

COURT FEES, LAW

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LAW

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ON COURT FEES IN THE REPUBLIC OF ALBANIA

Pursuant to Articles 78 and 83, paragraph 1, of the Constitution, upon the proposal of a Member of Parliament,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

Article 1

Scope

1. The scope of this law is to define the types of court fees, the amount, mode and timing of payment and the cases of exception from their payment.
2. Court fees, according to this law, are:
 - a) general court fees, for the filing of cases in courts;
 - b) special court fees, for the performance of procedural actions in courts and the services of the judicial administration; and
 - c) additional court fees, in the context of correct management of a judicial proceeding.

Article 2

Purpose

The purpose of this law is to define court fees in civil, administrative, and in the adjudication at the Constitutional Court, with the purpose of obtaining effective and qualitative services delivered by courts.

Article 3

Definitions

In this law, the following terms shall have the meaning as follows:

a) “*Court fee*” is a payment that the parties to a proceeding make through the court administration in favour of the central tax administration;

b) “*Party in the proceeding*” is the natural or legal person or his/her legal representative that has set in motion the court, with the purpose the resolution of a dispute through the judicial route.

c) “*Court*” according to the meaning given by this law are the courts of the judicial system and the Constitutional Court.

Article 4

Scope of application

1. Court fees determined in this law shall apply for all civil and administrative court cases presented for examination at the court and in all the instances of adjudication.

2. Court fees shall apply also for the acquisition of services provided by the courts.

Article 5

Determining general court fees

1. The general court fee for filing a lawsuit shall be calculated on the basis of the value of the claim for civil and administrative court cases.

2. The amount of a general court fee according to paragraph 1 of this article, shall be no lower than 1 000 (one thousand) lekë and no higher than 20 000 000 (twenty million) lekë.

3. The amount of a general court fee for adjudication in the courts of appeal and in the High Court shall be no lower than 2 000 (two thousand) lekë and no higher than 10 000 000 (ten million) lekë.

4. The general court fee for the filing of court cases in the Constitutional Court shall be 5000 (five thousand) lekë, with the exception of cases foreseen in Article 9 of this law.

5. The determination of the value of the claim shall be done by the person, who has filed the lawsuit with the court.

6. In case that the calculation of the value of the claim is missing or has not been calculated correctly, shall be proceeded in accordance with the Code of Civil Procedure.

7. Where a higher court remits a court case for retrial, no general court fee shall be paid.

8. The relevant kinds and amounts of general court fees, according to this article, for each instance of adjudication shall be determined by joint instruction of the minister responsible for Justice and the minister responsible for Finance, with the proposal of the High Judicial Council, on the basis of the nature of the case, the principles of proportionality and of progressivity.

Article 6

Time of payment of general court fee

1. The general court fee shall be paid at the moment of filing the lawsuit, the appeal, the special appeal or the recourse with the court, unless the law provides otherwise.

2. The general court fee for the filing of cases to the Constitutional Court shall be paid at the moment of filing the request at this Court.

3. If the general court fee has not been paid at the moment foreseen in paragraph 1 of this Article, the court shall act in accordance with the provisions of the Code of Civil Procedure.

4. The general court fee shall be paid during the adjudication or before the rendering of the final decision, only in the following cases:

- a) when the court case has as its subject the award of alimony;
- b) for claims of labour relations with a value up to 700.000 (seven hundred thousand) lekë.

5. The fee that has been paid shall not be refunded when withdrawing from the performance of judicial actions.

Article 7

Additional court fee

1. The additional court fee shall be determined in cases where a litigant party or his/her representative has caused without reasonable cause delays in the adjudication of the case.

2. The additional court fee shall be paid within 21 calendar days from the day of notification of the decision of the court.

3. The additional court fee is a fixed fee and is defined by joint instruction of the minister responsible for Justice and the minister responsible for Finance, with the proposal of the High Judicial Council, in proportion with the general court fees, according to Article 5 of this law.

Article 8

Special court fee

1. The special court fee is imposed for the examination of special procedural requests during the duration of the adjudication at all instances of adjudication and in all court jurisdictions, as well as for the services of the court administration.

2. The special court fee shall be paid at the time of filing the request to the court.

3. Special court fees can be no lower than 50 (fifty) lekë and no higher than 2 500 (two thousand five hundred) lekë. The amount for the kinds of special court fees shall be defined through a joint instruction of the minister responsible for Justice and the minister responsible for Finance, with the proposal of the High Judicial Council, in accordance with the principles of proportionality and of progressivity.

Article 9

Exemption from payment of court fees

1. The litigant parties may be exempt from the obligation to pay court fees or other court costs, when a request from them is made, in accordance with the criteria and the procedures defined in the law on legal aid.

2. Every budgetary public body performing administrative functions, the courts or the prosecution office, are exempt from the obligation to pay court fees, unless they lose the court case and the procedural law provides for their obligation to pay the costs of the other party.

3. The rule foreseen in paragraph 2 of this Article is not applied on the State Advocate's Office, which is also exempt from the payment of the court costs.

Article 10

Mode of payment of court fees

1. The court fee shall be collected and paid in accordance with the manner defined with a joint instruction of the minister responsible for Justice and the minister responsible for Finance, after receiving the opinion of the High Judicial Council.

2. From the general amount collected from court fees, 10 (ten) percent shall pass to the judicial budget.

3. On the court fees foreseen in this law shall not be applied the Valued Added Tax.

Article 11

Declaration of fees

1. The court administration, in the quality of agents for the collection of fees foreseen in this law, are obliged to:

a) make a declaration for each month for the revenues collected from fees, not later than 15 days after the end of the month for which the declarations are made;

b) pay on behalf of the Regional Tax Directorate the fee collected for that month on the date or before the due date of the declaration;

2. The declaration, in accordance with letter 'a' of paragraph 1 of this Article, is made in the format and content specified in the instruction of the Minister of Finance. The declaration

for the payment of the court fee is completed and submitted only by electronic means by the court administration. The declaration shall be considered submitted, on the date of the electronic submission of the completed declaration. The court administrations must submit the declaration even if for that tax period they not do not have to pay obligations on fees.

3. In case of violations of the provisions of this article, the court administration shall be subject to the sanctions foreseen in article 117 of the Law, "On tax procedures in the Republic of Albania", as amended.

Article 12

Audit of court fees

1. The calculation and collection of court fees shall be verified and evaluated according to the legislation in force on internal and external audit in the public sector.

2. When the value and the procedure of the determination of court fees has been appealed in the higher courts, the relevant judicial decision shall be kept into consideration in the internal and external audit procedure.

Article 13

Transitional provisions

1. This law shall be applied for all court cases filed with the courts after the entry into force of this law.

2. Until the approval of the bylaws foreseen in this law, the court fees shall be calculated and applied in accordance with the provisions of the legislation in force on national taxes and the bylaws issued in adherence to it.

Article 14

Bylaws

The Minister of Justice and Minister of Finance shall, within 3 months from the establishment of the High Judicial Council, be charged with the approval of the bylaws foreseen in Article 5 paragraph 8, Article 7 paragraph 3, Article 8 paragraph 3, and Article 10 paragraph 1 of this law.

Article 15

Entry into force

This law shall enter into force on the date of 01 June 2018.

Exceptionally, article 14 of this law shall enter into force 15 days after publication in the Official Journal.

Approved on 2.11.2017