AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF KOSOVO
AND
COUNCIL OF MINISTERS OF THE REPUBLIC OF ALBANIA
FOR MUTUAL LEGAL ASSISTANCE IN CIVIL AND
COMMERCIAL MATTERS

The Government of the Republic of Kosovo and the Council of Ministers of the Republic of Albania, hereinafter the “Parties”,

Recognizing their aspiration to expand the legal cooperation in civil and commercial matters,

Taking into consideration the purpose of providing more effective protection of the legitimate rights and interests of both states and their nationals,

Aiming at strengthening the bilateral relations and increasing the cooperation between two states,

Have agreed as follows:
CHAPTER I-
GENERAL PROVISIONS

Article 1
Object

(1) The Parties shall, upon request, afford each other the widest measure of mutual legal assistance under the conditions and in the manner provided for in this Agreement.

(2) This Agreement shall apply to civil and commercial matters, including proceedings related to civil status, family matters, employment relations, property matters, inheritance, and other civil or commercial relations of natural and legal persons, unless expressly excluded by this Agreement.

(3) Legal assistance shall be afforded by judicial and other bodies of the Parties, which, according to the applicable laws in their states, are competent to decide upon the matters referred to in paragraph (2) of this Article.

Article 2
Principles

(1) Nationals of either party shall, on the territory of the other Party, enjoy the same legal protection of the rights to which this Agreement applies as the nationals of the other Party.

(2) Nationals of either Party shall, on the territory of the other Party, have free access to courts and other bodies. Before these bodies, they can protect their legitimate rights and interests, submit requests and take actions under the same conditions as the nationals of the other Party.

(3) Nationals of either Party, on the territory of the other Party, shall be entitled to free legal assistance and exemption from payment of court costs in proceedings to which this Agreement applies as nationals of the other Party.

(4) The provisions under paragraphs 1) and 2) of this Article shall apply to legal persons established in accordance with the law of the Party on whose territory their seat is situated.

Article 3
Forms of cooperation

(1) Under this Agreement the cooperation shall be provided in terms of:

1. Mutual legal assistance, such as service of writs and other judicial and extra judicial documents, taking statements from parties and witnesses, obtaining expert opinions, providing information related to their domestic legal provisions;
2. Recognition and enforcement of court decisions and arbitral awards;

3. Any other type of legal assistance that is not contrary to the law of the Requested Party.

(2) The request for mutual legal assistance shall include letters of request under the domestic law of the Republic of Albania and petitions and letters rogatory under the domestic law of the Republic of Kosovo, within the scope of cooperation of this Agreement.

Article 4
Language and channels of communication

(1) The request for legal assistance shall be submitted from the judicial bodies through the central authorities of the Parties;

(2) The Central Authority for the Republic of Albania is the Ministry of Justice and the Central Authority for the Republic of Kosovo is the Ministry of Justice.

(3) Paragraph 1) of this Article shall not exclude the possibility of communication through diplomatic channels if reasons exist, as well as direct communication between judicial bodies.

(4) Electronic communication is allowed provided that the Requesting Party guarantees the submission of the request in original.

(5) The request for legal assistance and the accompanying documents shall be submitted in the language of the Requesting Party.

(6) The responses to the requests for legal assistance shall be submitted in the language of the Requested Party.

CHAPTER II- MUTUAL LEGAL ASSISTANCE

Article 5
Contents of request for mutual legal assistance

(1) The request for mutual legal assistance shall be submitted in writing and shall contain, to the extent possible, the following:

1. Name of authority of Requesting Party;
2. Name of Authority to which the request is sent, if known;

3. Information on parties, including name and surname, address or permanent/temporary residence, occupation, nationality and their legal status in the proceedings;

4. In case of a legal person, the name of the company and its seat;

5. Legal representatives of the parties, if any, including their names, surnames and addresses;

6. Reference number and description of the case for which legal assistance is sought;

7. The subject of the letters rogatory, the type of the document to be submitted, evidence that should be provided or other judicial action to be taken, and where applicable, a list of questions for the person whose hearing is requested.

(2) The request and the accompanying documents shall be submitted as originals or certified copies.

(3) The Requested Party may require additional information and documents if necessary for the execution of the request.

**Article 6**

**Refusal of legal assistance**

(1) The Requested Party may refuse the legal assistance if it considers that the conditions for the provision of legal assistance provided for in this Agreement are not met.

(2) The Requested Party may also refuse the legal assistance if it considers that the execution of the request shall prejudice its sovereignty, security or is contrary to its public order.

(3) The Requested Party shall inform the Requesting Party of the grounds for refusal.

**Article 7**

**Actions related to the request**

(1) If the court or other body indicated in the request finds that it is not competent to act, it shall on its own initiative forward it to the court or other body in the territory of the Requested Party that is competent for its execution.
(2) The Requested Party shall notify the Requesting Party whether the request has been executed. If it cannot be executed, the reasons shall be communicated and all submitted documents shall be forwarded to the Requesting Authority.

**Article 8**

**Execution of requests**

(1) Requests shall be executed in accordance with the applicable law of the Requested Party.

(2) Notwithstanding paragraph 1) of this Article, requests may be executed in the manner requested by the Requesting Party provided that it is not contrary to the domestic law of the Requested Party or does not result in major practical difficulties. If the Requesting Party requires witnesses or experts to give statements under oath, the oath shall be taken in accordance with the legislation of the Requested Party.

(3) The judicial authorities shall execute the request for legal assistance without delay and shall apply the appropriate coercive measures in the instances and to the extent as are provided for by the law of the requested Party for execution of the orders issued by its authorities, or requests submitted by the parties in domestic procedures.

(4) Upon request, the Requesting Authority shall be notified in a timely manner of the date and place of execution of the request, for the interested parties to have the opportunity to participate.

(5) The Central Authority of the Requested Party may allow the presence of official persons of the Requesting Party during the execution of the request.

**Article 9**

**Letters Rogatory**

(1) Under the terms stipulated in this Chapter, each Party may send letters rogatory to the competent judicial authorities of the other Party, to obtain evidence, such as hearings or statements of witnesses or experts, and to send documents or other obtained evidence. A letter rogatory shall not be used to obtain evidence, which is not intended for use in judicial proceedings.

(2) When the hearing of a person is requested, he may refuse to testify, if he avails himself of the right not to testify or if he is obligated not to testify:

   1. in accordance with the law of the Requested Party.

   2. in accordance with the law of the Requesting Party, provided that this privilege or obligation is mentioned in the letter rogatory or in any other way confirmed to the authority of the Requested Party by the Requesting Party.
(3) Diplomatic or consular officers of either Party may, in the territory of the other Party, take statements from a person necessary in proceedings instituted in the court of the State they represent, provided that the person concerned has only citizenship of the sending state of the diplomatic or consular officer. The statement under this paragraph may not be taken by compelling the national of the state he represents. The statement can be taken only in the premises of the diplomatic or consular mission.

Article 10
Service of documents and writs

(1) The service of documents and writs shall be confirmed by a receipt issued in accordance with the laws of the Requested Party. The receipt shall contain the place and date of service and the name, surname and signature of the person served. If service cannot be effectuated, the reasons shall be stated in the notice of return.

(2) If the person to be served cannot be found at the address indicated in the request, the Requested Party may, upon request, take all necessary actions to determine the correct address.

(3) Nothing in this Agreement shall affect the right of:

1. the Parties to serve documents to their nationals through their diplomatic or consular officers, without any coercion;

2. the judicial authorities of either Party to serve writs and other judicial documents to persons on the territory of the other Party, through the judicial authorities of that Party.

Article 11
Costs for providing legal assistance

(1) Each Party shall bear the costs for providing legal assistance incurred in its territory, unless otherwise stipulated in this Agreement.

(2) The Parties shall not request from each other compensation for the costs of the executed requests, except for:

1. the costs for the participation of expert and the performed expertise. The request for expertise may be conditioned by prepaid costs at the requested court, if the costs of the expertise are borne by a party to the proceedings;

(3) A witness or an expert appearing before the judicial bodies of the Requesting Party, shall be entitled to compensation by that Party, in accordance with its domestic law. The court writs shall state the compensation entitled. At his request such expenses shall be prepaid.
Article 12
Assistance in locating persons

(1) The Parties shall assist each other in determining the address of the persons located in their territory, if necessary, to exercise their rights in the proceedings before their competent bodies and if appropriate data are provided for that purpose.

(2) The request referred to in paragraph 1) of this Article shall be submitted to the body of the other Party in accordance with Article 4 of this Agreement.

Article 13
Exchange of information on domestic laws

(1) The Parties shall, upon request, submit the text of their domestic laws, as well as any information on specific legal matters, if necessary, in connection with the procedures under this Agreement.

Article 14
Exemption from the legalization of documents

(1) Official documents issued by courts, authorized persons or other competent bodies of either Party within the scope of this Agreement, bearing an official signature and seal, shall not be subject to further verification regarding their use before the bodies of the other Party.

(2) Legalisation of private documents of either Party within the scope of this Agreement shall not be necessary if they have been previously certified by a court, authorized person or other competent body of the other Party.

(3) The provision of paragraph (1) of this Article shall also apply to copies of public and private documents legalised by courts, authorized persons, or other competent authorities.

Article 15
Legal force of official documents

Official documents issued by the competent bodies of either Party shall have the same legal force before the bodies of the other Party.
CHAPTER III - RECOGNITION AND ENFORCEMENT OF JUDICIAL DECISIONS AND ARBITRAL AWARDS

Article 16
Scope

(1) This Agreement shall apply to decisions issued by the courts of the Parties in civil and commercial matters.

(2) This Agreement shall not apply to:

1. matters related to the bankruptcy or liquidation of companies;
2. social security matters;
3. decisions on payment of customs duties, taxes and penalties for administrative offenses in connection thereto.

Article 17
Legal conditions

(1) The court decision of either Party shall be recognized and enforced in the other Party if:

1. it has been issued by the court which according to its domestic legislation has jurisdiction and competence to decide and
2. it is no longer the subject of appeal and is enforceable in the State of origin.

Article 18
Refusal

(1) The recognition and enforcement of the court decision shall be refused in the following cases:

1. if the recognition and enforcement of the decision is in obvious contradiction with the public order of the Requested Party; or
2. if the decision was issued in the absence of one of the parties in the procedure, who has not received notification of the court procedure or has not been able to exercise the right of defense in accordance with the domestic legislation. This rule shall not apply if
the Party has not appealed the decision on this ground even though he has had the opportunity to do so; or

3. if between the same parties in the proceedings with the same object have instituted procedures that:

a) are ongoing before a court of the Requested Party, and such proceedings has started first, or

b) have been completed with a decision of a court of the Requested Party, or

c) have been completed with a decision of a court of a third State, which has the right to recognize and enforce the decision under the legislation of the Requested Party.

**Article 19**

**Required documents**

(1) The judicial body or the interested subject, requesting the recognition and enforcement of a decision must submit:

1. a full copy of the text of the certified decision;

2. if the decision was taken in absentia: the original or the certified copies of the necessary documents proving that the party has been duly notified;

3. all necessary documents proving that the decision is no longer the subject of ordinary means of appeal and is enforceable in the State of origin.

4. The documents submitted in the procedure of recognition and enforcement of the decision shall not be subject to requests for legalization or other formalities.

**Article 20**

**Procedure for recognition and enforcement of court decisions**

(1) The recognition and enforcement of court decisions shall be made in accordance with the domestic law of the Requested Party.

(2) The court shall not examine the case on the merits, but shall only examine whether the court decision, the recognition and enforcement of which is sought, does not contain provisions provided for in Article 18 of this Agreement.
Article 21  
Procedure for recognition and enforcement of arbitral awards

Arbitral awards of either Party shall be recognized and enforced in the other Party in accordance with its domestic law.

CHAPTER IV -  
FINAL PROVISIONS

Article 22  
Settlement of disputes

Any dispute which may arise between the Parties with regard to the interpretation or the implementation of the provisions of this Agreement shall be settled through diplomatic channels, or through direct communication between the central authorities of the Parties, in accordance with their domestic law.

Article 23  
Final provisions

1. This Agreement is subject to ratification in accordance with the legal procedures of the Parties and shall enter into force 30 days after the last notification, through the diplomatic channels of the Parties, that the internal procedures for the entry into force of this Agreement have been completed.

2. This Agreement is concluded for an indefinite period of time and expires 6 months after either Party notifies the other Party of its termination.
3. Either Party may, at any time, request denunciation of the Agreement, by notifying the other Party in writing through diplomatic channels. The denunciation of the Agreement shall enter into force six months after the date of receipt of such notification.

In witness whereof, the undersigned, being duly authorised, have signed this Agreement.

FOR THE GOVERNMENT OF THE REPUBLIC OF KOSOVO

FOR THE COUNCIL OF MINISTRES OF THE REPUBLIC OF ALBANIA