



UNION INTERNATIONALE
DES HUISSIERS DE JUSTICE
ET OFFICIERS JUDICIAIRES
INTERNATIONAL ASSOCIATION
OF JUDICIAL OFFICERS

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Attention:

Mr. Edi Rama, Prime Minister of the Republic of Albania
Mr. Ulsi Manja, Minister of Justice of the Republic of Albania

Paris, 14 November 2024

Honorable Prime Minister of Albania, Honorable Minister of Justice,

The International Union of Judicial Officers (UIHJ) is an organization of judicial officers representing 94 countries and collaborating with global authorities such as the United Nations, Council of Europe, and the European Union.

The National Chamber of Private Judicial Enforcement Agents of Albania (NCHB), one of our prominent members, has recently given us an overview of the current situation in the field of civil enforcement in Albania, especially with regard to the amendments to Law No. 26/2019 on the Albanian Private Judicial Enforcement Service.

In that respect, the Chamber, expressed their serious concern for these envisaged developments and its influence on the activities of our colleagues in Albania.

These amendments, currently advancing without consultation with the Chamber or relevant stakeholders, signify a deeply concerning move that undermines established standards of independence, professionalism, and fair disciplinary process within the private enforcement sector.

UIHJ's standards on enforcement processes are built on principles of impartiality, independence, and operational autonomy, designed to guarantee that enforcement agents serve justice effectively without political or administrative interference. Such principles can be found, for example, in the UIHJ *Global Code of Enforcement*, a set of international standards on enforcement which have been widely accepted by all organizations, including the World Bank, and is one of the documents hailed by the Council of Europe and the European Commission regarding the profession of enforcement agent. These standards align with international best practices to ensure transparent, efficient, and equitable access to judicial enforcement—a framework that Law No. 26/2019 initially sought to embed within Albania's judicial reform efforts.

UIHJ is concerned, therefore, that the recent legislative proposals appear to dismantle this essential framework, eroding the very foundations of an independent judicial enforcement service and subjecting it to undue ministerial control.



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UIHJ has serious concerns regarding any legal amendments made unilaterally, bypassing consultation with the Chamber, the primary representative of Albania's private enforcement agents, as well as expert bodies such as UIHJ and, for example, experts previously working for EU funded projects such as Euralius V, which actively contributed to the establishment of Law No. 26/2019. With the Chamber, we fear that disregarding the collaborative process undermines the integrity of Albania's judicial reform, setting a dangerous precedent where unilateral decisions take precedence over transparent, expert-driven legislative processes essential to democratic governance.

Specific and Serious Concerns with the Proposed Amendments:

1. Threat to Professional Independence and International Standards

The amendments transfer substantial disciplinary authority to the Ministry of Justice, replacing the impartial oversight of the Disciplinary Commission with ministerial control. This shift stands in direct opposition to UIHJ's standards, which mandate that enforcement agents operate independently of political influence to preserve objectivity in their duties. The centralization of disciplinary and operational control within the Ministry subverts the role of enforcement agents, making them vulnerable to potential political manipulation and severely compromising the impartiality essential to fair judicial execution.

UIHJ fully understands the supervisory role of the Ministry of Justice as well as the need to safeguard the legal certainty of the profession.

However, the current draft amendments are *not* in line with the international best practices. Moreover, it hampers the legal certainty of the enforcement profession. According to international standards, disciplinary proceedings in civil enforcement (See: CEPEJ Guidelines (Number 81) of the Council of Europe "*should be carried out by an independent authority*"). Taking into consideration the sanctions in disciplinary proceedings, also the European Court on Human Rights considers disciplinary proceedings part of the judiciary system (see for example *LeCompte, Van Leuven and de Meyere* in which the European Court on Human Rights explicitly stated that in disciplinary proceedings article 6 of the European



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Convention on Human Rights applies!). This also includes the independency of the members of the Disciplinary Commission!

2. Neglect of Professional and Economic Viability

UIHJ is deeply concerned that the proposed amendments neglect the practical, economic realities faced by enforcement agents, who are still awaiting the necessary adjustment of service fees. The failure to address these core economic needs has already created financial instability within the profession, pushing many enforcement agents toward insolvency. By circumventing the Chamber and avoiding critical dialogue on these matters, the proposed changes exacerbate financial pressures rather than provide support, putting the Albanian enforcement profession at risk of severe economic contraction.

3. Violation of the public's right to transparent, unbiased justice and execution system

Placing enforcement under direct state control threatens the public's confidence in an equitable and impartial justice system. Judicial enforcement agents, by UIHJ standards, must act as neutral executors of court decisions, independent of government influence. Centralizing enforcement within a single ministry, and even worse, providing compulsory transfer of cases to state enforcement agents, fundamentally alters this dynamic, compromising the profession's integrity and diminishing public trust in the objectivity of Albania's judicial enforcement processes.

4. Contravention of Albania's EU integration goals

Albania's aspirations for European Union integration rest upon a commitment to uphold the principles of justice, transparency, and professional independence. The proposed amendments to Law No. 26/2019 not only contradict UIHJ's execution standards but also diverge from the expectations set by EU accession criteria. Albania's alignment with EU standards demands adherence to practices that promote the independence of judicial enforcement bodies and protect them from political oversight.

UIHJ is ready to be the promoter and provider of legal solutions based on European principles and best practices as well as the principles as laid down in our World Code on Enforcement. We can put at your disposal all the academic, scientific, even comparative statistical tools based on experiences



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from 104 members from 94 countries. In this regard, we can offer even the experience of the distinguished members of the Scientific Council of UIHJ, which is without any doubt, the key scientific exposure of our association. It is this Scientific Council, with professors at law from universities from all over the world, that also drafted the principles on enforcement in the World Code on Enforcement.

We fully support the Chamber of Private Enforcement agents and enforcement agents` profession in Albania and we are at your disposal with our expertise and to reach a solution in the debate on the draft amendments and to ensure that any legislative changes align with both UIHJ standards and Albania`s judicial reform objectives. We offer our assistance in the establishment of a transparent, collaborative working group, inclusive of representatives from the Chamber, relevant stakeholders, and UIHJ`s experts,

UIHJ remains committed to supporting Albania`s efforts to develop a sustainable, independent judicial enforcement profession that meets international standards and aligns with the nation`s democratic and European ambitions.

We trust that, in the spirit of democracy, justice, and international cooperation, you will consider this urgent appeal and engage in a constructive dialogue to ensure that Albania`s legal framework upholds the principles of independence, transparency, and public trust.

Please accept our highest respect and consideration.

Respectfully,

Marc Schmitz
President