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REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
THE MINISTER

Prot. No.**2559/5** Tirana, on 20/08/2019

INSTRUCTION

No.6, Dated 20/08/2019

ON RULES AND PROCEDURES FOR MAKING THE PAYMENTS OF THE JUDICIAL EXPENSES, WHEREFORE THE EXEMPTION HAS BEEN DECIDED IN THE EVENT OF GRANTING LEGAL AID

In reliance on Article 102, par 4 of the Constitution, Article 7, letter gj) and Article 28, par 4, of the Law no 111/2017, dated 14.12.2017 "On legal aid guaranteed by the state", the Minister of Justice,

INSTRUCTS:

1. Laying out rules and procedures for making the payments of judicial expenses, wherefore the exception has been decided in the sense of the Law no. 111/2017, dated 14.12.2017 "On legal aid guaranteed by the state".
2. The Free Legal Aid Directorate shall make the payments for witnesses, experts, translators and for the inspection of the items and location inspection, according to the procedural legislation provisions, wherefore the court has decided the exemption from the payment of judicial expenses.
3. The Free Legal Aid Directorate shall make the payments based on a decision of the court,under the provisions of the Instruction no 4, dated 12.12.2012, of the Council of Ministers "On determining the extent of expenses and payments of experts in the course of judicial proceedings", as amended.
4. Within 15 (fifteen) days as of the date of pronouncement by the court of the decision for exemption from the payment of judicial expenses , the witness, expert and translator shall submit

at the Free Legal Aid Directorate the taxation documents for the services provided and, as appropriate, the supporting documentation, as follows hereunder:

a) taxation document for the transport expenses;

a) taxation document for the accommodation expenses;

c) document of an indicative character of the job and salary amount;

ç) any second level bank certification regarding the declaration of the account number in ALL.

5. Failure of the witness, expert and translator to submit a tax documentation under the provisions of the legislation in effect for taxation consists a cause for not making the payments for the provided services and wherefore the exemption from the judicial expenses has been decided.
6. At the end of each month, the Free Legal Aid Directorate shall draft a report on the announced judicial decisions, taxation documents submitted for each decision, calculation of daily expenses and the budget available for their payment. Based on such analysis, the Free Legal Aid Directorate shall make the payments of judicial expenses, according to the chronological sequence of the notified judicial decisions and consolidated with the establishing documentation.
7. The Free Legal Aid Directorate shall, inform the witness, expert, translator, the court having pronounced the decision and the beneficiary of the state-guaranteed secondary legal aid, whose request for exemption from the payment of the judicial expenses has been admitted, on the payment of court expenses.
   - Notification is accompanied by a copy of the certification given by the bank proving that the payment was made.
   - Notification shall occur within 5 (five) days as of the making of payment, via mail, electronic mail and any other means provided by the legislation in force.
8. Where the monthly limit is not sufficient for the full liquidation of the judicial expenses, the payment shall be postponed to the upcoming month, according to the chronological sequence of the judicial decisions being notified and consolidated with the corroborating tax documentation.
9. In the event of lack of budget funds for the payment of the entire calculated judicial expenses, the Free Legal Aid Directorate shall log into the balance sheet any liabilities carried forward , under the provisions of the legislation in effect regarding the accounting and financial statements, as well as plan the necessary funds for the settlement payment of such liabilities for the upcoming budget periods.
10. The Free Legal Aid Directorate is tasked with the implementation of this instruction.

This instruction shall enter into effect following its publication in the Official Journal.

MINISTER
Etilda Gjonaj (Saliu)
(signature) (seal)