

DIFFERENT APPROACHES OF THE IMPLEMENTATION OF BRUSSELS CONVENTION IN ALBANIA

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ABSTRACT

Brussels Convention and Council Regulations coming out for its execution have not executive power in Albania, because Albania is not a member state of European Union and also the parliament has not ratified the Brussels Convention yet, as a manner to be an internal part of Albanian legislation. Brussels Convention and Albanian laws have some basic differences for matters like derogation of jurisdiction, exclusive jurisdiction. Albanian legislation is more rigid as far as these matters are concerned not adapting with commercial and civil developments of the country. Brussels Convention is estimated as an important instrument for the improvement in quality of Albanian legislation in this field. This regulation applies to member states and has detailed rules assigning jurisdiction for the dispute to be heard and governs the recognition of foreign judgements. Although, this convention is not compulsory for Albania, its recognition is important for a better implementation of these and other European rules when Albania will be a part of European Union. The solution for this incompatibility is given by the Constitution in the article 122/3: The rules coming out from an international organization have superiority, in case of conflict with the laws of the country, if in the ratified agreement for the participation in that organization is foreseen clearly the direct execution of the rules coming out from it. The directives of European Union must be a guide for Albanian legislation. Steps should be undertaken towards the process of harmonization and approximation of the legislation, aiming the creation of a good legislative framework.

Keywords: Implementation, Brussels Convention, Council Regulation, domestic law, jurisdiction.