

**Përgjigje pyetjeve të Raportuesit Special të OKB-së
për promovimin e lirisë së opinionit dhe shprehjes**

1. Laws, regulations and other measures (including where applicable contractual arrangements and extra legal action) that may permit authorities to require Telecommunications and Internet Service Providers to:

- a) Suspend or restrict access to websites or Internet and telecommunications networks*
- b) Provide or facilitate access to customer data*

Telecommunication sector in Albania is regulated by the Law no 9918, dated 19.5.2008 "On electronic communication in the Republic of Albania" amended. The scope of this law is to promote competition and efficient infrastructure through technology neutrality principle in electronic communications and to ensure the right and adequate services in the territory of the Republic of Albania. The content regulation is not covered specifically by this law. There is no any specific provision in this law that may permit authorities to require Telecommunications and Internet Service Providers to suspend or restrict access to websites or Internet and telecommunications networks, provide or facilitate access to customer data. Under the general authorisation regime of licensing, the law determines in article 15. paragraph e) as part of general conditions of authorisation, restriction in content transmission in case it violates the legal framework.

In addition the article 108 of the law determines the "Restriction or Interruption of Access" related with technical issues. In addition the article 109, forecasts the disconnection of a subscriber if the subscriber fails to settles his or her liabilities or conditions of the contract. In any case the subscriber is requested by the law to be informed in advance for the disconnection, besides the cases when the disconnection is related with serious threat to public order and safety or health and environment.

Regarding the provision of customer data there are a number of provisions under the chapter XV of the law in order to guarantee the privacy and data protection in electronic communication, article 121 "Data Confidentiality", article 122 "Protective measures", article 123, "Communication Confidentiality", article 124 "Traffic communication data", article 126 "Location data" article 129 "Subscriber Data" etc. This chapter of law is in conformity with 2002/58/EC directive (e-privacy directive). While data retention for the penal proceedings purposes is forecasted in article 101 of the law.

The information society services and e-commerce in Albania are regulated by Law No. 10128 dated 11.5.2009, "e-commerce Law" amended. This law in articles 15-17 determines the liabilities of intermediaries in provision of information society services in conformity with articles 12-14 of e-commerce directive (2000/31/EC directive). Based on the article 19 "Cessation or prevention of violations" the service provider is required to terminate or prevent an infringement, if requested by the court or by the competent authorities, in accordance with the legislation in force.

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2. Laws, regulations and other measures (including where applicable contractual arrangements and extra legal action) on the public disclosure of requests made or actions taken to (a) suspend or restrict access to websites and telecommunications networks and the requests to provide or (b) facilitate access to customer data.

There is no any specific regulation on that issue.

3. Laws, regulations and other measures (including where applicable contractual arrangements and extra-legal action) governing the activities of private entities that provide network components or related technical support, such as network equipment providers, submarine cable providers and Internet exchange points

The main legislation related with governing the activities of private entities that provide network components or related technical support, such as network equipment providers, submarine cable providers and Internet exchange points is the Law no. 9918 dated 19.5.2008 "On electronic communication in the Republic of Albania" amended.

Based on this law there are a number of sub legal acts approved from the Government and from AKEP (Electronic Communication and Postal Authority) on licensing, interconnections, market analysis, frequencies, payments, tariff regulations, type approval, network security measures etc.

4. Remedies available in the event of undue restrictions on Internet and telecommunication access or undue access to customer data.

The dispute resolution between the undertakings and subscribers in the electronic communication law is forecasts in article 120/1. The first level of appeal is to AKEP and after that to the court. Law no. 10128 /2009 on e-commerce forecasts the dispute resolution in article 24 first with agreement between parties and further to court.

5. Other relevant laws, policies to promote or enhance Internet accessibility and connectivity, including measures to promote network neutrality.

Albanian Government, Albania has approved a new Digital Agenda Strategy on April 2015, with three main priorities:

1. development of electronic and interactive provision of public services for citizens and businesses
2. development of ICT infrastructure and electronic communications in all sectors
3. establishment of National Geospatial Data Infrastructure (NSDI)

The broadband connectivity is one of the main priorities. Albania has adopted a National Broadband Plan in line with international and regional commitments for broadband development. The policies undertaken for liberalization, privatization of state owned companies and for opening the ICT market for competition, lead to lower prices, more affordable services and also to increase the use of Internet and ICT.

Based on the recent figures the Internet users in Albania is over 63%. Mobile telephony penetration is about 120%, mobile coverage is about 100%. Mobile broadband with LTE is offered and currently the penetration of mobile broadband users is about 50% of population. Fixed

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broadband increased year by year, actually 33% of households are connected with fixed broadband access.

Regarding net-neutrality the law in force (Law no 9918 dated 19.5.2008 On electronic communication in the Republic of Albania) in article 108, 109 treats the cases of restriction of the access as it is mentioned above, while in article 99 the law determines the obligation of undertakings to inform the subscriber for any traffic management policy, or limitations in cases of overload traffic.

We are familiar with the Recommendation CM.Rec (2016)1 of the Committee of Ministers of CoE member states on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality, approved on 13th of 2016, and we are working to implement it, in cooperation with regulatory body in order to adopt any further legal or regulatory measure which is needed to guarantee the net-neutrality.

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