

ALBANIA

LEGAL BASIS

- 1. Has your State signed and/or ratified the *European Convention on State Immunity* (1972) and/or the *United Nations Convention on Jurisdictional Immunities of States and Their Property* (2004)? Do the authorities of your State consider the provisions on these treaties on service of process as a codification of customary international law? Does your State apply any other international legal instrument (apart from bilateral agreements)?**

Service of process on a foreign State involves the procedures outlined in international law, such as the two conventions on State immunity, and on jurisdictional immunities of states and their property.

Albania has not yet signed the European Convention on State Immunity and the United Nations Convention on Jurisdictional Immunities of States and Their Property. The Albanian authorities with the aim of being part on these conventions, are examining both conventions, and how they affect the domestic legislations.

Albania is not a member state to these conventions, but Albanian authorities consider that the rule according to which the service of process is deemed to have been effected by the receipt of documents by the Ministry of Foreign Affairs, apply as a rule of customary law.

Even though Albania is not a member state to these conventions, other provisions of international instruments such as Vienna Convention on the Diplomatic Relations, Vienna Convention on the Consular Relations, Convention On the immunity of the United Nations, or the Convention of the United Nations "On the Immunity and Privileges for Specialized Agencies" are applied and considered as customary rule in case of practices dealing with the service of process on a foreign state.

- 2. Please provide information on:**

- a. National legislation (in particular its title, source and content; if available, please provide official translations and/or references to Internet sources).**

The Code of Civil Procedures of the Republic of Albania approved by the law no.8116, dated 29.3.1996 (amended) provides in article 39.c:

"Members of diplomatic and consular mission in the Republic of Albania are not subject to the jurisdiction of Albanian courts except on the cases when

- a) the person accepts the jurisdiction voluntary, or
- b) in the presence of the cases and conditions stipulated by the Vienna Convention"

Article 128 provides for the rules of the delivery of the call letter of the court.

Internet sources: <https://qbz.gov.al/preview/63ca3bd6-ed1c-42d4-a44f-05c970f7714d>

- b. Case-law and practice, specifying whether your national courts and tribunals review the lawfulness of the service of process by operation of law.**

There is no specific case law in Albania related to service of process.