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The International Comparative Legal Guide to: Telecommunication Laws and Regulations 2012

A practical cross-border insight into telecommunication laws and regulations

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DLA InterJuris Abogados, S.C.
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Deputy Publisher

George Archer

Publisher

Richard Firth

Published by

Global Legal Group Ltd.
59 Tanner Street
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Tel: +44 20 7367 0720
Fax: +44 20 7407 5255
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Albania

Sokol Elmazaj



Boga & Associates

Artila Rama



1 Framework

1.1 What are the overall policies and objectives for the electronic communications industry and have these been published in draft or final form? What legislation is relevant to telecommunications and radio frequencies?

The electronic communication industry in Albania revamped in 2008 due to the new Law no. 9918 “On Electronic Communications in Republic of Albania” (the “Law”). This Law aims to be in line with the regulatory package of the European Union on electronic communications (2002), based on the commitments made by Albania under the Stabilisation and Association Agreement, approximating this legislation with that of the European Community member countries.

The Law introduces the principle of ‘*technology neutrality*’, based on the efficiency of the electronic communications infrastructure, promoting the competition among the market players of the electronic communications in Albania. The content of the electronic communications and the radio television broadcasting transmission services are not subject to the Law.

The legal framework governing the telecommunications and radio frequencies in Albania is mainly the following:

- Law no. 9918 dated 19.05.2008 “On Electronic Communications in Republic of Albania” (i.e. the Law).
- The Council of Ministers Decision no. 379 dated 31.05.2001 “On approval of the national plan of radiofrequency”.
- The Council of Ministers Decision no. 582 dated 21.08.2003 “On the approval of the methodology of the tariffs settings of the operator having significant power market offering public telephony services and leasing lines”.
- The Council of Ministers Decision no. 288 dated 18.06.1999 “On the approval of the development policy of the telecommunication sector in Republic of Albania”, as amended.

1.2 Is Albania a member of the World Trade Organisation? Has Albania made commitments under the GATS/GATT regarding telecommunications and has Albania adopted the WTO Basic Telecommunications Agreement?

Albania became the 138th member of the World Trade Organisation on 08.09.2000. According to the ‘Protocol of Accession of Albania’ to the Marrakesh Agreement establishing the World Trade Organisation, Albania made commitments under the General Agreement on Trade on Services “GATS” and General Agreement on Tariffs and Trade 1994 “GATT 1994”. Anyhow, this Protocol

provides that Albania may maintain a measure inconsistent with GATS/GATT (article I paragraph 4).

Further, the ‘Report of the Working Party on the Accession of Albania to the World Trade Organisation’ provides that the commitments undertaken by Albania in telecommunication services are based on the scheduling principles provided by the following documents: (i) Notes for Scheduling Basic Telecom Services Commitments (S/GBT/W/2/REV.1); and (ii) Market Access Limitations on Spectrum Availability (S/GBT/W/3).

1.3 How is the provision of electronic communications networks or services regulated? Is the provision of electronic communications networks or services open to competition in Albania?

The Providers of electronic communication services are eligible to offer networks and electronic communications services upon *General and/or Individual Authorisation* (replacing the licensing procedure of the former telecommunications Law). General Authorisation comprises all and any kind of electronic communications networks and services that do not involve the Provider’s use of frequencies and numbers. Whilst Individual Authorisation is granted to those providers whose activity involves the use of frequencies and numbers, this would be subject to the availability of frequencies and serial numbers and to those considerations and restrictions explained in our response to question 2.1 below.

As mentioned in our comments under question 1.1 above, the Law’s main objective is to promote competition, creating an open market of the electronic communications services based on the principles of non-discrimination and transparency.

1.4 Which are the regulatory and competition law authorities? How are their roles differentiated? Are they independent from the government?

The government authorities supervising the electronic communication market are: (i) the Electronic Communications and Mail Authority; and (ii) the Albanian Competition Authority (according to Law 9121 dated 28.07.2003 “On protection of competition”).

The Electronic Communications and Mail Authority (hereinafter the “Authority”), previously known as the Telecommunications Regulatory Entity, is the regulatory body which supervises both the electronic communications and mail services market (i.e. the mail service shall be subject to a separate Law). The Authority encourages the competition ensuring to all categories of users

qualified electronic communications services, subject to tariffs non-superior to the average tariffs applicable in the European Union countries. According to the Law, the Authority should conduct its activity and run its duties based on the principles of transparency, non-discriminatory and proportional rights, conditions and procedures regarding the providers of networks and electronic communication services.

The Authority is obliged by the Law to cooperate with the Albanian Competition Authority for the issues relating to applicability of competition Law affecting the market of electronic communications and the mail services (article 12 of the Law).

These authorities are both independent governmental agencies.

1.5 Are decisions of the national regulatory authority able to be appealed? To which court or body?

Decisions of the Authority may be appealed before the Authority Board of Directors within 10 days; the Board then has to make a decision within 30 days from the filing of the appellant. The decision of the Authority Board of Directors may be appealed within 30 days before the competent district court (i.e. a first instance court).

2 Authorisation

2.1 What types of general and individual authorisations are used in Albania?

As mentioned in question 1.3 above, the Providers are free to offer networks and electronic communications services upon: (i) General Authorisation; and (ii) Individual Authorisation following each of this processes:

- (i) *General Authorisation*: Through written notification addressed to the Authority along with certain required documents, in case the offer of networks and electronic communication services does not require use of end-resources (numbers and frequencies). The Authority registers the Provider in the electronic database within 15 days from the notification confirming this registration in writing to the Provider. The registration is considered done, in cases where the Authority does not reply to the applicant within the period of 15 days (i.e. tacit approval).
- (ii) *Individual Authorisation*: After notification and granting the right to use the end-resources in case the offer of networks and electronic communication services requires such resources. The Authority issues the Individual Authorisation for the use of frequencies and numbers based on the Plan of the Frequencies Utilisation and Plan of the Numbers Utilisation.

The Provider submits to the Authority the application for being equipped with the individual authorisation for the use of frequencies and numbers along with certain required data and documents. The Authority is obliged to provide for such authorisation within 30 days from the application date, unless it is refused based on certain criteria provided by the Law, which mainly relates to dangerous interferences on electronic and electric equipment, harmful to the public order or national security.

No costs are provided in Law for these authorisations.

2.2 Please summarise the main requirements of Albania's general authorisation.

General Authorisation comprises all and any kind of electronic communication networks and services that do not involve use by the Provider of frequencies and numbers.

As regards General Authorisation, the Authority has imposed certain requirements on the followings:

- a) financial contribution on the financing of the universal service;
- b) interaction of services and networks interconnection;
- c) insuring the availability and use of numbers by the numeration plan for the end users, including the conditions for such use;
- d) environmental protection, urban planning, access into the immovable properties, including their use, joint placement/installation or use of the equipments, including, if applicable, any kind of financial or technical guarantee that may be necessary for the performance of the activity;
- e) protection of the personal data and privacy;
- f) consumer's protection;
- g) restrictions in the transmission of the content, in case the legal framework is affected;
- h) information to be submitted: (i) during the notification procedure provided by the Law in such regard; or (ii) during the procedure for obtaining the end-resources right of use (frequencies and numeration);
- i) allowance of surveillance by the competent authorities determined by the legislation in force on telecommunications surveillance and implementation of the obligations deriving from the said legislation;
- j) conditions for the offering of the electronic communications network in case of an emergency or occurrence of war;
- k) protection of the citizens against harmful actions of electromagnetic radiation, spread by the electronic communications;
- l) obligation for offering access;
- m) maintenance of the public communications networks integrity and prevention of electromagnetic interferences between the electronic communication networks or services;
- n) protection of the public communications network against the unauthorised access;
- o) use of frequencies by insuring the efficient use of the frequencies spectrum and prevention of the harmful interferences; and
- p) obligation to fulfil the standards and technical specifications of the networks, services and accompanying facilities in accordance with the Law.

2.3 In relation to individual authorisations please identify their subject matter, duration and ability to be transferred or traded.

Individual Authorisation is granted to those Providers whose activity involves use of frequencies and numbers. Individual Authorisation would be subject to availability of the said frequencies and serial numbers and certain considerations and restrictions. The procedure for obtaining individual authorisation is mentioned under question 2.1 above. As regards the duration of the Individual Authorisation, kindly note that such authorisation is granted by the Authority for a period of time not exceeding 15 years. The Authority grants Individual Authorisations for the following purposes of use: (i) movable, air, maritime services which have duration up to the moment of the suspension of their use; (ii) use of frequencies for research, measurements and testing purposes of radio-communication equipments for a restricted cover area and for a period not exceeding 90 days; and (iii) use of frequencies for special events for a time period not exceeding 60 days.

The validity of Individual Authorisation may be extended upon a request addressed to the authority by the holder of the said

authorisation (the Provider). The validity of the authorisation for the use of frequencies granted for research, measurements and testing purposes of radio-communication equipments purposes, as well as for special events, may not be extended.

As regards the transfer and trade, it should be noted that the Law prohibits the trade of Individual Authorisation while the transfer must be made upon prior approval by the Authority. The holder of the Individual Authorisation should address the written request to the Authority for the transfer. The Authority pursues verification on the proposed transferee in order to prevent any distortions of the electronic communications market and ensure the efficiency of the electronic network and services and to protect the public interest.

3 Public and Private Works

3.1 Are there specific legal or administrative provisions dealing with access and/or securing or enforcing rights to public and private land in order to install telecommunications infrastructure?

The Law (article 93) recognises in principle the right to the Provider to use and access both private and state-owned properties for passing through the network infrastructure and/or settlement of the electronic communication equipments and/or their maintenance. In the case of a private-owned property, the Provider's rights of use and access would be agreed upon between the property owner and the Provider, subject to an agreement.

Before starting the construction works on the public-owned plot of lands and premises, the Provider must inform the respective authorities and respect the rules set on by the same Law, including but not limited to environment protection. The Law does not address clearly how the right of access and/or use of a state-owned property would be recognised practically to the Provider.

The Providers must use private properties (land, objects) in agreement with their owners according to the applicable Laws. In case of damages to the private property from the instalment and/or maintenance of the electronic communication equipment, the Provider is obliged to remunerate such damages to the owner.

3.2 Is there a specific planning or zoning regime that applies to the installation of telecommunications infrastructure?

The Law is silent on application of a specific planning or zoning regime; nevertheless the Provider must construct networks of electronic communications in accordance with the applicable Laws on urban planning, constructions and environmental protection. This means that before starting to construct its network infrastructure, the Provider needs to obtain the relevant information from the local authorities (i.e. Municipality or Commune).

3.3 Are there any rules requiring established operators to share their infrastructure, e.g. masts, sites, ducts or cables (i.e. dark fibre)? Are there any proposals to mandate 'passive access' to such basic infrastructure?

The Providers of the public electronic communication networks are required to provide for joint utilisation/shares of the facilities and assets for the purpose of respecting the urban planning and environmental protection when constructing/installing their networks. The Providers of public electronic communication networks are obliged by Law to enter into agreements for joint utilisation of the facilities and assets based on an applicable fee. The Provider may refuse to enter into agreement for joint utilisation

in case the joint utilisation is technically impossible or the party requiring such joint utilisation refuses to pay the applicable fee. In both events, the Authority resolves on settlement of the dispute.

4 Access and Interconnection

4.1 How is network-to-network interconnection and access mandated?

The Providers of the public electronic communication networks must provide an access and interconnection offer to other Providers (which possesses a valid General Authorisation issued by the Authority), within 30 days of receiving the due payment, in order to ensure communication between end users and offer service interoperability to the whole community.

Providers have the right to negotiate and enter into a written agreement for access and interconnection. The offer for access and interconnection and the executed interconnection agreement must be filed with the Authority (article 47).

4.2 How are interconnection or access disputes resolved?

The Providers of the public electronic communication networks have the right to negotiate and enter into a written agreement for access and interconnection. The offer for access and interconnection and the executed interconnection agreement must be filed with the Authority (article 47). In case the Providers fail to negotiate the terms of the access and interconnection agreement within 45 days from the request for such access and interconnection, any of the Providers may submit a request for dispute resolution to the Authority. The latest resolves and enforces the access and interconnection between the parties. The Providers might be subject to fines imposed by the Authority in case they refuse to comply with the order issued by the Authority on such regard.

4.3 Which operators are required to publish their standard interconnection contracts and/or prices?

The Providers of the public electronic communication networks, qualified by the Authority as Providers with Significant Market Power ("SMP"), are obliged to publish within 45 days from their appointment as SMP a reference offer for interconnection ("ROI") and access services and/or facilities, including the respective tariffs. The Law states that the Authority should determine the list of the SMP Providers at least every 2 (two) years. The followings providers are considered as SMP and bear the obligation to publish ROI and access services and/or facilities, including the respective tariffs: (i) Vodafone Albania Sh.A.; (ii) Eagle Mobile Sh.A.; and (iii) Albtelekom SH.A; Albanian Mobile Communication SHA.

The Authority supervises and imposes to the Providers with SMP to change the ROI, in case it observes that the ROI does not comply with principles of fairness, non-discrimination, transparency, reasonableness, and timeliness.

4.4 Looking at fixed, mobile and other services, are charges for interconnection (e.g. switched services) and/or network access (e.g. wholesale leased lines) subject to price or cost regulation and, if so, how?

Please refer to our comments in questions 4.3 above and 5.1/5.2 below.

4.5 Are any operators subject to: (a) accounting separation; (b) functional separation; and/or (c) legal separation?

The legal entities pursuing activities other than the offer of the services and/or the networks of the electronic communication services, but who own networks or offer services of electronic communications for private use, are obliged to notify the Authority and be equipped with General Authorisation, in case they decide to offer such networks and electronic communications services to the public according to the respective procedure provided by the Law as regards the General Authorisation. These legal entities are either obliged by the Law to keep on separate accounts the revenues coming for these services or to establish a new legal entity pursuing this specific activity.

Further the Providers with SMP are obliged to detail the cost separately for each service related to access and interconnection aiming to prevent the mutual unfair subsidy, therefore the SMP Provider must make their wholesale tariffs and the tariffs of internal transfers transparent (article 41 of the Law).

4.6 How are existing interconnection and access regulatory conditions to be applied to next generation (IP-based) networks?

The Law is silent on access regulatory conditions applicable to so-called next generation networks or IP-based networks.

4.7 Are owners of existing copper local loop access infrastructure required to unbundle their facilities and if so, on what terms and subject to what regulatory controls? Are cable TV operators also so required?

The Authority may request to the SMP Providers to unbundle the access to local loop. In such case the ROI must include: (a) network elements to which access is offered; (b) information concerning the locations of the physical access sites and the availability of local loops in specific parts of the access network; (c) technical conditions related to access and use of local loops, including the technical characteristics of the lines in the local loop; and (d) restrictions procedures (article 52.7 of the Law). The television broadcasting transmission services are not governed by this Law.

4.8 Are there any regulations or proposals for regulations relating to next-generation access (fibre to the home, or fibre to the cabinet)? Are any 'regulatory holidays' or other incentives to build fibre access networks proposed? Are there any requirements to share passive infrastructure such as ducts or poles?

The Law is silent on provisions regarding next-generation access (fibre to the home, or fibre to the cabinet) and/or incentives to build fibre access networks and to the best of our knowledge there are no regulations proposed on such regard by the competent authorities so far.

5 Price and Consumer Regulation

5.1 Are retail price controls imposed on any operator in relation to fixed, mobile, or other services?

The Authority controls both the retail and wholesale prices. In case findings from the analysis performed on the access and interconnection market (i.e. the whole sale market) and on the end-

users/consummator market (i.e. the retail market) show that there is no effective competition, which means the SPM Provider(s) has applied unjustified expensive or cheap tariffs in disfavour to the end users, the Authority may resolve on the adjustment of such price/tariff.

5.2 Is the provision of electronic communications services to consumers subject to any special rules and if so, in what principal respects?

Providers set up the tariffs of the electronic communication services based on the principles of cost-orientation, non-discrimination of the end users and prevention of non-competitive behaviour in the electronic communications and services market. Nevertheless, the Authority reserves the right to adjust or impose the tariffs of electronic communications services, as mentioned in question 5.1 above.

6 Numbering

6.1 How are telephone numbers and network identifying codes allocated and by whom?

The telephone numbers and the network identifying codes are allocated by the Authority which is in charge of administering the Plan of Numbering, as well as ensuring the efficient use of the numbers/serial numbers by the Providers of the electronic communication services.

6.2 Are there any special rules which govern the use of telephone numbers?

The use of numbers and the serial numbers must have prior approval of the Authority. The Provider of the public electronic communications networks and services must submit a request to the Authority to be provided with numbers/serial numbers. The Provider is obliged to deliver to Authority the numbers/serial numbers in case of non-utilisation of such numbers. Further, the Provider may not transfer, lease the numbers/serial numbers without prior approval by the Authority and they are obliged to use such numbers/serial numbers only for the purpose for which are granted.

6.3 How are telephone numbers made available for network use and how are such numbers activated for use by customers?

The Law is silent on the procedure of number activation for use by the customers. However, the customer (either prepaid or post-paid) must be subscribed with any of the Providers in the electronic communications market and register its own identity in order to have the number activated for use.

6.4 What are the basic rules applicable to the 'porting' (i.e. transfer) of telephone numbers (fixed and mobile)?

The Providers (mobile and fixed) of the public electronic communication services and networks offer to their subscribers the possibility of number porting. The porting of numbers is not applicable from the public networks of fixed electronic communications to public networks of mobile electronic communications.

The Providers may charge the subscriber or the other Providers for the transfer/porting of telephone numbers. Such charge must be cost-oriented and must not serve as an obstacle for the subscriber to use the service of number porting.

7 Submarine Cables

7.1 What are the main rules governing the bringing into Albania's territorial waters, and the landing, of submarine cables? Are there any special authorisations required or fees to be paid with respect to submarine cables?

The Law and the regulations of Authority are silent to the rules governing the bringing into Albania of territorial waters and the landing of submarine cables. However, reference is made to the provisions of the Albanian Maritime Code, upon which the installation of permanent submarine cables or platforms should have prior approval by the naval authorities and must not impede the circulation of the naval vehicles. Such installation must be reflected in the naval maps.

8 Radio Frequency Spectrum

8.1 Is the use of radio frequency spectrum specifically regulated and if so, by which authority?

The spectrum of frequency is considered in virtue of Law as a natural end-resource and is administered by: (i) the Electronic Communications and Mail Authority (i.e. the Authority) for the frequency spectrum determined for civil use, excluding the frequency spectrum for radio and television broadcasting which is administered by the National Council of Radio and Television; and (ii) the Ministries of Defence, and of Internal Affairs and the State Information Service (i.e. the intelligent service) for the frequency spectrum defined for the national security and the governmental services. The administration of the frequency spectrum by the above-mentioned authorities is based on the National Plan of Frequencies approved by Council of Ministers decision.

Based on the National Plan of Frequencies, the Authority compiles the Plan of Frequencies Utilisation for the frequencies under its administration. The Providers must use frequencies only after granting the individual authorisation by the Authority.

8.2 How is the use of radio frequency spectrum authorised in Albania? What procedures are used to allocated spectrum between candidates - i.e. spectrum auctions, comparative 'beauty parades', etc.?

The radio frequency spectrum is used by the individuals or legal entities only upon Individual Authorisation issued by the Authority. The procedure for obtaining *Individual Authorisation*: after notification and granting the right to use the end-resources in case the offer of networks and electronic communication services requires such resources. The Authority issues the Individual Authorisation for the use of frequencies and numbers based on the Plan of the Frequencies Utilisation and Plan of the Numbers Utilisation.

The Provider submits to the Authority the application for being equipped with Individual Authorisation for the use of frequencies and numbers along with certain required data and documents. The Authority is obliged to provide for such authorisation within 30 days from the application date, unless it is refused based on certain

criteria provided by the Law, which mainly relate to dangerous interferences on electronic and electric equipments, harmful of the public order or national security. No costs are provided in Law for these authorisations.

The right to use the frequencies is restricted only for non-availability and under the obligation to make efficient use of the said frequencies. In this case, the Authority grants the frequencies' right of use based on an open bid, following prior approval of the Minister in charge (article 66.2 of the Law).

8.3 Are distinctions made between mobile, fixed and satellite usage in the grant of spectrum rights?

The Law does not make a distinction between mobile, fixed and satellite usage when granting the spectrum rights.

8.4 How is the installation of satellite earth stations and their use for up-linking and down-linking regulated?

The Law is silent on regulation and installation of satellite earth stations and their use for up-linking and down-linking.

8.5 Can the use of spectrum be made licence-exempt? If so, under what conditions?

The Law makes exceptions for use of the frequencies for the purpose of national defence and security. Such use of frequencies does not require the individual authorisation of Authority.

8.6 If licence or other authorisation fees are payable for the use of radio frequency spectrum, how are these applied and calculated?

According to the Law (i.e. articles 78 and 119.2), the use of a radio frequency spectrum is subject to fees to be approved by the Council of Ministers Decision. As of today, the Council of Ministers has not decided on such regard.

8.7 Are spectrum licences able to be traded or sub-licensed and if so on what conditions?

The Law prohibits the trade of licences while the transfer must be made upon prior approval by the Authority.

It is to be noted that the Law is silent on the transfer of the General Authorisation while it prohibits the transfer of the Individual Authorisation, i.e. meaning the right to use a frequency and/or number without prior approval by the Authority. The holder of the Individual Authorisation should address the written request to the Authority for the transfer. The Authority pursues verification on the proposed transferee in order to prevent any distortions of the electronic communications market and ensures the efficiency of the electronic network and services and to protect the public interest.

However, Providers under General Authorisation are obliged to provide the Authority with all the information amending the data deposited with an electronic database held by the Authority, within 30 days from the date of such amendment(s) (article 14.4 of the Law).

9 Data Retention and Interception

9.1 Are operators obliged to retain any call data? If so who is obliged to retain what and for how long? How are data protection (privacy rules) applicable specifically to telecommunications implemented in Albania?

The Providers of electronic communication networks and services are obliged to retain and administer the data files of their subscribers up to 2 years. Such files should contain: (i) the data to enable the full identification of the subscriber; (ii) the identification of the end point equipment; (iii) the time, date and duration of the communication; and (iv) the called number. All these files upon request must be available to the authorities determined in the Albanian Penal Procedure Code.

There is no specific Law applicable for data protection of the telecommunication services. Providers are obliged to maintain and comply with the provisions of Law no. 9887 dated 10.03.2008 "On personal data protection".

9.2 Are operators obliged to maintain call interception (wire-tap) capabilities?

No. The Law does not foresee any Provider's obligation to maintain capabilities for call interception (wire-tap).

9.3 What is the process for authorities obtaining access to retained call data and/or intercepting calls? Who can obtain access and what controls are in place?

The lawful interception of the electronic communications in Albania must be done in accordance with the applicable Laws (i.e. the Albanian Penal Procedures Code, articles 221 to 226). The Providers of the services and networks of electronic communications should abide with such Laws.

According to Law 9157 dated 04.12.2003 "On telecommunication interception", the State Intelligent Services (SHISH) and the State Police authority are legible to obtain access and intercepting calls based on the request for access and interception addressed to the Albanian General Prosecutor.

The General Prosecutor based on the request of the Head of State Intelligent Services and/or Minister of Internal Affairs, and/or Minister of Justice decides to approve the interception of telecommunication calls. The decision of the General Prosecutor for call interception is valid for up to three months.

The Providers of electronic communications services are obliged by the same Law to provide, free of charge, the respective infrastructure enabling the above-stated authorised authorities to intercept calls.

10 The Internet

10.1 Are conveyance services over the internet regulated in any different way to other electronic communications services? Which rules, if any, govern access to the internet at a wholesale (i.e. peering or transit) and/or retail (i.e. broadband access) level? Are internet service providers subject to telecommunications regulation?

The Law does not regulate the internet in a different way to other electronic communication services. By virtue of the Law, the internet is considered to be one of the components of the electronic communication services.

10.2 How have the courts interpreted and applied any defences (e.g. 'mere conduit' or 'common carrier') available to protect telecommunications operators and/or internet service providers from liability for content carried over their networks?

To the best of our knowledge, we are not aware so far of any courts interpretation on such regard. Further, the Law is silent on protection of the Providers (both telecommunications and internet services Providers) from the liability for content carried over their networks.

10.3 Are telecommunications operators and/or internet service providers under any obligations (i.e. provide information, inform customers, disconnect customers) to assist content owners whose rights may be infringed by means of file-sharing or other activities?

There are no provisions in Law obligating the Providers to assist content owners whose rights is/or may be infringed by means of file-sharing or other activities.

10.4 Are telecommunications operators and/or internet service providers able to differentially charge and/or block different types of traffic over their networks? Are there any 'net neutrality' requirements?

There are no provisions in Law obliging the Providers to differently charge and/or block different types of traffic over their networks, nor any 'net neutrality' requirements.

10.5 How are 'voice over IP' services regulated?

There are no provisions in Law regulating voice over IP services.

10.6 Are there any rules to prevent, restrict or otherwise govern internet or email communications, in particular, marketing and advertising communications?

According to the Law, email communications for marketing/advertising purposes is allowed only following prior approval of the end-users.

The Law prohibits emails for marketing purposes not bearing, or hiding, the identity of the sender, (or missing the address, or such address is not valid,) where the recipient may request discontinuance of such email.

11 USO

11.1 Is there a concept of universal service obligation; if so how is this defined, regulated and funded?

The Law ensures that universal service is the provision of a defined minimum set of services to all end users in Albania territory, independently of geographical location, at an affordable price. The Authority elects one or more providers of the universal services, based on the open bid procedure. The Provider/s of the universal service are obliged to ensure that the end users can make and receive local, national and international telephone calls, facsimile communications and data communications for a bandwidth not less than 32kbit/s, at rates that are sufficient to permit functional Internet access and the possibility of the detailed billing of the services provided.

The Provider/s of the universal services is eligible of compensation from funds administered by the Authority in case the service offered creates unfair additional costs.

12 Foreign Ownership Rules

12.1 Are there any rules restricting direct or indirect foreign ownership interests in electronic communications companies whether in fixed, mobile, satellite or other wireless operations?

The Law does not provide restrictions relating to direct or indirect foreign ownership interest in the electronic communications companies.



Sokol Elmazaj

Boga & Associates
Deshmoret e 4 Shkurtit
P.O Box 8264
Albania

Tel: +355 4 2251 050
Fax: +355 4 2251 055
Email: selmazi@bogalaw.com
URL: www.bogalaw.com

Mr. Elmazaj is a partner at Boga & Associates, which he joined in 1996. He has acquired excellent experience in commercial/corporate, telecommunication, competition, energy, litigation, IP issues, banking and finance, mergers and acquisition, real estates, etc.

He managed a number of due diligences for international clients considering to invest in Albania in the fields of industry, telecommunications, banking real estate, etc.

In the field of telecommunication, he has build a vast experience in managing telecommunication projects including licensing and regulatory issues, network build, diverse contractual matters, etc.

Mr. Elmazaj has a strong litigation practice representing international clients in all courts levels in Albania regarding a vast variety of business law disputes.

He has also managed several investment projects in Kosovo jurisdiction including international clients operating in telecommunication, energy and real estate.

Mr. Elmazaj graduated from Faculty of Law at the University of Tirana, Albania (1996). He is an Albanian native and speaks excellent English and Italian and is admitted to practice law in Albania and Kosovo.

13 Future Plans

13.1 Are there any imminent and significant changes to the legal and regulatory regime for electronic communications?

To the best of our knowledge there are no imminent and significant changes to the legal and regulatory regime for electronic communication in Albania.



Artila Rama

Boga & Associates
Deshmoret e 4 Shkurtit
P.O Box 8264
Albania

Tel: +355 4 2251 050
Fax: +355 4 2251 055
Email: arama@bogalaw.com
URL: www.bogalaw.com

Ms. Rama has gathered sound experience in telecommunication, energy, corporate/commercial, environment, real estate, water administration issues, etc.

She has been involved in several due diligence assignment at Boga & Associates on behalf of national and international clients investing in Albania and Kosovo mainly regarding projects in the fields of telecommunication, energy, real estate, etc.

Her expertise in telecommunication includes advising new entrant operators, mobile, fixed operators, rural operators and internet services providers, for both jurisdiction of Albania and Kosovo.

Ms. Rama graduated from Faculty of Law at the University of Tirana, Albania (2006) and is fluent in English and Italian.

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Global Legal Group
59 Tanner Street
London SE1 3PL
United Kingdom
Tel: +44 20 7367 0720
Fax: +44 20 7407 5255
Email: sales@glgroup.co.uk