

COUNTRY PROFILE

TAKING OF EVIDENCE BY VIDEO-LINK UNDER THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS

STATE NAME: [Albania](#)

PROFILE UPDATED ON (DATE): January 2022

PART I: STATE

1. Contact details <i>The contact details provided in this section <u>will be published</u> on the Hague Conference website</i>	
CHAPTER I (LETTERS OF REQUEST)	
<i>As with any other Letter of Request under Chapter I of the Evidence Convention, the requesting authority should contact the Central Authority(ies) of the requested State when seeking to obtain evidence by means of a Letter of Request, whether using video-link or not.</i>	
a) Are the contact details of the Central Authority(ies) designated by YOUR STATE up-to-date on the Evidence Section of the Hague Conference website?	<input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No. Please provide the contact details on a separate Word or PDF document for uploading on the Evidence Section of the Hague Conference website.
b) Would YOUR STATE be in favour of specifying a person or department within the Central Authority(ies) who would assist in processing Letters of Request where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?	<input checked="" type="checkbox"/> If YOUR STATE has already done so, please specify the contact details: Ministry of Justice, Department of Foreign Jurisdictional Relations and International Judicial Cooperation The arrangements of video-links are provided by courts, IT units attached to the courts <input type="checkbox"/> Please explain why: <i>Comments:</i>
c) What arrangements are there for ensuring that there is a contact person with whom the requesting authority can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?	The arrangements of video-links are provided by courts, IT units attached to the courts who are responsible for ensuring the link to be functional.

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CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)	
<p><i>Permission by a designated authority may be required to apply certain provisions under Chapter II. To know if such a permission is required for a particular State, see the practical information chart (accessible from the Authorities page) AND / OR the declarations (accessible from the Status Table page) of the relevant State available on the Evidence Section of the Hague Conference website.</i></p> <p><i>If permission is not required, applicants should contact the diplomatic and consular mission (Arts 15/16) or the commissioner (Art. 17) to explore whether or not evidence may be obtained by video-link under this Chapter.</i></p> <p><i>If permission is required, applicants should contact the authority that was designated to grant permission AND the relevant diplomatic and consular mission or commissioner, to explore, where necessary, whether or not evidence may be obtained by video-link under this Chapter.</i></p>	
<p>d) Would YOUR STATE be in favour of specifying an entity or authority, in addition to the relevant authority / diplomatic or consular agent / commissioner, that would assist in processing applications where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?</p>	<p><input type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:</p> <p><input checked="" type="checkbox"/> No. Please explain why:</p> <p><i>Comments: Ministry of Justice transmits the mutual legal assistance request (application) to the competent district authority, which is responsible to take all technical measures in order to guarantee the right for access to justice</i></p>
<p>e) What arrangements are there for ensuring that there is a contact person with whom the Court of Origin can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?</p>	<p><i>The clerk of Court is responsible for liaise the Court of Origin, providing the logistic measures to ensure the video link is operational</i></p>

PART II: RELEVANT LEGISLATION AND COURT SYSTEM

Legal basis	
<p>a) Does YOUR STATE, in the application of Article 27 (<i>i.e.</i> internal law or practice), allow for a foreign Court to directly take evidence by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No. Please specify: If it is not agreed otherwise by an international agreement or bilateral agreement, the request for legal assistance from foreign courts should be transmitted from requesting court through the central authorities appointed and the same channel will be used for getting the reply on execution of the request.</p> <p><i>Comments: When provided, diplomatic channel is not excluded for transmitting the request of Ministry of Justice as central authority to the authorities of the requested state</i></p>
<p>b) Please indicate the legal basis or applicable protocols (<i>i.e.</i>, relevant laws, regulations, practice, etc.) for the use of video-links in the taking of evidence in YOUR STATE, either under the Convention or independent of the Convention (see, <i>e.g.</i> Art. 27 (b) and (c)):</p> <p><i>Please also attach a copy of, or provide a link to, the relevant provisions, where possible in English or French.</i></p>	<p>The Civil Procedure Code of Albania provides the MLA Request, on Article 215, 219 and taking evidence by means of videoconference are provided and limited only in two cases</p> <p>Article 236/a Rules of questioning of witnesses for small amount claims (Added by Law no. 38/2017, article 73; amended partially by law no. 44/2021, Article 8) Regarding the lawsuits up to twenty times the minimum wage at national level, the court may decide that the witnesses' statements be taken by way of written statements or video-conference, provided outside the court premises</p> <p>Article 285/a Communication with parties for small amount claims (Added by Law no. 38/2017, article 74; paragraph I partially amended by law no. 44/2021, Article 9) 1. Regarding the lawsuits worth up to twenty times the minimum wage at national level, the court shall order the parties to provide the explanations in writing or via video-conference. 2. Upon the reasoned request of the parties and where the court deems it reasonable, the interrogation of the parties shall be effected by other means of distance communication. 3. Visual and audio aspects of the video-conference hearing shall be transmitted in real time to the location of the hearing where the judicial proceedings are occurring. 4. Visual and audio aspects of the video-conference hearing shall not be recorded. The abovementioned decisions are not subject to any legal remedy.</p>

<p>c) Does YOUR STATE have any agreements with other Contracting States that derogate from the Convention when taking evidence by video-link (see Art. 28 and Art. 32)?</p>	<p>No. <i>Comments:</i> There is no any provision which rules taking evidence by video – link in the bilateral agreements in force</p>
<p>Court system</p>	
<p>d) Please indicate which courts permit, or have the facilities for, the taking of evidence by video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:</p>	<p> <input checked="" type="checkbox"/> All courts. <input type="checkbox"/> All courts of a specific type / level. Please specify: <input type="checkbox"/> Only specific courts. Please specify which courts, or provide a link to/attach a full list: <input type="checkbox"/> None. </p> <p><i>Comments:</i> Although the rules governing the provision of evidence through a video-link are limited, there are no practical restrictions on taking of evidence by video-link.</p>

PART III: TECHNICAL AND SECURITY ASPECTS (APPLICABLE TO BOTH CHAPTERS)

<p>a) Does YOUR STATE use licensed software (which ensures support for technical and security matters) for the taking of evidence by video link?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> All systems attached to courts are part of the government systems which are ruled by National Agency for ICT, responsible for licensing, security etc.</p>
<p>b) What are the specifications of the video-link technology in use in YOUR STATE, including, if any, the minimum standards or mechanisms used to secure the communications and any recordings made?</p> <p><i>States are encouraged to provide as much information as possible when responding to this question. As such, it may be useful to consider liaising with the relevant IT experts.</i></p>	<p>Codec (<i>i.e.</i>, manufacturer, model, transmission speed, bandwidth):</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.):</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.):</p> <p>Type of encryption for signals in secure transmissions:</p> <p>Split screen capability:</p> <p>Document cameras:</p> <p>Multipoint connections:</p> <p>Additional specifications or capabilities: - Protocols or other practices:</p> <p><i>Comments:</i></p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>

e) Does YOUR STATE have any requirements as to the hearing room, *e.g.*, should be located in a court, should have a camera view of the whole room or a view of all the parties, etc.?

- Yes.
Please specify:
 No.

Comments:

PART IV - LEGAL CONSIDERATIONS (BOTH
CHAPTERS)

**PART IV: USE OF VIDEO-LINKS UNDER BOTH CHAPTERS – LEGAL
CONSIDERATIONS**

Restrictions	
<p>a) Must a court order directing the use of video links first be obtained from the requesting State (Chapter I) / State of Origin (Chapter II)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Courts offer legal assistance to foreign courts in the by means of procedure as set forth in domestic law. Courts shall execute the request if this is in line with the requirements set forth in Civil Procedure Code Article 221 Legal assistance for courts of foreign countries Albanian courts provide legal assistance to courts of other states on their request. Legal assistance cannot be provided when: a) its provision does not comply with the basic principles of Albanian legislation in effect; b) the object of the request is not under the competence of Albanian courts</p>
<p>b) Are there any restrictions on what type/s of evidence can be taken by video-link or how it is to be taken?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> The Republic of Albania has no special limitations on the type of evidence that can be obtained through video-link.</p>
<p>c) Are there any specific restrictions on how evidence gathered via video-link can be handled and distributed, or do the usual rules for evidence obtained in person apply?</p>	<p><input type="checkbox"/> Yes, there are specific restrictions. Please specify:</p> <p><input checked="" type="checkbox"/> No, the normal rules for evidence apply.</p> <p><i>Comments:</i> The court shall decide, at its discretion, which facts it will find proved, after conscientious and careful assessment of all the evidence presented individually and as a whole and taking into consideration the results of the entire proceedings</p>

PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<p>d) Are there any restrictions on the type of person who may be examined by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> No restrictions, Providing evidences by videoconferencing, hearing parties, the general procedural rules are applicable either plaintiff, defendant, witnesses or else.</p>
<p>e) Is it necessary to seek the consent of the parties to use video-link to take evidence?</p>	<p><input type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> The Civil Procedure Code does not provide any restriction such as the consent of the parties to use video-link for taking evidences. Upon notifying the parties about the evidences to be taken, the court decides on the means of taking the evidence without any prior consent of any party</p>
<p>f) Are there any restrictions on the location where the person should be examined (e.g. in a courtroom, on the premises of an Embassy or diplomatic mission)?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> By law, the procedure of taking evidence by means of video-link shall take place in court premises. No specific rules, no specific provision the videoconference shall take place, within diplomatic premises or else.</p>
<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<p><input type="checkbox"/> Yes. If so, please specify what coercive measures may be used:</p> <p><input checked="" type="checkbox"/> No. Please explain: The Civil Procedure Code does not provide any obligation for a witness to be forced to use video links to give evidence. Taking or conducting evidence by witnesses, is subject to general rules of Civil Procedure Code on questioning witnesses,</p>
<p>h) Please briefly outline the procedure/s, under Chapter I and Chapter II, for actually notifying or summoning the witness / expert</p>	<p>Chapter I: There are no specific provisions in CPA that regulate obtaining evidence by video-link.</p>

*PART IV - LEGAL CONSIDERATIONS (BOTH
CHAPTERS)*

<p>to give evidence by video-link, including any references to relevant laws, regulations or practice.</p> <p><i>Please also include, where applicable, the differences between notifying or summoning a willing witness / expert and notifying or summoning a witness / expert that is to be compelled.</i></p>	<p>Chapter II: There are no provisions in CPA that regulate giving evidence by video-link.</p> <p><i>Comments:</i> Obtaining evidences are subject to general rules of Civil Procedure Code.</p> <p>Article 128 Notification of acts (Amended by Law no. 122/2013, Article 8; Law no. 38/2017, article 27) Notification of the acts is done by the means envisioned in this chapter. The judge or the chairperson of the judicial panel shall follow and supervise the notification process, that is carried out by court employees appointed for its execution.</p> <p>Article 129 Summons to the court (Amended by Law no. 122/2013, Article 9; Law no. 38/2017, article 28) The summons to the court are made by notification of a writ, which should contain information on the court which has issued it, the name and family name of the summoned person, time and venue of the court session, the dispute for which the person is being summoned, the time of notification of the act, as well as the legal consequences if the summoned person fails to appear in court. The court, when deeming it useful and when the party or the third party has given its prior consent, orders that the summons are to be made by means of electronic communication, according to the rules established in this chapter. When a person is under detention, or serving a sentence of imprisonment, the court shall serve the notification to the place of execution of the measure or sentence, ordering the relevant authorities to accompany the person to the court, when they want to take part personally in the trial. In these cases, the court shall repeat the notification of the person for every hearing, unless they request the continuation of the trial in absentia. Project Funded by the European Union Page 30 of 166 When the selection of an address for notification to the court is expressly provided in the contract of the parties for all disputes arising from this contract, the court may carry out the notification service in that way. The parties or third parties, are obliged to inform the court for any subsequent change of their address and electronic contact data or those of their representatives. Violation of this obligation shall make the claim for invalidity of notice unacceptable. This provision is applicable to notification services at any stage and instance of adjudication.</p>
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*PART IV - LEGAL CONSIDERATIONS (BOTH
CHAPTERS)*

<p>i) The law of which State governs the use of privileges? <i>Please tick all that apply.</i></p> <p><i>See Articles 11 and 21(e) of the Convention</i></p>	<p>Chapter I:</p> <p><input type="checkbox"/> The law of the Requesting State.</p> <p><input checked="" type="checkbox"/> The law of the Requested State.</p> <p><input type="checkbox"/> The law of another State.</p> <p>Please specify:</p> <p>Chapter II:</p> <p><input type="checkbox"/> The law of the State of Origin.</p> <p><input checked="" type="checkbox"/> X The law of the State of Execution.</p> <p><input type="checkbox"/> The law of another State.</p> <p>Please specify:</p> <p><i>Comments:</i></p>
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PART V - LEGAL CONSIDERATIONS (CHAPTER I)

PART V: USE OF VIDEO-LINKS UNDER CHAPTER I (LETTERS OF REQUEST) – LEGAL CONSIDERATIONS

Legal obstacles	
<p>a) Does YOUR STATE consider that there are legal obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (see C&R No 55 of the 2009 SC and C&R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
Direct and indirect taking of evidence	
<p>b) Under Chapter I of the Convention, does YOUR STATE allow for the direct taking of evidence by judicial personnel of the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.</p> <p>Comments:</p> <p>In accordance with Article 8 of the Convention, the Albania declares that Judicial Authorities of the requesting State may attend the execution of the request with the prior approval of the Ministry of Justice of Albania.</p>
<p>c) Under which provisions of Chapter I of the Convention is indirect taking of evidence by video-link possible in YOUR STATE?</p>	<p>X Art. 9(1) – The judicial authority of the requested State obtains evidence (<i>e.g.</i>, a witness / expert examination) which is located in a (distant) location within its own State.</p> <p><input type="checkbox"/> Art. 9(2) - As a special method or procedure. Please also outline whether any specific conditions must be satisfied:</p> <p><i>See also questions on presence.</i></p> <p>Comments:</p>
Legal safeguards for witness / expert	
<p>d) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter I (<i>e.g.</i> protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p>The Civil Procedure Code does not provide any specific rules relating the video-conference as mean of taking evidence. The general safeguard rules are applicable in this case</p>

Presence	
<p>e) Are the rules for the presence of the parties and their representatives when physically in a single location the same for when evidence is taken via video-link? <i>See Article 7 of the Convention a</i></p>	<p><input type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate:</p> <p><input checked="" type="checkbox"/> No. <i>Comments:</i> There is no any specific rule or regulation on practical operational procedures. The clerk takes all technical measures to ensure the process.</p>
<p>f) Under Chapter I of the Convention, does YOUR STATE allow for the cross-examination of a witness / expert by video-link by the representatives located in the <i>requesting State (i.e., the State in which the proceedings are pending)</i>?</p>	<p><input type="checkbox"/> Yes. <input type="checkbox"/> No.</p> <p><i>Comments:</i> The Civile Procedure Code does not provide any restriction or limitations in this regards</p>
<p>g) Does YOUR STATE allow for the presence of the judicial personnel of the requesting State via video-link? <i>See Article 8 of the Convention</i> <i>Please note that a declaration may be made under this provision.</i></p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> Republic of Albania declares that the Judicial Authority of the requesting State may be present at the execution of a Letter of Request, with the prior authorization of the Ministry of Justice of of Albania.</p>

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

PART VI: USE OF VIDEO-LINKS UNDER CHAPTER II (BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS) – LEGAL CONSIDERATIONS

<p>The questions in this Part are only for States that have not wholly excluded the application of Chapter II</p> <p>Please note that Chapter II may be subject to a reservation in whole or in part under Article 33. Check the reservations that YOUR STATE has made under this Chapter in the status table, Xavailable on the Evidence Section of the Hague Conference website.</p>	
<p>Legal obstacles and legal framework</p>	
<p>a) Does YOUR STATE consider there to be any legal obstacles to the taking of evidence by video-link under Chapter II of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (C&R No 55 of the 2009 SC and C&R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments:</p>
<p>b) Under which provisions of Chapter II of the Convention is taking of evidence by video-link possible in YOUR STATE?</p>	<p><input type="checkbox"/> Art. 15 <input type="checkbox"/> Art. 16 <input type="checkbox"/> Art. 17</p> <p>Comments:</p>
<p>c) Is prior permission from YOUR STATE required when taking evidence under Chapter II of the Convention on the territory of YOUR STATE?</p>	<p>X Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied:</p> <p><input type="checkbox"/> No.</p> <p>Comments: The permission is required only for cases as set forth in declarations of Albania (In accordance with letter c of Article 35 of the Convention, the Republic of Albania declares that it shall not execute the letters of request issued for the purpose of obtaining pre-trial discovery of documents as known in Common Law countries.)</p>
<p>d) Please indicate who administers the oath or affirmation and how perjury and contempt are dealt with when evidence is taken under Chapter II of the Convention on the territory of YOUR STATE.</p>	<p>Administration of the oath or affirmation: Article 226, 237 rule the oath administered by court</p> <p>Dealing with perjury and contempt:</p>

Direct and indirect taking of evidence	
e) Diplomatic and consular agents are usually located in the State where the witness / expert resides. It may be, however, that a witness / expert is located in a neighboring country or in a place distant from the Embassy or Consulate. In these circumstances, does YOUR STATE consider it possible to use video-link to obtain evidence under Chapter II of the Convention?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No. <i>Comments:</i> There is no any specific rule that provides the possible use of video-link in a neighboring country to obtain evidences

PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

Legal safeguards for witness / expert	
f) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter II (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?	There is no any specific provision in place which rules legal safeguards for witnesses / experts when evidence is taken by video-link under Chapter II
Presence	
g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by diplomatic and consular agents ? <i>Please tick all that apply.</i>	<input checked="" type="checkbox"/> The parties. <input checked="" type="checkbox"/> The parties' representatives. <input checked="" type="checkbox"/> Judicial personnel. Someone else. Please specify: <i>Comments:</i> No specific rules that restricts or provides the participation of others
h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by commissioners ? <i>Please tick all that apply.</i>	<input checked="" type="checkbox"/> The parties. <input checked="" type="checkbox"/> The parties' representatives. <input checked="" type="checkbox"/> Judicial personnel. Someone else. Please specify: <i>Comments:</i> No specific rules that restricts or provides the participation of Commissioners
Applicable law	
i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?	<input type="checkbox"/> The law of the State of Origin <input checked="" type="checkbox"/> X The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify: <i>Comments:</i>

j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?

- X The law of the State of Origin
- The law of the State of Execution
- It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify:

Comments:

PART VII PRACTICAL CONSIDERATIONS

COMMON TO BOTH CHAPTERS	
Notice	
a) What does YOUR STATE consider to be the minimum amount of time required between the request and the actual hearing in order to make the arrangements to take evidence by video-link?	Chapter I: Minimum two months Chapter II: Minimum two months
Interpretation services	
b) Who is responsible, under Chapter I and Chapter II, for the use of interpretation services and who arranges these services in YOUR STATE when video-link is used?	Chapter I: The responsible authority are courts for all services and arrangements for use of video -link Chapter II:
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<input checked="" type="checkbox"/> Yes. Please specify: The Civil Procedure Code provides in Article 27 Use of Albanian language in trial The Albanian language is used in all trial stages. Persons, who do not know Albanian language, use their own language. They receive knowledge on the evidence and for the whole development of the trial through the interpreter. <input type="checkbox"/> No. Comments: In practice, Ministry of Justice has published the list of official interpreters. The court may call the interpreters any time and at any location: www.drejtesia.gov.al/lista e perkthyesve zyrtare
d) Under the law of YOUR STATE, is interpretation to be <i>simultaneous</i> or <i>consecutive</i> when a witness / expert is examined via video-link?	The Civil Procedure Code does not provide or rule on the mean of translation to be taken by video-link
e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i>	<input checked="" type="checkbox"/> In the room with the witness / expert. <input checked="" type="checkbox"/> In the room with those conducting the examination. <input checked="" type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II). <input checked="" type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II). <input checked="" type="checkbox"/> In a third State. <input type="checkbox"/> Other. Please specify: Comments: No special restrictions are imposed on the place where the interpreter should be located when a person is to be heard through the video-link, but in practice, court interpreters are located where the person in need of an interpreter is located, that is, in the place of the requested court.

Reporting and recording	
<p>f) Is a written report of the video-link hearing or testimony prepared?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify by whom: Court Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report: The rules of recording and storing of records are set forth by article 118. CPC).</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>g) Are facilities and equipment made available in order to record the hearing or testimony?</p>	<p><input checked="" type="checkbox"/> Yes, with audio and video. <input type="checkbox"/> Yes, only with video. <input type="checkbox"/> Yes, only with audio. <input type="checkbox"/> No, but the recording of hearings/testimonies is permitted.</p> <p>If a recording is produced, please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the recording:</p> <p><input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under domestic law.</p> <p><i>Comments:</i></p>
Documents and exhibits	
<p>h) What arrangements are to be made for showing or referring to documents or exhibits when taking evidence by video-link?</p>	<p>A transcript of tonal recordings may be requested by the party within eight days of the day the soundtrack was made (article 118 CPC).</p>
	<p>The court shall decide, at its discretion, which facts it will find proved, after conscientious and careful assessment of all the evidence presented individually and as a whole and taking into consideration the results of the entire proceedings (Article 118/1. CPC).</p>

PRACTICAL CONSIDERATIONS UNDER CHAPTER I

Practical obstacles

i) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?

- Yes.
Please specify:
 No.

Comments:
Implementation of the Convention is obligatory and there were not raised any concern regarding technical or financing issues so far.

Identification of all relevant actors

j) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter I?

The procedure of verifying the identity of the parties, witness/experts is ruled by general provision of the CPC,

Standard Forms

k) Do the authorities of YOUR STATE use a standardized request form under Chapter I that makes specific reference to the use of video-links?

The use of the [Model Form](#) of the Evidence Convention is recommended when taking evidence under Chapter I.

While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.

- Yes.
Please specify:
 The standardized form used makes no reference to video-link.
 No standardized form is used.

Comments:

l) Does YOUR STATE require the inclusion of any particular practical or technical information from the requesting State in the request in order to conduct / arrange a witness / expert examination by video-link under Chapter I? (e.g. contact details for IT support, technical specifications, etc)

- Yes.
Please specify:
 No.

Comments:
There is no specific rule that provides any additional information, but the requesting and requested courts deal for any necessary arrangements in terms of technical issues, by means of electronic communication, in order to ensure the whole process.

Costs

m) Are there any costs associated with the taking of evidence via video-link under Chapter I in YOUR STATE?

- Yes.
Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs
 No.

Comments:

<p>n) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter I in YOUR STATE? See Art. 14(2) of the Evidence Convention</p>	<p><input checked="" type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input type="checkbox"/> The requesting authority (in the requesting State).</p> <p><input type="checkbox"/> The requested authority (in the requested State). Other.</p> <p><input type="checkbox"/> Please specify:</p> <p><i>Comments:</i> Pursuant to Article 223 of the Civil Procedure Code, The necessary expenses are paid in advance by the party which has made the request</p> <p>When evidence is proposed by both parties or when it is ordered by the court sua sponte, the court shall order that the amount needed to cover the costs be deposited by both parties in equal parts. If the court ordered hearing of evidence sua sponte, it may order that the amount be deposited by only one of the parties.</p>
<p>o) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input type="checkbox"/> Payment in cash</p> <p><input type="checkbox"/> Payment by (credit) card</p> <p><input checked="" type="checkbox"/> Electronic/wire transfer</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i> The Civil Procedure Code does not provide specifically the procedure, it depends on the disposition of the party making the payment</p>
<p>p) Who pays for the interpretation services under Chapter I in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?</p>	<p>Pursuant to Article 223 of the Civile Procedure Code, The necessary expenses are paid in advance by the party which has made the request</p> <p>When evidence is proposed by both parties or when it is ordered by the court sua sponte, the court shall order that the amount needed to cover the costs be deposited by both parties in equal parts. If the court ordered hearing of evidence sua sponte, it may order that the amount be deposited by only one of the parties.</p>

ART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

PRACTICAL CONSIDERATIONS UNDER CHAPTER II	
Only for States that have not excluded in whole the application of Chapter II	
Practical obstacles	
q) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter II of the Convention?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> X No. <i>Comments:</i>
Identification of all relevant actors	
r) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter II?	The rules for verifying the identity of the parties are not specific for video-link. But general rules are applicable in this procedure
Standard Forms	
s) Do the authorities of YOUR STATE use a standardized request form under Chapter II that makes specific reference to the use of video-links? <i>Although the use of the Model Form of the Evidence Convention is recommended when taking evidence under Chapter I, it may also be used, with the necessary amendments when applying for permission to take evidence under Chapter II.</i> <i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i>	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> The standardized form used makes no reference to video-link. <input type="checkbox"/> X No standardized form is used. <i>Comments:</i>
Assistance and facilities	
t) Are the Embassies and Consulates of YOUR STATE (acting as the State of Execution) able to assist applicants in arranging a video-link?	<input type="checkbox"/> Yes. Please specify how, e.g., via a booking system: <input type="checkbox"/> No. Please specify who else would assist, if anyone: <i>Comments:</i>
u) Is it possible to hold a video-link session requested under the Convention at the premises of the Embassies or Consulates of YOUR STATE abroad?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No. <i>Comments:</i> There are no provisions that rule any restrictions for holding the requested video-link session at the premises of the Embassies or Consulates of Albania abroad

<p>v) Does YOUR STATE require the inclusion of any particular practical or technical information from the State of Origin in the request in order to conduct / arrange a witness or expert examination by video-link under Chapter II? (e.g. the use of interpreters, stenographers, or recording devices)</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments: There are not provisions that rules the procedure of requiring the inclusion of any particular practical or technical information from the State of Origin in the request in order to conduct / arrange a witness or expert examination by video-link</i></p>
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PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

Costs	
<p>w) Are there any costs associated with the taking of evidence via video-link under Chapter II in YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments: The costs of procedure, not specifically for video-link, are provided in CPC</i></p>
<p>x) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter II in YOUR STATE?</p>	<p><input type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input type="checkbox"/> The State of Origin</p> <p><input type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution. The</p> <p><input type="checkbox"/> commissioner</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments: Civil Procedure Code rules the The way and responsible parties for bearings costs</i></p>
<p>y) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input type="checkbox"/> Payment in cash</p> <p><input type="checkbox"/> Payment by (credit) card</p> <p><input type="checkbox"/> Electronic/wire transfer</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments: Civil Procedure Code rules the The way and responsible parties for bearings costs</i></p>
<p>z) Who pays for the interpretation services under Chapter II in YOUR STATE when videolink is used and how are these costs to be paid and/or reimbursed?</p>	<p><i>Civil Procedure Code rules the The way and responsible parties for bearings costs</i></p>