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INSTRUCTION
No. 4, dated 12.12.2012

ON THE DETERMINATION OF THE AMOUNT OF EXPENSES AND PAYMENTS OF EXPERTS AND WITNESSES DURING THE TRIAL

Pursuant to Article 100 of the Constitution and Article 105/a of Law no. 8116, dated 29.3.1996 "Civil Procedure Code of the Republic of Albania", as amended, upon the proposal of the Minister of Justice, the Council of Ministers

HEREBY INSTRUCTS:

I. GENERAL PROVISIONS

1. The amount of witness costs and the payment of the experts participating in the court hearings shall be determined according to the rules of this instruction.
2. Each year, the judicial district court publishes the list of licensed experts and updates the list, in cases where the licensing authorities take administrative measures to suspend the license.
3. The court calls licensed experts, defined in the available list.
4. In case there are no experts in the required field in the list or when none of the experts listed is available, the Court calls other experts, referring to the specificity of the required field.
5. Witnesses in a lawsuit are entitled to have the costs of their given testimony duly covered.

II. CRITERIA FOR THE DETERMINATION OF EXPENSES AND PAYMENTS OF EXPERTS

1. The determination of the expenses due to the experts is made on the basis of the following conditions:

a) When the expert resides at a distance of up to 100 km from the court where he is called to perform the expertise, his financial treatment includes only the transportation costs, upon the relevant tax document, based on the legislation in force for tax procedures.
b) When the expert resides at a distance of over 100 km from the court where he is called to perform the expertise, the following expenses will be covered:
   i) Daily allowance, not more than 2,500 (two thousand five hundred) ALL per day, when the expertise lasts more than one day. For the purpose of calculating the allowance, in this case, the start and return dates are calculated as a full day;
   ii) Accommodation expenses, upon the relevant tax document, based on the legislation in force for tax procedures, submitted by the hotel and accompanied by the tax coupon, but not more than 3 000 (three thousand) ALL, per each night;
   iii) Transportation costs, upon the relevant tax document, based on the legislation in force for tax procedures, but not more than the relevant fees, according to the kilometer distance of the line, approved by decision no.66 of the Council of Ministers dated 27.2.2007 "On the change of passenger transport tariffs", as amended.

2. The payment for the work performed for the expertise by the licensed expert may not exceed the amount of 40 000 (forty thousand) ALL.

III. CRITERIA FOR THE DETERMINATION OF WITNESS EXPENSES

1. The determination of expenses, which belong to the witnesses, is made as follows:
   a) When the witness resides at a distance of up to 100 km from the court where he is summoned to testify, the coverage of expenses shall include only transportation expenses, upon the relevant tax document, but not more than the relevant fees according to the kilometer distance of the line, approved by decision no. 307 of the Council of Ministers dated 20.7.1992 "On the change of passenger transport tariffs".
   b) When the witness resides at a distance of over 100 km from the court where he is summoned to testify, the following expenses will be covered:
      i) Daily allowance, not more than 2,500 (two thousand five hundred) ALL per day;
      ii) Accommodation expenses, upon the relevant tax document, based on the legislation in force for tax procedures, submitted by the hotel and accompanied by the tax coupon, but not more than 3 000 (three thousand) ALL, per each night
      iii) Transportation costs, upon the relevant tax document, based on the legislation in force for tax procedures, but not more than the relevant fees, according to the kilometer distance of the line, approved by decision no. 307 of the Council of Ministers dated 20.7.1992 "On passenger transport tariffs".
   c) When the witness leaves his workplace, he shall be remunerated in equal value with the interrupted daily salary. The remuneration shall be requested from the witness by presenting a supporting document from the workplace and the amount of the salary.

2. The convicts do not enjoy the right to payment for the testimonies given along the serving of the sentence in the institutions for the execution of criminal decisions.

IV. SPECIAL EXPENSES

Translators' payments shall be determined based on the joint instruction no. 3165 of the Minister of Justice and the Minister of Finance, dated 12.5.2004 "On the criteria and procedures for the selection of external translators, the fees for the payment of external translators and the official translation fees that third parties must pay", based on the number of pages. In case the translators are called to appear in court to perform their services, in addition to the payment, their daily expenses shall be covered in the same amount as the ones referred for the experts and witnesses.

V. LAST PROVISION

1. A tax document, for the effect of this instruction, will be considered any transport ticket approved by the Ministry of Finance, the General Taxation Directorate, and any simple or VAT invoice, which must be mandatorily accompanied by a tax coupon.
2. The Ministry of Justice and the Ministry of Finance shall be responsible for the implementation of this instruction.

This instruction shall enter into force after the publication in the Official Journal.

PRIME MINISTER

Sali Berisha