

COMPATIBILITY TABLE

Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009; CELEX number 32018R1971, Official Journal of the European Union, series L, no. 321, dated 17.12.2018, <i>p. 1–35</i>		Albanian Legislation 1. Draft Law “On some Amendments and additions in the Law no 54/2024 On the electronic communication in the Republic of Albania” The overall degree of approximation with the national legislation: F - full compliance P - partial compliance N - non compliance				
1	2	3	4	5	6	7
Article	Text	Reference	Article	Content	Conformity	Remarks
<i>This column indicates only the number of the article of the EU acquis instrument or the paragraph or subparagraph.</i>	<i>This column contains the text of the article corresponding to the number in the first column. If necessary, each article may be divided into paragraphs or subparagraphs, placing each on a separate line.</i>	<i>If there is more than one legal act that has it, then they are and the corresponding number is noted in this order at the end (*).</i>	<i>This column indicates the article number of the national act.</i>	<i>This column indicates the text of the article, or parts of the article, to which the number in the fourth column corresponds and which has approximated the requirements of the article of the EU acquis in the second column.</i>	<i>This column indicates the degree of approximation for each specific article.</i>	<i>This column provides information on the degree of approximation. When approximation is not complete, the reasons and deadlines for when full approximation will be made are provided.</i>
Article 3 Paragraph 5	Article 3 Objectives of BEREC 5. In accordance with Article 9(3) of Directive (EU) 2018/1972, each Member State shall ensure that its NRAs are able to participate fully in the work of organisational bodies of BEREC.	1	Pg. 1, Article 2	Article 2 In Article 13, the following amendments are made: I. In item 3, the words: “including participation in BEREC” shall be replaced with following words: “ including full participation in the organisational bodies of BEREC ”.	F	

Article 4 Paragraph 4	<p style="text-align: center;"><i>Article 4</i></p> <p style="text-align: center;">Regulatory tasks of BEREC</p> <p>4. Without prejudice to compliance with relevant Union law, NRAs and the Commission shall take the utmost account of any guideline, opinion, recommendation, common position and best practices adopted by BEREC with the aim of ensuring the consistent implementation of the regulatory framework for electronic communications within the scope referred to in Article 3(1).</p>	<p style="text-align: center;">1</p>	<p>Pg. 2, Article 2</p>	<p style="text-align: center;">Article 2</p> <p>In Article 13, the following amendments are made:</p> <p>2.Item 10, was reformulated as following: “10. <i>AKEP, in the exercise of its tasks, shall take into account the guidelines, opinions, recommendations, common positions, best practices and methodologies of BEREC and the relevant decisions of the European Commission, to ensure the consistent implementation of the regulatory framework in relation to the objectives of BEREC on roaming of mobile electronic communications networks within the EU, access to the open Internet and in accordance with the European Electronic Communications Code. In cases of deviation from the BEREC guidelines, particularly those relating to cross-border regulatory issues affecting a large number of EU Member States, AKEP shall provide appropriate reasons</i>”.</p>	<p>F</p>	
Article 7 Paragraphs 1, 2, 3;	<p style="text-align: center;"><i>Article 7</i></p> <p style="text-align: center;">Composition of the Board of Regulators</p> <p>1. The Board of Regulators shall be composed of one member from each Member State. Each member shall have the right to vote. Each member shall be appointed by the NRA that has primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services under Directive (EU) 2018/1972. The member shall be appointed from among the head of the NRA, a member of its collegiate body, or the replacement of either of them.</p> <p>2. Each member of the Board of Regulators shall have an alternate, appointed by the NRA. The alternate shall represent the member in his or her absence. The alternate shall be appointed from among the head of the NRA, a member of its collegiate body, the replacement of either of them, or the staff of the NRA.</p> <p>3. Members of the Board of Regulators and their alternates shall be appointed in light of their knowledge in the field of electronic communications, taking into account relevant managerial, administrative and budgetary skills. In order to ensure continuity of the work of the Board</p>	<p style="text-align: center;">1</p>	<p>Section I, Annex 1,</p>	<p>I. Composition of Board of Regulators</p> <p>1. The Board of Regulators shall be composed of one member from each Member State. Each member shall have the right to vote. Each member shall be appointed by the NRA that has primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services under Directive (EU) 2018/1972. The member shall be appointed from among the head of the NRA, a member of its collegiate body, or the replacement of either of them.</p> <p>2. Each member of the Board of Regulators shall have an alternate, appointed by the NRA. The alternate shall represent the member in his or her absence. The alternate shall be appointed from among the head of the NRA, a member of its collegiate body, the replacement of either of them, or the staff of the NRA.</p> <p>3. Members of the Board of Regulators and their alternates shall be appointed in light of their knowledge in the field of electronic communications, taking into account relevant managerial, administrative and</p>	<p>F</p>	

	of Regulators, all appointing NRAs shall make efforts to limit the turnover of their members and, where possible, also of their alternates, and shall aim to achieve a balanced representation between men and women.			budgetary skills. In order to ensure continuity of the work of the Board of Regulators, all appointing NRAs shall make efforts to limit the turnover of their members and, where possible, also of their alternates, and shall aim to achieve a balanced representation between men and women.		
Article 8	<p style="text-align: center;">Article 8 Independence of the Board of Regulators</p> <p>1. When carrying out the tasks conferred upon it and without prejudice to its members acting on behalf of their respective NRA, the Board of Regulators shall act independently and objectively in the interests of the Union, regardless of any particular national or personal interests.</p> <p>2. Without prejudice to coordination as referred to in Article 3(6), the members of the Board of Regulators and their alternates shall neither seek nor take instructions from any government, institution, person or body.</p>	1	Section II, Annex 1,	<p>II. Independence of the Board of Regulators</p> <p>1. When carrying out the tasks conferred upon it and without prejudice to its members acting on behalf of their respective NRA, the Board of Regulators shall act independently and objectively in the interests of the Union, regardless of any particular national or personal interests.</p> <p>2. Without prejudice to coordination as referred to in Article 3(6), of EU Regulation 2018/1971, the members of the Board of Regulators and their alternates shall neither seek nor take instructions from any government, institution, person or body.</p>	F	
Article 11 Paragraph 5	<p style="text-align: center;"><i>Article 11</i> Meetings of the Board of Regulators</p> <p>5. The members and the alternates of the Board of Regulators may, subject to its rules of procedure, be assisted at the meetings by their advisers or other experts.</p>	1	Section III, Annex 1,	<p>III. Meetings of Board of Regulators</p> <p>The members and the alternates of the Board of regulators may, subject to its rules of procedure, be assisted at the meetings by their advisers or other experts.</p>	F	
Article 12 Paragraph 2	<p style="text-align: center;">Article 12 Voting rules of the Board of Regulators</p> <p>2. Each member shall have one vote. In the absence of a member, the alternate shall be entitled to exercise that member's right to vote. In the absence of a member and the alternate, the right to vote may be delegated to another member. The Chair may delegate the right to vote in any event. The Chair shall take part in the voting unless he or she has delegated the right to vote.</p>	1	Section IV, Annex 1	<p>IV. Voting rules of Board of Regulators</p> <p>Each member shall have one vote. In the absence of a member, the alternate shall be entitled to exercise that member's right to vote. In the absence of a member and the alternate, the right to vote may be delegated to another member. The Chair may delegate the right to vote in any event. The Chair shall take part in the voting unless he or she has delegated the right to vote.</p>	F	

Article 15 Paragraphs 1, 2, 3;	<i>Article 15</i> Composition of the Management Board 1. The Management Board shall be composed of the persons appointed as members of the Board of Regulators and of one high level representative of the Commission. Each member of the Management Board shall have the right to vote. Each appointing NRA, as referred to in the second subparagraph of Article 7(1), may appoint a person other than the member of the Board of Regulators as member of the Management Board. That person shall be the head of the NRA, a member of its collegiate body, or the replacement of either of them. 2. Each member of the Management Board shall have an alternate who represents the member in his or her absence. The alternates of each member shall be the persons appointed as alternates of the members of the Board of Regulators. The representative of the Commission shall also have an alternate. Each appointing NRA, as referred to in the second subparagraph of Article 7(1), may appoint a person other than the alternate of the member of the Board of Regulators as the alternate of the member of the Management Board. That person shall be the head of the NRA, a member of its collegiate body, the replacement of either of them, or the staff of the NRA. 3. The members of the Management Board and their alternates shall neither seek nor take instructions from any government, institution, person or body.	1	Section V, Annex 1	V. Composition of the Management Board 1. The Management Board shall be composed of the persons appointed as members of the Board of Regulators and of one high level representative of the Commission. Each member of the Management Board shall have the right to vote. Each appointing NRA, as referred to in the second paragraph of item I, may appoint a person other than the member of the Board of Regulators as member of the Management Board. That person shall be the head of the NRA, a member of its collegiate body, or the replacement of either of them. 2. Each member of the Management Board shall have an alternate who represents the member in his or her absence. The alternates of each member shall be the persons appointed as alternates of the members of the Board of Regulators. The representative of the Commission shall also have an alternate. Each appointing NRA, as referred to in the second paragraph of item I, may appoint a person other than the alternate of the member of the Board of Regulators as the alternate of the member of the Management Board. That person shall be the head of the NRA, a member of its collegiate body, the replacement of either of them, or the staff of the NRA. 3. The members of the Management Board and their alternates shall neither seek nor take instructions from any government, institution, person or body.	F	
Article 18 Paragraph 5	Article 18 Meetings of the Management Board 5. The members of the Management Board and their alternates may, subject to its rules of procedure, be assisted at the meetings by advisers or experts.	1	Section VI, Annex 1	VI. Meetings of the Management Board The members of the Management Board and their alternates may, subject to its rules of procedure, be assisted at the meetings by advisers or experts.	F	
Article 38 Paragraph 2	Article 38 Confidentiality 2. Members and other participants at the meetings of the Board of Regulators, the Management Board and the working groups, the Director, seconded national experts and other staff not employed by the BERC Office shall comply with the	1	Section VII, Annex 1	VII. Confidentiality Members and other participants at the meetings of the Board of Regulators, the Management Board and the working groups, the Director, seconded national experts and other staff not employed by the BERC Office shall comply with the confidentiality requirements under	F	

	confidentiality requirements under Article 339 TFEU, even after their duties have ceased.			Article 339 TFEU, even after their duties have ceased.		
Article 40 Paragraphs 1, 2, 4, and 5;	<p align="center">Article 40 Exchange of information</p> <p>1. Upon the reasoned request of BEREC or the BEREC Office, the Commission and the NRAs represented in the Board of Regulators and other competent authorities shall provide BEREC or the BEREC Office with all the necessary information, in a timely and accurate manner, to carry out their tasks, provided that they have legal access to the relevant information and that the request for information is necessary in relation to the nature of the task in question.</p> <p>BEREC or the BEREC Office may also request such information to be provided at regular intervals and in specified formats. Such requests shall, where possible, be made using common reporting formats.</p> <p>2. Upon the reasoned request of the Commission or an NRA, BEREC or the BEREC Office shall provide, in a timely and accurate manner, any information that is necessary to enable the Commission, the NRA or other competent authority, to carry out their tasks, pursuant to the principle of sincere cooperation. Where BEREC or the BEREC Office considers information to be confidential, the Commission, the NRA or the other competent authority shall ensure such confidentiality in accordance with Union and national law, including Regulation (EC) No 1049/2001. Business confidentiality shall not prevent the timely sharing of information.</p> <p>3. Before requesting information in accordance with this Article and in order to avoid the duplication of reporting obligations, BEREC or the BEREC Office shall take account of any relevant existing information publicly available.</p> <p>4. Where information is not made available by the NRAs in a timely manner, BEREC or the BEREC Office may address a reasoned request either to other NRAs and other competent authorities of the Member State concerned, or directly to the relevant undertakings providing electronic communications networks, services and associated facilities.</p>	1	Article 4	<p align="center">Article 4</p> <p>After article 25, are added the articles 25/1, 25/2 and 25/3 with following content:</p> <p align="center"><i>Article 25/3</i> <i>Exchange information with BEREC</i></p> <p>1. <i>Upon reasonable request from BEREC or the BEREC Office, AKEP and other competent authorities under this Law shall provide BEREC or the BEREC Office with all information necessary, in a fair and accurate manner, to carry out their tasks, provided that they have legal access to the relevant information and that the request for information is necessary in relation to the nature of the task in question. BEREC or the BEREC Office may also require that this information be provided periodically and in formats established by BEREC. Where possible, such requests shall be made in accordance with common reporting formats.</i></p> <p>2. <i>Upon reasonable request from AKEP, BEREC or the BEREC Office shall provide, in a fair and accurate manner, any information that is necessary to enable AKEP or other competent authorities in application of this law to carry out their tasks, in accordance with the principle of sincere cooperation. Where BEREC or the BEREC Office considers information to be confidential, AKEP or any other competent authority shall ensure confidentiality in accordance with European Union and national legislation on the protection of business secrets without hindering the timely exchange of information.</i></p> <p>3. <i>Where information is not provided in a timely manner by AKEP, BEREC or the BEREC Office may address a reasonable</i></p>	F	

	<p>BEREC or the BEREC Office shall notify the NRAs that have failed to provide the information of requests in accordance with the first subparagraph. Upon the request of BEREC or the BEREC Office, the NRAs shall assist BEREC in collecting the information.</p> <p>5. Member States shall ensure that NRAs and other competent authorities have the power to require other responsible national authorities or undertakings providing electronic communications networks and services, associated facilities, or associated services to submit all information necessary to carry out their tasks referred to in this Article.</p> <p>Other responsible national authorities or undertakings as referred to in the first subparagraph shall provide such information promptly upon request and in accordance with the timescales and level of detail required.</p> <p>Member States shall ensure that NRAs and other competent authorities are empowered to enforce such information requests by imposing penalties that are appropriate, effective, proportionate and dissuasive.</p>			<p><i>request to other regulatory bodies, other competent authorities of the Member State concerned, or directly to the relevant undertakings providing electronic communications networks and services, or associated facilities.</i></p> <p>4. <i>BEREC or the BEREC Office shall notify AKEP if it has not provided the information requested in accordance with the first paragraph. At the request of BEREC or the BEREC Office, AKEP shall assist BEREC in collecting the requested information.</i></p> <p>5. <i>AKEP and other competent authorities in the implementation of this law have the right to request from other responsible national authorities or undertakings providing electronic communications networks and services, or associated facilities, to submit all information necessary to carry out their duties referred to in this article.</i></p> <p>6. <i>Other responsible national authorities or undertakings, as referred to in the first paragraph of this Article, shall provide the information promptly upon receipt of the request and in accordance with the deadlines and level of detail requested.</i></p> <p>7. <i>When it is necessary, such as in cases of failure to comply with the request for information by entrepreneurs, AKEP takes administrative measures according to the provisions of this law that are appropriate, effective, proportionate and preventive.</i></p>		
<p>Article 42</p> <p>Paragraphs 1 and 2;</p>	<p>Article 42</p> <p>Declarations of interests</p> <p>1. Members of the Board of Regulators and the Management Board, the Director, seconded national experts and other staff not employed by the BEREC Office shall each make a written declaration indicating their commitments and the absence or presence of any direct or indirect interests that might be considered to prejudice their independence.</p> <p>Such declarations shall be made at the time of taking up responsibilities, shall be accurate and complete, and shall be updated where there is a risk of there being any direct or indirect interest that</p>	1	Section VIII, Annex 1	<p>VIII. Declarations of interests</p> <p>1. Members of the Board of Regulators and the Management Board, the Director, seconded national experts and other staff not employed by the BEREC Office shall each make a written declaration indicating their commitments and the absence or presence of any direct or indirect interests that might be considered to prejudice their independence. Such declarations shall be made at the time of taking up responsibilities, shall be accurate and complete, and shall be updated where there is a risk of there being any direct or indirect interest that might be considered to prejudice the independence of the person</p>	F	

	<p>might be considered to prejudice the independence of the person making the declaration.</p> <p>The declarations made by the members of the Board of Regulators, the members of the Management Board and the Director shall be made public.</p> <p>2. Members of the Board of Regulators, the Management Board and the working groups, and other participants in their meetings, the Director, seconded national experts and other staff not employed by the BEREC Office shall each accurately and completely declare, at the latest at the start of each meeting, any interest which might be considered to be prejudicial to their independence in relation to the items on the agenda, and shall abstain from participating in the discussion and the voting on, such points.</p>			<p>making the declaration. The declarations made by the members of the Board of Regulators, the members of the Management Board and the Director shall be made public.</p> <p>2. Members of the Board of Regulators, the Management Board and the working groups, and other participants in their meetings, the Director, seconded national experts and other staff not employed by the BEREC Office shall each accurately and completely declare, at the latest at the start of each meeting, any interest which might be considered to be prejudicial to their independence in relation to the items on the agenda, and shall abstain from participating in the discussion and the voting on, such points.</p>		
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