



Update: February 2024

The Judicial Officer in the World

ALBANIA

Name (singular and plural): **Përmbarues Gjyqësor Privat/ Përmbaruesit Gjyqësorë Privatë**

Presentation

Generalities

Approx. 140 judicial officers are appointed within approx. 50 offices. They work together with approx. 128 staff. All are liberal or self-employed professionals.

Training

Initial and ongoing training of judicial officers

A person that seeks to be licenced as private judicial enforcement agent shall have to meet the following conditions:

- Have completed the second cycle of university studies in law within the country, or a diploma equivalent with it, or to have completed the university studies in law outside the county, recognised and equal to the former, in accordance to the legislation in force on higher education in the Republic of Albania;
- Have successfully completed the compulsory one-year initial training program at the Training Centre for Enforcement Agents;
- Be employed full-time as an assistant enforcement agent by a private judicial enforcement agent or a private enforcement office for a period of not less than two years following completion of compulsory initial training;
- Have successfully passed the qualification exam as private judicial enforcement agent;
- Have not been convicted by a final court decision:
 - for an intentional criminal offence, that is not expunged;
 - for a criminal offence committed by negligence, which has not been expunged and which impinges on the figure and integrity of the profession of private judicial enforcement agent;
 - for an intentional commitment of a criminal offence, that has been expunged, but nevertheless impinges on the figure and integrity of the profession of private judicial enforcement agent.
- Have not been dismissed from the exercise of a public duty or function, by a decision of the competent body that has become final.

Ongoing training for the staff of judicial officers

The National Training Centre for Enforcement Agents is established within the National Chamber of Private Judicial Enforcement Agents of Albania and is the institution responsible for the initial and continuous training of private judicial enforcement agents. The Training Centre of Enforcement



Update: February 2024

Agents is financed and administered by the National Chamber of Private Judicial Enforcement Agents of Albania. The Training Centre for Judicial Officers provides initial training programs for the candidates for private judicial enforcement agent as well as continuous training programs for private judicial enforcement agents. The Training Centre for Judicial Officers also offers training courses for jurists who intend to get professional, theoretical and practical knowledge in the field of mandatory judicial enforcement.

The exercise of the profession

A qualification exam for private judicial enforcement agents is held based on the requests and the public needs for them. The general number of private judicial enforcement agents exercising the profession in the territory of the Republic of Albania shall as a rule not be higher than the number expressing the ratio of 1 private judicial enforcement agent for every 20 000 resident inhabitants, on the basis of the official data of the most recent general census of population and households. The Minister, depending on the public need and based on the proposal of the National Chamber of Private Judicial Enforcement Agents of Albania, may increase or decrease the number of private judicial enforcement agents. The Minister, after having the written opinion of the National Chamber of Private Judicial Enforcement Agents of Albania, shall at least every five years determine by order the number of private judicial enforcement agents in each judicial district. Enforcement activities shall be performed only from individuals that have been equipped with the individual licence for exercise of the enforcement activity, in pursuance with the criteria foreseen in the law, under their personal responsibility. Private judicial enforcement agents may be organised in private enforcement offices, by registering in one of the forms foreseen in the legislation in force for entrepreneurs and commercial companies. The licence for exercise of enforcement activity is individual and belongs only to the individual private judicial enforcement agent. Administrators, partners and/or shareholders of private enforcement offices may only be the individuals licensed as private judicial enforcement agents. A private judicial enforcement agent may be an administrator, partner and/or shareholder in only one private enforcement office.

The National Chamber of Private Judicial Enforcement Agents of Albania represents a mandatory union of all private judicial enforcement agents in the Republic of Albania. Every private judicial enforcement agent who has been licenced and has been registered in the registers of private judicial enforcement agents is obligatorily member of the Chamber. The Chamber is responsible for organisation, functioning and oversight of the profession of the private judicial enforcement agent in the Republic of Albania, as entrusted by law.

Obligations of the judicial officer and ethical rules

The private judicial enforcement agent has the duties to:

- act with honesty, fairness, professionalism and always in the interest of the requesting party, without unlawfully infringing on the rights and interests of the other party;
- strictly implement provisions of the Civil Procedure Code and other legal and sub legal acts;
- perform necessary actions in the interest of natural and legal persons aiming at the realization of their rights and protection of their legitimate interests;
- maintain professional secrecy and not to disclose information that they have learned during their professional activities or from documents that are made available by the parties in enforcement proceedings, unless the disclosure of such information is a legal obligation;
- insure his/her professional activity with an insurance company;
- fulfil the obligation of continuous training according to the provisions of the law;



Update: February 2024

- regularly pay the professional and tax liabilities;
- take necessary measures and actions for the execution of executive titles with respect to human dignity, taking into consideration the needs of debtors and interests of creditors;
- adhere to the “Code of Ethics of Private Judicial Enforcement agents”, the professional standards and the “Statute of Performance of Enforcement agent Activities »

There are rules relating to ethics and/or deontology applicable to the profession of private judicial enforcement agent. Disciplinary rules are applicable to the profession of judicial officer. The private judicial enforcement agent is submitted to a control of his activities.

Activities

Enforcement of court decisions

The private judicial enforcement agent is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of immovable.
- Attachment of earnings.
- Attachment in the hands of a third party of funds owed to the debtor.
- Attachment of intangible goods other than the funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Bringing physically a party to a court hearing.
- Provisional measures on tangible movable goods of the debtor.
- Provisional measures on intangible movable goods of the debtor.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.
- Forced public auction sale of immovable.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.
- Distribution to creditors of monies collected during the forced auction sale of an immovable good.

When in charge of enforcement, the private judicial enforcement agent has access to all available information on the assets of the debtor.

Forced public auction sales

The private judicial enforcement agent can carry out the physical (as opposed to Internet) forced public auction sale of tangible movable goods attached by the private judicial enforcement agent.

Voluntary public auction sales

The private judicial enforcement agent can carry out the voluntary public sale of properties at a public auction, upon request of interested persons.



Update: February 2024

Service of documents

The judicial officer can carry out the notification of judicial acts and official documents as well as the notification and performance of the collection of financial obligations by mutual agreement, upon request of interested persons

Other activities (X = yes)	
Debt collection	
Statements of facts	X
Sequestration of goods	X
Legal advice	X
Bankruptcy proceedings	
Missions entrusted by a judge	
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	