



Civil Litigation in Albania

A Comprehensive Review of the Legal Framework, Court System, Procedure, Enforcement and Dispute Resolution

Legal Whitepaper

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This whitepaper is provided for general information only and does not constitute legal advice. The law is stated on the basis of sources available as at the date of preparation — principally the Code of Civil Procedure (Law no. 8116/1996, as amended) and the Law on Arbitration (Law no. 52/2023) — and is subject to change. Specific provisions should be verified against the current consolidated texts in the Official Gazette (Fletorja Zyrtare).

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Executive Summary

Albania operates a civil-law system in which codified statutes are the primary source of law. Civil litigation is governed principally by the Code of Civil Procedure (Law no. 8116, dated 29 March 1996, as amended — most recently by Laws no. 114/2016, 38/2017 and 44/2021), applied against the substantive background of the Civil Code (Law no. 7850, dated 29 July 1994, as amended). Proceedings unfold before a court hierarchy that was substantially reorganised by the new judicial map of 2022, and the dispute-resolution landscape was transformed by the entry into force of a dedicated Law on Arbitration (Law no. 52/2023).

This whitepaper offers a detailed, practitioner-oriented account of civil litigation in Albania. Part A sets out the foundations — the civil-law system, the historical development of civil procedure, and the constitutional framework and sources of law. Part B describes the reorganised court structure and the rules on jurisdiction, competence and venue, and the position of the parties, their representation and the prosecutor. Part C follows the life-cycle of a first-instance action: commencement and the content of the claim under Article 154; limitation; service; pleadings, joinder and case management; provisional and protective measures; evidence; the hearing; and judgments and remedies. Part D addresses the special civil procedures, and Part E the routes of appeal, recourse and revision and the compulsory enforcement of judgments.

Part F is devoted to alternative dispute resolution, with an extended, chapter-by-chapter treatment of the 2023 Law on Arbitration — the arbitration agreement, the tribunal, jurisdiction and interim measures, the conduct of the proceedings, the award, annulment, and recognition and enforcement — together with mediation. Part G addresses legal aid, costs, the recent reform programme, the principal challenges confronting the system, and the international and cross-border dimension, before a concluding assessment. Two annexes provide a glossary of Albanian legal terminology and a consolidated table of the principal legislation.

A recurring theme runs through the analysis: the Albanian framework is codified, broadly aligned with continental European models, and steadily converging on European Union standards; yet outcomes depend heavily on early and well-informed strategy — the correct court and forum, careful attention to limitation and to the formal requirements of the claim, the timely use of

protective measures, realistic planning for enforcement, and active consideration of arbitration and mediation as alternatives to the courts. This work is intended as a thorough orientation for investors, businesses and their advisers; it is not a substitute for tailored legal advice on a specific matter.

Part A — Foundations

1. The Albanian Legal System

1.1 A Civil-Law Order

Albania belongs to the continental civil-law tradition. Written law — the Constitution, codes, statutes and subordinate legislation — is the primary source of legal authority, and the courts decide disputes by applying these enacted rules to the facts established before them. Judicial decisions, while persuasive and carefully studied, do not constitute binding precedent in the common-law sense; the significant exception is the unifying jurisprudence of the High Court, whose decisions on questions of principle are intended to secure the uniform interpretation and application of the law throughout the court system.

The first principles of civil adjudication are set out at the very opening of the Code of Civil Procedure. Article 1 provides that the Code establishes binding, uniform and equal rules for the trial of civil disputes and the other disputes assigned to it, and — importantly — that a court may not refuse to examine and decide a matter on the ground that the law is silent, incomplete, contradictory or unclear. Article 2 enshrines the dispositive principle: as a rule, only the parties may set the court in motion, and they remain free to withdraw the claim before it is extinguished by adjudication. Article 6 confines the court to ruling on everything that is sought and only on what is sought, and Article 4 charges the court with ensuring the orderly conduct of the proceedings. Articles 7 to 10 articulate the relationship between fact and proof: the parties bear the duty to present the facts on which they rely, the court may invite explanations, and the court bases its decision only on the facts presented during the proceedings.

1.2 The Principal Codes and Statutes

Civil litigation operates at the intersection of substantive and procedural law. The Civil Code (Law no. 7850/1994, as amended) governs persons, legal capacity, ownership and other real rights, obligations and contracts, civil liability, family-related property questions and inheritance, and supplies the substantive rules that the courts apply. The Code of Civil Procedure (Law no. 8116/1996, as amended) governs the conduct of proceedings from the filing of a claim through

to compulsory enforcement. These are supplemented by specialised statutes, including the Law on Court Fees (Law no. 98/2017), the Law on State-Guaranteed Legal Aid (Law no. 111/2017), the Law on Mediation in the Resolution of Disputes (Law no. 10385/2011) and the Law on Arbitration (Law no. 52/2023), together with the legislation that establishes and organises the courts and the self-governing bodies of the justice system.

1.3 The Legal Professions

The legal professions are regulated and distinct, each with its own route of entry. To practise as an advocate (avokat), a candidate must complete a five-year university programme in law (the 3+2 bachelor and master cycle), pass through the School of Advocacy (Shkolla e Avokatisë) and qualify for membership of the Bar, the profession being governed by the Law on the Legal Profession (Law no. 55/2018). Judges and prosecutors follow a separate path: after the same university education, they undergo an intensive programme at the School of Magistrates (Shkolla e Magjistraturë) before appointment by the competent governing council. Public notaries, bailiffs and licensed mediators complete the landscape, each subject to its own qualifying regime.

This separation of routes reinforces the institutional distinction between the bench, the prosecution and the bar, and underpins the procedural roles that each profession plays: the advocate as the parties' representative, the judge as the active director of proceedings, the bailiff as the agent of enforcement, and the notary as the source of authentic instruments that may themselves constitute enforcement titles.

1.4 Sources of Law and Their Hierarchy

The sources of Albanian law form a hierarchy. At its apex stands the Constitution, followed by ratified international agreements, which under the Constitution prevail over incompatible ordinary law; then the codes and ordinary laws enacted by the Assembly; then normative acts of the Council of Ministers and of ministers (decisions, regulations and instructions); and, at the base, the normative acts of local government within their competence. A normative act must conform to those above it in the hierarchy, and the Constitutional Court may strike down a law or other act that conflicts with the Constitution. For the civil litigant, this hierarchy matters in practice: an argument grounded in a directly applicable treaty or constitutional guarantee may

displace an inconsistent provision of ordinary law, and the conformity of subordinate acts with the governing statute is itself frequently in issue.

Custom and general principles of law play a residual role, and — as Article 1 of the Code of Civil Procedure makes clear — a gap, contradiction or obscurity in the written law does not entitle a court to decline to decide; the court must resolve the matter by interpretation and by recourse to the general principles of the legal order. Doctrine (the writings of jurists) and the jurisprudence of the higher courts, while not formally binding outside the unifying decisions of the High Court, exert a strong persuasive influence on the development of the law.

2. Historical Development of Civil Procedure

The shape of Albanian civil procedure reflects the country's turbulent modern history, and an appreciation of that history explains both the structure of the current Code and the direction of contemporary reform.

2.1 Customary Law and Ottoman Rule

For centuries under Ottoman rule, the legal order combined Ottoman law with deeply rooted Albanian customary law — most famously the Kanun — which regulated personal status, family, property and succession. Disputes were frequently resolved through informal mechanisms, notably mediation by councils of elders, and formal procedural codes in the modern sense were largely absent. The cultural legacy of consensual dispute resolution endures and is, in a sense, echoed by the contemporary emphasis on mediation.

2.2 Independence and Codification (1912–1944)

Independence in 1912 opened the way to a modern legal order modelled on continental European — and particularly French and Italian — sources. The Civil Code of 1929 introduced a structured framework for civil-law matters, and formal court procedures progressively displaced earlier, less formalised methods of resolving disputes. This period laid the conceptual foundations — written pleadings, formal proof and reasoned judgments — that survive in the present system.

2.3 The Communist Era (1944–1990)

Under the post-war communist regime, the legal system was reconstructed along socialist lines. Private property and market relations were largely abolished, and with them much of the social basis for private civil litigation. Civil procedure was characterised by a centralised judiciary and the dominant role of the State; the autonomy of the parties was correspondingly constrained, and the bar operated within narrow limits.

2.4 Post-Communist Transition and European Integration (1990–present)

The fall of communism inaugurated a comprehensive reconstruction of the legal order around democratic governance, private property and a market economy. The Civil Code of 1994 and the Code of Civil Procedure of 1996 re-established the substantive and procedural foundations of private litigation, restoring the dispositive principle, adversarial argument and the protection of private rights. Since then, the prospect of European Union accession has been the dominant engine of reform, driving the continuous harmonisation of Albanian law with European standards and culminating in the justice reform of 2016, the judicial map of 2022 and the Law on Arbitration of 2023.

The Code of Civil Procedure itself bears the marks of this evolution: enacted in 1996, it has been amended on numerous occasions — notably by Laws no. 8431/1998, 8491/1999, 8535/1999, 8601/2000, 8812/2001, 9062/2003, 9953/2008, 10052/2008, 49/2012, 122/2013, 160/2013, 114/2016, 38/2017 and 44/2021 — and by decisions of the Constitutional Court. Among the most consequential changes were the repeal in 2013 of the Code’s former arbitration title (the former Articles 400–441), which left arbitration without a statutory home until 2023, and the 2017 and 2021 reforms aimed at expediting first-instance and appellate proceedings.

3. Constitutional Framework and Sources of Law

3.1 The Constitution of 1998

The Constitution of the Republic of Albania (1998, as amended) is the supreme law. It establishes a parliamentary republic with a separation of powers among the executive (the President as head of State and the Council of Ministers led by the Prime Minister), the legislature (the unicameral

Assembly, Kuvendi i Shqipërisë) and an independent judiciary. It guarantees a broad catalogue of fundamental rights and freedoms and sets out the architecture of the courts and the governing bodies of the justice system.

3.2 Fair-Trial Guarantees

Several constitutional guarantees bear directly on civil litigation: equality before the law; the right to a fair and public hearing, within a reasonable time, by an independent and impartial tribunal established by law; the right to be heard and to defend oneself; and the right to effective legal remedies and to address the courts for the protection of one's rights, freedoms and lawful interests. These guarantees are mirrored in the fundamental principles of the Code of Civil Procedure — among them the adversarial principle, the equality of arms, the publicity and orality of proceedings, and the duty of the court to give reasons — and they are reinforced by the European Convention on Human Rights, which is directly applicable in Albania.

3.3 The Place of International Law

A defining feature of the Albanian constitutional order is the status of ratified international agreements. Under the Constitution, an international agreement ratified by law forms part of the domestic legal system and, in the event of conflict, prevails over incompatible provisions of domestic law; certain agreements are directly applicable. Ratified treaties — most significantly the European Convention on Human Rights, but also the Hague Conventions on the service of documents and on the authentication of public documents, and the New York Convention on the recognition and enforcement of foreign arbitral awards — are therefore not external to Albanian civil procedure but an integral part of it (see Part G).

3.4 The Constitutional Court

The Constitutional Court stands apart from the ordinary judiciary. Composed of nine judges serving nine-year, non-renewable terms — with three members designated by each of the President, the Assembly and the High Court, following the vetting of candidates by the Justice Appointments Council — it interprets the Constitution, reviews the constitutionality of laws and other normative acts, resolves competence disputes between State organs, and hears individual constitutional complaints. For the civil litigant, the individual complaint is the most directly

relevant function: a party who alleges that the courts have violated the constitutional right to due process may, once all ordinary remedies have been exhausted, seek the protection of the Constitutional Court, and thereafter of the European Court of Human Rights.

3.5 The European Convention and the Reasonable-Time Guarantee

Among the international instruments forming part of Albanian law, the European Convention on Human Rights occupies a special place in civil litigation. Article 6 of the Convention guarantees the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal, and Article 13 the right to an effective remedy. The European Court of Human Rights has, in cases concerning Albania, addressed the length of civil proceedings and the non-enforcement or delayed enforcement of final judgments — chronic problems to which Section 23 returns. In response, the legislature introduced a domestic remedy for violations of the reasonable-time requirement (Section 15.9), allowing litigants to seek acceleration and compensation within the national system before turning to Strasbourg. For the practitioner, the Convention is therefore not a remote external standard but a live source of argument, both before the domestic courts and, ultimately, before the European Court.

Part B — The Courts

4. Structure of the Civil Court System

In the Republic of Albania judicial power is exercised solely by the courts, in accordance with the Constitution and the competences conferred on them by law; judges are competent to hear all criminal, civil and administrative matters and any other matter assigned to them by law. The organisation of the courts is governed by the Law on the Organisation of the Judicial Power in the Republic of Albania (Law no. 98/2016, as amended), and the present structure was substantially reshaped by the new judicial map, adopted by Council of Ministers Decision no. 495, dated 21 July 2022, and implemented from 2023. The map consolidated a previously dispersed network of courts in order to rationalise resources and concentrate expertise; its roll-out, however, coincided with the vacancies created by the vetting process and has been the subject of considerable debate, to which Section 23 returns.

4.1 The Constitutional and Statutory Basis

The Constitution provides that judicial power is exercised by the High Court, the courts of appeal and the first-instance courts, which are created by law. It expressly prohibits the creation of extraordinary courts: under Article 135(3), the Assembly may by law create courts for particular fields, but in no case extraordinary courts — a prohibition reflected in Article 4 of Law no. 98/2016. The courts are accordingly of two kinds. Courts of general jurisdiction comprise the first-instance courts of general jurisdiction (which may have branches) and the Court of Appeal of General Jurisdiction. The special courts are the administrative courts of first instance and the Administrative Court of Appeal, and the Special Courts of First Instance and of Appeal for the adjudication of the criminal offences of corruption and organised crime. The High Court adjudicates matters of both general and special jurisdiction. Each level deals with civil, criminal, commercial and administrative matters and any other matter assigned by law.

4.2 The Hierarchy and Current Composition

The civil-justice pyramid comprises the courts of first instance of general jurisdiction at the base, a single Court of Appeal of General Jurisdiction above them, and the High Court at the apex of

the ordinary judiciary, with the Constitutional Court standing outside that hierarchy as the guardian of the Constitution. The system as a whole comprises some 408 magistrates, distributed across thirteen first-instance courts of general jurisdiction, two administrative courts of first instance, one Special Court of First Instance for corruption and organised crime, one Court of Appeal of General Jurisdiction, one Administrative Court of Appeal, one Special Court of Appeal for corruption and organised crime, and the High Court.

Court	Role and composition
Constitutional Court	Guardian of the Constitution; nine judges serving nine-year, non-renewable terms. Reviews the constitutionality of laws and normative acts, resolves competence disputes, and hears individual constitutional complaints after the exhaustion of ordinary remedies. Sits outside the ordinary court hierarchy.
High Court (Gjykata e Lartë)	Supreme court of cassation; nineteen judges, seated in Tirana, organised in Civil, Criminal and Administrative Colleges, with the Joint Colleges (Kolegjet e Bashkuara) for the unification or change of case law. Decides recourse on points of law to secure the uniform interpretation and development of the law.
Court of Appeal of General Jurisdiction	A single appellate court for the whole territory (seventy-eight judges), replacing the former six appeal courts, hearing second-instance appeals against the decisions of the first-instance courts of general jurisdiction on both fact and law.
Courts of First Instance of General Jurisdiction	Thirteen courts (some 251 judges), consolidated from the former twenty-two district courts, hearing civil matters at first instance — contract, property, family, labour, commercial and tortious disputes — as well as criminal cases, by a single judge or a three-judge panel according to the nature of the matter.

In a typical civil dispute, proceedings begin in the competent Court of First Instance of General Jurisdiction; the first-instance judgment may be appealed to the Court of Appeal of General Jurisdiction; and the appellate decision may, in turn, be the subject of a recourse to the High Court confined to questions of law. A litigant alleging a violation of the constitutional right to a fair trial may, having exhausted these remedies, lodge an individual complaint with the Constitutional Court, and ultimately an application with the European Court of Human Rights.

4.3 The Courts of First Instance of General Jurisdiction

The courts of first instance of general jurisdiction are the basic tier of the system, with an organisational structure of some 251 judges and 288 court secretaries. Following the new map there are thirteen such courts, taking their seats at Berat, Dibër (Peshkopi), Durrës, Elbasan, Fier, Gjirokastrë, Korçë, Kukës, Lezhë, Sarandë, Shkodër, Tiranë and Vlorë; a first-instance court of general jurisdiction may, where appropriate, have branches. These courts try civil disputes under the uniform rules of the Code of Civil Procedure and criminal cases under the Code of Criminal

Procedure, and — reflecting Article 1 of the Code — may in no case decline to decide on the ground that the law is silent, incomplete, contradictory or unclear.

In civil matters, the court sits either as a single judge or as a panel of three. A panel of three judges is required for claims valued at more than fifty million lekë, for claims for the declaration of the disappearance or death of a person, and for claims for the removal or restriction of a person's capacity to act; all other civil matters are heard by a single judge. Criminal cases are tried at first instance, by one or three judges, as the law provides.

4.4 The Court of Appeal of General Jurisdiction

The Court of Appeal of General Jurisdiction is a single court extending over the whole territory of the Republic, with an organisational structure of some seventy-eight judges and eighty-two court secretaries. It hears, at second instance, appeals against the decisions of the first-instance courts of general jurisdiction, save where the law provides otherwise. It decides, as a rule, in panels of three judges; in civil matters, however, a single judge hears appeals in claims valued at up to one hundred and fifty thousand lekë and the other cases provided for in the Code of Civil Procedure. As noted in Section 16, following Law no. 44/2021 the court ordinarily examines appeals on the documents, in chambers, without the presence of the parties.

4.5 The High Court

The High Court is organised and functions throughout the territory of the Republic, with its seat in Tirana and an organisational structure of nineteen judges and twenty-two court secretaries. It examines questions concerning the meaning and application of the law in order to secure the unification or development of judicial practice. It is organised in three colleges — Civil, Criminal and Administrative. The Civil College hears recourse against the decisions of the courts of general jurisdiction in commercial, civil and family matters, and the other matters assigned to it by law, sitting as a rule in panels of three judges. For the unification or development of judicial practice the colleges may sit in enlarged panels of five judges, and for a change of established practice the matter is referred to the Joint Colleges.

The Joint Colleges (Kolegjet e Bashkuara), composed of all the judges of the Court, decide the civil, criminal or administrative cases referred to them — by a panel or by the President of the Court — for a change of judicial practice, and address the situations in which the same legal question has been interpreted differently by different colleges of the Court, or in which there is a risk of such divergent interpretation. Through this machinery the High Court introduces into a civil-law system a measure of consistency functionally analogous to precedent, though doctrinally distinct.

4.6 The Specialised Courts

Beyond the general-jurisdiction courts, two sets of specialised courts complete the structure. The administrative courts — governed by the Law on the Organisation and Functioning of Administrative Courts and the Adjudication of Administrative Disputes (Law no. 49/2012) — comprise two administrative courts of first instance, seated at Tirana and Lushnjë (together some thirty-six judges), and a single Administrative Court of Appeal (some thirteen judges). They hear disputes arising from individual administrative acts, subordinate normative acts and public administrative contracts, disputes arising from the unlawful interference or inaction of public bodies, competence disputes between administrative organs, and disputes concerning the employment relationships of civil servants, among others. The administrative courts of first instance sit as a single judge, save for defined matters (such as public administrative contracts) heard by a panel of three; the Administrative Court of Appeal sits in panels of three, and in panels of five for claims against subordinate normative acts.

The Special Courts for the adjudication of the criminal offences of corruption and organised crime — a single Special Court of First Instance (some sixteen judges) and a single Special Court of Appeal (some eleven judges) — are criminal in character, but they form part of the wider court structure. Their first-instance jurisdiction extends not only to corruption and organised-crime offences but to criminal charges against the highest officials of the State, and they sit, as a rule, in panels of three judges. Although outside the scope of civil litigation, they are noted here for completeness of the structure.

Albania does not maintain a separate hierarchy of standalone commercial courts. Within the general-jurisdiction courts, however, civil matters of particular kinds — family, labour and commercial or trade disputes — are handled by judges or sections specialising in those fields, and the Code of Civil Procedure assigns disputes arising from patents, trademarks, industrial designs and other industrial-property rights to the trade-disputes section of the court in Tirana. The Code further provides, in its Title on special trials, dedicated procedures for commercial and for labour disputes (Part D), which operate within the general-jurisdiction courts under tailored, expedited rules.

4.7 Judicial Districts, Territorial Reach and the Judicial Map

The territory of the Republic is divided into judicial districts (*rrethe gjyqësore*), the district being the unit in which a first-instance court of general jurisdiction functions; a single judicial district may cover one or more units of local government. The Court of Appeal of General Jurisdiction and the High Court, by contrast, extend their territorial competence over the whole country. The judicial map — the allocation of territorial competence among the courts — is set on the joint proposal of the High Judicial Council and the Minister of Justice, which the Minister submits to the Council of Ministers for approval.

The High Judicial Council is the competent authority that proposes the total number of judges in the Republic, together with the budget of the court system, according to the procedure fixed by law. With a view to efficiency and specialisation, the law sets minimum bench sizes: a first-instance court of general or administrative jurisdiction must have at least seven judges; a court of appeal of general or administrative jurisdiction at least ten; the Special Court of First Instance for corruption and organised crime at least sixteen; and the Special Court of Appeal for corruption and organised crime at least eleven.

4.8 The Governing Bodies of the Justice System

The courts do not stand alone; they are administered by a set of self-governing bodies established or reshaped by the 2016 justice reform, whose independence is a constitutional value and whose functioning bears indirectly but materially on litigants, since it determines the staffing, discipline and integrity of the bench. The High Judicial Council (*Këshilli i Lartë Gjyqësor*) is responsible for

the appointment, evaluation, transfer, promotion and discipline of judges and for the administration of the courts; the High Prosecutorial Council performs the corresponding functions for prosecutors; and the High Justice Inspector (Inspektori i Lartë i Drejtësisë) conducts inspections and investigates disciplinary complaints against judges and prosecutors. The Justice Appointments Council vets candidates for the highest judicial offices, including the Constitutional Court and the High Justice Inspector.

Running alongside these permanent institutions was the transitional vetting of judges and prosecutors — the re-evaluation of their assets, integrity and professional competence — conducted by the Independent Qualification Commission at first instance and the Special Appeal Chamber on appeal, with Public Commissioners representing the public interest and an International Monitoring Operation overseeing the process. The vetting removed a substantial number of office-holders and, in doing so, contributed to the vacancies and backlogs discussed in Section 23. Together, these bodies embody the reform's central aim: a judiciary that is independent of political influence and accountable for its integrity.

5. Jurisdiction, Competence and Venue

Part One, Title III of the Code of Civil Procedure governs the court, jurisdiction and competences, distinguishing among the jurisdiction of the courts (as against other organs), subject-matter and territorial competence, and the rules for determining the value of the claim. The correct identification of the competent court is a threshold question: a claim brought before an incompetent court will be transferred or dismissed, with consequent delay and cost.

5.1 Jurisdiction of the Courts

Jurisdiction (juridiksioni) delimits the matters that the ordinary courts may hear, as distinct from those reserved to other bodies — the administrative courts, the Constitutional Court, or an arbitral tribunal where the parties have so agreed. As discussed in Part F, where a dispute is covered by a valid arbitration agreement, the court must, even of its own motion, decline jurisdiction unless the arbitration agreement is manifestly void.

5.2 Subject-Matter and Territorial Competence

Competence (kompetenca) allocates cases among the courts. Subject-matter competence assigns a dispute to the appropriate type and level of court according to its nature and, in some instances, its value. Territorial competence fixes the geographically competent court: the general rule is that a claim is brought before the court of the defendant's residence or, for a legal person, its registered seat. Special rules displace the general rule for particular categories of claim — most importantly, claims concerning real rights over immovable property are brought before the court of the place where the property is situated, and claims in matters of inheritance before the court of the place where the succession opened.

5.3 Value of the Claim

The Code contains detailed rules (Title III, Chapter IV) for determining the value of the claim. The value is significant in several respects: it governs the calculation of court fees, it may affect the composition of the court and the procedure applied, and it bears on the routes of challenge available against the eventual judgment. The claimant must state the value of the claim in the statement of claim where the object is capable of valuation (Article 154).

5.4 Choice-of-Forum Agreements

Parties may, by written agreement, vary territorial competence — the familiar choice-of-forum clause — and the Albanian courts will generally give effect to such agreements, provided they do not offend public policy or mandatory law. Two exceptions are expressly preserved by the Code: territorial competence may not be altered by agreement in claims concerning real rights over immovable property (Article 45) or in matters of inheritance (Article 46), nor where the law otherwise prohibits such agreements. Beyond the choice of a domestic forum, parties may of course agree to remove their dispute from the courts altogether by means of an arbitration agreement.

5.5 The Boundary between Civil and Administrative Jurisdiction

A recurring threshold question is whether a dispute belongs to the ordinary civil courts or to the administrative courts. As a general guide, disputes between private parties concerning private-law rights and obligations fall to the courts of general jurisdiction, while disputes arising from the

exercise of public authority — challenges to administrative acts, and disputes concerning the legality of the conduct of public bodies — fall to the administrative courts under Law no. 49/2012. The distinction is not always self-evident: a contract with a public body, for example, may have both private-law and public-law features. Misclassification carries real consequences, since a claim brought in the wrong order will be dismissed or transferred, with attendant delay; the boundary should therefore be analysed at the outset, particularly where a public body is involved.

6. Parties, Capacity, Representation and the Prosecutor

Part One, Titles IV and V of the Code address the participants in civil proceedings: the parties and their joinder, their representatives, their duties, their liability for costs, and the role of the prosecutor.

6.1 The Parties and Capacity

The parties to a civil action are the claimant (*paditës*), who brings the claim, and the defendant (*i paditur*), against whom it is brought. To be a party, a person must have the capacity to be a party (the enjoyment of civil rights) and, to act in the proceedings, the capacity to act, determined by the substantive law on legal capacity. Natural persons of full age and sound mind, and legal persons duly constituted and registered, have full capacity to litigate; for those lacking or limited in capacity, the law provides for action through legal representatives or guardians.

6.2 Joinder and Third Parties

The Code provides for joinder of parties (*bashkëndërgjyqësia*) where several claimants or defendants are joined in a single action because their claims or obligations share a common basis, and for the participation of third persons who have an interest in the outcome — whether intervening of their own initiative or being called into the proceedings. These mechanisms allow related disputes to be resolved together, avoiding inconsistent decisions and conserving judicial resources.

6.3 Representation

Parties may conduct proceedings personally or through a representative. Representation before the courts is, as a rule, undertaken by an advocate acting under a power of attorney (*prokurë*);

the statement of claim and the act of filing must reflect that authority (Article 154/a). Legal persons act through their organs or through duly authorised representatives. The advocate's role — drafting pleadings, presenting evidence, examining witnesses and making submissions — is central to the effective conduct of a case, the more so given the active, inquisitorial style of the Albanian bench.

6.4 Duties of the Parties and Liability for Costs

The Code imposes duties of good faith and diligence on the parties and their representatives, and provides for their liability for the costs of the proceedings and for damage caused by abusive or dilatory conduct (Title V, Chapters III and IV). As a general principle, the unsuccessful party bears the costs of the litigation, a matter developed in Section 21.

6.5 The Prosecutor in Civil Proceedings

Although civil litigation is overwhelmingly a matter for private parties, the Code (Title IV) recognises a limited role for the prosecutor in civil proceedings — principally in cases touching the public interest or the rights of persons unable to protect their own interests, such as certain matters of status or capacity. In such cases the prosecutor may participate in the manner and to the extent provided by law.

6.6 The Bar, the Notariat and the Bailiffs

Three professions support the conduct of civil litigation and merit brief mention. The advocates' profession, governed by the Law on the Legal Profession (Law no. 55/2018) and organised through the National Chamber of Advocates, enjoys self-regulation and is bound by duties of competence, confidentiality and good faith; the advocate is the litigant's representative and, in practice, the principal architect of the case. The notariat produces authentic instruments — contracts, powers of attorney and the like — which carry heightened evidential force and which, in defined cases, themselves constitute enforcement titles, allowing the holder to proceed directly to enforcement without first obtaining a judgment. The bailiffs, in the dual public and private model described in Section 17, are the agents of enforcement.

For a party to litigation, the interaction of these professions is constant: the advocate frames and presents the claim, the notarial record frequently supplies the documentary backbone of the case, and the bailiff gives practical effect to the judgment obtained. An appreciation of their respective roles helps a litigant to assemble the right team and to understand the mechanics by which a dispute is pursued and a judgment realised.

Part C — First-Instance Proceedings

7. Commencement of Proceedings

7.1 The Statement of Claim

A civil action is commenced by the filing of a statement of claim (*kërkesëpadia*). Article 154 of the Code of Civil Procedure prescribes its content with precision. The claim must be drawn up in the Albanian language and must contain: the court before which it is brought; the identification of the claimant and the defendant (and of any representatives) — for natural persons, name, patronymic, surname and residence or place of stay, and for legal persons, the name as it appears in the public registers together with the registered seat or central office where service is to be made; the object of the claim; a concrete statement of the facts, circumstances, documents and other evidence and of the law on which the claim is founded, together with the specific relief sought; and the value of the claim where its object is capable of valuation.

Beyond these essential elements, Article 154 requires the claimant to indicate or annex: electronic contact details for the claimant or representative at which the court may give notice; a list of the witnesses whom the claimant wishes to be summoned, with their identities, full addresses and the facts to be proved by each; the evidence sought to be obtained from the defendant or third parties, with the reasons and the location of that evidence; the type of expert examination requested; the identities and addresses of any third persons to be summoned; and proof of payment of the claim fee. The discipline of Article 154 repays close attention: a claim that is well constructed at the outset — with the facts, the legal basis, the relief and the evidence properly set out — shapes the entire proceedings, whereas a deficient claim invites delay.

7.2 Filing and Initial Scrutiny

Under Article 154/a, the statement of claim is filed with the court by the claimant or by a representative furnished with a power of attorney, and may be filed in person or by post. Cases are assigned to judges by lot, a safeguard of impartiality. A single judge conducts an initial scrutiny: where the claim does not satisfy the requirements of the Code, the judge either returns it to the claimant at the time of filing, or notifies the claimant in writing to cure the defects within

a fixed period, during which the claim remains without action. If the defects are not cured within that period, the claim is treated as not having been filed and is returned together with the accompanying documents; a special appeal lies against the single judge's decision to return the claim. Where the defects are cured in time, the claim is treated as registered from the date of its original registration. Notably, the former requirement of prior notice of the claim (the former Article 155) was repealed by Law no. 38/2017.

7.3 Court Fees

The cost of commencing proceedings is governed by the Law on Court Fees (Law no. 98/2017) and the relevant provisions of the Code (Articles 102 to 110). Fees are categorised as general fees (for bringing cases before the courts), special fees (for particular procedural actions and judicial-administration services) and additional fees (to support the administration of proceedings). The fee for filing a civil claim is a general fee, calculated by reference to the value of the claim and varying by instance. By way of illustration, decisions of the High Judicial Council have fixed the fee for low-value claims at a modest flat amount and, above a threshold, at a percentage of the claim value (commonly expressed as one per cent). Because the precise figures and thresholds are revised from time to time, the fee applicable to a given claim should always be confirmed against the current law and the High Judicial Council's decisions in force at the time of filing. Eligible litigants may obtain exemptions or reductions (see Sections 20 and 21).

7.4 Required Documentation

In practice, the commencement of proceedings requires the assembly of: the statement of claim conforming to Article 154; the documentary evidence relied upon; full identification of the parties; the power of attorney where a representative acts; proof of payment of the court fee; the witness list and particulars of further evidence sought; and, where documents are in a language other than Albanian, certified translations. Care at this stage avoids the cycle of defect-and-cure that Article 154/a contemplates.

8. Limitation of Actions

Limitation (parashkrimi) is a matter of substantive law, governed by the Civil Code. Its effect is decisive: a claim brought out of time will not be enforced if the defence of limitation is raised. The framework distinguishes imprescriptible claims, the general period, and a series of special shorter periods, and it provides for the suspension and interruption of the running of time.

8.1 Imprescriptible Claims

Article 113 of the Civil Code lists claims that are not subject to limitation, including: claims for the restoration or protection of a personal non-property right (save for statutory exceptions); declaratory (recognition) claims; claims for the division of property between co-owners; claims for the return of sums deposited with a bank; and other claims so provided by separate legal provisions. The requirements for the compulsory enforcement of decisions relating to such claims are likewise not subject to limitation.

8.2 The General Period and Special Periods

Where no other period is prescribed, the general limitation period is ten years (Article 114). Article 115 then sets out a number of special, shorter periods for defined categories of claim, summarised below.

Period	Examples of claims (Civil Code, Article 115)
6 months	Claims for payment under a penalty (penal) clause; certain claims arising from the carriage of goods and passengers by land or by air.
1 year	Claims arising from forwarding (spedition) contracts; certain claims arising from carriage by sea or by mixed transport.
2 years	Claims for payment of remuneration under insurance and reinsurance contracts and corresponding amounts under compulsory insurance.
3 years	Claims for arrears of rent of dwellings, shops, premises and other immovable property; claims for non-contractual (tort) damages; and claims for the return of benefits obtained without right (unjust enrichment).
10 years	The general period for civil claims where no special period applies (Article 114).

8.3 Suspension and Interruption

The running of the limitation period may be suspended in the circumstances defined by the Civil Code (Articles 116 and following) — for example, where the creditor is prevented by an insurmountable obstacle from bringing the claim — the suspended time not counting towards the period. It may also be interrupted, for example by the bringing of the claim or by the debtor's

acknowledgement of the debt, after which a fresh period begins to run. Because these rules can materially extend or reset the time available, the limitation analysis at the outset of a matter should account for any suspending or interrupting events.

9. Service of Process and Notifications

Part One, Title VI, Chapter IV of the Code governs notifications. Service ensures that the parties receive due notice of the proceedings and of the steps taken in them — a requirement rooted in the constitutional right to be heard.

9.1 Domestic Service

Documents are ordinarily served through the court's officers. The primary mode is personal service on the recipient. Where personal service is not possible, the Code permits substituted service — for example, by delivering the documents to an adult member of the household at the recipient's residence, or to a person at the recipient's place of work — and, in defined circumstances, service is deemed effected even where the recipient refuses to accept the documents. In exceptional cases, where other modes fail, service may be effected by public means, such as publication. A record of service is placed on the court file, evidencing compliance, and the validity of subsequent steps depends on service having been duly effected.

9.2 International Service

For cross-border service, Albania applies the relevant international instruments, most notably the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, to which it is a party. Documents to be served abroad are transmitted through the designated channels, are generally accompanied by translations into the language of the requested State, and must observe the time-frames the instrument prescribes; the service in Albania of documents emanating from a foreign court follows the corresponding procedure. Defective or omitted international service is a frequent source of delay and of subsequent challenge, and merits particular care in matters with a foreign element.

9.3 Time-Limits and Their Computation

Civil procedure is governed throughout by time-limits (afatet), the subject of Part One, Title VI, Chapter V of the Code. Time-limits may be fixed by the Code itself — such as the fifteen-day period for an appeal or the thirty-day period for a recourse — or by the court in the exercise of its case-management powers. The Code regulates their computation: periods expressed in days, weeks, months or years run according to defined rules, the day on which the triggering event occurs is generally not counted, and a period ending on a non-working day is extended to the next working day. The distinction between mandatory (preclusive) periods, whose expiry bars the relevant step, and merely directory periods is of practical importance.

Where a party fails to observe a preclusive period, the Code provides, in defined circumstances, for relief from the consequences of default — for example, where the failure was due to a cause beyond the party's control — on prompt application. Because the loss of a right through the expiry of a procedural period is among the most avoidable and most damaging errors in litigation, the diligent management of time-limits, from the date of service onwards, is a basic discipline of competent representation.

10. Pleadings, Joinder and Case Management

Part Two, Title I of the Code governs the presentation of the claim, the statement of defence and the preparatory actions; Title II governs the examination of the case. Together they structure the progress of the action from filing to the close of the investigation.

10.1 The Statement of Defence and Counterclaim

Following service, the defendant files a statement of defence (deklarata e mbrojtjes) addressing the claimant's allegations and setting out the defendant's own position and evidence. The defendant may raise a counterclaim where it is connected with the claim, and may take preliminary objections — for example, as to competence or the existence of an arbitration agreement. The claimant may respond to a counterclaim. The parties may, within the limits and at the stages permitted by the Code, amend their pleadings; amendments sought late, so as to cause delay, may be refused.

10.2 Preparatory Actions and Settlement

The Code provides for preparatory actions and a preparatory phase in which the court, exercising its case-management powers, identifies the issues in dispute, fixes time-limits for the submission of pleadings, evidence and expert reports, and may explore the prospects of settlement, including through alternative dispute resolution. This active management — a feature strengthened by the 2017 reforms — is intended to focus the proceedings and to reduce delay.

10.3 Case Assignment and Motions

As noted, cases are assigned to judges by lot (Article 154/a), an objective method that guards against the targeted selection of judges. During the proceedings the parties may make applications (motions) seeking specific procedural decisions — for the taking or preservation of evidence, for interim measures, for suspension, and the like — which the court determines by reasoned ruling. The Code also empowers the court to impose fines (Title I, Chapter IV) to secure the orderly conduct of proceedings, for example on parties or witnesses who fail to comply with its orders.

11. Provisional and Protective Measures

The value of an eventual judgment may be undermined if, in the interim, the defendant dissipates assets or alters the position in dispute. The Code addresses this risk principally through the security of the claim and the securing of evidence.

11.1 Security of the Claim

Under Article 202, on the claimant's application the court allows, within five days, measures to secure the claim where there is reason to fear that enforcement of the eventual judgment will become impossible or difficult. Such measures are allowed where the claim is supported by written evidence and the claimant provides security, in the amount and form fixed by the court, for any damage that the measure may cause the defendant; security may also be required in the former case. Article 203 makes clear that the security of the claim is available for all types of claim and at any stage of the proceedings until the decision becomes final, and that it may also be granted by the Court of Appeal while the case is before it; it is not, however, available for claims

arising during the enforcement phase, which are governed by Part Four of the Code. Under Article 204, security may even be sought before the claim itself is filed, before the court of the place where the property or the defendant is situated. These provisions furnish a powerful tool — functionally akin to a freezing or preservation order — that should be considered at the very outset of a dispute where there is any risk to eventual enforcement.

11.2 Securing Evidence

The Code separately provides (Part Two, Title II, Chapter XI) for the securing of evidence — the taking of evidence in advance where there is a risk that it may later be unavailable, for example the testimony of an aged or ill witness or the inspection of a perishable or changing state of affairs. This preserves the evidential position pending trial.

11.3 Types and Practical Use of Protective Measures

The security of the claim is a flexible instrument: the court may grant such measures as are appropriate to preserve the position pending judgment, including the attachment (sequestration) of specific assets, the prohibition of dealings with property in dispute, the registration of the claim against immovable property so as to bind subsequent purchasers, and orders restraining a party from particular conduct. The measure is calibrated to the risk: it must be proportionate, supported by written evidence, and — where the court so requires — backed by security for the damage it may cause the respondent. Because a measure obtained early can be the difference between a judgment that is worth enforcing and one that is not, the protective-measures analysis should accompany the very first assessment of a dispute.

Practice point

Where there is a realistic prospect that a defendant may dissipate or encumber assets, an application for the security of the claim — including, in an appropriate case, a pre-action application under Article 204 — should be prepared in parallel with the statement of claim, so that the protective measure is in place before the defendant has notice and the opportunity to act.

12. Evidence

Albanian civil procedure is closer to the inquisitorial than to the adversarial model and does not provide for the broad, party-driven “discovery” familiar from common-law systems. The burden of proof rests on the party asserting a fact: under the fundamental principles (Articles 7 to 12) the parties must present the facts on which they rely, and the court bases its decision only on the facts and evidence presented during the proceedings. Part Two, Title II, Chapters V to XI regulate the means of proof in detail.

12.1 Documentary Evidence

Documents (shkresat, Chapter VIII) are a central means of proof. The Code distinguishes public documents — those drawn up by a public authority or official within their competence, which enjoy heightened probative force — from private documents, and regulates their production, their authenticity and the consequences of challenging them. In a system that privileges written proof, the documentary record frequently determines the outcome.

12.2 Witness Evidence

Witnesses (Chapter VII) give evidence under a structured procedure. They are summoned, examined and may be cross-examined, with the court supervising to ensure that testimony is given properly and that the rights and protection of witnesses are respected. The Code regulates who may testify, the duties of witnesses, and the assessment of their credibility.

12.3 Expert Evidence

Where the resolution of the dispute requires specialist knowledge, the court may appoint an expert (Title III, Chapter VII of Part One, and Chapter VI of Part Two, Title II) to report on the technical questions referred. The expert’s report is communicated to the parties, who may comment upon it and may, where appropriate, present their own expert input; the expert may be called to the hearing to explain the findings and to be questioned. Expert evidence is frequently decisive in construction, valuation, accounting and similar disputes.

12.4 Admissions and Inspection

The admissions of the parties (Chapter IX) — statements by which a party acknowledges facts unfavourable to its own case — carry significant evidential weight. The court may also order the

inspection of persons, objects or places (Chapter X), conducting an on-site examination where this assists the establishment of the facts. Across all these means, the court evaluates the evidence as a whole, weighing relevance and probative value, and reaches its findings accordingly.

12.5 Burden and Standard of Proof

The burden of proof (*barra e provës*) lies, as a general rule, on the party who asserts a fact: the claimant must prove the facts founding the claim, and the defendant the facts founding any defence or counterclaim. There is no formal, numerically expressed standard of proof as in some systems; rather, the court forms its conviction (*bindja e brendshme*) on the basis of the evidence taken as a whole, assessing each item for its relevance, authenticity and weight, and explaining its assessment in the reasons for the judgment. Certain facts need not be proved — for example, facts that are admitted, notorious, or presumed by law — and statutory presumptions may shift the burden onto the party seeking to rebut them.

12.6 The Inquisitorial Dimension and the Limits of Disclosure

A point of practical importance for parties accustomed to common-law litigation bears emphasis: Albanian procedure does not provide for broad, pre-trial documentary disclosure or for depositions. While Article 154 requires the claimant to identify the evidence sought from the defendant or third parties, and the court may order the production of specified documents, there is no general obligation to disclose all relevant documents, whether helpful or harmful. The gathering of evidence is correspondingly more front-loaded and targeted, and the inability to compel wide-ranging disclosure makes the early and careful assembly of one's own documentary record, and the precise identification of documents held by others, all the more important.

Practice point

Because the evidential position is largely fixed by what each party can itself produce or specifically identify, the preservation of documents and electronic records at the first sign of a dispute — and, where there is a risk of loss, recourse to the securing of evidence — is among the most valuable steps a prospective litigant can take.

13. The Hearing, Trial Conduct and Court Decisions

13.1 Governing Principles

The conduct of the trial is governed by the fundamental principles of the Code and by the constitutional fair-trial guarantees: the adversarial principle and the equality of arms; the publicity of hearings, subject to exceptions (for example, sessions behind closed doors where trade or invention secrets would otherwise be disclosed); the orality and immediacy of the proceedings; and the duty of the court to give reasons. The judge plays an active part, directing the proceedings, clarifying the issues, and ensuring that the parties are afforded an equal opportunity to present their cases.

13.2 Conduct of the Hearing

Within this framework the parties present their positions, the evidence is taken — documents examined, witnesses and experts heard, inspections conducted — and the parties make their submissions, the court determining the order of presentation so as to ensure an orderly and efficient hearing. Once the matter is ripe, the court declares the investigation concluded (Chapter XIII) and proceeds to judgment.

13.3 Types of Court Decision

The Code distinguishes among the decisions a court may render. Interlocutory (intermediate) decisions (Article 125) are issued during the proceedings to address applications and to ensure their proper conduct. Final judgments (Article 126) resolve the substance of the dispute; together with the decisions that bring the proceedings to a close without resolving the merits (Article 127), they are pronounced “in the name of the Republic” and must state the legal basis of the decision, analyse the evidence and explain the manner of its resolution. The duty to give adequate reasons is, as the Constitutional Court has repeatedly emphasised, a guarantee of the fairness of the process and a precondition of effective appellate review.

14. Judgments and Remedies

14.1 Rendering and Reasoning of Judgments

After the close of the hearing, the court evaluates the facts, the applicable law and the parties' arguments, and renders a reasoned judgment setting out the legal basis, the analysis of the evidence and the route to its conclusion. A first-instance judgment that is not appealed within the prescribed period becomes final (merr formë të prerë) and enforceable, and acquires the authority of *res judicata*, precluding the re-litigation of the same dispute between the same parties.

14.2 Damages

Albanian law, in the continental tradition, awards damages to compensate the injured party for loss actually suffered; it does not recognise the Anglo-American concepts of punitive or exemplary damages, nor of nominal damages awarded merely to mark the infringement of a right. Compensable loss comprises pecuniary damage — both the actual loss sustained (*damnum emergens*) and the loss of expected profit (*lucrum cessans*) — and non-pecuniary or moral damage, awarded for harm of a non-economic character, such as injury to health, reputation or personality rights, in the cases and within the limits recognised by law. The governing principle is *restitutio in integrum*: damages aim to place the injured party, so far as money can, in the position it would have occupied had the harm not occurred.

14.3 Specific Performance and Other Relief

Where damages are an inadequate remedy — in particular where the subject-matter of an obligation is specific or unique — the court may order performance of the obligation in kind, for example by ordering the transfer of a particular immovable property in accordance with the terms of a contract. The court may also grant declaratory relief, order the cessation of unlawful conduct, and grant the protective measures discussed in Section 11.

14.4 Provisional Enforcement

Although enforcement ordinarily awaits a final judgment, the Code provides (Part Two, Title II, Chapter XIV) for decisions with provisional enforcement — enabling a first-instance judgment to be enforced before it becomes final in defined circumstances, such as claims for wages or maintenance, or where delay would cause serious prejudice. Provisional enforcement is an important exception that can materially advance a successful claimant's position pending appeal.

14.5 The Structure and Effect of the Judgment

A judgment comprises an operative part (*dispozitivi*) — the court’s actual disposition of the claims — and the reasons that support it. The distinction matters: it is, in principle, the operative part that is enforced and that acquires the authority of *res judicata*, while the reasons explain and justify the disposition and frame the scope of any appeal. A final judgment binds the parties and precludes the re-litigation of the same claim, between the same parties, on the same grounds (the principle of *res judicata*, or *çështja e gjykuar*), lending stability and finality to the resolution of disputes.

The judgment also disposes of the costs of the proceedings, ordinarily ordering the unsuccessful party to bear them in accordance with the costs-follow-the-event principle (Section 21), and it specifies the relief granted — the sum awarded, the act ordered, the right declared — with the precision necessary for enforcement. A judgment that is unclear or internally inconsistent in its operative part may give rise to difficulty at the enforcement stage, a further reason for the care that both the parties and the court devote to its formulation.

Part D — Special Procedures

15. Special Civil Procedures

Beyond the ordinary action, Part Two, Title III of the Code of Civil Procedure provides a series of special trials (gjykimet e posaçme), each adapted to the nature of the matter. These procedures depart from the ordinary rules to the extent necessary — often by simplifying or accelerating the process — while remaining within the general framework of the Code. The principal special procedures are summarised below.

15.1 The Order for Payment

The order-for-payment procedure offers an expedited route for the recovery of a certain, liquidated and due monetary claim supported by suitable documentary evidence. On the creditor's application, and without a full adversarial hearing at the outset, the court may issue an order for payment; the debtor may object within the prescribed period, in which case the matter proceeds as an ordinary contested action, whereas in the absence of objection the order acquires enforceable force. The procedure is particularly useful for undisputed commercial debts, for which a full trial would be disproportionate.

In practice, the order for payment is a valuable cash-flow tool for businesses: it converts a clear documentary entitlement into an enforceable title relatively quickly, shifting onto the debtor the burden of raising a genuine dispute. Its limits should, however, be understood — it is available only where the claim is certain, liquidated and due and is suitably evidenced, and a well-founded objection by the debtor transforms the matter into an ordinary contested action. The choice between the order-for-payment route and an ordinary claim therefore turns on a realistic assessment of whether the debtor has any arguable defence.

15.2 Commercial Disputes

The Code provides (Title III, Chapter III) for the trial of commercial disputes under tailored rules designed to reflect the needs of commercial life — including, where appropriate, the concentration of such matters before judges with relevant expertise and procedural features

adapted to the expeditious resolution of business disputes. As noted in Part B, disputes arising from industrial-property rights are assigned to the trade-disputes section of the court in Tirana.

For the business community, the commercial-dispute regime, the order-for-payment procedure and the option of arbitration together form a toolkit for the resolution of disputes arising from trade and investment. The choice among them depends on the nature of the dispute, the relationship between the parties, and the relative importance of speed, confidentiality and enforceability — considerations developed in Part H.

15.3 Labour Disputes

Disputes arising from employment relationships are examined under dedicated provisions that reflect the protective character of labour law and the desirability of swift resolution, given the dependence of employees on their remuneration. The procedure facilitates the prompt hearing of claims such as those concerning the termination of employment and the payment of wages and related entitlements.

15.4 Judicial Division of Property

The judicial division of property (pjesëtimi gjyqësor, Chapter V) governs the division of property held in common, where the co-owners cannot agree on a voluntary division. The court determines the shares and effects the division — in kind where feasible, or by sale and division of the proceeds where division in kind is not possible — a procedure of frequent practical importance in inheritance and co-ownership disputes.

15.5 Declaration of Disappearance or Death

Where a person has been absent without news for the period fixed by law, the Code (Chapter VI) provides a procedure for the judicial declaration of disappearance and, subsequently, of presumed death, with the consequences that the substantive law attaches — for the administration of the absent person's property, the position of the spouse, and the opening of the succession.

15.6 Removal or Restriction of Capacity to Act

The Code (Chapter VII) regulates the procedure for the removal or restriction of a person's capacity to act, where by reason of mental illness or other incapacity a person is unable to manage their own affairs. Given the gravity of the consequences for the individual concerned, the procedure incorporates safeguards, and the prosecutor may participate in the public interest.

15.7 Judicial Verification of Facts

The procedure for the judicial verification of facts (vërtetimi gjyqësor i fakteve, Chapter VIII) allows the court to establish facts of legal significance — for example, facts bearing on civil status or on the existence of a right — where no other means of proof is available and where the establishment of the fact is necessary for the protection of a right. It is a non-contentious procedure that produces a judicial finding rather than the resolution of a dispute between opposing parties.

15.8 Recognition of Foreign Judgments

Chapter IX governs the recognition in Albania of the decisions of foreign courts. Recognition — a precondition of enforcement — is granted in accordance with the Code and with any applicable international agreement, subject to the customary safeguards: the foreign court must have had jurisdiction; the defendant must have been duly served and afforded the opportunity to defend; the decision must be final; it must not conflict with an Albanian decision or with public policy; and reciprocity, where required, must be satisfied. Recognition is dealt with more fully in Part G in the context of the cross-border dimension of litigation. The recognition and enforcement of foreign arbitral awards, by contrast, is governed by the New York Convention and the Law on Arbitration (Part F).

In practice, recognition is sought as the gateway to enforcement: a foreign judgment, once recognised, may be enforced in Albania through the ordinary machinery of compulsory enforcement (Section 17). The analysis of recognition should be undertaken early in any cross-border matter, since the prospects of recognition — and the availability of a more favourable route under an applicable treaty — may influence the choice of where to litigate in the first place (Section 28).

15.9 Claims for Violation of the Reasonable-Time Requirement

Reflecting the constitutional and Convention guarantee of trial within a reasonable time, the Code (Chapter X, added by later amendment) provides a dedicated procedure for the examination of claims alleging a violation of the reasonable-time requirement, and for the acceleration of delayed proceedings and, where appropriate, compensation. This domestic remedy responds to the persistent problem of delay (Section 23) and to the jurisprudence of the European Court of Human Rights, providing a route of redress within the national system before recourse to Strasbourg.

Part E — Appeals and Enforcement

16. Appeals, Recourse and Revision

Part Three of the Code of Civil Procedure governs the means of challenging decisions and the manner of their adjudication, distinguishing the ordinary appeal, the recourse to the High Court, and the extraordinary remedy of revision.

16.1 Appeal to the Court of Appeal

A party dissatisfied with a first-instance judgment may appeal to the Court of Appeal of General Jurisdiction. The appeal must be lodged within the statutory period — in civil matters, fifteen days, running from notification of the decision — and is directed at both the facts and the law: the Court of Appeal may re-examine the establishment of the facts as well as the application of the law. The Code regulates the form and content of the appeal, the grounds that may be raised, and the position of the respondent, who may file a counter-appeal. A separate, expedited route — the special appeal (*ankim i veçantë*) — lies against certain procedural decisions, such as the return of a deficient claim under Article 154/a.

A significant reform was introduced by Law no. 44/2021: with a view to expediting the disposal of appeals and reducing backlog, the Court of Appeal now, as a rule, examines appeals on the basis of the documents in the file, in chambers (in the counselling room) and without the presence of the parties. While this accelerates the process, it places a corresponding premium on the quality and completeness of the written appeal.

16.2 Recourse to the High Court

A further challenge — the recourse (*rekursi*) — lies to the High Court, and must be filed within thirty days (Article 443(2)). The High Court is a court of law: it does not retry the facts but reviews whether the substantive or procedural law has been correctly applied, whether there have been serious procedural violations entailing the invalidity of the decision, and whether the decision departs from the case law of the High Court. The Code (Title II) defines the permissible grounds of recourse and the procedure for its examination. Through its colleges, and through the Joint

Colleges in cases of particular importance for the unification or development of practice, the High Court secures the uniform interpretation of the law.

16.3 Revision

Revision (rishikimi, Title III) is an extraordinary remedy directed against a judgment that has already become final, available only on the limited grounds the Code prescribes — for example, the discovery of decisive new facts or documents that could not have been produced earlier, a finding that the decision rested on false evidence or on a criminal act, or an irreconcilable conflict with another final decision. Because revision disturbs the finality of judgments, it is confined to these exceptional situations and subject to strict time-limits.

16.4 Constitutional and International Review

Once the ordinary and extraordinary remedies are exhausted, a litigant who alleges that the proceedings violated the constitutional right to due process may lodge an individual complaint with the Constitutional Court (Section 3.4). Should that avenue fail, an application may be made to the European Court of Human Rights alleging a breach of the European Convention on Human Rights. These are not further tiers of ordinary appeal but distinct mechanisms for the protection of fundamental rights.

16.5 Practical Dimensions of Appeals

Two practical features of the appellate system deserve emphasis. First, the short fifteen-day period for an appeal, running from notification of the decision, demands prompt action; a well-prepared party will have assessed the prospects of appeal before the judgment is even delivered. Second, because the Court of Appeal now generally decides on the documents, in chambers and without a hearing (Law no. 44/2021), the written appeal must stand on its own — there is, as a rule, no oral hearing at which to repair omissions or to address the court directly. The premium is accordingly on a complete, well-reasoned and properly evidenced appeal. The backlogs described in Section 23 mean, however, that even a strong appeal may wait a considerable time for determination, a factor to be weighed in any decision to appeal rather than to seek a negotiated resolution.

17. Compulsory Enforcement of Judgments

A judgment is of practical value only if it can be enforced. Part Four of the Code governs compulsory enforcement (ekzekutimi i detyrueshëm), from the general provisions on enforcement titles through the particular modes of execution to the means of defence against enforcement.

17.1 Enforcement Titles and the Execution Order

Enforcement proceeds on the basis of an enforcement title (titull ekzekutiv). The principal title is a final and enforceable court judgment, but the Code recognises other titles to which the law attaches executory force — including certain notarial acts, and arbitral awards rendered in Albania once an execution order has been issued (Part F). On the creditor's application, the competent court issues an execution order (urdhër ekzekutimi), which is then carried into effect by the bailiff. The Code specifies the titles that may be enforced and regulates the issue of the execution order, including the cases in which no execution order is issued (for example, in respect of a decision securing a claim, which is enforced directly).

17.2 The Bailiff Services

Enforcement is carried out by bailiffs (përmbaarues gjyqësorë). Albania operates a dual model: the State Bailiff Service and the private bailiff service, the latter introduced to improve the speed and effectiveness of enforcement and operating under its own governing legislation. The creditor may, as a rule, choose between the two. The bailiff notifies the debtor, allows the period for voluntary compliance, and, failing compliance, proceeds to compulsory execution.

17.3 Modes of Execution

Part Four, Title II provides for execution in particular areas, including: execution against movable property, by attachment and forced sale; execution against immovable property, by attachment, valuation and sale; execution against the debtor's monetary claims against third parties (garnishment), including sums held in bank accounts; the execution of monetary obligations against budgetary institutions, which follows a special regime; and the execution of obligations

to do or to refrain from doing. The Code regulates the priority of creditors and the distribution of the proceeds of execution.

17.4 Defences and Suspension

The Code affords the debtor and affected third parties means of defence against enforcement (Title II, Chapter IX) — including objections to the execution title and to the acts of the bailiff — and provides for the suspension and discontinuation of enforcement (Chapter X) in defined circumstances, for example pending the determination of such an objection or where the title is challenged. These safeguards balance the creditor's interest in swift recovery against the protection of the debtor and of third parties.

17.5 Execution against Immovable Property

Execution against immovable property (Part Four, Title II, Chapter III) proceeds by the attachment (sequestration) of the property, its valuation, and its sale, ordinarily by public auction conducted under the supervision of the bailiff. The attachment is registered against the title, preventing the debtor from dealing with the property to the prejudice of the creditor, and the proceeds of sale are applied to satisfy the enforcement title and the costs of execution, any surplus being returned to the debtor. The Code contains protective rules — for example, as to the valuation, the conduct of the auction and the position of occupants — designed to balance effective recovery against the interests of the debtor and of third parties.

17.6 Execution against Movable Property and Monetary Claims

Execution against movable property (Chapter II) likewise proceeds by attachment and forced sale. Execution against the debtor's monetary claims against third parties (Chapter IV) — garnishment — is frequently the most effective mode: the bailiff attaches sums owed to the debtor by third parties, including balances held in bank accounts, requiring the third party to pay the attached sums to the creditor rather than to the debtor. The execution of monetary obligations against budgetary institutions follows a special regime (Chapter V), reflecting the particular position of the State and public bodies.

17.7 Obligations to Do or to Refrain; Distribution and Priority

Where the title obliges the debtor to do or to refrain from doing something rather than to pay a sum, the Code provides specific modes of execution (Chapters VII and VIII), which may include the performance of the act at the debtor's expense or the imposition of coercive measures to secure compliance. Where the proceeds of execution are insufficient to satisfy all creditors, the Code governs their distribution according to the priority of their claims, with secured and privileged creditors ranking ahead of unsecured creditors.

17.8 Practical Considerations

In practice, enforcement is frequently the most demanding phase of civil litigation. The identification and realisation of the debtor's assets, the management of competing claims, and — historically — delays in the system can erode the value of a favourable judgment. Creditors are therefore well advised to consider the prospects and mechanics of enforcement, and the early use of the protective measures discussed in Section 11, from the very inception of a dispute rather than only after judgment.

Part F — Alternative Dispute Resolution

18. Arbitration under Law no. 52/2023

18.1 Background and Scope

Arbitration in Albania was transformed by the entry into force of the Law on Arbitration in the Republic of Albania (Law no. 52/2023, adopted on 6 July 2023 and promulgated by presidential decree no. 146 of 24 July 2023). The law fills a conspicuous gap: the arbitration provisions formerly contained in the Code of Civil Procedure (the former Articles 400–441) were repealed in 2013, leaving domestic and international arbitration seated in Albania without a dedicated statutory framework for a decade. Modelled on the UNCITRAL Model Law on International Commercial Arbitration, Law no. 52/2023 brings Albanian arbitration broadly into line with international practice.

Its stated object (Article 1) is to establish the rules for the organisation and conduct of domestic and international arbitration where the seat of arbitration is in Albania, and its purpose (Article 2) is to provide a professional, high-quality, efficient and effective framework. Article 3 supplies a set of definitions — of the arbitrator, of arbitration, of international arbitration, of the permanent arbitral institution, of the arbitral tribunal (*gjykata e arbitrazhit*), of the arbitration agreement and of the seat. Arbitration is defined as international, in essence, where the parties are seated in different States, or where the seat or the place most closely connected with the dispute lies abroad, or where a substantial part of the obligations is to be performed abroad (Article 3(3)).

The law applies to all domestic and international arbitration seated in Albania (Article 4), with Article 11 (court-ordered interim measures before the tribunal is constituted) applying even where the seat is abroad or undetermined. Crucially, Article 5 confines the role of the courts: a court may not examine matters governed by the law except where the law itself so provides — the principle of limited judicial intervention that is the hallmark of modern arbitration statutes. Arbitration may be administered by a permanent arbitral institution under its own rules, or conducted *ad hoc* under rules agreed by the parties and the provisions of the law (Article 6).

18.2 The Arbitration Agreement

Chapter II governs the foundation of all arbitration — the agreement of the parties. The object of an arbitration agreement may be any pecuniary claim, or any claim arising from a pecuniary relationship, save where special legislation prohibits the resolution of the dispute by arbitration or permits it only under defined conditions (Article 7). A dispute may be referred to arbitration only where the parties have agreed to submit to arbitration the pecuniary disputes that have arisen or may arise from a defined legal relationship, whether contractual or not (Article 8); the parties may conclude an arbitration agreement even while their dispute is already before a court, except where the matter falls within the exclusive jurisdiction of the courts.

Capacity and public parties are addressed in Article 8: any private natural or legal person may conclude an arbitration agreement, and ministries and units of local self-government may also do so — with subordinate institutions, autonomous agencies and State-owned companies requiring the prior consent of the responsible minister or the Prime Minister, and local self-government units the prior consent of the municipal or regional council. This express provision for public-sector arbitration is of practical importance for investors contracting with the State or its entities.

As to form, Article 9 requires the arbitration agreement to be in writing, on pain of invalidity, while treating the written-form requirement as satisfied where the parties' intention is expressed through fax, telegram, telex, electronic mail or other means of communication or data-recording that can be documented and provide written proof. Two features deserve emphasis. First, where one party is a consumer within the meaning of consumer-protection legislation, the arbitration agreement must be signed personally by the parties and must be separate and independent from the underlying agreement (Article 9(3)) — a significant protective limitation on the arbitration of consumer disputes. Second, the law adopts the principle of separability (Article 9(4)): an arbitration clause forming part of a contract constitutes a separate and independent agreement, and the invalidity of the contract does not ipso jure entail the invalidity of the arbitration clause. Exceptionally, an agreement that does not comply with the form requirement is nonetheless valid where the arbitration has commenced and the other party has not objected to the tribunal's

jurisdiction (Article 9(5)). Doubts as to the scope of the agreement are resolved by reference to the parties' intention to submit the dispute to arbitration (Article 10).

The relationship with the courts is defined by Articles 11 and 12. Before the tribunal is constituted, a party may seek interim measures from the court where it proves that the absence of the measure may cause it serious and irreparable harm (Article 11), and such measures may be sought even where the seat is abroad or undetermined, the territorial competence being fixed by the Code of Civil Procedure. Where an action is brought before a court in a matter that is the subject of an arbitration agreement, the court — even of its own motion — declines jurisdiction (“removes the matter from judicial jurisdiction”) unless the arbitration agreement is manifestly void (Article 12); and once the arbitration has begun, no court action may be brought to challenge the validity of the arbitration agreement.

18.3 The Arbitrators

Chapter III governs the arbitral tribunal. An arbitrator must be a natural person with full capacity to act, independent and impartial, satisfying any qualification or eligibility criteria fixed in the arbitration agreement or institutional rules, and must additionally not have been convicted by a final judgment of a criminal offence or barred from public functions (Article 13). The tribunal consists of a sole arbitrator or of an odd number of arbitrators as the agreement provides; failing agreement, the number is three (Article 14).

Article 15 governs appointment. The parties are free to agree the appointment procedure; failing agreement, in an institutional arbitration the arbitrators are appointed from the institution's list under its rules, while in an ad hoc arbitration each party appoints one arbitrator within thirty days of the commencement of the proceedings and the two party-appointed arbitrators appoint the third (the chair) within thirty days of their own appointment; a sole arbitrator is to be appointed by the parties within thirty days of commencement. In default — where a party fails to appoint, or the two arbitrators fail to agree on the third, or the parties fail to agree on a sole arbitrator — the appointment is made by a third party designated in the agreement or, failing that, by the district court of the seat, which appoints within thirty days, taking into account the qualities and qualifications required and any circumstance ensuring an independent and

impartial appointment; no appeal lies against the court's appointment decision. An arbitrator accepts office by written declaration confirming the absence of any circumstance giving rise to justifiable doubts as to independence or impartiality, and the tribunal is constituted on the date of acceptance (Article 16).

The mandate of an arbitrator terminates in the circumstances listed in Article 17 (resignation, successful challenge, agreement of the parties, a court decision terminating the mandate, loss of capacity, ceasing to satisfy the conditions, or the conclusion of the proceedings). Articles 18 and 19 govern the challenge of an arbitrator: Article 18 enumerates the grounds — essentially, the absence of independence or impartiality, or the existence of a defined conflict of interest — and obliges an arbitrator to disclose any such circumstance within five days; Article 19 prescribes the challenge procedure, with a party able to seek removal in writing within fifteen days of learning of the ground, the tribunal deciding within fifteen days, and a residual application to the district court of the seat (within thirty days of the rejection), against whose decision no appeal lies, the challenge not suspending the arbitration. Article 20 deals with an arbitrator's failure or inability to act, Article 21 with replacement, which follows the rules for appointment.

18.4 Jurisdiction of the Tribunal and Interim Measures

Chapter IV enshrines two cardinal principles. Article 22 adopts the principle of competence-competence: the tribunal may rule on its own jurisdiction and on the validity of the arbitration agreement. A plea that the tribunal lacks jurisdiction must be raised no later than the submission of the statement of defence (a party is not precluded by having appointed, or participated in appointing, an arbitrator), and a plea that the tribunal is exceeding its authority must be raised when the matter said to exceed the tribunal's jurisdiction arises. Where the tribunal upholds its jurisdiction by an interlocutory decision, a party may appeal to the district court of the seat within thirty days; the court decides within fifteen days, and the appeal does not suspend the arbitration.

Article 23 empowers the tribunal, unless the parties agree otherwise, to grant interim measures on a party's request where that party adduces written evidence of a risk of serious and irreparable harm pending the resolution of the dispute, and to require security for any damage

the measure may cause. The district court of the seat may, on application, order the enforcement of a tribunal-ordered interim measure, and may suspend or vary that enforcement order; the enforcement is carried out directly by the bailiff service. Where an interim measure is shown to have been unjustified, the party that sought it must compensate the resulting damage, the tribunal retaining jurisdiction over that question.

18.5 Conduct of the Proceedings

Chapter V governs the conduct of the arbitration. The tribunal must ensure the orderly conduct of the proceedings and guarantee equal and adversarial treatment of the parties, affording each the opportunity to present its case (Article 24); the parties may act personally or through freely chosen authorised representatives. Subject to the mandatory provisions of the law, the parties may determine the procedural rules or adopt those of an institution; failing agreement, the law applies, and on matters the law does not regulate the tribunal may determine the procedure, applying the Code of Civil Procedure by analogy or institutional rules.

The remaining provisions of the chapter address: the seat of arbitration (Article 25), which the parties may fix and which, failing agreement, the tribunal determines, the tribunal being free to meet elsewhere for hearings, deliberations and inspections; the language of the proceedings (Article 26); notices and the computation of time-limits (Article 27), with detailed rules on the modes and the deemed date of notification, including by electronic means where the parties have so agreed; the commencement of the arbitration (Article 28), which — failing contrary agreement — occurs on the date the respondent receives the request to arbitrate; and the statement of claim, statement of defence and counterclaim (Article 29), including the parties' right, within limits, to amend their cases and the respondent's right to counterclaim on the same legal relationship.

Article 30 confers wide procedural flexibility: unless the parties agree otherwise, the tribunal may decide whether to determine the dispute on the documents alone or to hold a hearing, and a hearing may be conducted with the parties physically present or by remote audio-visual link — an express endorsement of virtual and hybrid hearings — or by a combination of the two; where a party so requests (and the parties have not excluded hearings), the tribunal must hold a hearing

at an appropriate stage; hearings are held in private unless the parties agree otherwise. Article 31 regulates the consequences of a party's default, providing in particular that the respondent's failure to file a defence is not to be treated as an admission of the claim. Articles 32 to 35 govern evidence: the burden of proof lies on the party asserting a fact (Article 32); witnesses are heard by the tribunal, with provision for written statements and for questioning (Article 33); the tribunal may appoint experts and the parties may comment on and question them (Article 34); and the tribunal, or a party with its approval, may seek the assistance of the competent district court in taking evidence or performing acts beyond the tribunal's power, the arbitrators being entitled to participate (Article 35). Finally, Article 36 codifies waiver: a party who, knowing of a breach of the law or of the agreement, proceeds without objecting promptly (and in any event within five days) is deemed to have waived the right to object.

18.6 The Award

Chapter VI governs the award. As to the law applicable to the merits (Article 37), in international arbitration the tribunal applies the substantive law chosen by the parties; failing choice, the law indicated by the rules of private international law; and in all other cases, Albanian law. The tribunal may decide *ex aequo et bono* or as *amiable compositeur* only if the parties have expressly so agreed, and in all cases decides in accordance with the terms of the contract and takes account of applicable good commercial usage.

Unless the parties agree otherwise, the award is made by a majority of the tribunal, dissenting arbitrators being entitled to record their opinions in writing, and an award signed by the majority has the same effect as if signed by all (Article 38). Article 39 prescribes the form and content of the award: it is made in writing and must contain the composition of the tribunal, the seat, the identity of the parties and their representatives, particulars of the arbitration agreement and the parties' final claims, a summary statement of the reasoning, the operative part, the signatures of the arbitrators, the date, and the place of deposit of an original; it must be signed personally by the arbitrators (an award signed by the majority being valid provided the reasons for the missing signatures are explained). Critically, Article 39(4) provides that the award is final and binding for

the dispute determined from the date of its pronouncement, and Article 39(5) that it is made public only with the parties' consent.

The chapter also provides for the recording of a settlement reached during the arbitration as a consent award having the same effect as any other award on the merits, save where its content offends public order (Article 40); for the termination of the proceedings, whether by a final award or by an order discontinuing them on defined grounds (Article 41); and for procedural costs (Article 42), which the tribunal fixes in the final award — including the tribunal's fee, the arbitrators' expenses and remuneration, experts' and witnesses' costs, and the reasonable costs of legal representation — allocating them, as a rule, in proportion to success, but with a discretion to depart from that rule in the light of the circumstances or the parties' conduct. Article 43 permits the parties, within thirty days of receipt of the award, to request the correction of clerical or computational errors, the interpretation of an unclear award, or the completion of the award where a claim has been omitted, the tribunal being able to correct errors of its own motion within thirty days and to complete the award within sixty days.

18.7 Recourse against the Award: Annulment

Chapter VII provides the single, exclusive means of challenging an award. Under Article 44, the only recourse against an arbitral award is an application for its annulment, made to the Court of Appeal of General Jurisdiction in whose jurisdiction the seat lies. The grounds are exhaustively defined and closely track the New York Convention and the UNCITRAL Model Law: the incapacity of a party; the invalidity of the arbitration agreement; the lack of proper notice of the appointment of an arbitrator or of the proceedings, or other inability to present one's case; the award's determination of matters beyond the scope of the submission to arbitration (with provision for partial annulment where the excess can be separated); the irregular composition of the tribunal or conduct of the procedure, where the irregularity affected the outcome; the non-arbitrability of the dispute; and conflict with public order (*rendi publik*).

Unless the parties agree otherwise, the application for annulment must be made within ninety days of notification of the award (or, where a correction, interpretation or completion has been sought under Article 43, from notification of the decision on that request) (Article 44(2)). On

annulment, the Court of Appeal may, where appropriate, remit the matter to the tribunal or order other steps to remove the grounds of annulment (Article 44(3)). Article 45 governs the appellate examination: the Court of Appeal examines the application under the Code's rules for appeals and must decide within thirty days of filing; the application does not suspend enforcement of the award, save that the court may, on a party's request, suspend enforcement where it finds a risk of serious and irreparable harm. Decisively, Article 45(4) provides that no recourse lies to the High Court against the decision of the Court of Appeal — a deliberate limitation that confines post-award litigation to a single instance and reinforces the finality of awards.

18.8 Recognition and Enforcement of Awards

Chapter VIII distinguishes domestic from foreign awards. Under Article 46, awards rendered where the seat is in Albania constitute enforcement titles and are enforced after the issue of an execution order by the district court under the Code of Civil Procedure; the district court refuses the execution order if it finds that one or more of the Article 44 annulment grounds exist, but it may not re-examine those grounds where the Court of Appeal has already considered an annulment application. Under Article 47, the recognition of a final award rendered outside Albania is governed by the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards — ratified by Albania through Law no. 8658, dated 9 November 2000 — together with the Code of Civil Procedure; the grounds for refusing recognition mirror those of the Convention, including non-arbitrability, the incapacity of a party or invalidity of the agreement, want of proper notice or inability to present the case, excess of mandate, irregular composition or procedure, and conflict with public order. The practical result is that Albania offers a Convention-compliant route for the enforcement of foreign awards, a matter of considerable importance to international commercial parties.

18.9 Transitional Provisions and Entry into Force

Chapter IX completes the law. Article 48 provides that the law does not apply to arbitration proceedings commenced before its entry into force (unless the parties expressly agree otherwise), and that matters already pending before the first-instance court, the Court of Appeal

or the High Court continue to be tried under the law in force when the claim was filed. Article 49 provides that the law enters into force fifteen days after its publication in the Official Gazette.

Key time-limits under the Arbitration Law

Step	Time-limit
Party appointment of an arbitrator (ad hoc)	30 days from commencement (Article 15(3))
Appointment of the chair by the two arbitrators	30 days from their appointment (Article 15(3))
Default appointment by the district court	Within 30 days of the request (Article 15(6))
Disclosure / resignation for a conflict	Within 5 days of learning of the ground (Article 18)
Challenge of an arbitrator	Within 15 days of learning of the ground (Article 19)
Plea of lack of jurisdiction	No later than the statement of defence (Article 22)
Correction / interpretation / completion of award	Request within 30 days of receipt (Article 43)
Application to annul the award	Within 90 days of notification (Article 44(2))
Court of Appeal decision on annulment	Within 30 days of filing; no recourse to the High Court (Article 45)

18.10 Costs, Funding and Duration

Article 42 of the Law on Arbitration gives the tribunal a structured power over costs: it fixes the procedural costs in the final award — the tribunal's fee, the arbitrators' remuneration and expenses, the costs of experts and other assistance, witnesses' expenses, and the reasonable costs of legal representation — and allocates them, as a rule, in proportion to the parties' success, with a discretion to depart from that rule where the circumstances or a party's conduct so warrant. Costs must be reasonable, having regard to the complexity and value of the dispute, the time spent and the other circumstances. Parties weighing arbitration should model these costs against those of litigation (Section 26): although arbitrators' and institutional fees can be significant, the speed of arbitration and its single-instance annulment regime may render the total cost competitive, particularly in higher-value matters.

As the Albanian arbitration market matures under the new law, parties may also have regard to developments common in international arbitration, such as third-party funding and the increasing use of procedural efficiencies — document-only determinations and virtual hearings (expressly permitted by Article 30) — to control cost and time. The drafting of the arbitration

clause (Section 27) is the moment at which many of these levers, including the choice of institution and rules, are most effectively pulled.

18.11 Investment and Treaty Arbitration

Distinct from the commercial arbitration governed by Law no. 52/2023 is the arbitration of disputes between foreign investors and the State under investment treaties and investment contracts. Albania is a party to a network of bilateral investment treaties and to the multilateral framework for the settlement of investment disputes, which typically offer foreign investors recourse to international arbitral fora outside the national courts. While a detailed treatment lies beyond the scope of this whitepaper, investors contracting with the Albanian State or its entities should consider, at the contracting stage, the interplay between any contractual dispute-resolution clause (including the public-sector consent requirements of Article 8 of the Law on Arbitration) and the protections potentially available under applicable investment treaties.

19. Mediation and Other Forms of ADR

19.1 Mediation

Mediation is regulated by the Law on Mediation in the Resolution of Disputes (Law no. 10385, dated 24 February 2011, as amended), under which trained and licensed mediators assist the parties to reach a voluntary settlement of civil, commercial, family, labour and certain other disputes. Mediation is consensual and confidential: the mediator does not impose a decision but facilitates agreement, and the resulting settlement, once reduced to writing and executed, binds the parties and may, in the manner provided by law, be given enforceable effect. The profession is organised through the National Chamber of Mediation, which maintains standards and the register of mediators. Advocates are required, in appropriate cases, to inform their clients of the possibility of resolving a dispute by mediation.

Notwithstanding its potential to relieve the courts and to deliver faster, cheaper and more durable outcomes, mediation remains under-utilised in practice — a recurring observation in European Commission assessments — and strengthening its uptake is an acknowledged objective of reform.

19.2 Institutional and Ad Hoc Arbitration in Practice

With the enactment of Law no. 52/2023, the institutional landscape for arbitration is expected to develop. Historically, Albania lacked an established domestic arbitral institution of significance, and parties to international contracts frequently chose well-known foreign institutions — such as the International Chamber of Commerce — and a foreign seat. The new law provides for permanent arbitral institutions established under Albanian law, and, by furnishing a modern, Model-Law-based framework with a single-instance annulment regime and Convention-compliant enforcement, it materially improves the attractiveness of Albania as a seat. For the business community, contending with court backlogs, arbitration and mediation now present credible and increasingly well-founded alternatives to litigation.

19.3 Negotiation, Settlement and Hybrid Mechanisms

Beyond formal mediation and arbitration, the great majority of disputes are, in practice, resolved by negotiation and settlement, whether before or during proceedings. The Code itself encourages settlement at the preparatory stage (Section 10.2), and the parties may settle at any point, recording their agreement in a manner that brings the proceedings to an end. Hybrid mechanisms — multi-tiered clauses requiring negotiation, then mediation, then arbitration or litigation — seek to capture the advantages of each, and are increasingly common in commercial contracts; their effectiveness depends on careful drafting, as discussed in Section 27.

Other consensual or expert-led mechanisms, such as expert determination of technical questions and structured negotiation, may also have a place, particularly in disputes turning on narrow valuation or technical issues. The common thread is the same theme that runs throughout this whitepaper: in a system burdened by delay, the mechanisms that allow parties to control the time, cost and outcome of their disputes — and to preserve commercial relationships — deserve serious and early consideration.

Part G — Access, Costs, Reform and the Cross-Border Dimension

20. Legal Aid and Access to Justice

State-guaranteed legal aid is governed by the Law on State-Guaranteed Legal Aid (Law no. 111/2017). The scheme is built around two forms of assistance. Primary legal aid comprises the provision of legal information and advice, assistance with administrative procedures and the drafting of documents, and is delivered through legal-aid centres and authorised providers. Secondary legal aid comprises representation before the courts by an advocate, together with exemption from court fees and from certain costs of the proceedings.

Eligibility turns principally on the applicant's financial means, assessed against statutory thresholds, with special categories of vulnerable persons — among them victims of domestic violence and of trafficking, children in need of protection, and other defined groups — benefiting irrespective of, or on relaxed, means criteria. The object of the scheme is to ensure that limited resources do not deprive a litigant of effective access to the courts, in vindication of the constitutional right to a remedy and of the corresponding guarantees of the European Convention on Human Rights. The practical reach and funding of the scheme remain the subject of continuing attention, including in the context of Albania's European Union accession.

21. Costs and Fees

The costs of civil litigation comprise principally the court fees discussed in Section 7.3, the fees of advocates, and the disbursements of the proceedings — notably the costs of expert evidence, of translation and interpretation, and of witnesses. As a general principle, costs follow the event: the unsuccessful party may be ordered to bear the costs of the litigation, including, within limits, a contribution to the successful party's costs, although the court retains a measure of discretion, in particular where success is divided or where a party's conduct has occasioned unnecessary expense. The Code's provisions on the liability of the parties for costs and for damage caused by their conduct (Part One, Title V, Chapter IV) underpin this regime.

Advocates' fees are, as a rule, a matter of agreement between the advocate and the client, within the framework of the rules of the profession under the Law on the Legal Profession (Law no. 55/2018). Eligible litigants may obtain exemptions or reductions of court fees under the legal-aid scheme or under the Law on Court Fees. A party contemplating litigation should weigh not only the fees of commencement but the full cost profile of a contested matter through to enforcement, and the prospect — favourable or adverse — of a costs order.

Funding and budgeting also merit early attention. A realistic estimate of the costs of a matter through first instance, appeal, recourse and enforcement — set against the value at stake and the prospects of recovery — informs not only the decision to litigate but the choice of forum and the openness to settlement. Where the opposing party is impecunious or its assets are difficult to reach, even a successful and costs-bearing judgment may prove hollow; this hard-headed assessment, undertaken at the outset, is among the most valuable services that experienced counsel provides.

22. Recent Reforms and Developments

22.1 The 2016 Justice Reform

The most far-reaching reform in modern Albanian legal history was effected by constitutional amendment adopted on 22 July 2016, supported by a package of organic laws. Its principal components were: a transitional re-evaluation — the vetting — of all sitting judges and prosecutors, assessing their assets, their integrity and their professional competence, conducted by independent bodies (the Independent Qualification Commission and, on appeal, the Special Appeal Chamber, with Public Commissioners representing the public interest) under international monitoring; the replacement of the former High Council of Justice by the High Judicial Council (for judges) and the High Prosecutorial Council (for prosecutors), with the High Justice Inspector responsible for inspection and discipline; the establishment of the Justice Appointments Council; and the creation of specialised anti-corruption structures — the Special Structure Against Corruption and Organised Crime and the corresponding specialised courts — to investigate and adjudicate high-level corruption and organised crime. The reform rested on a

substantial body of legislation, including the laws on the governance institutions of the justice system, on the status of judges and prosecutors, on the organisation of the judicial power, and on the transitional re-evaluation.

22.2 The New Judicial Map

Building on the reform, the new judicial map (Council of Ministers Decision no. 495, dated 21 July 2022, implemented from 2023) consolidated the courts: the first-instance courts of general jurisdiction were reduced from twenty-two to thirteen, the general appellate courts to a single Court of Appeal of General Jurisdiction, and the administrative first-instance courts were correspondingly reduced. The reform was intended to concentrate resources and expertise; its consequences, examined in Section 23, have been mixed.

22.3 Procedural and Arbitration Reform

The Code of Civil Procedure has been amended repeatedly, with the most significant recent reforms effected by Law no. 38/2017 — which, among much else, repealed the requirement of prior notice of the claim and refined the rules on the claim and its examination — and Law no. 44/2021, which simplified the examination of appeals so that the Court of Appeal, as a rule, decides on the documents in chambers without the parties present. Further amendments to enhance efficiency and the quality of proceedings have been under consideration. Alongside these changes, the Law on Arbitration (Law no. 52/2023) completed a long-awaited modernisation of alternative dispute resolution, and the courts have been pursuing the digitalisation of case management and the electronic handling of files.

22.4 Digitalisation and Efficiency Measures

Alongside the structural reforms, the justice system has been pursuing the digitalisation of its work — the electronic management of case files, the random electronic assignment of cases, and the gradual introduction of electronic communication with the courts, a trend accelerated by the experience of remote working during the public-health emergency. The Law on Arbitration's express endorsement of virtual and hybrid hearings (Article 30) reflects the same direction of travel. These measures, together with the procedural simplifications of Laws no. 38/2017 and

44/2021, are intended to reduce delay and cost; their full benefit depends on consistent implementation and on the resolution of the staffing pressures described below.

23. Challenges and Issues

The reform programme has strengthened the foundations of the system, but it has also generated strains that bear directly on the civil litigant, and a candid account must acknowledge them.

- **Backlog and delay.** The vacancies created by the vetting process — which removed a significant proportion of sitting judges and prosecutors — coincided with the upheaval of the new judicial map, producing substantial backlogs. The single Court of Appeal of General Jurisdiction, in particular, absorbed an enormous influx of cases, and litigants have in some instances faced waits of several years for an appeal to be heard. Reducing the backlog is a recognised national priority.
- **Access to justice.** The consolidation of courts has raised concerns about the practical accessibility of justice for citizens in areas now more distant from a courthouse, and about the costs and delays that the reorganisation has entailed. The new judicial map was challenged before the Constitutional Court by civil-society and professional bodies, including the Albanian Helsinki Committee and the national bar, on access-to-justice grounds.
- **Enforcement.** As discussed in Section 17, the effective enforcement of judgments remains an area of difficulty, with the identification and realisation of assets and the management of competing claims posing persistent practical challenges.
- **Under-use of alternative dispute resolution.** Despite the new arbitration law and the mediation framework, alternative dispute resolution remains under-utilised relative to its potential to relieve the courts — a gap that the maturing of the arbitration regime may help to close.

These challenges are widely acknowledged, including in successive European Commission rule-of-law and enlargement assessments, which have nonetheless recorded the broadly positive

trajectory of the reform. Addressing the backlog and securing the efficiency gains promised by the reforms are integral to Albania's European Union accession agenda.

24. International Treaties and the Cross-Border Dimension

24.1 The Primacy of Ratified Treaties

As explained in Section 3.3, ratified international agreements form part of Albanian law and, in the event of conflict, prevail over incompatible domestic provisions. Several instruments are of particular relevance to civil litigation.

- **European Convention on Human Rights** — guaranteeing, among other things, the right to a fair and public hearing within a reasonable time, and supplying the external safeguard of the European Court of Human Rights once domestic remedies are exhausted.
- **Hague Service Convention** — governing the cross-border service of judicial and extrajudicial documents in civil or commercial matters (Section 9.2).
- **Hague Apostille Convention** — simplifying the authentication of foreign public documents for use in Albanian proceedings by replacing legalisation with a single apostille.
- **New York Convention (1958)** — ratified by Law no. 8658/2000, providing for the recognition and enforcement of foreign arbitral awards (Section 18.8).
- **Stabilisation and Association Agreement and the EU accession process** — driving the continued approximation of Albanian procedural and substantive law to the European Union acquis.

24.2 Jurisdiction, Applicable Law and Recognition

Disputes with a foreign element raise questions of international jurisdiction, applicable law and the recognition and enforcement of foreign judgments. Albanian private international law — codified principally in the Law on Private International Law (Law no. 10428, dated 2 June 2011) — determines the law applicable to cross-border civil and commercial relationships and the bases on which the Albanian courts may exercise jurisdiction over matters with a foreign connection, complementing the rules of the Code of Civil Procedure.

The recognition and enforcement of a foreign court judgment in Albania is governed by the Code of Civil Procedure (Part Two, Title III, Chapter IX) and by any applicable bilateral or multilateral treaty on judicial cooperation. Recognition is subject to the familiar safeguards — the jurisdiction of the rendering court, proper service and the opportunity to defend, the finality of the judgment, the absence of conflict with an Albanian judgment or with public policy, and, where required, reciprocity. Albania is party to a number of bilateral treaties on legal assistance in civil matters, which may modify the general regime as between the contracting States. The enforcement of foreign arbitral awards, by contrast, follows the more favourable New York Convention route described in Part F.

Part H — Practical Guidance for Parties to a Dispute

The preceding parts set out the law and procedure of civil litigation in Albania. This part draws the threads together from the practitioner’s perspective, addressing the questions that most often arise in practice: how a claim progresses in time, how to choose between litigation and arbitration, how to draft an effective dispute-resolution clause, how to manage a dispute with a foreign element, and what a party should do at the first sign of a dispute. The guidance here is general; the right course in any particular matter depends on its facts and should be settled with counsel.

25. The Life-Cycle of a Civil Claim

It is helpful to view a contested civil matter as a sequence of stages, each with its own requirements, risks and opportunities. The following outline traces a typical first-instance action and the stages that may follow, with the corresponding parts of this whitepaper noted for reference.

25.1 Before Proceedings

Long before any claim is filed, the prospects of a dispute are shaped by the underlying documents and conduct. The assessment of the merits, the gathering and preservation of evidence, the analysis of limitation (Section 8), the identification of the proper defendant and the competent court (Sections 4 to 5), and — critically — an early evaluation of the defendant’s assets and of the realistic prospects of enforcement (Section 17) all belong to this phase. Where there is any risk that the defendant may dissipate assets or alter the position in dispute, the availability of pre-action security of the claim under Article 204 (Section 11) should be considered at once. Pre-action correspondence, and the exploration of settlement or mediation (Section 19), may resolve the matter without litigation or, at least, narrow the issues.

25.2 Commencement and the First-Instance Phase

The action is commenced by a statement of claim conforming to Article 154 (Section 7), filed and assigned to a judge by lot, with the court fee paid. Service is effected on the defendant (Section 9), who files a statement of defence and any counterclaim (Section 10). The court conducts the

preparatory phase — identifying the issues, fixing time-limits and exploring settlement — before the examination of the case: the taking of evidence (Section 12), the hearing (Section 13) and, finally, the reasoned judgment (Section 14). Throughout, the parties may seek interim measures and the court may impose procedural discipline.

25.3 Appeal, Recourse and Beyond

A party dissatisfied with the first-instance judgment may appeal to the Court of Appeal of General Jurisdiction within fifteen days (Section 16.1); a further recourse on points of law lies to the High Court within thirty days (Section 16.2). In exceptional cases the extraordinary remedy of revision may be available (Section 16.3), and, once domestic remedies are exhausted, a constitutional complaint and ultimately an application to the European Court of Human Rights (Section 16.4). A judgment that becomes final is enforced through the bailiff services on the basis of an execution order (Section 17).

25.4 A Note on Duration

Realistic expectations as to timing are essential. While the Code and the recent reforms aim at expedition, the backlogs described in Section 23 mean that a contested matter may take a considerable time to pass through first instance, appeal and recourse, and enforcement adds a further stage. These timing realities are themselves a powerful argument for considering arbitration and for settling where a reasonable opportunity arises.

26. Choosing the Forum: Litigation or Arbitration

For commercial parties with freedom to choose, the decision between the ordinary courts and arbitration is among the most consequential they will make, and it is best taken when the contract is drafted rather than after a dispute has arisen. The following comparison highlights the principal considerations; the right choice depends on the nature of the relationship, the parties and the likely disputes.

Factor	Litigation (courts)	Arbitration (Law no. 52/2023)
Cost	Court fees are modest and scaled to value (Section 7.3); overall cost driven by duration.	Arbitrators’ fees and institutional costs can be substantial, but a faster process may reduce total cost.

Factor	Litigation (courts)	Arbitration (Law no. 52/2023)
Speed	Subject to backlogs across first instance, appeal and recourse (Section 23).	Generally faster; a single annulment instance with no recourse to the High Court (Section 18.7).
Confidentiality	Hearings are, as a rule, public.	Private hearings; the award is public only with the parties' consent (Articles 30, 39).
Choice of decision-maker	Judge assigned by lot; no party choice.	Parties choose arbitrators with relevant expertise (Articles 13–15).
Finality	Full appeal on fact and law, plus recourse.	Limited annulment grounds only (Article 44); no appeal on the merits.
Cross-border enforcement	Depends on treaties and recognition rules (Section 24.2).	New York Convention enforcement in over 170 States (Section 18.8).
Interim measures	Security of the claim under Articles 202–205.	Tribunal and court measures (Articles 11, 23).

In broad terms, arbitration tends to commend itself for international commercial contracts — where neutrality, confidentiality, expertise and global enforceability under the New York Convention are at a premium — and for high-value or technically complex disputes. Litigation remains appropriate for many domestic matters, for disputes requiring the coercive powers of the State, for matters outside the scope of arbitration (such as those within the exclusive jurisdiction of the courts), and where the modest court fees and the availability of a full appeal are valued. Consumer disputes are subject to the special protective rule of Article 9(3) (Section 18.2).

27. Drafting the Dispute-Resolution Clause

Whatever forum is chosen, the dispute-resolution clause repays careful drafting. A poorly drafted clause is a frequent source of satellite litigation over jurisdiction, and a defective arbitration clause may be held manifestly void, defeating the parties' intention. The following points reflect the requirements of the Code and of the Law on Arbitration.

- **For a choice-of-court clause:** specify the chosen court clearly, remembering that territorial competence cannot be varied for claims over immovable property or in inheritance matters (Articles 45–46), and that public-policy and mandatory rules may limit party choice (Section 5.4).
- **For an arbitration clause:** ensure it is in writing (Article 9); identify the seat (which, if in Albania, engages Law no. 52/2023), the number of arbitrators (an odd number; the default

is three), the appointing mechanism or institution, the language, the procedural rules and the governing law; and, where one party is a consumer, observe the requirement of a separate, personally signed agreement (Article 9(3)).

- **Consider separability and scope:** a well-drafted clause covers all disputes “arising out of or in connection with” the contract and, by virtue of Article 9(4), survives the invalidity of the contract itself.
- **For State counterparties:** confirm that the prior consent required by Article 8(4) has been obtained, failing which the arbitration agreement may be vulnerable.

A multi-tiered clause — providing for negotiation, then mediation, then arbitration or litigation — can be effective, but each tier must be drafted with precision as to triggers and time-limits, so that the escalation cannot itself become a source of dispute.

28. Managing Cross-Border Disputes

Disputes with a foreign element introduce additional layers — of jurisdiction, applicable law, service, evidence-gathering abroad and enforcement — each of which must be planned for. The questions to address at the outset include: which courts have jurisdiction, under the Code and the Law on Private International Law (Law no. 10428/2011); which law governs the substance; how service abroad will be effected under the Hague Service Convention (Section 9.2); how foreign documents will be authenticated, typically by apostille; and, crucially, where the defendant’s assets are located and how a judgment or award will be enforced against them.

Because the recognition and enforcement of a foreign court judgment depends on the Code’s recognition regime and on any applicable treaty (Section 24.2), whereas a foreign arbitral award enjoys the more favourable and widely adopted New York Convention regime (Section 18.8), the enforceability analysis frequently tilts the forum choice towards arbitration in international contracts. Conversely, where the counterparty’s assets are in Albania and the dispute is domestic in character, the Albanian courts may offer the most direct route to relief.

29. A Practical Checklist at the Onset of a Dispute

When a dispute first emerges, a disciplined initial response preserves options and avoids irrecoverable mistakes. The following checklist distils the practical themes of this whitepaper.

- **Preserve evidence** — secure and protect documents, electronic records and other evidence; consider the securing of evidence under the Code where there is a risk of loss (Section 11.2).
- **Check limitation immediately** — identify the applicable period (Section 8) and any suspending or interrupting events; do not allow a claim to become time-barred while options are weighed.
- **Identify the right defendant and forum** — confirm the proper party, the competent court or the arbitral forum, and any contractual dispute-resolution clause (Sections 4–5 and 26).
- **Assess assets and enforcement early** — a judgment is only as good as its enforceability; evaluate the defendant’s assets and consider protective measures under Articles 202–205 (Sections 11 and 17).
- **Consider settlement and mediation** — weigh the cost, time and relationship implications of a negotiated outcome before committing to contested proceedings (Section 19).
- **Build the claim to the standard of Article 154** — a well-constructed claim, with facts, legal basis, relief and evidence properly set out, shapes the whole proceedings (Section 7).
- **Take advice on costs and funding** — understand the full cost profile and the costs-follow-the-event principle, and check eligibility for legal aid where relevant (Sections 20–21).

Acting deliberately on these points at the outset — rather than reacting once positions have hardened — is, in our experience, the single most reliable predictor of a good outcome.

30. Conclusion

Albanian civil litigation rests on a codified, continental framework that has been substantially modernised over the past decade. The Code of Civil Procedure of 1996, much amended, supplies a detailed and broadly familiar architecture — from the content of the claim under Article 154, through the rules on competence, evidence and interim measures, to the routes of appeal and the machinery of enforcement. The 2016 justice reform, the 2022 judicial map and the 2023 Law on Arbitration have reshaped the institutions, the court structure and the dispute-resolution landscape, advancing the alignment of Albanian law with European standards.

At the same time, the system continues to grapple with backlogs, enforcement difficulties and the practical demands of access to justice — challenges that the ongoing reform programme, and the maturing of arbitration and mediation, are intended to address. For investors, businesses and individuals contemplating or facing litigation in Albania, the practical lesson is consistent throughout this whitepaper: the framework is sound and improving, but outcomes depend heavily on early, well-informed strategy — the correct choice of court and forum, careful attention to limitation and to the formal requirements of the claim, the timely use of protective measures, realistic planning for enforcement, and active consideration of arbitration and mediation as alternatives to the courts.

Oracle Law Global Albania Shpk advises and represents clients across the full range of civil and commercial disputes in Albania — from pre-litigation strategy and the structuring of dispute-resolution clauses, through trial, appeal and enforcement, to domestic and international arbitration and mediation. We would be pleased to assist with any specific matter to which the themes of this whitepaper give rise.

Disclaimer. This whitepaper is provided for general informational purposes only and does not constitute legal advice or create a lawyer–client relationship. It addresses the position in general terms and may not reflect the most recent legislative or judicial developments. Specific statutory provisions, figures, time-limits and procedural requirements should be verified against the current consolidated texts in the Official Gazette (Fletorja Zyrtare) and confirmed with qualified Albanian counsel before any action is taken.

Annex A — Glossary of Albanian Legal Terms

The following glossary collects the principal Albanian terms used in this whitepaper, with their English equivalents. It is intended as an aid to reading and is not exhaustive.

Albanian term	English meaning
Kodi i Procedurës Civile	Code of Civil Procedure
Kodi Civil	Civil Code
Paditës / i paditur	Claimant (plaintiff) / defendant
Kërkesëpadia	Statement of claim
Deklarata e mbrojtjes	Statement of defence
Kundërpadia	Counterclaim
Juridiksioni / kompetenca	Jurisdiction / competence
Sigurimi i padisë	Security of the claim (interim/protective measure)
Parashkrimi	Limitation (prescription)
Prova / dëshmitar / ekspert	Evidence / witness / expert
Shkresat	Documents (documentary evidence)
Vendim / formë e prerë	Decision (judgment) / final and binding
Ankim / rekurs / rishikim	Appeal / recourse to the High Court / revision
Gjykata e Apelit e Juridiksionit të Përgjithshëm	Court of Appeal of General Jurisdiction
Gjykata e Lartë	High Court
Gjykata Kushtetuese	Constitutional Court
Ekzekutimi i detyrueshëm / titull ekzekutiv	Compulsory enforcement / enforcement title
Urdhër ekzekutimi / përmbarues gjyqësor	Execution order / bailiff
Marrëveshje arbitrazhi / gjykata e arbitrazhit	Arbitration agreement / arbitral tribunal
Anulimi i vendimit të arbitrazhit	Annulment (setting aside) of the arbitral award
Ndërmjetësimi	Mediation
Fletorja Zyrtare	Official Gazette

Annex B — Table of Principal Legislation

The following table lists the principal instruments referred to in this whitepaper. References should be read as subject to subsequent amendment; the consolidated texts in the Official Gazette are authoritative.

Instrument	Subject
Constitution of the Republic of Albania (1998, as amended)	Supreme law; fundamental rights; structure of the courts
Law no. 7850/1994 (Civil Code)	Substantive civil law; limitation (Articles 113–115)
Law no. 8116/1996 (Code of Civil Procedure)	Civil procedure from filing to enforcement; amended through Law no. 44/2021
Law no. 38/2017; Law no. 44/2021	Major amendments to the Code of Civil Procedure
Law no. 49/2012	Administrative courts and administrative disputes
Law no. 52/2023 (Law on Arbitration)	Domestic and international arbitration seated in Albania
Law no. 10385/2011	Mediation in the resolution of disputes
Law no. 111/2017	State-guaranteed legal aid
Law no. 98/2017	Court fees
Law no. 55/2018	The legal profession (advocacy)
Law no. 10428/2011	Private international law
Law no. 8658/2000	Accession to the New York Convention (1958)
Constitutional amendments of 22 July 2016 and organic laws	Justice reform: vetting, governance councils, anti-corruption structures
Council of Ministers Decision no. 495/2022	New judicial map (reorganisation of the courts)

Annex C — A Survey of Common Categories of Civil Dispute

Civil litigation in Albania spans a wide range of subject-matter, each category combining the general procedure described in this whitepaper with the substantive rules of the Civil Code or of specialised legislation. The following survey outlines the categories most frequently encountered in commercial practice. It is descriptive rather than exhaustive, and the procedural features noted operate within the general framework set out above.

Property and Real-Estate Disputes

Disputes over ownership and other real rights — boundary and title disputes, claims to possession, easements, mortgages and the registration of immovable property — are among the most common and, frequently, the most hard-fought. They are governed substantively by the Civil Code's provisions on property and by the legislation on the registration of immovable property, and procedurally by the special rule that claims concerning real rights over immovable property must be brought before the court of the place where the property is situated (Article 45), a competence that the parties cannot vary by agreement. Expert evidence — surveys, valuations and technical reports — is often decisive, and the security of the claim under Articles 202–205 is regularly deployed to prevent dealings with the property pending judgment.

Property litigation in Albania is also shaped by the country's complex history of ownership — including the restitution and compensation of property expropriated under the former regime, and the formalisation of titles — which can give rise to competing claims and to questions of the validity and priority of titles. Thorough due diligence on title, and early protective measures, are accordingly of particular importance in this field.

Contractual Disputes

Claims arising from contracts — for the price of goods or services, for damages for breach, for the rescission or annulment of a contract, or for specific performance — form the staple of commercial litigation. The Civil Code's law of obligations governs the formation, performance, breach and termination of contracts and the measure of damages, which comprises the actual loss and the lost profit (Section 14.2). Limitation is typically the general ten-year period, subject

to the special shorter periods of Article 115 for particular contracts (Section 8). Where the contract contains an arbitration or choice-of-forum clause, that clause will, if valid, determine the forum (Sections 5.4 and 18).

Non-Contractual (Tort) Liability

Claims for damage caused outside any contractual relationship — personal injury, damage to property, defamation and other civil wrongs — are governed by the Civil Code's provisions on non-contractual liability, which require a wrongful act, fault (save where the law imposes strict liability), damage and a causal link. Such claims are subject to the three-year limitation period of Article 115. Compensation extends to pecuniary loss and, in the cases recognised by law, to non-pecuniary (moral) damage (Section 14.2).

Albanian law assesses both the existence of liability and the quantum of damage, the latter frequently requiring expert evidence — medical, actuarial or technical. Because such claims must be brought within three years, and because the evidence of causation and loss is often time-sensitive, prompt action and the early preservation of evidence are especially important.

Unjust Enrichment and Restitution

Where a person has obtained a benefit at another's expense without legal cause, the Civil Code provides for restitution. Claims for the return of benefits obtained without right are, like tort claims, subject to a three-year limitation period (Article 115). Such claims frequently arise on the unwinding of void or terminated contracts and in connection with payments made in error.

Family and Matrimonial-Property Disputes

Family disputes — divorce, the division of matrimonial property, maintenance and matters concerning children — are heard by the courts of general jurisdiction, with family matters handled by judges specialising in the field. The Family Code supplies the substantive rules. These proceedings often engage the protective concern of the law for children and vulnerable parties, and certain matters of status involve the participation of the prosecutor (Section 6.5). Provisional measures, for example as to maintenance or the use of the family home, are frequently sought.

Family proceedings combine legal and deeply personal dimensions, and the courts are directed to have regard, above all, to the best interests of any children involved. Mediation has a particular role to play in this field, offering a less adversarial route to durable arrangements, and the law encourages its use in appropriate family matters.

Succession and Inheritance

Disputes concerning succession — the validity of wills, the rights of heirs, the reduction of dispositions infringing reserved shares, and the division of the estate — are governed by the Civil Code's law of inheritance. As with immovable property, the Code fixes a special competence for inheritance matters (Article 46) that the parties cannot vary by agreement. The judicial division of property (Section 15.4) is the procedural vehicle by which a contested estate is divided where the heirs cannot agree.

Labour and Employment Disputes

Employment disputes — the lawfulness of dismissal, claims for unpaid wages and entitlements, and related matters — are governed substantively by the Labour Code and are examined under the dedicated, expedited labour-dispute procedure (Section 15.3). Given the dependence of employees on their remuneration, the law favours swift resolution, and provisional enforcement may be available for certain wage claims (Section 14.4).

Commercial and Company Disputes

Disputes between businesses, and disputes concerning companies — shareholder disputes, the liability of directors, the validity of corporate decisions, and disputes arising from commercial contracts — are governed by the Civil Code, the Law on Entrepreneurs and Commercial Companies and related legislation, and are examined under the commercial-dispute procedure (Section 15.2). Commercial parties frequently provide for arbitration, and the order-for-payment procedure (Section 15.1) offers an efficient route for undisputed commercial debts.

Cross-border commercial disputes raise the additional questions of jurisdiction, applicable law and enforcement examined in Part H, and it is in this context that arbitration is most often chosen, for the neutrality and global enforceability it offers. The structuring of the dispute-

resolution clause at the contracting stage is, here above all, an investment that repays itself if a dispute later arises.

Construction and Development Disputes

Construction and real-estate-development disputes — concerning defects, delay, payment and the allocation of responsibility among employer, contractor and supervisor — combine the Civil Code’s law of contract and liability with the specialised legislation on construction and territorial development. Such disputes are heavily dependent on expert evidence and documentary records, and they illustrate the importance of due diligence and of careful contractual allocation of risk.

Such disputes frequently turn on the interpretation of the contract documents and on technical questions of compliance with specifications and standards, making the documentary record and expert evidence decisive. The allocation of responsibility among the participants in a construction project — employer, designer, contractor and supervising engineer — is often the central issue, where the timing of works and the identity of the party that actually carried them out can be determinative.

Consumer Disputes

Disputes between traders and consumers are shaped by consumer-protection legislation, which informs both the substance of the claim and the available fora. Of particular note for dispute resolution is the protective rule of the Law on Arbitration that an arbitration agreement with a consumer must be separate and personally signed (Article 9(3); Section 18.2), a limitation that channels many consumer disputes towards the courts or sector-specific mechanisms.

Intellectual-Property Disputes

Disputes concerning copyright and industrial property — trademarks, patents, industrial designs and the like — engage the specialised intellectual-property legislation and, procedurally, the assignment by the Code of industrial-property disputes to the trade-disputes section of the court in Tirana (Section 4.6). Interim measures to restrain infringement and to preserve evidence are of particular importance in this field.

Intellectual-property protection in Albania is reinforced by the country's adherence to the principal international instruments and by its alignment with European Union standards as part of the accession process. Right-holders should be alert both to the enforcement options before the courts — including urgent protective measures — and to the customs and administrative mechanisms that complement judicial enforcement.

Annex D — Indicative Procedural Timeline

The following table sets out the principal procedural milestones and the corresponding time-limits, drawing together references made throughout this whitepaper. The periods are those fixed by law; the actual duration of a matter depends on the workload of the courts and the conduct of the parties, and may, in the light of the backlogs described in Section 23, considerably exceed these statutory periods.

Milestone	Time-limit / source
Cure of a deficient statement of claim	Within the period fixed by the single judge (Article 154/a)
Court decision on security of the claim	Within 5 days of the application (Article 202)
Appeal to the Court of Appeal	Within 15 days of notification of the decision
Recourse to the High Court	Within 30 days (Article 443(2))
Application to annul an arbitral award	Within 90 days of notification (Article 44(2), Law no. 52/2023)
Court of Appeal decision on annulment	Within 30 days; no recourse to the High Court (Article 45)
Tort and unjust-enrichment claims (limitation)	3 years (Civil Code, Article 115)
General limitation period	10 years (Civil Code, Article 114)