

COMPATIBILITY TABLE

Directive (EU) 2018/1972 , of the European Parliament and the Council, dated December 11, 2018, "On the establishment of the European Electronic Communications Code". CELEX number 32018L1972, Official Journal of the European Union, series L, no. 321, dated 17.12.2018, p. 36–214		Albanian Legislation 1. Law no 54/2024 “On Electronic communication in the Republic of Albania” 2. 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 column according to the 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 1	Article 1 Subject matter, scope and aims 1. This Directive establishes a harmonised framework for the regulation of electronic communications networks, electronic communications services, associated facilities and associated services, and certain aspects of terminal equipment. It lays down tasks of national regulatory authorities and, where applicable, of other competent authorities, and establishes a set of procedures to ensure the harmonised application of the regulatory framework throughout the Union. 2. The aims of this Directive are to:	1	Article 1 Article 2 Article 3	Article 1 Purpose of the law The purposes of this law are: a) to promote the development of the market of electronic communications networks and services in the Republic of Albania, based on the deployment and use of very high speed networks, sustainable competition, interoperability of electronic communications services, their accessibility, security of networks and services as well as end-user benefits. b) to ensure the provision of electronic communications services available to the public in the Republic of Albania, of good	F	

	<p>(a)implement an internal market in electronic communications networks and services that results in the deployment and take-up of very high capacity networks, sustainable competition, interoperability of electronic communications services, accessibility, security of networks and services and end-user benefits; and</p> <p>(b)ensure the provision throughout the Union of good quality, affordable, publicly available services through effective competition and choice, to deal with circumstances in which the needs of end-users, including those with disabilities in order to access the services on an equal basis with others, are not satisfactorily met by the market and to lay down the necessary end-user rights.</p> <p>3. This Directive is without prejudice to:</p> <p>(a)obligations imposed by national law in accordance with Union law or by Union law in respect of services provided using electronic communications networks and services;</p> <p>(b)measures taken at Union or national level, in accordance with Union law, to pursue general interest objectives, in particular relating to the protection of personal data and privacy, content regulation and audiovisual policy;</p> <p>(c)actions taken by Member States for public order and public security purposes and for defence;</p> <p>(d)Regulations (EU) No 531/2012 and (EU) 2015/2120 and Directive 2014/53/EU.</p> <p>4. The Commission, the Body of European Regulators for Electronic Communications ('BEREC') and the authorities concerned shall ensure compliance of their processing of personal data with Union data protection rules.</p>			<p>quality and affordable prices, with choice for users in effective competition and capable of meeting the needs of end-users, including those with disabilities, by defining the necessary rights of end-users, in cases where the market does not satisfactorily meet, the requirements of accessing services equally with others.</p> <p>Article 2 Object of the law</p> <p>The object of this law is:</p> <p>a) definition of the regulatory framework for the provision of electronic communications networks and services, their facilities and accompanying services and rules for certain aspects of terminal equipment.</p> <p>b) defining the competences of the Minister, the Electronic and Postal Communications Authority, other competent authorities, to the extent applicable, as well as the procedures for the harmonized implementation of the regulatory framework for electronic communications, in the Republic of Albania.</p> <p>Article 3 Exclusion from the scope</p> <p>This law does not apply to:</p> <p>a) communications equipment, in particular radio systems and telecommunications terminal equipment, built and used exclusively for the purposes of civil protection, defence and national security. The use of frequencies in this case as well, will be carried out according to the provisions of this law.</p> <p>b) the field of activity of the audiovisual media and their support services for radio and television broadcasts, defined in the law regulating the field of audiovisual media in the Republic of Albania, as long as it is not otherwise defined in the legislation in force.</p> <p>c) the content of services provided through electronic communications networks, which use electronic communications networks and their support services.</p>		
Article 2	<p>Article 2 Definitions</p> <p>For the purposes of this Directive, the following</p>	1	Article 4	<p>Article 4 Definitions</p> <p>In this law, the following terms have the following</p>	F	

<p>Pg. 1, 2, 4, 5,6,7,8,9,10, 11, 13, 14, 15, 16, 22, 27,28,29,30, 31,32,33, 34, 36, 38, 39, 40</p>	<p>definitions apply:</p> <p>(1) ‘electronic communications network’ means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including internet) and mobile networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed;</p> <p>(2) ‘very high capacity network’ means either an electronic communications network which consists wholly of optical fibre elements at least up to the distribution point at the serving location, or an electronic communications network which is capable of delivering, under usual peak-time conditions, similar network performance in terms of available downlink and uplink bandwidth, resilience, error-related parameters, and latency and its variation; network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point;</p> <p>(4) ‘electronic communications service’ means a service normally provided for remuneration via electronic communications networks, which encompasses, with the exception of services providing, or exercising editorial control over, content transmitted using electronic communications networks and services, the following types of services:</p> <p>(a) ‘internet access service’ as defined in point (2) of the second paragraph of Article 2 of Regulation (EU) 2015/2120;</p> <p>(b) interpersonal communications service; and</p> <p>(c) services consisting wholly or mainly in the conveyance of signals such as transmission services used for the provision of machine-to-machine services and for broadcasting;</p>		<p>Pg. 50; 52; 62, 62/b; 63; 64; 51; 42; 11; 67; 38; 39; 21; 29; 4; 1; 18; 77; 65; 25; 26; 43; 20; 61; 14</p>	<p>meanings:</p> <p>1 "Access" means the making available of facilities and/or services to another entrepreneur, under conditions established, on an exclusive or non-exclusive basis, for the provision of electronic communications services, including their use for the distribution of information society services or content transmission services. Access, inter alia, includes access to network elements and associated facilities, which may include fixedly or non-fixedly connecting equipment, in particular open access to the local area network and access to the necessary facilities and services, to provide and enable services based on the local area network; access to physical infrastructure, including buildings, pipelines, and towers; access to relevant software systems, including operational support systems; access to information systems or databases for pre-ordering, insurance, ordering, maintenance and repair of claims, and billing; access to <i>number translation</i>, or to systems that provide equivalent functionality; access to fixed or mobile networks, in particular for <i>roaming</i>; access to conditional access systems for digital television services and access to virtual network services.</p> <p>4. "General authorization" is an act of general nature, consisting of the legal framework established by this law and the rules issued by AKEP in its implementation, to ensure the rights for the provision of electronic communications networks or services, establishing also specific obligations, which can be applied to all, or to some of the electronic communications networks and/or services under this Act.</p> <p>11. "Associated facilities" means those associating services, physical infrastructure and other facilities, or elements connected to an electronic communications network or an electronic communications service, which enable or support the provision of services through such network or service, or have the potential to do so, and include, among other things, buildings or access to buildings; building cables, antennas, towers and other supporting structures, sewers, pipelines, poles, manholes and cabinets.</p>		
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	<p>(5) ‘interpersonal communications service’ means a service normally provided for remuneration that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s) and does not include services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service;</p> <p>(6) ‘number-based interpersonal communications service’ means an interpersonal communications service which connects with publicly assigned numbering resources, namely, a number or numbers in national or international numbering plans, or which enables communication with a number or numbers in national or international numbering plans;</p> <p>(7) ‘number-independent interpersonal communications service’ means an interpersonal communications service which does not connect with publicly assigned numbering resources, namely, a number or numbers in national or international numbering plans, or which does not enable communication with a number or numbers in national or international numbering plans;</p> <p>(8) ‘public electronic communications network’ means an electronic communications network used wholly or mainly for the provision of publicly available electronic communications services which support the transfer of information between network termination points;</p> <p>(9) ‘network termination point’ means the physical point at which an end-user is provided with access to a public electronic communications network, and which, in the case of networks involving switching or routing, is identified by means of a specific network address, which may be linked to an end-user’s number or name;</p> <p>(10) ‘associated facilities’ means associated services, physical infrastructures and other facilities or elements associated with an electronic communications network or an electronic</p>			<p>14. “Caller Location Information” is the data processed in a mobile telephone network, generated by the network infrastructure or by the end device, showing the geographic position of a user’s end device and in a fixed public network data on the physical address of the network endpoint..</p> <p>18. “Interconnection”, is the physical and logical connection of public communication networks, which are used by the same operator or different operators, in order to allow users of one operator, to communicate with users of the same operator or of another operator, or to allow access to services provided by another operator. Services may be provided by the parties involved or other parties who have access to the network. Interconnection is a special type of access, which is implemented between operators of public communication networks.</p> <p>20. "Emergency communication" means communication through interpersonal communication services between an end-user and the public safety response point, PSAP, for the purpose of seeking and receiving assistance from emergency services.</p> <p>21. "Consumer" means any person who uses, or seeks an electronic communications service, available to the public, for purposes that are not related to commercial activity, business, craft or exercise of the profession.</p> <p>25. "Geographic number" is a number from the national numbering plan, where part of its numerical structure contains geographical significance used to route calls to the physical location of the network endpoint, in a specific geographic region.</p> <p>26. " Non-geographic numbers", are the numbers from the national numbering plan, which do not belong to a specific geographical region and include:</p> <ul style="list-style-type: none"> a) numbers for access to public mobile communication networks; b) numbers for access to value-added services, numbers with premium tariff; c) numbers for access to services, for which the entire fee for traffic to these services is paid by the 		
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<p>communications service which enable or support the provision of services via that network or service, or have the potential to do so, and include buildings or entries to buildings, building wiring, antennae, towers and other supporting constructions, ducts, conduits, masts, manholes, and cabinets;</p> <p>(11) ‘associated service’ means a service associated with an electronic communications network or an electronic communications service which enables or supports the provision, self-provision or automated-provision of services via that network or service, or has the potential to do so, and includes number translation or systems offering equivalent functionality, conditional access systems and electronic programme guides (EPGs), as well as other services such as identity, location and presence service;</p> <p>(13) ‘user’ means a natural or legal person using or requesting a publicly available electronic communications service;</p> <p>(14) ‘end-user’ means a user not providing public electronic communications networks or publicly available electronic communications services;</p> <p>(15) ‘consumer’ means any natural person who uses or requests a publicly available electronic communications service for purposes which are outside his or her trade, business, craft or profession;</p> <p>(16) ‘provision of an electronic communications network’ means the establishment, operation, control or making available of such a network;</p> <p>(22) ‘general authorisation’ means a legal framework established by a Member State ensuring rights for the provision of electronic communications networks or services and laying down sector-specific obligations that may apply to all or to specific types of electronic communications networks and services, in accordance with this Directive;</p> <p>(27) ‘access’ means the making available of facilities or services to another undertaking, under defined conditions, either on an exclusive or a non-exclusive basis, for the purpose of providing</p>			<p>service provider, i.e. to numbers that are free of charge for users;</p> <p>c) numbers for access to services, for which the fee for traffic to these services is paid partly by the caller and partly by the service provider, i.e. towards the numbers, which have been given to the user, against a predetermined relationship, numbers with cost sharing, or blue number;</p> <p>d) Numbers for nomadic public telephone service.</p> <p>29. "Provision of an electronic communications network" means the construction, operation, supervision, or making available of such a network.</p> <p>38. "User" means anyone who uses, or seeks to use, electronic communications services, available to the public.</p> <p>39. "End User" means a user who does not provide publicly available electronic communications networks or services.</p> <p>42. "Network endpoint" means the physical endpoint, at which an end-user has access to the public electronic communications network. In the case of networks that involve switching or routing, the network endpoint is identified as a network-specific address, which can be linked to an end-user's number or name.</p> <p>43. "Public Security Response Point" or "PSAP", is the physical location where an emergency communication is initially received under the responsibility of the authority defined in the legislation in force on civil protection and emergency services.</p> <p>50. "Electronic communications network" means transmission systems, whether or not based on a permanent structure, or on centralised administration capacities and, where applicable, switching or routing systems and other sources, including network elements that are not active, which allow the transmission of signals by means of conductors, radio, optical means or other electromagnetic means, including satellite networks, fixed terrestrial, circuit-switched or packet-switched networks, including the Internet, mobile terrestrial networks, electrical cable systems, where they are used for transmitting</p>		
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	<p>electronic communications services, including when they are used for the delivery of information society services or broadcast content services; it covers, inter alia: access to network elements and associated facilities, which may involve the connection of equipment, by fixed or non-fixed means (in particular this includes access to the local loop and to facilities and services necessary to provide services over the local loop); access to physical infrastructure including buildings, ducts and masts; access to relevant software systems including operational support systems; access to information systems or databases for pre-ordering, provisioning, ordering, maintaining and repair requests, and billing; access to number translation or systems offering equivalent functionality; access to fixed and mobile networks, in particular for roaming; access to conditional access systems for digital television services and access to virtual network services;</p> <p>(28) 'interconnection' means a specific type of access implemented between public network operators by means of the physical and logical linking of public electronic communications networks used by the same or a different undertaking in order to allow the users of one undertaking to communicate with users of the same or another undertaking, or to access services provided by another undertaking where such services are provided by the parties involved or other parties who have access to the network;</p> <p>(29) 'operator' means an undertaking providing or authorised to provide a public electronic communications network or an associated facility;</p> <p>(30) 'local loop' means the physical path used by electronic communications signals connecting the network termination point to a distribution frame or equivalent facility in the fixed public electronic communications network;</p> <p>(31) 'call' means a connection established by means of a publicly available interpersonal communications service allowing two-way voice communication;</p> <p>(32) 'voice communications service' means a publicly available electronic communications</p>			<p>signals, networks used for radio and television broadcasting, and cable television networks, regardless of the type of information it conveys.</p> <p>51. "Public communications network" means an electronic communications network, which is used, wholly or mainly, for the provision of electronic communications services, available to the public and which supports the transfer of information between network endpoints.</p> <p>52. "Very high capacity network" means an electronic communication network, which consists entirely of fibre optic elements at least up to the point of distribution at the place of service, or an electronic communication network, which is able to provide, under normal peak time conditions, a network performance similar in terms of available bandwidth for downlink download and uplink charging", of its stability, error-related parameters, delays and changes. Network performance is considered similar, regardless of whether the end-user experience changes, due to the different inherent characteristics of the environment, with which it ultimately relates to the network endpoint.</p> <p>61. "Emergency service" means the response under the legislation in force for civil protection, for the provision of emergency and assistance services, before and during or immediately after a disaster, for the protection of human life, living things, property, cultural heritage and the environment, to guarantee public safety and to meet the basic survival needs of affected people.</p> <p>62. "Electronic communications service" means a service performed against payment, obtained through an electronic communications network, which, excluding services that provide or exercise editorial control over content transmitted using electronic communications networks and services, includes the following types of services:</p> <p>a) "internet access service" means the electronic communication service available to the public, which provides internet access and thus connections to almost all virtual internet endpoints, regardless of the network technology and end devices used;</p> <p>b) "interpersonal communication service" is a service normally provided, against a fee, that enables the direct interpersonal and interactive</p>		
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	<p>service for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international numbering plan;</p> <p>(33) ‘geographic number’ means a number from the national numbering plan where part of its digit structure contains geographic significance used for routing calls to the physical location of the network termination point;</p> <p>(34) ‘non-geographic number’ means a number from the national numbering plan that is not a geographic number, such as mobile, freephone and premium-rate numbers;</p> <p>(36) ‘public safety answering point’ or ‘PSAP’ means a physical location where an emergency communication is first received under the responsibility of a public authority or a private organisation recognised by the Member State;</p> <p>(38) ‘emergency communication’ means communication by means of interpersonal communications services between an end-user and the PSAP with the goal to request and receive emergency relief from emergency services;</p> <p>(39) ‘emergency service’ means a service, recognised as such by the Member State, that provides immediate and rapid assistance in situations where there is, in particular, a direct risk to life or limb, to individual or public health or safety, to private or public property, or to the environment, in accordance with national law;</p> <p>(40) ‘caller location information’ means, in a public mobile network, the data processed, derived from network infrastructure or handsets, indicating the geographic position of an end-user’s mobile terminal equipment, and, in a public fixed network, the data about the physical address of the network termination point;</p>			<p>exchange of information, through electronic communication networks, between a limited number of persons, where the persons initiating or participating in the communication determine its recipient(s). This service does not include services that enable interpersonal and interactive communication simply as a small auxiliary feature, internally linked to another service;</p> <p>c) services that consist wholly or mainly in the transmission of signals, such as, broadcasting services used for the provision of machine-to-machine communications and for radio and television broadcasts.</p> <p>63. "Number-based interpersonal communication service" means an interpersonal communication service, which relates to publicly designated numbering sources, that is, to a number or numbers of the national or international numbering plan, enabling communication with another number, or numbers of the national or international numbering plan.</p> <p>64. "Number-independent interpersonal communication service" means an interpersonal communication service, which is not connected to publicly designated numbering sources, that is, to a number or numbers of the national or international numbering plan, or which does not enable communication with a number, or numbers of the national or international numbering plan.</p> <p>65. "Voice communication service" means an electronic communication service available to the public, for the origination and direct or indirect receipt of national, or national and international, calls via one or more numbers in a national or international numbering plan.</p> <p>67. "Associated services" means those services, connected to an electronic communications network or an electronic communications service, which enable or support the provision of services through such network or service, or have the potential to do so, and which include, inter alia, number translation or systems for the provision of equivalent functionality; conditional access systems and electronic program guides and other such services, such as identity, location and presence services.</p>		
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				77. "Call" means the connection between two endpoints, made through the telephone service available to the public, which allows two-way communication.		
Article 3	<p>CHAPTER II Objectives Article 3 General objectives</p> <p>1. Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States, the Commission, the Radio Spectrum Policy Group ('RSPG'), and BEREC shall also contribute to the achievement of those objectives.</p> <p>National regulatory and other competent authorities shall contribute within their competence to ensuring the implementation of policies aimed at the promotion of freedom of expression and information, cultural and linguistic diversity, as well as media pluralism.</p> <p>2. In the context of this Directive, the national regulatory and other competent authorities as well as BEREC, the Commission and the Member States shall pursue each of the following general objectives, which are not listed in order of priority:</p> <p>(a) promote connectivity and access to, and take-up of, very high capacity networks, including fixed, mobile and wireless networks, by all citizens and businesses of the Union;</p> <p>(b) promote competition in the provision of electronic communications networks and associated facilities, including efficient infrastructure-based competition, and in the provision of electronic communications services and associated services;</p> <p>(c) contribute to the development of the internal market by removing remaining obstacles to, and facilitating convergent conditions for, investment in, and the provision of, electronic communications networks, electronic communications services, associated facilities and associated services, throughout the Union, by developing common rules and predictable regulatory approaches, by favouring the effective, efficient and coordinated use of radio spectrum, open innovation, the establishment and development of trans-European networks,</p>	1	Article 5 Article 6	<p>Article 5 General objectives</p> <p>1. The overall policy objectives for electronic communications networks and services are as follows:</p> <p>a) Promotion of access and connectivity to very high capacity electronic communications networks and their use, from fixed, mobile and wireless networks, by all citizens and businesses in the Republic of Albania.</p> <p>b) Promotion of efficient competition in the provision of electronic communications networks, their facilities and associated services, including effective competition in electronic communications infrastructure, through economically efficient investments in new and existing infrastructure.</p> <p>c) Promoting the development of the Albanian electronic communications market with development rules and a predictable regulatory framework, harmonized with the practices of the European Union, through:</p> <p>i. removal of remaining obstacles;</p> <p>ii. facilitating investments in the provision of electronic communications networks and services, their facilities and associated services in the conditions of technological convergence in the territory of the Republic of Albania;</p> <p>iii. promoting the effective and efficient use of radio spectrum and,</p> <p>iv. open innovation.</p> <p>v. <i>"establishment and development of trans-European networks, provision, availability and interoperability of pan-European services."</i></p> <p>Ç) Promoting the interests of the citizens of the Republic of Albania by ensuring:</p> <p>i. connectivity, wide availability and use of very high capacity networks such as fixed, mobile, wireless and electronic communications services;</p> <p>ii. maximum benefit in terms of choice, price and quality, based on effective competition;</p>	F	

	<p>the provision, availability and interoperability of pan-European services, and end-to-end connectivity;</p> <p>(d) promote the interests of the citizens of the Union, by ensuring connectivity and the widespread availability and take-up of very high capacity networks, including fixed, mobile and wireless networks, and of electronic communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining the security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as affordable prices, of specific social groups, in particular end-users with disabilities, elderly end-users and end-users with special social needs, and choice and equivalent access for end-users with disabilities.</p> <p>3. Where the Commission establishes benchmarks and reports on the effectiveness of Member States' measures towards achieving the objectives referred to in paragraph 2, the Commission shall, where necessary, be assisted by Member States, national regulatory authorities, BEREC and the RSPG.</p> <p>4. The national regulatory and other competent authorities shall, in pursuit of the policy objectives referred to in paragraph 2 and specified in this paragraph, inter alia:</p> <p>(a) promote regulatory predictability by ensuring a consistent regulatory approach over appropriate review periods and through cooperation with each other, with BEREC, with the RSPG and with the Commission;</p> <p>(b) ensure that, in similar circumstances, there is no discrimination in the treatment of providers of electronic communications networks and services;</p> <p>(c) apply Union law in a technologically neutral fashion, to the extent that this is consistent with the achievement of the objectives set out in paragraph 2;</p> <p>(d) promote efficient investment and innovation in new and enhanced infrastructures, including by ensuring that any access obligation takes appropriate account of the risk incurred by the investing undertakings and by permitting various cooperative arrangements between investors and parties seeking access to diversify the risk of</p>			<p>iii. maintenance and security of networks and services, and,</p> <p>iv. A high level of common protection for end-users, with sector-specific rules, to meet the needs for: affordable prices for specific social groups, in particular for end-users with disabilities, the elderly, and those with special social needs, as well as in the choice of equal access for persons with disabilities.</p> <p>d) Protecting and promoting the security of electronic communications networks and services, through the creation of secure, trusted and integrative networks.</p> <p>2. The Ministry, AKEP and other competent authorities, in carrying out the regulatory duties established by this Law and the bylaws implementing it, shall ensure the implementation of policies for the promotion of freedom of expression and information, the promotion of cultural, linguistic diversity and media diversity, within the respective scope of responsibility and competences as defined in Articles 8, 9 and 10 of this law.</p> <p>3. The general policy for the development of the electronic communications sector is approved by decision of the Council of Ministers upon the proposal of the Minister.</p> <p style="text-align: center;">Article 6 Fulfilling objectives</p> <p>1. In order to achieve the objectives set out in Article 5 of this Law, AKEP shall undertake all necessary proportionate measures in accordance with the provisions of this Law, in cooperation with the responsible Ministry and other relevant authorities set out in this Law.</p> <p>2. AKEP supports the Ministry or the Council of Ministers, in establishing best practices and reports, on the effectiveness of the measures undertaken to achieve the general objectives set out in Article 5 of this Law.</p> <p>3. In implementation of the political objectives set out in Article 5 of this law, AKEP inter alia:</p> <p>a) It promotes regulatory predictability, ensuring a consistent regulatory approach during periodic reviews of regulatory decisions, taking into account opinions, recommendations, guidance, advice or</p>		
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	<p>investment, while ensuring that competition in the market and the principle of non-discrimination are preserved;</p> <p>(e) take due account of the variety of conditions relating to infrastructure, competition, the circumstances of end-users and, in particular, consumers in the various geographic areas within a Member State, including local infrastructure managed by natural persons on a not-for-profit basis;</p> <p>(f) impose ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition in the interest of end-users and relax or lift such obligations as soon as that condition is fulfilled.</p> <p>Member States shall ensure that the national regulatory and other competent authorities act impartially, objectively, transparently and in a non-discriminatory and proportionate manner.</p>			<p>regulatory best practices developed by BEREK and RSPG.</p> <p>b) It provides non-discriminatory treatment of providers of electronic communications networks and services under similar conditions.</p> <p>c) It shall apply, as far as possible, the principle of technological neutrality, in accordance with the objectives set out in point 1 of Article 5 of this Law, and EU practice.</p> <p>Ç) It promotes efficient investments and innovation in new and improved infrastructures, including ensuring that any access obligations, takes into account the risk posed by investment entrepreneurs and allows various cooperation agreements between investors and parties seeking access to diversify the investment risk and ensure at the same time the preservation of market competition and the principle of non-discrimination.</p> <p>d) It takes into account the different conditions regarding the infrastructure, competition, circumstances of end-users and in particular of users in different geographical areas in the territory of the Republic of Albania, including local infrastructure administered by natural persons not for profit purposes.</p> <p>e) It imposes "ex-ante" regulatory obligations, only to the extent necessary to ensure stable and effective competition, in the interest of end-users, and eases or removes these obligations as soon as possible, when market conditions are met.</p> <p>4. AKEP, in fulfillment of the objectives set out in point 3 of this article, shall act in an independent, objective, transparent, non-discriminatory and proportionate manner.</p>		
Article 5	<p style="text-align: center;">CHAPTER II INSTITUTIONAL SET-UP AND GOVERNANCE</p> <p style="text-align: center;"><i>Article 5</i> National regulatory and other competent authorities</p> <p>1. Member States shall ensure that each of the tasks laid down in this Directive is undertaken by a competent authority.</p>	1	<p>Article 10 Article 12</p>	<p style="text-align: center;">CHAPTER II INSTITUTIONAL ORGANIZATION AND FUNCTIONING</p> <p style="text-align: center;">Article 10 Role of the Electronic and Postal Communications Authority</p> <p>1. The Electronic and Postal Communications Authority is the regulatory body in the field of electronic communications and postal service,</p>	F	

	<p>Within the scope of this Directive, the national regulatory authorities shall be responsible at least for the following tasks:</p> <ul style="list-style-type: none"> (a)implementing <i>ex ante</i> market regulation, including the imposition of access and interconnection obligations; (b)ensuring the resolution of disputes between undertakings; (c)carrying out radio spectrum management and decisions or, where those tasks are assigned to other competent authorities, providing advice regarding the market-shaping and competition elements of national processes related to the rights of use for radio spectrum for electronic communications networks and services; (d)contributing to the protection of end-user rights in the electronic communications sector, in coordination, where relevant, with other competent authorities; (e)assessing and monitoring closely market-shaping and competition issues regarding open internet access; (f)assessing the unfair burden and calculating the net cost of the provision of universal service; (g)ensuring number portability between providers; (h)performing any other task that this Directive reserves to national regulatory authorities. <p>Member States may assign other tasks provided for in this Directive and other Union law to national regulatory authorities, in particular, those related to market competition or market entry, such as general authorisation, and those related to any role conferred on BEREC. Where those tasks related to market competition or market entry are assigned to other competent authorities, they shall seek to consult the national regulatory authority before taking a decision. For the purposes of contributing to BEREC's tasks, national regulatory authorities shall be entitled to collect necessary data and other information from market participants.</p> <p>Member States may also assign to national regulatory authorities other tasks on the basis of national law, including national law implementing Union law.</p> <p>Member States shall, in particular, promote stability of competences of the national regulatory authorities when transposing this Directive with regard to the attribution of tasks resulting from the Union electronic communications regulatory framework as amended in 2009.</p>			<p>which oversees the regulatory framework defined by this law, by the law on postal service and by the development policies, defined by the Council of Ministers.</p> <ul style="list-style-type: none"> 2. AKEP is a legal, public, non-budgetary, independent entity, which carries out its activity in accordance with the legislation in force. AKEP is independent in its work and decision-making within its competences. AKEP has its headquarters in Tirana. 3. AKEP performs its functions in accordance with this law, as well as with the bylaws, national policies for the development of electronic communications and international agreements in the electronic communications sector, to which the Republic of Albania adheres. 4. AKEP, while exercising its competences, takes into account the guidelines, opinions, recommendations, common positions, best practices and methodologies of BEREC and the relevant decisions of the European Commission. <p style="text-align: center;">Article 12 Tasks of AKEP</p> <ul style="list-style-type: none"> 1. AKEP performs all duties assigned to this law and by-laws, in particular for: <ul style="list-style-type: none"> a) "<i>ex ante</i>" regulation of the electronic communications market, including the imposition of access and interconnection obligations; b) Resolution of disputes between entrepreneurs; c) performs the administration of the radio frequency spectrum, according to the provisions of this Law and takes the relevant decisions; <ul style="list-style-type: none"> i. cooperates with the Ministry for the preparation of the National Frequency Plan; ii. prepares the radio frequency use plan and details the definitions for the radio frequency bands assigned for civil purposes, for public or private uses, with the exception of the frequency band assigned for radio and television broadcasting, which are administered by the Audiovisual Media Authority; 		
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	<p>2. National regulatory and other competent authorities of the same Member State or of different Member States shall, where necessary, enter into cooperative arrangements with each other to foster regulatory cooperation.</p> <p>3. Member States shall publish the tasks to be undertaken by national regulatory and other competent authorities in an easily accessible form, in particular where those tasks are assigned to more than one body. Member States shall ensure, where appropriate, consultation and cooperation between those authorities, and between those authorities and national authorities entrusted with the implementation of competition law or consumer law, on matters of common interest. Where more than one authority has competence to address such matters, Member States shall ensure that the respective tasks of each authority are published in an easily accessible form.</p> <p>4. Member States shall notify to the Commission all national regulatory and other competent authorities that are assigned tasks under this Directive, and their respective responsibilities, as well as any change thereof.</p>			<ul style="list-style-type: none"> iii. monitors the use of radio spectrum in accordance with the National Frequency Plan and the Frequency Usage Plan; iv. issues individual authorizations for the use of radio frequencies; v. follows the procedures established by this law, regarding the assignment and use of radio frequencies; vi. performs cross-border coordination of the use of radio frequencies with the administrations of neighboring countries and other countries, regarding the spectrum administered by AKEP; vii. collaborates with the AMA and other institutions, for the management of the frequency spectrum in order to use it efficiently; viii. contributes to the protection of the rights of end-users in the electronic communications sector, in coordination as appropriate, with the Minister and other competent authorities for consumer protection; ix. closely assesses and monitors market formation and competition issues, in relation to open internet access; x. estimates the unfair burden and calculates the net cost of providing universal service; xi. ensures the implementation of number portability between providers. <p>2. AKEP is also responsible for:</p> <ul style="list-style-type: none"> a) collecting data and other information necessary from market participants, in order to contribute to BEREC's tasks; b) encouraging the efficient use of limited natural resources such as radio frequencies and digital spaces; c) protecting national security interests and guaranteeing the preservation of the integrity and security of public electronic communications networks; d) preparation, approval and administration of the National Numbering Plan for electronic communications networks and services in the Republic of Albania; e) the assignment of numbers or blocks of numbers, operators of public electronic communications networks, providers of 		
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				<p>electronic communications services and other interested parties, as determined by the National Numbering Plan.</p> <ul style="list-style-type: none"> f) administers domain cc.TLD.al, its subdomains, as well as determines by special regulations detailed rules for the methodology, payments, procedure and manner of management of this service, in accordance with the legislation in force and international standards; g) taking administrative measures in accordance with this law in cases of violation of this law and acts issued pursuant to it; h) the management and administration of the Universal Service Fund, if applicable; i) the resolution of disputes between electronic communication network operators and providers of electronic communication services, as well as disputes between end-users and operators, in accordance with the provisions of this Law; j) establishing, maintaining and updating an electronic database by the electronic communications sector and ensuring that the data is available to the public, in accordance with the rules on public information and respect for confidentiality; k) collection of data and information from network operators and providers of electronic communications services; l) follows the implementation of the essential requirements for radio equipment according to the technical regulation approved by decision of the Council of Ministers; m) ensures that electronic communications network operators and providers of electronic communications services, in case of war or other extraordinary circumstances, fulfill their obligations regarding the protection of the country, public security; n) to carry out the procedures for the designation of the universal service provider, according to the provisions in Article 113 of this Law; 	
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				<ul style="list-style-type: none"> o) defining the rules for the operation of the radio interconnection service on the coastline after receiving the opinion of the Minister; p) establishing rules and technical requirements for the operation of amateur radio services in the Republic of Albania, based on the ITU radio regulations; q) ensuring the availability of a central database for number portability; r) Determination of measures, for the regulation of the maximum tariffs and prices that can be applied to a certain series of numbers used for premium value-added services, in order to protect consumers. <p>3. AKEP cooperates with the ministry responsible for the electronic communications sector and with other public institutions, regarding the issues subject to this law that are within the scope of their responsibility, in particular for the fulfillment of the objectives set out in Article 5 of this law.</p> <p>4. AKEP shall submit to the Minister any information necessary for the fulfilment of the objectives of the development policy and competencies set out in this Law and those of the Law on Postal Service.</p> <p>5. AKEP has the right to regulate roaming services on the basis of bilateral or multilateral international agreements, signed or approved for mutual implementation of the regulation of tariffs for these services, as well as international termination tariffs related to these services.</p>		
Article 6	<p style="text-align: center;">Article 6 Independence of national regulatory and other competent authorities</p> <p>1. Member States shall guarantee the independence of national regulatory authorities and of other competent authorities by ensuring that they are legally distinct from, and functionally independent of, any natural or legal person providing electronic communications networks, equipment or services. Member States that retain ownership or control of undertakings providing electronic communications networks or services</p>	1	<p>Article 13 Article 14 Article 15</p>	<p style="text-align: center;">Article 13 Independence of AKEP</p> <p>1. AKEP shall exercise its competencies in an impartial, objective, transparent and expeditious manner. AKEP operates independently, in exercising the duties assigned to it under this law. This provision does not prevent the supervision of the activity of AKEP, in accordance with the national legislation in force.</p> <p>2. AKEP is independent from the ownership of enterprises that provide electronic communications networks or services and ensures effective structural</p>	F	

	<p>shall ensure effective structural separation of the regulatory function from activities associated with ownership or control.</p> <p>2. Member States shall ensure that national regulatory and other competent authorities exercise their powers impartially, transparently and in a timely manner. Member States shall ensure that they have adequate technical, financial and human resources to carry out the tasks assigned to them.</p>		<p>separation of the regulatory function, from activities related to the ownership of enterprises or its control.</p> <p>3. AKEP shall have sufficient financial and human resources, with technical skills required for the performance of the tasks assigned to it, including <i>full participation in the organisational bodies of BEREC</i>".</p> <p>4. The structure and organigramme of AKEP is approved by the Governing Council. The labor relations of AKEP are regulated on the basis of the Labor Code.</p> <p>5. The recruitment of AKEP employees is based on the requirements and job descriptions for each position, approved by the Steering Committee and defined in the internal regulation of its operation.</p> <p>6. The Governing Council of AKEP, among others, approves:</p> <ul style="list-style-type: none"> a) the constituent elements of the gross monthly salary of the institution's employees; b) the value for each element of the gross monthly salary of the institution's employees; c) the rules, criteria and extent of other financial treatments and benefits. <p>The Governing Council in determining the amount of salary, bonuses and other financial and non-financial treatments of the administration, is based on a clear methodology, which takes into account market conditions, the experiences of other authorities that carry out the activity of the regulator in the Republic of Albania and the needs of the institution itself.</p> <p>7. Every year, AKEP submits to the Assembly the Annual Report on its activity, within the first five months of the following year. A copy of the report shall be submitted to the Ministry.</p> <p>8. The Annual Report shall be made available to the public and shall contain:</p> <ul style="list-style-type: none"> a) the report of the activity of AKEP of the previous year; b) the annual program for the following year; c) the report on the state of the electronic communications market including the Universal Service; d) the report on the human and financial resources of AKEP and the way these resources are attributed. <p>9. The decisions of Governing Council of AKEP may be appealed to the court according to the legislation in force.</p>	
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				<p>members of the Governing Council:</p> <ul style="list-style-type: none"> a) the person, spouse or relatives up to the second degree, who are related to the members of the Council of Ministers; b) a person who has been convicted by the court of committing a criminal offense, by a final decision; c) a person, who is a debtor, creditor or shareholder in a company, which is subject to the regulatory framework of the Electronic and Postal Communications Authority; d) a person who is excluded by law from holding public state office. <p style="text-align: center;">Article 15 Decision-making and Structure of the Governing Council</p> <ul style="list-style-type: none"> 1. The Board of Directors takes decisions by majority vote, when at least three members are present. Each member, including the President, has one vote. No absence or vacancy in the Board of Directors violates the right of the remaining members to exercise their rights. 2. The members of the Governing Council shall abstain from voting, when one of the cases provided for by the Code of Administrative Procedures and the Law on the Prevention of Conflict of Interest in the Exercise of Public Function is applied. 		
Article 7	<p style="text-align: center;">Article 7 Appointment and dismissal of members of national regulatory authorities</p> <p>1. The head of a national regulatory authority, or, where applicable, the members of the collegiate body fulfilling that function within a national regulatory authority or their alternates, shall be appointed for a term of office of at least three years from among persons of recognised standing and professional experience, on the basis of merit, skills, knowledge and experience and following an open and transparent selection procedure. Member States shall ensure continuity of decision-making.</p> <p>2. Member States shall ensure that the head of a national regulatory authority, or where applicable,</p>	<p style="text-align: center;">1</p> <p style="text-align: center;">2</p>	<p>Article 14</p> <p>Article 15</p> <p>Article 16</p> <p>Pg. 2 Article 25</p>	<p style="text-align: center;">Article 14 AKEP Governing Council</p> <ul style="list-style-type: none"> 1. AKEP is governed by the Governing Council, which operates on the basis of the internal regulation, approved by itself. 2. The Governing Council consists of 5 members appointed by the Assembly of the Republic of Albania, in an open and transparent procedure, on the basis of the proposal of the Council of Ministers. Members of the AKEP Governing Council are appointed for a 5-year term, with the right to re-election no more than 1 time. 3. The Assembly shall appoint the Chairperson, from among the members of the Governing Council. The Chairman of the Council is also the Executive Director of the Electronic and Postal 	F	

	<p>members of the collegiate body fulfilling that function within a national regulatory authority or their alternates may be dismissed during their term only if they no longer fulfil the conditions required for the performance of their duties which are laid down in national law before their appointment.</p> <p>3. The decision to dismiss the head of the national regulatory authority concerned, or where applicable members of the collegiate body fulfilling that function, shall be made public at the time of dismissal. The dismissed head of the national regulatory authority or, where applicable, members of the collegiate body fulfilling that function shall receive a statement of reasons. In the event that the statement of reasons is not published, it shall be published upon that person's request. Member States shall ensure that this decision is subject to review by a court, on points of fact as well as on points of law.</p>		<p>Communications Authority.</p> <p>4. The members of the Board of Directors are graduated and qualified experts, with a minimum of 10 years of experience and are representatives of the electronic, post, economic and legal communications sector.</p> <p>5. The members of the Governing Council, upon being appointed, resign from any official and political function, or profitable activity, as well as renounce any financial interest that may have in companies exercising commercial activities under the jurisdiction of AKEP. The member shall inform the Assembly in writing of these actions.</p> <p>6. Persons who are excluded from being members of the Governing Council:</p> <ul style="list-style-type: none"> e) the person, spouse or relatives up to the second degree, who are related to the members of the Council of Ministers; f) a person who has been convicted by the court of committing a criminal offense, by a final decision; g) a person, who is a debtor, creditor or shareholder in a company, which is subject to the regulatory framework of the Electronic and Postal Communications Authority; h) a person who is excluded by law from holding public state office. <p style="text-align: center;">Article 15 Decision-making and Structure of the Governing Council</p> <p>1. The Board of Directors shall take decisions by majority vote, when at least three members are present. Each member, including the President, has one vote. No absence or vacancy in the Board of Directors violates the right of the remaining members to exercise their rights.</p> <p>2. The members of the Governing Council shall abstain from voting, when one of the cases provided for by the Code of Administrative Procedures and the Law on the Prevention of Conflict of Interest in the Exercise of Public Function is applied.</p> <p style="text-align: center;">Article 16 Dismissal and removal of members of the Board of Directors</p>		
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				<ol style="list-style-type: none"> 1. A member of the Governing Council shall be dismissed from the Assembly when: <ol style="list-style-type: none"> a) during the period of exercising his duty as a member of the Governing Council of AKEP, he is found guilty of a crime by a final court decision during the exercise of his duties; b) has refused or is not exercising the assigned duties without cause, or has not been able to exercise these duties for at least 6 months; c) is included in any of the provisions of point 6 of Article 14 of this law; d) acts contrary to the provisions of this law. 2. A member of the Governing Council shall be dismissed by the Assembly when: <ol style="list-style-type: none"> a) resigns; b) is elected or is running as a member of the Assembly or in local government bodies, except when he/she is a member of professional associations and holds functions in them; c) is physically or mentally incapable of performing the assigned tasks. 3. The dismissed member of the Governing Council does not have the right to be reappointed to the Governing Council. 4. Before being released or dismissed, a member of the Governing Council has the opportunity to submit his or her appeal to the Assembly. 5. The decision to dismiss and dismiss the chairperson, one member or more than one member, must be based on law and be reasoned for the reasons leading to his/her dismissal or dismissal. 6. The dismissal procedure that is carried out by the Assembly is transparent and its decision is made public, at the time of dismissal. <i>The dismissal decision may be appealed to the court according to the legislation in force.</i> <p style="text-align: center;">Article 25 Cooperation between competent authorities</p> <ol style="list-style-type: none"> 1. AKEP cooperates with other competent authorities on issues of common interest, through the exchange of information on the implementation of this law and bylaws, as well as practices related to the electronic communications sector. The competent 	
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				<p>authorities receiving the information apply the same level of confidentiality.</p> <p>2. AKEP and the Competition Authority cooperate on issues of common interest, in accordance with the legislation in force on competition in the electronic communications sector. In particular, in the process of determining the relevant markets and their analysis, AKEP consults and cooperates with the Competition Authority.</p> <p>3. AKEP and other competent authorities, when necessary to promote regulatory cooperation, conclude cooperation agreements with each other.</p>		
Article 8	<p>Article 8 Political independence and accountability of the national regulatory authorities</p> <p>1. Without prejudice to Article 10, national regulatory authorities shall act independently and objectively, including in the development of internal procedures and the organisation of staff, shall operate in a transparent and accountable manner in accordance with Union law, and shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law. Only appeal bodies set up in accordance with Article 31 shall have the power to suspend or overturn decisions of the national regulatory authorities.</p> <p>2. National regulatory authorities shall report annually, inter alia, on the state of the electronic communications market, on the decisions they issue, on their human and financial resources and how those resources are attributed, as well as on future plans. Their reports shall be made public.</p>	<p>1</p> <p>2</p>	<p>Pg.1-3, Article 13</p> <p>Article 15</p>	<p>Article 13 Independence of AKEP</p> <p>1. AKEP shall exercise its competencies in an impartial, objective, transparent and expeditious manner. AKEP operates independently, in exercising the duties assigned to it under this law. This provision does not prevent the supervision of the activity of AKEP, in accordance with the national legislation in force.</p> <p>2. AKEP is independent from the ownership of enterprises that provide electronic communications networks or services and ensures effective structural separation of the regulatory function, from activities related to the ownership of enterprises or its control.</p> <p>3. AKEP shall have sufficient financial and human resources, with technical skills required for the performance of the tasks assigned to it <i>including full participation in the organisational bodies of BERECE</i>”.</p> <p>Article 15 Decision-making and Structure of the Governing Council</p> <p>1. The Board of Directors takes decisions by majority vote, when at least three members are present. Each member, including the President, has one vote. No absence or vacancy in the Board of Directors violates the right of the remaining members to exercise their rights.</p> <p>2. The members of the Governing Council shall abstain from voting, when one of the cases provided for by the Code of Administrative</p>	F	

				Procedures and the Law on the Prevention of Conflict of Interest in the Exercise of Public Function is applied.		
Article 9	<p align="center">Article 9 Regulatory capacity of national regulatory authorities</p> <p>1. Member States shall ensure that national regulatory authorities have separate annual budgets and have autonomy in the implementation of the allocated budget. Those budgets shall be made public.</p> <p>2. Without prejudice to the obligation to ensure that national regulatory authorities have adequate financial and human resources to carry out the task assigned to them, financial autonomy shall not prevent supervision or control in accordance with national constitutional law. Any control on the budget of the national regulatory authorities shall be exercised in a transparent manner and made public.</p> <p>3. Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to actively participate in and contribute to BEREC.</p>	1	Article 17	<p align="center">Article 17 AKEP Financing and Budget</p> <p>1. AKEP's financing sources are payments made by the operators of electronic communications networks and services, as defined in this law and other legal acts in force. AKEP is also financed from other lawful sources.</p> <p>2. AKEP's Steering Council approves the budget for the following year, which consists of the total annual income and expenses of AKEP, as well as the detailed budget.</p> <p>3. AKEP keeps full accounts for the expenses incurred in accordance with the legislation in force on accounting. AKEP publishes the annual financial balance that it deposits with the tax authorities, in accordance with the legislation in force for this purpose.</p> <p>4. Any surplus from the revenues from regulatory fees, which remains unspent at the end of the financial year, shall be kept in the accounts of AKEP, included in the expenditure plan of the following year and used for investments necessary for the performance of AKEP's tasks, and shall be taken into account in the proportional, objective, transparent and non-discriminatory review of the respective annual payments of entrepreneurs.</p>	F	
Article 10	<p align="center">Article 10 Participation of national regulatory authorities in BEREC</p> <p>1. Member States shall ensure that the goals of BEREC of promoting greater regulatory coordination and consistency are actively supported by their respective national regulatory authorities.</p> <p>2. Member States shall ensure that national regulatory authorities take utmost account of guidelines, opinions, recommendations, common positions, best practices and methodologies adopted by BEREC when adopting their own decisions for their national markets.</p>	1	Pg. 4, Article 10 Pg 3, Article 13	<p align="center">Article 10 Role of the Electronic and Postal Communications Authority</p> <p>4. AKEP, while exercising its competences, takes into account the guidelines, opinions, recommendations, common positions, best practices and methodologies of BEREC and the relevant decisions of the European Commission.</p> <p align="center">Article 13 Independence of AKEP</p> <p>3. AKEP shall have sufficient financial and human</p>	F	

				<p>resources, with the required technical skills, to carry out the tasks assigned to it, including <i>full participation in the organisational bodies of BEREC</i>".</p> <p>Article 25/1 Cooperation with BEREC and regulatory bodies in EU Member States</p> <p><i>1. AKEP cooperates with BEREC, as well as the regulatory bodies of electronic communications networks and services of the Member States of the European Union for the development of the common market between the Republic of Albania and the European Union in the field of electronic communications.</i></p> <p><i>2. AKEP shall cooperate with BEREC particularly to identify the regulatory instruments and measures necessary for the conditions of the electronic communications market. AKEP shall support BEREC's objectives to achieve better coordination and harmonised regulation of roaming services between the Republic of Albania and the European Union based on the relevant bilateral agreement on the regulation of roaming services.</i></p> <p><i>3. AKEP shall appoint the member in the Board of Regulators and the member in the Management Board of BEREC and their alternate according to the provisions of the annex 1, attached to this law.</i></p>		
Article 11	<p>Article 11 Cooperation with national authorities</p> <p>National regulatory authorities, other competent authorities under this Directive, and national competition authorities shall provide each other with the information necessary for the application of this Directive. In respect of the information exchanged, Union data protection rules shall apply, and the receiving authority shall ensure the same level of confidentiality as that of the originating authority.</p>	1	Article 25	<p>Article 25 Cooperation between competent authorities</p> <p>1. AKEP cooperates with other competent authorities on issues of common interest, through the exchange of information on the implementation of this law and bylaws, as well as practices related to the electronic communications sector. The competent authorities receiving the information apply the same level of confidentiality.</p> <p>2. AKEP and the Competition Authority cooperate on issues of common interest, in accordance with the legislation in force on competition in the electronic communications sector. In particular, in the process of determining the relevant markets and their analysis, AKEP consults and cooperates with the Competition Authority.</p>	F	

				3. AKEP and other competent authorities, when necessary to promote regulatory cooperation, conclude cooperation agreements with each other.		
Article 12	<p style="text-align: center;">CHAPTER II GENERAL AUTHORIZATION SECTION 1 General part</p> <p style="text-align: center;">Article 12 General authorisation of electronic communications networks and services</p> <p>1. Member States shall ensure the freedom to provide electronic communications networks and services, subject to the conditions set out in this Directive. To this end, Member States shall not prevent an undertaking from providing electronic communications networks or services, except where this is necessary for the reasons set out in Article 52(1) TFEU. Any such limitation to the freedom to provide electronic communications networks and services shall be duly reasoned and shall be notified to the Commission.</p> <p>2. The provision of electronic communications networks or services, other than number-independent interpersonal communications services, may, without prejudice to the specific obligations referred to in Article 13(2) or rights of use referred to in Articles 46 and 94, be subject only to a general authorisation.</p> <p>3. Where a Member State considers that a notification requirement is justified for undertakings subject to a general authorisation, that Member State may require such undertakings only to submit a notification to the national regulatory or other competent authority. The Member State shall not require such undertakings to obtain an explicit decision or any other administrative act by such authority or by any other authority before exercising the rights derived from the general authorisation.</p> <p>Upon notification, when required, an undertaking may start the activity, where necessary subject to the provisions on the rights of use under this Directive.</p> <p>4. The notification referred to in paragraph 3 shall not entail more than a declaration by a natural or legal person to the national regulatory or other competent authority of the intention to start the</p>	1	Article 26 Article 27	<p style="text-align: center;">CHAPTER III GENERAL AUTHORIZATION</p> <p style="text-align: center;">SECTION 1 GENERAL PART</p> <p style="text-align: center;">Article 26 General Authorization for Electronic Communications Networks and Services</p> <p>1. Every entrepreneur is free to provide electronic communications networks and services in the Republic of Albania in accordance with the requirements of this law. The provision of electronic communications networks or services by an entrepreneur is not hindered by AKEP, except in cases where this is necessary for reasons of public interest, public safety or public health. Any restrictions on the provision of electronic communications networks and services are argued based on the national legislation in force, notified to the Ministry, and published in advance.</p> <p>2. The provision of electronic communications networks or services, in addition to number-independent interpersonal communication services, is subject to the general authorization regime, respecting the specific obligations established according to point 6 of Article 28 of this Law, as well as the requirements for equipping with the rights of use for frequencies and numbering according to this Law, when the provision of electronic communications networks or services is based on the use of finite natural resources.</p> <p>3. Prior to the start of the activity, each entrepreneur notifies AKEP according to an approved form on the methods of notification, based on the relevant BEREC guidelines, which contains the elements set out in points 2 and 3 of Article 27 of this Law. Entrepreneurs are not subject to additional or special notification requirements. For the exercise of the rights deriving from the general authorization, the authorized entrepreneur does not need to take a decision</p>	F	

	<p>provision of electronic communications networks or services and the submission of the minimal information which is required to allow BEREC and that authority to keep a register or list of providers of electronic communications networks and services. That information shall be limited to:</p> <p>(a) the name of the provider;</p> <p>(b) the provider's legal status, form and registration number, where the provider is registered in a trade or other similar public register in the Union;</p> <p>(c) the geographical address of the provider's main establishment in the Union, if any, and, where applicable, any secondary branch in a Member State;</p> <p>(d) the provider's website address, where applicable, associated with the provision of electronic communications networks or services;</p> <p>(e) a contact person and contact details;</p> <p>(f) a short description of the networks or services intended to be provided;</p> <p>(g) the Member States concerned; and</p> <p>(h) an estimated date for starting the activity.</p> <p>Member States shall not impose any additional or separate notification requirements.</p> <p>In order to approximate notification requirements, BEREC shall publish guidelines for the notification template and maintain a Union database of the notifications transmitted to the competent authorities. To that end, the competent authorities shall, by electronic means, forward each notification received to BEREC without undue delay. Notifications made to the competent authorities before 21 December 2020 shall be forwarded to BEREC by 21 December 2021.</p>			<p>or a special administrative act from AKEP. Upon notification and when it is necessary to use limited resources, the entrepreneur starts the activity, subject to the provisions on rights of use, according to this law on equipment with individual authorization.</p> <p style="text-align: center;">Article 27 Announcement</p> <p>1. Any entrepreneur who intends to provide an electronic communication network or service in the territory of the Republic of Albania, notifies AKEP before the start of operation, change or termination of the service.</p> <p>2. The entrepreneur's notification is made in writing, according to the rules approved by AKEP and must contain the following information:</p> <ol style="list-style-type: none"> a) the name, geographical address of the main branch of the provider and, where applicable, of each secondary branch; b) the data of the legal registration of the entrepreneur, the legal status, the form and number of the registration, the location of the provider; c) the contact person(s) and contact details of the entrepreneur; d) the address of the provider's website, related to the provision of electronic communications networks or services, where available, accompanied by a brief description of the networks or services to be provided; e) when the commencement of the offering, change or termination of the activity is foreseen; f) the geographical extent of the network and services that will be provided and as the case may be, together with the countries covered, except for the Republic of Albania. g) a statement on the date by which the entrepreneur completes the construction of the network or the provision of its services; <p>3. The notification is accompanied by:</p> <ol style="list-style-type: none"> a) a statement that the information is accurate; b) a statement that the entrepreneur possesses the necessary technical, legal and financial capacities and will comply with legal obligations. <p>4. The entrepreneur shall report to AKEP any change in the information presented in the notification, within 30 days from the</p>		
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				<p>occurrence of the change.5. AKEP registers the operators or service providers in the electronic database, within 7 days from the receipt of the notification and notifies their registration in writing.</p> <p>6. When the notification is incomplete, based on the requirements of points 2 and 3 of this article, AKEP notifies the entrepreneur within 7 days after receiving the notification, to fill in the deficiencies in the documentation. If the entrepreneur does not fill in the missing information within 15 days, AKEP notifies the entrepreneur that it will not register him. The entrepreneur has the right to complain to the AKEP Governing Council about this issue.</p> <p>7. If AKEP does not confirm in writing, within the time limit set in point 5 of this article, or does not communicate to the entrepreneur the lack of information according to point 6 of this article, the notification and registration shall be considered completed.</p> <p>8. AKEP shall approve by a regulation pursuant to this Law, the form and content of the notification, the supporting documentation and the confirmation of the registration, taking into account the relevant instructions of BEREC.</p> <p>9. AKEP shall administer an updated register for natural and legal persons, who have notified and registered in accordance with the provisions of this Article, which contains the information set out in point 2 of this Article. This information is made available to the public.</p> <p>10. AKEP deregisters the entrepreneur at the request of the entrepreneur himself, when he notifies the termination of the activity according to point 1, or on its own initiative, if it turns out that the entrepreneur has closed or suspended the commercial activity, or pursuant to a final court or administrative decision, for reasons based on this law and the bylaws in implementation thereof.</p>		
Article 13	<p>Article 13</p> <p><i>Article 13</i></p> <p>Conditions attached to the general authorisation and to the rights of use for radio spectrum and for numbering resources, and specific obligations</p>	1	<p>Article 28</p> <p>Article 29</p> <p>Article 30</p> <p>Article 31</p> <p>Article 32</p> <p>Article 34</p>	<p>Article 28</p> <p>General authorisation and rights of use for radio frequency and number spectrum</p> <p>1. The general authorization for the provision of electronic communications networks or services and the authorization for rights of use</p>	F	

	<p>1. The general authorisation for the provision of electronic communications networks or services and the rights of use for radio spectrum and rights of use for numbering resources may be subject only to the conditions listed in Annex I. Such conditions shall be non-discriminatory, proportionate and transparent. In the case of rights of use for radio spectrum, such conditions shall ensure the effective and efficient use thereof and be in accordance with Articles 45 and 51, and, in the case of rights of use for numbering resources, shall be in accordance with Article 94.</p> <p>2. Specific obligations which may be imposed on undertakings providing electronic communications networks and services under Article 61(1) and (5) and Articles 62, 68 and 83 or on those designated to provide universal service under this Directive shall be legally separate from the rights and obligations under the general authorisation. In order to achieve transparency, the criteria and procedures for imposing such specific obligations on individual undertakings shall be referred to in the general authorisation.</p> <p>3. The general authorisation shall contain only conditions which are specific for that sector and are set out in Parts A, B and C of Annex I and shall not duplicate conditions which are applicable to undertakings by virtue of other national law.</p> <p>4. Member States shall not duplicate the conditions of the general authorisation where they grant the right of use for radio spectrum or for numbering resources.</p>			<p>of radio spectrum and rights of use for numbering sources, may be subject to the following conditions:</p> <ul style="list-style-type: none"> a) the general conditions according to Article 29 of this Law; b) the specific conditions for the provision of electronic communications networks according to point 1 of Article 30 of this Law; c) specific conditions for the provision of electronic communications services, excluding number-independent interpersonal communications services, according to point 2 of Article 30 of this Law; d) the conditions for the rights of use of the frequency spectrum, according to Article 31 of this Law; e) the conditions for the rights of use of the numbering, according to Article 32 of this Law. <p>2. The conditions set by AKEP, according to point 1 of this article, must be non-discriminatory, proportionate and transparent.</p> <p>3. In the case of the use of frequencies, entrepreneurs must meet the conditions for the effective and efficient use of frequencies according to the provisions in Chapter X of this Law and in the case of the use of numbers, they must comply with Article 132 of this Law.</p> <p>4. The conditions of the general authorisation must be sector-specific and justified for the network or service in question in accordance with the provisions in this Article. They should not duplicate conditions that apply to entrepreneurs from other legal acts in force.</p> <p>5. In granting rights of use for frequencies and numbering sources, AKEP does not duplicate the terms of the general authorization.</p> <p>6. The specific obligations that may be imposed by AKEP on entrepreneurs providing electronic communications networks and services according to point 1 of Article 82, Article 86, Article 92 and Article 109 of this law, as well as the specific obligations that may be imposed on entrepreneurs who have been designated as universal service providers under this law, must be legally separate from</p>		
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				<p>the rights and obligations arising from the general authorization.</p> <p>7. In accordance with the principle of transparency, the criteria and procedures for imposing specific obligations under point 6 of this Article on individual entrepreneurs should be referred to in the general authorization.</p> <p style="text-align: center;">Article 29 General Authorization Terms and Conditions</p> <p>1. In the general authorization, AKEP establishes the general conditions as follows:</p> <ul style="list-style-type: none"> a) making administrative payments in accordance with Article 18 of this Law. Every entrepreneur is obliged to pay administrative fees or fees for the rights of use of limited resources according to the legislation in force; b) the protection of personal data and the specific protection of privacy in electronic communications, in accordance with Chapter XIX of this Law; c) the information that is submitted in the notification procedure according to Article 27, as well as for other purposes, as defined in Article 42 of this Law; d) allowing interception by the competent authorities, defined in the legislation in force on the interception of telecommunications and in accordance with the legislation in force on the protection of personal data and with Chapter XIX of this Law; e) the conditions of use by public authorities of communications to the general public, for warning the public of imminent dangers and for measures to avoid major disasters; f) conditions of use during major disasters or national emergencies, to ensure communication between emergency services and authorities; g) access obligations under this law that apply to entrepreneurs providing electronic communications networks or services; h) measures designed to ensure compliance 	
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				<p>with the standards or specifications set out in Article 53 of this Law;</p> <p>i) obligations for transparency towards providers of publicly available electronic communications networks, for ensuring end-to-end interconnection, in accordance with the objectives of Article 5 of this Law and, where necessary and proportionate, the obligation to access information that is necessary to verify the accuracy of this Condition.</p> <p style="text-align: center;">Article 30 Specific General Authorization Conditions</p> <p>1. The specific conditions that may be attached to a general authorization for the provision of electronic communications networks are as follows:</p> <p>a) the obligation to interconnect networks according to the provisions of this law;</p> <p>b) provisions on the carrying obligation, which is implemented in accordance with the Law on Audiovisual Media;</p> <p>c) measures for the protection of public health against electromagnetic fields, based on the legislation in force and the ICNIRP Guidelines, for the limitation of exposure to electromagnetic fields, for the protection of people exposed to electromagnetic fields, when these conditions are different from those included in the general authorization.</p> <p>d) the maintenance and integrity of the electronic communications network in accordance with the applicable legal requirements, for the prevention of electromagnetic interference between electronic communications networks or services;</p> <p>e) security of public networks against unauthorized access, in accordance with the provisions of Chapter XIX of this Law;</p> <p>f) the conditions of use of frequencies, according to the provisions in the Technical Regulation for Radio Equipment approved by Decision of the</p>		
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				<p>Council of Ministers, when the use of frequencies is not subject to individual authorization, according to the provisions of this Law.</p> <p>2. The specific conditions that may be attached to a general authorization for the provision of electronic communications services, in addition to number-independent interpersonal communication services, are:</p> <ul style="list-style-type: none"> a) interoperability of services in accordance with this law; b) access by the end-user of numbers according to the National Numbering Plan, numbers from International Universal Freephone Numbers (UIFN) and, where technically and economically possible, from numbering plans, according to conditions in accordance with this law. c) specific consumer protection rules for the electronic communications sector, including ensuring access for users with disabilities; d) complying with restrictions regarding the transmissions of illegal content or harmful content, based on the legislation in force. <p>3. The specific conditions of the general authorization according to points 1 and 2 of this article are established by AKEP, for electronic communications networks or services and they should not duplicate the conditions that apply to entrepreneurs by other legal acts in force.</p> <p style="text-align: center;">Article 31 Terms and conditions for rights of use for frequency spectrum</p> <p>1. In addition to what is provided for in the general authorization, the rights of use of frequencies are subject to the following conditions:</p> <ul style="list-style-type: none"> a) the obligation to provide a service or use a type of technology within the limits of Article 62 of this Law, and where necessary the requirements for coverage and quality of service. b) the technical and operational conditions for the avoidance of harmful interference 	
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				<p>and the protection of health from electromagnetic radiation according to the legislation in force, when these are different from those included in the conditions of the general authorization for the effective and efficient use of the radio spectrum under this law.</p> <p>c) the maximum duration of the rights of use of frequencies, in accordance with the provisions of Article 69 of this Law and the National Frequency Plan.</p> <p>d) the right to transfer or lease rights, on the initiative of their holder and the conditions for transfer under this Law.</p> <p>e) fees or payments for rights of use, in accordance with Articles 19 and 21 of this Law.</p> <p>ë) any commitment that the entrepreneur has made in the authorization process for the acquisition of the right of use, or during the renewal of the authorization prior to the granting of the authorization or, as the case may be, in response to the invitation to apply for the rights of use.</p> <p>f) obligations to merge for shared use of the frequency spectrum or to allow access to the frequency spectrum, for other users in specific areas or at the national level.</p> <p>g) obligations under relevant international agreements, regarding the use of frequency spectrum bands.</p> <p>h) specific obligations for an experimental use of frequency spectrum bands.</p> <p>i) the conditions for the use of the frequency spectrum, where such use is not subject to the granting of individual rights of use.</p> <p style="text-align: center;">Article 32 Terms of Use of Numbering</p> <p>1. In addition to what is provided for in the general authorization, the rights to use the numbering may be subject to the following conditions:</p> <p>a) the definition of the service for which the number is used, including any requirements related to the provision of that service and, for the avoidance of doubt, the tariff principles and</p>	
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				<p>maximum prices that may be applied to a specific series of numbers, in order to protect the consumer in accordance with the provisions of point (c) of point 2 of Article 5, of this law.</p> <ul style="list-style-type: none"> b) effective and efficient use of numbering resources, in accordance with this law. c) requirements for the implementation of number portability, in accordance with this law; d) the obligation to provide information on the telephone counter to end-users, in relation to the implementation of Article 152 of this Law; e) the maximum duration in accordance with the provisions of Article 132 of this Law and the National Numbering Plan; f) the transfer of the rights of use of numbering resources at the initiative of their holder and the conditions for such transfer in accordance with this Law, including any conditions that the right of use for a number shall be binding on all entrepreneurs to whom the rights have been transferred; g) payments for rights of use in accordance with Article 22 of this Law; h) any commitment that the entrepreneur who receives the rights of use, has made during a competitive or comparative selection procedure, for the granting of the right of use; i) obligations under the relevant international agreements, in relation to the use of numbers. <p style="text-align: center;">Article 34 Special liabilities</p> <ul style="list-style-type: none"> 1. AKEP has the right, pursuant to the provisions of this law, to impose special obligations on the entrepreneur who exercises activity in the electronic communications sector. These obligations shall apply, except for the conditions of the general authorization and in accordance with the consultations and procedures set out in Articles 44, 67, 75 and 92 of this Law. 2. The special obligations provided for in point 1 above are: 	
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				<ul style="list-style-type: none"> a) obligations for the provision of universal service in accordance with Chapter XVII of this Law; b) the special obligations set out in this Law for operators with significant market power in the relevant markets; c) obligations for access to networks, in accordance with Chapter XIII of this Law. <p>3. AKEP shall publish the information on the imposition of special obligations, according to the provisions in Article 24 of this Law.</p>		
Article 14	<p align="center">Article 14</p> <p align="center">Declarations to facilitate the exercise of rights to install facilities and rights of interconnection</p> <p>Competent authorities shall, within one week of the request of an undertaking, issue standardised declarations confirming, where applicable, that the undertaking has submitted a notification under Article 12(3). Those declarations shall detail the circumstances under which any undertaking providing electronic communications networks or services under the general authorisation has the right to apply for rights to install facilities, negotiate interconnection, and obtain access or interconnection, in order to facilitate the exercise of those rights, for instance at other levels of government or in relation to other undertakings. Where appropriate, such declarations may also be issued as an automatic reply following the notification referred to in Article 12(3).</p>	1	Article 33	<p align="center">Article 33</p> <p align="center">Certificate of Confirmation for Facilitating the Exercise of Rights for the Installation of Facilities and Interconnection</p> <p>1. At the request of an entrepreneur, AKEP within 7 calendar days from the receipt of the request, as the case may be, issues a standardized statement, confirming that the entrepreneur has submitted a notification according to point 3 of Article 26 of this law. The certificate of confirmation details the circumstances in which any entrepreneur who provides electronic communications networks or services, according to the general authorization, has the right to install facilities, negotiate for interconnection or obtain access and interconnection, in order to facilitate the exercise of these rights, while applying to other levels of government or to other entrepreneurs.</p> <p>2. When technically possible, the confirmation certificate may be issued as an automatic response, after the notification referred to in point 3 of Article 26 of this Law.</p>	F	
Article 15	<p align="center">Section 2</p> <p align="center">General authorisation rights and obligations</p> <p align="center">Article 15</p> <p align="center">Minimum list of rights derived from general authorization</p> <p>1. Undertakings subject to the general authorisation pursuant to Article 12, shall have the right to:</p> <p>(a) provide electronic communications networks and services;</p>		Article 35	<p align="center">SECTION 2</p> <p align="center">GENERAL AUTHORISATION RIGHTS AND OBLIGATIONS</p> <p align="center">Article 35</p> <p align="center">Minimum List of Rights Deriving from General Authorization</p> <p>1. Entrepreneurs who are subject to the general authorization according to Article 26 of this law, have the right to:</p> <p>a) provide electronic communications</p>	F	

	<p>(b) have their application for the necessary rights to install facilities considered in accordance with Article 43;</p> <p>(c) use, subject to Articles 13, 46 and 55, radio spectrum in relation to electronic communications networks and services;</p> <p>(d) have their application for the necessary rights of use for numbering resources considered in accordance with Article 94.</p> <p>2. Where such undertakings provide electronic communications networks or services to the public, the general authorisation shall give them the right to:</p> <p>(a) negotiate interconnection with and, where applicable, obtain access to, or interconnection from, other providers of public electronic communications networks or publicly available electronic communications services covered by a general authorisation in the Union in accordance with this Directive;</p> <p>(b) be given an opportunity to be designated to provide different elements of the universal service or to cover different parts of the national territory in accordance with Article 86 or 87.</p>			<p>networks and/or services;</p> <p>b) apply for the necessary rights for the installation of facilities in accordance with Article 57 of this Law;</p> <p>c) to use the radio frequency spectrum in relation to electronic communications services and networks according to the provisions in Articles 28, 31, 66 and 75 of this Law;</p> <p>d) apply for the necessary rights of use for the numbering sources, in accordance with Articles 131 and 132 of this Law.</p> <p>2. When an entrepreneur is authorized, under this law, to provide electronic communications networks or services to the public, then the general authorization entitles him to:</p> <p>a) to negotiate for interconnection and, where applicable, to obtain access from other entrepreneurs to publicly available communications networks and services, in accordance with this law;</p> <p>b) to participate in the designation as a universal service provider for specific universal service services, or to cover certain parts of the territory of the Republic of Albania, in accordance with this Law.</p>		
Article 16	<p>Article 16 Administrative Charges</p> <p>1. Any administrative charges imposed on undertakings providing electronic communications networks or services under the general authorisation or to which a right of use has been granted shall:</p> <p>(a) cover, in total, only the administrative costs incurred in the management, control and enforcement of the general authorisation system and of the rights of use and of specific obligations as referred to in Article 13(2), which may include costs for international cooperation, harmonisation and standardisation, market analysis, monitoring compliance and other market control, as well as regulatory work involving preparation and enforcement of secondary legislation and administrative decisions, such as decisions on access and interconnection; and</p>	1	Article 18	<p>Article 18 Principles for Administrative Payments</p> <p>1. Any administrative payment based on this law, imposed on entrepreneurs who provide electronic communications networks or services under general authorization, or who have been granted the right to use:</p> <p>a) covers, in total, only the administrative costs incurred in the management, control and implementation of the general authorization system, rights of use as well as special obligations as referred to in Article 34 of this Law, which may include costs for international cooperation, harmonization and standardization, market analysis, compliance monitoring and other market controls, as well as regulatory work for the preparation and implementation of secondary legislation and administrative decisions, such as</p>	F	

	<p>(b) be imposed upon the individual undertakings in an objective, transparent and proportionate manner which minimises additional administrative costs and associated charges.</p> <p>Member States may choose not to apply administrative charges to undertakings the turnover of which is below a certain threshold or the activities of which do not reach a minimum market share or have a very limited territorial scope.</p> <p>2. Where national regulatory or other competent authorities impose administrative charges, they shall publish an annual overview of their administrative costs and of the total sum of the charges collected. Where there is a difference between the total sum of the charges and the administrative costs, appropriate adjustments shall be made.</p>			<p>decisions on access, interconnection and,</p> <p>b) It is imposed on individual enterprises in an objective, transparent and proportionate manner, in order to minimize additional administrative costs or associated fees, in relation to their intended purpose, taking into account the general objectives of this Law.</p> <p>2. AKEP publishes an annual statement of the respective administrative costs, as well as the total amount of payments collected. When there is a difference between the total amount of payments and administrative costs, appropriate adjustments are made according to point 5 of Article 17 of this Law.</p>		
Article 17	<p>Article 17</p> <p>Accounting separation and financial reports</p> <p>1. Member States shall require undertakings providing public electronic communications networks or publicly available electronic communications services which have special or exclusive rights for the provision of services in other sectors in the same or another Member State to:</p> <p>(a) keep separate accounts for the activities associated with the provision of electronic communications networks or services, to the extent that would be required if those activities were carried out by legally independent entities, in order to identify all elements of cost and revenue, with the basis of their calculation and the detailed attribution methods used, related to such activities, including an itemised breakdown of fixed assets and structural costs; or</p> <p>(b) have structural separation for the activities associated with the provision of electronic communications networks or services.</p> <p>Member States may choose not to apply the requirements referred to in the first subparagraph to undertakings which have an annual turnover of less than EUR 50 million in activities associated with electronic communications networks or services in the Union.</p> <p>2. Where undertakings providing public electronic communications networks or publicly available electronic communications services are not subject</p>	1	Article 36	<p>Article 36</p> <p>Accounting separation and financial reports</p> <p>1. AKEP requires entrepreneurs who provide publicly available electronic communications networks or services, who have special or exclusive rights to provide services in other sectors, to:</p> <p>a) keep separate accounts for activities related to the provision of electronic communications networks or services to the extent required, if these activities were to be carried out by legally independent entities, in order to identify all cost and revenue elements, with the basis of their calculation and the detailed attribution methods used, in relation to these activities, including a detailed breakdown of fixed activities and structural costs; or</p> <p>b) there should be structural divisions for activities related to the provision of electronic communications networks or services.</p> <p>2. AKEP decides not to implement the requirements set out in the first point for entrepreneurs who have an annual turnover of less than 0.5% of the market revenue, in activities related to electronic communications networks or services in the Republic of Albania.</p> <p>3. When the entrepreneur providing publicly</p>	F	

	<p>to the requirements of company law and do not satisfy the small and medium-sized enterprise criteria of Union law accounting rules, their financial reports shall be drawn up and submitted to independent audit and published. The audit shall be carried out in accordance with the relevant Union and national rules.</p> <p>The first subparagraph of this paragraph shall also apply to the separate accounts required under point (a) of the first subparagraph of paragraph 1.</p>			<p>available electronic communications networks or services is not subject to the legislation on commercial companies, their financial reports are drawn up and submitted by independent auditors and published. The audit is carried out in accordance with the applicable accounting legislation.</p>		
Article 18	<p style="text-align: center;">Article 18 Amendment of rights and obligations</p> <p>1. Member States shall ensure that the rights, conditions and procedures concerning general authorisations and rights of use for radio spectrum or for numbering resources or rights to install facilities may be amended only in objectively justified cases and in a proportionate manner, taking into consideration, where appropriate, the specific conditions applicable to transferable rights of use for radio spectrum or for numbering resources.</p> <p>2. Except where proposed amendments are minor and have been agreed with the holder of the rights or of the general authorisation, notice shall be given in an appropriate manner of the intention to make such amendments. Interested parties, including users and consumers, shall be allowed a sufficient period of time to express their views on the proposed amendments. That period shall be no less than four weeks except in exceptional circumstances.</p> <p>Amendments shall be published, together with the reasons therefor.</p>	1	<p>Article 37 Article 38 Article 39</p>	<p style="text-align: center;">Article 37 Change of rights and obligations</p> <p>1. AKEP shall amend or revoke the rights, conditions and procedures for general authorization and rights of use, in objectively justified cases and in a proportionate manner, after conducting a public consultation, as defined in Article 44 of this Law.</p> <p>2. Objectively justified cases mean:</p> <ul style="list-style-type: none"> a) amendment of facts, on the basis of which the rights, conditions and procedures in the general authorization and rights of use have been determined; b) fulfilling the commitments stemming from the membership of the Republic of Albania in international organizations; c) the need for the protection and security of the state; ç) the need to protect the public interest. <p>3. The amendment or revocation of the rights, conditions and procedures for general authorization and rights of use is done by decision of AKEP.</p> <p style="text-align: center;">Article 38 Change of individual authorization</p> <p>1. AKEP changes the individual authorization on its own initiative:</p> <ul style="list-style-type: none"> a) when the National Frequency Plan has changed, or the rules for the conditions of use of frequencies; b) for public needs, which cannot be met otherwise; c) when the requested change serves the efficient use of frequencies and is in the public interest; 	F	

				<p>d) when harmful interferences cannot otherwise be avoided;</p> <p>e) when the change stems from international acts, applicable in the Republic of Albania.</p> <p>2. In the cases provided for in point 1 of this article, AKEP issues a new individual authorization for the use of frequencies, which includes the changes. This new authorisation also includes a reasonable period of time, within which the holder of the authorisation must adapt the use of frequencies to the new authorisation.</p> <p>3. The holder of the individual authorization bears at his own expense the performance of all necessary actions, which arise from the changes in the new individual authorization for the use of frequencies.</p> <p>4. Users of certain frequencies whose authorization of use has been changed, enjoy the right to be assigned another equivalent frequency band, within the possible spaces, according to the Frequency Usage Plan, in case the reasons for the change or revocation of the authorization are not caused through their fault.</p> <p>5. When changes to the individual frequency authorization are requested by its holder, the new authorization may be granted in accordance with the provisions of this law and in a way that does not infringe on the rights of other users.</p> <p style="text-align: center;">Article 39 Change of decisions for assigning numbers and numerical series</p> <p>1. For the fulfillment of international obligations, as well as to ensure satisfactory quantities, efficient use of numbering resources, AKEP can change the structure and configuration of the numbering space and the assignment of numbers. The amendments are approved after public consultation. In these cases, the holder of numbers and numerical series has no right to claim compensation.</p> <p>2. AKEP may change the decisions on the assignment of numbers and numerical series also based on the request of their holder, when this is possible.</p>		
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Article 19	<p style="text-align: center;">Article 19 Restriction or withdrawal of rights</p> <p>1. Without prejudice to Article 30(5) and (6), Member States shall not restrict or withdraw rights to install facilities or rights of use for radio spectrum or for numbering resources before the expiry of the period for which they were granted, except where justified pursuant to paragraph 2 of this Article, and, where applicable, in accordance with Annex I, and to relevant national provisions regarding compensation for the withdrawal of rights.</p> <p>2. In line with the need to ensure the effective and efficient use of radio spectrum, or the implementation of the technical implementing measures adopted under Article 4 of Decision No 676/2002/EC, Member States may allow the restriction or withdrawal of rights of use for radio spectrum, including the rights referred to in Article 49 of this Directive, based on pre-established and clearly defined procedures, in accordance with the principles of proportionality and non-discrimination. In such cases, the holders of the rights may, where appropriate and in accordance with Union law and relevant national provisions, be compensated appropriately.</p> <p>3. A modification in the use of radio spectrum as a result of the application of Article 45(4) or (5) shall not alone constitute grounds to justify the withdrawal of a right of use for radio spectrum.</p> <p>4. Any intention to restrict or withdraw rights under the general authorisation or individual rights of use for radio spectrum or for numbering resources without the consent of the holder of the rights shall be subject to consultation of the interested parties in accordance with Article 23.</p>	1	Article 40	<p style="text-align: center;">Article 40 Limitation or revocation of rights</p> <p>1. Without prejudice to Article 182, et seq. of this Law, AKEP shall not restrict or revoke the rights for the installation of equipment, or the rights of use of radio spectrum or digital resources, before the end of the period for which they were granted, except in cases where it is justified according to point 2 of this Article and when applicable, in accordance with Article 28 of this Law.</p> <p>2. In accordance with the need to guarantee the effective and efficient use of the radio spectrum, AKEP revokes an individual authorization for frequencies on its own initiative, in case it certifies that:</p> <ul style="list-style-type: none"> a) the frequency authorization application contains false data; b) the holder of the right of use has not used the frequencies given within one year from the date of granting for use, or has used them for purposes other than those provided for in the authorization; c) in the event that the holder of the authorization no longer exists; d) the provisions of this law or the conditions of individual authorization of frequencies have been violated; e) the deficiencies identified by AKEP, which have been notified to the entrepreneurs, have not been eliminated within the set deadline; f) payments for the use of frequencies have not been made within 30 days from the established deadline or 15 days after the notification of AKEP; g) There is no other way to avoid harmful interference caused by signals from radio equipment, receivers, or other electrical and electronic systems. <p>3. Payments made for the year in which the revocation of the authorization occurs are non-refundable. A modification in the use of radio spectrum as a result of the application of Article 59 (3) or (4) is not the only reason to justify the removal of the right to use radio spectrum.</p> <p>4. Any intention to restrict or revoke rights, on the basis of general authorisation or individual</p>	F	
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				<p>rights of use for the frequency spectrum, or for numbering sources without the consent of the rightholder, shall be subject to consultation of interested parties in accordance with Article 44 of this Law. AKEP gives the holder of the right of use the opportunity to present his views as well as proposals for measures.</p> <p>5. The limitation or removal of the rights of use of frequencies, including the rights under Article 69 of this Law, shall be based on a clear and pre-approved procedure by AKEP in accordance with the principles of proportionality and non-discrimination.</p> <p>6. In cases of violations of the provisions of this law or the conditions of individual authorization of frequencies, AKEP acts in accordance with the provisions of Articles 182 and 183 of this Law.</p>		
Article 20	<p>PART I – TITLE II</p> <p>CHAPTER III</p> <p>Provision of information, surveys and consultation mechanism</p> <p>Article 20</p> <p>Information request to undertakings</p> <p>1. Member States shall ensure that undertakings providing electronic communications networks and services, associated facilities, or associated services, provide all the information, including financial information, necessary for national regulatory authorities, other competent authorities and BEREC to ensure conformity with the provisions of, or decisions or opinions adopted in accordance with, this Directive and Regulation (EU) 2018/1971 of the European Parliament and of the Council ⁽⁴⁴⁾. In particular, national regulatory authorities and, where necessary for performing their tasks, other competent authorities shall have the power to require those undertakings to submit information concerning future network or service developments that could have an impact on the wholesale services that they make available to competitors, as well as information on electronic communications networks and associated facilities, which is disaggregated at local level and sufficiently detailed to enable the geographical survey and designation of areas in accordance with Article 22.</p>	1	Article 41	<p>CHAPTER IV</p> <p>PROVISION OF INFORMATION, SURVEYS AND CONSULTATION MECHANISM</p> <p>Article 41</p> <p>Request for information from entrepreneurs</p> <p>1. Entrepreneurs who provide electronic communications networks and/or services, facilities or associated services, shall submit to AKEP all necessary information for the fulfillment of its regulatory duties and for cooperation with BEREC, including financial information in accordance with the provisions of this Law.</p> <p>2. AKEP has the right to request from entrepreneurs information about future network developments or services that have an impact on wholesale services and that entrepreneurs make available to competitors, as well as sufficiently detailed information on the local extension of electronic communications networks and related facilities, in order to carry out the survey on the geographical extent of the high-speed networks and to determine the areas in accordance with Article 43 of this Law.</p> <p>3. When the information collected is insufficient for the performance of regulatory duties under this Law, AKEP may request information from other entities exercising activity in the electronic communications sector or sectors</p>	F	

	<p>Where the information collected in accordance with the first subparagraph is insufficient for national regulatory authorities, other competent authorities and BEREC to carry out their regulatory tasks under Union law, such information may be inquired from other relevant undertakings active in the electronic communications or closely related sectors.</p> <p>Undertakings designated as having significant market power on wholesale markets may also be required to submit accounting data on the retail markets that are associated with those wholesale markets.</p> <p>National regulatory and other competent authorities may request information from the single information points established pursuant to Directive 2014/61/EU.</p> <p>Any request for information shall be proportionate to the performance of the task and shall be reasoned. Undertakings shall provide the information requested promptly and in accordance with the timescales and level of detail required.</p> <p>2. Member States shall ensure that national regulatory and other competent authorities provide the Commission, after a reasoned request, with the information necessary for it to carry out its tasks under the TFEU. The information requested by the Commission shall be proportionate to the performance of those tasks. Where the information provided refers to information previously provided by undertakings at the request of the authority, such undertakings shall be informed thereof. To the extent necessary, and unless the authority that provides the information has made an explicit and reasoned request to the contrary, the Commission shall make the information provided available to another such authority in another Member State.</p> <p>Subject to the requirements of paragraph 3, Member States shall ensure that the information submitted to one authority can be made available to another such authority in the same or different Member State and to BEREC, after a substantiated request, where necessary to allow either authority, or BEREC, to fulfil its responsibilities under Union law.</p> <p>3. Where information gathered pursuant to paragraph 1, including information gathered in the context of a geographical survey, is considered to be confidential by a national regulatory or other competent authority in accordance with Union and national rules on commercial confidentiality, the</p>			<p>closely related to it. AKEP also requests information from the single information point, created pursuant to Article 9 of Law no. 120/2016 "On the development of high-speed electronic communications networks and ensuring the right of way".</p> <p>4. Entrepreneurs, defined as operators with significant market power in wholesale markets, are also required to submit accounting data for retail markets, which are linked to wholesale markets.</p> <p>5. Entrepreneurs provide the required information, in accordance with the timelines and level of detail required.</p> <p>6. AKEP determines by a regulation the information required by entrepreneurs, as well as the deadline for its submission. Any request for information must be reasoned and proportionate to the performance of regulatory duties.</p> <p>7. AKEP seeks information, in particular, including financial information, in order to:</p> <ol style="list-style-type: none"> systematic or periodic verification of compliance with the provisions of this Law; familiarity with the procedures and assessment of requests for granting rights of use; the publication of comparative summaries of the quality and prices of services for the benefit of users; statistical purposes in accordance with the legislation in force, or deriving from agreements between the Republic of Albania and international organizations; information about future developments of networks or services that may affect the wholesale services that the enterprise provides to competitors; and for analyzing the markets in accordance with Chapter XIV of this Law. <p>8. AKEP, following a reasoned request, provides the Commission with the necessary information to carry out its duties under the Treaty on the Functioning of the European Union (TFEU). The information requested by the Commission should be proportionate to the performance of these duties. When the information provided refers to the information previously provided by the entrepreneurs at</p>		
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	<p>Commission, BEREC and any other competent authorities concerned shall ensure such confidentiality. Such confidentiality shall not prevent the sharing of information between the competent authority, the Commission, BEREC and any other competent authorities concerned in a timely manner for the purposes of reviewing, monitoring and supervising the application of this Directive.</p> <p>4. Member States shall ensure that, acting in accordance with national rules on public access to information and subject to Union and national rules on commercial confidentiality and protection of personal data, national regulatory and other competent authorities publish information that contributes to an open and competitive market.</p> <p>5. National regulatory and other competent authorities shall publish the terms of public access to information as referred to in paragraph 4, including the procedures for obtaining such access.</p>			<p>the request of AKEP, these entrepreneurs are informed about it. Where necessary, the Commission should make the information provided available to another competent authority, in another Member State, unless the authority providing the information has made a clear and reasoned request to the contrary. Subject to the requirements of this point, AKEP shall, where necessary, ensure that the information sent to the Commission is made available to another authority and to BEREC, in the same or in another Member State, upon a well-founded request, to enable AKEP or BEREC to fulfil its responsibilities under Union Law.</p> <p>9. When information collected pursuant to points 1 and 2 of this Article, including information collected in the framework of a geographical survey, is considered confidential by AKEP, it shall keep it confidential in accordance with the provisions of the legislation in force on trade secrets. If the information is not confidential, when it is necessary to create an open and competitive market, AKEP publishes it or makes it available to the public, on the basis of request. In case of doubt about the confidentiality of the information, AKEP takes a decision to maintain confidentiality, after having heard and evaluated the interests of the entrepreneur who owns the information.</p> <p>10. AKEP ensures that the published information contributes to an open and competitive market, acting in accordance with the laws and regulations in force on public access to information and as a subject of commercial confidentiality and protection of personal data.</p> <p>11. AKEP publishes the conditions of public access to information according to point 8 of this article, including the procedures for obtaining such access.</p> <p>12. Entrepreneurs who provide electronic communications networks or services, are obliged to submit to the Minister, upon request, all the information required for the fulfillment of the Minister's functional duties, according to this Law.</p>	
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	<p>(j) responding to reasoned requests for information by BEREC.</p> <p>The information referred to in points (a) and (b), and (d) to (j) of the first subparagraph shall not be required prior to, or as a condition for, market access.</p> <p>BEREC may develop templates for information requests, where necessary, to facilitate consolidated presentation and analysis of the information obtained.</p> <p>2. As regards the rights of use for radio spectrum, the information referred to in paragraph 1 shall refer in particular to the effective and efficient use of radio spectrum as well as to compliance with any coverage and quality of service obligations attached to the rights of use for radio spectrum and their verification.</p> <p>3. Where national regulatory or other competent authorities require undertakings to provide information as referred to in paragraph 1, they shall inform them of the specific purpose for which this information is to be used.</p> <p>4. National regulatory or other competent authorities shall not duplicate requests of information already made by BEREC pursuant to Article 40 of Regulation (EU) 2018/1971 where BEREC has made the information received available to those authorities.</p>			<p>f) conducting geographic surveys;</p> <p>g) responding to reasoned requests for information from BEREC;</p> <p>gi) for the verification of compliance on a case-by-case basis, as referred to in letters (a) and (b) of paragraph 1 of this Article, and information related to the publication of comparative overviews, clearly defined statistical reports or for study purposes, market analyses, efficient use and effective provision of spectrum management of frequency spectrum and numbering sources, assessment of future network or service developments, carrying out surveys of geographical coverage, responding to requests for information from BEREC, as set out in points (d) to (i) of paragraph 1 of this Article, and is not required as a precondition for market entry. <i>“BEREC may develop models for information requests, where necessary, to facilitate the presentation and consolidated analysis of the information received”.</i></p> <p>h) statistical purposes deriving from the agreements between the Republic of Albania and international organizations.</p> <p>2. With regard to rights of use for radio spectrum, the information referred to in point 1 shall refer in particular to the effective and efficient use of radio spectrum, as well as to compliance with any obligations for coverage and quality of service attached to rights of use for spectrum and their verification.</p> <p>3. AKEP requires entrepreneurs to provide the information referred to in point 1 of this article, and informs them of the specific purpose, for which this information is used.</p> <p>4. AKEP and the Ministry shall cooperate, so as not to duplicate the information requests already made available to them.</p>		
Article 23	<p>Article 23</p> <p>Consultation and transparency mechanism</p> <p>1. Except in cases falling within Article 26 or 27 or Article 32(10), Member States shall ensure that, where national regulatory or other competent authorities intend to take measures in accordance with this Directive, or where they intend to provide for restrictions in accordance with Article 45(4) and (5), which have a significant impact on the relevant</p>	1	Article 44	<p>Article 44</p> <p>Consultation and transparency mechanism</p> <p>1. Except in the cases included in Articles 47 and 48 of this Law, when AKEP intends to take measures in accordance with this Law, or when it intends to provide for restrictions in accordance with Article 62 of this Law, which have a significant impact on the relevant market, AKEP during the process of preparing</p>	F	

	<p>market, they give interested parties the opportunity to comment on the draft measure within a reasonable period, having regard to the complexity of the matter and, except in exceptional circumstances, in any event not shorter than 30 days.</p> <p>2. For the purposes of Article 35, the competent authorities shall inform the RSPG at the moment of publication about any draft measure which falls within the scope of the comparative or competitive selection procedure pursuant to Article 55(2) and relates to the use of radio spectrum for which harmonised conditions have been set by technical implementing measures in accordance with Decision No 676/2002/EC in order to enable its use for wireless broadband electronic communications networks and services ('wireless broadband networks and services').</p> <p>3. National regulatory and other competent authorities shall publish their national consultation procedures.</p> <p>Member States shall ensure the establishment of a single information point through which all current consultations can be accessed.</p> <p>4. The results of the consultation procedure shall be made publicly available, except in the case of confidential information in accordance with Union and national rules on commercial confidentiality.</p>			<p>regulatory documents for the electronic communications market and before taking decisions, It obtains and evaluates the opinion of stakeholders through the public consultation process. The deadline for the development of the public consultation process cannot be less than 30 days, except in exceptional circumstances.</p> <p>2. AKEP is the single point of information throughout the consultation process of regulatory documents and publishes all national consultation procedures on its website. Public consultations by the Minister are carried out according to the Law on Public Consultations in the Register of Public Consultations.</p> <p>3. The results of the consultation procedure must be made available to the public, except in the case of confidential information, in accordance with the applicable legislation on trade secrets.</p> <p>4. In order to coordinate and harmonize the implementation of the spectrum policy, AKEP informs the RSPG at the time of publication, of any draft measure that falls within the scope of competitive selection procedures, according to this law related to the harmonized use of radio spectrum, which enables its use for wireless electronic communications networks, capable of providing broadband networks.</p>		
Article 24	<p>Article 24 Consultation of interested parties</p> <p>1. Member States shall ensure, as appropriate, that competent authorities in coordination, where relevant, with national regulatory authorities take account of the views of end-users, in particular consumers, and end-users with disabilities, manufacturers and undertakings that provide electronic communications networks or services on issues related to all end-user and consumer rights, including equivalent access and choice for end-users with disabilities, concerning publicly available electronic communications services, in particular where they have a significant impact on the market.</p> <p>Member States shall ensure that competent authorities in coordination, where relevant, with national regulatory authorities establish a consultation mechanism, accessible for end-users</p>	1	Article 45	<p>Article 45 Stakeholder consultation</p> <p>1. AKEP, in cooperation with other authorities, takes into account the opinion of end-users, in particular consumers and end-users with disabilities, manufacturers and entrepreneurs providing electronic communications networks or services on issues related to all end-users and consumer rights, including guaranteeing equal access and the right to choice for end-users with disabilities, about electronic communications services available to the public, especially when they have a significant impact on the market.</p> <p>2. AKEP, in cooperation with the body responsible for the protection of persons with disabilities, creates a consultation mechanism, accessible to end-users with disabilities, ensuring that in</p>	F	

	<p>with disabilities, ensuring that in their decisions on issues related to end-user and consumer rights concerning publicly available electronic communications services, due consideration is given to consumer interests in electronic communications.</p> <p>2. Interested parties may develop, with the guidance of competent authorities in coordination, where relevant, with national regulatory authorities, mechanisms, involving consumers, user groups and service providers, to improve the general quality of service provision by, inter alia, developing and monitoring codes of conduct and operating standards.</p> <p>3. Without prejudice to national rules in accordance with Union law promoting cultural and media policy objectives, such as cultural and linguistic diversity and media pluralism, competent authorities in coordination, where relevant, with national regulatory authorities may promote cooperation between undertakings providing electronic communications networks or services and sectors interested in the promotion of lawful content in electronic communications networks and services. That cooperation may also include coordination of the public-interest information to be provided pursuant to Article 103(4).</p>			<p>their decisions on issues related to end-user and consumer rights, regarding electronic communications services available to the public, due attention should be paid to the interests of consumers in electronic communications.</p> <p>3. Stakeholders, including consumers, user groups and service providers, under the direction of AKEP develop mechanisms, to improve the overall quality of service delivery, inter alia, by developing and monitoring codes of conduct and operating standards.</p> <p>4. AKEP, and as the case may be, AKEP and AMA, promote cooperation between enterprises that provide electronic communications networks or services and sectors interested in promoting content that promote cultural and media policy objectives, such as cultural and linguistic diversity and media pluralism. This cooperation also includes the coordination of information of public interest, which must be provided in accordance with point 8 of Article 142 of this Law.</p>		
Article 25	<p>Article 25 Out-of-court dispute resolution</p> <p>1. Member States shall ensure that the national regulatory authority or another competent authority responsible for, or at least one independent body with proven expertise in, the application of Articles 102 to 107 and Article 115 of this Directive is listed as an alternative dispute resolution entity in accordance with Article 20(2) of Directive 2013/11/EU with a view to resolving disputes between providers and consumers arising under this Directive and relating to the performance of contracts. Member States may extend access to alternative dispute resolution procedures provided by that authority or body to end-users other than consumers, in particular microenterprises and small enterprises.</p> <p>2. Without prejudice to Directive 2013/11/EU, where such disputes involve parties in different Member States, Member States shall coordinate</p>	1	Article 46	<p>Article 46 Out-of-court dispute resolution</p> <p>1. AKEP resolves disputes between providers and end-users, including consumers related to the implementation of contracts, based on consumer protection legislation.</p> <p>2. The end-user has the right to complain or request explanations from the provider, regarding the terms of the contract or the fulfilment of these conditions by the provider, including the invoice and the quality of the service provided.</p> <p>3. Upon receipt of the request, the provider shall respond to the end-user in writing, no later than 30 days after receipt of the end-user's request.</p> <p>4. If the end-user does not agree with the written response of the provider, or does not receive a response from the provider, he has the right to request the initiation of dispute resolution procedures at AKEP, or to submit a request to</p>	F	

	their efforts with a view to bringing about a resolution of the dispute.			<p>the relevant court, according to the Code of Civil Procedure.</p> <p>5. The end-user submits a written request to AKEP within 30 days from the end of the deadline set out in point 3 of this article. AKEP resolves the dispute in a transparent, fast, objective and non-discriminatory manner, within 60 days from receipt of the request. This deadline can be postponed by AKEP, for a period of time which cannot exceed 30 additional days.</p> <p>6. Entrepreneurs who provide electronic communications services, participate in dispute resolution procedures and cooperate with AKEP for dispute resolution, as well as provide the latter with all the required information.</p> <p>7. AKEP, after reviewing all available evidence, provides the end-user and the entrepreneur with a written recommendation on how to resolve the dispute. If both parties, the user and the entrepreneur accept the recommendation in writing within 15 days, it becomes final and binding. Otherwise, either party can refer the dispute to the relevant court, according to the legislation in force.</p> <p>8. AKEP determines the relevant procedures and structure for resolving disputes by means of a regulation. The procedure followed by AKEP for resolving disputes is free of charge.</p> <p>9. When AKEP finds that a specific issue is the subject of many requests for the resolution of disputes with a particular entrepreneur, it examines whether the complaint handling procedure is properly implemented by the entrepreneur. If necessary, AKEP asks the entrepreneur to improve the complaint procedures.</p> <p>10. In order to resolve disputes, AKEP cooperates with the regulatory authorities of EU countries in coordination with BEREC.</p>		
Article 26	<p align="center">Article 26</p> <p align="center">Dispute resolution between undertakings</p> <p>1. In the event of a dispute arising in connection with existing obligations under this Directive between providers of electronic communications networks or services in a Member State, or between such undertakings and other undertakings in the Member State benefiting from obligations of access or interconnection or between providers of</p>	1	Article 47	<p align="center">Article 47</p> <p align="center">Dispute resolution between entrepreneurs</p> <p>1. AKEP resolves disputes between entrepreneurs of electronic communications networks or services in the Republic of Albania, in cases where they are related to the implementation of this law and the rules issued in its implementation.</p> <p>2. AKEP initiates a dispute resolution procedure</p>	F	

	<p>electronic communications networks or services in a Member State and providers of associated facilities, the national regulatory authority concerned shall, at the request of either party, and without prejudice to paragraph 2, issue a binding decision to resolve the dispute in the shortest possible time-frame on the basis of clear and efficient procedures, and in any case within four months except in exceptional circumstances. The Member State concerned shall require that all parties cooperate fully with the national regulatory authority.</p> <p>2. Member States may make provision for national regulatory authorities to decline to resolve a dispute where other mechanisms, including mediation, exist that would better contribute to resolution of the dispute in a timely manner in accordance with the objectives set out in Article 3. The national regulatory authority shall inform the parties thereof without delay. If, after four months, the dispute is not resolved, and if the dispute has not been brought before the courts by the party seeking redress, the national regulatory authority shall issue, at the request of either party, a binding decision to resolve the dispute in the shortest possible time-frame and in any case within four months.</p> <p>3. In resolving a dispute, the national regulatory authority shall take decisions aimed at achieving the objectives set out in Article 3. Any obligations imposed on an undertaking by the national regulatory authority in resolving a dispute shall comply with this Directive.</p> <p>4. The decision of the national regulatory authority shall be made available to the public, having regard to the requirements of commercial confidentiality. The national regulatory authority shall provide the parties concerned with a full statement of the reasons on which the decision is based.</p> <p>5. The procedure referred to in paragraphs 1, 3 and 4 shall not preclude either party from bringing an action before the courts.</p>			<p>upon receipt of the request from each party to the dispute, and issues a decision for the resolution of the dispute within a short period of time, on the basis of clear and efficient procedures and in any case within four months, except in exceptional circumstances.</p> <p>3. For the resolution of disputes, AKEP applies the provisions of the Code of Administrative Procedures, except in cases where otherwise provided by this law. All parties should fully cooperate with AKEP.</p> <p>4. AKEP, when resolving disputes, is obliged to take into consideration the objectives set out in Article 5 of this Law on guaranteeing effective competition and protecting the interests of users, provided for in this Law. Any obligation imposed by AKEP on entrepreneurs in the resolution of disputes must be objective, non-discriminatory and proportionate according to the provisions of this law.</p> <p>5. AKEP provides interested parties with a full statement of the reasons on which the decision is based.</p> <p>6. AKEP publishes decisions regarding disputes, keeping in mind the protection of the parties' business secrets.</p> <p>7. The procedure initiated before AKEP does not prevent any of the parties from addressing the court. If after four months, the dispute is not resolved and is not subject to judicial review, AKEP, upon the request of each of the parties, issues a binding decision for the resolution of the dispute.</p>		
Article 27	<p>Article 27 Resolution of cross-border disputes</p> <p>1. In the event of a dispute arising under this Directive between undertakings in different Member States, paragraphs 2, 3 and 4 of this</p>	1	Article 48	<p>Article 48 Cross-border dispute resolution</p> <p>1. In case of a dispute between an Albanian entrepreneur acting on the basis of this law, with entrepreneurs from another EU country,</p>	F	

	<p>Article shall apply. Those provisions shall not apply to disputes relating to radio spectrum coordination covered by Article 28.</p> <p>2. Any party may refer the dispute to the national regulatory authority or authorities concerned. Where the dispute affects trade between Member States, the competent national regulatory authority or authorities shall notify the dispute to BEREC in order to bring about a consistent resolution of the dispute, in accordance with the objectives set out in Article 3.</p> <p>3. Where such a notification has been made, BEREC shall issue an opinion inviting the national regulatory authority or authorities concerned to take specific action in order to resolve the dispute or to refrain from action, in the shortest possible time-frame, and in any case within four months except in exceptional circumstances.</p> <p>4. The national regulatory authority or authorities concerned shall await BEREC's opinion before taking any action to resolve the dispute. In exceptional circumstances, where there is an urgent need to act, in order to safeguard competition or protect the interests of end-users, any of the competent national regulatory authorities may, either at the request of the parties or on its own initiative, adopt interim measures.</p> <p>5. Any obligations imposed on an undertaking by the national regulatory authority as part of the resolution of the dispute shall comply with this Directive, take the utmost account of the opinion adopted by BEREC, and be adopted within one month of such opinion.</p> <p>6. The procedure referred to in paragraph 2 shall not preclude either party from bringing an action before the courts.</p>			<p>points 2, 3 and 4 of this article shall apply. These provisions do not apply to disputes related to the coordination of the radio spectrum that is dealt with under Article 49 of this Law.</p> <p>2. Either party may submit the dispute to AKEP or the relevant regulatory authorities. When the dispute affects trade between Albania and EU Member States, AKEP or the competent regulatory authorities shall notify BEREC of the dispute, in order to reach a sustainable settlement of the dispute, in accordance with the objectives set out in Article 5 of this Law.</p> <p>3. Where a notification has been made pursuant to point 2 of this Article, BEREC shall, within the shortest possible time frame and in any event within four months, except in exceptional circumstances, deliver an opinion inviting AKEP or the authorities concerned to take specific actions to resolve the dispute, or to restrain action.</p> <p>4. AKEP or the relevant authorities await BEREC's opinion before taking any action to resolve the dispute. In exceptional circumstances, when there is an urgent need to act, protect competition or protect the interests of end-users, AKEP takes interim measures on its own initiative, or at the request of the parties.</p> <p>5. Any obligation imposed on an entrepreneur by AKEP, as part of the resolution of the cross-border dispute, must be in accordance with this law, and takes into account the opinion adopted by BEREC as much as possible and is approved within one month of its receipt.</p> <p>6. The procedure referred to in paragraph 2 of this article does not prevent any of the parties from filing a lawsuit with the court.</p>		
Article 29	<p>TITLE III</p> <p>IMPLEMENTATION</p> <p>Article 29</p> <p>Penalties</p> <p>1. Member States shall lay down rules on penalties, including, where necessary, fines and non-criminal predetermined or periodic penalties, applicable to infringements of national provisions adopted pursuant to this Directive or of any binding decision adopted by the Commission, the national</p>	1	<p>Article 183</p> <p>Article 184</p>	<p>Article 183</p> <p>Procedure for administrative measures</p> <p>1. The procedure of inspection, ascertainment, review, appeal and execution of administrative offenses is carried out in accordance with the provisions of the Code of Administrative Procedures, as well as the legislation in force for inspection and for administrative offences.</p> <p>2. AKEP, in determining the amount of fines, takes into consideration the following factors:</p> <p>a) the importance and duration of the violation;</p>	F	

	<p>regulatory or other competent authority pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. Within the limits of national law, national regulatory and other competent authorities shall have the power to impose such penalties. The penalties provided for shall be appropriate, effective, proportionate and dissuasive.</p> <p>2. Member States shall provide for penalties in the context of the procedure referred to in Article 22(3) only where an undertaking or public authority knowingly or grossly negligently provides misleading, erroneous or incomplete information. When determining the amount of fines or periodic penalties imposed on an undertaking or public authority for knowingly or grossly negligently providing misleading, erroneous or incomplete information in the context of the procedure referred to in Article 22(3), regard shall be had, inter alia, to whether the behaviour of the undertaking or public authority has had a negative impact on competition and, in particular, whether, contrary to the information originally provided or any update thereof, the undertaking or public authority either has deployed, extended or upgraded a network, or has not deployed a network and has failed to provide an objective justification for that change of plan.</p>			<p>b) the circumstances in which the offense was committed;</p> <p>c) if the entrepreneur in violation has a history of violations of obligations; ç) the consequences resulting from the detected violation.</p> <p>3. AKEP determines by decision the principles, criteria and methodology of calculating the amount of fines, as well as the procedure of the inspection activity in implementation of this law and the national procedural law.</p> <p>4. When the inspection procedure establishes that an entrepreneur operating in the field of electronic communications, through actions or omissions, has violated the provisions of this law, the authorized inspectors of AKEP take one of the administrative measures provided for in this law.</p> <p>5. When even after imposing a fine on the basis of one or more cases provided for in letter "a" of point 1 of article 184 of this law, the relevant entity does not fulfill the obligations for which it has been fined, the inspector proposes to the Council Head of AKEP that the entrepreneur be ordered to revoke:</p> <p>a) the right to use one or more frequencies or numbering; or</p> <p>b) the right to provide services or electronic communications networks.</p> <p>6. The Steering Committee of AKEP, after the proposal of the inspector, according to point 5 of this article, warns the relevant entrepreneur about the revocation of one of the rights, according to letters "a" and "b" of point 5 of this article, by leave a deadline for the fulfillment of the obligations for which he was sentenced to a fine.</p> <p>7. In the event that the entrepreneur does not fulfill the obligations within the deadline set by the Steering Committee of AKEP, according to point 6 of this article, the Steering Committee decides on the revocation of:</p> <p>a) the right to use one or more frequencies or numbering; or</p> <p>b) the right to provide services or electronic communications networks.</p> <p style="text-align: center;">Article 184 Fines</p> <p>1. The following violations, when they do not constitute a criminal offense, are considered an administrative offense and are punished with a fine as follows:</p>	
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			<p>a) Up to the value of 3 percent of the annual income realized in the last closed financial year, but not more than 100 000 000 (one hundred million) ALL if the entrepreneur:</p> <ul style="list-style-type: none"> i) does not notify AKEP before the start of the construction and use of public communication networks or services, in accordance with Article 27 of this Law; ii) does not create a separate legal entity or does not maintain separate financial income accounts, if it uses electronic communications networks or services for its own use, for the provision of public communication services, in accordance with Article 36 of this Law; iii) does not provide universal service, according to Article 112 et seq. of this Law; iv) does not implement the decisions of AKEP regarding the obligations set out in Articles 93, 94, 95, 96, 97, 98, 99, 100 of this Law; v) uses frequencies without obtaining authorization from AKEP, according to Articles 66 and 68 of this Law; vi) uses the numbering without the right of use by AKEP, according to Articles 131 and 132 of this Law; vii) does not keep complete and accurate documentation about the network according to Article 169 of this Law; viii) does not ensure confidentiality and protective measures according to Articles 156 and 157 of this Law; ix) fails to comply with the legal obligation to store and administer data for the purpose of criminal prosecution and national security pursuant to Article 160 of this Law; x) obstructs the entry of AKEP inspectors into the premises where communication equipment and technical equipment are installed or does not submit the data and documentation required by the inspectors, according to Article 181 of this Law; xi) fails to comply with the obligations for lawful interception of communications under Article 168 of this Law; xii) fail to take appropriate technical, organisational and proportionate measures to adequately manage the risks arising to the security of networks and services, in accordance with the provisions of Article 54 of this Law; <p>b) Up to the value of 2 percent of the annual income realized in the last closed financial year, but not</p>	
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			<p>more than 50 000 000 (fifty million) ALL, if the entrepreneur:</p> <ul style="list-style-type: none"> i) fails in the construction and deployment of public communication networks and additional facilities, to enable their joint use according to Article 58 of this Law; ii) does not apply the rules of AKEP, for the allocation of the costs of co-use of network facilities or property and coordination of civil affairs according to paragraph 3, of Article 58, of this Law; iii) does not comply with the requirements under Article 113 of this Law; iv) do not fulfill the obligation to finance the universal service within the interval and to the extent determined by AKEP, according to Article 128 of this Law; v) does not submit to AKEP the information on annual income according to paragraph 5 of Article 128 of this Law; vi) fails to fulfil the obligations set out in Articles 80, 81 and 82, 83, 84, 85, 86 of this Law; vii) transfers or leases the right to radio frequencies, without the prior consent of AKEP according to Article 71 of this Law; viii) fails to comply with the obligations established for the portability of numbers according to Article 145 of this Law; ix) does not publish transparent information on the applicable tariffs and on the general conditions of access and use of public communication services in accordance with Article 142 of this Law; x) does not inform the users and AKEP, about the restriction or termination of access to their services according to point 3 of Article 148 of this Law; (xi) restricts access to its services, disconnects the end-user or terminates a contract with the end-user, in violation of the provisions of the end-user contract and this law; xii) introduces discriminatory and disproportionate measures in the end-user contract; xiii) does not inform the end-user in writing about the violations committed and does not set a time limit for the fulfillment of contractual obligations; xiv) does not approve and does not submit to AKEP a plan of measures for emergency situations according to Article 174 of this Law; xv) does not provide uninterrupted access to emergency call numbers, according to point 1 of Article 148 of this Law; 	
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				<p>xvi) obtains for itself or another party information on the content, facts and circumstances of the transmitted messages, in excess of the minimum necessary essential measure for the provision of specific electronic services, or does not use this information only for the provision of these services and in accordance with the contractual undertaking in relation to them;</p> <p>xvii) fails to inform users in a clear and understandable manner of the purpose and use of the data, or does not provide an opportunity to reject such data processing, or fails to obtain a user's consent prior to data processing;</p> <p>xviii) fails to delete traffic data or make them unidentifiable, according to Article 163 of this Law;</p> <p>xix) processes traffic data without the prior consent of the user or the end user;</p> <p>xx) allows traffic data to be processed by persons who are not authorized to do so;</p> <p>xxi) fails to process location data;</p> <p>xxii) allows location data to be processed by persons who are not authorized to do so;</p> <p>xxiii) does not act in accordance with the requirements of Article 165 of this Law on unsolicited communications.</p> <p>c) In the amount of 1 000 000 (one million) ALL, if the subject:</p> <p>i) does not act in accordance with the requirements for the approval and allocation of radio frequencies;</p> <p>ii) does not act in accordance with the decision to assign numbers and series of numbers;</p> <p>iii) does not plan public communication networks, in such a way as to create as few risks and concerns as possible of private property;</p> <p>iv) does not inform the relevant authorities in advance before the start of the works;</p> <p>v) the end-user contract does not contain all the requirements set out in Article 141 of this Law;</p> <p>vi) does not inform its end-users about changes to the terms of the end-user contract according to Article 144 of this Law;</p> <p>vii) does not provide a detailed billing level, which enables the control of expenditures in accordance with Article 117 of this Law;</p> <p>viii) does not provide the detailed invoice with the data required under Article 161 of this Law;</p> <p>ix) does not ensure the identification of the called number, as well as their prevention according to Article 162 of this Law;</p>	
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Article 30	<p>Article 30 Compliance with the conditions of the general authorisation or of rights of use for radio spectrum and for numbering resources and compliance with specific obligations</p> <p>1. Member States shall ensure that their relevant competent authorities monitor and supervise compliance with the conditions of the general</p>	1	<p>Article 181 Article 182 Article 183</p>	<p>Article 181 Inspection</p> <p>1. The inspection of the activity of the entrepreneur of public electronic communications networks and services or any other natural or legal person, which develops activities in the field of electronic communications, is carried out by AKEP inspectors.</p>	F	

	<p>authorisation or of rights of use for radio spectrum and for numbering resources, with the specific obligations referred to in Article 13(2) and with the obligation to use radio spectrum effectively and efficiently in accordance with Article 4, Article 45(1) and Article 47.</p> <p>Competent authorities shall have the power to require undertakings subject to the general authorisation or benefitting from rights of use for radio spectrum or for numbering resources to provide all information necessary to verify compliance with the conditions of the general authorisation or of rights of use for radio spectrum and for numbering resources or with the specific obligations referred to in Article 13(2) or Article 47, in accordance with Article 21.</p> <p>2. Where a competent authority finds that an undertaking does not comply with one or more of the conditions of the general authorisation or of rights of use for radio spectrum and for numbering resources, or with the specific obligations referred to in Article 13(2), it shall notify the undertaking of those findings and give the undertaking the opportunity to state its views, within a reasonable time limit.</p> <p>3. The competent authority shall have the power to require the cessation of the breach referred to in paragraph 2 either immediately or within a reasonable time limit and shall take appropriate and proportionate measures aimed at ensuring compliance.</p> <p>In this regard, Member States shall empower the competent authorities to impose:</p> <p>(a) where appropriate, dissuasive financial penalties which may include periodic penalties with retroactive effect; and</p> <p>(b) orders to cease or delay provision of a service or bundle of services which, if continued, would result in significant harm to competition, pending compliance with access obligations imposed following a market analysis carried out in accordance with Article 67.</p> <p>The competent authorities shall communicate the measures and the reasons on which they are based to the undertaking concerned without delay and shall stipulate a reasonable period for the undertaking to comply with the measures.</p> <p>4. Notwithstanding paragraphs 2 and 3 of this Article, Member States shall empower the competent authority to impose, where appropriate,</p>			<p>2. AKEP inspectors are provided with a special identification document. They carry out inspections in the premises where the entrepreneur develops the activity even without notifying him in advance to verify the implementation of the provisions of this law and the relevant rules issued in its implementation.</p> <p>3. The entrepreneur or any other person, natural or legal, that conducts activities in the field of electronic communications is obliged to allow the inspectors to carry out the inspection wherever there is electronic communications equipment, as well as to provide the inspectors with all the data and the documentation required by them.</p> <p>4. The inspection activity of AKEP is carried out in accordance with the relevant regulation, approved by the Governing Council.</p> <p>5. When special expertise is needed, the inspector may request an expert.</p> <p style="text-align: center;">Article 182 Blocking devices and/or banning their operation</p> <p>1. When a natural or legal entity carries out activities in the field of electronic communications, not authorized by AKEP, inspectors authorized by AKEP block the devices.</p> <p>2. Blocked devices are inventoried and seized. After 30-day period from the date of blocking, if no appeal has been made by the entrepreneur, the equipment is given for sale to entities charged with the law. Part of the proceeds from the sale goes to the state budget.</p> <p>3. AKEP cooperates with the local public authorities, the State Police and the enforcement service for the implementation of the tasks for blocking the devices.</p> <p>4. Blocking and stopping the operation of equipment, according to this article, is indicated by a seal, the content and form of which are determined by AKEP.</p> <p>5. When AKEP inspectors find that the radio equipment of electronic communications networks and services cause harmful interference, regardless of the fact that the relevant authorization has been obtained for their use, they have the right to stop their operation.</p> <p>6. Against the written request of the entity that caused the interference, the persons authorized by AKEP do the necessary verification and if it is</p>		
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	<p>financial penalties on undertakings for failure to provide information, in accordance with the obligations imposed under point (a) or (b) of the first subparagraph of Article 21(1) and Article 69, within a reasonable period set by the competent authority.</p> <p>5. In the case of a serious breach or repeated breaches of the conditions of the general authorisation or of the rights of use for radio spectrum and for numbering resources, or of the specific obligations referred to in Article 13(2) or Article 47(1) or (2), where measures aimed at ensuring compliance as referred to in paragraph 3 of this Article have failed, Member States shall empower competent authorities to prevent an undertaking from continuing to provide electronic communications networks or services or suspend or withdraw those rights of use. Member States shall empower the competent authority to impose penalties which are effective, proportionate and dissuasive. Such penalties may be applied to cover the period of any breach, even if the breach has subsequently been rectified.</p> <p>6. Notwithstanding paragraphs 2, 3 and 5 of this Article, the competent authority may take urgent interim measures to remedy the situation in advance of reaching a final decision, where it has evidence of a breach of the conditions of the general authorisation, of the rights of use for radio spectrum and for numbering resources, or of the specific obligations referred to in Article 13(2) or Article 47(1) or (2) which represents an immediate and serious threat to public safety, public security or public health or risks creating serious economic or operational problems for other providers or users of electronic communications networks or services or other users of the radio spectrum. The competent authority shall give the undertaking concerned a reasonable opportunity to state its views and propose any remedies. Where appropriate, the competent authority may confirm the interim measures, which shall be valid for a maximum of three months, but which may, in circumstances where enforcement procedures have not been completed, be extended for a further period of up to three months.</p> <p>7. Undertakings shall have the right to appeal against measures taken under this Article in accordance with the procedure referred to in Article 31.</p>			<p>established that the harmful interferences have been avoided, the further operation of the prohibited device is allowed.</p> <p>7. The procedure for the treatment of interferences, their elimination, blocking and operation of equipment is defined in the regulation approved by AKEP.</p> <p style="text-align: center;">Article 183 Procedure for administrative measures</p> <p>1. The procedure of inspection, ascertainment, review, appeal and execution of administrative offenses is carried out in accordance with the provisions of the Code of Administrative Procedures, as well as the legislation in force for inspection and for administrative offences.</p> <p>2. AKEP, in determining the amount of fines, takes into consideration the following factors:</p> <ul style="list-style-type: none"> a) the importance and duration of the violation; b) the circumstances in which the offense was committed; c) if the entrepreneur in violation has a history of violations of obligations; ç) the consequences resulting from the detected violation. <p>3. AKEP determines by decision the principles, criteria and methodology of calculating the amount of fines, as well as the procedure of the inspection activity in implementation of this law and the national procedural law.</p> <p>4. When the inspection procedure establishes that an entrepreneur operating in the field of electronic communications, through actions or omissions, has violated the provisions of this law, the authorized inspectors of AKEP take one of the administrative measures provided for in this law.</p> <p>5. When even after imposing a fine on the basis of one or more cases provided for in letter "a" of point 1 of article 184 of this law, the relevant entity does not fulfill the obligations for which it has been fined, the inspector proposes to the Council Head of AKEP that the entrepreneur be ordered to revoke:</p> <ul style="list-style-type: none"> a) the right to use one or more frequencies or numbering; or b) the right to provide services or electronic communications networks. <p>6. The Steering Committee of AKEP, after the proposal of the inspector, according to point 5 of this article, warns the relevant entrepreneur about the revocation of one of the rights, according to</p>		
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				<p>letters "a" and "b" of point 5 of this article, by leave a deadline for the fulfillment of the obligations for which he was sentenced to a fine.</p> <p>7. In the event that the entrepreneur does not fulfill the obligations within the deadline set by the Steering Committee of AKEP, according to point 6 of this article, the Steering Committee decides on the revocation of:</p> <p>a) the right to use one or more frequencies or numbering; or</p> <p>b) the right to provide services or electronic communications networks.</p>		
Article 31	<p>Article 31 Right of appeal</p> <p>1. Member States shall ensure that effective mechanisms exist at national level under which any user or undertaking providing electronic communications networks or services or associated facilities who is affected by a decision of a competent authority has the right of appeal against that decision to an appeal body that is independent of the parties involved and of any external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it. This body, which may be a court, shall have the appropriate expertise to enable it to carry out its functions effectively. Member States shall ensure that the merits of the case are duly taken into account.</p> <p>Pending the outcome of the appeal, the decision of the competent authority shall stand, unless interim measures are granted in accordance with national law.</p> <p>2. Where the appeal body referred to in paragraph 1 of this Article is not judicial in character, it shall always give written reasons for its decision. Furthermore, in such a case, its decision shall be subject to review by a court or a tribunal within the meaning of Article 267 TFEU.</p> <p>Member States shall ensure that the appeal mechanism is effective.</p> <p>3. Member States shall collect information on the general subject matter of appeals, the number of requests for appeal, the duration of the appeal proceedings and the number of decisions to grant interim measures. Member States shall provide such information, as well as the decisions or</p>	1	<p>Pg. 8, Article 13</p> <p>Article 185</p>	<p>Article 13 Independence of AKEP</p> <p>8. The decisions of the Board of Directors of AKEP may be appealed to the court according to the legislation in force.</p> <p>Article 185 Complaint</p> <p>1. Against the fine imposed by the inspectors, according to Article 184 of this law, an appeal is made to the Steering Committee of AKEP within 30 days from the date of its issuance. The Steering Committee makes a decision within 30 days from the date of appeal. The administrative appeal review procedure by the Steering Committee is defined in the relevant regulation of AKEP, in accordance with the provisions of the Code of Administrative Procedures.</p> <p>2. Against the decision of the Steering Committee of AKEP, an appeal can be made within 45 days from the notification of the decision to the Administrative Court of First Instance.</p>	F	

	judgments, to the Commission and to BEREC upon their reasoned request.					
Article 59	<p>TITLE II</p> <p>ACCESS</p> <p>CHAPTER I</p> <p>General provisions, principles of access</p> <p>Article 59</p> <p>General framework for access and interconnection</p> <p>1. Member States shall ensure that there are no restrictions which prevent undertakings in the same Member State or in different Member States from negotiating between themselves agreements on technical and commercial arrangements for access or interconnection, in accordance with Union law. The undertaking requesting access or interconnection does not need to be authorised to operate in the Member State where access or interconnection is requested, if it is not providing services and does not operate a network in that Member State.</p> <p>2. Without prejudice to Article 114, Member States shall not maintain legal or administrative measures which require undertakings, when granting access or interconnection, to offer different terms and conditions to different undertakings for equivalent services or measures imposing obligations that are not related to the actual access and interconnection services provided without prejudice to the conditions set out in Annex I.</p>	1	Article 80	<p>CHAPTER XII</p> <p>GENERAL PROVISIONS, PRINCIPLES OF ACCESS</p> <p>Article 80</p> <p>General framework for access and interconnection</p> <p>1. Entrepreneurs of public electronic communications networks are free to negotiate between themselves technical and commercial agreements for access or interconnection, in accordance with this law.</p> <p>2. An entrepreneur of another country who seeks access or interconnection, does not need to be authorized according to Article 26 of this law, when he does not provide services and does not own a network in the territory of the Republic of Albania, he does not need to be authorized according to Article 26 of this law.</p>	F	
Article 60	<p>Article 60</p> <p>Rights and obligations of undertakings</p> <p>1. Operators of public electronic communications networks shall have a right and, when requested by other undertakings so authorised in accordance with Article 15, an obligation to negotiate with each other interconnection for the purpose of providing publicly available electronic communications</p>	1	Article 81	<p>Article 81</p> <p>Rights and obligations for entrepreneurs</p> <p>1. Entrepreneurs of public electronic communications networks have the right and, when required by another authorized entrepreneur in accordance with this law, the obligation to negotiate with each other for interconnection, for the purpose of providing</p>	F	

	<p>services, in order to ensure provision and interoperability of services throughout the Union. Operators shall offer access and interconnection to other undertakings on terms and conditions consistent with obligations imposed by the national regulatory authority pursuant to Articles 61, 62 and 68.</p> <p>2. Without prejudice to Article 21, Member States shall require that undertakings which acquire information from another undertaking before, during or after the process of negotiating access or interconnection arrangements use that information solely for the purpose for which it was supplied and respect at all times the confidentiality of information transmitted or stored. Such undertakings shall not pass on the received information to any other party, in particular other departments, subsidiaries or partners, for whom such information could provide a competitive advantage.</p> <p>3. Member States may provide for negotiations to be conducted through neutral intermediaries when conditions of competition so require.</p>			<p>public electronic communications services, in order to ensure the provision and interoperability of services.</p> <p>2. Entrepreneurs must provide access and interconnection to other entrepreneurs, with terms and conditions in accordance with the obligations imposed by AKEP, based on Chapter XIII, and Article 92, of this law.</p> <p>3. Without prejudice to Article 42 of this Law, an entrepreneur who receives information from another entrepreneur before, during, or after the process of negotiating access or interconnection agreements, must use it only for the purpose for which it was provided and respects at all times the confidentiality of the information received or stored. The entrepreneur must not pass on the obtained information to any other party, especially departments, subsidiaries or other partners, for whom this information may provide a competitive advantage in the market.</p> <p>4. Each electronic communications network entrepreneur, within 30 days from the date of receipt of a request, shall provide an interconnection offer to other enterprises of public electronic communications networks, to ensure user communication, provision of electronic communications services and interoperability of services.</p> <p>5. Notwithstanding the right of enterprises to freely negotiate among themselves, when the conditions of competition require it, negotiations are conducted through a neutral intermediary, with the approval of AKEP. Interested parties submit the relevant information to AKEP to be documented.</p>		
Article 61	<p>PART II – TITLE II Accessibility Chapter II Access and Connectivity</p> <p>Article 61 Powers and responsibilities of the national regulatory and other competent authorities with regard to access and interconnection</p> <p>1. National regulatory authorities or other competent authorities in the case of points (b) and (c) of the first subparagraph of paragraph 2 of this Article shall, acting in pursuit of the objectives set</p>	1	<p>Article 82 Article 83 Article 84 Article 85 Article 86</p>	<p>CHAPTER XIII ACCESS AND INTERCONNECTION</p> <p>Article 82 AKEP's competencies and responsibilities in relation to access and interconnection</p> <p>1. In implementation of the objectives set out in Article 5 of this Law, AKEP encourages and, as appropriate, ensures, in accordance with this Law, appropriate access and interconnection as well as interoperability of services. AKEP, in exercising its responsibility, promotes fair and sustainable</p>	F	

	<p>out in Article 3, encourage and, where appropriate, ensure, in accordance with this Directive, adequate access and interconnection, and the interoperability of services, exercising their responsibility in a way that promotes efficiency, sustainable competition, the deployment of very high capacity networks, efficient investment and innovation, and gives the maximum benefit to end-users.</p> <p>They shall provide guidance and make publicly available the procedures applicable to gain access and interconnection to ensure that small and medium-sized enterprises and operators with a limited geographical reach can benefit from the obligations imposed.</p> <p>2. In particular, without prejudice to measures that may be taken regarding undertakings designated as having significant market power in accordance with Article 68, national regulatory authorities, or other competent authorities in the case of points (b) and (c) of this subparagraph, shall be able to impose:</p> <p>(a) to the extent necessary to ensure end-to-end connectivity, obligations on undertakings subject to general authorisation that control access to end-users, including, in justified cases, the obligation to interconnect their networks where this is not already the case;</p> <p>(b) in justified cases and to the extent necessary, obligations on undertakings subject to general authorisation that control access to end-users to make their services interoperable;</p> <p>(c) in justified cases, where end-to-end connectivity between end-users is endangered due to a lack of interoperability between interpersonal communications services, and to the extent necessary to ensure end-to-end connectivity between end-users, obligations on relevant providers of number-independent interpersonal communications services which reach a significant level of coverage and user uptake, to make their services interoperable;</p> <p>(d) to the extent necessary to ensure accessibility for end-users to digital radio and television broadcasting services and related complementary services specified by the Member State, obligations on operators to provide access to the other facilities referred to in Part II of Annex II on fair, reasonable and non-discriminatory terms.</p> <p>The obligations referred to in point (c) of the first subparagraph shall be imposed only:</p>			<p>competition in the construction of very high capacity networks, efficient investments and innovation, for the maximum benefit of end-users.</p> <p>2. AKEP shall draw up guidelines and make available to the public the applicable procedures for obtaining access and interconnection, in order to guarantee that small and medium-sized enterprises, as well as operators with limited geographical reach, can benefit from the imposed obligations.</p> <p>3. AKEP decides:</p> <p>a) to the extent necessary, obligations to provide end-to-end connectivity to entrepreneurs subject to general authorization and controlling access to end-users, including in justified cases, the obligation to interconnect their networks;</p> <p>b) in justified cases and to the extent necessary, obligations to entrepreneurs subject to general authorization and who control the access of end-users, to make their services interoperable;</p> <p>c) in justified cases, where the end-to-end link between end-users is jeopardised due to the lack of interoperability between interpersonal communication services and to the extent necessary to ensure end-to-end linkage between end-users, obligations on the relevant providers of number-independent interpersonal communication services, which achieve a significant level of coverage and acceptance by users, to make their services interoperable.</p> <p>d) to the extent necessary, ensuring end-user access to digital radio services and relevant complementary services, specified in the legislation in force, the obligations of operators to ensure access to other facilities on fair, reasonable and non-discriminatory conditions.</p> <p style="text-align: center;">Article 83 Imposing obligations when the end-to-end interface is at risk</p> <p>1. The obligations set out in letter c) of point 3 of Article 82 of this law, are imposed only:</p>		
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	<p>(i) to the extent necessary to ensure interoperability of interpersonal communications services and may include proportionate obligations on providers of those services to publish and allow the use, modification and redistribution of relevant information by the authorities and other providers, or to use and implement standards or specifications listed in Article 39(1) or of any other relevant European or international standards;</p> <p>(ii) where the Commission, after consulting BEREC and taking utmost account of its opinion, has found an appreciable threat to end-to-end connectivity between end-users throughout the Union or in at least three Member States and has adopted implementing measures specifying the nature and scope of any obligations that may be imposed.</p> <p>The implementing measures referred to in point (ii) of the second subparagraph shall be adopted in accordance with the examination procedure referred to in Article 118(4).</p> <p>3. In particular, and without prejudice to paragraphs 1 and 2, national regulatory authorities may impose obligations, upon reasonable request, to grant access to wiring and cables and associated facilities inside buildings or up to the first concentration or distribution point as determined by the national regulatory authority, where that point is located outside the building. Where it is justified on the grounds that replication of such network elements would be economically inefficient or physically impracticable, such obligations may be imposed on providers of electronic communications networks or on the owners of such wiring and cables and associated facilities, where those owners are not providers of electronic communications networks. The access conditions imposed may include specific rules on access to such network elements and to associated facilities and associated services, on transparency and non-discrimination and on apportioning the costs of access, which, where appropriate, are adjusted to take into account risk factors.</p> <p>Where a national regulatory authority concludes, having regard, where applicable, to the obligations resulting from any relevant market analysis, that the obligations imposed in accordance with the first subparagraph do not sufficiently address high and non-transitory economic or physical barriers to</p>			<p>a) where they are necessary to ensure the interoperability of interpersonal communication services and may include proportionate obligations to the providers of such services for publishing and permitting the use, modification and redistribution of relevant information, by authorities and other providers, or for the use and implementation of standards or specifications established pursuant to Article 53, of this law.</p> <p>b) when the competent authorities, after consultation with AKEP, have found an inherent threat in the end-point interconnection in the territory of the Republic of Albania, or when at least three European countries have taken measures specifying the nature and scope of obligations that may be imposed.</p> <p>2. In particular, and without prejudice to the provisions of Article 82 of this Law, AKEP, upon receipt of a request that is deemed reasonable, imposes obligations for granting access to the networks, cables and associated facilities inside the buildings, or up to the first point of distribution in the buildings, when this point is located outside the building. In cases where the newly installed of such network elements is economically inefficient or physically impossible, the obligation for access is imposed on the providers of electronic communications networks, or on the owners of cable installations and associated facilities, which are not providers of electronic communications networks.</p> <p>3. The conditions set for granting access include specific rules for access to such network elements and infrastructure and associated facilities on the basis of transparency, non-discrimination and proportional sharing of access costs, which are adjusted on a case-by-case basis, taking into account risk factors.</p> <p style="text-align: center;">Article 84 Special cases of extension and limitation of access obligations</p> <p>1. When AKEP concludes, taking into account, when applicable, the obligations for the</p>	
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	<p>replication which underlie an existing or emerging market situation significantly limiting competitive outcomes for end-users, it may extend the imposition of such access obligations, on fair and reasonable terms and conditions, beyond the first concentration or distribution point, to a point that it determines to be the closest to end-users, capable of hosting a sufficient number of end-user connections to be commercially viable for efficient access seekers. In determining the extent of the extension beyond the first concentration or distribution point, the national regulatory authority shall take utmost account of relevant BEREC guidelines. If justified on technical or economic grounds, national regulatory authorities may impose active or virtual access obligations.</p> <p>National regulatory authorities shall not impose obligations in accordance with the second subparagraph on providers of electronic communications networks where they determine that:</p> <p>(a) the provider has the characteristics listed in Article 80(1) and makes available a viable and similar alternative means of reaching end-users by providing access to a very high capacity network to any undertaking, on fair, non-discriminatory and reasonable terms and conditions; national regulatory authorities may extend that exemption to other providers offering, on fair, non-discriminatory and reasonable terms and conditions, access to a very high capacity network; or</p> <p>(b) the imposition of obligations would compromise the economic or financial viability of a new network deployment, in particular by small local projects.</p> <p>By way of derogation from point (a) of the third subparagraph, national regulatory authorities may impose obligations on providers of electronic communications networks fulfilling the criteria laid down in that point where the network concerned is publicly funded.</p> <p>By 21 December 2020, BEREC shall publish guidelines to foster a consistent application of this paragraph, by setting out the relevant criteria for determining:</p> <p>(a) the first concentration or distribution point;</p> <p>(b) the point, beyond the first concentration or distribution point, capable of hosting a sufficient number of end-user connections to enable an</p>			<p>relevant market on the basis of the market analysis, that the obligations imposed in accordance with letter a) of paragraph 3 of Article 82 of this Law, are not sufficient to address high economic or physical obstacles to the replication of an existing or developing market, that significantly limits competitive outcomes for end-users, may extend the imposition of such access obligations, on fair and reasonable terms and conditions, beyond the first point of distribution, to a point that is closer to the end-user, capable of maintaining a satisfactory number of end-user connections, to enable sustainable and commercially efficient access for its seekers.</p> <p>2. AKEP, in determining the scope of the obligation for access beyond the first point of distribution, takes into account the relevant BEREC guidelines. When justified for technical or economic reasons, AKEP imposes obligations for active or virtual access.</p> <p>3. AKEP, in accordance with letter b) of paragraph 3 of Article 82 of this law, does not impose obligations on providers of electronic communications networks, when it concludes that:</p> <p>a) The provider has the characteristics provided for in point 1 of Article 106 of this Law, and makes available a similar alternative means to reach the end users, by providing access to a very high capacity network for each enterprise, in a fair manner, with non-discriminatory and reasonable terms and conditions. AKEP extends this exception to other providers that offer access to a very high capacity network, with fair, non-discriminatory and reasonable terms and conditions; or</p> <p>b) The imposition of obligations jeopardizes the economic or financial viability of building a new network, especially by small local projects.</p> <p>4. Notwithstanding the provision of letter a) of point 3 of this Article, AKEP shall impose obligations on providers of electronic communications networks, which meet the criteria set out in that point, where the network in question is financed with public funds.</p>		
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	<p>efficient undertaking to overcome the significant replicability barriers identified;</p> <p>(c) which network deployments can be considered to be new;</p> <p>(d) which projects can be considered to be small; and</p> <p>(e) which economic or physical barriers to replication are high and non-transitory.</p> <p>4. Without prejudice to paragraphs 1 and 2, Member States shall ensure that competent authorities have the power to impose on undertakings providing or authorised to provide electronic communications networks obligations in relation to the sharing of passive infrastructure or obligations to conclude localised roaming access agreements, in both cases if directly necessary for the local provision of services which rely on the use of radio spectrum, in accordance with Union law and provided that no viable and similar alternative means of access to end-users is made available to any undertaking on fair and reasonable terms and conditions. Competent authorities may impose such obligations only where this possibility is clearly provided for when granting the rights of use for radio spectrum and where justified on the grounds that, in the area subject to such obligations, the market-driven deployment of infrastructure for the provision of networks or services which rely on the use of radio spectrum is subject to insurmountable economic or physical obstacles and therefore access to networks or services by end-users is severely deficient or absent. In those circumstances where access and sharing of passive infrastructure alone does not suffice to address the situation, national regulatory authorities may impose obligations on sharing of active infrastructure.</p> <p>Competent authorities shall have regard to:</p> <p>(a) the need to maximise connectivity throughout the Union, along major transport paths and in particular territorial areas, and to the possibility to significantly increase choice and higher quality of service for end-users;</p> <p>(b) the efficient use of radio spectrum;</p> <p>(c) the technical feasibility of sharing and associated conditions;</p> <p>(d) the state of infrastructure-based as well as service-based competition;</p> <p>(e) technological innovation;</p> <p>(f) the overriding need to support the incentive of the host to roll out the infrastructure in the first place.</p>			<p>5. AKEP shall take into account the relevant BEREC guidelines and establish the relevant criteria for determining:</p> <p>a) of the first point of concentration or distribution;</p> <p>b) of the point, beyond the point of origin, capable of hosting a sufficient number of end-user connections, to enable an efficient enterprise to overcome repeatable obstacles, identified as important;</p> <p>c) which network extensions can be considered new;</p> <p>d) which projects can be considered small; and</p> <p>e) which economic or physical barriers to duplication are high and not transitory.</p> <p style="text-align: center;">Article 85</p> <p style="text-align: center;">Cases for local provision of services that depend on the use of radio spectrum</p> <p>1. Without prejudice to paragraphs 1 and 2 of Article 82 of this Law, AKEP shall impose on entrepreneurs who offer or are authorized to provide electronic communications networks, the obligation to co-use the passive infrastructure, or the obligation to conclude localized roaming access agreements, if this, in both cases, is directly necessary for the local provision of services that depend on the use of the radio spectrum, In accordance with the legislation in force and provided that no alternative possible and similar means of access for end-users, is made available to any entrepreneur on fair and reasonable terms and conditions.</p> <p>2. AKEP shall impose the obligations referred to in Article 82 of this Law, only when this possibility is clearly provided for in the granting of rights of use of radio spectrum and when it is justified based on the area subject to these obligations, the extension of the infrastructure for the provision of networks or services that rely on the use of radio spectrum, are subject to insurmountable economic or physical barriers and therefore access to networks or services by end-users is very deficient or missing. In circumstances where</p>		
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	<p>In the event of dispute resolution, competent authorities may, inter alia, impose on the beneficiary of the sharing or access obligation, the obligation to share radio spectrum with the infrastructure host in the relevant area.</p> <p>5. Obligations and conditions imposed in accordance with paragraphs 1 to 4 of this Article shall be objective, transparent, proportionate and non-discriminatory, they shall be implemented in accordance with the procedures referred to in Articles 23, 32 and 33. The national regulatory and other competent authorities which have imposed such obligations and conditions shall assess the results thereof by five years after the adoption of the previous measure adopted in relation to the same undertakings and assess whether it would be appropriate to withdraw or amend them in light of evolving conditions. Those authorities shall notify the outcome of their assessment in accordance with the procedures referred to in Articles 23, 32 and 33.</p> <p>6. For the purpose of paragraphs 1 and 2 of this Article, Member States shall ensure that the national regulatory authority is empowered to intervene on its own initiative where justified in order to secure the policy objectives of Article 3, in accordance with this Directive and, in particular, with the procedures referred to in Articles 23 and 32.</p> <p>7. By 21 June 2020 in order to contribute to a consistent definition of the location of network termination points by national regulatory authorities, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, adopt guidelines on common approaches to the identification of the network termination point in different network topologies. National regulatory authorities shall take utmost account of those guidelines when defining the location of network termination points.</p>			<p>access and co-use of passive infrastructure alone are not enough, AKEP imposes obligations for the co-use of active infrastructure.</p> <p>3. AKEP, as the case may be in cooperation with the Ministry, take into account:</p> <ol style="list-style-type: none"> the need to maximize interconnection throughout the territory of the Republic of Albania, along the main transport corridors, including those that are part of the European corridors, in specific territorial areas, as well as increasing the possibility to choose and the highest quality of service for end users; the efficient use of radio spectrum; the technical feasibility of co-use and the associated conditions; the state of competition based on infrastructure and services; technological innovations; the main need to strengthen the host operator's incentive to deploy infrastructure first. <p>In case of resolving disputes, AKEP imposes the obligation on the entrepreneur to co-use the radio spectrum with the host infrastructure operator in the respective area.</p> <p style="text-align: center;">Article 86 AKEP's procedure for imposing obligations for access and their assessment</p> <ol style="list-style-type: none"> The obligations and conditions established in accordance with Articles 82, 83, 84, and 85 of this Law must be objective, transparent, proportionate and non-discriminatory. These obligations shall be implemented in accordance with the consultation procedures provided for in Article 44 of this Law. AKEP assesses the results of these obligations and conditions, five years after the adoption of the previous measure, approved in relation to the same operators and based on the evolving conditions, assesses whether it is appropriate to withdraw or amend them. AKEP shall announce the result of its evaluation in accordance with the procedures provided in Article 44 of this Law. For the purposes of Articles 82, 83, 84, and 85 of this Law, AKEP is authorized to intervene 	
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				<p>on its own initiative where justified, in order to ensure the policy objectives set out in Article 5 of this Law, in accordance with this Law and in particular with the procedures referred to in Articles 44 and 45, of this law.</p> <p>4. When, as a result of a market analysis carried out in accordance with Article 90 of this Law, AKEP finds that one or more entrepreneurs do not have significant market power in the relevant market, it changes or withdraws the conditions regarding these entrepreneurs, in accordance with the procedures mentioned in Article 44 of this Law only to the extent that:</p> <p>a) access for end users to radio and television broadcasts and broadcasting channels and services specified in accordance with the portability obligations, as defined in Article 87 of Law no. 97/2013, "On audiovisual media in the Republic of Albania", as amended, is not negatively affected by such change or withdrawal;</p> <p>b) The prospects for effective competition in downstream markets, downstream, are not adversely affected by such a change or pull into:</p> <p>i) digital television and retail radio broadcasting services; and</p> <p>ii) conditional access systems and other accompanying facilities.</p> <p>The parties affected by the amendment or withdrawal of the terms according to point 3 of this article, shall be notified in advance within an appropriate notice period. For the impact assessment according to letters a) and b) of point 3 of this article, AKEP requests information from the AMA.</p> <p>5. AKEP shall take into account the BEREC guidelines adopted under the European Electronic Communications Code, when determining the location of network endpoints.</p>		
Article 75	<p>Article 75 Termination rates</p> <p>1. By 31 December 2020, the Commission shall, taking utmost account of the opinion of BEREC, adopt a delegated act in accordance with Article 117 supplementing this Directive by setting a single maximum Union-wide mobile voice</p>	2	Article 100/1	<p><i>Neni 100/1</i> <i>Termination rates for the implementation of RLAH with the EU</i></p> <p>1. Termination rates for voice calls for end-users on their mobile and fixed networks, applied by electronic communications service providers for the termination of voice calls for national</p>	F	

	<p>termination rate and a single maximum Union-wide fixed voice termination rate (together referred to as ‘the Union-wide voice termination rates’), which are imposed on any provider of mobile voice termination or fixed voice termination services, respectively, in any Member State.</p> <p>To that end, the Commission shall:</p> <p>(a) comply with the principles, criteria and parameters provided in Annex III;</p> <p>(b) when setting the Union-wide voice termination rates for the first time, take into account the weighted average of efficient costs in fixed and mobile networks established in accordance with the principles provided in Annex III, applied across the Union; the Union-wide voice termination rates in the first delegated act shall not be higher than the highest rate among the rates that were in force six months before the adoption of that delegated act in all Member States, after any necessary adjustment for exceptional national circumstances;</p> <p>(c) take into account the total number of end-users in each Member State, in order to ensure a proper weighting of the maximum termination rates, as well as national circumstances which result in significant differences between Member States when determining the maximum termination rates in the Union;</p> <p>(d) take into account market information provided by BEREC, national regulatory authorities or, directly, by undertakings providing electronic communications networks and services; and</p> <p>(e) consider the need to allow for a transitional period of no longer than 12 months in order to allow adjustments in Member States where this is necessary on the basis of rates previously imposed.</p> <p>2. Taking utmost account of the opinion of BEREC, the Commission shall review the delegated act adopted pursuant to this Article every five years and shall consider on each such occasion, by applying the criteria listed in Article 67(1), whether setting Union-wide voice termination rates continue to be necessary. Where the Commission decides, following its review in accordance with this paragraph, not to impose a maximum mobile voice termination rate or a maximum fixed voice termination rate, or neither, national regulatory authorities may conduct market analyses of voice termination markets in accordance with Article 67,</p>			<p><i>calls and calls originating from numbers in the Member States of the European Union, shall not exceed the single maximum charge (Eurotariff), set at European Union level, for voice call termination on mobile networks and, respectively, the single maximum charge at European Union level for voice call termination on fixed networks.</i></p> <p>2. <i>Where the European Commission decides not to apply a maximum voice termination rate on mobile networks or a maximum voice termination rate on fixed networks, or neither, AKEP shall carry out market analyses of the voice termination markets, in accordance with Article 90 of this law, in order to assess whether regulatory obligations are necessary.</i></p> <p>3. <i>If, following a market analysis as foreseen in paragraph 2 of this Article, AKEP decides, for national calls and calls originating from numbers in the Member States of the European Union, cost-based voice call termination rates, based on the criteria for determining wholesale voice call termination rates in the fixed and mobile telephony markets, set out in Annex 2 to this Law. Proposals for regulatory measures shall be subject to the consultation and transparency procedures set out in Article 44 of this Law.</i></p> <p>4. <i>AKEP shall monitor and ensure compliance by providers of voice call termination services with the obligation set out in paragraph 1 of this Article. AKEP may, at any time, require a provider of voice call termination services to end-users on its mobile or fixed networks to modify the tariff for those services, which it applies to other providers for national calls and calls originating from numbers in the Member States of the European Union, if it exceeds the relevant tariff set at European Union level in accordance with paragraph 1 of this Article.</i></p> <p>5. <i>Where termination rates applied by service providers for national calls and calls originating from numbers in the Member States of the European Union are set in a currency other than the euro, the maximum termination rates for voice calls on mobile and fixed networks referred to in paragraph 1 of this Article shall be converted into the national currency on the basis of the most recent</i></p>		
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	<p>to assess whether the imposition of regulatory obligations is necessary. If a national regulatory authority imposes, as a result of such analysis, cost-oriented termination rates in a relevant market, it shall follow the principles, criteria and parameters set out in Annex III and its draft measure shall be subject to the procedures referred to in Articles 23, 32 and 33.</p> <p>3. National regulatory authorities shall closely monitor, and ensure compliance with, the application of the Union-wide voice termination rates by providers of voice termination services. National regulatory authorities may, at any time, require a provider of voice termination services to amend the rate it charges to other undertakings if it does not comply with the delegated act referred to in paragraph 1. National regulatory authorities shall annually report to the Commission and to BEREC with regard to the application of this Article.</p>			<p><i>average of the reference exchange rates published on 1 September, 1 October and 1 November by the European Central Bank in the Official Journal of the European Union.</i></p> <p>6. <i>The maximum voice call termination rates on mobile and fixed networks, converted into national currency, will be reviewed annually and updated on 1 January of each year, using the most recent average of the reference exchange rates published on 1 September, 1 October and 1 November by the European Central Bank in the Official Journal of the European Union.</i></p> <p>7. <i>AKEP shall inform BEREC annually on the implementation of this Article. This information shall also be made available to the European Commission.</i></p>		
Article 93	<p>Article 93 Numbering resources</p> <p>1. Member States shall ensure that national regulatory or other competent authorities control the granting of rights of use for all national numbering resources and the management of the national numbering plans and that they provide adequate numbering resources for the provision of publicly available electronic communications services. Member States shall ensure that objective, transparent and non-discriminatory procedures for granting rights of use for national numbering resources are established.</p> <p>2. National regulatory or other competent authorities may also grant rights of use for numbering resources from the national numbering plans for the provision of specific services to undertakings other than providers of electronic communications networks or services, provided that adequate numbering resources are made available to satisfy current and foreseeable future demand. Those undertakings shall demonstrate their ability to manage the numbering resources and to comply with any relevant requirements set out pursuant to Article 94. National regulatory or other competent authorities may suspend the further granting of rights of use for numbering resources to such undertakings if it is demonstrated that there is a risk of exhaustion of numbering resources.</p>	1	Article 131	<p>CHAPTER XVII NUMBERING SOURCES</p> <p>Article 131 Numbering Sources</p> <p>1. AKEP provides adequate numerical resources for the provision of electronic communications services available to the public, according to the numbering plan. The numbering plan determines the structure, length, and assignment of numbers for access to public communications networks and services.</p> <p>2. Based on the national numbering plan, AKEP grants rights of use for numbering resources for the provision of specific services, for enterprises other than providers of electronic communications networks or services, provided that the appropriate available numerical resources meet current and projected future requirements.</p> <p>3. Enterprises other than providers of electronic communications networks or services, in the request for numbering sources, demonstrate their ability to administer the numbering sources and to fulfill any requirement set out in Article 132 of this Law.</p> <p>4. In granting rights for the use of numbering resources, AKEP adheres to the BEREC</p>	F	

	<p>By 21 June 2020, in order to contribute to the consistent application of this paragraph, BEREC shall adopt, after consulting stakeholders and in close cooperation with the Commission, guidelines on common criteria for the assessment of the ability to manage numbering resources and of the risk of exhaustion of numbering resources.</p> <p>3. National regulatory or other competent authorities shall ensure that national numbering plans and procedures are applied in a manner that gives equal treatment to all providers of publicly available electronic communications services and the undertakings eligible in accordance with paragraph 2. In particular, Member States shall ensure that an undertaking to which the right of use for numbering resources has been granted does not discriminate against other providers of electronic communications services as regards the numbering resources used to give access to their services.</p> <p>4. Each Member State shall ensure that national regulatory or other competent authorities make available a range of non-geographic numbers which may be used for the provision of electronic communications services other than interpersonal communications services, throughout the territory of the Union, without prejudice to Regulation (EU) No 531/2012 and Article 97(2) of this Directive. Where rights of use for numbering resources have been granted in accordance with paragraph 2 of this Article to undertakings other than providers of electronic communications networks or services, this paragraph shall apply to the specific services for the provision of which the rights of use have been granted.</p> <p>National regulatory or other competent authorities shall ensure that the conditions listed in Part E of Annex I that may be attached to the rights of use for numbering resources used for the provision of services outside the Member State of the country code, and their enforcement, are as stringent as the conditions and enforcement applicable to services provided within the Member State of the country code, in accordance with this Directive. National regulatory or other competent authorities shall also ensure in accordance with Article 94(6) that providers using numbering resources of their country code in other Member States comply with consumer protection and other national rules related to the use of numbering resources applicable in those Member States where the numbering</p>			<p>guidelines on common criteria for assessing the ability to manage numerical resources from different enterprises, from providers of electronic communications networks or services, as well as for assessing the risk of depletion of numbering resources, if the numbers are assigned to such enterprises.</p> <p>5. AKEP shall suspend the further granting of rights of use for numbering resources to enterprises other than providers of electronic communications networks or services, if it is proven that there is a risk of exhaustion of numbering resources.</p> <p>6. AKEP administers the numbering plan in order to:</p> <ul style="list-style-type: none"> a) to ensure the efficient structuring and use of numbers and numerical series; b) to satisfy the reasonable needs of operators and providers of public electronic communications services for the assignment of numbers, in accordance with this Law; c) to ensure that the assignment and use of numbers is done in a fair, transparent and non-discriminatory manner, for all providers of publicly available electronic communications services and qualified enterprises, in accordance with points 2 and 3 of this Article. <p>7. AKEP ensures that an enterprise, which has been granted the right of use for numbering resources, does not discriminate against other providers of electronic communication services, in terms of the numbering sources used to give access to their services.</p> <p>8. AKEP shall make available non-geographic numbers, which may be used for the provision of electronic communications services, except for interpersonal communication services, without prejudice to point 2 of Article 135 of this Law. When usage rights for numbering sources have been granted to enterprises other than providers of electronic communications networks or services, this point also applies to the specific services for the provision of which the rights of use have been granted.</p> <p>9. AKEP ensures that the conditions for the use of numbering resources, defined in Article 32 of this Law, are attached to the right to use numbers.</p>	
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	<p>resources are used. This obligation is without prejudice to the enforcement powers of the competent authorities of those Member States. BEREC shall assist national regulatory or other competent authorities, at their request, in coordinating their activities to ensure the efficient management of numbering resources with a right of extraterritorial use within the Union.</p> <p>In order to facilitate the monitoring by the national regulatory or other competent authorities of compliance with the requirements of this paragraph, BEREC shall establish a database on the numbering resources with a right of extraterritorial use within the Union. For this purpose, national regulatory or other competent authorities shall transmit the relevant information to BEREC. Where numbering resources with a right of extraterritorial use within the Union are not granted by the national regulatory authority, the competent authority responsible for their granting or management shall consult the national regulatory authority.</p> <p>5. Member States shall ensure that the '00' code is the standard international access code. Special arrangements for the use of number-based interpersonal communications services between locations adjacent to one another across borders between Member States may be established or continued.</p> <p>Member States may agree to share a common numbering plan for all or specific categories of numbers.</p> <p>End-users affected by such arrangements or agreements shall be fully informed.</p> <p>6. Without prejudice to Article 106, Member States shall promote over-the-air provisioning, where technically feasible, to facilitate switching of providers of electronic communications networks or services by end-users, in particular providers and end-users of machine-to-machine services.</p> <p>7. Member States shall ensure that the national numbering plans, and all subsequent additions or amendments thereto, are published, subject only to limitations imposed on the grounds of national security.</p> <p>8. Member States shall support the harmonisation of specific numbers or numbering ranges within the Union where it promotes both the functioning of the internal market and the development of pan-European services. Where necessary to address</p>			<p>10. The holder of the right to use numbers according to this law:</p> <ul style="list-style-type: none"> a) is obliged to return certain numbers or series of numbers if they are not in use; b) may not use the assigned number or series of numbers for purposes other than that for which they were given; c) may not transfer or rent the numbers or series of certain numbers, without the prior approval of AKEP; ç) the numbers and series of certain numbers may be transferred, together with the activity exercised, when the new holder meets the requirements for the use of numbers and numerical series in accordance with the AKEP decision; d) is obliged to make payments for the numbering according to this law; dh) must meet the request for transfer of numbering, in all cases where such a thing is requested; f) is obliged to use the numbers or series of certain numbers only for the purpose for which they were given to it and not to cause harm to any particular group of users; ë) to fulfill the obligations, deriving from international acts, applicable in the Republic of Albania, for the assignment and use of numbers. <p>11. The number '00' is the standard international access code. Special agreements are signed for the use of number-based interpersonal communication services between geographical locations between countries and along the border.</p> <p>12. For special categories of numbers, AKEP, after receiving the opinion of the Minister, may agree on the use of a common numbering plan with the EU member states. Affected end-users are informed of these adjustments accordingly.</p> <p>13. In accordance with international obligations and to ensure a satisfactory number of numbers, AKEP may change the structure and configuration of numbering and assignment of numbers. In such circumstances, the holder of numbers and series of numbers has no right to claim compensation. AKEP changes the decisions for the division of numbers and</p>		
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	<p>unmet cross-border or pan-European demand for numbering resources, the Commission shall, taking utmost account of the opinion of BEREC, adopt implementing acts harmonising specific numbers or numbering ranges.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(4).</p>			<p>series of numbers, even at the request of their holder, in cases where this is possible. End users affected by these agreements or agreements, are fully informed.</p> <p>14. Without prejudice to Article 145 of this Law, AKEP, when technically possible and in order to facilitate the switching of providers of electronic communications networks or services by end-users, promotes the continued provision of this service by air, in particular for the switching of the provider to the end-users of machine-to-machine services.</p> <p>15. AKEP stores all data related to the administration of the numbering plan. AKEP publishes the national numbering plan and all subsequent additions or amendments thereto, subject only to restrictions imposed for reasons of national security.</p> <p>16. AKEP supports the harmonization of specific numbers or series of numbers, where it promotes both the functioning of the national market and the development of pan-European services.</p>		
Article 97	<p>Article 97 Access to numbers and services</p> <p>1. Member States shall ensure that, where economically feasible, except where a called end-user has chosen for commercial reasons to limit access by calling parties located in specific geographical areas, national regulatory or other competent authorities take all necessary steps to ensure that end-users are able to:</p> <p>(a) access and use services using non-geographic numbers within the Union; and</p> <p>(b) access all numbers provided in the Union, regardless of the technology and devices used by the operator, including those in the national numbering plans of Member States and Universal International Freephone Numbers (UIFN).</p> <p>2. Member States shall ensure that national regulatory or other competent authorities are able to require providers of public electronic communications networks or publicly available electronic communications services to block, on a case-by-case basis, access to numbers or services where this is justified by reasons of fraud or misuse and to require that in such cases providers of</p>	1	Article 135	<p>Article 135 Access to numbers and services</p> <p>1. AKEP ensures, where economically possible, except where the called end-user has chosen for commercial reasons to restrict the access of the calling party from a particular geographical area, that users are able to:</p> <p>a) to access all the numbers provided in the national numbering plan of the Republic of Albania;</p> <p>b) access all numbers regardless of the technology and equipment used by operators, including numbers according to other countries' numbering plans and International Universal Free Numbers (UIFN).</p> <p>2. AKEP may require providers of public electronic communications networks, or publicly available electronic communications services, to block access to numbers or services, on a case-by-case basis, when this is justified on grounds of fraud or misuse. In this case, the providers of electronic communications services retain the relevant revenues from the interconnection or other services.</p>	F	

	electronic communications services withhold relevant interconnection or other service revenues.					
Article 99	<p style="text-align: center;">Article 99 Non-discrimination</p> <p>Providers of electronic communications networks or services shall not apply any different requirements or general conditions of access to, or use of, networks or services to end-users, for reasons related to the end-user's nationality, place of residence or place of establishment, unless such different treatment is objectively justified.</p>	1	Article 138	<p style="text-align: center;">Article 138 Non-discrimination</p> <p>Providers of electronic communications networks or services shall not enforce any general requirements or conditions of access to, or use of, networks or services for end-users, which vary for reasons related to the nationality, place of residence or country, or headquarters of the end-user, unless such differentiated treatment is objectively justified.</p>	F	
Article 100	<p style="text-align: center;">Article 100 Fundamental rights safeguard</p> <p>1. National measures regarding end-users' access to, or use of, services and applications through electronic communications networks shall respect the Charter of Fundamental Rights of the Union (the 'Charter') and general principles of Union law.</p> <p>2. Any measure regarding end-users' access to, or use of, services and applications through electronic communications networks liable to limit the exercise of the rights or freedoms recognised by the Charter shall be imposed only if it is provided for by law and respects those rights or freedoms, is proportionate, necessary, and genuinely meets general interest objectives recognised by Union law or the need to protect the rights and freedoms of others in line with Article 52(1) of the Charter and with general principles of Union law, including the right to an effective remedy and to a fair trial. Accordingly, such measures shall be taken only with due respect for the principle of the presumption of innocence and the right to privacy. A prior, fair and impartial procedure shall be guaranteed, including the right to be heard of the person or persons concerned, subject to the need for appropriate conditions and procedural arrangements in duly substantiated cases of urgency in accordance with the Charter.</p>	1	Article 139	<p style="text-align: center;">Article 139 Protection of fundamental rights</p> <p>1. National measures regarding end-users' access to, or use of, services and applications through electronic communication networks, shall respect the fundamental rights and general principles of law set out in the Constitution of the Republic of Albania and the relevant International Conventions to which Albania has acceded.</p> <p>2. Any measure in relation to the access to or use of services and applications by end-users via electronic communications networks, which may restrict the exercise of the rights or freedoms recognized by the acts referred to in point 1 of this article, shall be imposed only if it is provided for by the legislation in force and respects those rights or freedoms. The measures shall be proportionate and necessary for the fulfilment of objectives of general interest, recognised by the legislation in force, or the need to protect the rights and freedoms of others in accordance with point 1 of this Article, and with general principles of law, including the right to an effective regulation and to a fair trial.</p> <p>3. These measures shall be taken only respecting the principle of presumption of innocence and the right to privacy. A preliminary, fair and impartial procedure should be guaranteed.</p>	F	

				including the right to be heard of the person or persons concerned, subject to the need for appropriate conditions and procedural arrangements in duly established urgent cases, in accordance with the Constitution of the Republic of Albania and the relevant International Conventions to which Albania has acceded.		
Article 108	<p align="center">Article 108 Availability of services</p> <p>Member States shall take all necessary measures to ensure the fullest possible availability of voice communications services and internet access services provided over public electronic communications networks in the event of catastrophic network breakdown or in cases of force majeure. Member States shall ensure that providers of voice communications services take all necessary measures to ensure uninterrupted access to emergency services and uninterrupted transmission of public warnings.</p>	1	Article 148	<p align="center">Article 148 Availability of services</p> <ol style="list-style-type: none"> 1. Electronic communications entrepreneurs take all necessary measures to ensure the complete availability of voice communication services and internet access services, provided through public electronic communications networks in case of catastrophic damage to the network or in cases of force majeure. Voice communication service providers take all necessary measures to ensure uninterrupted access to emergency services and uninterrupted transmission of public warnings. 2. Notwithstanding paragraph 1 of this article, entrepreneurs who provide access to a public electronic communications network may temporarily restrict or terminate access to their services, without the consent of the users, if this is necessary for the improvement, modernization, maintenance or in case of network failures or damage. 3. Entrepreneurs must inform AKEP and notify subscribers about the service limitation or interruptions. This information is made: <ol style="list-style-type: none"> a) at least 48 hours in advance, in the case of planned works for the improvement, modernization or maintenance of the network, which will take more than 30 minutes; b) as soon as possible, but in no case later than 48 hours, after the occurrence of the restriction or interruption caused by network faults or damages, when the interruption or limitation simultaneously impacts a significant number of users that is defined in the relevant regulation adopted by AKEP. 	F	

Article 111	<p>Article 111 Equivalent access and choice for end-users with disabilities</p> <p>1. Member States shall ensure that the competent authorities specify requirements to be met by providers of publicly available electronic communications services to ensure that end-users with disabilities:</p> <p>(a) have access to electronic communications services, including the related contractual information provided pursuant to Article 102, equivalent to that enjoyed by the majority of end-users; and</p> <p>(b) benefit from the choice of undertakings and services available to the majority of end-users.</p> <p>2. In taking the measures referred to in paragraph 1 of this Article, Member States shall encourage compliance with the relevant standards or specifications laid down in accordance with Article 39.</p>	1	Article 151	<p>Article 151 Ensuring equal access and choice for end-users with disabilities</p> <p>1. AKEP, in cooperation with other competent authorities for social issues, defines the requirements that providers of publicly available electronic communications services must meet, to ensure that end-users with disabilities:</p> <p>a) have access to electronic communications services, including relevant contractual information provided pursuant to Article 141 of this Law, in a manner equivalent to that enjoyed by the majority of end-users; and,</p> <p>b) take advantage of the choice of entrepreneurs and services available to most end-users.</p> <p>2. In determining the measures referred to in point 1, AKEP, in cooperation with the authorities responsible for social inclusion, shall assess the specific requirements of the general needs, as well as the degree and form of the specific measure for end-users with disabilities and shall encourage compliance with the relevant standards or specifications established in accordance with Article 53, of this law.</p>	F	
Article 120	<p>Article 120 Publication of information</p> <p>1. Member States shall ensure that up-to-date information regarding the implementation of this Directive is made publicly available in a manner that guarantees all interested parties easy access to that information. They shall publish a notice in their national official gazette describing how and where the information is published. The first such notice shall be published before 21 December 2020 and thereafter a notice shall be published where there is any change in the information contained therein.</p> <p>2. Member States shall submit to the Commission a copy of all such notices at the time of publication. The Commission shall distribute the information to the Communications Committee as appropriate.</p> <p>3. Member States shall ensure that all relevant information on rights, conditions, procedures,</p>	1	<p>Article 24</p> <p>Pg. 7, 8, Article 13; Pg.3, Article 17; Pg.2, Article 18; Pg.9, Article 27;</p>	<p>Article 24 Publication</p> <p>1. The documentation administered in AKEP, related to the activity of electronic communications entrepreneurs becomes available to the public in accordance with the legislation in force on the right to public information and the legislation in force on trade secrets.</p> <p>2. Decisions of the Steering Committee of AKEP, criteria, notification procedures, issuance of authorizations for rights of use, granted authorizations, rules and technical regulations and standards are published on the official website of AKEP.</p> <p>Article 13 Independence of AKEP</p>	F	

	<p>charges, fees and decisions concerning general authorisations, rights of use and rights to install facilities is published and kept up to date in an appropriate manner in order to provide easy access to that information for all interested parties.</p> <p>4. Where information referred to in paragraph 3 is held at different levels of government, in particular information regarding procedures and conditions on rights to install facilities, the competent authority shall make all reasonable efforts, having regard to the costs involved, to create a user-friendly overview of all such information, including information on the relevant levels of government and the responsible authorities, in order to facilitate applications for rights to install facilities.</p> <p>5. Member States shall ensure that the specific obligations imposed on undertakings under this Directive are published and that the specific product and service, and geographical markets are identified. Subject to the need to protect commercial confidentiality, they shall ensure that up-to-date information is made publicly available in a manner that guarantees all interested parties easy access to that information.</p> <p>6. Member States shall provide the Commission with information that they make publicly available pursuant to paragraph 5. The Commission shall make that information available in a readily accessible form, and shall distribute the information to the Communications Committee as appropriate.</p>			<p>7. Each year AKEP submits the annual report on its activity to the Parliament, within the first four months of the following year. A copy of the report is submitted to the ministry.</p> <p>8. The annual report is made available to the public and contains:</p> <p>a) the activity report of AKEP of the previous year;</p> <p>b) the annual program for the following year;</p> <p>c) the report on the state of the electronic communications market, including the universal service;</p> <p>ç) the report on human and financial resources of AKEP and how these resources are attributed.</p> <p style="text-align: center;">Article 17 Funding and budget of AKEP</p> <p>3. AKEP keeps complete accounts for expenses incurred in accordance with the accounting legislation in force. AKEP publishes the annual financial balance that it deposits in the tax authorities, in accordance with the legislation in force for this purpose.</p> <p style="text-align: center;">Article 18 Principles for administrative payments</p> <p>2. AKEP publishes an annual overview of the relevant administrative costs, as well as the total amount of payments collected. When there is a difference between the total amount of payments and administrative costs, appropriate adjustments are made according to point 4 of article 17 of this law.</p> <p style="text-align: center;">Article 27 Notification</p> <p>9. AKEP administers an updated register for natural and legal persons who have notified and registered according to the provisions of this article, which contains the information defined in point 2 of this article. This information is made available to the public.</p>		
Article 122	<p style="text-align: center;">Article 122 Review procedures</p> <p>1. By 21 December 2025 and every five years thereafter, the Commission shall review the functioning of this Directive and report to the European Parliament and to the Council.</p>	1		Unenforceable	N	<p>Addressed to MS</p> <p>According the SAA, Article 104, Albania is committed to follow EU acquis in</p>

	<p>Those reviews shall evaluate in particular the market implications of Article 61(3) and Articles 76, 78 and 79 and whether the ex ante and other intervention powers pursuant to this Directive are sufficient to enable national regulatory authorities to address uncompetitive oligopolistic market structures, and to ensure that competition in electronic communications markets continues to thrive to the benefit of end-users.</p> <p>To that end, the Commission may request information from the Member States, which shall be supplied without undue delay.</p> <p>2. By 21 December 2025, and every five years thereafter, the Commission shall review the scope of universal service, in particular with a view to proposing to the European Parliament and to the Council that the scope be changed or redefined.</p> <p>That review shall be undertaken in light of social, economic and technological developments, taking into account, inter alia, mobility and data rates in light of the prevailing technologies used by the majority of end-users. The Commission shall submit a report to the European Parliament and to the Council regarding the outcome of the review.</p> <p>3. BEREC shall, by 21 December 2021 and every three years thereafter, publish an opinion on the national implementation and functioning of the general authorisation, and on their impact on the functioning of the internal market.</p> <p>The Commission may, taking utmost account of the BEREC opinion, publish a report on the application of Chapter II of Title II of Part I and of Annex I, and may submit a legislative proposal to amend those provisions where it considers this to be necessary for the purpose of addressing obstacles to the proper functioning of the internal market.</p>					the electronic communications networks and services; the reviewing of the national legislation in order to be aligned with EU acquis is a periodical process;
Annex I	<p>ANNEX I</p> <p>LIST OF TERMS WHICH MAY BE ATTACHED TO THE GENERAL AUTHORIZATION, RIGHTS OF USE FOR RADIO SPECTRUM AND RIGHTS OF USE FOR NUMBER SOURCES</p> <p>This annex provides for the maximum list of conditions that may be attached to general authorisations for electronic communications networks and services, except for number-</p>		<p>Article 29 Article 30 Article 31 Article 32</p>	<p>Article 29 General Authorization Terms and Conditions</p> <p>The general authorization, includes the general conditions as follows:</p> <p>a) making administrative payments in accordance with Article 18 of this Law. Every entrepreneur is obliged to pay administrative fees or fees for the rights of use of limited resources according to the legislation in force;</p> <p>b) the protection of personal data and the specific protection of privacy in electronic</p>	F	

	<p>independent interpersonal communications services (Part A), electronic communications networks (Part B), electronic communications services, other than number-independent interpersonal communications services (Part C), rights of use for radio spectrum (Part D) and rights of use for sources of Numbers (Part E)</p> <p>A. General Terms and Conditions that may be attached to a general authorization</p> <ol style="list-style-type: none"> 1. Administrative payments in accordance with Article 16. 2. Personal data and privacy protection, specific to the electronic communications sector in accordance with Directive 2002/58/EC 3. Information provided under a notification procedure, in accordance with Article 12 and for other purposes included in Article 21. 4. Enabling legal interception by national competent authorities in accordance with Regulation (EU) 2016/679 and Directive 2002/58/EC. 5. Terms of use for communications by public authorities with the general public, for warning the public of imminent threats and for mitigating the consequences of major disasters. 6. Conditions of use during major disasters or national emergencies to ensure communication between emergency services and authorities. 7. Access obligations other than those provided for in Article 13 that apply to enterprises providing electronic communications networks or services. 8. Measures designed to ensure compliance with the standards or specifications referred to in Article 39. 9. Transparency obligations for public electronic communications network providers providing publicly available electronic communications services to ensure end-to-end connectivity, in accordance with the objectives and principles set out in Article 3 and, where necessary and proportionate, access by competent authorities to 			<p>communications, in accordance with Chapter XIX of this Law;</p> <ol style="list-style-type: none"> c) the information that is submitted in the notification procedure according to Article 27, as well as for other purposes, as defined in Article 42 of this Law; ç) allowing interception by the competent authorities, defined in the legislation in force on the interception of telecommunications and in accordance with the legislation in force on the protection of personal data and with Chapter XIX of this Law; d) the conditions of use by public authorities of communications to the general public, for warning the public of imminent dangers and for measures to avoid major disasters; dh) conditions of use during major disasters or national emergencies, to ensure communication between emergency services and authorities; e).access obligations under this law that apply to entrepreneurs providing electronic communications networks or services; ë) measures designed to ensure compliance with the standards or specifications set out in Article 53 of this Law; f) obligations for transparency towards providers of publicly available electronic communications networks, for ensuring end-to-end interconnection, in accordance with the objectives of Article 5 of this Law and, where necessary and proportionate, the obligation to access information that is necessary to verify the accuracy of this Condition. <p style="text-align: center;">Article 30 Specific General Authorization Conditions</p> <ol style="list-style-type: none"> 4. The specific conditions that may be attached to a general authorization for the provision of electronic communications networks are as follows: <ol style="list-style-type: none"> g) the obligation to interconnect networks according to the provisions of this law; h) provisions on the carrying obligation, which is implemented in accordance with the Law on Audiovisual Media; i) measures for the protection of public health against electromagnetic fields, based on the legislation in force and the ICNIRP Guidelines, for the limitation of 		
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	<p>such information as is necessary to verify the accuracy of such disclosure.</p> <p>B. Specific conditions that may be attached to a general authorization for the provision of electronic communications networks</p> <p>1. Interconnection of networks, in accordance with this Directive.</p> <p>2. 'Must carry' obligations, in accordance with this directive.</p> <p>3. Measures for the protection of public health against electromagnetic fields caused by electronic communications networks in accordance with Union law, taking utmost account of Recommendation 1999/519/EC.</p> <p>4. Maintaining the integrity of public electronic communications networks in accordance with this Directive, including conditions to prevent electromagnetic interference between electronic communications networks or services in accordance with Directive 2014/30/EU.</p> <p>5. Security of public networks against unauthorized access in accordance with Directive 2002/58/EC.</p> <p>6. Conditions for the use of radio spectrum, in accordance with Article 7(2) of Directive 2014/53/EU, where such use is not subject to the granting of individual rights of use in accordance with Article 46(1) and Article 48 of this Directive.</p> <p>C. Specific terms that may be attached to a general authorization for the provision of electronic communications services, other than number-independent interpersonal communication services</p> <p>1. Interoperability of services in accordance with this directive.</p> <p>2. Accessibility by end-users of numbers from the national numbering plan, numbers from the UIFN and, where technically and economically possible, from the numbering plans of other Member States, and conditions in accordance with this Directive.</p> <p>3. Specific consumer protection rules for the electronic communications sector.</p> <p>4. Restrictions regarding the transmission of illegal content in accordance with Directive 2000/31/EC and restrictions regarding the transmission of harmful content in accordance with Directive 2010/13/EU.</p>			<p>exposure to electromagnetic fields, for the protection of people exposed to electromagnetic fields, when these conditions are different from those included in the general authorization.</p> <p>j) the maintenance and integrity of the electronic communications network in accordance with the applicable legal requirements, for the prevention of electromagnetic interference between electronic communications networks or services;</p> <p>k) security of public networks against unauthorized access, in accordance with the provisions of Chapter XIX of this Law;</p> <p>l) the conditions of use of frequencies, according to the provisions in the Technical Regulation for Radio Equipment approved by Decision of the Council of Ministers, when the use of frequencies is not subject to individual authorization, according to the provisions of this Law.</p> <p>5. The specific conditions that may be attached to a general authorization for the provision of electronic communications services, in addition to number-independent interpersonal communication services, are:</p> <p>a) interoperability of services in accordance with this law;</p> <p>b) access by the end-user of numbers according to the National Numbering Plan, numbers from International Universal Freephone Numbers (UIFN) and, where technically and economically possible, from numbering plans, according to conditions in accordance with this law.</p> <p>c) specific consumer protection rules for the electronic communications sector, including ensuring access for users with disabilities;</p> <p>ç) complying with restrictions regarding the transmissions of illegal content or harmful content, based on the legislation in force.</p> <p>d) The specific conditions of the general authorization according to points 1 and 2 of this article are established by AKEP, for electronic communications networks or services and they should not duplicate the conditions that apply to entrepreneurs by other legal acts in force.</p>		
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	<p>D. Terms that may be attached to rights of use for radio spectrum.</p> <ol style="list-style-type: none"> 1. Obligation to provide a service or use some type of technology within the limits of Article 45, including, as appropriate, coverage and quality of service requirements. 2. Effective and efficient use of radio spectrum in accordance with this directive. 3. The technical and operational conditions necessary for the avoidance of harmful interference and for the protection of public health against electromagnetic fields, taking utmost account of Recommendation 1999/519/EC, when these conditions are different from those included in the general authorisation. 4. Maximum duration in accordance with Article 49, subject to any change in the national frequency allocation plan. 5. Transfer or lease of rights on the initiative of the rightholder and the conditions for such transfer in accordance with this Directive. 6. Fees for rights of use in accordance with Article 42. 7. Any commitment that the company benefiting the rights of use has made in the framework of a process of renewal of the authorization or authorization, prior to the granting of the authorization or, where applicable, the invitation to apply for the rights of use. 8. Obligations to pool or share radio spectrum or allow access to radio spectrum for other users in specific regions or at the national level. 9. Obligations under relevant international agreements regarding the use of radio spectrum bands. 10. Specific obligations for an experimental use of radio spectrum bands. <p>E. Terms that may be attached to usage rights for counting resources</p> <ol style="list-style-type: none"> 1. Determination of the service for which the number will be used, including any requirements related to the provision of that service and, for the avoidance of doubt, the tariff principles and maximum prices that may be applied in the range of the specific number for the purposes of guaranteeing consumer protection in accordance with point (d) of Article 3(2). 2. Effective and efficient use of counting resources in accordance with this Directive. 			<p style="text-align: center;">Article 31</p> <p style="text-align: center;">Terms and conditions for rights of use for frequency spectrum</p> <p>In addition to what is provided for in the general authorization, the rights of use of frequencies are subject to the following conditions:</p> <ol style="list-style-type: none"> a) the obligation to provide a service or use a type of technology within the limits of Article 62 of this Law, and where necessary the requirements for coverage and quality of service. b) the technical and operational conditions for the avoidance of harmful interference and the protection of health from electromagnetic radiation according to the legislation in force, when these are different from those included in the conditions of the general authorization for the effective and efficient use of the radio spectrum under this law. c) the maximum duration of the rights of use of frequencies, in accordance with the provisions of Article 69 of this Law and the National Frequency Plan. d) the right to transfer or lease rights, on the initiative of their holder and the conditions for transfer under this Law. e) fees or payments for rights of use, in accordance with Articles 19 and 21 of this Law. e) any commitment that the entrepreneur has made in the authorization process for the acquisition of the right of use, or during the renewal of the authorization prior to the granting of the authorization or, as the case may be, in response to the invitation to apply for the rights of use. f) obligations to merge for shared use of the frequency spectrum or to allow access to the frequency spectrum, for other users in specific areas or at the national level. g) obligations under relevant international agreements, regarding the use of frequency spectrum bands. h) specific obligations for an experimental use of frequency spectrum bands. i) the conditions for the use of the frequency spectrum, where such use is not subject to the granting of individual rights of 	
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	<p>3. Requirements for the portability of numbers in accordance with this Directive.</p> <p>4. Obligation to provide end-user information of the public directory for the purposes of Article 112.</p> <p>5. Maximum duration in accordance with Article 94, subject to any changes in the national counting plan.</p> <p>6. Transfer of rights at the initiative of the rightholder and conditions for such transfer in accordance with this Directive, including any condition that the right of use for a number shall be binding on all enterprises to which the rights are transferred.</p> <p>7. Fees for rights of use in accordance with Article 95.</p> <p>8. Any commitment that the company receiving the rights of use has made during a competitive or comparative selection procedure.</p> <p>9. Obligations under relevant international agreements regarding the use of numbers.</p> <p>10. Obligations in relation to the extraterritorial use of numbers within the Union to ensure compliance with consumer protection and other rules related to numbers in Member States other than that of the country code.</p>			<p>use.</p> <p style="text-align: center;">Article 32 Terms of Use of Numbering</p> <p>In addition to what is provided for in the general authorization, the rights to use the numbering may be subject to the following conditions:</p> <ul style="list-style-type: none"> a) the definition of the service for which the number is used, including any requirements related to the provision of that service and, for the avoidance of doubt, the tariff principles and maximum prices that may be applied to a specific series of numbers, in order to protect the consumer in accordance with the provisions of point (c) of point 2 of Article 5, of this law. b) effective and efficient use of numbering resources, in accordance with this law. c) requirements for the implementation of number portability, in accordance with this law; ç) the obligation to provide information on the telephone counter to end-users, in relation to the implementation of Article 152 of this Law; d) the maximum duration in accordance with the provisions of Article 132 of this Law and the National Numbering Plan; dh) the transfer of the rights of use of numbering resources at the initiative of their holder and the conditions for such transfer in accordance with this Law, including any conditions that the right of use for a number shall be binding on all entrepreneurs to whom the rights have been transferred; e) payments for rights of use in accordance with Article 22 of this Law; ë) any commitment that the entrepreneur who receives the rights of use, has made during a competitive or comparative selection procedure, for the granting of the right of use; f) obligations under the relevant international agreements, in relation to the use of numbers. 		
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	<p style="text-align: center;">APPENDIX III CRITERIA FOR DETERMINING WHOLESALE PRICES FOR TERMINATION PHONE CALLS</p> <p>Principles, criteria and parameters for setting charges for termination of wholesale calls in fixed and mobile markets referred to in Article 75(1):</p> <p>(a) the tariffs will be based on covering the costs incurred by an efficient operator; the assessment of efficient costs will be based on actual cost values; The cost methodology for calculating cost-efficient will be based on a bottom-up modeling approach using long-term traffic-related incremental costs for the provision of wholesale voice termination service to third parties;</p> <p>(d) costs related to additional network capacities shall be included only to the extent that they are necessary for increasing capacity for the purpose of carrying the additional termination traffic of the majority;</p> <p>(b) The relevant additional costs of the wholesale voice termination service shall be determined by the difference between the total long-term costs of an operator offering its full range of services and the total long-term costs of that operator that does not provide a wholesale voice calling service to third parties.</p> <p>(c) only those traffic-related costs, which would have been avoided in the absence of the provision of a wholesale voice service, will be allocated to the relevant termination increase;</p> <p>(d) the costs related to the additional network capacity will be included only to the extent that they are driven by the need to increase capacity for the purpose of carrying additional wholesale voice termination traffic;</p> <p>(e) radio spectrum tariffs will be excluded from the increase in mobile voice interruption;</p> <p>(f) only those wholesale commercial costs directly related to the provision of wholesale voice termination service to third parties will be included;</p> <p>(g) all fixed network operators shall be deemed to provide voice termination services at the same unit costs as the efficient operator, regardless of their size;</p> <p>(h) for mobile network operators, the minimum efficient rate shall be set at a market share not lower than 20%;</p>	2	Annex 2	<p style="text-align: center;">ANNEX 2</p> <p style="text-align: center;">CRITERIA FOR THE DETERMINATION OF WHOLESALE VOICE TERMINATION RATES</p> <p>Criteria for the determination of rates for wholesale voice termination on fixed and mobile markets referred to in Article 100/1 of this law are as following:</p> <p>a) rates shall be based on the recovery of costs incurred by an efficient operator; the evaluation of efficient costs shall be based on current cost values; the cost methodology to calculate efficient costs shall be based on a bottom-up modelling approach using long-run incremental traffic-related costs of providing the wholesale voice termination service to third parties;</p> <p>b) the relevant incremental costs of the wholesale voice termination service shall be determined by the difference between the total long-run costs of an operator providing its full range of services and the total long-run costs of that operator not providing a wholesale voice termination service to third parties;</p> <p>c) only those traffic-related costs which would be avoided in the absence of a wholesale voice termination service being provided shall be allocated to the relevant termination increment;</p> <p>d) costs related to additional network capacity shall be included only to the extent that they are driven by the need to increase capacity for the purpose of carrying additional wholesale voice termination traffic;</p> <p>e) radio spectrum fees shall be excluded from the mobile voice termination increment;</p> <p>f) only those wholesale commercial costs shall be included which are directly related to the provision of the wholesale voice termination service to third parties;</p> <p>g) all fixed network operators shall be considered to provide voice termination services at the same unit costs as the efficient operator, regardless of their size;</p> <p>h) for mobile network operators, the minimum efficient scale shall be set at a market share not below 20%;</p> <p>i) the relevant approach for asset depreciation shall be economic depreciation; and</p>	F	
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	<p>(i) the relevant approach to asset depreciation will be economic depreciation; and</p> <p>(j) The choice of technology of the modeled networks will be forward-looking, based on a basic IP network, taking into account the different technologies that may be used during the period of validity of the maximum rate; In the case of fixed networks, calls will be considered to be exclusively packet-switched.</p>			<p>j) the technology choice of the modelled networks shall be forward looking, based on an IP core network, taking into account the various technologies likely to be used over the period of validity of the maximum rate; in the case of fixed networks, calls shall be considered to be exclusively packet switched.</p>		
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