;
d) the decision is based on a decision of the court or of another institution which was subsequently revoked;
dh) the decision has been taken in clear contradiction with another irrevocable decision taken for the same parties, the same subject and for the same cause;
e) where the European Court of Human Rights finds a violation of European convention "On protection of fundamental human rights and freedoms" and its protocols, ratified by the Republic of Albania.

The United Chambers of the Supreme Court, in their unifying decision No. 1, dated 31.01.2006, have addressed for legal unification the following matter:

1. Is the evaluation of the grounds for reviewing a final-form judicial decision to be conducted in a court hearing or in a conciliation chamber (*in camera*)?

The United Chambers of the Supreme Court held that:

– The request for the review of a final-form civil decision is initially examined by the Civil Chamber in the conciliation chamber (*in camera*), without the participation of the parties. However, due to developments in judicial practice, the United Chambers conclude that if, during the conciliation session, the Civil Chamber of the Supreme Court determines that the facts presented by the interested party may constitute valid grounds for the review of a final-form decision, then the matter should not be decided within the conciliation chamber. Instead, it must be referred for adjudication in a court hearing, with the parties duly notified to appear. In this context, the court hearing is not a full trial, but rather an evidentiary session, during which the parties, in accordance with the principle of adversarial proceedings, present their arguments regarding the legal grounds required for review.

– The review of decisions is an extraordinary legal remedy available for the purpose of challenging civil judgments that have acquired final form. Its purpose is to permit a re-examination of the case where it is claimed that the court's decision was factually erroneous. According to Article 494 of the Code of Civil Procedure, such an error in the evaluation of facts may exist when:

• circumstances that were previously unknown to the court emerge—circumstances which, if known, would have resulted in a different resolution of the case (see Article 494(a)); or

• it is established that the decision was based on forged documents or other grounds listed in Articles 494(c), (d), and (e) of the Code of Civil Procedure.

New facts or newly discovered evidence that arise after the decision has become final must be such that they could not reasonably have been known at the time the case was adjudicated—whether due to the actions of the opposing party or for any other reason not attributable to the fault of the party seeking to protect their rights on the basis of such facts or evidence.

Article 495

(Added paragraph II by law no. 8812, 17.5.2001, Article 100)

(Amended by Law no. 10052, 29.12.2008, Article 14)

Revision of decisions in circumstances provided in Items "b", "c", and "d" of Article 494 of this Code is permitted when those circumstances have been proven by an irrevocable penal decision.

Should criminal prosecution fail to commence or conclude due to reasons provided in Article 290 of the Code of Penal Procedures, or because the person that committed the forgery has not been identified, the verification of the aforementioned circumstances may be verified by filing a lawsuit to the Civil Court.

Article 496

(Amended by Law no. 38/2017, article 102)

The request for review may be filed within 30 days from the day that the party proves that has received notice for the cause of the review. In cases foreseen in Article 495, the time limit of 30 days begins from the day that the decision has received full force and effect.

Article 497

Submission of request

(Amended by law no. 8812, 17.5.2001, Article 101; Law no. 38/2017, article 103)

1. The request for review is presented before the court of first instance that rendered the decision, but when the case has been appealed to the higher courts, the competent court shall be the highest court that has adjudicated the case on the merits. The competent court for the examination of the request for review adjudicates according to the rules applicable at that instance of adjudication. The application must contain: the cause for requesting the review, the relevant evidence relating to one of the requirements of Article 494 of this Code, the day of discovery or of the certification of the circumstance or of the receiving of the documents.
2. The request is signed by the advocate given “power-of-attorney”, and if the party demands, also by the party themselves.
3. The request, if submitted incomplete of or inconsistent with the above requirements, shall be returned by the court for completion. In case the request is not complete within a period of 10 days, the Court decided not to accept it.

Article 498

Examination of the request

(Amended by law no. 8812, 17.5.2001, Article 102; Law no. 38/2017, article 104)

1. When the request is made in outside the cases specified in Article 494 or where it is made by those who do not have this right, and, when it is manifestly unfounded, the court decides not to accept it.
2. When the request is considered by the Court of First Instance or the Court of Appeal and is accepted, the court decides the annulment of the decision in whole or in part and continues the adjudication of the case on its merits.
3. When the application is examined by the High Court and is accepted by it, the court decides the annulment of the decision in whole or in part and sends it for adjudication to the competent court, which retries with another judicial panel. If the cause of the review is not related to the need of the specification of new facts, the High Court, revokes its previous decision and decides again on the case, pursuant to its competence.
4. In cases defined by the letter "e" of Article 494 of this Code, the competent court annuls the second decision.
5. Against the decision of the court of first instance and that of appeal it is allowed appeal or recourse to the higher court, according to the general rules of appeal or recourse.
6. In case the application is reviewed by High Court, against its decisions appeals are not allowed.

Article 498/a

(Added by law no. 8812, 17.5.2001, Article 103; amended by Law no. 38/2017, article 105)

The retrial of the case from the competent court, is done according to the general rules.

Article 499 Preliminary review

(Repealed by law no. 8812, 17.5.2001, Article 104)

Article 500
Suspension of execution

Submission of the request for revision does not suspend the execution of the decision. But the court, on request by the party, may suspend the execution of the decision when it estimates that there is danger that a heavy and irreparable damage may be caused.

Article 501
Taking the decision
(Repealed by law no. 8812, 17.5.2001, Article 104)

Article 502
Objection of the decision
(Repealed by law no. 8812, 17.5.2001, Article 104)

TITLE IV

CHAPTER IV
OBJECTION BY A THIRD
(Repealed Articles 503-509 by law no. 8812, 17.5.2001, Article 104)

FOURTH PART
ENFORCED EXECUTION

TITLE ONE
GENERAL PROVISIONS

Article 510
Executive titles
(Amended Item "d" by law no. 8812, 17.5.2001, Article 105)
(Amended by Law no. 10052, 29.12.2008, Article 15)

Enforced execution can be made only on the basis of an executive title. Executive titles 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 or acts on the award of loans by non-banking financial institutions;
dh) bills of exchange, cheques, and order papers equivalent to them

e) other documents according to specific laws, are executive titles and authorize the Bailiff to carry them out.

The Civil Chamber of the Supreme Court, in unifying decision No. 00-2024-5438(191), dated 18.04.2024, has submitted for unification the following matter:

1. Does the electricity bill, specifically for the economic damage part, issued by the electricity distribution company pursuant to Law No. 9072, dated 22.05.2003 "On the Electricity Sector," as amended by Law No. 10362, dated 16.12.2010, and by the current Law No. 43/2015 "On the Electricity Sector," qualify as an executive title??

The Civil Chamber of the Supreme Court held that:

The specific legislation grants the electricity consumption bill the status of an executive title, which—under Article 510(e) of the Code of Civil Procedure—authorizes the creditor to pursue enforcement by requesting an execution order from the court, thereby avoiding the need to initiate a full judicial proceeding to enforce the claimed right.

As a legal notion, the executive title reflects the existence of a subjective material right that has been either violated or left unfulfilled. Accordingly, the executive title serves as the immediate and direct legal basis upon which the creditor may initiate compulsory execution, given that the individual in whose favor the title is issued—or who possesses it—is recognized as holding the right contained within it.

All acts explicitly recognized by law as enforceable with the coercive force of law constitute executive titles. According to legal doctrine and judicial practice, an executive title is defined as a final official act which acknowledges a full, precise, determinable, and unconditional obligation of one person or entity towards another.

Compulsory execution in this context is carried out not on the basis of a judicial decision, but rather on the basis of an act granted executive title status by law.

Furthermore, as a procedural safeguard, the invalidity of an executive title arises where there is a discrepancy between the factual reality and the legal reality presumed by the title. In accordance with this principle, the debtor—against whom the economic damage has been invoiced—is entitled to challenge the title's validity by filing a claim for invalidity, as provided under Article 609 of the Code of Civil Procedure.

Thus, the procedure for issuing an execution order—though grounded in a law that assigns executive title status to electricity bills—does not constitute a final or unchallengeable proceeding, as the debtor retains the right to a full judicial review of the claimed obligation, similar to that available in ordinary civil litigation.

In conclusion, the electricity bill issued for the economic damage portion by the electricity distribution company qualifies as an executive title under Albanian law.

The United Chambers of the Supreme Court, in their unifying decision No. 980, dated 29.09.2000, have addressed for legal unification the following matter:

1. On the basis of Article 17(1) of Law No. 8588, dated 15.03.2000 'On the Organization and Functioning of the Supreme Court of the Republic of Albania,' the President of the Supreme Court has submitted a request to the United Chambers for the unification of judicial practice concerning the determination of the conditions and circumstances under which a notarial act is considered an executive title.

The United Chambers of the Supreme Court held that:

A bilateral legal act (such as a contract)—whether it be a bilateral agreement, like a contract of sale, or a unilateral agreement, such as a loan contract—does not qualify as an executive title. Executive titles are, by nature, judicial decisions, and only in exceptional cases, other acts expressly recognized by the Code of Civil Procedure or by special laws, which, due to their executive force, are treated in every respect as equivalent to pre-judicial court decisions.

For an act issued by a competent state authority, or drawn up and certified by a public official, to qualify as an executive title, under the conditions expressly established by law, it must include an obligation that is known, precisely determined, due, not subject to future conditions or deadlines, and above all, unconditional with respect to any other external circumstances or reciprocal obligations.

A notarial act, in order to constitute an executive title, must itself contain a unilateral and abstract legal act imposing an obligation to pay a specific sum of money. Furthermore, the obligation to pay stated in such an act cannot be contested on grounds that the obligation did not exist at the time of the drafting and signing of the act, nor on the basis that it requires evidentiary proof. It is presumed to be true.

An act for the payment of a monetary obligation, drawn up in the form of a notarial declaration and serving as an executive title, may be contested only on grounds of falsity, or challenged solely for the reasons set forth in Article 609(1) of the Code of Civil Procedure.

A notarial act may also contain an obligation that arises from a subsequent contract, or more generally, from any prior legal relationship in which the debtor was a party. This new obligation—which does not necessarily extinguish any pre-existing obligations, as it is undertaken by the debtor subsequently and unconditionally—acquires an independent and autonomous legal existence.

The Constitutional Court, in decision **no. 52**, dated 05.12.2012, held that:

"31. In continuation of the foregoing arguments, the Court reiterates that Article 609 of the Code of Civil Procedure grants the debtor the right "to request, before the competent court of the place of execution, that it be declared that the executive title is null and void, or that the obligation does not exist, or exists to a lesser extent, or has been subsequently extinguished" (see Constitutional Court Decision No. 39, dated 16.10.2007). Consequently, the procedure for issuing an execution order—based on the law that grants electricity bills the status of executive titles—is not conclusive, since the debtor retains the right to bring a claim before the court pursuant to Article 609 of the Code of Civil Procedure, thereby ensuring a full and comprehensive judicial process, equivalent to that of any fundamental claim."

Furthermore, in its earlier decision **no. 39**, dated 16.10.2007, the Constitutional Court held that:

"In this line of reasoning, the Constitutional Court finds that the procedure for issuing an execution order pursuant to the aforementioned provision does not constitute a final stage, but rather an intermediary phase that serves to prepare the parties in a banking credit relationship for the potential subsequent stage of reviewing the existence and precise amount of the obligation, as provided for in Article 609 of the Code of Civil Procedure. This procedural provision confers upon the debtor the right 'to request, before the competent court of the place of execution, that it be declared that the executive title is null and void, or that the obligation does not exist, or exists to a lesser extent, or has been subsequently extinguished.'

Given that the 'act for the granting of bank credit' is neither a judicial decision nor an arbitral award, an *a contrario* interpretation of the provision leads to the conclusion that the debtor may challenge the execution of the title even on the basis of facts that arose prior to the issuance of the execution order. Thus, the judicial procedure for examining the nullity of the executive title, as provided for in Article 609 of the Code of Civil Procedure, constitutes the final phase in resolving the dispute. Being identical in nature to the procedure applicable to the examination of any fundamental claim, it ensures that all procedural guarantees are afforded, enabling the debtor—if his rights have been infringed—to reassert them through a fair legal process."

The Constitutional Court, in decision **no. 30/2022**, which annulled the following passage for the reasons set forth below:

The Court finds that the contested legal provision mandates the calculation of statutory interest during the process of mandatory execution of the executive title "act for the granting of bank credit"—that is, of a contract duly concluded between the parties. This implies that, in the course of calculating interest, statutory interest is assigned a specific monetary value, which will be collected upon completion of the mandatory execution from the debtor's assets. Accordingly, the Court considers that statutory interest constitutes private property within the meaning of Article 41 of the Constitution, and that the contested provision constitutes an interference with and a restriction upon this constitutional right.

The Court emphasized that, in a democratic state, the individual must be guaranteed the unimpeded and proportionate enjoyment of the right to property. Although this right enjoys strong constitutional protection, it may nevertheless be subject to limitations. However, any such limitations must be imposed in accordance with the criteria exhaustively enumerated in Article 17 of the Constitution, which include: the public interest, intervention by law only, and proportionality (see Constitutional Court Decisions No. 15, dated 22.06.2022; and No. 25, dated 28.04.2014). The Court notes that the analysis of these criteria is of particular importance when assessing restrictions on the right to property, as the guarantees of Article 17 are reaffirmed in Article 41 of the Constitution.

The Court observes that Article 2 of Law No. 48/2014 excludes from its scope obligations or payments arising from contracts with consumers. However, despite the content of Article 2 of that law, when issuing an execution order for the executive title "act for the granting of consumer bank credit," the court of ordinary jurisdiction, based on Article 511 of the Code of Civil Procedure, is required to calculate interest according to the commercial interest rate as provided in Article 5 of Law No. 48/2014. This results in the contested provision obligating the courts, in the procedure of issuing execution orders for executive titles concerning "consumer bank credit contracts," which enable the commencement of their mandatory execution, to apply the statutory interest regime of Law No. 48/2014.

In other words, the wording of the contested provision appears to apply the same legal framework for calculating interest to both "consumer bank credit" and "commercial bank credit" executive titles, despite the fact that these two debtor categories are distinct. Furthermore, the wording of the contested provision unconditionally delegates the calculation of statutory interest for both categories to the rules of Law No. 48/2014, even though that law explicitly excludes from its scope obligations arising from consumer contracts.

In doing so, the contested provision fails to meet the criterion of predictability, which is required by the principle of legal certainty in cases involving legislative interference with constitutional rights, including the right to property.

Summarizing the above considerations regarding the substantive aspect, the Court finds that Article 511, paragraph five, subparagraph "d" of the Code of Civil Procedure is not drafted in a qualitatively sufficient manner, as required by the constitutional standard that "limitations may be imposed only by law," set forth in Article 17 of the Constitution. Given that failure to meet even a single criterion renders the legal provision incompatible with the Constitution, the Court deems it unnecessary to proceed with an analysis of the proportionality criterion.

Article 511

Order of Execution

(Added last paragraph by law no. 8812, 17.5.2001, Article 106, Law no. 10052, 29.12.2008, Article 16, Law no. 122/2013, Article 38; amended by Law 114/2016, article 3; Law no. 38/2017, article 106)

The executive title shall be executed through the issuance of an execution order, which:

a) In the cases provided for by letters 'a' and 'b' of Article 510 of this Code, shall be issued by the court that issued the decision on the ordering provisions.
b) The decisions of the courts of foreign countries and foreign courts of arbitration, which are empowered to implement the provisions of this Code, the execution order shall be issued by the court that makes the recognition of the decision, in the ordering provisions.

The execution order shall not be issued for the decision on attachment of claim and fines imposed by the court, binding decisions on taking of evidence, the decision on the part ordering court costs, as well as the civil judgements of the court, the data on temporary execution, which are directly executed by the bailiff's office, after the notification of the decision.

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 execution order contains:

a) identifying data of the debtor and creditor;
b) the origin of the obligation;
c) the concrete obligation deriving from the executive title until the moment of issuance of the execution order;
ç) when the executive title, for which an execution order is issued, is an act for granting bank credit or monetary obligations, the Court shall provide for the legal interest rates in accordance with the legislation in force that regulates late payments in contractual and the commercial obligations.

In its civil unifying decision No. 00-2023-4411(106), dated 02.03.2023, the Civil Chamber of the Supreme Court addressed for legal unification the following matters:

1. Is a request for the issuance of an execution order equivalent to a claim (lawsuit) under Article 600 of the Civil Code?
2. Pursuant to Articles 597, 598, 599, and 600 of the Civil Code, is the guarantor entitled to request the extinguishment of the guarantee?
3. Is the six-month period a preclusive time limit or a statute of limitations (Article 600 of the Civil Code)?
4. Pursuant to Articles 589, 590, and 591 of the Civil Code, is the status of the guarantor equivalent to that of the debtor? If so, at which stage may these statuses be considered equivalent?

Regarding the above, the Civil Chamber of the Supreme Court has determined the following:

44. The guarantee contract is commonly encountered in practice in the form of a bank contract or a contract entered into by a non-banking financial institution. Paragraph 1, letter (d) of Article 510 of the Code of Civil Procedure provides that:

"*Compulsory enforcement may be carried out only on the basis of an executive title. Executive titles include: (…) (d) notarial acts containing monetary obligations, as well as acts granting bank loans or acts granting loans from non-banking financial institutions; (…)*"

As a rule, all acts falling within this category qualify as executive titles, and an execution order is issued for them in accordance with Article 511 of the same Code. Following this line of reasoning, the Chamber finds

that a guarantee contract qualifies as an executive title only in cases where the legal requirements set out in Article 510 of the Code of Civil Procedure are fulfilled—specifically, paragraph 1, letter (d), in connection with acts for granting bank loans or loans from non-bank financial institutions.

Consequently, such cases involve an intersection of two types of proceedings: a proceeding challenging the guarantee contract as an executive title, and a proceeding challenging the same as a bilateral legal transaction.

69. The guarantee contract is most frequently encountered in practice as a bank contract or a contract with a non-banking financial institution, in which the banking or financial institution, in providing a loan to the debtor, also requires a guarantee from a third party—the guarantor. Within the meaning of letter (d), Article 510 of the Code of Civil Procedure, as a general rule, all acts of this category constitute executive titles, and an execution order is issued for them in accordance with Article 511 of the same Code.

70. In the case referenced above, in interpreting the spirit and purpose of the guarantee, as well as its subjective character, and viewing the claim in its material sense as a subjective right, it is necessary for the creditor to undertake concrete legal procedural actions against the guarantor. The creditor must demonstrate adequate interest and diligence in this regard.

The fact that the creditor undertakes procedural actions by submitting a request to the court for the issuance of an execution order on the guarantee contract—where such contract qualifies as an act for the granting of a bank loan or an act for the granting of a loan by a non-bank financial institution—presumes that the creditor seeks to enforce a subjective right, namely, the right to execute the obligation against the guarantor.

Therefore, in this context, the creditor's request for the issuance of an execution order is procedurally equivalent to a claim (lawsuit). This conclusion is further supported by the fact that in the provisions of the Code of Civil Procedure, the terms "claim" (padi) and "request" (kërkesë) are both used to denote a procedural act by which the interested party—whether plaintiff or applicant—invests the court with the task of protecting his subjective right. In this respect, both acts serve the same legal purpose.

The procedural mechanism through which such a guarantee is enforced is not regulated by Article 600 of the Civil Code, but rather by Article 515 of the Code of Civil Procedure. The executive title is enforced by the bailiff only upon the creditor's request, which chronologically follows the creditor's earlier request to the court for the issuance of the execution order on the guarantee agreement as an executive title.

The issuance of the execution order does not mark the commencement of execution of the executive title. It is a gracious (non-contentious) judicial proceeding that aims solely to verify the existence of the legal conditions for the validity of the executive title.

In light of the above, the Chamber concludes that, for acts containing monetary obligations that qualify as executive titles under Article 510 of the Code of Civil Procedure, the creditor's request for the issuance of an execution order is equivalent, in terms of legal effect, to a claim filed under Article 600 of the Civil Code.

96. For acts that qualify as executive titles, the procedural remedy available to the guarantor to request the extinguishment of the guarantee is a claim for "Invalidity of the executive title", insofar as it concerns the guarantor's obligation, in accordance with Article 609 of the Code of Civil Procedure.

Article 511/1

(Added by Law no. 122/2013, Article 39; repealed by Law no. 38/2017, article 107)

Article 512

Appeal for non-issuance of execution order

Against the decision by which is refused the issuance of the execution order may be appealed in conformity with the rules on separate appeals.

Article 513

Execution order for separate things and persons

The execution order is issued in only one copy.

When separate properties must be handed over or when the execution title has been issued to the benefit or against several persons separate execution orders may be issued making a note as which part of the title must be executed for each execution order.

Article 514

Issuance of duplicate of execution order

When the execution order is lost or disappears, on request by the creditor the court which has issued it may issue him a duplicate on the basis of the executive title.

The request is considered in court council after a copy of the request has been delivered to the debtor.

When the executive title itself is lost or disappears and it is not possible that its content be taken out of the acts of the organs which have issued it, the creditor may sue the debtor in conformity with the general rules.

Article 515

Commencement of execution

(Amended by Law no. 10052, 29.12.2008, Article 17; law 114/2016, article 4)

Executive order is enforced by the state or private judicial enforcement service through the enforcement bailiff, based on the request of the creditor.

The creditor apart from the request for execution should submit:

a) executive title (original or certified);
b) execution order (original);
c) payment of the fee in accordance with the first paragraph of article 525 of this Code;
ç) when appropriate, the power of attorney of the person representing the creditor party.

When the above-mentioned documents for the execution of executive order are not completed regularly the bailiff gives to the requester/claimant a 5-days deadline for filling in the deficiencies. When the requester/claimant does not fill in the deficiencies within the said deadline, the documentation is returned to the requester/claimant. When deficiencies are filled in within the deadline, the request for execution is considered registered from the day of its submission with the judicial bailiff.

The commencement of execution of the order of execution starts within 15 days from the date of submission of request of creditor.

Decision of the court for the measure of attachment of claim and fines imposed by the court are executed within five days from the day of execution.

The fee for execution of executive order is not paid in advance in cases foreseen by law or other normative acts.

Article 516

Territorial competence of the judicial bailiff

(Amended by Law no. 10052, 29.12.2008, Article 18)

The request for the implementation of the execution orders is addressed to the bailiff of the place where the following are located:

a) the immovable or movable things or the money to which the execution is addressed;
b) place of abode of the third person obligated when the execution is addressed to the credit that the debtor has taken from that person;
c) the place of execution of the obligation for the performance or non-performance of a certain action.

When the bailiff assesses that he does not have the authority to execute the request, he sends it to the competent bailiff, after seizing the thing or the credit of the debtor.

Conflicts on competence are not permitted, but the judicial bailiff has the right to present his noncompetence to the court of the district where he operates, which considers it in court council. Separate appeal is permitted against the decision. This article does not apply to persons, judicial bailiffs who exercise the public activity of judicial enforcement service organised on private basis.

Article 516/a

(Added by Law no. 10052, 29.12.2008, Article 19)

In the moment of commencement of execution procedure, the judicial bailiff based on article 515 of this law, should register with the central register of Ministry of Justice every request. Every judicial bailiff is obliged to become aware of the data of the register.

If upon the commencement of the procedure having as object “execution of pecuniary obligations”, the judicial bailiff observes from the data received by the central register that other creditors are under execution procedure against the same debtor with the same object, he will suspend the commenced procedure and address his creditor to the judicial bailiff who has previously registered the request for execution.

In such case, the judicial bailiff who has been the first to register the request proceeds with the execution procedure based on article 534 and following articles of this Code.

Upon the suspension of the execution procedure, the fee for the execution of execution order and the documentation are returned to the creditor.

This article does not apply when the state is the debtor.

Article 517

Notice for voluntary execution

(Amended paragraph II by law no. 8812, 17.5.2001, Article 107; Amended by Law no. 10052, 29.12.2008, Article 20, Law no. 122/2013, Article 40; Law 114/2016, article 5)

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 debtor, after received the notice for voluntary execution, is obliged to declare in written form his property status and also objects or credit that third persons owe to him, if he is requested to do so by the judicial bailiff.

Upon a request of the debtor, the first level court of the execution place, in special cases, taking into consideration the financial situation of the debtor or other circumstances of the case, and after hearing the creditor, may postpone the time limit of execution of the obligation in cash or may divide such an obligation in instalments, except when this obligation arises due to a bank loan. The Decision is issued in a hearing, within 20 (twenty) days from the filing of the request and a special appeal may be lodged against it.

The judicial bailiff performs announcements and notifications, by applying the provisions of Part I, Title VI, Chapter IV, "Notices" of this Code.

Article 518
Content of notice

Notice must contain a summary of the order of execution, the place and address of the creditor and the warning made to the debtor that the enforced execution shall start if the execution is not made voluntarily by him within the time limit defined in the notice.

In case the debtor dies after the execution of the title but before the necessary actions for the execution are completed, the bailiff, before proceeding with his actions, must send to the heirs of the deceased, when they are known, a new notice for the obligation contained in the execution order to be executed voluntarily by them.

Article 519
Commencement of enforced execution

Enforced execution cannot start before the time limits provided in article 517 of this Code have expired, unless the danger exists that with the expiry of the time limit the execution shall be made impossible. In such a case the bailiff may start immediately with the enforced execution.

Article 520
Effects of execution order against heirs

The order of execution against the debtor who leaves inheritance is executed on the property of his heirs, but within the amount of the property inherited by them from the debtor leaving the inheritance.

Article 521
Execution against third party
(Amended by law no. 8812, 17.5.2001, Article 108)

The order of execution against the debtor may also be executed against a third person who, with the purpose of securing the obligation, has mortgaged an item he owns, when the creditor requests execution on such an item.

Article 522

Execution against debtor of unknown residence

(Amended by law no. 8812, 17.5.2001, Article 109, Law no. 10052, 29.12.2008, Article 21)

When the domicile of the debtor is unknown, the First Instance Court of the district where the execution is to take place, upon the request of the Bailiff and after attaining the necessary evidence on the situation, within 10 days from the date of submission of the request by the judicial bailiff, assigns the debtor a representative to initially be paid by the creditor in accordance with Article 525 of this Code.

Article 523

Obligation to cooperate

(Amended paragraph I by law no. 8812, 17.5.2001, Article 110, Law no. 10052, 29.12.2008, Article 22)

When for the enforced execution it is necessary to open the place of abode or any other building of the debtor in absence of him or another adult family member of the debtor in order to search objects within, a representative of the local government is obliged to be present at request of the judicial bailiff. In any event, the judicial bailiff requires the participation of two other witnesses.

In case it is necessary, Order Police, at request of the judicial bailiff, is obliged to support him during execution procedures.

When for the enforced execution it is necessary collapse the object, release the land, suspend works, the Construction Inspectorate near Local Government and National Inspectorate, at request of judicial bailiff, are obliged to support the judicial bailiff during execution procedures.

Judicial bailiff shall ask for assistance of the psychologist when the latter is bound by law to cooperate, in execution of executive titles with the object “visitation and child custody”.

Article 524

Minutes of the Bailiff

For each action undertaken, the bailiff is obliged to keep minutes in which are mentioned the day and place of the performance of the action, requests and statements made by the parties, things seized, the proceeds and the cost incurred for the execution.

Article 525

Cost of execution

(Amended by Law no. 10052, 29.12.2008, Article 23; Law 114/2016, article 6)

The fixed fees set for executing the executive order are initially paid by the creditor and, upon completion of the execution procedure, are charged to the debtor. Other expenses, during the execution procedure, are paid by the party that caused them.

The rate of the success fee, with the exception of instances when it is not applicable, is determined by agreement between the creditor and the bailiff, in accordance to the legislation governing the bailiff service.

Article 526
Execution against a foreign person

The enforced execution against a foreign public person may be affected only on permit by the Minister of Justice.

Article 526/a
Scope of application
(Added by law no. 8535, 18.10.1999, Article 1)

The general dispositions for the mandatory execution are implemented for all kinds of executive titles.

By law, there are specific regulations for the mandatory execution of determined executive titles in accordance with the requests of Articles 510, 511, 516, 520, 521, 523, 524, 545, 561 and 562 of this Code, even if there are different scopes of application of mandatory execution as provided in this Code.

TITLE II
EXECUTION IN SPECIAL DOMAINS

CHAPTER I
EXECUTION OF OBLIGATIONS IN MONEY AGAINST NATURAL AND LEGAL PERSONS

GENERAL PROVISIONS

Article 527
Placement on Seizure

When the execution of an obligation in money is requested, the bailiff starts the enforced execution on the expiry of the time limit in the execution notice (article 517) by placing on seizure the credits of the debtor and his movable and immovable things to the measure which shall be necessary for the fulfilment of the obligation.

Article 528
(Amended by Law no. 10052, 29.12.2008, Article 24)

Upon request of the debtor seizure may be placed also on another property of his other than that indicated by the creditor when the bailiff estimates that it fulfils the request of the creditor. At request of the debtor, the seizure may be placed, apart from the properties under pledge and mortgage, even over properties other than those indicated by the creditor, when the judicial bailiff deems that it fulfils the creditor's request.

Article 529

Things on which seizure cannot be placed

(Amended by Law no. 10052, 29.12.2008, Article 25)

Exempt from the seizure of the property of the debtor are:

1. things of personal use of the debtor and his family such as: clothing, sheets and covers, furniture to the degree they are necessary for their living;
2. food and fuel which are necessary to the debtor and his family for up to three months;
3. decorations and souvenirs, letters, documents of the family ad professional books;
4. books, musical instruments, means of art which are necessary for the scientific and artistic activity of the debtor and his family;
5. for persons earning their livelihood through agricultural and livestock raising activity, up to 3 (three) thousand square meters of land, two animals for tilling land, one cow, 6 sheep or 6 goats, seeds for the future planting as well as the food for those animals for three months;
6. on assistance given to mothers with many children or lone mothers, on the retirement, invalidity or family pensions or on the study fellowship unless the obligation is for sustenance. In this case cannot be seized more than 1/2 of the amount of pension or fellowship;
7. on natural fruits one month before they are ripe;
8. Necessary objects of work for ensuring a living.

Article 530

Extension of seizure to income from insurance

If the seized things are insured, seizure extends also on income pertaining to them from insurance.

Article 531

Obligations of debtor after placement of seizure

From the moment the seizure is placed the debtor has no right to possess the movable or immovable thing or the credit or to change, damage or disappear the thing otherwise he is responsible according to the provisions of the Penal Code. This obligation extends also to persons who are in possession of the thing of the debtor.

Article 532

Bank account of bailiff's office and judicial bailiff

(Amended by Law no. 10052, 29.12.2008, Article 26)

The amounts ensuing on the occasion of the execution against the debtor, against the third person who owes to the debtor, against the buyer of the sold thing in the shops of free sale or at auction are sent to the bank at the Bank account of bailiff's office or judicial bailiff.

Article 533

Seizure on salary of debtor

(Amended by Law no. 10052, 29.12.2008, Article 27)

After reducing the contribution for social insurance and income tax the judicial bailiff seizes the salary of the debtor, without falling below the minimum living wage determined according to the legal and subordinate legal acts in force.

Article 534
Participation of other creditors

Other creditors of the same debtor may participate at any stage of execution until the bailiff has not prepared the plan for the division of the proceeds.

Participation of other creditors in execution is made on basis of their written request to which is attached the execution order or a decision of the bailiff that the execution order is attached to another case which is under execution.

Article 535

The creditor who participates in execution together with other creditors has the same rights with the creditor, who was the first to place seizure on the things or credits of the debtor, except when legal causes of preference exist.

Execution actions, performed before the creditor participates together with the other creditors, create rights also for them.

Article 536

The state is always called a creditor who participates together with other creditors for the obligation that the same debtor has towards the state and which result from taxes and other credits, whose amount has been notified to the bailiff before the division of the other amounts is made. For this purpose, the bailiff notifies the relevant finance section on any execution initiated by him and on any division made by him.

Article 537
Plan for division of proceeds
(Amended by law no. 8812, 17.5.2001, Article 112)

When amounts from the execution are not sufficient to pay all creditors, the Bailiff shall prepare a division plan, firstly by setting aside amounts required for the credits paid according to preference and, from the amount remaining; the Bailiff shall pay the other credits in proportion to their amount.

Article 538

The bailiff notifies the debtor and the creditors on the preparation of the plan for the division of the proceeds and calls them on a date determined by him.

If within 5 days from the day the bailiff presents the plan for the division no appeal is made, the decision is considered final and the bailiff gives to each creditor the amount due.

Article 539

Appeal against the plan for the division of proceeds

(Amended by law no. 8812, 17.5.2001, Article 126)

In the case that an appeal is filed against the plan of division, the case together with the appeal is sent to the First Instance Court, where a decision shall be reached in court session involving the attendance of the debtor and the creditors. A separate appeal may be filed at the Court of Appeal against the decision of the court regarding the division of the proceeds.

CHAPTER II

EXECUTION ON MOVABLE THINGS

Article 540

Making inventory

(Amended by Law no. 10052, 29.12.2008, Article 28)

Seizure of debtor's movable things is made by making an inventory of them by the bailiff.

The judicial bailiff sequestrates movable property by placing a label of the enforcement service

Article 541

The inventory includes only the things which are in the house of the debtor as well as those which are in another building which is jointly of the debtor and of third persons, except when it arises that they belong to another person.

Minutes are held for the inventory.

Article 542

Content of inventory record

(Added Item "c" by law no. 8812, 17.5.2001, Article 112)

The record of inventory must contain:

a) the document for the order of execution of seizure;
b) the forename, father's name and family name of Bailiff, debtor, creditor and other persons present during the inventory;
c) the location of the inventory and the time of its completion;
ç) claims of third persons in relation to items documented in the inventory;
d) detailed description of the items including an estimation of their value;
dh) the guardian of the items;
e) signatures of those persons participating in the preparation of the inventory.

Article 543

(Amended by law no. 8812, 17.5.2001, Article 113)

The inventory shall be prepared in the presence of the debtor. In the absence of the debtor, the inventory shall be prepared in the presence of another adult person of the family and, when no such person is present, in the presence of a representative of the local authority. In any case the inventory shall be prepared in the presence of two witnesses as well.

Article 544
Appraisal of inventoried things

The inventoried things are appraised by the bailiff on basis of appraisals by experts, on basis of market prices, deducting the appropriate percentage for wear and tear or oldness.

Article 545
Obligations of debtor for things left in custody

The inventoried things may be left in custody to the debtor, who has the right also to use them on condition not to diminish their value. When the debtor refuses to accept them in custody the bailiff appoints another person for this, determining a fee for him.

The debtor or the third person, to whom are left in custody the inventoried things, must render account on the income and expenditure made for the thing. They are responsible in conformity with the provisions of the Penal Code for their possession, damage or destruction.

Article 546
Execution on items of joint property
(Amended by law no. 8812, 17.5.2001, Article 114)

When execution is carried out on items that are joint property of the debtor and other persons, the Bailiff, after preparing the inventory of the entire joint property, presents a request to the relevant court of the place of execution, which determines and divides the part belonging to the debtor, in accordance with the regulations provided in articles 369-374 of this Code. The execution of this part is then carried out by the Bailiff.

Article 547
Invalidity of possession after placement on seizure

Any possession of the movable thing by the debtor after the seizure is invalid against the creditors who have requested the execution, except when by possession the thing has passed in ownership to another who has been in good faith article 166 of the Civil Code.

Article 548
Seizure of valuables

Precious things such as gold, silver, platinum and the metals of platinum group in bars, pieces, coins and articles made of them, precious stones, pearls, and articles made of them as well as foreign currency, documents of payment in foreign currency such as bills of exchange, cheques, bills and other

papers of such nature as well as foreign titles with value as shares, bonds and the relevant coupons are given in custody to a bank.

Article 549
Procedure of sale

After placing the seizure, the bailiff notifies the debtor that the seized things shall be sold if he does not execute the obligation within five days.

Article 550

The sale of things is made by auction or in shops of free sale, while the precious things (article 548) deposited in the bank are sold to it and their counter value is received by the bailiff on basis of the official rate at the time of payment.

Article 551
(Repealed by Law no. 10052, 29.12.2008, Article 29)

Article 552
Determination of price
(Amended by Law no. 10052, 29.12.2008, Article 30)

The price of the seized object is determined by the bailiff in cooperation with the creditor and debtor. When there are contradictions between them an expert is called.

Article 553
Free sale of the object
(Added paragraph I by law no. 8812, 17.5.2001, Article 115)
(Amended by Law no. 10052, 29.12.2008, Article 31)

The Bailiff sends the items for sale in free sell shops. The amount of compensation on the sale is performed in agreement between the Bailiff and the salesperson. The amount of compensation shall be decided upon depending on the cost of the sale of the seized item.

If within two months after the object is not sold in shops of free sale, the judicial bailiff with the consent of the parties decided whether to proceed with free sale even for 30 other days or to put it in auction procedure.

Article 554
Auction
(Amended by law no. 8812, 17.5.2001, Article 116, Law no. 10052, 29.12.2008, Article 32)

The judiciary bailiff, after informing the parties that the item due to its nature or state may not be accepted by free sale shops, organizes the sale of the item by auction according to the price determined in article 552 of this Code.

Article 555

(Amended by Law no. 10052, 29.12.2008, Article 33)

Initial price of the first auction is 80 percent of the price set according to article 552 of this law.

When the thing is sold by auction the bailiff places in his office, in the place where the thing is and, in the place, designated for the auction, an announcement which must indicate the price at which sale at auction shall start, the place, day and time of the auction.

The auction cannot be made before the passing of five days from the announcement.

Article 556

The sale by auction of the thing is made on the day designated in the announcement and ends at the end of the official working hours of that day.

Buyer is called the bidder who has given the highest price. The buyer must pay the price immediately.

Persons indicated in article 709 of the Civil Code cannot participate in the auction. Minutes are held for all actions of sale at auction.

Article 557

Second auction

(Amended by Law no. 10052, 29.12.2008, Article 34)

In case no bidder is present at the first auction, then, after ten days from its end, the judicial bailiff sets the new price which is not less than 30% of the price of the first auction and determines a second auction for the sale of the object.

In case no bidder is present in the second auction, the bailiff proposes first to the creditor to take the object against the credit at the price of the second auction. If creditor refuses to take the object, the bailiff removes the seizure over this object by returning that to the debtor and proceeds with the enforcement procedures over his other properties.

Article 558

Order of sale of things at auction

The debtor has the right to determine the order in which things shall be sold at auction. If from the sale of one or more things result proceeds, which suffice to pay the credit of the creditor and other expenses related to the credit, the auction ends and the other things are not sold.

Article 559

Passage of ownership of sold thing

The buyer of the things sold at the free sale shop or at auction becomes the owner of the thing even if the thing were not owned by the debtor.

No appeal can be made against the sale and its validity cannot be objected, except in the case provided in the third paragraph of article 556 of this Code.

CHAPTER III

EXECUTION ON IMMOVABLE THINGS, ON MEANS OF NAVIGATION AND AVIATION

Article 560

Placement of seizure

(Amended by Law no. 10052, 29.12.2008, Article 35)

The execution of the decision of the court or of other executive titles on immovable things of the debtor is made by placing seizure on them.

Seizure is placed by its registration in the office of the register of immovable property of the act of the bailiff in which are noted the kind, nature and at least three borders of the immovable thing, its location as well as the mortgages and real rights which may have been held on it. Act of judicial bailiff is registered with by the immovable property registration office within 10 days from the date of its submission.

A copy of the act of the bailiff is communicated to the debtor.

Article 561

Seizure on means of navigation

When a ship is seized, the name and nationality of the owner of the ship, the description and its capacity as well as other data related to its registration are mentioned in the respective minutes. The copy of the minutes of seizure, for Albanian as well as for foreign ships, is given to the person who keeps the maritime register of the ship as well as to the director of the port where seizure is placed, who notifies immediately the owner of the ship.

Seizure prohibits the sailing of the ship.

Article 562

Seizure on means of flying

When a means of flying is seized, the name and nationality of the owner, identification signs of the means, place of registration, capacity and other data of such nature are mentioned in the respective minutes.

The copy of the minutes of seizure is given to the commander of the airport where seizure is made.

Seizure prohibits the flying of the means. When the flying means is a foreign one, the command of the airport notifies immediately the office where the flying means is registered.

Article 563

Assessment of right of ownership of debtor

Before placing the seizure, the bailiff is assured if the immovable thing is in ownership of the debtor. For this, ownership documents must be presented to the bailiff or he himself requests information from the office of registration of immovable property and, in their absence, from the financial organs of local power.

Article 564

Appraisal of means seized

(Amended by Law no. 10052, 29.12.2008, Article 36;
Law no. 122/2013, Article 41; Law 114/2016, article 7)

If the creditor and the debtor, within a week, fail to reach an agreement on the value of the thing, on which the seizure is placed, the immovable thing, on which the sequester is placed, is evaluated by decision of the judicial bailiff, within 15 days, in the technical assistance of a licensed expert in the field.

In determining the value of the thing, the judicial bailiff is based on the methodology determined by the decision of the Council of Ministers.

The judicial bailiff, within 10 days from the date of the assignment of the value, notifies the creditor and the debtor of the determined price. Against the decision of the judicial bailiff the parties may appeal, in accordance to the rules foreseen in Article 610 of this Code.

Article 565

Obligations of the debtor on thing left in custody

The thing seized is left in custody to the debtor until it is sold, the debtor being obligated to take care of it as if it was his own thing.

If the debtor does not take due care for the thing left in custody, the bailiff appoints another person for the custody, determining a fee for him. The appointing and the determination of the fee are made in agreement between the bailiff and the other person. The fee shall be drawn out of the value of the thing after its sale.

The debtor or the other person to whom the seized thing is left in custody must account for the income realized and the expenses made for the thing. They are responsible in conformity with article 320 of the Penal Code for action which constitutes an obstacle for the execution of the court decision.

Article 566

Invalidity of legal actions of debtor on seized things

Any action of the debtor which constitutes possession of the immovable thing after the registration of seizure in the office of the register of immovable property is invalid against the creditors who have requested the execution.

Article 567

Procedure of selling by auction

After the placing of seizure, the bailiff sends to the debtor a notice that the thing shall be sold if he does not fulfil his obligation within 10 days from the notification.

On the expiry of the above time limit the bailiff announces the sale of the thing by auction.

Article 568

(Amended by Law no. 10052, 29.12.2008, Article 37, Law no. 122/2013, Article 42)

The announcement for sale by auction is placed at the office of the bailiff and at the place where the immovable object is, court, commune, municipality, municipality unit and in other public place or places which are deemed appropriate, as well as for 5 days in turn in two national newspapers of the highest printing. The announcement must contain the first name, father's name and family name of the owner of the object, if there is a mortgage on it and for what amount of money, the price of the object at which the auction shall start, the place, day when the sale by auction shall end. The sale cannot take place before the passing of 15 days from the announcement of the auction.

The creditors who have mortgage must be notified on the announcement for sale by auction. Initial auction price is 80% of the price set according to article 564 of this Law.

Article 569

(Amended by Law no. 10052, 29.12.2008, Article 38)

The sale of the thing is made in the office of the bailiff or in any other public place, if appropriate for the holding of the auction. It continues for 15 days and ends at the end of the official working hours of the last day which is indicated in the announcement for the sale by auction.

Article 570

Before the start of auction, each bidder who participates in it must deposit as guarantee with the office of the bailiff an amount of money equal to 10% of the price of the thing designated in the announcement. The creditor does not leave any guarantee in case his credit surpasses the amount of guarantee.

Article 571

Minutes of auction procedure

Minutes are held for the auction in which the bidders alongside their signature note the price they give for the thing irrespective of the price given before. When the bidder acts through a representative, the power of attorney must be presented.

Article 572

Invalidity of sale by auction

The debtor, his legal representative, the bailiff as well as the other persons indicated in article 709 of the Civil Code do not have the right to participate at auction.

When the thing is bought by a person who does not have the right to participate at auction, the sale is invalid. In this case, the amount left as guarantee by the buyer goes to the benefit of the state and the thing, on request by any creditor, may be sold again by auction, acting in conformity with the rules determined in this chapter.

Article 573

Announcement of winner of auction

(Amended by Law no. 10052, 29.12.2008, Article 39)

At the end of the auction, the bailiff announces the winner. Buyer is the bidder who has given the highest price.

Ownership to the thing passes on to the buyer only after he has paid the whole price, deducting from it the amount left as guarantee.

The guarantees left by other persons who participated at the auction are returned to them immediately after the end of the auction.

Detailed rules on the holding of the auction are determined by the instruction of Council of Ministers.

Article 574

Time limit of payment of price of purchase

(Amended by Law no. 10052, 29.12.2008, Article 40)

The buyer must pay the price of the thing within 15 days from the end of the auction.

On payment of the price of the thing and the tax on the acts of sale of the thing the bailiff issues the decision for the transfer of the thing in ownership of the buyer. From that day the buyer gains all the rights that the debtor had on the thing.

Article 575

Giving possession of purchased thing

(Amended by Law no. 10052, 29.12.2008, Article 41)

The buyer is given possession of the object by the bailiff within 10 days from the date of the payment of the prize of the item, against the debtor or the person to whom it is left in custody as well as against any other person who has the object in possession. The third person may be defended against the removal of the thing from possession only by means of the lawsuit on recognizing the right of ownership on the thing.

Article 576

Non-refund of amount left as guarantee

The buyer who does not pay the price within the time limit provided in article 574 loses the right of being returned the amount left as guarantee, which goes to the benefit of the state, and a new auction is held for the sale of the thing in conformity with the rules provided in this chapter.

Article 577

Repetition of auction

(Amended by Law no. 10052, 29.12.2008, Article 42; Law no. 122/2013, Article 43; amended paragraph II by law 114/2016, article 8)

In the event that no bidder is presented at the first auction, then, within 10 days from its conclusion, the judicial bailiff determines a new price of the thing, not lower than 30 per cent of the initial price determined at the first auction. The second auction for selling the thing is made following

the rules specified by article 568 of this Code and is conducted 30 days starting from the next day of the date when the new price was determined.

In the event that no bidder is presented at the second auction, then, within 10 days of its conclusion, the judicial bailiff determines a new price of the thing, not lower than 10 percent of the price determined by the judicial bailiff at the auction second.

The third auction for the sale of the thing is done according to the rules set out in the first paragraph of Article 568 of this Code, and is conducted no later than 30 days from the next day of the date when the new price was determined.

In the event that no bidder is presented at the third auction, the judicial bailiff proposes first to the creditor, that against the loan, to receive the thing at the price of the third auction. In case the creditor, within 30 days of the receipt of the proposal refuses to receive the thing, the judicial bailiff removes the sequester on the sequestered thing and continues the execution procedures on the other assets of the debtor.

When the creditors that request to take the thing against credit are several the bailiff declares buyer the creditor who within 3 days from the suggestion gives a higher price than the one designated for the new auction.

Article 578

Execution on an immovable item of joint ownership

(Amended paragraph I by law no. 8812, 17.5.2001, Article 117)

When the execution of an immovable item of joint ownership is carried out, for the scope of the obligation of one of the co-owners' seizure is placed upon such item. The Bailiff files a request to the court to divide the part belonging to the debtor who is also co-owner and the execution is performed on this part. The item can be sold in its entirety following the prior consent of the other co-owners. Consent must be provided by the provision of a notary act. When the item is jointly owned and all of the co-owners are debtors, the seizure and sale of the item is conducted in the same way as that of a single debtor.

Article 579

Difference between obligation and price of thing

When the proceeds realized from the sale by auction are greater than the amount of credit of the creditor or creditors, the difference is returned to the debtor after deducting expenses made for the custody of the thing or for holding the auction.

Article 580

Objection to ownership of thing sold at auction and to actions of bailiff

The sale of the immovable thing by auction does not prohibit the third person who claims to be the its owner to claim the thing by lawsuit.

Against the sale by auction may be made an appeal to the court in the form of objection to the bailiff's action. The validity of the sale by auction may be objected by lawsuit in conformity with the general rules only in the case provided in article 556 of this Code.

CHAPTER IV
EXECUTION ON CREDITS OF DEBTOR AND ON THINGS THAT THIRD PERSONS OWE TO THE DEBTOR

Article 581
Declaration of debtor's property
(Amended by Law no. 10052, 29.12.2008, Article 43)

Prior to placing seizure, judicial bailiff is ensured about the existence of credits of debtor and objects that third persons owe to him.

To this end, the judicial bailiff notifies in writing the third person and the debtor. On receiving the notice, the debtor should declare to the judicial bailiff that information submitted over his/her properties or property under possession of third persons is accurate and complete. On receiving the seizure notice, the third person is prohibited from delivering to the debtor the credit and his things. In case the debtor is a legal person, the declaration of property may be done by a member of the steering body, who according to the law or statute, has the right of representation of third parties or in case of distribution or insolvency procedures of legal person it may be done by the liquidator or insolvency administrator.

Article 320 of the Criminal Code shall apply against a debtor who makes a false declaration.

Article 582

Before placing seizure on these things, the bailiff is assured on the existence of credits of the debtor and of the things which third persons owe him, on basis of documents and other data secured mainly by the bailiff.

Article 583
Objection by third person
(Amended paragraph II, III by law no. 8812, 17.5.2001, Article 118)

The third person is obligated to respond to the Bailiff within five days of receiving the notice of seizure if:

a) the third person accepts that the seized credit or items belong to the debtor and if he is willing to pay off the credit or to deliver the items;
b) other people have claims over the credit or items;
c) seizure is put on the credit and items according to another execution order as well.

The third person, even in the case of a governmental institution or venture, the relevant person, which fail to reply within the aforementioned timeframe, shall be fined by the Bailiff between 1,000 to 50,000 lek. This consequence must be stated in the notice of the seizure. An appeal may be filed against the decision of the Bailiff within five days from the date of notification.

Article 584

When the third person in his answer does not object that the credit or the things belong to the debtor he is obligated to deliver them to the bailiff who acts in conformity with the above-mentioned rules.

Article 585

When the third person in his answer objects that the credit or the things belong to the debtor, execution on them cannot continue and the creditor must file a lawsuit to prove that the credit or the things, that the third person has, belong to his debtor.

Article 586
Credit secured by pawn or mortgage

When the seized credit is secured by pawn, the person who holds the thing on pawn is obligated not to deliver that thing to anyone without order from the bailiff.

When the seized credit is secured by mortgage, a note on the placing of seizure must be made into the registers of the office of registration of immovable property.

Article 587
Seizure on other remuneration

Seizure on the salary extends not only on the salary indicated in the seizure notice but also on any other remuneration that the debtor receives from the same work or from another work, at the same natural or juridical person, state or private.

When the debtor changes place of work, the notice of seizure is send to the new place of work by the place of work he worked before and is considered as sent by the bailiff. In this case, as well as in the case the debtor is dismissed from work, the bailiff must be notified within five days.

Article 588
Responsibility for non-execution of Bailiff's order
(Amended paragraph I, added paragraph II by law no. 8812, 17.5.2001, Article 119)

When the person in charge, at the debtor's workplace, does not retain the ordered amounts from the debtor's salary in accordance with the notice of the Bailiff, or does not notify the Bailiff of the transfer of the debtor to another workplace or of his/her dismissal, the person in charge shall be charged a fine up to 30,000 lek by the Bailiff.

An appeal can be filed with the court against the decision of the Bailiff within five days of the announcement.

The fined person has the right to request exemption from punishment in accordance with the regulations provided in Article 169 of this Code.

CHAPTER V
EXECUTION OF OBLIGATIONS IN MONEY TOWARDS BUDGETARY INSTITUTIONS

Article 589

Execution of financial obligations to the state

(Amended by law no. 8812, 17.5.2001, Article 120, Law no. 10052, 29.12.2008, Article 44)

The execution of financial obligations to budgetary institutions is carried out only into their relevant bank account, into the credits they have with third parties and in their absence, into the account of the treasury. Enforced execution on the movable or immovable property of a budgetary institution is not permitted.

Should the budgetary institution's bank account be devoid of money and lacking credit with third parties or with the treasury, shall be requested from the relevant superior financial body to designate the necessary fund and the budget chapter of the subject that shall fulfil the obligation, or to allocate special financing from the State Budget.

In cases where the obligation of the state is payable in precious metals, the execution shall be carried out following prior consent of the Minister of Finances.

The Council of Ministers issues the necessary instruction for the execution of the pecuniary obligations of the budgetary institutions in the account of the treasury.

Article 590

Enforced execution towards determined credits of a foreign creditor is made only when there is no prohibition or limitation by separate law or by international state agreement.

Article 591

Execution of financial obligations to the state

(Repealed by law no. 8812, 17.5.2001, Article 121)

Article 592

Execution in case juridical person is dissolved or goes bankrupt

When the obligation rests on a juridical person which is dissolved or goes bankrupt, execution is made through the organ which accomplishes such actions, in conformity with the separate provisions. When the obligation of the state is in precious metals, the execution is made with the preliminary consent of the minister of Finance.

CHAPTER VI

EXECUTION ON AMOUNTS IN BANK ACCOUNTS

Article 593

Obligations of banks to inform the Bailiff

(Amended paragraph II by law no. 8812, 17.5.2001, Article 122, Law no. 10052, 29.12.2008, Article 45)

The Bailiff notifies all public and private banks, which are obliged to inform the relevant Bailiff of accounts, deposits or credits in the name of the debtor; otherwise they shall be accountable in accordance with the provisions detailed in the Penal Code.

Article 594
Placement of seizure on account of debtor

On receiving the execution order the bank seizes the account, deposits and credits of the debtor to the measure necessary for the execution of the obligation, without suspending the payment of credits which in conformity with article 605 of the Civil Code are paid by preference towards the credit on which seizure is placed.

Article 595

The amounts taken from the account, deposits and credits of the debtor pass on into the account of the creditor in the same bank or in another bank or, when there are no such, into the Bank account of bailiff's office or judicial bailiff.

Article 596
(Repealed by Law no. 10052, 29.12.2008, Article 46)

Article 597
Respecting the order of preference
(Amended by law no. 8812, 17.5.2001, Article 123)

When the amount in accounts, deposits or credits is not sufficient to liquidate obligations presented for execution, the Bailiff respects the order of preference defined in Article 605 of the Civil Code.

Article 598
Sanctions and appeal against them

When the bailiff has ground to doubt that the bank inappropriately does not execute the obligation entirely or partially, violates the time limits of executions or does not respect the order of preference, he has the right to verify in place the bank documentation in the presence of the person assigned by the management organ of the bank and keeps the relevant minutes.

When breaches or incorrectness are assessed, the bailiff determines in the minute's mandatory actions and time limits for the bank.

For breaches and incorrectness, the bailiff has the right to apply the measures provided in article 588 of this Code, appropriately against the bank employee or against its management organ, that has ordered incorrect actions.

Article 599
(Amended by law no. 8812, 17.5.2001, Article 126)

A separate appeal can be filed with the First Instance court against the decision of punishment by fine within five days of receiving the notice of punishment.

Article 600
Bank issues necessary instructions

The Bank of Albania issues the necessary instructions on the manner of applying the above-mentioned provisions, mandatory for the entire banking system.

CHAPTER VII
EXECUTION OF OBLIGATION TO RELINQUISH A DEFINITE THING

Article 601
Placement in possession of movable thing

When the movable thing, on which decision is issued, has not been delivered voluntarily by the debtor within the time limit designated in the notice of the bailiff, it is taken from him by enforcement and is delivered to the creditor.

When the thing is not by the debtor or is destroyed, or only a part of it is by the debtor, the value of the thing or of the missing part is taken from the debtor. When the order of execution does not indicate the value of the thing, it is designated by the court of the place of execution, after hearing the parties and if necessary, after questioning witnesses or experts. Separate appeal may be made against the decision of the court.

Article 601/a
(Added by Law no. 10052, 29.12.2008, Article 47)

Movable objects located within an immovable object, placed under possession, according to article 602 of this Code should be immediately removed from the responsibility of the bailiff and delivered to the debtor or his family members. In case the debtor or his family members are not present during release, the bailiff may store the movable properties in:

a) the free premise, upon agreement with the creditor, for a time period of two months;
b) the premises, disposed by the enforcement service for the storage of objects for a time period of two months;
c) a neutral location where movables may be stored safely for a time period of two months; ç) state reserved according to the rules in force for the storage of objects.

For the storage of objects according to letter “b” and “c” of this article, expenses are paid by the debtor in the moment of taking over of the objects.

If within two months from release, the debtor does not claim for his movables, according to the above letters, or does not pay all the expenses of release and storage, according to letter “b” and “c”

of this article, seizable movables, will be sold by the judicial bailiff according to the provisions of part IV, chapter II of this Code. The bailiff, after reducing from the amount gained from the sale by auction all the expenses for release and storage of objects of the debtor disburses the remaining amount in a bank account in the name of the debtor. The unseizable objects are returned to the debtor despite the place where they are stored without the requirement for him to pay for expenses.

Movables located within the immovables which may not be sold and claimed by the debtor are eliminated or transferred to state institutions or state public entities, capital transfer.

Article 602
Placement in possession of immovable thing

When the immovable thing, on which a decision is issued, is not freed voluntarily by the debtor within the time limit designated in the notice by the bailiff, the creditor is placed in possession of the thing. For this the bailiff, at least three days in advance, notifies to the debtor the day and time on which he shall place the creditor in possession of the thing.

On the designated day and time, the bailiff equipped with the order of execution, goes to the place where the thing is located and places the creditor in possession of it by instructing other persons who hold the thing to recognize the creditor as owner.

Article 603
Placement in possession of thing being with a third person

When the bailiff assesses that the immovable thing is in the possession of a third person, who has gained for himself the possession of the thing, after the commencement of the case on which is issued the decision under execution, he places the creditor in possession of the thing, indicating in the decision how he has assessed the time in which the third person has gained possession.

Article 604
Criminal responsibility of debtor and of third person

When the debtor or the third person, who is divested of the possession of the thing, is again placed in possession of the thing in any illegal manner, the bailiff, on the request of the creditor, divests that person from the possession of the thing.

In these cases, the debtor or the third person has responsibility in conformity with the provisions of the Penal Code.

CHAPTER VIII
EXECUTION OF OBLIGATION FOR PERFORMANCE OF DETERMINED ACTION

Article 605
Cases when creditor is allowed to perform execution himself

When the debtor does not execute his obligation, which is related to an action which can be performed also by other persons, the creditor may request from the bailiff to be allowed to perform himself this action on the account of the debtor.

Article 606
Sanctions for non-performance of action by the debtor
(Amended by law no. 8812, 17.5.2001, Article 124)

A debtor refusing, incorrectly following or failing to respect timeframes or to act in conflict with the court decision, and when penal responsibility is not applicable, shall be subject to a fine determined by the Bailiff up to the amount of 50,000 lek for any case until execution of the obligation.

Appeals against the decision of the Bailiff can be filed with the court within five days of the announcement of the decision.

Third parties who, according to the execution order or the law, are obliged to perform certain actions, in circumstances defined in the first paragraph of this Article, and are subject to a fine determined by the Bailiff up to the amount of 50,000 lek.

Appeals against the decision of the Bailiff can be filed with the court within five days of the announcement of the decision.

CHAPTER IX
MEANS OF DEFENCE AGAINST EXECUTION OF DECISIONS

Article 609
Invalidity of executive title
(Amended by Law no. 10052, 29.12.2008, Article 48;
Law no. 122/2013, Article 44; Law 114/2016, article 9)

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.

When the executive title is a court decision or an arbitral award, the debtor may contest the execution of the title only for facts occurred after the issuing of those decisions.

In these cases, the court may decide to suspend the decision with or without a guarantee. When the executive title is an act to provide bank loans or and act to provide loans from non-banking financial institutions, the court may decide to suspend the execution, only with a guarantee and for a period not longer than 3 months, except when the court, within this term, takes a final decision to accept the claim. When the 3 months term expires or when the court, within this term, decides to refuse the claim or to dismiss its adjudication, the measure to suspend the execution of the decision is considered as not in force. Suspension of the decision is not decided by the court when the debtor claims that the obligation imposed on the executive title, which is an act for granting bank loans or an act of granting loans from non-bank financial institutions, exists to a lesser extent.

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.

In its administrative unifying decision No. 00-2023-5688(409), dated 23.11.2023, the Administrative Chamber of the Supreme Court, has addressed for unification the following matters:

The Administrative Chamber of the Supreme Court (hereinafter "the Chamber"), on 13.07.2023, after reviewing the case *in camera* with a judicial panel composed of three judges, decided to transfer the case to a judicial session for the purpose of unifying practice, having submitted for unification the following question:

1. "In application of Articles 45 and 56 of Law No. 49/2012, as amended, is the right to appeal/recourse against final decisions of the administrative court concerning a claim with the object 'Invalidity of the executive title' limited, as well as the right to appeal against the actions of the judicial enforcement officer?"

Regarding the above, the Administrative Chamber of the Supreme Court has determined the following:

29. It cannot be concluded *a priori* that the listed administrative acts possess the status of an executive title. The only exception may be the administrative act imposing a penalty for the commission of an administrative violation, which the special legislation considers an executive title and is immediately enforceable (letter "a"). In all other cases, the law requires that such acts be converted into executive titles in order to commence mandatory execution. In the event that, during the phase of mandatory execution of the executive title, procedural legal relationships arise—both between the parties asserting rights or bearing obligations under the title and against the judicial bailiff, as the entity that, through its procedural activity, executes the title—the KPC has provided an additional protective remedy, namely the appeal against the actions of the latter (bailiff).

30. For this final phase of the judicial process, unlike civil litigation, Law No. 49/2012, in its Articles 66 and 67, provides specific rules regarding the execution of the judicial decision, a procedure that is pursued by the judge who rendered the decision on the matter. Nonetheless, even in this case, its execution is carried out by the bailiff, with the parties being granted, during the execution phase, the opportunity to challenge the actions of the bailiff, pursuant to Article 610 of the KPC.

31. In order to guarantee the right to a fair legal process throughout civil and administrative proceedings, the Code of Civil Procedure (KPC) provides for effective procedural remedies even during the phase of mandatory execution. In adherence to the principle of legality, and with the aim of correcting any errors that may be committed by the judicial enforcement officer during enforcement, as well as preventing harm that may result to the parties from such actions, the law offers the remedies of nullity of the executive title (Article 609 of the KPC) and objection to the actions of the bailiff (Article 610 of the KPC).

The judicial process conducted during the enforcement phase is conceived as a continuation of the substantive judicial proceedings, forming a single and uninterrupted process, wherein the execution judge, through decisions issued at this stage, exercises control over the enforcement activity of the bailiff, in the same way that the judge of the main proceedings controls and directs the substantive trial through interim decisions and procedural orders.

32. With regard to the nature of the procedural remedies provided under Articles 609 and 610 of the KPC, in Unifying Decision No. 392, dated 26.10.2022, the Civil Chamber of the Supreme Court emphasized that:

"*…64. Both remedies provided under Articles 609 and 610 of the KPC, although they fall within the category of protective measures available to the debtor against the mandatory execution of the executive title, differ in: (i) their legal basis; (ii) the time limits for filing; (iii) their procedural form; and (iv) the consequences and legal effects they produce on the parties involved in the enforcement of an executive title*."

66. The executive title, as a legal concept, signifies the existence of a subjective material right, either infringed or unfulfilled. For this reason, the executive title constitutes the immediate and direct legal basis for the creditor's standing to initiate the compulsory execution process—a standing which derives from the fact that the person in whose favor the executive title is issued, or who possesses it, holds the substantive right embedded therein.

67. A claim challenging the executive title constitutes a substantive proceeding, which focuses on the scope and extent of the material right reflected in the executive title, and as such, it is subject to ordinary adversarial adjudication. Through such a claim—by proving the contrary—the debtor seeks to contest the creditor's right, while the creditor, for his part, aims to proceed with the enforcement of the obligation. This type of claim contains the elements of a negative declaratory action.

By contrast, the challenge to the actions of the judicial enforcement officer is a procedural remedy that seeks to contest the validity of acts undertaken in the process of compulsory enforcement of the executive title—acts carried out, or omitted, by the enforcement officer. In these types of proceedings, the court no longer examines the substance of the creditor's right as recognized in the executive title. Rather, it evaluates, from a procedural standpoint, whether the objection has been filed within the legal deadline explicitly provided in Article 610 of the Code of Civil Procedure, and whether the enforcement officer's actions were performed in accordance with the law.

The grounds upon which the actions of the bailiff may be judicially challenged primarily concern procedural irregularities during their execution, or the lack of legal conditions necessary to proceed with the enforcement of the executive title.

33. Based on this legal and jurisprudential analysis, the Chamber finds that, given their object and underlying cause, these two procedural remedies cannot properly coexist within a single claim as independent requests. For example, where partial or complete invalidity of the executive title is sought, the consequence of such a claim would necessarily be the annulment of part or all of the compulsory enforcement process. In this context, the claimant's focus is not directed at specific actions or omissions of the enforcement officer.

Conversely, where the claim seeks the declaration of unlawfulness of a specific enforcement act or omission, the claimant raises allegations concerning the manner in which the enforcement is being carried out.

The remedy under Article 609 of the Code of Civil Procedure constitutes a claim (lawsuit), whereas the remedy under Article 610 is an appeal, within the meaning of Article 442/a of the same Code. These remedies are distinct in nature and are not automatically combinable within a single judicial proceeding.

Article 610

Objection to the action of the Bailiff

(Added paragraph III by law no. 8812, 17.5.2001, Article 125; amended by Law no. 10052, 29.12.2008, Article 49, Law no. 122/2013, Article 45; Law 114/2016, Article 10; paragraph III added by law no. 44/2021, Article 31)

Against the actions of the judicial bailiff, carried out in contravention of the procedures provided by this Code and against the refusal of the judicial bailiff to carry out an action imposed by law, the parties may make an appeal to the court that executes the decision, within 5 days from the day of performance of the action or rejection, when the parties have been present in the conduct of the action or have been summoned and, in other instances, from the day they have been notified or have been informed of the action or refusal.

Against the actions of persons, judicial bailiffs who exercise the public activity of judicial enforcement service organised on private basis the debtor may lodge a complaint with the court where executive title is enforced, within 5 days from the performance of the action.

Appeals against the actions or refusal of the judicial bailiff are reviewed by the same single judge, throughout the phase of compulsory execution of the executive title, when the actions or refusal of the judicial bailiff are related to the same executive title, unless otherwise provided by law.

The appeal shall be examined within 20 days by the court of the place of execution, which when it deems necessary, may order to attend the parties and the judicial bailiff.

The appeal against actions or rejection of the judicial bailiff shall not suspend execution, unless the court decides otherwise. When the executive title is an act for granting bank loans or an act for granting loans from non-bank financial institutions and the court has decided to suspend the execution of the decision, the suspension measure is considered to have ceased to have effect within 20 days from the moment of the grant of the decision on suspension.

Against the court decision a special appeal can be filed.

The examination of the appeal against the decision of the court of first instance for the objection of execution actions, as a rule, is done by the court of appeal without the presence of the parties, within 30 days.

Exceptionally, the court of appeal may decide to examine the case in a court hearing with the presence of the parties, within 45 days, if it values that the judicial debate is necessary to assess:

a) to ascertain the factual situation fully and accurately, new facts must be established and new evidence must be obtained, unless the appellant proves that without his fault, he could not present these facts or request this evidence in the examination of the case at the court of first instance, within the prescribed time limits;
b) the decision, against which the appeal was filed, is based on serious procedural violations, or on erroneous or incomplete ascertainment of fact;
c) with the scope to rightly ascertain the factual situation, it must repeat the receipt of some or of all evidence obtained by the court of first instance.

In its civil unifying decision 00-2022-4586(392), dated 26.10.2022, the Civil Chamber of the Supreme Court has addressed for unification the following matters:

1. What is the appeal period for challenging the decision of the court of first instance that ruled on the appeal against the actions of the judicial enforcement officer pursuant to Article 610 of the KPC?
2. Does the special appeal provided for in this provision imply that, by means of this remedy, both the court decision suspending the enforcement actions and the final decision ruling on the appeal against the enforcement action are being challenged?

Regarding the above, the Civil Chamber of the Supreme Court has determined the following:

Article 610 of the KPC permits a special appeal, within a period of 5 days, against the decision of the court of first instance that ruled on the appeal against the actions of the judicial enforcement officer. The special appeal provided for in Article 610 of the KPC is the remedy by which one challenges both the decision for "*suspension of enforcement actions*" and the final decision ruling on the "*challenge against the enforcement action*."

Article 611

(Abrogated by Law no. 122/2013, Article 46)

Article 612

Lawsuit to request thing from third person

Each third person who claims to be owner of the thing on which execution is made, may bring a lawsuit to exercise his right and if it is the case to exempt the thing from seizure and sale.

Lawsuit is brought against the creditor and the debtor in the court of the place of the execution of the decision. In these cases, the court may decide as a temporary measure the suspension of the execution with or without guarantee.

Article 613

Juridical effects against third person

When the court accepts that the third person is owner of the movable thing, but at the time the decision has become irrevocable the thing has been sold in the free sale shop or by auction, the third person has the right to request from the bailiff the price of sale if that has not been given to the creditor, in the opposite case he has the right to request from the debtor what he has benefited from the sale of the thing.

When it is certified that the creditor knew at the time of the sale of the movable thing that the debtor was not its owner, he is obligated to return to the previous owner the price he has received from the sale of the thing and if the thing has been given to him in lieu of the credit, he is obligated to return the thing. In these cases, the creditor preserves his right of credit from the debtor.

Article 614

When the court accepts that the third person is owner of the immovable thing sold by auction and on basis of the decision that has become irrevocable, the thing is taken from the buyer, the latter has the right to request from the bailiff the price he has paid if that has not been given to the creditor. If the price has been given to the creditor, he has the right to request from him as well as from the debtor that part of the price which was received from the sale of the thing.

The buyer also has the right to request from the competent state organ the return of the amounts he had paid as tax for the passage of the thing in his ownership.

When the immovable thing has been given to the creditor against his credit, on the basis of the court decision, the thing is taken from him, he preserves his right of the credit from the debtor.

CHAPTER X

SUSPENSION AND CESSATION OF EXECUTION

Article 615

Suspension of execution

(Amended by Law no. 10052, 29.12.2008, Article 50, Law no. 122/2013, Article 47)

Execution is suspended:

a) by a court decision in the instances provided by law;
b) on the request of the creditor;
c) in the cases provided in letters "c" and "ç" of article 297 of this Code, with the exception of the sale by auction of an immovable thing, on which the announcement is made;
ç) in other cases provided by law;
d) when the judicial bailiff, alone or under the auspices of the creditor does not find property of the debtor within 6 months from the institution of enforcement.
dh) when the creditor does not present himself without reasonable grounds, within 3 months from the second notice by letter, made by the judicial bailiff.

Following the dismissal of the suspension measure, enforcement continues from the procedural action remained in the moment of suspension

Article 616
Cessation of execution
(Letter 'd' repealed by Law no. 10052, 29.12.2008, Article 51) (Amended by Law no. 122/2013, Article 48)

Execution is ceased:

a) when the debtor presents to the bailiff the statement signed by the creditor, duly certified, that he has paid the amount indicated in the execution order, or a payment note from the post office or a bank letter in which it is certified that the amount indicated in the execution order has been paid to the benefit of the creditor;
b) when the creditor renounces in writing from the execution;
c) when the court declares, by a judicial final decision, according to article 609 of this Code, that the executive title is invalid, or that the obligation does not exist, or exists in a lower amount, or that has been abolished afterwards;
ç) when by a decision of the court which has become irrevocable the lawsuit of the debtor in conformity with article 610 of this Code, or of the third person in conformity with article 613 of this Code is accepted;

Article 617
Appeal against suspension and cessation of execution
(Amended by Law no. 10052, 29.12.2008, Article 52)

The suspension of the execution, except in the cases when it is decided by the court, and the cessation of the execution are decided by the bailiff.

Appeal may be made against these decisions in the district court (article 611 of this Code). When the decision of suspension of execution becomes final, the judicial bailiff shall remove the seizure over the movable or immovable properties and in the case foreseen by letter "b" of article 616 of this Code, he returns the execution order to the creditor, who has the right to file a new request for execution

within the lapse of time period. In this case the new statute barring starts from the day the decision for the cessation of the execution has become final.

CHAPTER XI
TRANSITIONAL AND FINAL PROVISIONS

Article 618

The cases which are in adjudication on the day this Code becomes effective shall be adjudicated on the basis of the previous Code until the decision becomes irrevocable in conformity with article 451 of this Code.

Article 619

Recourses against decisions of the court of appeal and the requests for protection of legality before the Civil Chamber of the High Court registered before this Code becomes effective shall be considered in conformity with provisions of the previous Code.

Article 620

With this Code becoming effective are invalidated: law No. 6341 dated 27.06.1981 “On the Code of Civil Procedure of the Republic of Albania," law No. 7537 dated 17.12.1991 “On some changes in the Code of Civil Procedure of the Republic of Albania,” law No. 7922 dated 19.04.1995 “On a change in the Code of Civil Procedure of the Republic of Albania,” chapter X/I “Depreciation” articles 59 a, 59 b, 59 c of law no. 7782 dated 26.01.1994 “On some changes in decree no. 3702 dated 08.07.1963 on cheques” as well as any other provision which is contrary to this Code.

Article 621
Transitory Provisions
(Added by law no. 8812, 17.5.2001, Article 127)

Civil cases that are being tried on the day this law comes into effect and which, in accordance with the Code of the Civil Procedure, must be tried by an adjudicating body composed of three judges, for which this law provides an adjudication by one judge, shall continue to be tried by the same adjudicating body until an irrevocable decision is issued.

Requests relating to the dismissal of the judge, statements of claim with the scope of opposing a third party, the review of a decision, as well as recourses in the interest of the law, which are presented before this law comes into effect, shall be tried according to the provisions of the Code of Civil Procedure.

Transitory Provision
(Added by Law no. 122/2013, Article 49, amended by Law no. 160/2013, Article 1)

Civil cases that are being tried at the first instance court and the court of appeals on the date when this law enters into force will continue to be tried on the basis of the law of the time when the claim has been submitted.

Cases which are not yet executed from the judicial bailiffs, at the moment when this law entered into force, will be executed on the basis of this law.

Transitory provisions

(Added by Law no. 38/2017, Article 108)

Articles 102, 103, 104, 105, 105/b, 106, 107 and 110, on court fees and costs, shall be effective on the day of entry into force of the law "On court fees".

Transitory provisions

(Added by Law no. 38/2017, Article 109)

1. Civil cases, which are under adjudication in the Court of First Instance, the Court of Appeal or the High Court on the date of entry into force of this law, shall continue to be adjudicated by the law in force at the time of filing the statement of claim.
2. Civil cases that are sent for trial to the Court of Appeal or the High Court, after the entry into force of this law will be adjudicated according to the legal provisions in force at the time of lodging the appeal or recourse.
3. For civil cases, for which the decision is quashed and the case is remitted for retrial, under Articles 467 and 485, letter 'c' and 'ç' of this Code, following the entry into force of this law, the provisions of this law will be applied in the retrial.
4. For the proceedings that are being adjudicated on the date of entry into force of Articles 399/1 - 399/12, the time limits under Article 399/2 shall be postponed:

a) in administrative proceedings at first instance and on appeal, 6 months;
b) in all instances of civil proceedings, 1 year and 6 months;
c) in the enforcement procedures of a civil or administrative adjudication, 6 months;
ç) in criminal cases of first instance, for crimes 1 year, for misdemeanors 6 months, and in the second instance and the High Court, for crimes 6 months, and for misdemeanors 3 months.

Sublegal acts

(Added by Law no. 38/2017, Article 110)

1. The Ministry of Justice is tasked to adopt, within 3 months from the entry into force of this law, the acts for the implementation of articles 68 and 70 of this Law.
2. The High Judicial Council is tasked to adopt, within 3 months from the entry into force of this law, the acts for the implementation of articles 32 and 88 of this Law.

Transitory provision

(Added by Law no. 44/2021, Article 32)

1. The composition of the adjudication panels as well as the adjudication procedure in the High Court is regulated according to the provisions of this law, despite the different provisions in other laws.
2. The submitted, but still not examined recourses are considered admissible if they meet the provisions of the applicable law at the time of their filing.

Article 621

This Code becomes effective on 1st June 1996.

Proclaimed by decree No. 1474, dated 18.4.1996 of President of the Republic, Sali Berisha.