



Commission on Arbitration, ADR & CLP



Survey Report

Arbitration in Albania

*Perceptions, Preferences
and Expectations*

May 2024

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Survey Report: Arbitration in Albania: Perceptions, Preferences and Expectations 2024

May 2024

This report is prepared by ICC Albania. Please note that this is a pilot study and serves as an initial exploration into the topic at hand. As such, the findings and conclusions drawn from this study should be interpreted with caution. The content of this report is prepared for the general information of our members and other interested parties. It is not, and does not attempt to be, comprehensive and exhaustive in nature. The information provided in this publication is presented “as is”; no representations are made that the content is error free.

Working group members

Ardita Seknaj, Secretary General, ICC Albania

Fatos Lazimi, Chair, ICC Albania Commission on Arbitration, ADR and Commercial Law & Practice

Merlin Papadhopulli, Senior Associate, HoganLovells, Paris

ICC Albania would also like to thank Enisa Halili for her valuable input.

About ICC Albania

ICC Albania is the National Committee of the International Chamber of Commerce (ICC) in Albania since 2012. ICC Albania is the representative voice of ICC in Albania and provides mechanisms for Albanian private sector to engage effectively in shaping international policy, standards and rules.

Through a unique mix of advocacy, solutions and standard setting, we promote international trade, responsible business conduct and a global approach to regulation, in addition to providing market-leading dispute resolution services.

W: icc-albania.org.al  ICCAlbania  ICC Albania  [icc.albania](https://www.instagram.com/icc.albania) E: info@icc-albania.org.al

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FOREWORD

In 2023, Albania witnessed significant progress in arbitration, marked by the approval of the Law on Arbitration, following a meticulous two-year consultation process. This milestone, heralded as a success by ICC Albania, signifies a pivotal moment in enhancing the country's legal framework for alternative dispute resolution mechanisms, such as arbitration, and fostering a conducive environment for the growth of arbitration.

However, enacting favourable policies is just the beginning; their effective implementation is equally crucial. Hence, it is imperative for all stakeholders to focus on capacity building on many levels, to position Albania as an arbitration-friendly destination, both domestically and internationally.

Given the nascent stage of arbitration in the country and the array of opportunities and challenges it presents, ICC Albania's Commission for Arbitration, ADR and CLP, recognizes the importance of gauging the current landscape. This involves assessing the perceptions, preferences, and expectations of experts, lawyers, and advocates, on arbitration and ADR. To this end, ICC Albania conducted pilot research, aiming to gather concrete data on the knowledge, awareness and practices of actors/stakeholders operating in the country and diaspora.

The data gathered provide a clearer understanding of the discussions held in our ongoing Commission meetings.

Drawing from the report's findings, a set of recommendations has been formulated to address areas requiring immediate attention.

It is crucial that these recommendations be comprehensively reviewed and embraced with a commitment to nurturing the arbitration market, guided by principles of trust, integrity, independence, impartiality and reputation.



Ardita Seknaj
Secretary General
ICC Albania



Fatos Lazimi

Chair

ICC Albania Commission
on Arbitration, ADR & CLP

It is with privilege to be part of the ICC Albania Working Group in introducing the Arbitration Survey Report 2024 titled “Arbitration in Albania: Perception, Preferences and Expectations”, which I believe is genuinely the very first initiative taken during all these decades to address in a generalized manner the understanding and the ways the Survey Participants perceive the arbitration to be implemented in Albania.

This Survey comes after a significant moment for all current and potential arbitration community in years ahead, that of the adoption of a New Law on Arbitration which as the Survey data indicate is the main source where Participants were getting their understanding for arbitration. Definitely the strength of a survey of this dimension is entirely based on the level of participation by the arbitration community.

We thank all our Partners and Participants for making this survey highly significant by enabling to translate its results into proper findings and recommendations.

The Participants coming from different legal backgrounds, sectors and positions represent and demonstrate various level of understanding of arbitration, be that international or domestic, institutional or *ad hoc*.

As Commission Members will see, this survey outcome reflects a realistic vision as to what stage the arbitration practice, concepts and culture stand for the time being in Albania and how such outcome appeals for adopting the right strategies for education of new generation and raising awareness among business community to consider arbitration as the most credible and worthy method of settling disputes among themselves

The Introduction of this Survey has been a challenging yet rewarding process, but we are pleased with the interesting results. This survey I am sure will open new horizons for more insightful and comprehensive surveys which will stimulate further discussion on future changes to arbitral practice and procedural rules here in Albania.

EXECUTIVE SUMMARY

The survey report provides valuable insights into the current state of arbitration in Albania, highlighting both opportunities for growth and areas requiring attention. By addressing the identified challenges and implementing the recommendations, Albania can position itself as a favourable environment for arbitration and alternative dispute resolution (ADR), thereby enhancing the efficiency and effectiveness of dispute resolution.

The survey reveals mixed perceptions of arbitration among participants, with varying levels of awareness about its benefits and procedures. While some view arbitration favourably as an efficient alternative to litigation, others are sceptical due to perceived complexities and uncertainties.

Many participants prefer arbitration over traditional litigation, citing familiarity and perceived effectiveness as primary reasons. However, a majority of participants prefer resolving their disputes in foreign jurisdictions.

About fifty percent of the participants in the survey favour institutional arbitration over *ad-hoc* arbitration.

The survey results indicate strong preferences for international arbitration institutions such as ICC and LCIA, with ICSID and VIAC also being notable choices.

Interestingly, over half of the participants lack prior exposure to arbitration, and most have experience with international arbitration rather than mediation.

Regarding the future of arbitration practice in Albania, most practitioners firmly believe that an active arbitration institution within the country is not only necessary but also crucial. Two models were identified as more suitable for integration into the Albanian context: a local independent arbitration institution or a branch of a foreign arbitration institution.

The survey results lead to several recommendations:

- ③ Educational initiatives are essential to dispel misconceptions and raise awareness of arbitration proceedings and institutions.
- ③ There is a pressing need to advance arbitration practice on various fronts, including capacity-building endeavours for present and prospective practitioners interested in the practice.
- ③ Foster partnerships with international arbitration organizations such as ICC Court through ICC Albania to access expertise, resources, and best practices.
- ③ Conducting extensive research in collaboration with the business community can provide comprehensive insights into the field of arbitration.
- ③ Expanding policy efforts in the realm of arbitration to is necessary for its further its development.

INTRODUCTION TO THE REPORT

Background

For years, Albania lacked a dedicated arbitration law or specific legislative provisions regarding arbitration. The Albanian Civil Procedure Code previously comprised some arbitration provisions, but these were repealed in 2013. However, on July 6, 2023, after several years of deliberation, the Albanian parliament passed a new arbitration law based on the UNCITRAL Model Law. This legislative development aims to enhance legal certainty concerning arbitration in Albania, addressing a void that persisted for almost a decade following the repeal of the arbitration provisions in the Civil Procedure Code.

Despite this progress, ADR mechanisms remain limited and require further reinforcement. Public awareness of alternative dispute resolution services is still low and needs further improvement.

There is a pressing need for a stronger commitment and harmonization within the private sector to enhance the effectiveness and utility of commercial arbitration in Albania. Various factors contribute to the difficulties in arbitration, such as perceived high costs, limited familiarity with arbitration proceedings, absence of arbitration institutions, confidentiality concerns, fee structures, and available remedies.

The lack of substantial evidence and statistical also hinders the development of arbitration in Albania.

Therefore, ICC Albania Commission on Arbitration, ADR¹ and CLP² has conducted this survey to gauge the understanding and perception of arbitration among participants in Albania. This report provides an overview of the current status and growth of arbitration as an essential tool for resolving domestic and international disputes.

Purpose

The main aim of this report is to provide a detailed understanding of the current knowledge and application of arbitration in Albania. By examining how arbitration is perceived and practiced, we intend to highlight opportunities for Albania to enhance its arbitration landscape and the resulting benefits to businesses, individuals, and other stakeholders.

Audience

This report caters a diverse audience, including legal professionals, business leaders, policymakers, academics, students, and anyone interested in understanding the current state of play of dispute resolution mechanisms in Albania with special focus in arbitration.

Methodology

The participants' profile in our survey report on arbitration covers a diverse cross-section of individuals and professionals, each offering unique insights into the realm of dispute resolution. Through a comprehensive examination of their demographic backgrounds, professional affiliations, and experiences with arbitration, this survey provides a nuanced understanding of their perceptions, preferences and expectations.

¹ ADR: Alternative Dispute Resolution

² CLP: Commercial Law and Practice

An online questionnaire consisting of 42 comprehensive questions was diligently completed by 71 participants between 5 April to 17 May 2024.

The questionnaire has been available in two languages Albanian and English to accommodate participants to provide feedback in the language they are more comfortable communicating. A majority of 62 participants have provided their feedback in Albanian and 9 in English. While efforts have been made to ensure accurate translation, variations in linguistic nuances may exist.

We aimed for a balanced invitee sample across varying cities, industries and company sizes. We sent out the survey requests by mail and social media. Follow up emails were sent seeking further responses. Information about the survey was distributed through the channels of the partner business associations.

The targeted audience for this survey encompasses two main groups: professionals actively working in Albania with an interest in arbitration, and Albanians residing in diaspora who maintain a connection and interest in legal matters pertaining to their homeland. By including these two distinct yet interconnected segments, our survey results captured a broad spectrum of perspectives on arbitration.

Acknowledgments

We extend our gratitude to all the individuals and organizations whose contributions and insights have enriched this report. Their expertise and support have been invaluable in shaping the content and ensuring its relevance and accuracy.

We hope that the Survey Report "Arbitration in Albania: Perceptions, Preferences and Expectations" stimulates significant conversations about the role of arbitration in contemporary dispute resolution.

Special thanks to partner organizations for their role in distributing the questionnaire:

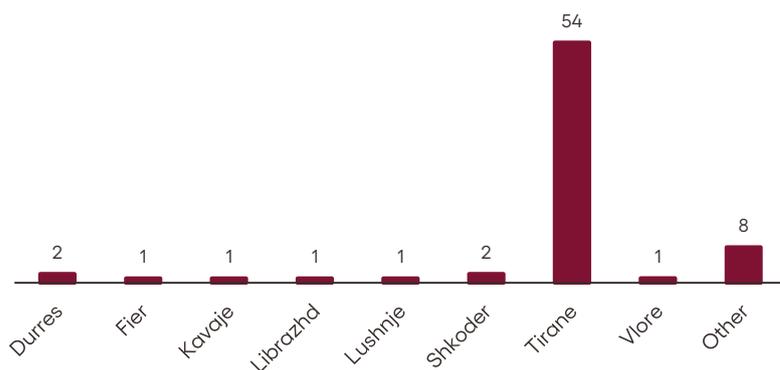
- 🕒 Advantage Austria Albania
- 🕒 The Albanian Diaspora Business Chamber (ADBC)
- 🕒 The Albanian Renewable Energy Association (AREA)
- 🕒 The American Chamber of Commerce in Albania (AmCham)
- 🕒 The Chamber of Commerce and Industry France-Albanie (CCI FA)
- 🕒 The Chamber of Commerce and Industry Italy-Albania (CCI IA)
- 🕒 The Chamber of Commerce and Industry of Tirana (CCIT)
- 🕒 The Hellenic Business Association in Albania (HBAA)
- 🕒 The National Albanian Real Estate Association (NAREA)

SURVEY FINDINGS

I. Profile of participants

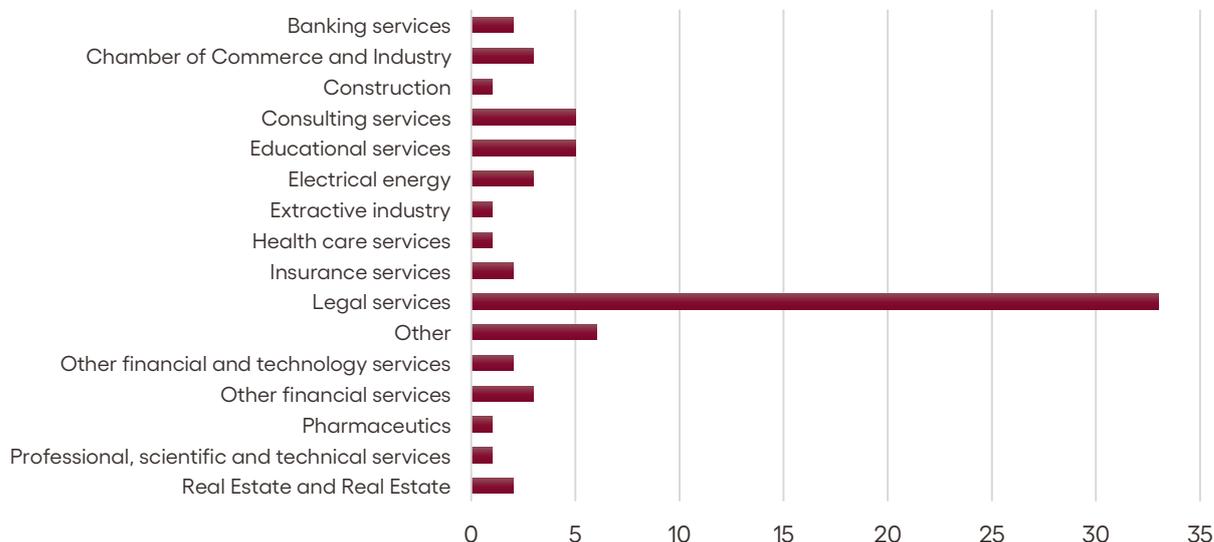
The following charts provide a comprehensive overview of the composition of participants across various demographic factors such as: geographical location in Albania, industry, gender, educational level, years of experience and company size by employee's number.

Chart 1: Participants' job location



A vast majority (approx.76 percent) of participants are employed in the Tirana area, while the remaining individuals are nearly evenly distributed among other cities including Durres, Fier, Kavaja, Librazhd, Lushnja, Shkoder, and Vlora. Additionally, eight participants originated from the diaspora and Kosova.

Chart 2: Employment sector of the participants



About half of the participants were affiliated with the legal services sector, primarily comprising practicing lawyers. The remaining half were employed across various industries ranging from finance and banking to fintech, consultancy, energy, construction, education, and beyond.

Chart 3: Company size and distribution of the sample

Size of company	Number of participants	In percentage %
1-49 employees	41	57.75%
50-249 employees	18	25.35%
250+ employees	12	16.90%

About 58 percent of those surveyed are employed in micro and small-sized companies, which typically have up to 49 employees.

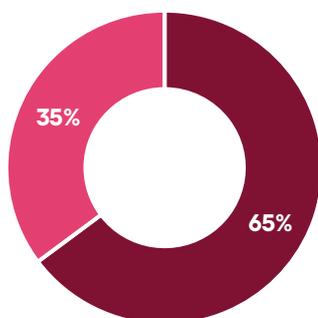
Among them, 59 percent work in micro companies with fewer than ten employees, with a significant portion concentrated in the legal services sector.

Approximately a quarter of the participants are employed in medium-sized businesses across different industries, academia, and the public sector.

Whereas about 17 percent are employed in large corporations having more than 250 employees. Typically, these participants work within the financial sector and public institutions, while those in legal services often hail from diaspora backgrounds.

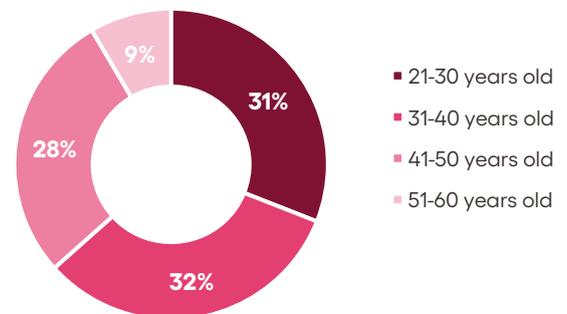
Chart 4: Participants by gender

■ Female ■ Male



The majority of participants were female, comprising 65 percent, while 35 percent were male.

Chart 5: Participants by age



The participants are evenly spread across various age ranges, with approximately one-third falling within the age ranges of 21-30, 31-40, and 41-50.

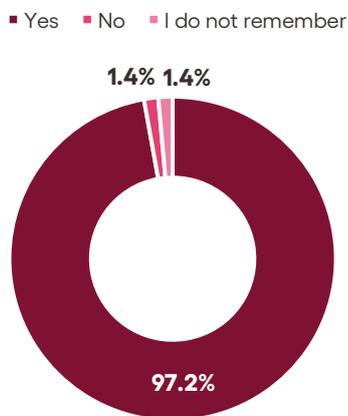
II. Perceptions about arbitration and ADR

The analysis of perceptions about arbitration and ADR from our survey yields illuminating insights into the attitudes, preferences, and challenges surrounding these mechanisms. Here's a concise breakdown of our key findings.

Awareness and Understanding of ADR

While a considerable proportion of participants demonstrated a solid grasp of arbitration and other forms of ADR, there remains a notable segment with limited awareness or understanding of these mechanisms. This highlights the importance of educational initiatives to enhance awareness and accessibility.

Chart 6: Familiarity with arbitration



Based on the survey feedback, almost all participants confirmed, at least a minimal degree of familiarity with arbitration.

Majority gained knowledge about arbitration through their professional experience and/or from university settings, with the Law on Arbitration being identified as the third source of learning.

Chart 7: Source for learning about arbitration

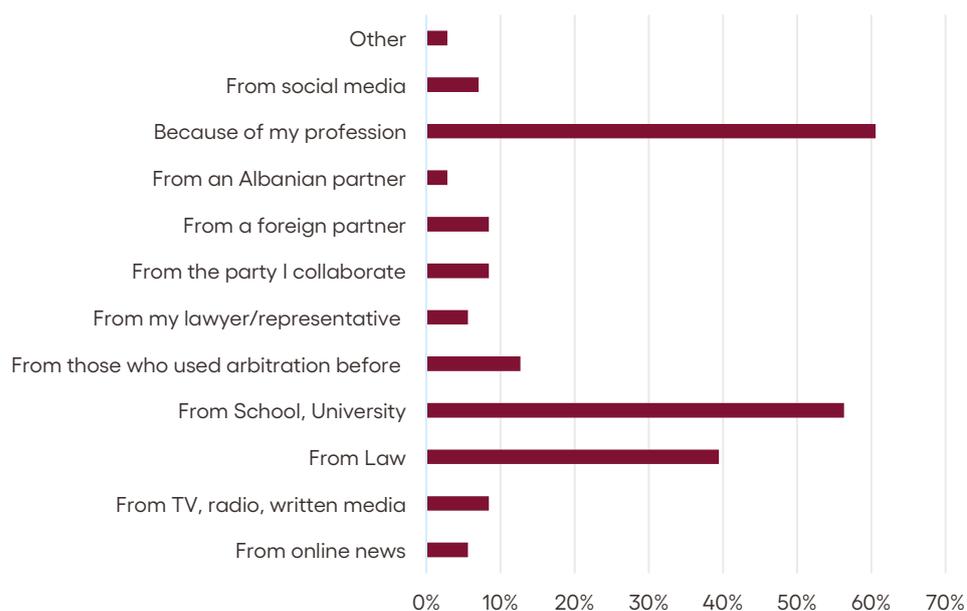
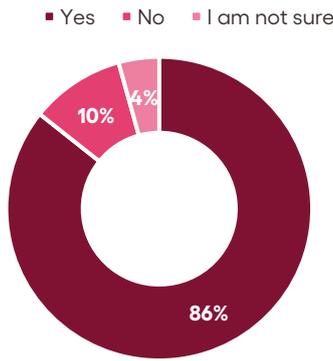


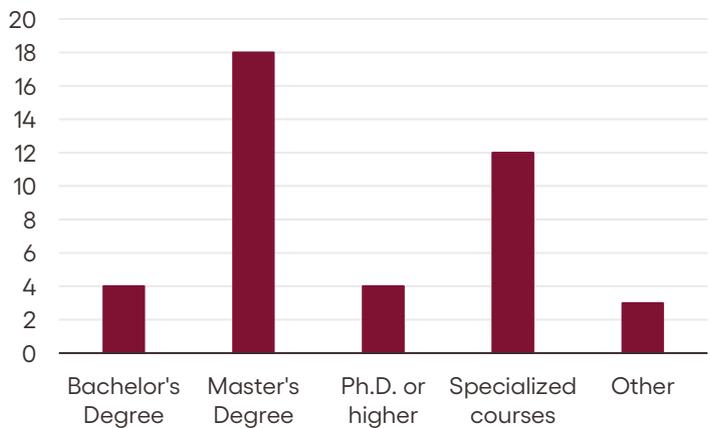
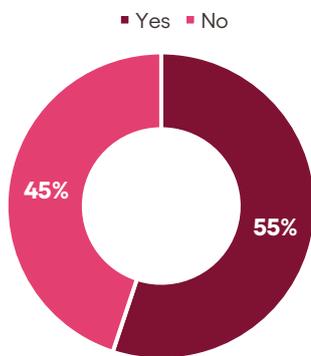
Chart 8: Knowledge about Alternative Dispute Mechanisms



86 percent of the survey participants indicated familiarity with ADR methods.

Among them, mediation was recognized as the most prevalent ADR mechanism by 88 percent, followed by arbitration at 75 percent, with negotiation and conciliation recognized by 23 percent and ten percent respectively.

Chart 9: Education in the area of arbitration



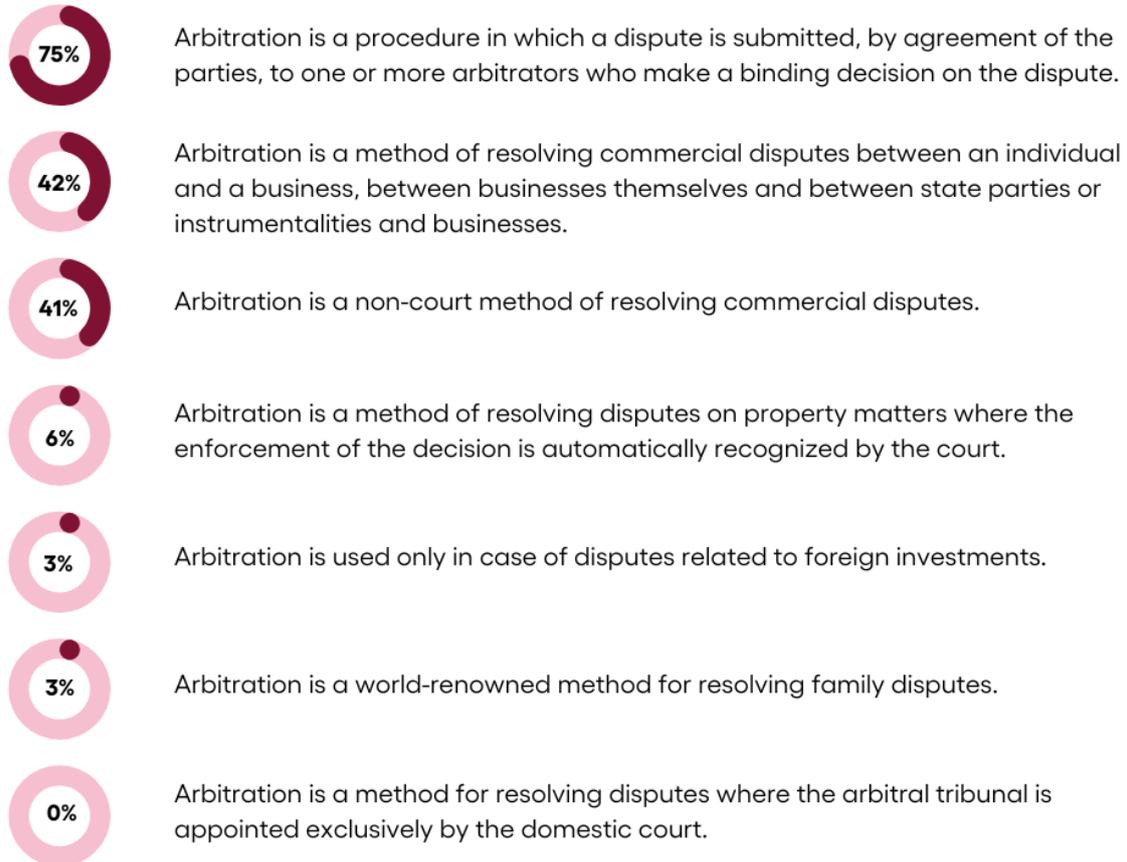
Fifty-five percent of the survey participants reported receiving specialized education in arbitration. Approximately 44 percent of them pursued studies in arbitration during their master's degree, while 29 percent undertook specialized courses in this field. Ten percent acquired knowledge of arbitration during their bachelor's degree, and an additional ten percent had more advanced educational backgrounds such as PhDs or higher levels of research.

Understanding about arbitration and ADR

The survey on understanding arbitration revealed several key insights into participants' comprehension of this dispute resolution mechanism. Firstly, participants demonstrated varying degrees of familiarity with arbitration concepts, with a notable majority correctly identifying only a fraction of the definitions provided. Interestingly, while one accurate statement garnered overwhelming recognition, others received considerably less acknowledgment, indicating disparities in understanding among participants.

Furthermore, the survey highlighted that incorrect statements were only minimally perceived as accurate, suggesting a general awareness of arbitration fundamentals among participants.

Chart 10: Correct definitions about arbitration



Survey participants were presented with a range of questions, statements, and definitions pertaining to arbitration. They were instructed to discern the most accurate ones and, in some instances, to determine the validity of true versus false statements.

One of the three accurate statements was chosen by a majority of 75 percent of the participants. In contrast, the other two correct statements were recognized by less than 45 percent as correct.

Conversely, the inaccurate statements were only identified as correct by a small percentage of participants, ranging from 6 to 3 percent.

The concept of arbitration definition

The audience was introduced to various concepts and tasked with determining the validity of statements. It's noteworthy that 89 percent of participants believe that an arbitral award is final and binding, yet only around 41 percent and 44 percent acknowledge that such an award is automatically enforceable and immune to appeal, respectively. The participants demonstrate limited familiarity with international and domestic arbitration principles outlined in Albania's new arbitration law. This highlights the necessity for increased awareness initiatives and more technical informational sessions regarding the new legislation on arbitration in Albania.

Chart 11: The concept and features about arbitration

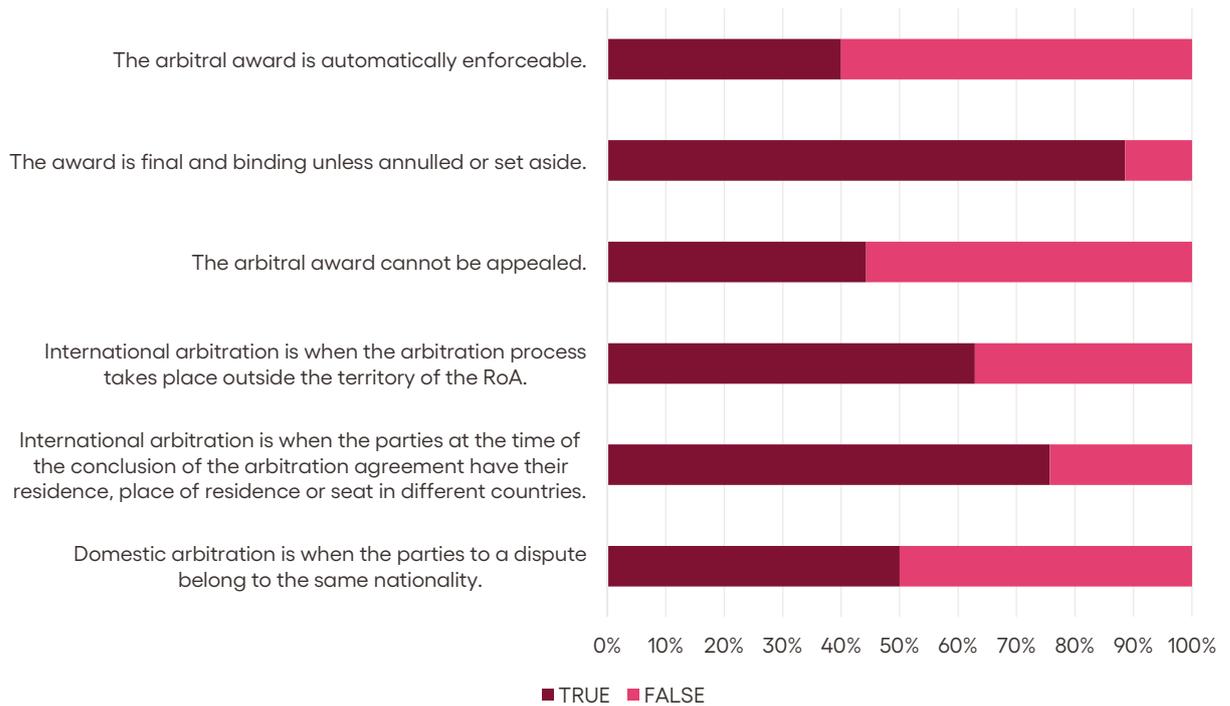
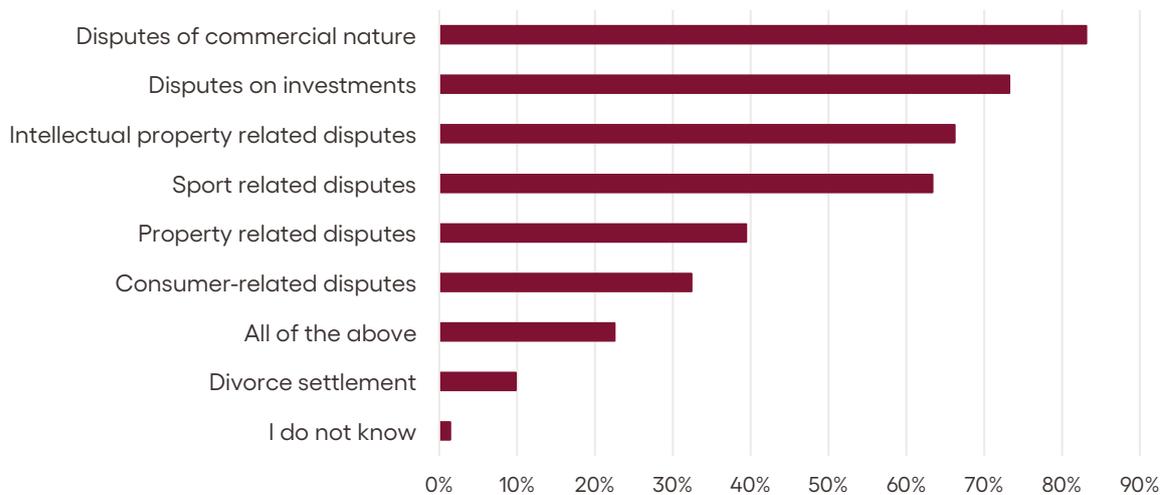
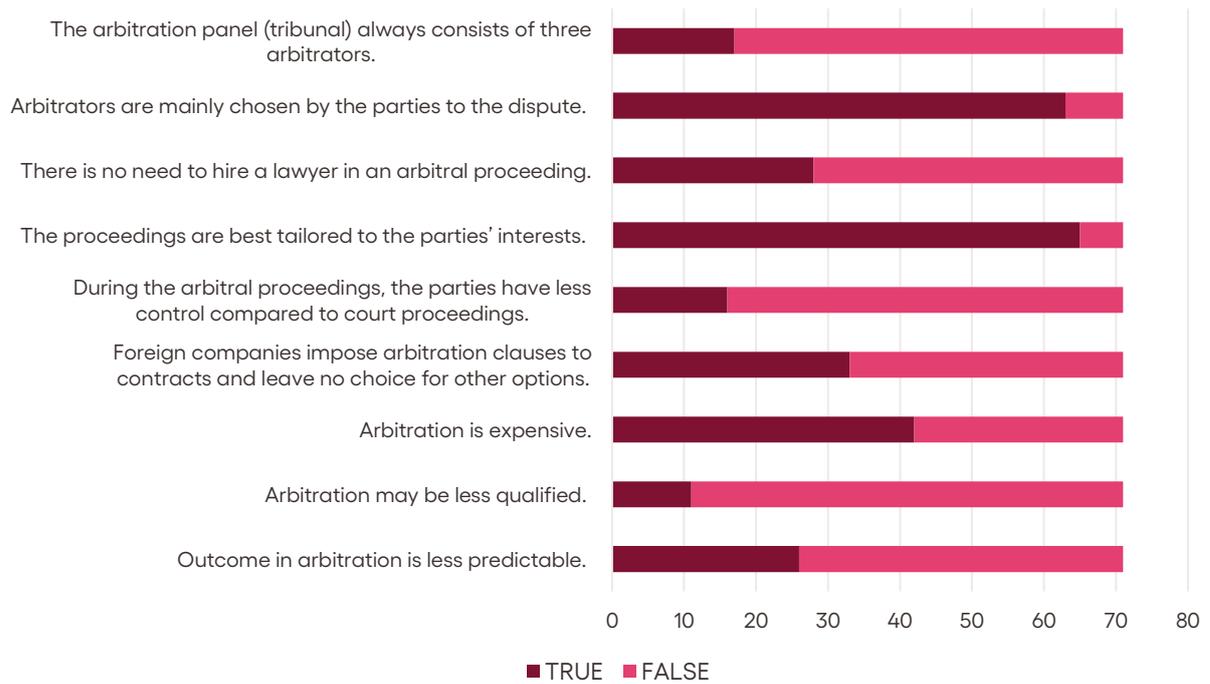


Chart 12: Type of disputes that can be resolved through arbitration



Arbitration emerged as a method primarily applicable to settling disputes primarily in commercial and investment contexts. Additionally, participants recognized its suitability for resolving intellectual property and sports-related disputes. About 40 percent of participants viewed property disputes as suitable to arbitration, while approximately 32 percent held the same perspective regarding consumer-related disputes. Surprisingly, around 10 percent of participants considered arbitration as a viable avenue for resolving divorce settlements.

Chart 13: Perceptions about features of arbitration



Participants view arbitration as a mechanism customized to the parties' interests, often allowing them to select arbitrators. It's regarded as a more sophisticated process than traditional litigation, with outcomes seen as more predictable.

Analysis of participant statements provides insights into their understanding of arbitration features. As such, it is recommended that chambers of commerce and business associations with an interest in this field should increase their involvement in raising awareness and capacity-building initiatives.

III. Preferences about arbitration

Arbitration vs. Litigation

A significant majority of participants expressed a preference for arbitration over traditional litigation.

Chart 14: Arbitration vs. Litigation

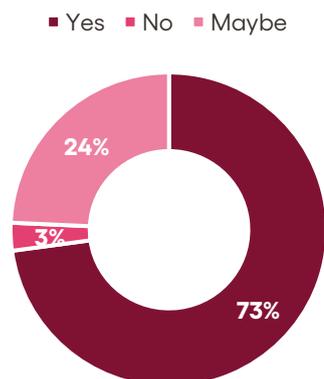
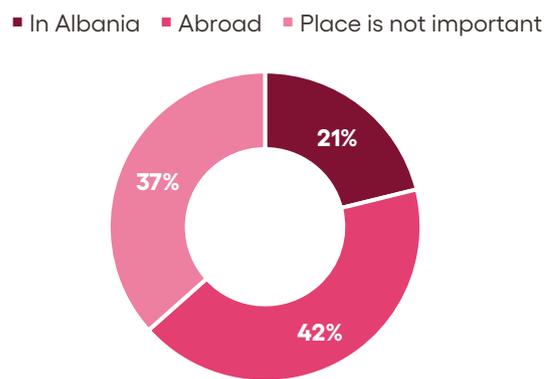


Chart 15: Preference for location to solve the dispute



The majority of participants indicated a preference for arbitration rather than traditional litigation.

However, a quarter of the participants were uncertain about their preference for dispute resolution mechanisms, and a small fraction chose litigation over arbitration.

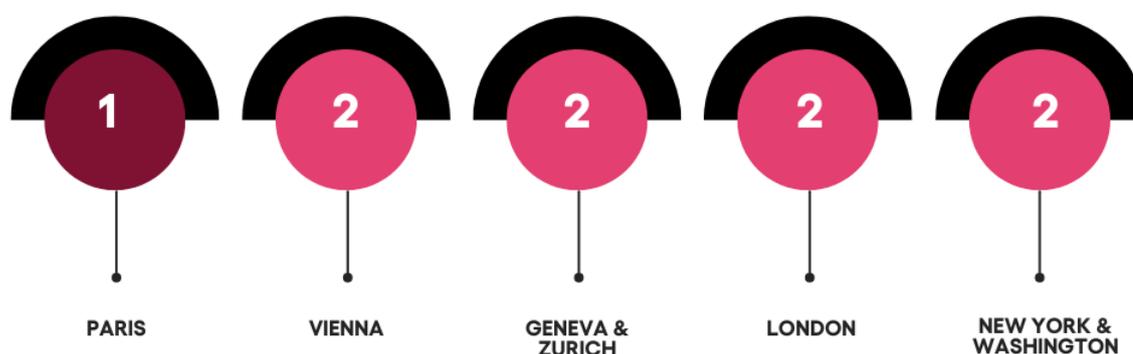
Notably, all participants in the latter group were employed in the public sector, either at the central or local level.

Regarding the decision of whether to resolve a dispute in Albania or abroad, participants show a stronger inclination towards opting for a foreign jurisdiction.

Approximately 37 percent of participants perceive the location of dispute resolution as unimportant.

This inclination could be attributed to a potential lack of trust in the institutions of the local jurisdiction.

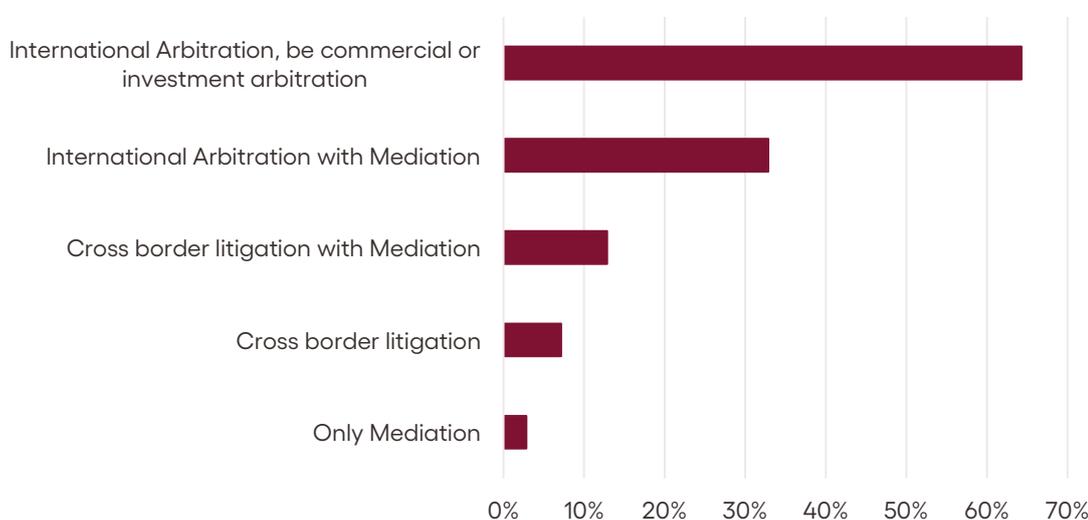
Chart 16: Most preferred foreign jurisdiction seat



Among the participants who opt to resolve their conflicts internationally, Paris emerged as the top choice for hosting these disputes. Following closely behind, Vienna, Geneva, Zurich, London, and New York were identified as other preferred locations for conducting such proceedings.

Chart 17: Preferred mechanism to resolve cross-border disputes

This Chart details the preferred mechanisms for cross-border dispute resolution offering valuable insights into how practitioners or lawyers would prefer to navigate their disputes in a global context.

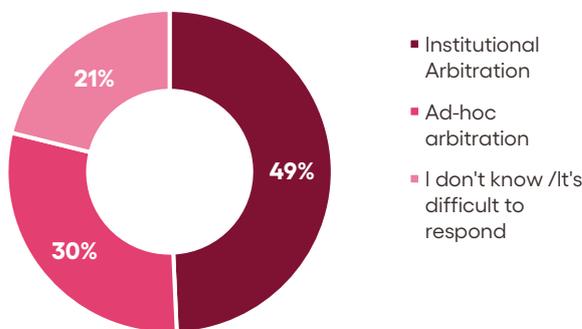


International arbitration, whether commercial or investment, is the preferred mechanism for resolving cross-border disputes for approximately 63 percent of participants. This choice is likely due to arbitration’s features such as confidentiality, enforceability and neutrality, which are not easily achieved by litigation.

Mediation follows as the second choice for cross-border dispute resolution, garnering the preference of around 32 percent of participants. The appeal of mediation lies in its ability to bridge cultural and legal divides through the assistance of a neutral third party.

Contrastingly, cross-border litigation, whether with and without mediation, is the least preferred mechanism for cross-border disputes. Its inherent complexities and jurisdictional challenges make it a last resort for parties navigating international disputes.

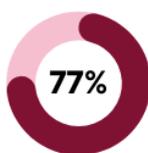
Chart 18: Preferred type of arbitration



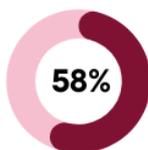
Approximately 49 percent of the participants in the survey favour institutional arbitration over *ad-hoc* arbitration.

Structured, efficient, and impartial dispute resolution process that inspires confidence and ensures the enforceability of arbitral awards could be considered as some potential reasons leading this choice by professionals.

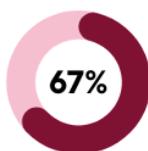
IN A NUTSHELL



Respondents who opt for a foreign jurisdiction, prefer arbitration over litigation as mechanism to resolve their disputes.



Respondents who favor arbitration as a method for resolving disputes tend to prefer the institutional arbitration type.



Respondents inclined to resolve their disputes in a foreign jurisdiction generally favor institutional arbitration.

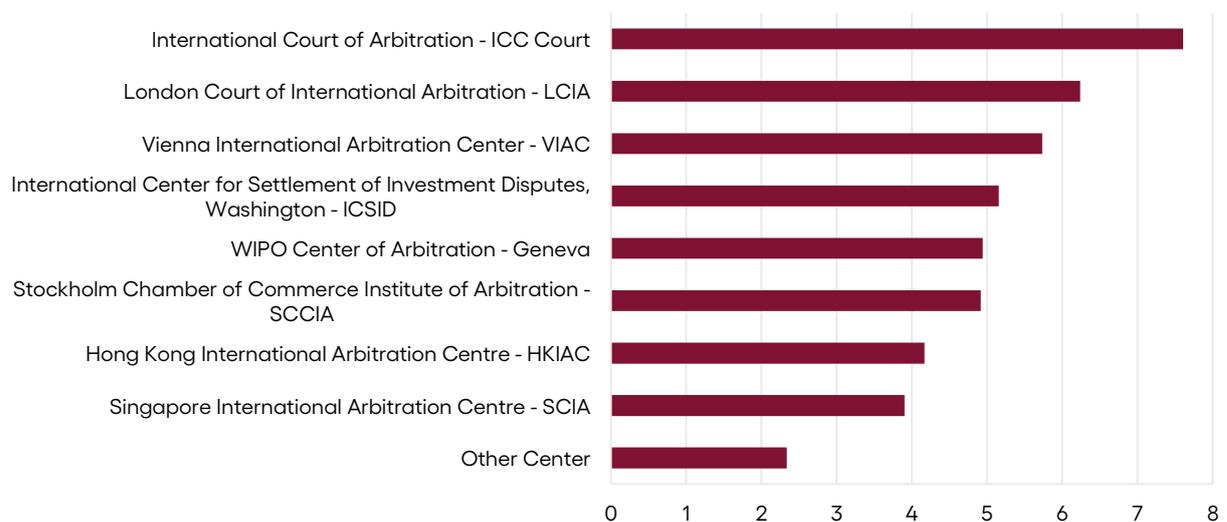
Preferred International Arbitration Institutions

Based on the survey results indicating preferences for arbitration institutions, it appears that the International Chamber of Commerce (ICC) is the most preferred institution, followed by the London Court of International Arbitration (LCIA), the Vienna International Arbitral Centre (VIAC) and the International Centre for Settlement of Investment Disputes (ICSID).

The ICC emerged as the top choice among 52 percent of participants, indicating its significant popularity within the surveyed group.

Meanwhile, the LCIA and ICSID were first choice for 14 percent and 10 percent of participants, respectively. VIAC, ranking fourth in terms of top selections, was chosen by only around 7 percent of participants as the most preferred international arbitration institution.

Chart 19: Preferred international arbitration institution



The high preference for the ICC may be attributed to its strong reputation, extensive experience, and global reach in resolving commercial disputes.

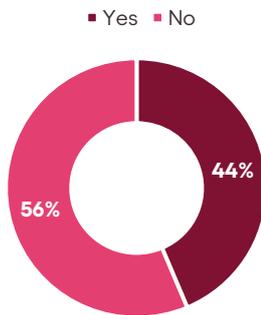
Because the practice of arbitration in Albania is not well-established, it is possible that certain international arbitration institutions are not widely recognized within the community. Consequently, these institutions may have received lower rankings compared to those that are internationally renowned or have geographical proximity to the region, such as the LCIA and VIAC.

Participants were invited to include any additional arbitration institution of their choice beyond the predefined options, where they referred the Swiss Arbitration Center (Switzerland), Cepani (Belgium), China International Economic and Trade Arbitration Commission (CIETAC) (China), DIAC (Germany), Milan Chamber of Commerce Arbitration Center (Milan), and so forth.

Future research could explore the reasons behind these choices by incorporating follow-up questions or conducting in-person interviews. This approach would enable a more in-depth and sophisticated analysis of the factors influencing participants' preferences for particular arbitration institutions.

IV. Experience and Expectations about arbitration

Chart 20: Previous experience with arbitration

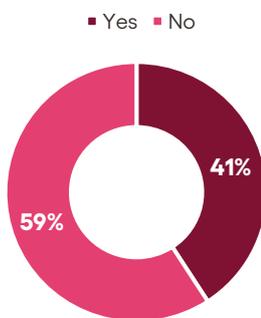


Approximately 56 percent of the participants stated that they had no prior experience with arbitration.

Among those who did have prior experience, 71 percent were engaged in arbitration proceedings. Interestingly, a significant portion of those with experience participated in international arbitration cases (77 percent), while a smaller percentage (48 percent) were involved in domestic arbitration.

Notably, there was a clear lack of experience and involvement in mediation cases, whether at the international or domestic level.

Chart 21: Challenges encountered in the recognition and enforcement of arbitral awards

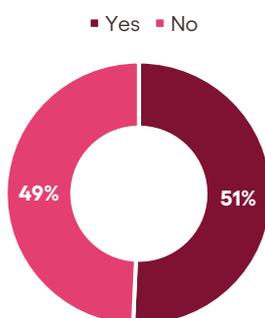


About 59 percent of the participants stated that they had not encountered any challenge concerning the recognition and enforcement of arbitral awards by the courts during their practice.

However, among those who did face challenges in this regard, the most commonly cited problems included a lack of knowledge among court judges, reluctance by courts to recognize awards owing to misapplication or misread of Albania legal regime of norms related to the recognition and enforcement of arbitral awards in Albania.

Additionally, resistance to enforcing awards was identified as another significant issue. Factors such as the historical absence of relevant laws in Albania and limited participation in arbitration by the business community were also noted as hindrances to effective judicial practices in this area.

Chart 22: Awareness about arbitration institutions



When asked about their awareness of the existence of arbitration institutions operating in Albania, around half of the participants confirmed their knowledge.

Three domestic institutions recognized by most of those who confirmed awareness of the existence of institutions operating in Albania are:

- MEDART
- ICC / ICC Albania, and
- The Albanian Court of Arbitration

This information provide insight into the level of awareness or familiarity with arbitration institutions within the surveyed group. This also sheds light on additional gaps in knowledge about arbitration, highlighting the need to enhance the capabilities of practitioners in the area of arbitration and ADR.

Chart 23: The importance of having an arbitration institution

■ Yes ■ No ■ I don't know

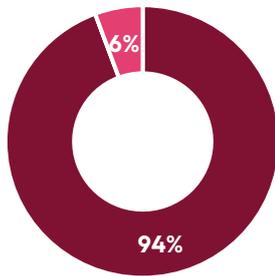
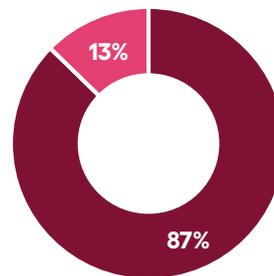


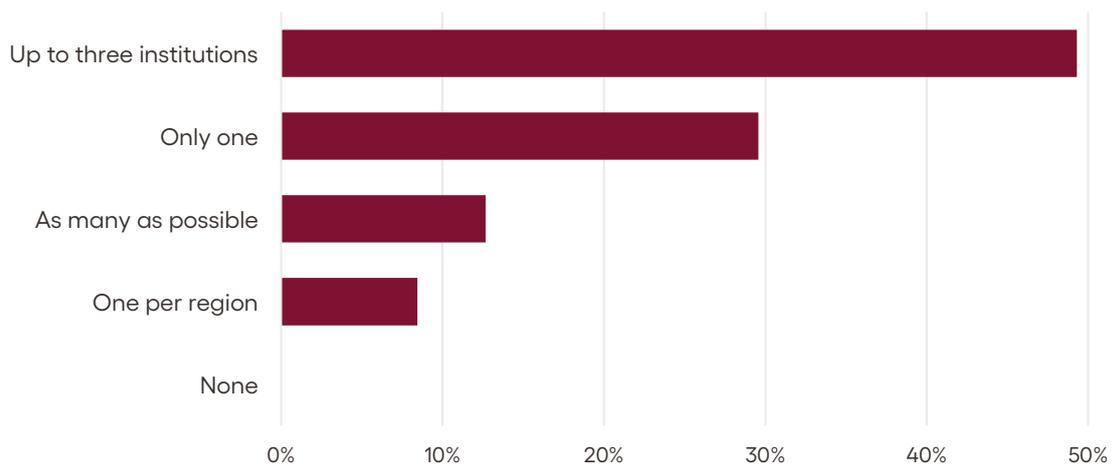
Chart 24: The need for having an arbitration institution

■ Yes ■ No ■ I do not know



The survey group was asked about their opinion regarding the significance and need for having an arbitration institution in the country. Based on the responses it can be firmly affirmed that there is a strong consensus among participants regarding the significance of having arbitration institutions and further developing the practice within the country.

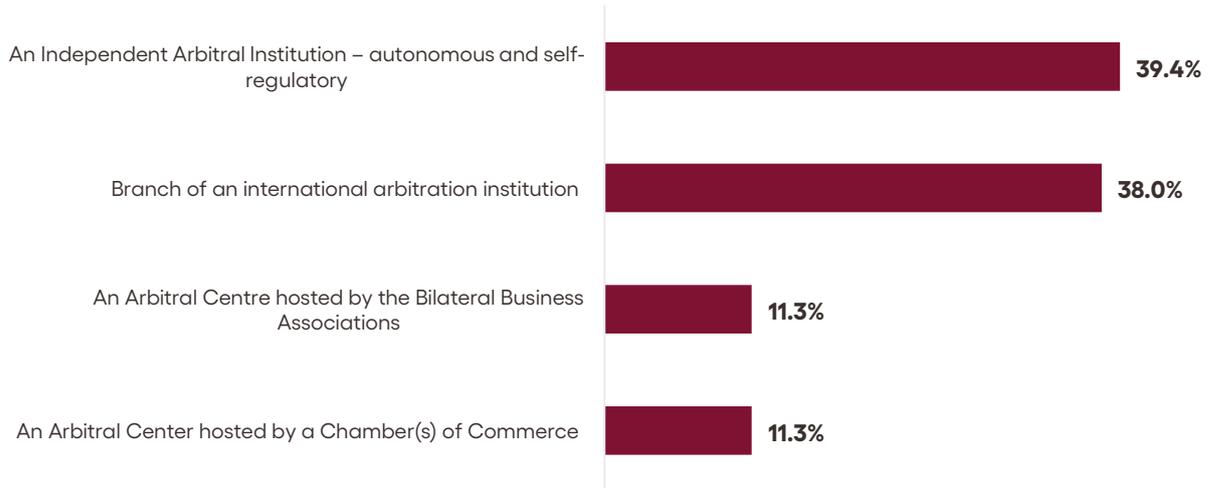
Chart 25: The number of arbitration institutions to be established



About 49 percent of participants believe that there should be no more than three arbitration institutions in Albania. One-third of those surveyed feel that a single arbitration institution would be adequate for developing the practice. Another segment of participants (13 percent) suggests that having one arbitration institution in each region would be appropriate, while about 9 percent advocate for an open market with competition from as many arbitration institutions as possible.

The participants were presented with various options regarding the structure or establishment of arbitration institutions. An independent arbitral institution and a branch of an international arbitration institution emerged as the most favoured choices among the surveyed group. Conversely, an arbitration centre hosted by either a Chamber of Commerce or a Business Association was less preferred as an alternative.

Chart 26: Options for creating an arbitration institution



The participants' inclination towards either an independent arbitration centre or a branch of an international arbitration institution may be influenced by the distinct characteristics associated with each type of these two structures. Autonomy and neutrality, credibility, access to specialized resources and expertise, as well as independence and flexibility are commonly recognized as features of these two institutions.

Chart 27: Most emergent needs in the area of arbitration

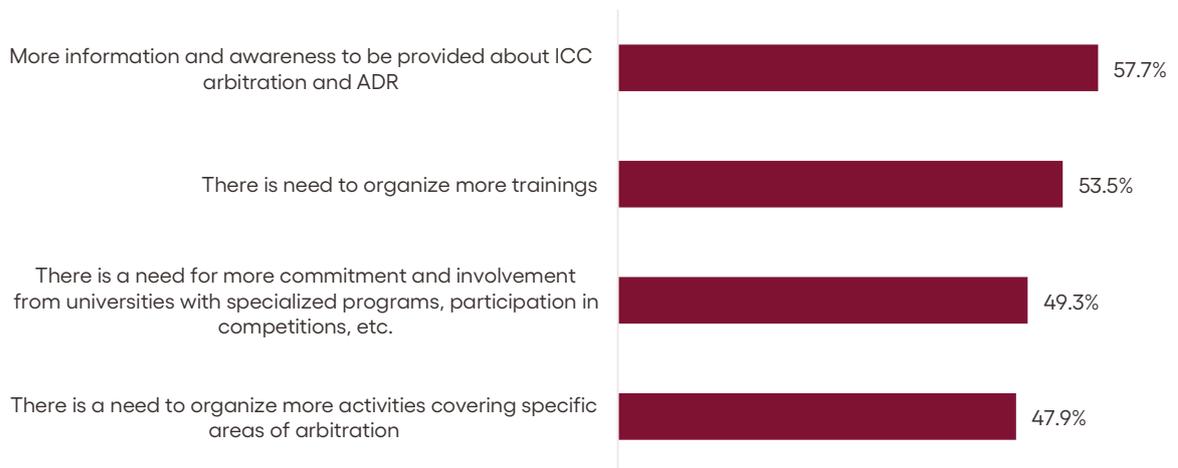


Chart 28: Topics for trainings



Participants shared their perspectives on the importance of enhancing their capabilities and identified areas for training that would be beneficial to them.

Specifically, participants expressed a desire for more information and awareness regarding ICC arbitration, as well as additional training opportunities. In relation to this, the surveyed group highlighted key topics such as arbitration proceedings, drafting and selecting arbitration clauses, and the recognition and enforcement of arbitral awards as the most pertinent subjects for immediate training sessions.

CONCLUSIONS AND RECOMMENDATIONS

Arbitration presents an opportunity to improve business solutions through voluntary means, offering a diverse array of alternatives for resolving commercial disputes more efficiently than court-based methods.

Since 2016, Albania has implemented significant judicial reforms in response to EU accession requirements, aiming to enhance integrity, independence, efficiency, trust, transparency, accountability, and responsibility. However, these reforms have led to a shortage of human resources, particularly judges and prosecutors, resulting in significant court backlogs and delays. This delay poses a considerable obstacle to the business environment, which favours swift dispute resolution.

ADR, particularly arbitration and mediation, emerges as a promising solution in this scenario, providing expertise, expedited procedures, and confidentiality. The enactment of the new law on arbitration is a crucial step in promoting international and domestic arbitration in Albania, thereby fostering the growth of its business environment. The combination of the challenges posed by the Justice Reform and the enactment of the arbitration law serve as a catalyst for the flourishing of arbitration within the country.

In order to develop this area, it is recommended that certain measures need to be taken by all actors of the society.

- ❶ *Leveraging ICC Albania's Role as an ICC National Committee:* Given the survey's finding that a significant number of participants desire a branch of an international arbitration institution in Albania, explore how ICC Albania can further strengthen its role in meeting this need. This includes enhancing its visibility, increasing engagement with local stakeholders, and ensuring that ICC and ICC Albania strengthen international arbitration and access to ICC arbitration in Albania. This can be achieved by providing more localized support, familiarizing the market with ICC arbitration, and strengthening ties between local arbitration practitioners and the international arbitration community. For example, this could be facilitated through membership in the ICC Commission on Arbitration and ADR and other international ICC initiatives, cooperations and events.
- ❷ *Research and Data Collection to further understand Market Needs in Dispute Resolution:* Pursue in conducting research studies to gather data on the local market's needs in terms of dispute resolution and the understanding of arbitration by local stakeholders, to identify challenges and opportunities, and to provide a basis for evidence-based policy-making and decision-making.

- ③ *Foster Educational Initiatives:* Implement programs to educate stakeholders about the benefits of arbitration and familiarize them with its procedural aspects, targeting both legal professionals and business communities. This would also include offering training programs and workshops to enhance the skills of arbitrators, lawyers, and judges involved in arbitration cases.
- ③ *Capacity Building:* Offer training programs and workshops to enhance the skills of arbitrators, lawyers, and judges involved in arbitration cases. It would be crucial for the success of arbitration in Albania and the implementation of the New Arbitration Law to make sure that the judiciary adopts a pro-arbitration stance in line with Albania's commitments under the New York Convention. Familiarizing the judiciary with the content of the new law and best practices from abroad through seminars, workshops, trainings and other related activities.
- ③ *Promotion and Marketing:* Undertake promotional activities to increase awareness of the benefits of arbitration among businesses, investors, and legal professionals.
- ③ *Encouragement of Arbitration Clause Usage:* Encourage the inclusion of arbitration clauses in contracts as a means of promoting arbitration as a preferred method for dispute resolution. The survey has resulted in ICC being the most preferred arbitral institution of the participants. Therefore, encouraging the inclusion of ICC arbitration clauses in contracts as a means of promoting arbitration as a preferred method for dispute resolution would be in line with the survey's findings.
- ③ *Public Awareness Campaigns:* Launch public awareness campaigns to educate the general public about the benefits of arbitration and its role in enhancing access to justice and promoting economic development.

ANNEX 1 – THE QUESTIONNAIRE

Survey on Arbitration in Albania

Arbitration in Albania: Perceptions, Knowledge and Experience

This survey aims to assess the perceptions, knowledge, and experience of professionals, lawyers, advocates, and experts involved in arbitration within or associated with Albania. It is conducted solely for research purposes to gather data for enhancing our services and products.

By participating in this survey, you are giving consent for us to collect data based on your responses. All information gathered will remain confidential and will be used in aggregated form for analysis.

Participation in this survey is voluntary, and you have the option to refrain from answering any questions or withdraw at any point. However, this choice is not applicable after you have completed the questionnaire.

Please provide accurate and truthful information to ensure the reliability and validity of the Survey results.

Your anonymity is guaranteed, and no personal identification is required.

Q1 Where do you live?

- Berat
- Bulqizë
- Delvinë
- Devoll
- Dibër
- Durrës
- Elbasan
- Fier
- Gjirokastër
- Gramsh
- Has
- Kavajë
- Kolonjë
- Korçë
- Krujë
- Kuçovë
- Kukës
- Kurbin
- Lezhë
- Librazhd
- Lushnjë
- Malësi e Madhe
- Mallakastër
- Mat
- Mirditë
- Peqin
- Përmet
- Pogradec
- Pukë
- Sarandë
- Shkodër
- Skrapar
- Tepelenë
- Tiranë
- Tropojë
- Vlorë
- Other

Q2 You defined "other", please write your working residence.

-

Q3 What is your nationality?

- Albanian

- Foreign

Q4 Please write your nationality

-

Q5 What gender do you identify?

- Female

- Male

- I prefer not to say

Q6 What is your age?

- 21-30 years old

- 31-40 years old

- 41-50 years old

- 51-60 years old

- 61+

Q7 What is the highest degree or level of education you have completed?

- Bachelor's Degree

- Master's Degree

- Ph.D.

- Other (Prof., Doc.)

Q8 What is your area of expertise?

-

Q9 What is your current occupation?

- Attorney - Public sector

- Attorney - Company

- Attorney - Law firm

- Lawyer - Public sector

- Lawyer - Company

- Lawyer - Law firm

- Academic staff

- Other

Q10 What is your current employment status?

- Employed Full-Time
- Employed Part-Time
- Seeking job opportunities
- Freelancer
- I prefer not to respond

Q11 Please define your work experience

- 1-2 years
- 2-5 years
- 5-7 years
- 7-10 years
- 10-19 years
- 20-30 years
- 30-40 years
- Over 40 years

Q12 How many employees are in your company/institution?

- 1-9
- 10-29
- 30-49
- 50-99
- 100-249
- 250-499
- 500+

Please define your highest level of education in the area of arbitration

- Bachelor's Degree
- Master's Degree
- Ph.D. or higher
- Specialized courses
- Other

Q13 In which industry operates your company/institution?

- Accommodation and Food Service
- Arts, Entertainment and Recreation
- Agriculture, Forestry, Fishing and Hunting
- Electrical energy
- Pharmaceuticals
- Extractive industry
- Processing industry
- Construction
- Real Estate and Real Estate
- Manufacturing

- Educational services
- Banking services
- Information and Telecommunication Services
- Consulting services
- Legal services
- Marketing services
- Professional, scientific and technical services
- Health care services
- Insurance services
- Other financial services
- Other financial and technology services
- Transportation
- Retail trade
- Wholesale trade
- Water and waste management
- Professional business organization
- Civil society organization
- Sectoral Business Association
- Bilateral or Multilateral Business Association
- Chamber of Commerce and Industry
- Other

Have you received dedicated education in the area of arbitration?

- Yes
- No

Q14 Do you have knowledge about Alternative Dispute Resolution (ADR)?

- Yes
- No
- I am not sure

Q15 if so, please list all the alternative dispute resolution methods or mechanisms you know of.

-

Q16 Have you heard of arbitration?

- Yes
- No
- I do not remember

Q17 If "yes", where did you learn out about arbitration? (select any possible option)

- From online news
- From TV, radio, written media
- From Law
- From School, University
- From those who used arbitration before
- From my lawyer/representative
- From the party I collaborate
- From a foreign partner
- From an Albanian partner
- Because of my profession
- From social media (i.e. Facebook, LinkedIn, Instagram, X etc.)
- Other

- All of the above

Q18 Have you received dedicated education in the area of arbitration?

- Yes
- No

According to your opinion, which of the following definitions best describes arbitration? (there might be more than one correct answer)

- Arbitration is a method of resolving disputes on property matters where the enforcement of the decision is automatically recognized by the court.
- Arbitration is a non-court method of resolving commercial disputes.
- Arbitration is a world-renowned method for resolving family disputes.
- Arbitration is a method of resolving commercial disputes between an individual and a business, between businesses themselves and between state parties or instrumentalities and businesses.
- Arbitration is used only in case of disputes related to foreign investments.
- Arbitration is a method for resolving disputes where the arbitral tribunal is appointed exclusively by the domestic court.
- Arbitration is a procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute.

Q19 Please define your highest level of education in the area of arbitration

- Bachelor's Degree
- Master's Degree
- Ph.D. or higher
- Specialized courses
- Other

Q20 According to your opinion, which of the following definitions best describes arbitration? (there might be more than one correct answer)

Arbitration is a method of resolving disputes on property matters where the enforcement of the decision is automatically recognized by the court.		
Arbitration is a non-court method of resolving commercial disputes.		
Arbitration is a world-renowned method for resolving family disputes.		
Arbitration is a method of resolving commercial disputes between an individual and a business, between businesses themselves and between state parties or instrumentalities and businesses.		
Arbitration is used only in case of disputes related to foreign investments.		
Arbitration is a method for resolving disputes where the arbitral tribunal is appointed exclusively by the domestic court.		
Arbitration is a procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute.		

Q21 In your opinion, which of the following disputes can be resolved through arbitration? (select all that apply)

- Disputes of commercial nature
- Disputes on investments
- Sport related disputes
- Intellectual property related disputes

- Divorce settlement
- Property related disputes
- Consumer-related disputes
- All of the above
- None of the above
- I do not know

Q22 According to your opinion, which of the following statements is true or false about arbitration? (MatrixSingleSelection)

	True	False
1Outcome is less predictable.		
2The arbitral award is automatically enforceable.		
3Arbitration may be less qualified.		
4Arbitration is expensive.		
5Recognition and enforcement of arbitral awards take a lot of time.		
6Arbitral proceedings end in short period/are not delayed compared to litigation.		
7Foreign companies impose arbitration clauses to contracts and leave no choice for other options.		
8During the arbitral proceedings, the parties have less control compared to court proceedings.		
9The proceedings are best tailored to the parties' interests.		
10The award is final and binding unless annulled or set aside.		
11The arbitrator appointed by a party must defend the party who nominated him/her.		
12Arbitrator is more competent in specific commercial/industries specific matters than a judge.		
13There is no need to hire a lawyer in an arbitral proceeding.		
14The arbitral award cannot be appealed.		
15The arbitral proceedings are open to the public.		
16Arbitrators are mainly chosen by the parties to the dispute.		
17Domestic arbitration is when the parties to a dispute belong to the same nationality.		
18International arbitration is when the parties at the time of the conclusion of the arbitration agreement have their residence, place of residence or seat in different countries.		
19International arbitration is when the arbitration process takes place outside the territory of the Republic of Albania.		
20The arbitration panel (tribunal) always consists of three arbitrators.		

Q23 Do you know whether there is any arbitral institution in Albania?

- Yes
- No

Q24 You answered "Yes", please write the names of the institutions you are aware of

-

Q25 Please rank/score the global arbitration institutions listed below from 1 as "least preferred" to 9 as "most preferred". Attention: We advise you to read the options ahead of starting the ranking.

	0	1	2	3	4	5	6	7	8
London Court of International Arbitration - LCIA									
International Court of Arbitration - ICC Court									
Stockholm Chamber of Commerce Institute of Arbitration - SCCIA									
Hong Kong International Arbitration Centre - HKIAC									
Singapore International Arbitration Centre - SCIA									

Vienna International Arbitration Center - VIAC																				
WIPO Center of Arbitration - Geneva																				
International Center for Settlement of Investment Disputes, Washington - ICSID																				
Other																				

Q26 If you want to rate another center(s), please write it here

-

Q27 Would you personally prefer arbitration to the court litigation?

- Definitely Yes
- Definitely No
- Most probably Yes
- Most probably No
- Maybe
- Both are same
- I do not know/ Difficult to answer

Q28 Which mechanism(s) would you prefer for resolving cross-border dispute?

- Cross border litigation
- Cross border litigation with Mediation
- Only Mediation
- International Arbitration, be commercial or investment arbitration
- International Arbitration with Mediation

Q29 Where would you prefer resolve your dispute?

- In Albania
- Abroad
- Place is not important

Q30 If you selected "Abroad", please define your preferred place(s) for the dispute resolution.

-

Q31 Which type of arbitration do you prefer?

- Institutional Arbitration
- Ad-hoc arbitration
- I do not know /It is difficult to respond

Q32 During your experience, have you encountered difficulties with the recognition and enforcement of foreign arbitral awards in Albania?

- Yes
- No

Q33 If yes, can you provide the reason(s)?

-

Q34 Do you think it is important to have arbitral institutions in Albania?

- Yes
- No
- I do not know

Q35 Do you think there is a need for an arbitral institution in Albania?

- Yes
- No
- I do not know

Q36 In your opinion, how many arbitration institutions should be established in Albania?

- None
- Only one
- Up to three institutions
- One per region
- As many as possible

Q37 Which of the following alternatives below do you think would be the best option for Albania to adopt?

- An arbitral centre hosted by Chamber(s) of Commerce
- An arbitral centre hosted by the bilateral business associations (Amcham, DIHA etc.)
- An Independent Arbitral Institution – autonomous and self-regulatory
- Branch of an international arbitral institution
- Other

Q38 Have been involved in arbitral and/or mediation proceedings in the past?

- Yes
- No

Q39 Have been involved in

	P	O	J	O
arbitration during the last 5 years?				
mediation during the last 5 years?				
arbitration during the last 10 years?				
mediation during the last 10 years?				
international arbitration?				
international mediation?				
domestic arbitration?				
domestic mediation?				

Q40 Would you like to engage in the arbitration practice in the future?

- Yes
- No
- I do not know / I am not sure

Q41 Please select below the statement(s) that represent your immediate needs in the field of arbitration and ADR

- There is need to organize more trainings
- There is a need to organize more activities covering specific areas of arbitration
- More information and awareness to be provided about ICC arbitration and ADR
- There is a need for more commitment and involvement from universities with specialized programs, participation in competitions, etc.
- Other

Q42 What are some topics that you consider necessary for training?

- Writing and choosing the arbitration clauses
- The arbitration proceedings
- Role of arbitrators, parties, tribunal secretaries and other related parties
- Commercial arbitration
- Investment arbitration
- Negotiating and Drafting the Terms of Reference
- Institutional vs ad-hoc arbitration
- The role of institutions
- Recognition and enforcement of arbitral awards
- Other



c/o BKT, Rr. "Abdyl Frasher"
 Tirana, Albania
 www.icc-albania.org.al