

Mr. SALI BERISHA
Prime Minister of the Republic of Albania
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Albania
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Brussels, 24 February 2011

Object: Fiscal cash register for lawyers and VAT rules

Dear Prime Minister,

The Council of Bars and Law Societies of Europe (CCBE) has been informed that the Albanian Council of Ministers has recently decided that lawyers will not be exempted from the application of fiscal cash registers.

We were surprised by the decision since we have had a very positive reply from the Deputy Minister of Finance of the Republic of Albania last December 2010 (see annex 1). He noted that they had looked into the CCBE's concerns and as a result also felt that lawyers should not be subjected to fiscal cash registers.

The CCBE would like to emphasise once more its concerns about the introduction of fiscal cash registers for lawyers, which we first pointed out to you last October (see CCBE letter of 28 October 2010, annex 2). The CCBE has carried out a survey amongst its 42 members from across Europe which has shown that there is no country in Europe which provides for fiscal cash registers and this is for good reasons. The use of fiscal cash registers has serious implications for the lawyers' profession and the administration of justice as a whole. A lawyer's independence and duty of confidentiality (which is fundamental in the lawyer-client relationship which is based on trust) and the client's right to access to justice are at serious risk in our view. We do not see how to guarantee these fundamental rights, and fear that this will eventually damage the administration of justice as such.

The CCBE has also been informed that legal services will be subject to 20% VAT regardless of a lawyer's turnover. For other businesses (non-professions), the law provides for a threshold. The CCBE is currently looking into this matter. The preliminary results of our survey show that in none of those European countries which provide for a threshold has the legislator made a difference between professional and other business services. We do not understand why such a difference is being made in Albania and would appreciate to learn more about the reasoning behind this proposal. We hope to have the final results of our survey in due course.

We suggest meeting with you in order to discuss both of these issues.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Dal', with a long horizontal line extending to the right from the end of the signature.

Georges-Albert Dal
CCBE President

Annex 1 Response from the Deputy Minister of Finance of Albania
Annex 2 CCBE letter of October 2010

CC:

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