



SETTINGLAW

Changes to the Civil Procedure Code of the Republic of Albania

Civil Procedure Code of the Republic of Albania | Changes

The Albanian Parliament approved the Law no. 44/2021 “On additions and amendments to law no. 8116, dated 29.03.1996 “*Civil Procedure Code of the Republic of Albania*”, coming into force on 29.05.2021.

This law aiming to simplify the procedure of the examination of appeals before the Appeal Court and the Supreme Court.

According to these amendments, the Appeal Court will examine the appeal on bases of submitted documents, in the counseling room, without the presence of the parties.

Exceptionally, the Appeal Court may decide to examine the appeal in a judicial hearing with the presence of the parties, if:

- (i) it is necessary to assess whether new facts or evidence should be submitted, according to article 465 of Civil Procedure Code; or

- (ii) there are issues on the matter of fact or law, on which parties have not previously submitted their statement of defense.



Further, the Appeal Court may examine several cases with a single judge, such as:

- (i) appeals related to disputes with a value up to twenty times of the national minimum salary, deriving from contractual obligations;
- (ii) appeals against the first instance court's decision that rejected to issue an enforcement order,
- (iii) appeals against the first instance court's decision that examined the claim for cancellation of bailiff actions, as well as other cases provided in the Civil Procedure Code.

Moreover, this law changed the threshold for the disputes examined with a fast procedure (*i.e. from ALL 150.000 to twenty times of the national minimum salary*).

Also, these amendments provide that parties may submit a special appeal to the Supreme Court against the Appeal Court's decision that has dismissed the case or sent the case back for retrial to the first instance court.

Regarding the examination of the case before the Supreme Court, the law provides that as a rule it is performed based on written documents in the counseling room.

Exceptionally, the Supreme Court may decide to examine the case in a judicial hearing, with the presence of the parties, if:

- (i) the case is important in the context of uniform or develop the case law;
- (ii) it is considered necessary to hear the parties due to the complexity of the case, according to article 472 (b) and (c), as well as the second paragraph of the article 473/a of Civil Procedure Code.

Additionally, other law novelties with regard to the examination of the case before the Supreme Court are the following:

- *Pre-Trial Proceeding*

During the examination, the Supreme Court may decide to refer the case to the European Court of Human Rights or other international courts in accordance with international agreements ratified by the Republic of Albania. In that case, the examination in the Supreme Court will be suspended until a ruling by the international court.

- *Legal opinion from the State Attorney and other entities*

In case of the *Unification and/or change Of Case Law*, the Supreme Court may require written opinion from the State Attorney, as well as from public or private legal entities having special knowledge on legal issues. These opinions are not binding and are published on the official website of the Supreme Court.



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