

ELECTRONIC AND POSTAL COMMUNICATIONS AUTHORITY

ANNUAL
REPORT
2020

Body of European Regulators
for Electronic Communications
BEREC



UPU UNIVERSAL
POSTAL
UNION

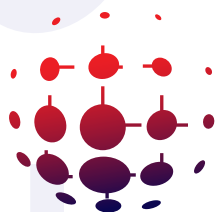


IRG INDEPENDENT
REGULATORS GROUP



European Conference of Postal
and telecommunications Administrations
48 European countries cooperating to regulate postal,
radio spectrum and communications networks



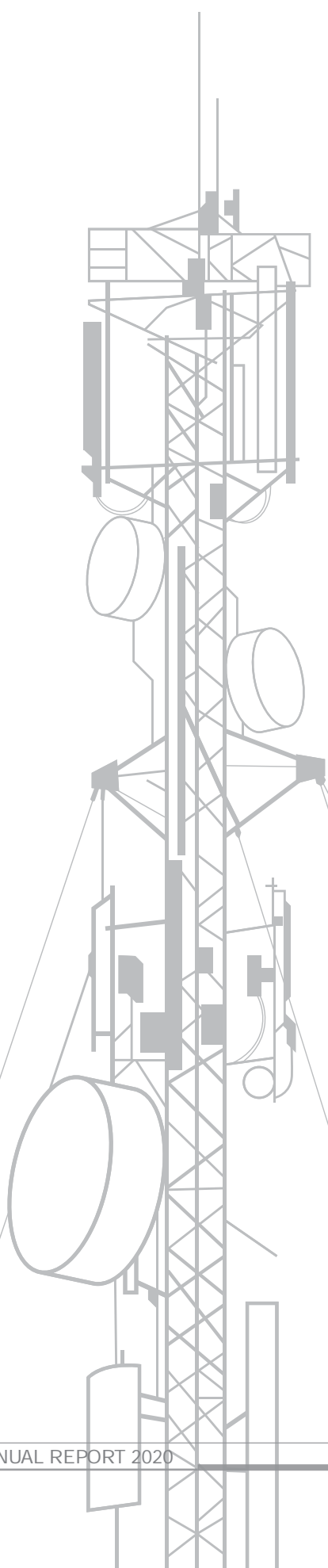


AKEP

ELECTRONIC AND POSTAL
COMMUNICATIONS AUTHORITY

2020 Annual Report

TIRANË 2021



PREAMBLE



Tomi Frashëri - AKEP CHAIRMAN

A few words from the AKEP Chairman

The submission and reporting of Annual Report to the Albanian Parliament, is a moment of truth and stock taking opportunity for the Electronic and Postal Communications Authority (AKEP). With the annual report, AKEP and its staff, in the quality of an independent institution, do not only endeavor to provide a clear overview of the activities of the year in the crucial telecommunications and postal communications sectors. The main goal is to provide a perspective of the sector dynamics, the impact of the activities in these sectors on the end user, and of the accountability in fulfilling institutional duties stemming from the normative framework and the resolution of the Albanian Parliament.

The extremely challenging year we just left behind, directly dictated the structure and methodology selected. In contrast with previous reports, the 2020 Report clearly prioritizes an analysis and reflection

of the sector transforming factors. Special efforts were made with regard to the readability and understanding of the data and facts addressed herein, for the content of this report to increasingly serve as guidance for the development of the electronic and postal communications sector in the Republic of Albania.

These efforts were clearly necessary in the context of the transformations and new developments ushered in by 2020 in the digital space, including here online services and e-commerce, which in turn affected postal services as well. The COVID-19 pandemic greatly accelerated transitional processes on the path to complete digitalization, overstepping classic regulatory frameworks and changing the approach to new communication and information technologies, under the pressure of new realities. One year after the outbreak of the pandemic, data show that globally the use of digital services by consumers and business has grown at a level of a five-year growth. In the American Continent, e-commerce in 2020 grew at such a pace that quarterly indicators equaled those of a ten-year growth in the sector. Closer to our home, Italy which to date had not been a pioneer in digitalization, achieved a growth spurt that was expected over the next 10 years. Compared to cash, electronic transactions grew to levels projected for the next two or three years, while a part of the healthcare services in developed countries grew 10 years in a single week, especially through

remote consulting¹.

Due to the prioritization of innovation and the digitalization process in recent years, Albania was not caught off guard when faced with the blocking or slowing effects of the pandemic in the financial, economic, education, sanitation and social sectors. Similarly, to the rest of the world, the use of electronic communications as an asset to continue working and intensify social interaction, in in our country as well. Consumption was translated into a growth of postal exchanges, including the provision of critical services through the post system. In other words, access to electronic and postal communications became just as critical as the supply of food and drugs, or health care provision in specialized facilities.

All this led to unforeseen short and midterm consequences in both Albania and the rest of the world. First and foremost, the development of broadband capacities became critically important for a comprehensive market that would provide both adequate geographic coverage, and sustainability and speed form a quality point of view. As is clearly detailed in the first part of this report, AKEP was careful for the pandemic not to become a cause for digital fracture in the current situation, and made efforts to allow every citizen, including those with modest income and disabilities, to have equal access and opportunities to use the internet.

From another perspective, AKEP was committed to reshape the main development strategies, the Broadband National Plan and the spectrum Strategy, which were developed by the Ministry of Infrastructure and Energy with AKEP assistance and international expertise, and were adopted last year with Council of Ministers decisions. The abovementioned documents are based on action plans focusing on a whole digital decade, which requires meaningful investment, especially by electronic communication operators, in partnership with public authorities. A encouraging sign in this aspect, which is also considered in this report, is the fact that regardless of decreasing revenue resulting from falling fixed and mobile telephony use, operators were committed to improve networks and introduce new technology with investments in considerably higher amounts in 2020 compared to 2019.

Today more than half (52%) of the population of the world has internet access, compared to 8% 20 years ago. 1.5 billion smartphones were sold globally in 2019. Today, the Internet of Things (IoT) connects some 22 billion devices in real time, with anything from vehicles to sanitation facilities, from power networks to water supply systems, from bake ovens to farm land irrigation systems².

Albania has closely followed the global trends in both internet connectivity quality and speed. Last year, Albania for the first time surpassed the benchmark of 500 thousand fixed broadband access

1 The Economist, Le monde en 2021, Tendances Trends, no. 52, 24 Décembre 2020, pp. 28-29.

2 K. SCHWAB, T. MALLERET, Covid-19: la grande réinitialisation, Forum Publishing, Genève, 2020, pp. 25-26.

subscribers, which translates to a 15% growth compared to 2019. In the latest ITU report, Albania is recognized as one of the countries with the fastest growth for internet from fixed networks per 100 inhabitants, with a penetration rate of 17.6 %, compared to the global rate of 15.2% ³. Broadband internet traffic from fixed networks reached some 600 million GB, or 32% more than 2019, which shows that subscribers to these services have used the network to systematically access their financial, information, social, and health services. Considering the massive spread of mobile telephony, the improvement of mobile internet quality and speed has also become a need that large telephony operators in the country are meeting progressively. Independent international reports have ranked some of these operators among the best quality network service providers in the world in 2020. The data volume transmitted through mobile internet networks peaked at some 89 million GB. Compared to 2019 this is a growth of approximately 28.6%. The development of 4G and 4G+ infrastructure and systems using the massive 800 Mhz frequency band is one of the main reasons for the considerable broadband performance improvement of these operators.

These transformations and many others reviewed and analyzed in this report have had interesting and sometimes disputable effects in the electronic and postal communications sector. AKEP has observed and addressed new and often innovative but also aggressive forms of competition in the mobile telephony market, which was traditionally considered to be focused on only a central function and to have relatively weak competition. On the other hand, the development of e-commerce that is still to be completely regulated has led to the exponential increase of postal service providers. Such phenomena have obligated the regulatory authority to intensify oversight in the relevant markets and to take the appropriate legal steps to ensure efficient transparency and free and fair competition. In this aspect, the report includes a detailed overview and analysis of the AKEP monitoring framework and activity.

Of note in 2020 are also a series of initiatives AKEP has undertaken with regard to partnerships to standardize, in accordance with the rule of law and legal obligations for network security and user privacy protection, the approach and the means to obtain safe networks and technologies in the framework of the future implementation of next generation technologies and networks. With the aim of ensuring the conditions for these efforts, AKEP has worked and continues to work with the Ministry of Infrastructure and Energy, AMA, ITU and other international experts to vacate the 700 Mhz broadband frequency by 1 July 2022, which will be exclusively used for digital purposes and to use broadband capacities for next generation networks. The development of a modern automated frequency management system last year, in accordance with the obligations stemming from the spectrum strategy, allows AKEP to effectively manage local assets and to be ready to undertake the administration of the critical 700 Mhz band.

Thanks to the work of our professional and dedicated staff, whom I would like to express my grat-

3 https://www.itu.int/pub/D-IND-DIG_TRENDS_EUR.01-2021

itude to, AKEP has been highly active despite the restrictions resulting from the pandemic. With its decision making, the Steering Board has concluded and finalized a series of analyses of mobile telephony wholesale markets and postal markets, and has adopted a series of critically important regulatory documents, among which of note is the Regulation “On the protection of public electronic communications services consumers and subscribers”, which for the first time focuses especially on promoting the rights of persons with disabilities.

As regards the internal organization performance and transparency, unlike previous years AKEP realized in full its investment and procurement procedures plans, despite the issues created by the force majeure resulting from the pandemic. The rigorous execution of the public procurement procedures for the relevant investments, led to savings of some 20 million ALL which were returned to the state budget.

In closing, even though difficult, 2020 did not stop AKEP from intensifying its cooperation with BEREC, the European Union Body of Regulators, from benefiting international consultancy and expertise in using the frequency it administers, and in improving the applicable normative framework while preparing for the transposition of the European electronic communications code. Even though adopted only at the end of July 2020, AKEP was also able to complete more than half of the recommendations made by the Albanian Parliament in its Resolution, by the close of 2020.

The AKEP objectives for 2021 are clear:

1. Driving investments focusing on sustainable digital development, improved service quality, and guaranteeing consumer rights;
2. Making the electronic communications and postal services sector more dynamic through fair and free competition in the market;
3. Promoting national assets, frequency bands and their efficient use in the framework of next generation technologies;
4. Standardizing network security and reliability of electronic communication services through safe providers and technologies;
5. Increasingly closer harmonizing with regulatory and functional independence requirements, in accordance with European Union standards.

In our work to meet these objectives, we are certain that as in the past and also in the future, AKEP will be able to count on the support of and fruitful cooperation with the Albanian Parliament.

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1. Current legal and regulatory framework

As provided by Law No. 9918, dated 19.5.2008 “On Electronic Communications in the Republic of Albania” as amended and Law No. 46/2015 “On Postal Services in the Republic of Albania”, the annual AKEP report is the document in which the institution reports on and is held accountable for the work done of the past year, while at the same time presenting the work program for the following year.

The activity of the authority, in the quality of the only regulatory body in the electronic and postal communications field, is regulated by Law No. 9918, dated 19.5.2008 “On Electronic Communications in the Republic of Albania” and Law No. 46/2015 “On Postal Services in the Republic of Albania”, and the relevant secondary legislation and regulatory acts issued under these laws.

The AKEP activity is also shaped by the entirety of the secondary legislation that provides for the sector development policies, and the regulatory acts adopted by the AKEP Steering Board, in the quality of the leadership body of the institution, the recommendations of the Parliament of the Republic of Albania, the European Commission and Parliament Directives, BEREC, ITU, ERPG acts, etc.

The legal framework concerning AKEP was not amended in the course of 2020.

However, considering the critical importance of the sector for digital economy development and the extraordinary evolution in a very short period of time, AKEP considers a legal framework that is adapted to the dynamics of the sector as highly necessary. In this context, legislative interventions in the existing applicable legal framework are considered as very relevant.

Considering the above and in light of the recommendation of the Parliament of the Republic of Albania, in 2020 AKEP undertook an exercise to clearly identify the issues in the current legislation as regards the following:

- Guaranteeing AKEP operational independence, based on the findings and instructions of the European Commission in its annual progress reports, and BEREC;
- Improving the performance and capacities of the AKEP regulatory and competition-driving missions, with regard to their legal, economic and engineering approach;
- Enhancing the driving and interaction capacities in the framework of increasing electronic communications investments, especially in the context of introducing

new 5G technologies in the market and using the relevant frequency spectra.

In this regard, AKEP has developed legal proposals in the form of legal and secondary legislation acts with the relevant support documentation, which will be followed by the relevant proposals to kick start the legislative process for the adoption of the legal changes, which will continue into 2021.

Over the reporting period, AKEP has greatly endeavored to achieve one of the goals set for 2020 regarding the update and standardization of the regulatory framework. However, this remains a challenge and a goal to be completed in 2021.

In 2020, AKEP completed the public consultation procedures for some of the most relevant regulations addressing the protection of both consumers and public electronic communication service users, and regulatory acts in the user rights protection field, which are closely related to technical aspects of the electronic communications sector. In addition public consultation was also concluded with regard to the update and improvement of acts related to the internal AKEP administrative activity.

In 2020, the Council of Ministers adopted two highly important secondary legislation acts regarding the sustainable broadband development National Plan and the Spectrum Policy.

AKEP provided its legal and technical expertise and was part of the technical working groups established by MIE for the development of this highly relevant acts for the sector. This was done in consultation with international bodies and institutions, and paying attention to best experiences and practices.

Both these acts have created fundamental tasks for AKEP, a portion of which the institution started to work on in the second half of 2020, while other relevant tasks will continue to be completed in the course of 2021.

DCM No. 434, dated 3.6.2020 “On the adoption of the 2020-2025 National Plan for the sustainable digital broadband infrastructure development” provides for the following tasks for AKEP:

- a) Improving the Broadband Atlas.
 - i. Including the infrastructure of all local operators currently missing in the ATLAS;
 - ii. Improving the data collection process, while increasing cooperation with local authorities, municipalities and institutions;
 - iii. Improving the ATLAS regulation.
- b) Improving coordination and cooperation among municipalities, ministries and regulatory entities regarding broadband network issues.
- c) Improving the existing infrastructure sharing:
 - i. Analyzing and addressing obstacles to infrastructure sharing;
 - ii. Regulating access to the backbone infrastructure;
 - iii. Developing an inventory of the passive infrastructure owned by the municipalities.
- d) Addressing whether broadband should be included in the Universal Service, in accordance with the New European Electronic Communications Code (EECC).
- e) Finalizing the Digital Dividend 2 Vacating.
- f) Analyzing and reviewing spectrum fees.

- g) Granting rights to use free frequencies in the 800 MHz band.
- h) Conducting the auction for the 3.5 GHz band in a timely manner.
- i) Analyzing relevant markets in relation to broadband and taking regulatory measures.

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DCM No. 636, dated 29.7.2020 “On adopting the multi-year plan for the spectrum policy and the relevant action plan” provides for such AKEP duties as:

- conducting innovative studies regarding granting use rights for the bands defined in the National Frequency Plan, including technical combinations among them, and on the prices for granting said use rights.
- promoting, in cooperation with MEI, access to broadband services using bands lower than 1 GHz in remote areas with low population density, defining relevant conditions for use.
- developing a unified joint inventory with AMA, regarding the radio spectrum used for commercial and public purposes.
- in cooperation with MIE and AMA, and based on the European Union practice, developing a methodology and conducting an analysis into technological tendencies, future needs and demand for radio spectrum in the relevant sectors, and especially with regard to services operating in the frequency interval between 400 MHz and 6 GHz, with the purpose of identifying important, potential or developing utilization of the radio spectrum.
- Updating cross-border agreements related to the frequency bands administered by AKEP, to ensure they include all main mobile and fixed services bands, in accordance with the international practice.

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2. The universal service status

The Status of Universal Services for electronic communications

The provision of universal services is a fundamental principle and an obligation stemming from the legal framework.

The provision of this service consists in a minimum level of services, which should be available to users across the territory of the Republic of Albania regardless of geographic location, at a quality and under the conditions provided for in the regulatory acts adopted by AKEP, at an affordable price, and in line with national specific conditions.

According to the ITU “Measuring the information society” periodic annual data for 2020, regarding the affordability of the fixed 5 GB content package internet service access, the price of this package in Albania

is clearly lower than the global average of 2.75% of GNI and close to the European countries average of 1.26% of the GNI.

In addition, Albania shows clearly lower values than the global and the regional average (1.06% of GNI p.c) when considering the GNI indicator for the provision of mobile broadband services.

Both indicators are below the objective set by the Broadband Commission for Sustainable Development, according to which the initial level for access to broadband services (fixed and mobile) in developed countries should be affordable and less than 2% of the monthly income of the gross domestic product per capita.

To enable all mobile service users to have access to these networks regardless of their payment ability, in 2020 AKEP has raised awareness/stimulated the providers of these services to develop packages that were both representatives of and affordable for any consumer category and preference. This led to the operators launching 500 Lek packages composed of minutes/sms/internet and valid for 30 days.

Fixed network internet service providers also developed and offered internet or combined packages at prices up to 60% lower than standard prices they ask for their packages, in the context of providing access and affordable prices, especially during in the context of the difficulties created by the pandemic.

To ensure that Albanian citizens are provided electronic communication services with the same standards of EU member states, AKEP is cooperating with MIE to harmonize the electronic communication field legislation with the new EU regulatory framework (envisaged in the European Electronic Communications Code (EECC)), which has among other things ushered important changes regarding universal service, such as:

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- All consumers should be provided with access at affordable prices, in line with the specific conditions of each country, to broadband access services at adequate speeds, and to voice communication services in accordance with relevant quality for respective countries, including connection to the network from fixed locations.
- member states may consider the affordability of the services mentioned above, which are not provided from fixed locations when they consider this necessary to ensure full social inclusion and economic participation of consumer in the society.

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The Council of Ministers adopted in 2020, with DCM No. 434 dated 3.6.2020 “*The 2020-2025 National Plan for the Sustainable Digital Broadband Infrastructure Development*”, which harmonizes the points of view and perspective of all stakeholders regarding the current and future vision of the National Broadband Plan, its general objectives, and its specific goals. The vision of this document is: *Albania should have high and very high speed digital broadband infrastructure across the country, to lay the foundations of a Gigabit society.*

The following is aimed among other thing by the end of 2025 in line this vision:

- Fixed network broadband penetration should reach 100%, with at least 50% of the households having the opportunity to access at least 100 Mbps and 1 Gbps internet services (in urban areas - Tirana);
- 100% of schools, universities, health centers and hospitals should be connected to high-speed broadband internet at 1 Gbps;
- one main city, the main transport corridors and strategic locations should be covered with 5G speeds.
- by the end of 2023, 50% of public spaces such as parks, libraries and squares in all cities and villages should provide free WiFi access.

The Universal Postal Service Status

AKEP is the national regulatory authority responsible for regulating and overseeing postal services in the Republic of Albania. To fulfill the goal provided for in article 13 under Law No. 46/2015 “On Postal Services in the Republic of Albania”, among other AKEP has the obligation to assign the universal postal service provider, and to oversee said provider in regard to their fulfillment of universal postal services obligations.

AKEP assigns the universal postal services provider based on a competition procedure in accordance with the rules adopted by the Council of Ministers (DCM No. 239/2018), if the market development analysis finds that there are at least two postal providers that could ensure the provision of universal postal services according to the conditions provided for in this law.

Pursuant to Law No. 46/2015, and upon the expiry of the individual authorization timeframe for the sole universal service provider “Posta Shqiptare” sh.a., the AKEP Steering Board adopted for Public Consultation the “Postal Services Market Analysis and assessment of potential universal postal services providers” document with its decision No. 6.

Upon conclusion of the consultation process and after collecting the comments of the interested parties, the AKEP Steering Board adopted the final “Postal services market analysis and assessment of potential universal postal services providers” document with its decision No. 12.

With this document, AKEP has completed the initial review process for assigning the universal postal services provider, and has considered whether the market provides more than one operator that meets the legal quality requirements to provide universal postal services across the territory of the country.

The final analysis showed that only one postal operator in the market, namely Posta Shqiptare sh.a., meets the legal requirements for providing universal postal services.

The assignment of the universal postal services provider would be undertaken based on a public competition procedure, only if the AKEP market development analysis identified at least two postal services providers that could provide universal postal services in accordance with the conditions provided for in Law no. 46/2015 “On postal services in the Republic of Albania”.

Since Posta Shqiptare sh.a. is the only operator meeting the legal requirements for the provision of universal postal services across the entire territory of the Republic of the Albania, and in order to guarantee the continued provision of this service, AKEP adopted an extension of the existing operator individual authorization to ensure universal postal services, and undertook to issue a new individual authorization, pursuant to the provisions of Law No. 46/2015 “On postal services in the Republic of Albania”.

During the natural disaster period caused by COVID-19, and pursuant to DCM No. 236, dated 19.3.2020 “On measures to provide on site assistance to groups in need in the context of the epidemic caused by COVID-19”, the Posta Shqiptare sh.a has provided pension payment door delivery services, and payment collections for the majority of the beneficiaries in the persons with disabilities category.

The entire Posta Shqiptare sh.a organization was involved in the implementation of this initiative making available the required logistics and human resources. In normal conditions, the Posta Shqiptare sh.a. provider delivers pensions payments to some 160,000 families per month, while during the March-June 2020 period it was able to make some 500,000 such deliveries per month to individual addresses, totaling 1,500,000 pension payments delivered.

In the context of universal service provision, over 2020 Posta Shqiptare sh.a. made available the following for the public:

- 561 offices providing postal and financial services;
- 700 windows, of which 521 windows are automated/computerized;
- 579 post boxes accepting post objects available to users;
- 667 post boxes for the delivery of post objects available to users;

Based on reported data, Posta Shqiptare sh.a. has met the indicators for universal service coverage pursuant to the requirements provided for in the Order of the Minister of Infrastructure and Energy No. 6174, dated 16.12.2019.

In 2020, Posta Shqiptare sh.a. completed the “Hybrid Post” development investment, which will result in increased universal postal service object numbers and in improved quality indicators for this service. The “Hybrid Post” service provides electronic information printing, folding, sorting and physical delivery of post objects to consumer addresses. With this investment the Posta Shqiptare sh.a. enables the provision of package services for invoice generation, printing, packaging, distribution, collection and transfer of amounts to relevant potential clients such as the OSHEE, Water Supply and Sewage Services, etc.

3. Recommendations of the Parliament of Albania

Pursuant to the recommendations made by the Parliament of the Republic of Albania in its Resolution of 10.7.2020 “On assessing the activity of the Electronic and Postal Communications Authority (AKEP) in 2019”, AKEP is led by the commitment to fulfill these recommendations and is working with diligence and professionalism to this end.



*Figure 1: Presentation of the AKEP 2019 Annual Activity Report to the Albanian Parliament (plenary session)
Source: Albanian Parliament, 2020*

Even though the Resolution was adopted in the second half of 2020 as a result of the difficult situation caused by the pandemic, AKEP intensified work for the fulfillment of each recommendation focusing its work and activities to successfully meet its legal responsibilities.



Figure 2: Handing of the AKEP 2019 Annual Activity Report to Speaker of Parliament Mr. Gramoz Ruçi
Source: Albanian Parliament, 2020

Evidently, 2020 was a challenging year for markets, the economy and institutions, however all the recommendations made by Parliament were fulfilled. In this context, AKEP was able to address all recommendations made in regard to its role and mission as a regulatory body.

**Of the 11 recommendations
made in the Parliament
Resolution for 2020:⁴**

- a) 6 recommendations have been fulfilled in full;
- b) 5 recommendations are currently in the process of being fulfilled;

The following recommendations were successfully fulfilled:

1. Prioritizing and making unallocated bands fully operational for the benefit of citizens and consumers, conducting analyses related to granting spectrum use rights, including relevant technical combinations, in accordance with the national spectrum policy program. AKEP has taken all administrative measures to execute procurement procedures for consultancy services related to granting use rights for the vacant frequency bands and relevant combinations. This procedure led to an international company with experience and vast knowledge in the frequency spectrum administration and management being selected as a consultant, thus ensuring the achievement of regulatory objectives in full compliance with the national spectrum development policies and relevant secondary legislation.

⁴ Annex 2 describes in detail the implementation of the Resolution.

2. Conducting a wholesale market analysis regarding access and origin in mobile networks. With its Steering Board decision No. 11, dated 17.4.2019, AKEP adopted the “Analysis of the mobile services market, wholesale access and origin market in mobile networks (public consultation document)” and upon reviewing the comments collected from relevant stakeholders and two decisions of the Competition Authority, decided the following in its decision No. 9, dated 24.4.2020 “On conclusions made after the public consultation for the “Analysis of the mobile services market, wholesale access and origin market in mobile networks” document:

- (i) To consider the test for the three requirements provided for in paragraph 4 of article 3 of the Regulation as incomplete, upon conclusion of the market analysis conducted in accordance with the provisions and procedural steps provided for in Law No. 9918/2008 and Regulation 9/2009;
- (ii) To not determine any undertaking as having significant market power and to not impose regulatory obligations in the wholesale access-originating mobile network market, based on the incomplete three requirements test, in accordance with paragraph 4 of article 5 of the Regulation.

3. Conducting a mobile telephony market analysis for wholesale mobile network call termination markets, including the termination of inbound international calls. Upon concluding the public consultation process regarding the Wholesale Mobile Network Call Termination Markets, including The Termination Of Inbound International Calls Market Analysis, AKEP reviewed the opinions of the market stakeholders and the recommendations of the Competition Authority, and upon conducting continuous consultations with international organizations, decided as follows in its decision No. 11, dated 16.6.2020 “On conclusions reached after the public consultation of the “wholesale mobile network call termination markets, including the termination of inbound international calls market analysis” document:

- (i) To consider the three mobile network operators Albtelekom sh.a., Telekom Albania sh.a., and Vodafone Albania sh.a., as undertakings with significant market power (FNT) in their relevant markets: wholesale national calls termination market in mobile networks, thus keeping in effect: (a). The regulatory measures provided for in the AKEP Steering Board decisions No. 12, 13, 14, dated 22.2.2018; (b). The maximum national call termination fee in mobile networks of 1.11 ALL per minute, in accordance with the AKEP Steering Board decisions No. 71, 72, 73, dated 1.10.2018;
- (ii) To keep the relevant wholesale national call termination market in mobile networks under observation, until conditions for a new analysis have been met.

4. Based on the legal provisions and considering the Posta Shqiptare sh.a. individual authorization expiration timeframe to provide universal postal services on 7.7.2020, the AKEP Steering Board adopted with its decision No. 6, dated 16.4.2020 the publication of the “Analysis of postal services market and assessment of potential universal service providers” document for Public Consultation for a period of 30 days (17 April - 18 May). With its decision No. 12, dated 16.6.2020 the AKEP Steering Board decided to adopt the final “Analysis of postal services market and assessment of potential universal service providers” document and assign the Posta Shqiptare sh.a. Company as the sole provider that meets legal requirements to provide universal postal services across the territory of the Republic of Albania.

On 30.6.2020, the AKEP Steering Board adopted the Individual Authorization to the Posta Shqiptare

sh.a. Company for the provision of Universal Postal Services for a period of 5 years, starting 7 July 2020.

5. Following the recommendation of the Parliament of the Republic of Albania regarding the reformation of the electronic communications legal framework concerning the implementation of the new electronic communications code and the enhancement and guarantee of institutional independence, AKEP undertook in 2020 the accurate identification of the current legislation issues concerning the following:

- Guaranteeing AKEP operational independence, based on the findings and instructions of the European Commission in its annual progress reports, and BEREC;
- Improving the performance and capacities of the AKEP regulatory and competition-driving missions, with regard to their legal, economic and engineering approach;
- Enhancing the driving and interaction capacities in the framework of increasing electronic communications investments, especially in the context of introducing new 5G technologies in the market and using the relevant frequency spectra.

In this context, AKEP developed legal proposals in the form of primary and secondary legislation acts and relevant supporting documentation, which will also be followed by relevant proposals for the start of the legislative process to adopt said legal changes.

6. To ensure consumer protection, AKEP has monitored the developments of the issue related to delivery of parcels to residential addresses by Posta Shqiptare sh.a., as a legal requirement and consumer right. Even with AKEP recommendations this issue remains and a majority of parcels are not delivered to the residential address of the receiver, but to the relevant post offices. In addition, the authority has monitored the situation related to the issue of additional fees and costs consumers are required to pay to receive parcels from the Post, which is in contradiction with the spirit and the principles of the Universal Postal Services Regulation. With regard to this recommendation, we note that in 2019 AKEP conducted an audit and inspection at the Posta Shqiptare sh.a.

The inspection procedure found that the Posta Shqiptare sh.a. Company had a series of issues related to its activity regarding:


- the delivery of all post objects (packages/parcels) to the receiver address, in accordance with article 40 of Law No. 46/2015;
- fees collected to hand over post parcels.

After the conclusion of the inspection procedure, the Posta Shqiptare sh.a. Company, in the quality of the universal postal service provider, was penalized with an administrative “Fine” and additional administrative penalties in the form of recommendations.



The background of the entire page is a blue-tinted photograph. It shows several tall, lattice-structured communication towers with various antennas and satellite dishes. In the foreground, a person wearing a hard hat and a high-visibility vest with 'AKEP' written on the back is standing next to a dark-colored SUV. The SUV's rear hatch is open. The scene is set in an open, possibly hilly or mountainous area under a cloudy sky.

THE STRATEGIC ACTION PILLAR FOR 2021

- 
1. *Driving investments focusing on sustainable digital development, improved service quality, and guaranteeing consumer rights;*
.....
2. *Making the electronic communications and postal services sector more dynamic through fair and free competition in the market;*
.....
3. *Promoting national assets, frequency bands and their efficient use in the framework of next generation technologies;*
.....
4. *Standardizing network security and reliability of electronic communication services through safe providers and technologies;*
.....
5. *Increasingly closer harmonizing with regulatory and functional independence requirements, in accordance with European Union standards..*



I

2020, A CHALLENGING YEAR:
COVID-19 PANDEMIC
MANAGEMENT IN THE
ELECTRONIC COMMUNICATIONS
SECTOR AND THE POSTAL
SERVICES SECTOR

1. The impact of the global Covid-19 pandemic

The impact of the Covid-19 pandemic in the electronic communications and postal services sectors

The impact of the COVID-19 pandemic was felt throughout the Albanian society, in both the public and private sphere, since the first weeks of March 2020. Lock down measures and the declaration of the national disaster obligated drove citizens and public interest service users to adapt to an extraordinary and unprecedented situation. In a context in which social distancing in the form of self-isolation in residences and the suspension of any type of physical traffic or circulation to avoid the spread of the virus and overloading health structures and staff took priority, ensuring access to and continuation of online communication and information increasingly became a need on par with supplying the population with food and medicine.

The entire electronic communications sector, and the postal services sector as well, including the universal postal services, were deeply impacted from the perspectives of organizational operation, integrity, and sustainability and consistence of their networks and services, and with regard to support capacities to guarantee a series of fundamental public services. The efficiency of public services digitalization and of interaction between citizens and the administration - 700 services with 1.5 million users monthly - which would serve to facilitate this interaction in the isolation and social distancing situation, just to mention the most important element, was suddenly under the threat of technical overload and systemic collapse that depended on network stability.

Electronic communication operators and postal services operators as well, recorded considerable profit losses and revenue pitfalls. The negative bottom line of this situation will continue to be felt in all market indicators, in the reshaping of commercial strategies, and especially in the major investment plans for the 2020-2021 period (see the operator financial indicators chapter).

The unpredictability of the pandemic impacts and its length, which in turn led to a deterioration of the financial situation and investing capacities of the operators, also resulted in a review of the approach to regulatory practices. Reference international organizations in this field recommended a balanced decrease of regulatory pressures and an acceleration of transitioning to a digital society, the development of broadband capacities and the implementation of next generation technologies. From the start of the pandemic, such an approach has been translated into a variety of initiatives, among which of note is the adoption of the Digital Strategy Act and the Digital Decade action plan by the European Union.

In this context the global functioning of AKEP could not and did not remain unchanged. The Authority adapted to all restriction measures and rigorously enforced official viral situation prevention and management protocols, while never interrupting its regulatory and coordinating missions in light of recommendations, cooperation and coordination resulting from international organizations and the European Union.

Another important aspect of the Covid-19 consequences was the very real risk they posed to the development and consolidation of a democratic, inclusive and equal digital society. The exponentially increased consumption of electronic communications, mainly the internet, driven by the impossibility of physical social interaction and imposed work conditions, online entertainment and education, increased risk levels from the perspectives of network integrity and the exclusion of certain user categories from access to services. The situation thus led to the need for developing a strategy that would not only ensure network integrity in a time of crisis, but also fundamental user principles and rights:

- equal access to electronic networks and services;
- service quality directly proportionate to user needs;
- strategies of service packages and intelligent fees tailored to the various user categories, especially groups in need, without threatening market balance and the principles of free and fair competition;
- heightened social responsibility by operators regarding the most fragile active user categories, especially pupils and students.

The consequences of the pandemic, the length of which is still unclear, immediately drove AKEP to develop a concrete action strategy. This strategy, which was framed in the first days of the health crisis, was implemented in regard to the legal competencies of the institution, in complete sync with the Ministry of Infrastructure and Energy and close information with BEREC and the EU Regulators Body. A key role in improving the strategy efficiency was played by the market operators themselves. To be noted are the mobile telephony, fixed telephony operators, and the head of the universal postal services provider.

2. The role of AKEP in cross-sector coordination to manage the crisis and ensure network and service sustainability

Throughout the pandemic and especially at critical phases, AKEP has played a cross-sector coordination role between electronic communication operators with public institutions and international partners, to determine step by step measures for the efficient management of the critical situation in the sector and to create the conditions for a gradual return to normalcy.

Emergency measures

1. Pursuant to the measures taken by the crisis management Committee and the continuous instructions of the Council of Ministers, AKEP adapted its internal operations transitioning to online work. A core number of reduced staff was installed in the premises of the institution to ensure the functioning of internal systems and technical and institutional coordination. In this framework, AKEP oversaw the implementation of emergency measures in electronic and postal communications operators, they staff and their sale and customer service facilities. One of the mobile operators distributed over 10,000 masks, gloves and disinfectants to their staff. In coordination with the Ministry of Health these facilities remained open based on an agreed schedule and they were addressed cases by case to identify appropriate solutions that focused on not interrupting customer service.
2. Even amidst the pressure of the first weeks of the lock down, AKEP ensured in cooperation with the Ministry of Internal Affairs and the General State Police Directorate, uninterrupted maintenance of the primary networks and infrastructure to ensure service continuation, guaranteeing free movement in the field for all technical teams of the relevant operators. More than 400 technicians were able to move freely in the field, not only to ensure network maintenance, but to also assist end users in cases of failures or service outages in private residences or commercial facilities, even in remote areas. Uninterrupted postal services were made possible in the same manner. In this case, AKEP liaised the free movement of postal service vehicles as well, to ensure the delivery of postal object and the provision of specific services such as delivery of payments or pensions for the elderly and those unable to move.
3. Coordinating with operators, AKEP responded to the requests of public authorities to facilitate awareness campaigns for the public regarding life-saving actions through phone calls and SMS messages. In line with the best examples and practices in the region and globally, AKEP ensured that interaction with users was proportional to the aim and clearly defined and limited in time.
4. Upon a request of the public authorities and the National Agency for Information Society (NAIS), AKEP liaised with mobile operators to make available free enhanced capacities (gateway/web services) and SMS message interfaces to effectively manage the flow of requests for movement permits submitted through the E-Albania portal.

5. AKEP facilitated the connection between operators, the Ministry of Health and Social Protection and the Ministry of Internal Affairs, to ensure that the “112” emergency number was as functional and reachable as possible.
6. Operators responded positively to the AKEP invitation to avoid service cut-offs when certain subscriber categories failed to pay their bills on time during the first weeks of the pandemic.

The measures planned by AKEP with the support of mobile telephony operators and fixed internet service providers for the appropriate use of networks and ensuring access to quality and affordable services to all categories of end users. These measures were agreed upon and intensified under the name of **Digital Solidarity**.

Long term measures in the framework of Digital Solidarity

In this context, the Electronic and Postal Communications Authority (AKEP) paid special attention to monitoring the traffic and use of electronic communication services, which grew considerably. Over the first weeks of the health crisis service use grew two and sometimes three fold compared to pre-pandemic times, and there was an increasing expectation for high speed internet to satisfy the massive use of digital platforms providing a wide variety of audiovisual services. In the meantime, users and public authorities supported to idea of maximum capacity service provision, possibly free of charge for a number of days, which was in line with what a number of European countries were implementing. Considering the collapse that very quickly affected systems and networks as a result of the irresponsible use of existing capacities in countries like in Spain, Italy and the United Kingdom, AKEP and the main operators developed a more realistic, reliable and longer-term scheme in line with rights and obligations in a sustainable digital environment.

Firstly, in addition to the formal request for a meaningful increase of broadband capacities for end users, AKEP undertook to develop a pedagogical guide on responsible network and service use, identifying the opportunity for all to benefit better quality services when taking some simple steps and on how to defend from cyber-attacks and network worms. The focus was clearly placed on the fact that disproportionate and unlimited internet use could lead to extremely harmful congestions in the situation the country was going through.



UDHËRRËFYES PRAKTIK PËR QËNDRUESHMËRINË DIGJITALE RREZIQET . POTENCIALET . VEPRIMET E DUHURA

Në kushtet kur puna në distancë është kthyer në prioritet për shumë nga ne dhe shkollat e kanë kthyer mësimdhënien e të gjitha grupmoshave online, lind pyetja:

A do të munden linjat e internetit fiks dhe celular të përballojnë këtë ngarkesë?

Operatorët celularë dhe ato të rrjeteve fikse të shërbimit internet, janë në punë dhe në gadishmëri të plotë, për të siguruar mirëfunksionimin, në shërbim të jetës dhe ekonomisë së vendit. Megjithatë, vetë ne, përdoruesit, mund të ndërmarrim një sërë veprimesh për të siguruar mbarëvajtjen e shërbimit të internetit. Më poshtë mund të gjeni një udhërrëfyes të thjeshtë për t'u orientuar në lidhje me sjelljen tonë digjitale në këto ditë të vështira.

MBINGARKIMI DHE KEQPERDORIMI I RRJETIT TË KOMUNIKIMEVE ELEKTRONIKE - ÇFARË RREZIKOJMË?

Shumë njerëz, këto ditë, po zhvendosen në botën digjitale teksa jeta jashtë shtëpisë është e pamundur. Ky fakt po vështirëson detyrën e sipërmarrësve të komunikimeve elektronike për të mbajtur lidhjet në parametrat e kërkuara.

Angli, Francë, Itali dhe vënde të tjera javët e fundit, njerëzit e mbërthyer në shtëpitë e tyre po përdorin internetin shumë më tepër. Vizitat në faqet e lajmeve u rritën deri 60%. Një model i ngjashëm po shfaqet edhe në SHBA. Trafiku në internet u ngrit me 40%, pasi Presidenti Trump e shpalli pandeminë një emergjencë kombëtare. Në Angli, për shkak të mbingarkesës, në datën 17.03.2020, rrjetet e 5 operatorëve celular, u bllokuan për rreth 5 orë, duke i lënë abonentët e tyre pa shërbime telefonike dhe interneti.

Figure 3: Extract of the practical guide on digital sustainability (AKEP 2020)

Source: AKEP 2020 <https://akep.al/2020/03/20/akep-udherrefyesh-praktik-per-qendrueshmerine-digjitale/>

The publication of this document was followed with the first measures implemented for the benefit of the users by one or more operators. They included:

- Doubling of fixed network capacities to enable 90% more capacity compared to normal operations. Due to this measure traffic was stabilized at the end of March 2020.
- Wider 4G coverage in mobile networks to include areas without fixed broadband coverage;
- Increased free data (internet) from 3 to 7 GB for the majority of users, for a 5-8 week period;
- Free use of all telephony services + > 10 GB free additional internet for a 5-8 week period for all physicians and nurses that subscribed to their networks;
- Unlimited data (internet) for users of education and cultural platforms in line with network limits (RTSH School Channel) for a 5-8 week period;
- Data (internet) discounted by up to 60% for fixed internet network users for all education and online schooling platforms after the period during which the service was provided free of charge.
- A series of offers on a wide variety of free education and child centered services;
- Digital services for making payments and other customer-operator procedures.

Përmbledhtazi, në javët e para të krizës sanitare, përdoruesit përfituan gjatë karantinimit më shumë se 50% internet falas për një periudhë 5-8 javore, ulje të konsiderueshme për pajtimtarët e fiksit për akses në platforma edukative për fëmijë, oferta me përmbajtje falas për disa javë për çdo abonim të ri, etj.

In summary, over the first weeks of the health crisis, users benefited more than 50% free internet for 5 to 8 weeks during the lock down, considerable discounts were offered to fixed network subscribers for access to educational platforms for children, offers of free content for a number of weeks were made for new subscribers, etc.

Another benefit for electronic communication services subscribers was the also the agreement, encouraged by AKEP and approved by the Competition Authority, to launch a number of offers targeting categories in need and persons with disabilities during the health crisis. These offers came in package form at a base price of 500 ALL, which included 50 minutes for calls, 50 SMS and 50 MB of data, aimed at providing accelerated and quality access to a variety of services tailored for individuals who during the pandemic were not able to use performing mobile telephony and internet services. Compared to the baseline parameters for categories in need, these packages enabled increased consumption at a very affordable cost.

It should be noted that with AKEP encouragement, mobile operators showed commendable social commitment through initiatives to support public hospitals, physicians and online schooling. The largest operator in the market donated 15,000 tablets complete with relevant subscriptions for students from households in need, along with 15,000 SIM cards and 10 GB of mobile internet for the same category, to ensure they were able to follow online education programs.

These solidarity measures, which in many aspects were more ambitious than those implemented in other countries, aimed above all to avoid digital fracture and the deepening inequality that the social impacts of the pandemic had caused.

Lastly, from a regulatory perspective and considering the experience of the first year of the pandemic, AKEP imposed an obligation on all electronic communication network operators to report on the monitoring of network capacities, and on the development of long term technical measure plans for emergencies and natural disasters. The three mobile telephony operators submitted the relevant plans to AKEP between November and December 2020.

All measures taken by AKEP and by electronic communications and postal services operators, under the coordination of AKEP, have been reflected in the continuous reporting of the EU electronic communications Regulatory Bodies.



Figure 4: Outside view of the AKEP building
Source: AKEP 2020



III

2020 BY THE FACTS, ANALYSES AND PERSPECTIVES

1.

Electronic Communications and Postal Services Market Dynamics

1.1 Electronic Communications And Postal Services Market Dynamics

Decision making related to electronic communication market analyses and regulatory measures taken

The Electronic and Postal Communications Authority paid special attention in 2020 to the review of mobile market analyses, strictly adhering to the relevant public consultation procedure provided for in articles 34 and 35 of Law No. 9918/2008 *“On electronic communications in the Republic of Albania”*.

Pursuant to these provisions, the AKEP Steering Board adopted the final decisions for the following market analyses documents:

- Decision no. 9, dated 24.4.2020 *“On conclusions reached upon the public consultation for the “Analysis of the wholesale access-originating market in mobile networks” document”*;
- Decision no. 11, dated 16.6.2020 *“On conclusions reached upon the public consultation for the “Analysis of the wholesale market for call termination in mobile networks, including the termination of inbound international calls” document”*.

With it decision no. 9 dated 24.4.2020, the AKEP Steering Board decided among others the following, upon analyzing all indicators and factors affecting this market and referring to the orientation and conclusions of the final recommendation of the Competition Authority (decision No. 661, dated 21.11.2019), where the meeting of the three requirements for the access-originating wholesale market is not considered to be categorized from the perspective of the normative framework for the protection of competition:

1. *To consider the test for the three requirements provided for in paragraph 4 of article 3 of the Regulation as incomplete upon conclusion of the market analysis conducted in accordance with the provisions and procedural steps provided for in Law No. 9918/2008 and regulation 9/2009;*
2. *To not determine any undertaking as having significant market power and to not impose regulatory obligations in the wholesale access-originating mobile network market, based on the incomplete three requirements test, in accordance with paragraph 4 of article 5 of the Regulation.*

Upon conclusion of the Public Consultation process for the “Analysis of the wholesale market for call termination in mobile networks, including the termination of inbound international calls” Document, AKEP collected and reviewed comments from stakeholders in this process.

In light of this process, AKEP organized continuous consultations with international organizations. While for national inbound calls the recommendation was to continue with the regional benchmark model (EU member states), a conclusion was reached that the inbound calls termination market analysis would not be

completely efficient until a cost model, currently being developed by AKEP based on the most recent EU/BEREC practices, has been developed.

Upon concluding this process, the AKEP Steering Board decided the following in its decision No. 11, dated 16.6.2020 after analyzing all factors affecting the process:

1. To consider the three mobile network operators Albtelekom sh.a., Telekom Albania sh.a., and Vodafone Albania sh.a., as undertakings with significant market power in their relevant markets: *wholesale national calls termination market in mobile networks, thus keeping in effect:*
 - a) The regulatory measures provided for in the AKEP Steering Board decisions No. 12, 13, 14, dated 22.2.2018.
 - b) The maximum national call termination fee in mobile networks of 1.11 ALL per minute, in accordance with the AKEP Steering Board decisions No. 71, 72, 73, dated 1.10.2018.
2. To keep the relevant wholesale national call termination market in mobile networks under observation, until conditions for a new analysis have been met.

.....

The adoption of the abovementioned decisions was the result of a broad and comprehensive process, in which the suggestions of the Competition Authority, stakeholder comments, the recommendations and directives of the European Commission and the best regulatory practices of the EU members states, were taken under advisement.

Electronic communications markets

The pandemic caused by COVID-19 more than ever stressed the importance of telecommunication services and their role in keeping the services provided by the Governments, Businesses and other actors in the society operational and online. Under the impacts of the measures taken to overcome the pandemic, citizens relied on the telecommunication services infrastructure and advanced technologies to obtain information, respect social distancing and conduct their work from home through remote work systems.

In 2020, mobile telephony and fixed network operators have invested in the improvement of their capacities related mainly internet service provision, resulting in increased speeds, quality and signal stability.

During the pandemic period especially, operators have taken measures to improve network capacities to enable stable access at improved speeds for end users. The measures were also dictated by the increase of consumer demand resulting from the lock down measures put in place in different countries.

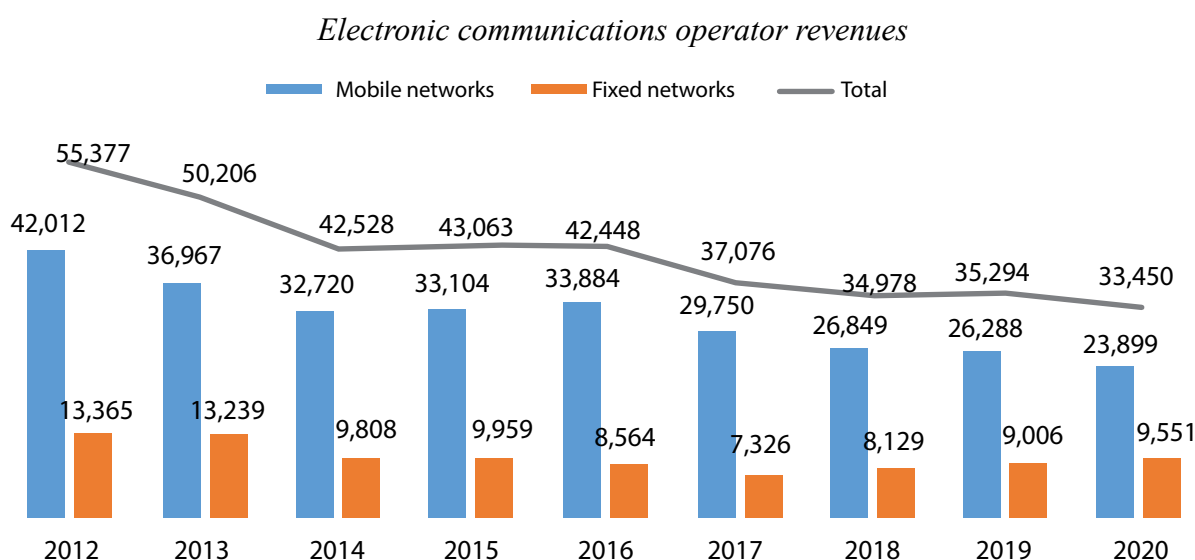
The need to increase and improve the stability of telecommunication services provision capacities was related to:

- Keeping citizens informed and connected online to ensure access to health, financial, commercial and other services;
- Providing stable communication services for businesses;
- Facilitating work from home through the application of Telework, etc.

• Revenue and investments in electronic communication networks

The effects caused by the pandemic impacted the financial results of the electronic communication service providers as well.

In their reporting as of April 2021, electronic communication service providers reported **total revenues of 33.45⁵ billion ALL for electronic communications**, which are presented below as figures disaggregated by mobile and fixed networks.



Source: Revenues reported by operators. Processed by AKEP

In the mobile services market operators reported approximately 23.9 billion ALL in revenue for 2020, which is a decrease of approximately 9% compared to 2019.

This drop in mobile operator revenues was impacted by the decrease in revenues generated in both the retail and wholesale service markets.

Some of the main factors impacting the drop in revenue are listed below:

- lower volume of national/international calls as a result of the massive use of OTT applications (Whatsapp, Viber, etc.), which have grown rapidly in recent years as a result of technology internet quality improvements;

⁵ Revenues may change as a result of operator financial statement reporting and auditing.

- decline in revenue generated from the retail sale of bundle packages.

Regardless of the drop in total revenue compared to 2019, in 2020 mobile services operators have considerably increased their investments in these networks. This is clearly noted in the improved broadband services and in the improved voice call quality. As of the end of 2020, these investments amounted to **6.9 billion ALL compared to 4.2 billion ALL in 2019**.

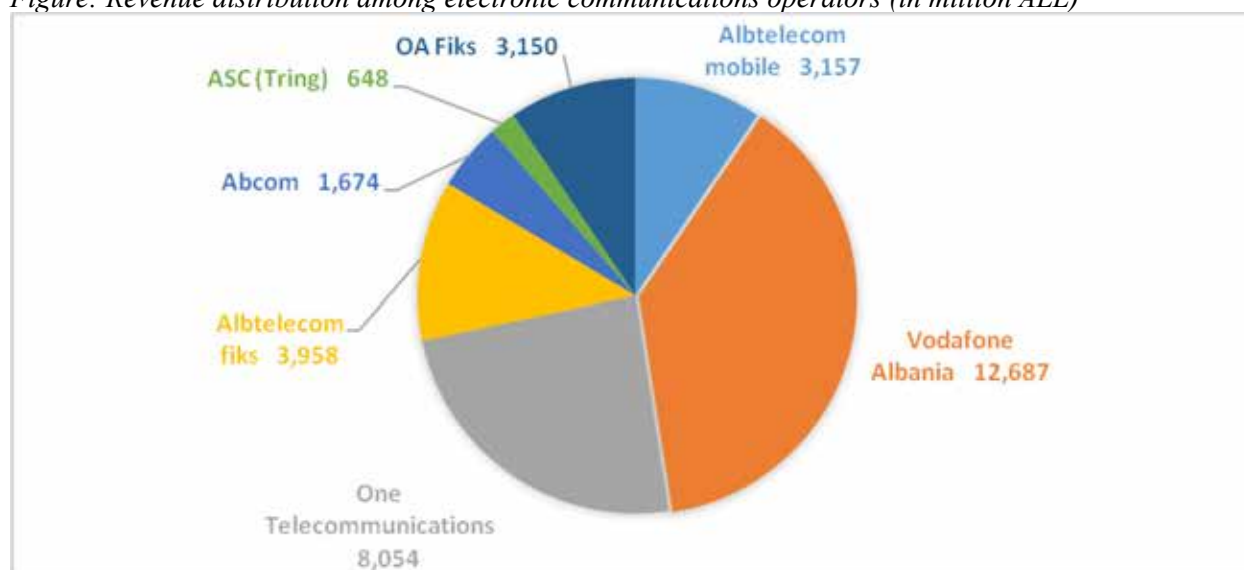
Revenues from electronic communications reported by fixed network service providers for 2020 amounted to 9.55 billion ALL. Compared to 2019 this is a growth of approximately 6%.

More than 82% of the revenue in this market is generated by the 7 main operators, which are: Albtelecom, Abcom (Vodafone), ASC, ATU, Abissnet, Nisatel and Digicom. The other operators (OA) even though numerous have a collective market share of 18%.

Based on their reports, in 2020 fixed network operators have undertaken investments in the amount of 2.76 billion ALL, which were mainly focused on improving access to broadband services.

The figure below provides some information on the revenue level for some of the main companies in the electronic communications market.

Figure: Revenue distribution among electronic communications operators (in million ALL)



Source: Revenues reported by operators. Processed by AKEP

The electronic services market is also one of the sectors with considerable contribution to the employment rate. In 2020, a total of 3,496 individuals were employed in this market.

- **Main mobile and fixed network services indicators**

Subscribers

The number of active subscribers using mobile internet services reached 2 million by the end of 2020, with an increase of some 12% compared to the previous year. Thus, some 70% of the active mobile telephony subscribers use internet on their smart phones.

The tendency of changing the subscriber structure continued in 2020, with a decrease of the prepaid subscribers (77% from 83% in 2019), which shows the tendency of moving towards a postpaid service contract, similar to other developed countries.

Data collected by AKEP show that the total number of SIM cards reached 3.3 million in 2020, or in other terms every inhabitant in Albania has 1.17 SIM cards.

At the same time, the number of active SIM cards (the number of cards used to complete electronic communications over the last three months) reached 2.6 million, a slight decline of some 0.4% compared to 2019.

As regards the quarterly dynamics of active mobile service users, the main indicators have declined during the second quarter of 2020 compared to the first quarter of 2020 and the same quarter of 2019. This decline was followed by an increase in the third and fourth quarter of 2020.

One of the factors impacting the decline in user numbers during the second quarter of 2020, was the situation caused by the COVID-19 pandemic, which resulted in:

- i. a decline in the number of tourists and emigrants resulting from the difficulties in international travel and border closing;
- ii. reduced number/payment of standard packages reactivated;
- iii. prepaid packages not being reactivated periodically.

Internet services from fixed networks grew considerably when considering the number of new subscribers and the increase of service speeds.

According to statical information submitted to AKEP, the number of authorized fixed telephony network operators reporting to have been in operation during 2020 with regard to fixed telephony is 40, while some 174 operators have provided fixed broadband services.

The number of subscribers with fixed broadband access by the end of 2020 surpassed for the first time the level of 500 thousand, with a growth of some 15% compared to 2019.

Based on the most recent ITU report ⁶, the highest rate of internet penetration per population in 2020 was achieved by European countries with an average of 32.9%, while Albania is reported to have a rate above the global average of 15.2%. The same report finds Albania to be the country with the fastest internet growth per 100 inhabitants, at 15.9%.

Based on regional data for 2020, the regions with the highest urban penetration are Tirana and Korça with

6 https://www.itu.int/pub/D-IND-DIG_TRENDS_EUR.01-2021

40.18% and 25.55% respectively. On the other hand, Durrës is the region with the highest rural penetration rate of some 21, followed by Tirana and Shkodra with 10% and 8%.

The number of fixed telephony subscribers in Albania in 2020 declined by some 8% from 242,000 at the end of 2019 to 223,000 at the end of 2020.

Volume of units used

In 2020, the situation caused by the pandemic, remote work and online schooling have more than ever stressed the need not only for access to internet services, but also for access to high speed and stable internet services.

To ensure access and stable service during the first part of 2020, internet service providers have increased their network capacities to handle the ever-increasing traffic, resulting from the increased demand and increased internet used through fixed and mobile networks⁷.

The data volume transmitted through mobile internet networks peaked at some 89 million GB. Compared to 2019 this is a growth of approximately 28.6%.

Increased internet use through mobile phones points at the fact that SIM card equipped mobile phones have not a re-dimensioned role transitioning from the traditional voice call use, to providing access to a virtual world (information browsing, data transmission, audio and video calls, sms, etc.).

The increased internet use was accompanied by a decline of:

- outbound voice call volume;
- number of SMS-s sent;
- inbound international call volume.

The decline of these indicators is also a consequence of the massive use of OTT applications (Whatsapp, Viber, Messenger, Skype, etc.), which are used for text messaging and audio and video calls. Communicating through these applications has been increasing due to the improvement of services provided by 4G and 4G + network operators that enable better quality of both messaging and calling (audio and video) through these applications.

The measures taken by AKEP for tariff non-discrimination within the network or towards other national mobile networks have led to positive results in 2020 as well, with some 43% of the outbound calls being off-net and 56% on-net.

In the course of 2020, broadband internet traffic from fixed networks reached some 600 million GB, or approximately 32% more than 2019, which shows that subscribers to these services have used the network to systematically access their financial, information, social, health and other services.

The total number of calls originating from fixed telephony networks has decreased, along with the use of

⁷ See above

fixed telephony services. The call volume generated by Albtelecom fixed telephony network subscribers, in the quality of the largest market operator in 2020, declined by 8% compared to 2019, while the average number of call minutes per month per user of the Albtelecom fixed network, which is the largest and most important fixed network operator in the country, declined from 35 minutes in 2019 to 33 minutes in 2020

Service provision technologies and 3G and 4G coverage

The increased number of internet service subscribers and other technological developments have led to increased demand for quality in the provision of these services. As a result of the tendencies and the need to work remotely, internet users have the demand for higher speed and better stability connections increased, along with the need for coverage in uncovered rural areas, especially in areas with the potential to provide tourism services.

Territory and population coverage with 3G and 4G technologies has improved considerably in recent years, a growth which is more pronounced in the territory and population coverage with 3G and 4G networks.

All three operators providing mobile services reported that in 2020 the population coverage with 3G network was between 90 and 99%.

With regard to territory and population coverage with LTE (4G) network, the following was reported by providers for 2020:

- The One Telecommunications sh.a. is the operator with the widest coverage with 93.7% of the territory covered with 4G and 98.1% of the population covered.
- Vodafone Albania sh.a reported 4G territory coverage at 91.2% and population at 98.4%.
- Albtelecom sh.a has the lowest 4G territory coverage with 30% and lowest population coverage with 72%.

The improvement in internet service provision is also confirmed by the Opensignal (independent international organization) Report⁸, which aims at reporting the actual mobile network situation across the world, based on measurements taken by network users themselves.

According to this report, two of the operators have achieved very good indicators in relation to 4G coverage and speeds for this service, providing users with quality browsing experience on their mobile networks, voice calls through OTT applications, good download/upload speeds, quality videos and other various digital services.

An improvement in internet service quality is also noted in the broadband services market provided from fixed networks. In 2020, the largest growth came in the subscriber segment with broadband connections between 30 and 100 Mbps, with the number of subscribers increasing fourfold compared to 2019. In 2020, the subscriber segment using speeds higher than 10 Mbps reached 67%, compared to 41% in 2019.

The subscriber transition towards higher speed internet packages and more modern network technologies allows users to receive better quality services with less interruptions.

⁸ <https://www.opensignal.com/reports/2021/04/albania/mobile-network-experience>

As regards the internet speed provided, it should be noted that in 2020 a considerably higher number of subscribers used internet with speeds higher than 100 Mbps, with the number reaching 15,500 in 2020 compared to 6,500 in 2019. However, internet speeds used by subscribers in Albania are still below the speed levels in developed countries.

The main technology for the provision of fixed network broadband access is FTTH/FTTB, followed by DSL connections which increased by some 60% compared to 2019. The majority of DSL connections are based on combined fiber optic and copper networks (FTTN/FTTC). DSL connections in Albania make up 49% of all fixed broadband connections and the majority of them are a combination between fiber optic + copper lines or FTTN/FTTC.

Joint use of the infrastructure

The overall infrastructure use is been considerably impacted by the fact of whether this infrastructure is under the administration of and in function of electronic communications services network providers, or whether it is also part of other utilities such as OSHEE, Water Supply Companies, Road Authorities, etc.

The overall use of infrastructure considers both active and passive infrastructure options, with the aim of including other support infrastructure from other utilities, which can be made available for the further development needs of electronic communications networks and services.

This is the purpose served by Law No. 120/2016 “On the development of high-speed electronic communications networks and ensuring right of way”, so that non-returnable investment costs tied to specific electronic communications infrastructure development can be avoided. This direct opportunity positively involves the end user as well, as they benefit more electronic communications products/services closer to their geographic location, while benefiting as much as possible from better prices, but also functional features of the relevant product/service.

From this perspective, an opportunity to access physical infrastructure is provided by two infrastructure providers, with electronic communications sector providers on the one hand and other utility providers with their networks on the other, such as road, power, water supply infrastructure, etc.

Market share dynamics

Rapid digitalization developments have had a sweeping effect on how businesses interact with the public across the globe, and in the electronic communications sector mobile services operators have been faced with increasing need to invest in the networks and technology to keep pace with the digital evolution.

The investments made by mobile operators in 2019 and 2020 have also had an effect in driving competition between operators, which have been reflected in market share changes for each operator.

Vodafone Albania continues to be the operator with the largest market share in 2020 as well, with regard

to all main mobile electronic communications services indicators. However, the company has posted slight declines compared to 2019 with regard to the majority of these indicators.

In more concrete terms, market share in 2020 for Vodafone Albania sh.a is presented as follows:

- approximately 47% of the SIM card users and active SIM cards market share
- approximately 53% of the mobile outbound calls market share;
- approximately 64% of the data volume (internet) market share, compared to 59% in 2019;
- approximately 49% of active internet users (broadband) market share, compared to 53% in 2019;
- 53% and 54% respectively of the total revenue and retail revenue market share;

After the changes made to the shareholder structure of the company and after focusing on network improvement, One Telecommunications sh.a has become more competitive in the mobile services market.

This is reflected by its market share in some of the main indicators:

- approximately 37% of the SIM card users and active SIM cards market share
 - approximately 34% of the mobile outbound calls market share;
 - approximately 23% of the data volume (internet) market share, compared to 24% in 2019;
 - approximately 36% of active internet users (broadband) market share, compared to 32% in 2019;
 - approximately 34% and 33% respectively of the total revenue and retail revenue market share, compared to 31% for both indicators in 2019;
-

Even with all the measures taken in 2020, Albtelecom sh.a was not able to improve its position in the market and has recorded slight declines in its main indicators compared to 2019. The biggest decline was recorded in the data traffic indicator:

- approximately 16% of the SIM card users and active SIM cards market share
- approximately 12.6% of the mobile outbound calls market share;
- approximately 13% of the data volume (internet) market share, compared to 16% in 2019;
- approximately 15% of active internet users (broadband) market share, compared to 16% in 2019;
- approximately 13% and 14% respectively of the total revenue and retail revenue market share compared to 14% for both indicators in 2019;

It should be noted that in order to overcome and mitigate the situation created by the pandemic, all three operators took measures to improve network stability with the aim of providing quality and uninterrupted mobile services.

Mobile and fixed network services tariffs

Mobile operators employ tariffs for packages and standard tariffs in providing their services. The latter are applied if the prepaid user does not purchase packages/offers or after they have consumed the relevant units included in the package/offer price, and for postpaid users after having consumed the units included in the fixed monthly fee and/or additional packages/options that this user category may purchase.

Standard tariffs for calls off the packages vary from 10 to 39 ALL per minute, which are a few times higher than the average tariffs per minute in-package.

Similarly, the tariff for out-of-package broadband access is much higher and differs considerably from the in-package broadband access tariff (prepaid/postpaid).

In 2020, mobile calls originating from bundles made up some 96.8% of total calls, while standard tariff calls made up 3.2%. SMS volume from bundles reached 95.6% of the total SMS sent.

The wide variety of packages available in the mobile market aims at providing diverse choice to consumers, who can purchase their favorite package which best fits their needs and characteristics for communication units such as internet, voice, sms, etc.

In contrast with previous periods, in 2020 unlimited internet services were broadly provided after the consumption of the units included in the package, but this unlimited internet was provided at reduced speeds.

As a result of the pandemic, mobile operators took the initiative to increase internet volumes in 2020, and/or to lower the prices for certain packages as a sign of solidarity in the COVID-19 situation, and to help students and other user categories that require online communication.

In contrast with the mobile services market, the number of operators providing internet services and integrated fixed network based services, is considerably higher, however for the most part their coverage is local. The high number of providers for these services leads to a high diversity of service packages in the market, both from the price and the combination of units included perspectives.

It is actually difficult to conduct a comparison of service package prices for fixed networks, also because the majority of this services are provided as bundled services.

Integrated packages (Bundles)

Consumption tendency towards bundled service packages which include national phone minutes, SMS and internet access, along with the changes mentioned, has allowed for an easier comparison of the packages from one operator or among various operators, and better expenses control by mobile users. The tendency of mobile operators in offering packages to their prepaid users is to provide daily, weekly, and monthly (30 day) packages bundling SMS and data in addition to minutes in the majority of them.

On the fixed network services market side, the data collected by AKEP show that telephone services

have for some years now taken a back seat in this market, which is similar to the situation in the region and beyond. Now the main driver in the development of fixed networks are broadband access services, especially bundled services (duo, triple and quad play).

The provision of fixed network services in bundled internet access packages including fixed telephony and television channels (CaTV or IPTV), is the predominating form of competition among fixed network providers.

The number of fixed network subscribers that have access to duo and triple bundled services (combination of telephony/internet/TV) at the end of 2020 was some 292,000 or 9% more than in 2019.

A specific section of the periodic information publications AKEP posts on its official website, include a comparison of the packages from different operators, using the package length and relevant prices as the basis for their comparison.

Competitiveness

Mobile telephony markets

The Electronic and Postal Communications Authority (AKEP) continuously monitors and analyzes the behavior of mobile telephony service operators, on the basis of which and in line with international practices, it executes its duties to analyze wholesale markets to define and determine operators with significant market power in the relevant markets and to put in place proportional and nondiscriminatory regulatory measures.

Like other regulatory bodies in the European Union member states, BEREC and the region, AKEP does not include the retail mobile services market in the list of ex-ante markets regulated by the Regulators, and for this reason, it cooperates with the Competition Authority to protect free and effective competition in the market.

With its decision No. 703, dated 6.8.2020 *“On concluding the preliminary investigation procedure in the retail mobile services market and adopting obligatory commitments in the form of conditions and obligations for the Vodafone Albania, Telekom Albania and Altelecom companies”*, the Competition Commission among others recommended to AKEP that the launching of new packages by each company in the retail mobile services market should be accompanied with a general and comparative analysis and assessment, pursuant to AKEP regulation No. 27/2012 *“On the publication of information on tariffs and access and use conditions for public electronic communications services”*.

In this framework, and in compliance with the relevant legal provisions, AKEP is fully committed to provide adequate information in accordance with the requirements and needs of the Competition Authority, with the aim of promoting and driving free and effective cooperation in electronic communications markets.

The monitoring undertaken by AKEP found that during the second half of 2020 mobile operators intensified aggressive promotional campaigns to attract consumers offering discounted (up to 50% off) packages, especially for subscribers who ported numbers from other operators. As a result, the number of ported numbers was high and subscribers benefited the discounted packages, which also impacted the revenue of

the operators in the market.

The execution of aggressive promotional campaigns, especially those targeting number porting from one operator to another through the provision of discounted price packages, does generate positive effects in the short term for consumers, but could lead to grave consequences for competition. The application of preferential prices packages, at prices considerably lower than other standard packages, put operators competing in this market in difficulty, especially those with the smaller market share, as it strains their financial capacities to increase investment in the network.

Fixed network markets

The number of operators that have reported to provide services from fixed networks in Albanian as of the end of 2020 was 260. The majority of alternative operators are small and have a very limited network presence in urban or rural areas in the proximity of urban centers.

The market for broadband services based on fixed networks is characterized by a large number of operators resulting in heavy competition in the market.

Only a few of the operators in this market have a broad coverage in a number of regions in the country, while the rest compete in smaller segments and are mainly local providers.

In 2020, the operators with the largest shares of the fixed network market were the following:

- Albtelecom with approximately 26% market share;
- Abcom (Vodafone) with approximately 19% market share;
- ASC with approximately 12% market share;
- Abissnet with approximately 8% market share;
- OA (other operators), with 35% market share, (operators with the largest share in this category are Digicom with some 4.5% of the total market share, and Nisatel with some 3.5%).

In recent years, the provision of bundled fixed and mobile network services has grown, promoting packages that bring benefit to both markets if bundled services are used. The considerable increase in the provision of bundled services became evident in 2020 as a result of the merger between Vodafone and Abcom, where the former took over the latter in a conglomerate merger.

International calls and roaming services

Mobile operators in Albania offer international call units in a considerable part of their packages, which include both minutes and SMS, and also packages containing international minutes only. Standard international tariffs off these packages are divided according to geographic areas and their prices also vary depending on these areas.

International Roaming allows the use of mobile services outside the territory of the relevant country, using the networks and services of foreign operators. International roaming tariffs that users pay vary considerably from the wholesale tariffs applied by foreign operators. These tariffs are often higher, leading to very high retail tariffs for these services. Roaming is often one of the services that has a considerable impact on the monthly bills for many mobile subscribers. However, in recent years operators have been providing dedicated packages for use while in roaming. Their validity and content of internet, minutes and SMS varies.



Figure 5: Images from the Tirana Digital Summit of the Western Balkans (WB6) countries, November 2020
Source: Prime Minister's Office, 2020



Figure 6: The AKEP Chair participating in the works of the Tirana Digital Summit of the Western Balkans (WB6) countries, November 2020

Source: Prime Minister's Office, 2020

The latest fundamental changes regarding roaming services between Albania and the other Western Balkans Countries were made in 2019, when with its decision No. 21, dated 24.6.2019 the AKEP Steering Board adopted the “Regulation of international roaming tariffs between Albania and the Western Balkans” document, and decisions No. 22, 23, and 24 dated 24.6.2019 adopted the relevant documents for regulating the tariffs of this service for the One Telecommunications (former Telekom Albania), Vodafone Albania and Albtelecom operators respectively.

In 2020, all operators announced the new tariffs with the countries part of the agreement, where the RLAH+ model is currently being applied, while the new tariffs according to the full RLAH model are expected to enter into effect on 1 July 2021. The newly adopted tariffs are very favorable for subscribers that use this service in one of the Western Balkans countries, and will allow subscribers roaming in these countries to use the units of their domestic packages in these countries.

In the context of developing the entire regulatory basis for the successful application of the full RLAH policy, the AKEP Steering Board adopted with its decision No. 1 dated 14.1.2021 the Regulation “*On Implementing the Fair Use Policy and the Sustainability Assessment Methodology for the Roam Like At Home (RLAH) with the Western Balkans*”. This regulation defines the detailed rules to ensure the implementation of the fair use policies (FUP) that mobile operators in the RoA can apply for the consumption of regulated retail roaming services, with the aim of preventing abusive and abnormal use of retail roaming services by subscribers while roaming in the WB countries.

1.2 Transformation processes in the postal market

The postal sector in Albania has undergone a process of changes over time, based on the EU member states model and in accordance with the best international practice. The transformation went from the provision of traditional monopolistic postal services towards a market that is gradually opening up to competition, where the provision of these services is aided by technological developments and infrastructure modernization.

The postal sector is of importance in the Albanian economy and is one of the sectors with the highest number of employees in the country with more than 3,076 employees. The activity of the postal sector is managed based on the relevant legislation (Law No. 46/2015 “On postal services in the Republic of Albania” and the relevant secondary legislation adopted for its implementation) and its development according to the instructions and objectives set in the postal policy document developed and adopted by the Government.

The postal services market has changed considerably in recent years. One of the main changes is the move away from traditional paper-based communication towards electronic devices based communication, which has led to a considerable decline of postal object volumes. At the same time, digitalization increasingly drives up the volume of postal packages (parcels) as a result of the e-commerce growth.

In the postal market, this increasing tendency of postal parcels driven by e-commerce has become the main segment for newcomers in the market, in the form of postal parcel delivery service providers, which grew from 26 operators at the end of 2020 to 31 by the end of the first quarter of 2021.

The combination of traditional postal services with electronic ones has ushered in the necessity to modernize and digitize both infrastructure and logistics supporting the provision of quality services. Thus, to improve postal object delivery quality standards in the context of increased parcel volumes, market players are investing to increase the number of vehicles in rotation. An example in this case, is the Posta Shqiptare sh.a., which has invested in a fleet of ecological vehicles.

Beyond more competition, another recently identified feature of the postal market is also the increased cooperation between market players to reap mutual benefits, especially as regards the most efficient use of infrastructure capacities.

An example of this, which became even more evident during the Covid-19 pandemic, is the sending and receiving of the international Posta Shqiptare sh.a shipments with DHL and FedEx planes, at a time when civil flights, which are normally used to ship Posta Shqiptare sh.a shipments were grounded. In addition, during this situation AKEP has cooperated with other public institutions to allow for the free movement of postal service vehicles and enable to delivery of postal products and distribution of pension payments to citizen addresses.

The changes in this market in transition are a challenge for the regulator, which aims at establishing a regulatory framework that stimulates to launching of innovative services, while at the same time driving fair competition. The regulator must clearly define the rules of the game to avoid any anomalies from potential market abuse both on the demand and also the supply side.

In 2020, postal services in Albania were provided by 27 entities authorized by way of “General Authorizations” compared to 20 such entities in 2019. Among them, the Posta Shqiptare sh.a is the sole Universal Postal Services provider, and as elaborated above, the Individual Authorization for the provision of this service was renewed for another 5 years in 2020.

Postal market volume indicators

In 2020, the postal services provision market was considerably impacted by the effects of the pandemic, which led to a shrinking of volumes processed, especially international shipments.

The total number of postal objects accepted in 2020 by the Posta Shqiptare sh.a and the other postal services providers reached some 24.7 million, a decline of some 4% compared to 2019. This decline was a result of the shrinking volume of Posta Shqiptare postal services, while the opposite happened with the volumes accepted by other postal services providers, who posted growth in all non-universal and express services indicators in 2020. The largest growth was achieved by the non-universal postal service for domestic postal shipments, which grew by some 174%, while the domestic express service grew by some 39% over 2019. Growth was positive for international post as well, even though at lower levels of approximately 10-13%.

The pandemic lock down effects, especially during the second quarter of 2020 led commercial and financial service providers to move away from physical presence methods in brick-and-mortar stores towards providing and receiving relevant services online and by courier (post).

Revenue and investment in the postal market

Postal services providers reported 2.8⁹ billion ALL in revenue from these services, an increase of approximately 18% compared to the revenue generated in 2019 (2.4 billion ALL).

The majority of the market share is taken by the universal postal services provider Posta Shqiptare sh.a., with total revenue of 1.5 billion ALL, with almost no changes compared to 2019. Of the total revenues, approximately 1.3 billion ALL were generated from the universal service.

Other postal service providers have generated a total of 1.3 billion ALL, an increase of 59% compared to 2019 (825 million ALL).

Investments in the postal sector have also marked positive developments. As of the end of 2020 over 363 million ALL were reported as investments, with the majority (approximately 92%) being undertaken by the Posta Shqiptare sh.a.

Universal postal service volume indicators

2020 was a challenging year for all the sectors of the economy, and making up a considerable portion of the domestic market, the Postal Universal Service has felt the effects and the consequences of the pandemic.

⁹ Revenue may change when comparing auditing reports and reports to AKEP

Universal postal service objects figure indicators

| | 2017 | 2018 | 2019 | 2020 | Difference 2020/2019 |
|--------------------------------|------------|------------|------------|------------|-------------------------|
| Total Universal Postal Service | 19,922,420 | 19,711,717 | 21,501,005 | 18,390,874 | -14.5% |
| Domestic mail | 18,599,662 | 18,298,143 | 20,348,070 | 17,487,538 | -14.1% |
| International mail | 1,322,758 | 1,413,574 | 1,152,935 | 903,336 | -21.6% |
| Registered objects | 2,985,376 | 3,158,376 | 4,181,775 | 2,371,759 | -43.3% |
| International Post | 1,322,758 | 1,413,574 | 1,152,935 | 903,336 | -21.6% |
| Outgoing International objects | 362,415 | 334,696 | 344,930 | 202,823 | -41.2% |
| Incoming International object | 960,343 | 1,078,878 | 808,005 | 700,513 | -13.3% |

Source: Data from Posta Shqiptare sh.a.

The data above for 2020 represent a sharp decline of universal postal services, especially as regards the post objects volume. This was deeply impacted by the pandemic caused by Covid-19, because in 2019 these indicators were growing consistently.

Some of the main reasons impacting the decline of the universal postal services indicators are listed below:

- a) fighting the Covid-19 pandemic required the closing of businesses and restriction of population movement to certain time slots for a considerable amount of time, leading to interruption of correspondence among businesses (B2B), between businesses and consumers (B2C) and vice versa, and restricting face to face interactions at Posta Shqiptare sh.a. Windows, which led to less postal services provided;
- a) the transition to remote work in the central and local administration in general led to reduced use of paperwork mail and increased use of email.
- a) The Covid-19 pandemic led to interruption of civil flights for a number of months, thus interrupting the normal air mail operations. A cooperation was set up with DHL and FedEx for continuation of international postal services, and the shipments were transported with the airplanes of these carriers.

1.3 Monitoring and inspection processes in the markets overseen by AKEP

i. frequency spectrum monitoring processes in 2020.

A. Inspection processes in the markets overseen by AKEP

AKEP activity in 2020 was based and aimed at fulfilling the regulatory role, functions and objectives provided for in the material legislation on electronic and postal communications.

It should be noted that inspection is an important AKEP activity in the context of improving business climate and the awareness of entities to comply with the relevant rules and legal standards. In accordance with the legal provisions regulating it, inspection in itself aims at protecting public interests and the legitimate interests of all natural and legal persons. This aim of the inspection activity is fulfilled by assessing the compliance of the inspection subject with legal requirements and by documenting the best practices in

complying with legal requirements and disseminating them. Inspection could achieve maximum efficiency when conducted in mutual cooperation and responsibility with inspection subjects.

Another strategic objective of the AKEP inspection structure, provided also in the legislation, is continuing to be a partner to undertakings and an active contributor to enhancing proper operation and public accountability, in order to promote transparency, market efficiency, effectiveness and legal compliance. In this context, inspecting activities are focusing on strengthening the fight against informality.

In accordance with the annual inspection plan objectives, AKEP inspection structures inspected a portion of the public communication subjects in this plan in 2020, because the pandemic and the declaration of the natural disaster situation thereof led to a suspension of monitoring and inspections, which are planned to resume at a later moment.

a) Planned Inspection

(electronic network and service providers)

The electronic network and service providers selected for inspection by the relevant structure in the field in 2020, were selected on the basis of specific criteria.

- entities not inspected over the past two years, i.e., in 2018 and 2019;
- entities classified as entities of high risk;

The innovation of the 2020 inspection plan was the inclusion of Domain Registries in the inspection procedure. This plan provided in detail for the inspection activities that were to be conducted during the year with regard to Domain Registries, the main topics and checking compliance with the provisions of regulation No. 2, dated 21.2.2008 “On the Registration and Administration of Domain Names under the .AL and its relevant sub-domains, .gov.al, .mil.al, .edu.al, .com.al, .org.al and .net.al”.

The Annual Inspection Plan for electronic communications undertakings foresaw field inspections for 56 undertakings, but in the conditions created in 2020, only 10 undertakings were inspected.

According to the annual plan 8 Domain Registries were scheduled for inspection. Currently, only 2 such Registries were inspected in 2020. Upon conclusion of the inspection the administrative measure of “Warning” (primary penalty) was imposed for 1 entity and a complementary penalty in the form of recommendation was imposed for another.

The annual inspection plan for 2020 planned inspections for all entities providing registered mail services recorded in the Postal Services Register, for a total of 16 entities. For objective reasons and as a result of the suspension of inspections during the pandemic, only 3 postal entities were inspected. Complementary penalties in the form of recommendations have been imposed for all three entities in question.

The inspection process for the Posta Shqiptare sh.a. as the universal service provider, that was initiated in 2019 was concluded in 2020.

The Final Inspection Decision dated 18.2.2020 imposed a “Fine” administrative measure against the Posta Shqiptare sh.a. postal services, which was also upheld by the AKEP Steering Board after the administrative appeal filed by Posta Shqiptare.

After the decision of the Steering Board, the Posta Shqiptare sh.a. Company exercised its right to appeal with the Tirana First Instance Administrative Court.

On 2.3.2021, the court decided to dismiss the suit filed by Posta Shqiptare sh.a and uphold the administrative measure imposed by AKEP.

In addition to the “Fine” administrative measure, AKEP also made the following recommendations to the Posta Shqiptare sh.a postal services provider:

- The provider should take organizational and technical measures for the delivery of all post objects (packages/parcels) to the receiver address, in accordance with article 40 of Law No. 46/2015.
- The provider should take measures to review decision No. 5 dated 30.1.2017 of the Posta Shqiptare Supervisory Council and to review decision No. 24, dated 17.6.2014, “On adopting changes to the postal service tariffs of the Posta Shqiptare sh.a. Company” (*notification to retrieve post parcels*), with the aim of correcting the issues identified with the tariffs levied from users when retrieving packages received and stored at the post offices.
- The provider should take measures to conduct relevant legal and technical procedures to comply with the requirements of article 31 of Law No. 46/2015 “On Postal Services in the Republic of Albania” and Regulation No. 41, dated 3.3.2016 “On separating accounts and estimating the universal postal services cost”.

Another important moment in the framework of inspection missions, was the inspection of all three mobile operators. This inspection was conducted from 23.12.2020 to 25.02.2021 and was part of the annual plan. However, it had a more focused dimension because of the intensification of the number porting issues.

After the inspection of the 3 public mobile network operators, namely One Telecommunications sh.a., Vodafone Albania sh.a., and Albtelecom sh.a., the AKEP inspection structure found that all 3 operators had committed violations of Regulation No. 43, dated 22.9.2016 “On the number porting methodology”, which are classified as administrative infringements and are punishable by administrative penalties in the form of a “fine” and complementary administrative penalties in the form of recommendations, in accordance with article 137 of Law No. 9918 dated 19.5.2014, “On electronic communications in the Republic of Albania”, as amended.

b) Inspektimi në distancë

Krahas inspektimeve të programuara në terren, struktura përgjegjëse inspektuese e AKEP, në zbatim të Rregullores nr. 46, datë 27.10.2016, “Metodika e Inspektimit të Veprimtarisë së Sipërmarrësve të Rrjeteve dhe Shërbimeve të Komunikimeve Elektronike” si dhe Urdhrit nr. 343 prot., datë 7.6.2018, “Për procedurën e inspektimit në distancë, administrimin e informacionit të përfutur dhe planifikimit të tematikës të inspektimit dhe monitorimit”, realizoi inspektime në distancë duke verifikuar rreth 180 sipërmarrës që zhvillojnë veprimtarinë në rrjetet elektronike.

The inspection scope was to verify compliance with the following:

1. The obligation to fill out and submit Form G regarding statistical data for the first quarter of 2020; (Regulation No. 12, dated 7.4.2010 “On the periodic statistical and financial data of electronic communications network and/or service operators”),
2. The obligation to report quality operators for the second half of 2019; (Regulation No. 16, dated 16.4.2010 “On service quality indicators”).
3. The execution of payment for allocating and using AKEP frequencies in accordance with the relevant timeframes; (article 78 of law No. 9918/2008).
4. The execution of payment for allocating and using number mapping in AKEP in accordance with the relevant timeframes, notifications and renotifications; (article 86 of law No. 9918/2008).

Upon completing the inspection procedures focusing on verifying compliance with the regulatory obligations towards AKEP, the following was concluded:

No administrative measures were taken for entities complying with the regulatory obligations towards AKEP, considering also the situation the entire country faced in the context of the Covid-19 pandemic, and the positive will of the entities to comply with the obligations upon communicating with the inspection team.

The main administrative measure of “fine” (when the entity had committed repeat violations) and the administrative measure of “warning” (when the violation was committed for the first time), and complementary decisions to comply with the regulatory obligations immediately, were imposed for the entities (21 such operators) that upon completion of the inspection procedure were found in violation of the regulatory obligations towards AKEP. In total, 21 “fine” administrative measures were imposed at a total value of 270,000 ALL.

2. Challenges related to the efficient administration of frequency bands

2.1 The innovation of benefiting from the automated frequency management system

When considering:

- the needs of the institution to meet its legal and regulatory obligations to provide quality services regarding the administration of requests submitted by the electronic communication operators;
- the obligations provided for in DCM No. 636, dated 29.7.2020 “On adopting the multi-year plan for the spectrum policy and its action plan”;
- the obligations provided for in the AKEP Steering Board Decision No. 2574 dated 22.5.2015 “On adopting the “Midterm 2015-2018 Investment Plan for Information and Technology Systems” Document”;
- the regulatory obligations aimed at the most effective administration possible of the frequency spectrum and at conducting its inventory;

AKEP took the required measures to administer the radio spectrum through contemporary computer programs and could be updated in accordance with the practices and provisions of the PKF, RR-ITU and the ECA Table.



Figure 7: National Frequency Monitoring Center
Source: AKEP 2020

Even though public procurement procedures were suspended in the first part of the year as a result of the pandemic, AKEP was able to successfully complete the relevant public procurement procedure, thus making possible the implementation of the Advanced Frequency Spectrum Administration System.

This investment meets all the criteria recommended by the ITU on how “Automatic Advanced Spectrum Management Systems” should operate.

The automation of the radio frequency spectrum administration system becomes necessary when the data volumes processed are large and complex analytic studies are required. Thus, these system results in the following innovations:

- More accurate and optimized answers regarding requests to allocate frequencies through the selection of adequate channels, considering details such as terrain features.
- Verification of the requests submitted with the National Frequency Plan, the National Use Plan and the International Frequency Allocation Table.
- Conducting detailed engineering analyses to avoid interference.
- Electronic data exchange between ITU administrations.



Figure 8: Central frequency management and monitoring room at AKEP (2021)

Source: AKEP 2020

In addition, the implemented system allows for the facilitation of specific regulatory duties for the adequate management of the frequency spectrum, and allows for the effective use of the frequency band in accordance with the provisions of the national Frequency Plan and the international CETP/

ITU Decisions / Recommendations.

It is used to conduct detailed engineering analyses on frequency allocation, interferences and coordination, allowing AKEP staff to professionally complete their regulatory duties related to spectrum administration.

International coordination and the notification of allocated frequencies, in accordance with the provisions of the ITU Radio Regulations and relevant ITU software models, help AKEP in assessing the frequency bands for existing and new electronic communications systems and networks that could be developed in the future, avoiding interference in the neighboring and regional countries.



Figure 9: AKEP employee training by the company contracted for the advanced frequency spectrum administration system
Source: AKEP 2021

2.2 Inventory and planning to make the 700Mhz, 800Mhz, 1450Mhz and 3800Mhz bands completely operational

One of the duties assigned under the Resolution of Parliament adopted in July 2020 was for AKEP to prioritize and make unallocated bands fully operational for the benefit of citizens and consumers, after having conducted analyses related to spectrum use, including relevant technical combinations, in accordance with the national spectrum policy program.

In addition, the National Plan for sustainable broadband development, adopted with DCM No. 434 dated 3.6.2020 “On adopting the 2020-2025 National Plan for the sustainable development of the broadband digital infrastructure”, has defined the granting of use rights regarding the free frequencies in the 800MHz band by the end of 2022.

In this context, the allocation of the remaining unused spectrum frequencies in the 800MHz band and other bands that help the development of next generation networks, has led to AKEP having some means for approaches to the best European practices in managing the spectrum and their value available.

In this context, in the second half of the year, AKEP conducted procurement procedures to obtain international consultant services related to the granting of rights for free frequency bands and their combinations. The

consultancy services were provided by a German company with vast experience in this area. This company has provided consultancy in the electronic communications field for the German government and the German regulatory authority, and for other EU member states and the Regional Cooperation Council (RCC).

The completion of this duty is in complete compliance with some legal provisions made in law No. 9918/2008 as amended, regarding:

- The most efficient use possible of the frequency spectrum by mobile operators in Albania;
- Respecting the principle of technological impartiality (neutrality).
- The stimulation of efficient investments in the electronic communications infrastructure and in new technology developments to achieve better quality for their products.
- The stimulation of efficient competition to ensure electronic communications networks and services, auxiliary facilities and other services.
- Non-discrimination and equality how electronic communications network and service operators are treated.
- The protection of public security interests;
- The protection of electronic communications service users interests.

This consultation service assisted in the first analysis of the 800 MHz, 1452 – 1492 MHz and 3400 – 3800 MHz frequency bands from a technical, legal, and economic perspective, and potential combinations thereof.

The consultation provided a clear overview of the current situation regarding the broadband and mobile band availability, technologies used, investment in the telecommunication market and a review of the National 2020-2025 Broadband Plan, focusing especially on the frequency strategy.

The consultant company presented its recommendations on actions to be undertaken for the development of the tender procedure, the allocation of frequencies, and the price of the frequency spectrum.

The recommendations for action were developed in the form of three scenarios, which correspond to three possible objectives for the Regulatory Authority.

The analysis led to the identification of the following three action areas, which should be taken under special further consideration regarding the frequency bands and which touch upon the following:

- The elimination of a considerable digital broadband coverage gap between rural and urban areas, which is mainly a result of the considerable lack of adequate infrastructure required to provide access to broadband in rural areas.
- The improvement of coverage with 4G services, since a large portion of the coverage with 4G network frequencies are currently expected to focus on urban areas and road transport axes.
- The gradual inclusion of next generation technologies, based on further 4G extension.
- Access to broadband through mobile communication offers, as a result of the increasing use of broadband offer dynamics and an inadequate wire infrastructure in rural areas, used as a replacement for fixed networks.

The consultation brought a series of new approaches to AKEP, among which the following should be noted:

- The experiences of the European Union member states and countries of the Region regarding bands currently being researched were studied and presented.
- The measures taken by regulatory authorities in these countries regarding frequency bands (currently being researched) were studied and presented.
- The recommendations broadly and accurately address technical possibilities, legal action, price for each band, and acts that should be adopted.
- The recommendations can be adopted in Albania depending on market needs.

The 700 MHz band

The 700 MHz band (694-790 MHz) is considered to be very important for broadband coverage, especially in areas showing sustainable developments, such as rural, mountainous or remote areas. This band is adequate to ensure effective coverage over wide areas with improved indoor coverage, and is adapted easily to both improvement of quality for mobile communication services provided through 4G technologies, and to development of next generation new communication technologies known as 5G or IMT - 2020.

Frequencies in the 700 MHz band will also broaden resources of the spectrum under 1 GHz, which are now used to provide broadband mobile communication services through the LTE technology, and will facilitate the introduction of 5G networks and wide introduction of innovative technologies.

The United Nations believe that 5G would have a great impact not only on the digital sector, by the economy at large. Especially when compared to the slow spread of 4G and relevant services, the successful start of 5G introduction in the EU is considered as critical to sustainable development and economy competition and productivity.

The allocation of 700 MHz band frequencies should be structured to facilitate competition and should be conducted in a way that does not undermine existing competition.

The execution of the most objective and transparent rights granting process possible for the benefit of Albanian consumers and economy would lead to the establishment of a competitive market in Albania, the

effective use of the spectrum and achievement of regulatory objectives.

The second Digital Dividend or the reallocation of the 700 MHz (694-790 MHz) band to mobile broadband services (Mobile Broadband - MBB) is mainly allocated to audiovisual services.

A key decision was made at the ITU World Radio-Communication Conference in 2015, which will provide more capacities in the 694-790 MHz band in the ITU Region 1 (which includes Albania), and this will be a solution globally harmonized for the implementation of the digital dividend.

The Decision of the European Commission of 17 May 2017 provides that member states must vacate the 700 MHz band from audiovisual use by 30 June 2020. In addition, the 700 MHz band should be given to mobile operators for use by 30.6.2022 for the provision of mobile terrestrial broadband services.

The 700 MHz band was conclusively assigned to mobile networks for the provision of broadband services (at high speed) at the 2019 ITU World Radio-Communication Conference.

EU recommendations for member states are that by the end of the first half of 2022, EU member states should issue rights of use for the 700 MHz band (Individual Authorizations).

Currently, in Albania the 700 MHz band is being used by a number of audiovisual operators. This band is administered by the Audiovisual Media Authority (AMA). After it has been vacated, this band will be transferred for administration to AKEP, to be granted for use to mobile network operators.

In the context of vacating this band, and with the initiative of the Ministry of Infrastructure and Energy, the ITU (International Telecommunications Union) has provided consultancy, which started in September 2020 and will continue until April 2021.

This consultancy aims at providing the Audiovisual Media Authority (AMA) with the best technical solutions for vacating this band from audiovisual operators.

AKEP has provided its opinion and legal expertise in continuous communication with ITU experts with regard to the development of the documentation and acts issued regarding the spectrum policy.

After AMA have vacated it, this band will be transferred under the administration of AKEP and the use rights will be tendered for mobile operators.

2.3 AKEP frequency use monitoring processes

In reference to Law no. 9918, dated 19.5.2008 “On electronic communications in the Republic of Albania” AKEP is defined as the national authority responsible for monitoring the frequency spectrum use, pursuant to the National Frequency Plan and the Frequency Use Plan.

With the aim of exercising its legal competencies regarding the frequency spectrum use monitoring, AKEP has organized its annual frequency spectrum monitoring activities as follows:

a) Fixed frequency spectrum monitoring from *Fixed Stations*.

This monitoring is conducted with fixed RFMS and SRMF frequency spectrum monitoring stations with the aim of providing valuable data on the spectrum administration process, regarding the current use of frequency channels and bands, the verification of the real technical characteristics of the signal broadcasted, the provision of monitoring information related to requests for special assistance to eliminate harmful interference by neighboring countries, and to identify and terminate off-band broadcast;

b) Mobile frequency spectrum monitoring.

This monitoring aims at monitoring radio connection frequencies at main broadcasting points of the Republic of Albania with the aim of verifying the use of frequencies authorized for use, which should be in compliance with the applicable legal and regulatory framework, pursuant to the authorization conditions;

c) Frequency monitoring for radiation levels of electro-magnetic fields (EMF).

This monitoring is undertaken to support the Commission for the Protection from Radiation, and at the request of the public regarding the level of radiation in residential areas.

d) Frequency spectrum monitoring for *Service Quality for the GSM, UMTS, and LTE Services*.

This monitoring aims at overseeing the mobile telephony services quality, in order to identify problematic areas of low quality services and to stimulate operators to further improve their GSM, UMTS and LTE services in these areas.

The monitoring service observes the radio spectrum and compares whether the spectrum use aligns with the spectrum administration policy, allowing for the determination of rules to identify and review administrative violations through frequency spectrum monitoring, regarding compliance with the Individual Authorization technical conditions.

The annual spectrum monitoring plan is mainly based on the periodic band used assessment and the ITU recommendations on allocating new frequency bands.

To ensure the exercise of the legal competencies related to oversight, control and monitoring of the electronic communications network operator activity and of the electronic communications services, in accordance with Law No. 9918/2008 and other acts issued for the implementation of this law, especially the enforcement of the conditions provided for in the Individual Authorizations for frequency use, AKEP undertakes continuous monitoring of the radio frequency spectrum use.

The aim of the spectrum monitoring is to support the spectrum administration process in general, including

functions for allocating frequencies and spectrum planning.

More specifically, the monitoring objectives are as follows:

- To assist with the resolution of electromagnetic spectrum interference at the local and regional level and beyond, so that radio services and station can coexist, reducing and minimizing the accompanying resources through the installation and operation of telecommunications services, ensuring economic benefit for the country's infrastructure through access to telecommunications services without interference;
- To ensure valuable monitoring data for the electromagnetic spectrum monitoring process by the administration, as regard the current use of frequencies and bands (for example, the usurpation of channels and bands), the verification of technical and operational characteristics of broadcasted signals, the detection and identification of illegal broadcasters, the generation and verification of frequency recording;
- To ensure valuable monitoring information for programs organized by ITU, such as the development of Radio Communications Conference reports, with the aim of providing special assistance to administrations in identifying the adequate frequencies.

A. Frequency spectrum monitoring through the fixed stations

Frequency spectrum monitoring has also been conducted through the following monitoring stations:

- **RFMS – Kruja and RFMS – Pinet for the 20 MHz to 3000 MHz frequency band**

The Radio Frequency Monitoring Systems (RFMS) installed in Pinet and Kruja include the equipment required for frequency monitoring and identifying direction using the AOA methodology and are remotely controlled with MCCs, through the ARGUS monitoring software. The Remote Frequency Monitoring Systems (RFMS) in Pinet and Kruja monitor the 20 to 3000 MHz frequency band spectrum.

- **The Shkodra, Vlora, Korça, Gjirokastra and Fier SRFMS for the 20 to 8500 MHz frequency band.**

The Simplified Remote Frequency Monitoring Systems (SRFMS) which are installed in the regions of Shkodra, Vlora, Korça, Gjirokastra and Fier are equipped with the equipment required for frequency monitoring and identifying direction through the AOA methodology, and are remotely controlled with MCC in Tirana and the Regional Offices in Shkodra, Vlora, Korça through the SCORPIO CLIENT monitoring software. The Simplified Remote Frequency Monitoring Systems (SRFMS) monitor the 20 to 8500 MHz frequency band spectrum.

The monitoring system control is realized from the Main Control Center (MCC), which is located in the Tirana offices and the regional offices of Vlora, Korça and Shkodra.



Figure 10: Fixed frequency monitoring station in Vlora
Source: AKEP 2020



Figure 11: Fixed frequency monitoring station in Shkodra
Source: AKEP 2020



Figure 12: Regional Korça monitoring and inspection office
Source: AKEP 2020



Figure 13: Regional Vlora monitoring and inspection office
Source: AKEP 2020



Figure 14: Main Control Center (MCC) at AKEP offices in Tirana
Source: AKEP 2020

These offices enable the remote control of all Remote Frequency Monitoring Systems (RFMS) and Simplified Remote Frequency Monitoring Systems (SRFMS).

The important duty of monitoring through fixed stations is related to data collection on the use of the radio frequency spectrum.

The data obtained from the frequency spectrum monitoring will serve work consistency by collecting the necessary information on frequency use update plan, which is developed and updated periodically to ensure effective frequency use without any interference.

In addition, the data informs the definition of rules related to the use of frequency bands, including frequency administration characteristics for radio-communication networks and radio stations and radio equipment, frequency allocation methodology, various cases concerning the individual frequency use authorization, technical requirements and operating conditions related to the operation of radio systems.



Figure 16: Monitoring equipment for the terrestrial mobile service
Source: AKEP 2020



Figure 15: Up to 8 GHz frequency spectrum monitoring analyzer
Source: AKEP 2020

B. Monitoring of the fixed radio connections frequency spectrum

The monitoring of the fixed radio connections frequencies is undertaken using Mobile Monitoring Stations (MMS). The monitoring stations are multipurpose and equipped with the same equipment as the RFMSs and a full set of mobile equipment to take all types of special measurements, such as those in fixed radio connections (radio relays or links), or electromagnetic field intensity meters. MMCs have been used for monitoring operations across the country.

The main purposes for using this type of equipment in 2020 were to verify legal and administrative compliance by undertakings operating under the AKEP Individual Authorization regime, so that the use of frequencies authorized complies with the applicable legal and regulatory framework, the authorization conditions, the National Frequency Plan and the AKEP Frequency Use Plan.



Figure 17: The frequency monitoring mobile stations parking
Source: AKEP 2020



Figure 18: Mobile spectrum monitoring station
Source: AKEP 2020



Figure 19: View of the fixed radio connection monitoring process
Source: AKEP 2020



Figure 20: View of the fixed radio connection monitoring process
Source: AKEP 2020

Monitoring of fixed radio connections in the framework of the annual spectrum monitoring frequency activities, was conducted in the main locations where operator broadcasting equipment is installed, as shown the table below:

| No. | Place where measurements were performed | City | Measurements Period |
|-----|---|-----------------------|---------------------|
| 1 | Kodër Mucaj, Ardenicë | Vorë, Fier | During January |
| 2 | Grabjan, Ligovun | Lushnje, Fier | During February |
| 3 | Sopot, Qafë Gjashtë | Gjirokastrë, Sarandë | During July |
| 4 | Midë, Tregtan | Pukë, Peshkopi | During August |
| 5 | Kërcullë, Gllavë | Gjirokastrë, Tepelenë | During September |
| 6 | Zvërnec, Llogara, Himarë | Vlorë, Himarë | During October |
| 7 | Pepellash, Çarshovë | Kolonjë, Përmet | During November |
| 8 | Kodër Durrës | Tiranë, Durrës | During December |

The main broadcasting points where frequency spectrum monitoring was conducted.



Figure 21: Geographic representation of the main broadcasting points in the Republic of Albania
Source: AKEP 2020

In 2020, AKEP monitored 16 main broadcasting points in the Republic of the Territory of Albania

C. Addressing complaints of harmful interference

Reported interference cases show that the majority of them are related to frequencies used for GSM, UMTS and LTE *broadband* broadcasting on the frequencies used by mobile network operators.

Fixed monitoring stations are not always adequate for these types of interferences, since problem identification in these cases requires the identification and use of the interfering signal direction, which in general operates at a lower strength and within a narrower action area. The most traditional and typical interference monitoring method is the combination of fixed stations with mobile monitoring stations to improve interference investigation efficiency.

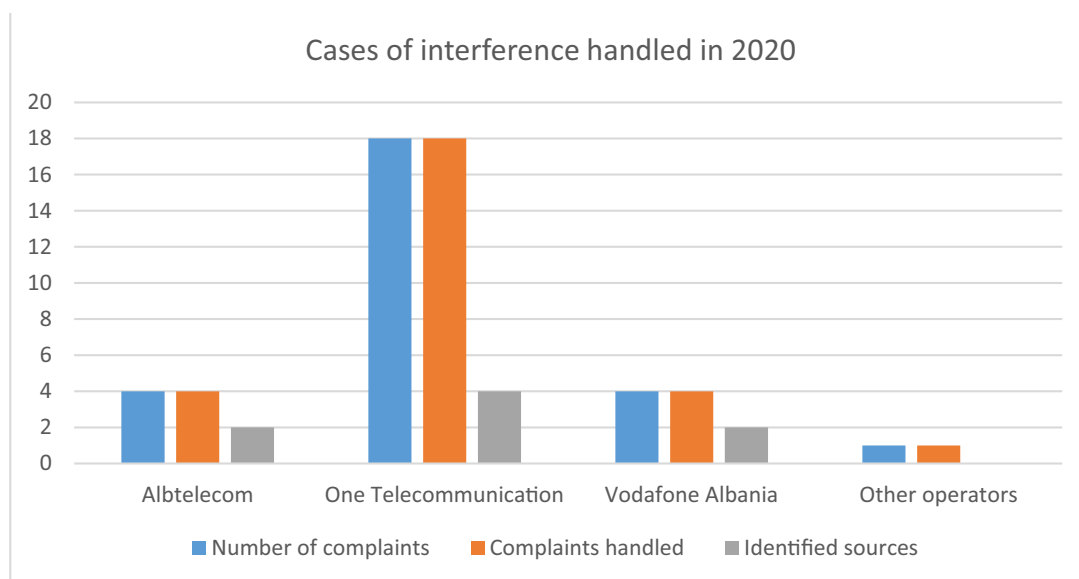
To allow full interference source identification, it is often necessary to undertake an inspection of the radio equipment, in the case of a radio stations that has been identified as the one responsible for the interference in a given complaint. The inspection undertaken, whether as part of planned work, or in response to a specific interference complaint, aims at ensuring that the installation complies with its conditions of use, and that the radio equipment operates in a manner which does not cause unwanted interference.



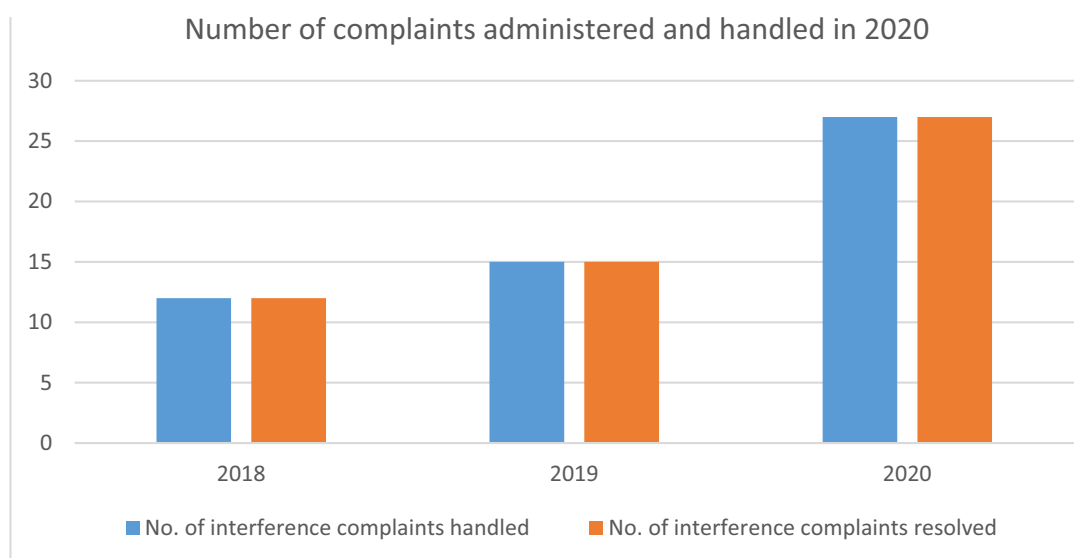
Figure 22: Frequency spectrum monitoring work for harmful interference

Source: AKEP 2020

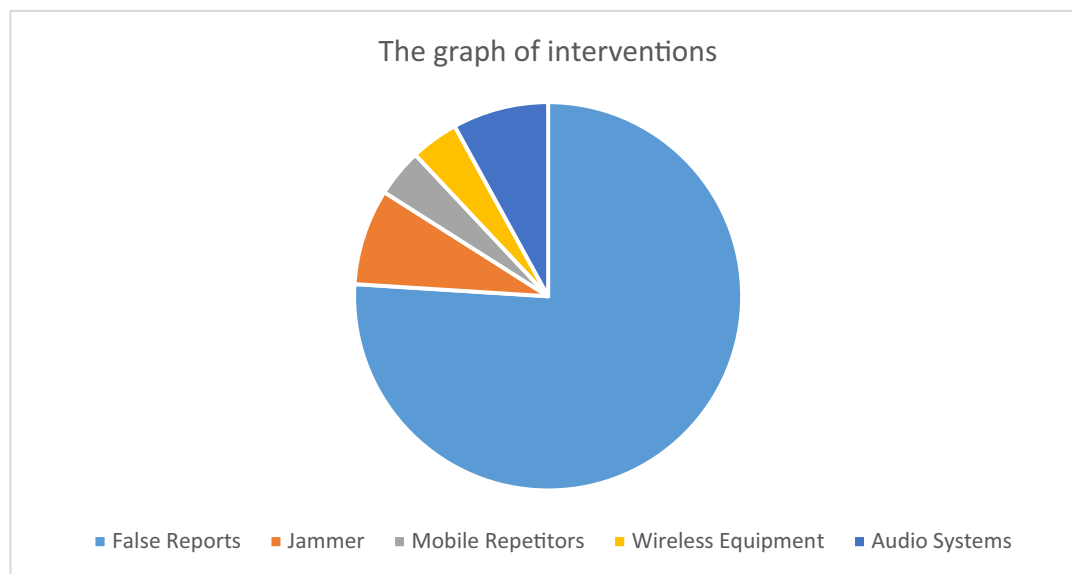
The cases of interference addressed are presented below:



Cases of interference addressed in 2020.



Cases of interference administered and addressed in 2020.



Interventions based on the type of equipment and cause of confirmed interferences

Using procedures like testing and tagging some 27 potential interference sources, it was possible to detect and correct such interferences as incorrectly configured or unauthorized emitters, after the interference was caused and the complaint was lodged.

In addition, there was an increased need to use communication networks in 2020, and often communication traffic reached its upper limit values. This phenomenon is often identified as interference by the system and in some changes it has coincided with the changes and investments made by operators to improve and increase communication capacities in the network, which is followed by network optimization difficulties.

D. The monitoring of the frequency spectrum for electromagnetic field radiation (EMF)

Considering the high public interest sensitivity regarding radiation and to support subscribers and not only, in 2020 AKEP implemented a monitoring campaign focusing on the electromagnetic field levels near highly sensible public institutions such as schools, kindergartens and hospitals, even though on radio wave transmitting antennae are installed on these buildings.

AKEP does not set safety levels regarding to electromagnetic field (EMF) emissions exposure, and does not have the expertise or responsibility to take part in issues related to biological or health research in this regard. AKEP is limited to taking emission level sample measurements.

The Protection from Radiation Committee of the Republic of Albania (PRC) is legally tasked to decide on the rules regarding the electromagnetic field (EMF) and health, and these include reviewing scientific knowledge and instructions related to safe EMF exposure.



Figure 23: View of the non-ionizing radiation measurement process at mobile telephony broadcasting antennae
Source: AKEP 2020

Measurements near broadcasting antennae have been taken when they were requested by various citizens, who have raised their concerns with AKEP about the presence of mobile antennae near their residences. Frequency monitoring regarding the level of electromagnetic field (EMF) radiation in the Republic of Albania territory is conducted with the aim of strengthening AKEP contribution to the Protection from Radiation Committee and to inform the public regarding the radiation levels in the areas of their daily activities.

Measurements regarding the electromagnetic radiation level monitoring have been taken using the broadband measurement method in the 8 kHz to 8,000 MHz frequency band.

The results of the measurements recorded to date show that radiation levels emitted by mobile antennae do not pass the safety threshold defined by the International Committee on Non-Ionizing Radiation Protection (ICNIRP).

The measurement data collected from the field are processed in the technical reports and are published on the AKEP website, with the aim of informing the public and to assess the data of the Radiation Protection Office, which operates under the PRC.

A total of 175 measurements were taken in 2020, 18 of which were planned and 2 were requested by relevant entities.

3. Strategies to Strengthen Electronic Communications Networks and Services in an Unstable Global Environment

3.1 Interinstitutional interaction for the active and passive infrastructure development standardization in the framework of next generation technology development.

The development of both fixed and mobile next generation service networks in an interactive process in which the central government, the local government, regulators and undertakings are involved as the main stakeholders.

While there is an existing legal framework in place, undertakings are facing challenges in further expanding and developing electronic communications service networks, especially with regard to:

- the construction permitting process,
- the enforcement of the secondary legislation related to the right of way,
- inability to achieve investment return in rural and remote areas,
- infrastructure investment being undertaken only by the private sector,
- lack of support mechanisms based on public finances, considering also the establishment of the Universal Service fund for broadband services,
- issues related to the frequency spectrum allocation and fees.

In 2020, AKEP has supported and will continue to support electronic communications service network operators in developing their active and passive infrastructure, and in this regard, MIE is undoubtedly the main strategic partner.

In addition, AKEP has provided its technical expertise the MIE in relation to the completion of the secondary legislation framework under Law No. 120/2016 “On the high-speed electronic communications network development and guaranteeing the right of way”, which focuses on rules and requirements for the installation of fixed broadband networks in buildings and the rules and procedures for granting right of way, methodologies for setting right of access and right of way tariffs, etc.

One of the strategic approaches directly connected to operator cost reduction and as a cause to driving investment for infrastructure development, was related to the sharing of passive and active infrastructure in both fixed and mobile networks. The best practices for such infrastructure sharing to provide mobile electronic communications service coverage will continue to remain a focus of the work in 2021 as well.

It is widely known that the major share of the electronic communications networks development and

maintenance costs is made up of the infrastructure construction cost, so reducing such costs as much as possible would enable a faster development thereof. Certainly, the best way to achieve this is through infrastructure sharing, or commonly using infrastructure with other operators.

In 2020, AKEP developed a report on identifying and proposing relevant solutions related to electronic communications networks development and maintenance and the management of network expansion in urban settings.

Since the infrastructure is the most important and delicate link in the quick and sustainable telecommunications market development, the authority has requested meetings with the Municipality of Tirana to orient, facilitate and further drive this development.

In the conditions and with the limited resources available, work continued in 2020 to improve networks in the main cities in the country, and to separating electronic communications networks from power networks.

In 2020, AKEP has continued to consistently oversee network operator activities to remove and organize their network cables and to intervene in residential building façades in some hot spots in Tirana.

Operators have cooperated with AKEP inspectors in addressing issues reported by citizens, who have requested that overhead cables in their buildings and around them be organized appropriately.

In addition, increased accountability on the side of the operators regarding this issue has been noted, because cable organizing after having been removed from power poles is done in a more careful manner and efforts are made towards modern technological installations, which favor fiber optic, since one fiber optic cable replaces many other types of cables.

3.2 Electronic communications network centralized information system (ATLAS) processing process

3.2.1 Current situation of the ATLAS centralized information system

The Centralized Information System (ATLAS) for electronic communications networks was developed and has been put in operation since 2012, in accordance with the legal provisions of Law No. 9918, dated 19.5.2008 “On Electronic Communications in the Republic of Albania”, as amended, regulation No. 26, dated 16.08.2012 “On the maintenance, format and operation of the public electronic communications networks electronic register in the Republic of Albania”.

AKEP has been assigned as the institution responsible for developing and administering the Centralized Information System, which includes the electronic register with data submitted by undertakings, which is updated with new information submitted by them. Electronic communications undertakings that provide electronic communications services or networks have the obligation to register their network with the ATLAS centralized information system of the electronic communications networks.

In accordance with the legal and regulatory duties above, the ATLAS system currently generates the following reports / data:

- Information on the network map for each operator (Fiber Optic, Radio, Base Radio, Metallic Conductor, Cabinets, POP, Vsat, Channels, Manholes, Piping).
- Information on line data for each electronic communications network operator.
- Information on the passive infrastructure data of each electronic communications network operator.
- Information on the electronic communications network infrastructure in each municipality, region or specific area.
- Information on the QoS Mobile Service monitoring.

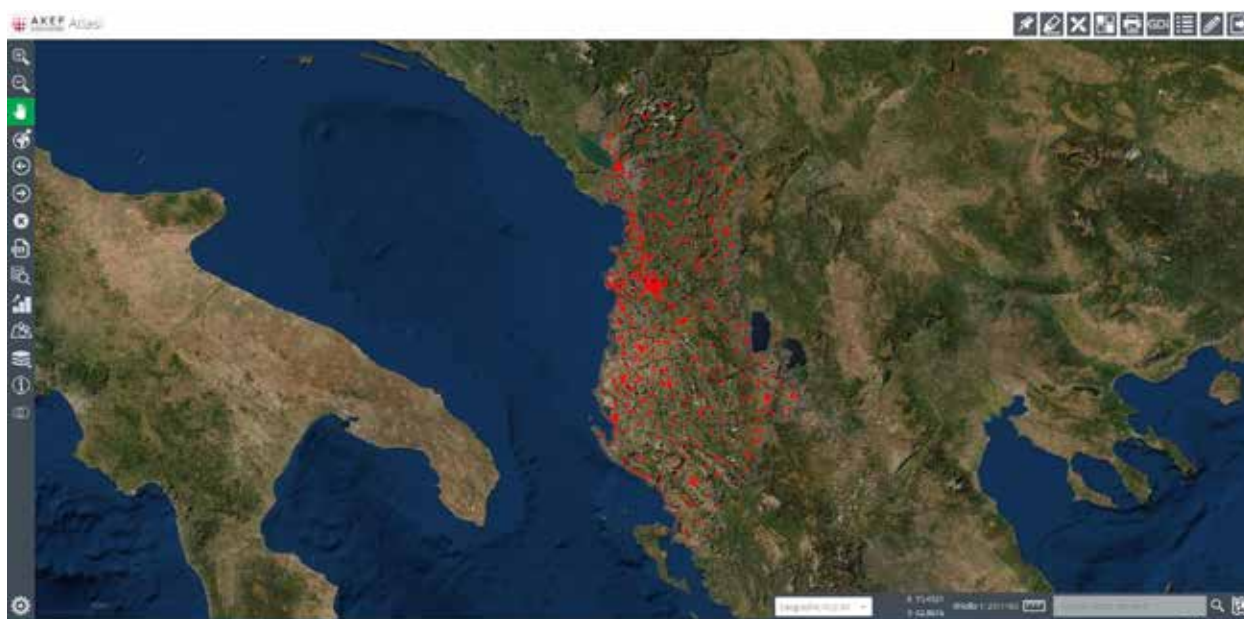


Figure 24: The electronic communications network centralized information system (ATLAS)

Source: AKEP 2020

Electronic communications operators continued to update data in the electronic communications network centralized information system (ATLAS) in 2020.

In 2019, AKEP cooperated with all municipalities in the country to undertake the process for the registration of their telecommunications infrastructure in ATLAS.

In this framework, 2 training activities were organized in the first months of 2020 with a number of municipalities, focusing on the use of and data registration in the ATLAS centralized information system.

The process will also continue with the municipalities that did not participate in the training and are still untrained in the use and input of data in the system. It should be noted that regardless of the communications and the obligations of the municipalities and the ARA to update data in their quality as network operators, there are gaps in the volume and quality of the data input in the system.

In 2020, AKEP continued its cooperation with the State Authority for Geospatial Information (ASIG) in relation to a more periodical submission of data on electronic communications networks in the GIS shapefile format, so that they are reflected in the national geospatial information system administered and managed by ASIG.

3.2.2 Strategic approach to collecting and processing data in the electronic communications network centralized information system

After considering the current gaps in the ATLAS system, AKEP has decided, in cooperation with MIE, to update the system with the aim of meeting all requirements for a coherent system that keeps pace with the developments of the time and other systems administered by European operators.

To this end, at the start of 2020, the National Investments Committee (KPS/KPI) adopted the draft investment list that Albania will apply for in the framework of the 23rd Western Balkans Investment Framework call, which includes the project for the “Development of the Albanian Broadband Atlas and its use in the public and private sector”.

In cooperation with the Ministry of Infrastructure and Energy, AKEP developed the application for the WBIF. The project was selected as one of the winning projects, with the conviction that the ATLAS system development will be an investment of strategic importance for the coming years.

This project aims at improving/developing the existing ATLAS system, the updating of this system with information down to the end user, information on the use of broadband internet in Albania, service providers in specific areas, and information on white areas and mobile services coverage, based on the best international practice and models. In addition to the impact on the development of the private sector, this project will also affect the expansion of high-speed internet in state institutions such as schools, health centers, administrative units, etc.

It should be noted that the new system will be in compliance with DCM No. 998 dated 20.12.2020 “State Standards for technical geospatial information specifications in Albania - Topic: Urban and State Services Infrastructure” based on which the data submitted by ATLAS to the ASIG geo-portal should be submitted automatically and in real time in accordance with this new standard.

3.3 Strategic cooperation with electronic communications network stakeholders for the complete switch to safe and clean equipment and technologies.

CHALLENGES TO THE IMPLEMENTATION OF SAFE AND CLEAN NETWORKS IN ALBANIA

The challenge for safe networks and clean technologies

The 2020 health crisis caused by the COVID-19 pandemic emphasized even more the fragile situation in which the main components of the global digital society preparing for an accelerated transition to next generation telecommunications are, when considering network, system and technology safety and reliability. Last year, more than one third of cyber-attacks were related to online work. In various EU member states, one in five businesses declared that it was subjected to at least one ransomware type cybercrime over the past year. Over half of these attacks have caused consequences in the business markets with immediate impact on the manufacturing chain in more than a fourth of the cases.

Cybercrime and malicious worm attack perpetrators have been active in a great variety of forms throughout last year. Both individuals and more organized entities and wings of certain organizations with important impact on global public and private domains are responsible for these attacks. In the meantime, anyone can be a victim of the malicious misuse of digital means, including individuals, businesses, academia, public

services, and strategic national economy and state components.

In 2020, undertakings operating in Albanian markets have reported cyber-attacks to AKEP, but fortunately these attacks were low in number. After receiving the detailed information reported, and considering the requirements and provisions of regulation No. 37, dated 29.10.2015 “On Technical and Organizational Measures to ensure the security and/or integrity of electronic communications networks and/or services”, AKEP has requested undertakings to provide additional information, such as:

- the security incident impact assessment;
- a detailed incident plan and whether this plan has been implemented in relation to subscribers;
- whether the service has automatically switched to the backup line in order to quickly reinstate and continue service provision for subscribers;
- whether subscribers were informed in a timely manner regarding this critical security incident;
- measures taken to prevent and react in a timely manner to such attacks in the future.

Malicious, illegal and harmful actions in the digital sphere do not only come as attacks. They do not only aim at defrauding, theft or obtaining confidential elements. Being organized and coordinated by powerful actors, structured in difficult to track formats, being outside any effective judicial jurisdiction or democratic control, these actions may be preliminarily configured to be a part of the systems, technologies and networks that we use daily, and they become interfaces for the collection, stocking, treating and using personal, commercial, intellectual property, national security, or alliance and strategic partnership interaction data. As such, they are a great global threat, putting national sovereignty, the functioning of the rule of law, guaranteeing fundamental rights and the protection of citizens interest, the principles of free and fair competition, and public security at great risk. The long-term risk they pose in relation to the reliability of a democratic digital society increases many fold when efforts are made to reach everywhere possible through next generation technologies and networks, especially 5G.

In this context, the experience of 2020 emphasized the need to quickly and more realistically



Figure 25: International conference on 5G security (Prague's Proposals)
Source: www.vlada.cz

approach the recommendations made one year ago in May 2019 under the “Prague’s Proposals” name at the international conference of 5G security, where the Republic of Albania participated alongside 32 EU and NATO member states. In addition to the main principles for harmonizing approaches against 5G security challenges, these recommendations are also based on the necessity to develop next generation networks and technologies, of preventively distinguishing between reliable and suspect network providers, services and equipment, who could be or be put at the service of dangerous and malicious entities. The distinction between these two categories, which is critical for the collective security of the entire digital society, is founded on objective, proportional criteria centered on human rights, the rule of law, and free and fair competition.



AKEP initiatives

From a legal and regulatory perspective, AKEP has specific obligations regarding the oversight and verification of network undertaking operations and electronic communications services in the Territory of the Republic of Albania, especially by checking compliance with the conditions of the general authorization regarding the following:

- Compliance with engagements stemming from the membership of the Republic of Albania in international organizations;
- State protection and security;
- Public interest protection. (article 15 of Law No. 9918/2008).

In addition, Regulation No. 37 dated 29.10.2015 charges AKEP with the mission to set a series of obligations for undertakings, among which putting in place adequate technical and organizational means and methods to ensure the security of public communication networks and the services provided through them. These means should ensure a security level commensurate to the risk present and should avoid security incidents or mitigate the impact or consequences of these incidents should they occur. Other obligations in this aspect are the following:

- Implementing the appropriate technical and organizational measures to ensure the integrity of public communication networks, while also ensuring uninterrupted service provision.
- Managing and protecting the equipment and systems employed to store public communication system and/or services user data;
- Ensuring an adequate level of protection and safety in regard to the potential and foreseen risks.

Compliance of the undertakings with these obligations is also verified during the AKEP inspection activities.

The legal and regulatory framework, and also the standards stemming from multilateral underpinning institutional alliances of which our country is party to, or from documents and positions in the framework of strategic partnership to which the Republic of Albania is party to, provide for special attention regarding special network integrity and safe technology challenges. In this context, AKEP started a multidimensional reflection last year, based on open exchanges and dialog with undertakings, public authorities, and international partners, with the aim of establishing a clear cooperation platform for a safe transition towards the next telecommunications generation.



The European Union 5G Toolbox remains a very useful guide in this aspect for AKEP

AKEP's initiative has a threefold goal:

- Assessing the risk posed by the equipment and technologies employed by undertakings for the development, improvement or replacement of highly sensitive components of the electronic communications networks in the Republic of Albania, through data collection that respects and does not violate data confidentiality limits;
- Recommending self-regulation mechanism or setting guiding regulatory requirements for undertaking, to help avoiding the use of unsafe technologies in Albania and aggressive of harmful or suspicious operators in the Albanian market, in line with the net neutrality principle and commercial law;
- Driving undertakings towards gradual migration towards 100% safe and standardized technologies in the framework of the 4G+ and 5G network development, which are in line with the principles to which the Republic of Albania adheres to.

With regard to the first two issues, AKEP will also consider the possibility of developing a National Telecommunications Laboratory in the future, the realization of which will be dependent on massive

institutional and technical support, the recruitment of specialized human resources and adequate funding.

The establishment of a National Telecommunications Laboratory will enable a unique testing environment for operators, manufacturers and providers, allowing them to comply with their requirements and specifications to assess the technical and security performance in their relevant networks. This could be especially useful for new providers, allowing them to demonstrate the sustainability and reliability of the equipment launched in the market.

The laboratory will independently test the security, stability and performance of network equipment in a variety of conditions, ensuring access to representative and operational examples of critical next generation telecommunications networks.

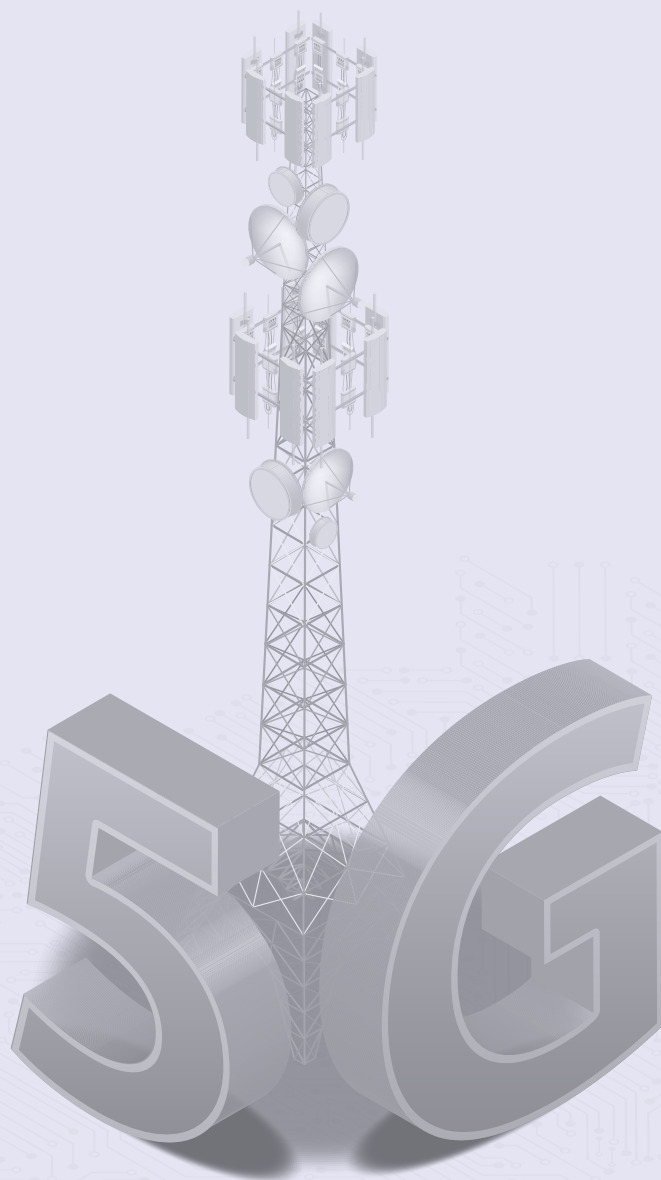
The laboratory will have the following mission:

- Providing a space to conduct research on telecommunications security;
- Providing operators, providers, public authorities, academia, and other entities the relevant tools to overcome security challenges;
- Creating a safe operation environment to manage National Security commercial sensitivities and needs;
- Assisting providers and operators to align their technical conditions with the telecommunications security framework used for public services or government strategic purposes, mitigating and reducing the costs for this process;
- Supporting the supply chain diversification ensuring the access of new providers to an environment where they can demonstrate their interaction and security skills;
- Facilitating end to end security research and studies aimed at network placement reality readability;
- Ensuring a standing observation of the security parameters for a broad telecommunications technology range, including inherited, current, and future systems, which are likely to be used in our fixed and mobile infrastructure;
- Supporting skill development in telecommunications and telecommunication security, especially regarding the establishment of a new national framework with valuable and experienced resources.

By the end of 2020, the institutional dialog initiated by AKEP on this matter led to certain results, such as the collection of relevant information, which was a first step towards the inception of a more complete and broader assessment of the current capacities for implementing next generation technologies in our country. This assessment, which in 2021 will undergo a process in accordance with the best international parameters, will investigate network architecture and security, along with the challenges posed by each 5G technology component with regard to the rules on secure operations, monitoring and function outsourcing restrictions, etc.

A meaningful result of the dialog was the exemplary initiative of the second mobile telephony operator, One Telecommunications, which chose to become part of the international “Clean Networks” initiative started by the USA, and committed to use no transmitting, control, computer or storage equipment manufactured by companies designated to be unsafe and unable to meet internationally recognized reliability requirements.

The dialog with all stakeholders in the sector will continue in 2021, and it will be a priority for the institution.



4. Focus on the user: Achievements in promoting consumer rights

4.1 Innovations in the consolidated Consumer Regulation

The “*Regulation on the protection of public electronic communications services consumers and subscribers*” document is an important regulatory act for the achievement of the objectives set in Law No. 9918/2008, electronic communications sector strategies and policies, the fulfillment of the recommendations made by the Parliament of Albania, and the goals of the EU integration process.

The document was adopted by the AKEP Steering Board on 11.3.2021 upon completion of the public consultation process started on 30.9.2020. The Regulation will enter into effect 6 months after its adoption.

Because of its relevance and complexity, the document published for public consultation was based on the draft regulation conclusions and discussions with stakeholders during the first public consultation process organized in 2019, the meetings with operators at the beginning of 2020, and the recommendations of the Republic of Albania for 2020.

AKEP included a special chapter in the regulation with the measures proposed to ensure equal access to persons with disabilities, in accordance with article 102/1 of Law No, 9918/2008, and developed additions/changes to other parts of the regulation, considering the most recent relevant EU documents related to public electronic communications service subscriber contracts.

During the regulation public consultation process, and more specifically during the discussion on the Chapter about persons with disabilities, AKEP cooperated with the Ministry Health and Social Protection to identify and coordinate meetings with organizations working for the protection of the rights of persons with disabilities. Following communication with stakeholders/associations/organizations, AKEP was able to collect comments and suggestions on proposals from the institutes/associations above on the regulation, and developed a special draft chapter for persons with disabilities, which is an innovation in this regulation.

The adopted regulation aims at providing better protection of public electronic communications consumer and subscriber rights, by setting clearer rules regarding their rights in their relations with undertakings, including:

- clearer obligations on terms and conditions that must be included and become an integral part of subscription contracts for the provision of electronic communications public services and/or networks;
- clearer rules on access to emergency services and transmission of subscriber location information for these calls, including calls to the 112 unique emergency number.
- clarifications on contract length, renewal and termination;
- clearer rules on addressing of complaints by operators and their record keeping, and the resolution of the subscriber - operator disputes;
- conditions for transparency and information disclosure by public electronic communications network/service providers;
- measures to ensure equal access for persons with disabilities.

The “Regulation for the protection of public electronic communications services consumers and subscribers” contains the following::

- AKEP provisions on regulating relations between public electronic communications networks and services operators and subscribers;
- alignment with EU directives and recommendations, BEREC documents and practices in a various EU member states regarding the protection of the electronic communications services end consumer/ user;
- adaptation of electronic communications and issues encountered in the operator-subscriber relation to the current conditions of the Albanian market;
- consideration of the comments made by stakeholders, such as operators and persons with disabilities associations.
- consolidation of a number of AKEP acts related to subscriber rights into a single act.

With regard to the development of the *Do Not Call Me* register, which is a task assigned by the Parliament of Albania with its 2020 Resolution, in the same year, AKEP has continued the cooperation established in 2019 with the Commissioner for the Right to Information and Protection of Personal Data (CRFPPF) regarding the AKEP proposal to develop the *Do Not Call Me register*.

AKEP has participated in the inter-institutional Working Group led by the Commissioner for the Right to Information and Protection of Personal Data for the development of the draft law “*On the development of the Unsolicited Commercial Communications Register*”.

Upon conclusion of this discussion process, CRFPPF has developed the draft law in question, which is undergoing the relevant adoption procedure. This draft law provides that the *Do Not Call Me* register should be populated/developed with data from citizens/consumers communicating directly with the CRFPPF, which is foreseen to be the administrator of this *Unsolicited Commercial Communications register*.

4.2 Oversight of quality of services

A. Postal service quality monitoring

Pursuant to Law no. 46/2015 “On postal services in the Republic of Albania”, the Posta Shqiptare sh.a postal services provider has the obligation to periodically report to AKEP on the quality of the universal postal service.

In 2020, even under the restrictions dictated by the global Covid-19 pandemic, the Posta Shqiptare sh.a. postal services provider organized partial training sessions with employees from various branches regarding the universal postal services standards and the participation of the Posta Shqiptare in the Global Monitoring System project of the UPU.

In addition, internal testing was organized to monitor operational processes through postal offices (rural and urban) and the processing, distribution, object transit and shipment sectors through to the delivery of the post object to the recipient.

2020 was a challenging year, because the COVID-19 pandemic affected the whole world and the restrictions of this unprecedented situation led to a limitation of post shipment exchanges resulting from cancellations and the low number of flights completed by many air lines. These in turn led to post objects reaching their destination with months of delay.

The conditions mentioned above had an impact on the implementation progress of the G.M.S. (Global Monitoring System) WORLD project, because international test transport, which was one of the main project conditions was halted by the temporary shutdown of air lines. In these conditions, the postal operators participating in this project were obligated to alternate postal shipment transport, using land routes as well, which led to shipments being delivered with months of delay.

B. Mobile communication service quality monitoring

Frequency monitoring for the QoS service quality in mobile telephony in the Republic of Albania, is conducted with the aim of identifying the actual data obtained in the field about the technical parameters provided to the end user, the improvement of mobile telephony service quality, the identification of problematic areas with poor service quality, and to stimulate operators to further improve GSM, UMTS and LTE services in these areas.

In 2020, QoS monitoring was conducted using a manual selection of 3G and 4G technologies.



Figure 26: Mobile quality monitoring system (QoS)
Source: AKEP 2020

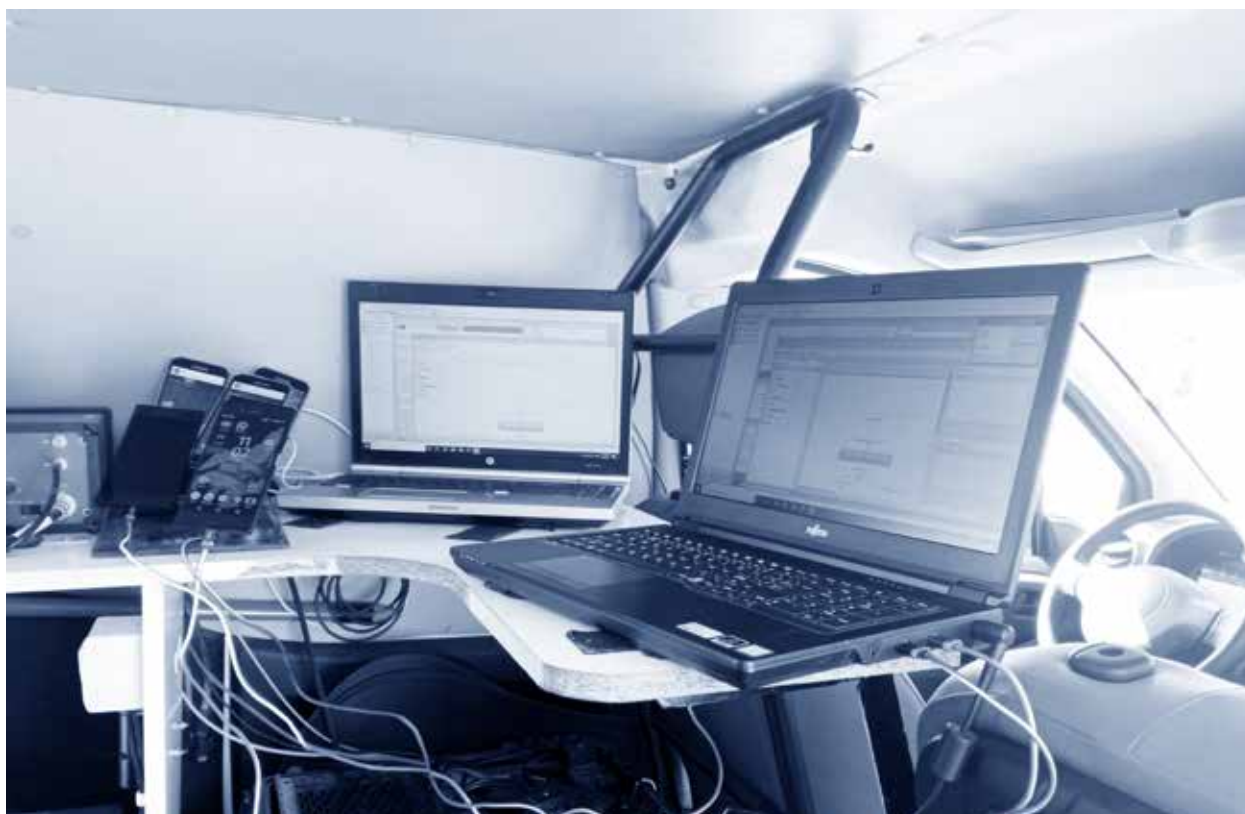
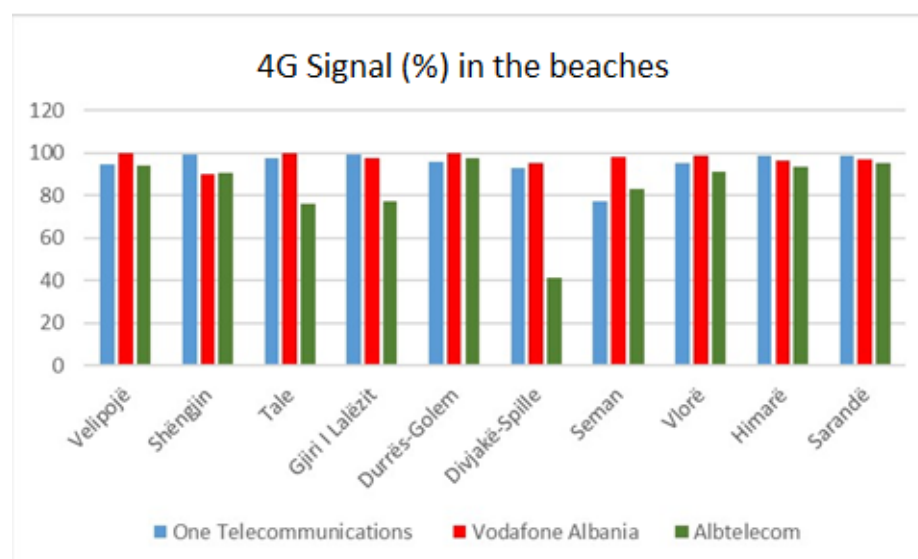


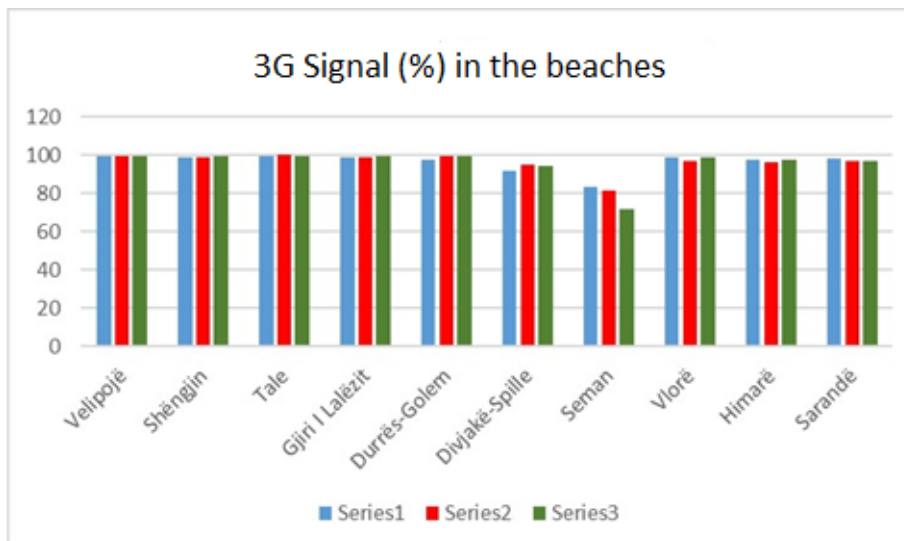
Figure 27: Inside the mobile quality monitoring system (QOS)

Source: AKEP 2020

I. Coverage with LTE (4G) in tourism sites/beaches in %.



II. Coverage with UMTS (3G) in tourism sites/beaches in %.



QOS monitoring campaign in the territory of the Republic of Albania

To ensure the efficient achievement of the regulatory objectives related to quality of service monitoring of GSM (2G), UMTS (3G) and LTE (4G) technologies for voice and data services, AKEP undertook a quality of service (QoS) monitoring campaign across the Albanian territory including all three mobile operators.

Roads measured during the project amount to some 8,000 km. Data were processed using a division in two groups. The first group included 7 main cities and the second included national roads, small towns and tourist sites.

The aim of the Benchmark was to define the main requirements for taking mobile measurements for mobile operators in the Albanian territory, using a methodology that will enable AKEP to compare the quality of service provided by each operator in various geographic areas.

The 4G network resulted to be most preferred by subscribers.

Voice calls were completed using 4G/CSFB and 2G/3G depending on the strategy selected by each operator.

The published data are also available on the AKEP website.

4.3 Consumer protection monitoring and inspection process

Postal service quality monitoring

Citizens and businesses have extensively used electronic communication services to meet their work, economic and social needs. Consumers and enterprises were able to buy vital goods within the boundaries of security regulations and in compliance with the social distancing measures using online platforms and related delivery services in the postal market.

During the Covid 19 pandemic there was an increase in the online communication services consumption.

High upward information use rates in both traditional and online media were recorded since the first weeks.



Fixed network service quality monitoring

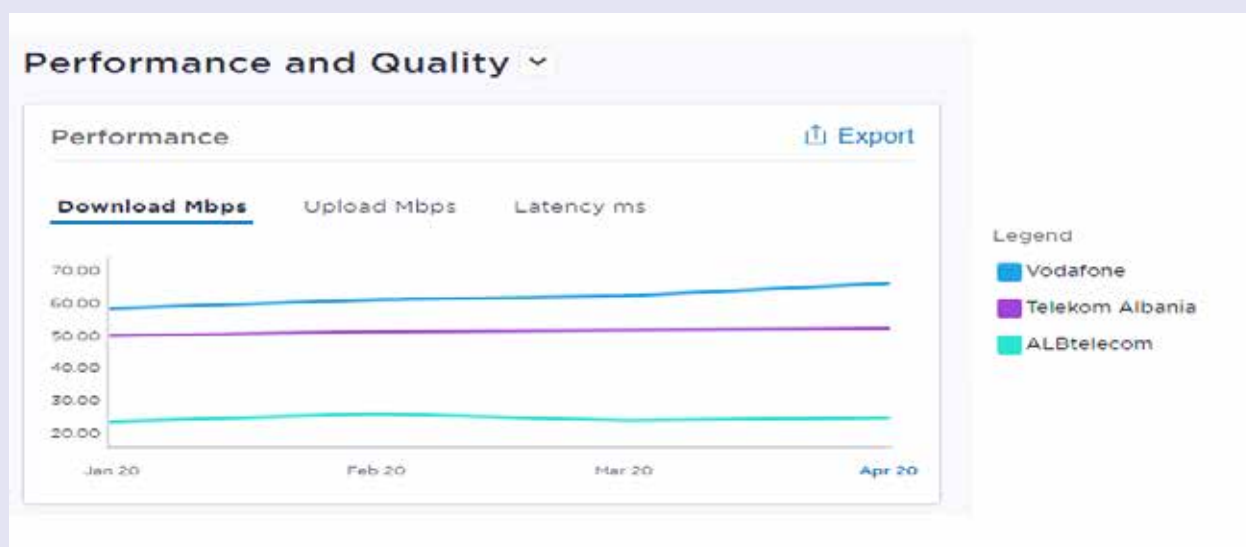
Pursuant to the Council of Ministers Decision on declaring the state of natural disaster, the quality of Service (QoS) indicator monitoring activity was suspended. Within the possibilities available, the quality-of-service monitoring activity continued through online measuring platforms.

During the March to April 2020 period, special attention was placed on controlling mobile and fixed telecommunication service provision to subscribers. The relevance of this control was necessary because of the increased internet use on the subscriber side during this period.

The analysis of this information found that telecommunications service provision by mobile and fixed operators during the pandemic was within normal quality of service parameters.

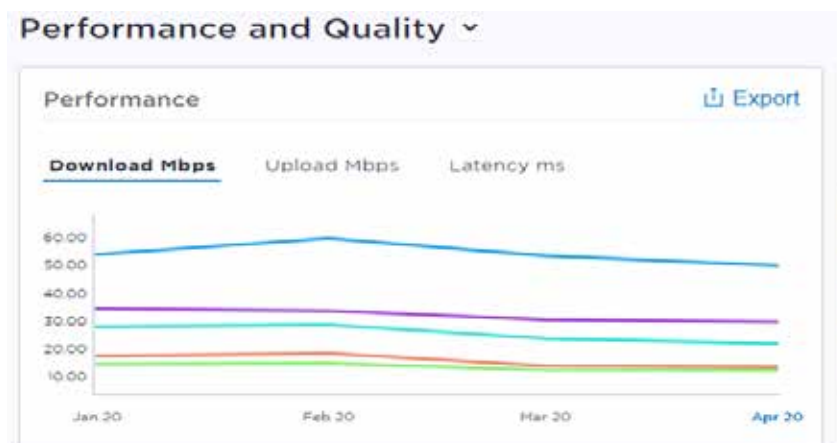
The charts below show the data collected by the system during the January to February 2020 period for both mobile and fixed telephony (main operators).

DATA ON THREE OPERATORS OF GSM/UMTS/LTE TECHNOLOGY AUTOMATIC SELECTION



Performance of download data speed for the period 20 January-20 April 2020, for all technologies

DATA ON THE MAIN FIXED NETWORK OPERATORS



Data on fixed network operators during January-April 2020

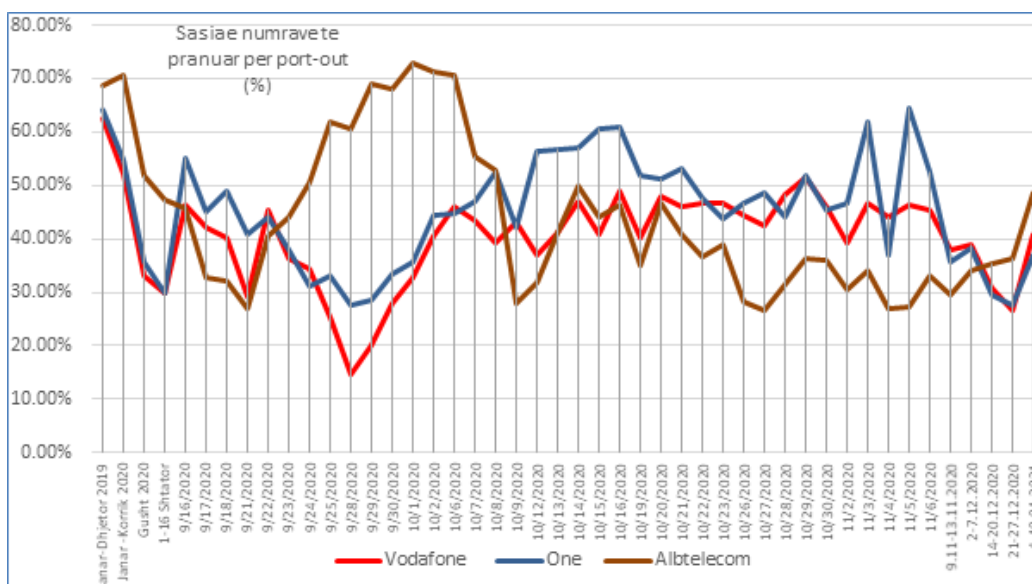
Inspection on number porting

During the second half of the year, AKEP identified an increase on requests for porting.

The average quantity of ported numbers (porting realized on MSSIDN base) among the three mobile operators, until August 2020, was nearly 200 porting/day, whereas from August 2020 and onward this indicator has reached above 1000 porting/day, thus reaching the peak on 02.12.2020, with 2214 ported numbers/day.

The increase of requests and quantity of numbers ported from August 2020 is accompanied by a worsening of the indicator on requests accepted from donor operators, which means an increase in the percentage of rejected requests, thus leading to numerous complaints from subscribers and operators (as the recipient operator).

The percentage of numbers accepted for port-out by operators (Donor Operator) for 2019-2020



Starting from August 2020, apart from the increase on the number and percentage of rejected requests, AKEP has addressed a large number of complaints, both from users and operators, who reported abusive practices in number porting process from rival companies.

Although AKEP, through meetings and electronic and written communications, has warned three operators for the significant increase on the percentage of rejected requests and complaints for porting, requesting to take immediate measures on the improvement of situation, apart from some sporadic responses, the three operators continued having worsened indicators on the acceptance of port-out requests.

One of the AKEP's missions is the promotion of consumers' rights, through the organization of undertakings' activity control and monitoring in accordance with the legal and sub-legal framework. In order to accomplish this mission, AKEP takes preventive and punitive measures, imposing fines for various undertakings in cases when their activities violate legal requirements



Figure 1: Hardware devices of number porting platform (CRDB)

Source: AKEP 2020



Figure 2: Number porting platform (CRDB)

Source: AKEP 2020

However, following the aggravated situation of number porting, both from the increased number of complaints and the monitoring of indicator worsening for requests rejected by donor operators, AKEP conducted inspections to the three undertakings of public mobile networks.

From 28.12.2020 to 25.02.2021, the AKEP inspection structures conducted inspections on the three undertakings mentioned above, as well as drafted relevant inspection records on 04.03.2021.

The identified violations were related to stipulations of articles 6, 13, 15, 18 and 20 of the Regulation No. 43, dated 22.09.2016, “On number porting methodology”.

Because of the identified violations of legal requirements, G.I decided to impose an administrative measure in the form of a “fine” pursuant to provisions of paragraph VII, article 137, Law No. 9918, dated 19.05.2008, “On electronic communications in the Republic of Albania”, as amended (Law No. 9918).

In addition to the administrative measure in the form of a fine, the inspection structures have made recommendations for the 3 (three) entities, which should be implemented within respective time frames.

Among other things, recommendations include:

- conducting an analysis and identifying the causes leading to the violation of legal and sub-legal provisions of number porting process, extending the procedure without legal grounds and basis;
- updating data administered in its database, in particular updating data for subscribers registered with old passports or certificates, which do not have the subscriber's Personal ID Number;
- conducting the periodic internal self-control to identify and rectify the cases of rejections for subscriber's ID noncompliance;
- intensively delivering training with the points of sale staff on procedures of the increase of requests for number porting, as well as any change to the regulation and obligations deriving from such changes, etc;
- immediate stoppage of disorienting and aggressive commercial practices, individualized offers that affect the porting process, etc., (only for 2 operators).

The undertakings are recommended to correct the identified violations and eliminate their consequences within 60 (sixty) days from the final inspection decision and to notify for the corrections of violations within the time frame determined above, as well as submit evidence attesting that fact.

In addition, the 3 operators are obliged to submit periodic monthly reports (every 30th of each month), until the fulfillment of the final deadline, specifying the progress made for the performance of duties on corrections of violations.

AKEP remains committed to follow the punctual implementation of the legal framework in force, following the major impact that the number porting process has on subscribers, thus ensuring the successful continuity of this process in order to protect the consumer and promote free and efficient market competition.

Furthermore, during 2021 and onward, AKEP will aim at enhancing coordination, work efficiency on fulfilling planned objectives through continuous monitoring, assessment and control, thus accomplishing its mission as an independent and efficient structure for the sectoral regulation in telecommunication markets, encouraging a favorable and competitive environment for investors, as well as proving solutions to any issue of costumers, guaranteeing non-discrimination, equal access to quality services with cost-oriented prices.



5. Institutional performance and financial transparency

5.1 Performance in revenue collection from undertakings of electronic communications and postal services

Despite the situation with the pandemic, AKEP committed to the timely invoicing and collection of revenues.

The payments for 2020 were realized from the payments made by the undertakings exercising their activity in the field of electronic communications and postal services¹⁰ :

- Payments on allocation and use of frequencies;
- Payments on numbering;
- Payments on market surveillance;
- Payments on cost of porting service;
- Payments on domain;
- Commission received as tax agent.

During 2020, 380.81 million ALL were invoiced for AKEP, out of which nearly 99% or about 377.7 million ALL were collected.

AKEP acts as a tax agent for the calculation, collection and transfer to the state budget of the radio and communication service fee¹¹ .

¹⁰ The payments are based on DCM No. 599, dated 23.07.2010, "On adoption of payments made to AKEP", as amended, normative acts of Law No. 9918/2008, normative acts of this law, as well as on the Joint Instruction No. 30, dated 12.1.2015, as amended, of MoFE and AKEP.

¹¹ In reference to Law No. 9975, dated 28.7.2008, "On national taxes", as amended, as well as the Joint Instruction of the Ministry of Finance No. 28, dated 06.10.2008, "On determining the radio and communication service fee", as amended.

In the capacity of a tax agent, AKEP has invoiced and collected nearly 500 million ALL, out of which 474.57 million ALL have been deposited to Tirana Regional Tax Directorate, pursuant to the joint instruction of the Ministry of Finance and Economy. In comparison to the previous year, nearly 1% more was collected and deposited.

The majority of payments were invoiced for the period January-February 2020. The payments most impacted by the pandemic were those on market surveillance. Despite the difficulties caused by the delayed drafting of the undertakings' financial statements and their submission to AKEP for the calculation of the market surveillance tax, the undertakings managed to pay their obligations on time.

The detailed payments are presented below.

- **Payments on market surveillance**

With regards to the process of such payments, 164 million ALL were invoiced according to the plan from the electronic communications market and 8.5 million ALL for the postal market surveillance. The full amount has been collected.

- **Commission as tax agent**

In the 2020 program, this item was planned to consist of 24 million ALL.

As a result of the invoicing, collection and depositing to the state budget of the radio and telecommunication charges, nearly 25 million ALL have been collected to AKEP from the commission as tax agent, or nearly 104% of the program, out of which 24 million ALL budgeted, was used. The difference was deposited to the state budget.

- **Payments on the use of frequency spectrum and numbering**

During 2020, 125.6 million ALL were invoiced from the allocation and use of frequencies, out of which nearly 123.2 million ALL were collected, meaning the collection of nearly 98.8% of invoicing. In addition, 25.7 million ALL were invoiced from the allocation and use of numbering, and nearly 25.5 million ALL were collected, meaning 99% of invoicing.

- **Payments on domain and others**

With regards to the payments on domain, nearly 11.87 million ALL were invoiced and nearly 11.7 million ALL were collected.

5.2 Preparation and implementation of the institution budget

AKEP, pursuant to DCM No. 159, dated 19.02.2020, administered and managed public funds for 2020, by the following items:

| | |
|--|-----------------|
| 1. Salaries and extra payments | ALL 117,711,012 |
| 2. Social and health insurance contributions | ALL 14,988,988 |
| 3. Materials | ALL 8,546,000 |
| 4. Services | ALL 154,353,580 |
| 5. Investments | ALL 89,160,420 |

During 2020, a total of nearly 85.1% of AKEP's administrative expenses fund was realized or nearly 327.3 million ALL out of the planned and approved amount of 384.76 million ALL.

Despite the temporary suspension of public procurements and other obstacles resulting from the continuing pandemic, the procurement procedures for investments, goods and services were developed regularly, and in most cases, the impact on the difference between the fact and the program was that of the lowest price bid as a result of the public procurement.

Compared to 2019, AKEP has realized 100 % of the foreseen public procurement procedures. The realization percentage for 2019 was 70%.

Expenses

1. Salaries

The vacancies in the institution's approved structure and the failure to increase the public administration salaries during the last year have affected the level of expenses realization for this item.

The difference between the expenses planning and realization for this item is 9.9 million ALL.

2. Social insurance

For the same reasons, there was a deviation in the level of the social insurance from the plan, and the difference amounts to 1.1 million ALL.

3. Materials

With regards to expenses for materials, there was a surplus of nearly 3.2 million ALL, as a result of a number of factors:

- decline of consumption for several items, e.g. fuel (because of the inspection procedures suspension);
- winners in the procurement procedures were the economic operators with a fund lower than the estimated one, as follows:
 - office supply stores, and printer ink and photocopier;
 - spare parts for vehicles and car services, tires and batteries;
 - cleaning products;
 - other materials.

4. Services

2.1 million ALL for basic services were not used, since they are services depending on the consumption of utilities, consumption of electricity, postal services, etc.

Such services were also impacted by the pandemic, since the institution supported and applied teleworking and rotation of employees.

2.87 million ALL from the expenses on the maintenance of technological platforms and infrastructure were not used, since several services, as a result of the suspension of procurement procedures, were contracted in the middle of the calendar year, although they were planned for 12 months.

11.8 million ALL from the fund of other expense were also not used.

Investments

100% of the item on expenses for investments was realized, taking into account the developed public procurement procedures, whereas with regards to the fund, it is realized to an extent of nearly 79% of the approved program for investments.

| | |
|--|---|
| From the item of planned investments amounting to 89.16 million ALL: | <ul style="list-style-type: none">• 70,7 million ALL were spent,• 18,5 million ALL were saved, |
|--|---|

as a result of the use of funds based on effectiveness and economization, as well as due to the successful, transparent and rigorous realization of procurement procedures.

The saved amount was deposited to the state budget, as a surplus, pursuant to article 117, Law No. 9918/2008.

With regards to the investment item, we hereby clarify that:

- All the investments programmed for 2020 were realized.
- All the procurement procedures were successfully developed, signing contracts with winning economic operators.
- The suspension of public procurement procedures, as a result of the pandemic, led to the realization of procedures mostly in the second half of the year, thus failing to ensure the reallocation of funds remaining from the approved fund.
- Funds were well-administered and managed transparently.
- Investments in information technology infrastructure were made, as well as upgrades to existing applications, applying the contemporary methods in the construction of information systems, based also on duties specified in the Resolution of the Parliament of Albania and adopted sub-legal acts.
- After the investments, the server room has been arranged.



Figure 3: Conditions of servers in 2019 (above) and at the end of 2020 (below) after the rearrangement within standards of the relevant premises in QKMF

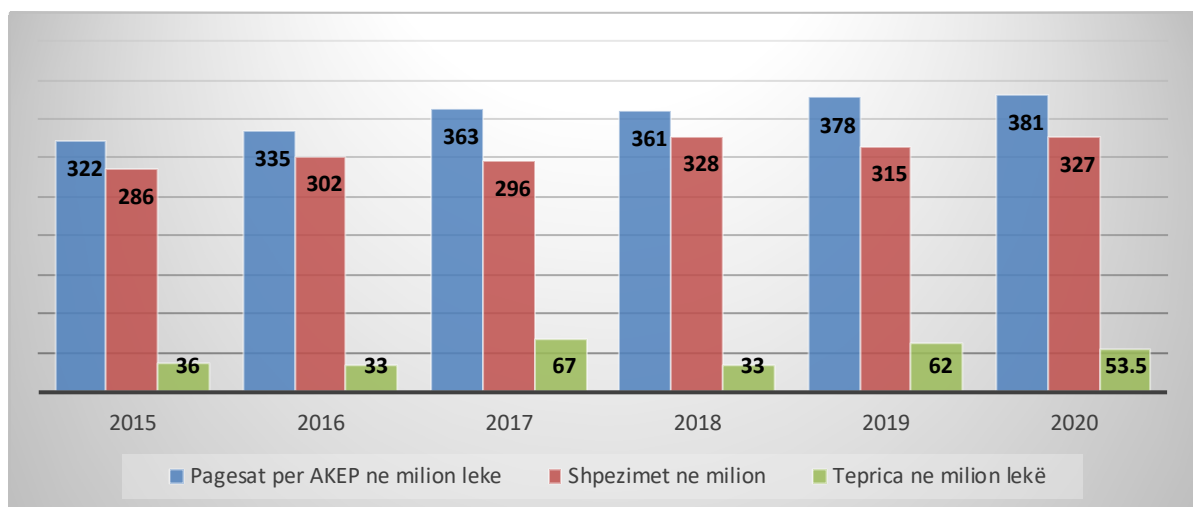
Source: AKEP 2020

The main activities in the Investments item carried out during 2020 include important investments, such as:

- Implementation of “Disaster Recovery Site” of the number porting system;
- Consultancy service granting the free frequency band for use;
- Advanced system of the frequency spectrum management;
- Further preparation and configuration of the internal infrastructure of AKEP services, such as management of emails, computers, servers, documents, central plant.

Surplus of revenues

The surplus of revenues and expenses not realized by the end of 2020 amounts to 53.55 million ALL, as a result of differences in payments of undertakings and saving of some items approved in AKEP’s fund of expenses.



In comparison to the previous year, such amount has decreased by approximately 14%, thus indicating a positive indicator in the effective management of funds, despite the challenges encountered during that period¹².

Once again, we underline that most of the surplus comes from the difference between the estimated fund value and the one bid by the winning procurement procedure, as a result of a competition and a competitive process in the market.

The suspension for a long time of procurement procedures by the PPA, due to pandemic, affected the use of funds at the end of the year and the shortage of time to re-allocate unused surpluses, within the time limits set forth in the legal framework.

If there were no suspensions or delays due to the pandemic, such surpluses could have been re-allocated by October to accelerate other investments.

Amounts in millions ALL

| Nr | Name | Year 2020 | | Factual- Program difference | % of annual realization |
|-----|--|-----------|---------|-----------------------------------|-------------------------------|
| | | Program | Factual | | |
| I | Total revenues: | 384.76 | 380.81 | -3.95 | 99.0% |
| II | Total expenses: | 384.76 | 327.27 | 57.5 | 85.1% |
| 1 | Expenses for salaries and extra payments | 117.71 | 107.81 | -9.9 | 91.6% |
| 2 | Expenses for social and health insurance | 14.99 | 13.93 | -1.1 | 92.9% |
| 3 | Expenses for materials | 8.55 | 5.37 | -3.2 | 62.8% |
| 4 | Expenses for services | 154.35 | 129.47 | -25.1 | 83.9% |
| 5 | Expenses for investments | 89.16 | 70.7 | -18.5 | 79.3% |
| III | Radio and communication service fee | | | | |
| 1 | Collected and transferred to the state budget | | 474.57 | | |
| 2 | Revenues as tax agent from the collection and deposit of radio and communication service fee | 24.00 | 24.98 | | |

¹² Surplus of revenues for 2019 consisted mainly of items not procured, whereas the surplus for 2020 consists of saving and fund management.

5.3 Process of collecting uncollected revenues and judicial proceedings

- ***With regards to judicial proceedings in which AKEP has been a defendant, plaintiff and/or third party, the following were realized:***

Throughout 2020, all the necessary efforts were made to collect dues and to prove the incapability of collecting their obligations by the institution, through the accompanying documentation.

Meanwhile, with regards to debtors for whom all the administrative steps were taken, relevant lawsuits have been drafted and 12 judicial proceedings have been initiated.

The court has decided to accept lawsuits for 11 judicial matters and to reject 1 lawsuit due to the expiration of a 10-year prescription term.

During 2020, the Electronic and Postal Communications Authority was engaged as a litigation party in:

- The capacity of the defendant, in 6 judicial proceedings;
- The capacity of the plaintiff, in 12 judicial proceedings;
- The capacity of the third party, in 2 judicial proceedings.

In the capacity of the defendant, the Court has decided in favor of AKEP, deciding the rejection of the lawsuit of the defendant, in 3 judicial proceedings.

In the capacity of the plaintiff, the Court has decided in favor of AKEP, deciding the acceptance of the lawsuit, in 11 judicial proceedings.

The issues identified during these judicial proceedings with debtors are incorrect addresses, and the majority of them are found in the commercial extract with inactive status, thus leading to their notices being made through the public announcement procedure, extending this way the judicial deadlines.



III

ANNEX

1. AKEP STRUCTURE AND ORGANOGRAM

The Electronic and Postal Communications Authority is organized and functions in reference to the organizational chart approved by Decision of the Parliament of Albania No. 55/2018, “On adopting the organizational structure, composition and categorization of positions for the Electronic and Postal Communications Authority (AKEP)”.

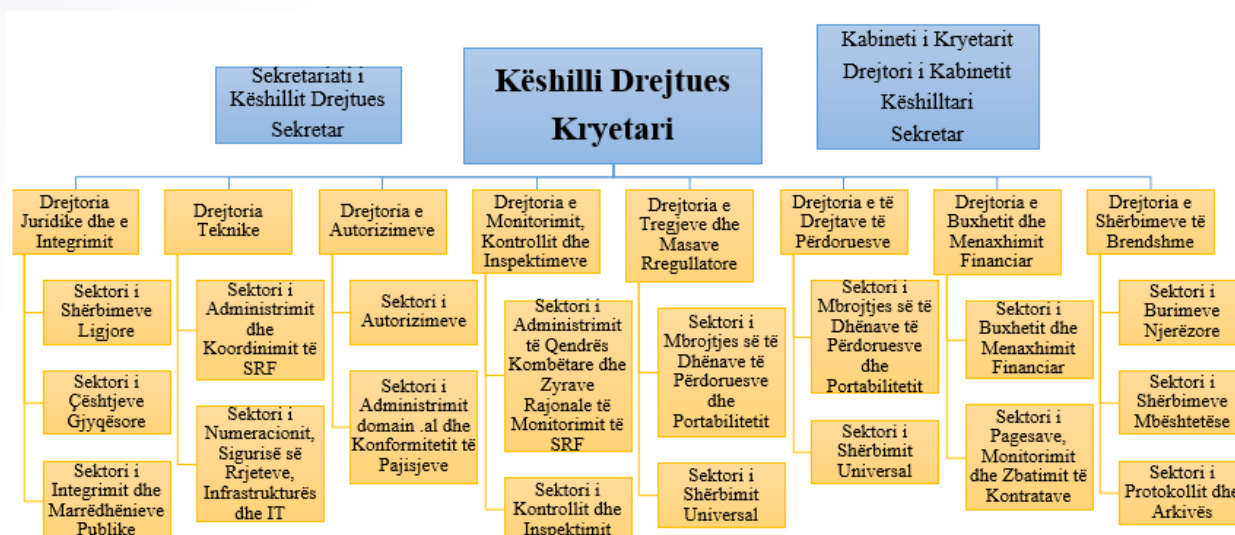
The employees recruited by the Institution are treated pursuant to the provisions of the Law “On Civil Servants”, as amended, and the Labor Code.

The AKEP organizational structure and composition consists of 58 employees, organized in 8 Directorates and 14 Sectors.

During 2020, based on the annual plan of admission and vacant positions, 5 recruitment procedures in civil service were realized, following the recruitment procedures of parallel movements, promotion and admission in civil service, and 2 recruitment procedures by Labor Code.

At the end of 2020, there were 7 vacant job positions to be filled (6 in Civil Service and 1 by Labor Code), as well as 1 vacant position as AKEP Steering Board Member.

The organogram of the Electronic and Postal Communications Authority



2. Report on the level of the parliament of albania's resolution and recommendations for 2019



Figure 4: View from the presentation of the AKEP 2019 Annual Activity Report to the Albanian Parliament (plenary session, July 2020)

Source: Albanian Parliament, 2020

- 1. AKEP shall prioritize and make unallocated bands fully operational for the benefit of citizens and consumers, after having conducted analyses related to granting spectrum use rights, including relevant technical combinations, in accordance with the national spectrum policy program.***

Completed

In the framework of exercising its activity as a regulatory body in the field of electronic communications,

as well as fulfilling the regulatory objectives set forth in Law No. 9918/2008, with the aim of ensuring full efficiency on the use of unallocated bands or encouragement of fruitful use of frequency under administration, during the second half of 2020, AKEP has taken all the administrative measures to conduct procurement procedures on consultancy services with regards to allocation for use of free frequency bands and their combinations.

The procurement of this service was finalized at the early December 2020, with the selection of an international company with experience and vast knowledge in the frequency spectrum administration and management being selected as a consultant, thus ensuring the achievement of regulatory objectives in full compliance with the national spectrum development policies and relevant secondary legislation.

2. AKEP will conduct a detailed and comprehensive analysis of sustainable development aspects in the framework of the new generation technology implementation in Albania, specifying the strategic steps and drawing conclusions for further decision-making at sectoral level

2. AKEP will conduct a detailed and comprehensive analysis of sustainable development aspects in the framework of the new generation technology implementation in Albania, specifying the strategic steps and drawing conclusions for further decision-making at sectoral level

In progress

In order to perform the duty assigned by the Parliament of the Republic of Albania, AKEP will conduct a detailed and comprehensive analysis of sustainable development aspects in the framework of the new generation technology implementation in Albania, specifying the strategic steps and drawing conclusions for further decision-making at sectoral level. The situation and the new generation technology developments in the EU and region countries allow for diverse solutions that can be applied depending on specific conditions for various countries, taking into account technological developments, mobile market conditions, need for maximum state and social gain. Such an analysis should include the same issues for those technologies, which are discussed and addressed in EU and region countries.

Taking into account the fact that such a detailed analysis requires the experience of foreign consultancy companies, as well as the time needed to fulfill legal and decision-making procedures, it was foreseen that this process be developed during 2021, due to the short time remaining until the end of 2020 and the impossibility of budget planning for 2020.

AKEP conducted a market survey and included the necessary fund in the projections for the 2021 budget. The legal procedures for the procurement of such legal expertise will be followed in the first months of 2021.

3. Taking into the account the importance of the “Analysis of the wholesale access market and origin market in mobile networks” process, the AKEP Steering Board will review, in the decision-making for the final document, the recommendations of the Competition Authority, as well as comments of relevant stakeholders, in reference to the best practices of EU and BEREC.

Completed

Pursuant to the procedure set forth in articles 31 and onward, Law No. 9918/2008, as well as Regulation No. 9/2009, through its Steering Board Decision No. 11, dated 17.4.2019, AKEP adopted the “Analysis of the mobile services market, wholesale access market and origin market in mobile networks - Public Consultation document”.

The Public Consultation procedure took place during the period 18.4.2019 - 20.6.2019. AKEP has reviewed the comments received from relevant stakeholders: two decisions of the Competition Authority, Decision No. 635, dated 04.07.2019, “On providing some recommendations to the Electronic and Postal Communications Authority concerning the mobile service market”, as well as a final recommendation through Decision No. 661, dated 21.11.2019, “On providing some recommendations to the Electronic and Postal Communications Authority prior to making the final decision on the Public Consultation document “Analysis of the mobile services market, wholesale access market and origin market in mobile networks”” and the comments from relevant stakeholders, namely Telekom Albania sh.a. (11.6.2019; 26.2.2020), Albtelecom sh.a. (17.6.2019; 22.1.2020), Vodafone Albania sh.a. (18.6.2019; 25.2.2020), Neofone sh.p.k. (20.6.2019), Alban Tirana Nascendo Al. Sh.p.k. (15.6.2019).

AKEP Steering Board, through its Decision No. 9, dated 24.4.2020, “On findings made after the Public Consultation on the document “Market Analysis targeting Wholesale Access and Call Origination on Mobile Networks”, has decided to:

- | | |
|--|---|
| (i) Consider as unfinished the test involving the three criteria sanctioned in paragraph 4, article 3 under the Regulation, performed upon completion of the market analysis made pursuant to the provisions and procedural steps foreseen by law 9918/2008 and regulation 9/2009; | (ii) Not designate undertakings with significant market power, thus not imposing regulatory obligations on the wholesale access and call origination on mobile networks, given that the test involving the three criteria was considered unfinished, pursuant to paragraph 4, article 5 under the Regulation. |
|--|---|

4. Upon completion of the public consultation process on the Market Analysis targeting Wholesale Call Termination on Mobile Networks, including International Incoming Calls Termination, AKEP will consider the opinions of the actors in the market, along with the recommendation of the Competition Authority to make fair decisions in line with the legislation in force.

Wholesale all termination market on mobile networks is part of the list of markets approved by AKEP Regulation No. 9, dated 17.7.2009, “On market analysis”. This market has been part of the market for regulation, according to the recommendations made by the European Commission in 2007 and 2014. From 2015, about international incoming calls termination, the European Commission has highlighted the necessity of conducting a thorough analysis, in line with the specific and dynamic requirements of the national markets and economic areas, as opposed to a systematic and schematic regulation.

AKEP Steering Board, through its Decision No. 10, dated 17.4.2019, approved the Public Consultation process on the research paper “Market Analysis targeting wholesale call termination markets on mobile networks, including the international incoming calls termination”, for the consultation period 18.4.2019 – 20.6.2019.

AKEP has reviewed the comments of the stakeholders such as the Competition Authority, through its decision no. 634, dated 4.7.2019, Telekom Albania sh.a., through its request letter no. 3044, dated 13.6.2019 and request letter with prot. No. 112/5, dated 27.2.2020; Albtelecom sh.a., through its request letter with no. 4560, dated 20.6.2019, Vodafone Albania sh.a., through its request letter no. CEO/006/KQ, dated 18.6.2019 and Neofone sh.p.k., through its request letter no. 346, dated 19.6.2019.

Upon obtaining the stakeholders’ opinion, AKEP developed a series of consultation processes with international bodies. Although it was recommended that the regional (EU countries) benchmarking method would continue to be used for the national incoming calls, it was noted that the market analysis targeting incoming calls termination would not be completely efficient as long as there would be a cost model missing, which, as a matter of fact, is being designed by AKEP, with international assistance and based on the latest BE/BEREC practices.

Upon conclusion of procedures, AKEP Steering Board, through its Decision No. 11, dated 16.6.2020, “*On findings reached upon the public consultation of the document: “Market Analysis targeting wholesale call termination markets on mobile networks, including the international incoming calls termination”, has decided to:*

- | | |
|---|--|
| <p>(i) Consider all the three mobile network operators Albtelekom sh.a., Telekom Albania sh.a., and Vodafone Albania sh.a. as undertakings with significant market power (SMP) in the wholesale national calls termination market on mobile networks, thus upholding: (a) Regulatory measures defined by AKEP Steering Board No. 12, 13, 14, dated 22.2.2018; (b). Maximum national call termination fee on mobile networks of ALL 1.11 per minute, according to AKEP Steering Board Decision no. 71, 72, 73 dated 1.10.2018;</p> | <p>(ii) To keep the relevant wholesale national call termination market on mobile networks under observation, until conditions for a new analysis are met.</p> |
|---|--|

5. Considering that the designation of the universal post service provider needs to be reviewed during 2020, an analysis of post market set-up needs to be conducted. In the meanwhile, considering that the European Commission will revise the post service directives in order to make changes to the Universal Post Service, AKEP should take into account during the post markets analysis the changes of the directives from the EC.

Completed

Based on the legal provisions and considering the “Albanian Post” sh.a., authorization expiration date with respect to universal post service provision, dated 7 July 2020, AKEP Steering Board, through its Decision No. 6, dated 16.4.2020, approved the Public Consultation process on the document “Market analysis targeting post services and the evaluation of potential universal post service providers”, for a 30-day time frame (17 April - 18 May).

Upon publication, this decision was informed to the stakeholders, post service providers, Ministry of Infrastructure and Energy, and Competition Authority.

The Ministry of Infrastructure and Energy has been the only one among the stakeholders to express its opinion, stating among others, its consent on the document contents, thus reasoning that all the post service market aspects have been fully analyzed.

AKEP Steering Board, through its Decision No. 12, dated 16.6.2020, decided to approve the final document “Post service market analysis and evaluation of potential universal post service providers” and to designate the “Albanian Post” sh.a., as the sole provider meeting the legal requirements to provide the universal post service in the territory of the Republic of Albania.

AKEP Steering Board, through its decision no. 13, dated 30.6.2020, granted the Individual Authorization to “Albanian Post” sh.a., on the provision of the Universal Post Service for a 5-year period, starting from 7 July 2020.

6. To work on the reformation of the legal framework on the electronic communications to the benefit of the new electronic communications implementation and strengthening the institutional independence.

Completed

Taking into account the great impact of this sector into the digital economy development and its extraordinary evolution within a short period of time, AKEP considers that having in place a legal framework suitable to the dynamic of this sector is paramount. The electronic communications market is constantly changing in the face of the growing demand for high speed infrastructure development, and the mass use of mobile applications in the modern life, therefore, in this context, the legislative intervention in the legal framework in force is considered as pretty important.

As per the above, and in line with the recommendation of the Albanian Parliament, AKEP has clearly identified in 2020 the issues noted in the legislation in force with respect to:

- Guaranteeing AKEP operational independence, based on the findings and instructions of the European Commission in its annual progress reports, and BEREC;
- Improving the performance and capacities of the AKEP regulatory and competition-driving missions, with regard to their legal, economic and engineering approach;
- Enhancing the driving and interaction capacities in the framework of increasing electronic communications investments, especially in the context of introducing new 5G technologies in the market and using the relevant frequency spectra.

In this context, AKEP developed legal proposals in the form of primary and secondary legislation acts and relevant supporting documentation, which will also be followed by relevant proposals for the start of the legislative process to adopt said legal changes.

This process aims at providing for in the new legal framework the need of the regulatory authority to exercise its powers and decision-making competences in full autonomy.

7. In the framework of consumer protection, to keep monitoring the dynamic progress of packages delivery to the right address from the “Albanian Post”, as a legal requirement and consumer right, which following AKEP recommendation, continues to be a problem, thus leading to a failure to deliver a considerable number of packages in the recipient’s address, but rather at post offices. To monitor the dynamic of progress related to additional charges and costs imposed on the consumers to receive packages from the “Albanian Post”, thus requesting that the economic and financial post program of 2020 removes the additional charges required to deliver post objects and parcels, which contradicts the law and the principles under the Universal Post Service Regulation.

Completed

About this recommendation, we would like to clarify that during 2019, AKEP has performed control and inspection exercises in the “Albanian Post” sh.a entity.

| | |
|---|---|
| The inspection procedure found that the Albanian Post sh.a. company had a series of issues related to its activity regarding: | <ul style="list-style-type: none"> - istribution of all post objects (packages/parcels) to the recipient’s address in line with article 40, law 46/2015; - charging the recipient on receiving the post packages; |
|---|---|

In the end of the inspection procedure, the post service universal provider “Albanian Post” sh.a., through a Final Inspection Decision No. 1, dated 18.2.2020, was administratively punished by fine and some other complementary administrative sentences in the form of recommendations. Following the administrative complaint of the entity on the fine amount, AKEP Steering Board, through its decision no. 19, dated 17.9.2020, decided to uphold the Final Inspection Decision No. 1, dated 18.2.2020 which imposed the sanction by fine.

Regardless of the administrative measures taken by AKEP, the “Albanian Post” sh.a. entity took on a positive approach and has made all the efforts to meet the recommendations. In order to distribute post objects to the recipient’s address, the “Albanian Post” sh.a. has reported to have made some considerable investments, thus creating for the first time ever the transport fleet dedicated to post packages/parcels delivery.

Additionally, the “Albanian Post” sh.a., has declared that starting from 1 January 2021, the charge for delivering post objects, packages, and parcels originating from abroad will not be collected.

8. *To work for the approval and implementation of the new regulatory framework on consumer/user protection, as well as to carry out a public consultation process for users with disabilities and those with low income.*

In progress

Following the Public Consultation process in 2019 for the Regulation “On protection of consumers and users of public electronic communications” and the administration of multiple comments and suggestions made by the parties in the beginning of 2020, also based on the Albanian Parliament Resolution, AKEP, through its Steering Board Decision No. 20, dated 25.9.2020, has approved the initiation of the Public Consultation Process on the document “Regulation on protection of consumers and users of public electronic communications”, which includes a special chapter for persons with disabilities and low income.

The revised version of the regulation, which is currently undergoing the Public Consultation process, includes mainly:

- a special chapter for measures proposed on the granting of equal access to persons with disabilities, in accordance with article 102/1 under law 9918/2008;
- addenda/amendments to other parts thereof, considering the comments and discussions with the stakeholders on the latest EC documents with respect to agreements with public electronic communications subscribers.

The regulation contains the requirements that should be met by the undertakings providing public electronic communication networks and/or services, to guarantee equal access and opportunities to users with disabilities.

The obligations imposed by AKEP include some requirements for the undertakings to draft special policies and procedures on the treatment of persons with disabilities, including staff training, pre-contractual information dissemination and the agreement signed into appropriate formats, prioritizing defect repair in fixed networks etc. The proposed obligations shall include measures for the accessibility of operators’ web sites such as the implementation of the “Web Accessibility Initiative” and the establishment of a section dedicated to disability.

The implementation of obligations and the provision of the Text Relay service from operators will be a novelty for users with disabilities, which allows persons with hearing impairments and/or speech difficulties to make/receive phone calls to/from other users through voice messages conversion into text and vice versa, with the assistance of an intermediary (call assistant) responsible for making the necessary conversions.

The draft regulation includes the proposal for specific obligations related to pre-payment services, such as extension of the validity period to 12+3 months and the subscriber’s right to compensation for the unused amounts. The subscriber rights will benefit mostly the subscribers with low income who use pre-paid recharge mobile services (Pay As You Go), given that the mobile operators have reduced the time frame for using the majority of recharges to 1 month.

The Public Consultation process ended on 30.10.2020, and AKEP has met several times with MoHSP

and associations for the protection of persons with disabilities, on obtaining the opinions and suggestions related to the regulation.

AKEP is currently in the process of approving the regulation.

9. Considering that the issue with the air cables and cables installed in electric poles, and the joint use of infrastructure is an issue that remains concerning despite all the improvements so far, AKEP will continue to give priority to this issue, by coordinating the work with other actors in the process, such as the local power bodies, OSHEE and undertakings of electronic communication networks.

In progress

AKEP considers that issues related to electronic communication networks should be addressed not only from the visual environmental pollution and health safety perspective, but should also consider the provisions of appropriate stimuli for operators to build high-quality broadband networks, increase investments, enable joint use of the physical infrastructure and fair competition in the market, thus providing more benefits to consumers and businesses from high-quality services and reasonable charges.

The main issue noted related to the environmental pollution caused by air cables in the facades of apartment buildings, which has been also caused by the lack of access points and internal telecommunication networks in depreciated apartment buildings/facilities and a part of new facilities.

In the meantime, issues also arise from the operators not adhering to rules or sub-legal acts vacuum.

The issue is quite complex and requires some short-term (for e.g cooperation for the existing cable system) and long-term (for e.g legal/sub-legal changes for the promotion of the joint infrastructure use) measures to be adopted, as well as cooperation with some stakeholders, such as MoIE, municipalities, OSHEE, undertakings etc.

AKEP has continuously requested the electronic communication undertakings, cable network providers to take measures so that to eliminate the power and lighting network-based connections.

In the long run, AKEP will take the following steps:

- Organize joint consultations/meetings at the expert level to strengthen the horizontal coordination among all actors involved in the process.
- Cooperate with the municipalities and operators for the air system cables in apartment buildings, streets, existing and/or new underground pipelines. The rearrangement may be performed according to the urban roads priority (primary, secondary etc.) or according to the severity of the issue (starting with the roads with the most air cables and existing pipelines).
- Cooperate with the institutions and operators to improve the sub-legal acts for the implementation of law no.120/2016 “On development of high-speed electronic communication networks and ensuring the right of way”.
- Encourage the cooperation between the OSHEE and network operators in order to regulate the use of passive infrastructure on the use of OSHEE poles and networks in line with the standards foreseen by OSHEE and agreements approved by both parties.

10. Upon approval of the relevant regulation, including the provisions for the register “Do Not Call Me”, to work on the implementation of the register based on best international practices, to regulate the telemarketing activities making cold phone calls to private individuals. The implementation of this register will enable the users to make an “opt-out”, that is to not receive cold calls from telemarketing companies.

In progress

The creation of the register “Do Not Call Me” is part of the regulation put out for Public Consultation through Steering Board Decision no.20, dated 25.9.2020 “Regulation on protection of consumers and users or public electronic communications”.

During the public consultation of the regulation in 2019, AKEP has cooperated with the Commissioner for the Right to Information and Protection of Personal Data (CRIPPD) on the creation of such register. Cooperation has continued through 2020, more specifically in October 2020 some discussions were carried out on the preparation of the draft law “On creation of the unsolicited commercial communication register”, for which the CRIPPD established an inter-institutional working group involving AKEP members as well.

The approval of the “Regulation on protection of consumers and users or public electronic communications” will be followed by the creation of such register, which will be in line with the draft law “On creation of the unsolicited commercial communication register”.

10. To play an active role by making specific proposals for the need for sub-legal acts on handling calls to 112 and other emergency numbers, and to further the cooperation with other state institutions to enable implementation all over the country with respect to the use of the emergency number 112, as a frequent request forwarded in the Albanian Parliament recommendations, and EC progress report recommendations.

In progress

As previously reported, AKEP has included in the draft regulation “On protection of consumers and users of public electronic communications” a special article on calls/communications to the emergency numbers.

Additionally, in its communications with MoIE and other institutions, AKEP has requested that the reporting for this EC requirement be performed by the institutions responsible for handling calls to emergency numbers.

As a follow up, meetings will be held with the emergency institutions for the implementation of this number, and AKEP has expressed its willingness to provide technical/legal expertise for the drafting of sub-legal acts.

3. Statistics on the developments in the electronic communications and post service markets

Table 1 Main indicators of the mobile service volumes 2015-2020

| Year | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Differenc 2020/2019 |
|--|------------|------------|------------|------------|------------|------------|------------------------|
| Number of mobile telephony users | | | | | | | |
| According to SIM cards | 4,777,885 | 5,280,990 | 5,558,492 | 4,143,603 | 3,378,886 | 3,337,824 | -1.22% |
| Active users | 3,442,665 | 3,490,686 | 3,625,699 | 2,714,878 | 2,630,076 | 2,618,880 | -0.43% |
| Number of users with 3G/4G access | | | | | | | |
| Total | 2,049,072 | 2,739,550 | 3,345,045 | 2,657,015 | 2,462,057 | 2,469,850 | 0.32% |
| Active users | 1,297,281 | 1,686,354 | 2,030,978 | 1,809,996 | 1,789,158 | 1,998,579 | 11.71% |
| Outgoing phone calls (mm/minutes) | 7,381 | 6,794 | 6,620 | 6,019 | 5,494 | 5,286 | -3.78% |
| National incoming calls (mm/minutes) | 1,388 | 2,523 | 2,894 | 2,525 | 2,319 | 2,306 | -0.54% |
| International incoming calls (mm/minutes) | 420 | 300 | 168 | 165 | 213 | 188 | -12.00% |
| Number of sent SMSs (mm) | 1,599 | 1,610 | 1,400 | 1,213 | 968 | 6601 | -31.74% |
| Total volume of data transmitted in mobile networks (GB) | 12,740,073 | 26,753,639 | 45,901,117 | 60,051,808 | 69,135,490 | 88,950,833 | 28.66% |

Source: Data sent from operators to AKEP

Table 2: Average monthly use of mobile phone calls 2015-2020

| Year | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | Differenc 2020/2019 |
|-----------------------|------|------|------|------|------|------|------------------------|
| Outgoing calls | 182 | 166 | 155 | 158 | 171 | 168 | -1.75% |
| Incoming calls | 171 | 169 | 156 | 161 | 177 | 174 | -1.69% |
| MOU | 353 | 335 | 311 | 319 | 348 | 341 | -2.01% |
| Sent SMSs | 39 | 39 | 33 | 31 | 30 | 30 | 0.00% |
| Internet traffic (GB) | 0.96 | 1.49 | 2.06 | 2.60 | 3.40 | 3.90 | 14.71% |

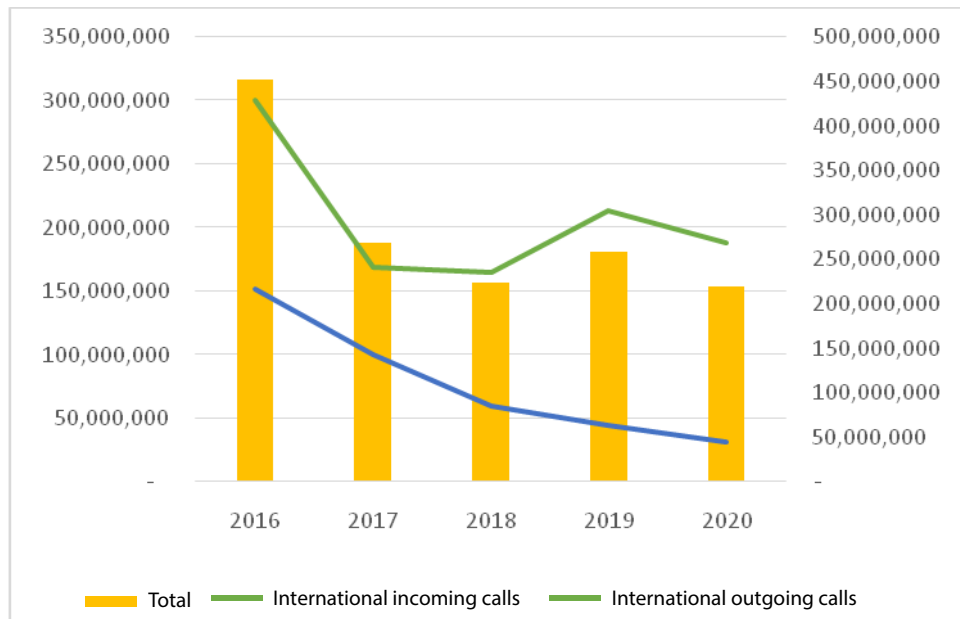
Source: Data sent from operators to AKEP.

Table 3 Number of subscribers with 3G/4G broadband access over the years

| | One Telecommunications | Vodafone Albania | Albtelecom | Plus Communications | Total | Penetration rate per population |
|------|---------------------------|---------------------|------------|------------------------|-----------|---------------------------------------|
| 2013 | 311,566 | 634,293 | 285,400 | - | 1,231,259 | 43% |
| 2014 | 225,346 | 550,196 | 132,433 | - | 907,975 | 32% |
| 2015 | 375,973 | 706,880 | 214,428 | - | 1,297,281 | 46% |
| 2016 | 460,221 | 921,854 | 231,321 | 72,958 | 1,686,354 | 60% |
| 2017 | 613,886 | 1,030,614 | 282,077 | 104,401 | 2,030,978 | 72% |
| 2018 | 605,984 | 931,730 | 272,282 | | 1,809,996 | 63% |
| 2019 | 567,572 | 940,949 | 280,737 | | 1,789,258 | 63% |
| 2020 | 718,631 | 981,483 | 298,465 | | 1,998,579 | 70% |

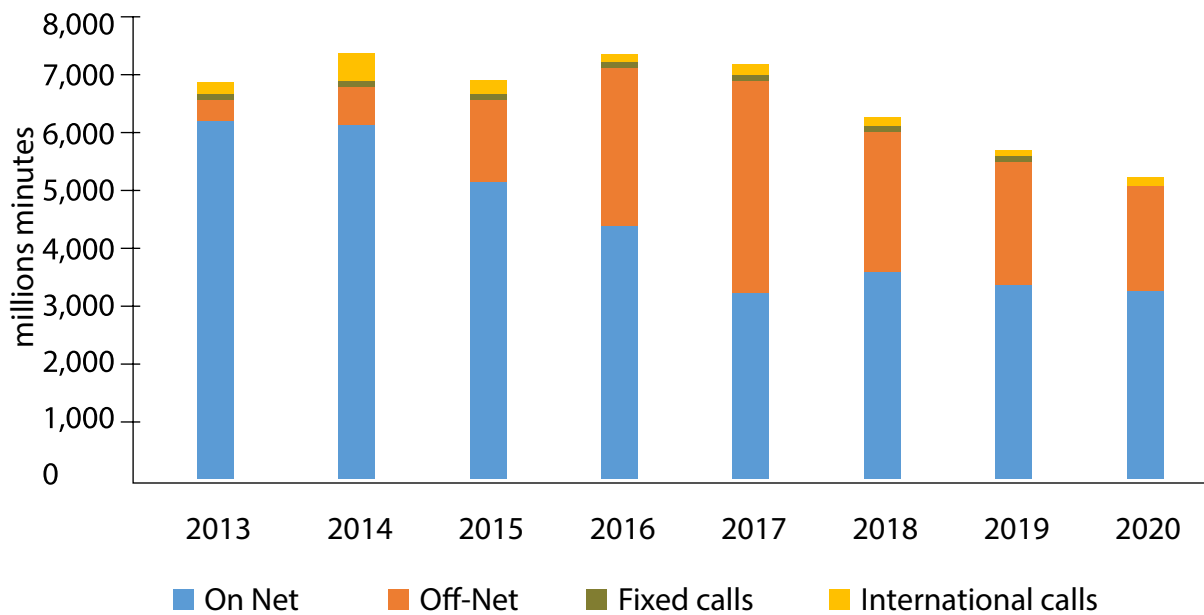
Source: Data sent from operators to AKEP.

Figure 1: progress of international outgoing and incoming calls (in minutes) in mobile networks



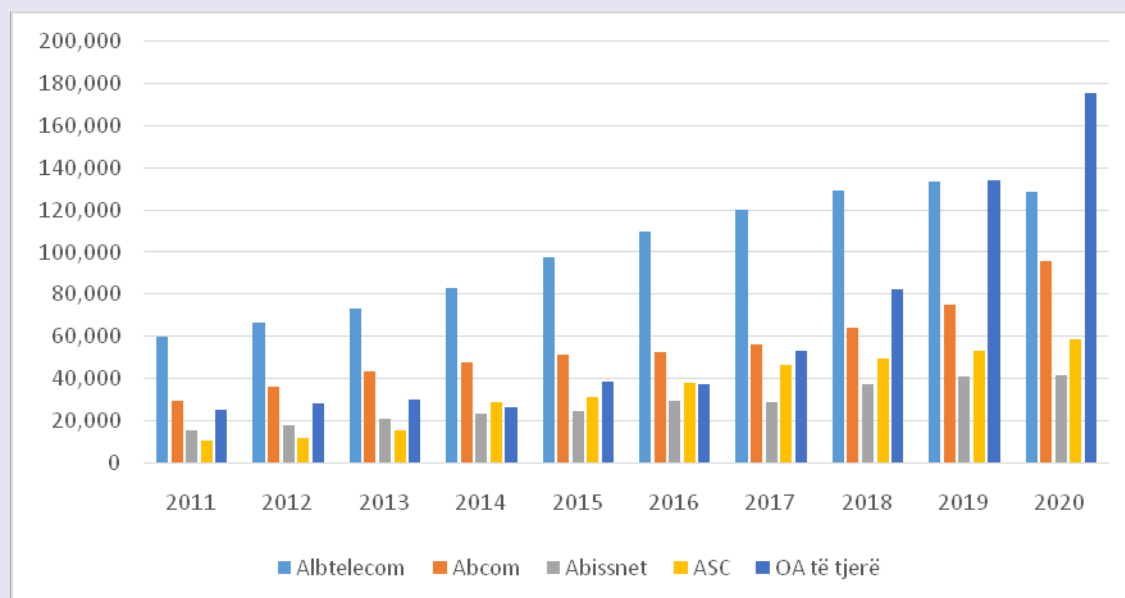
Source: Data sent from operators to AKEP.

Figure 2: Structure of mobile outgoing calls according to destination 2013-2020



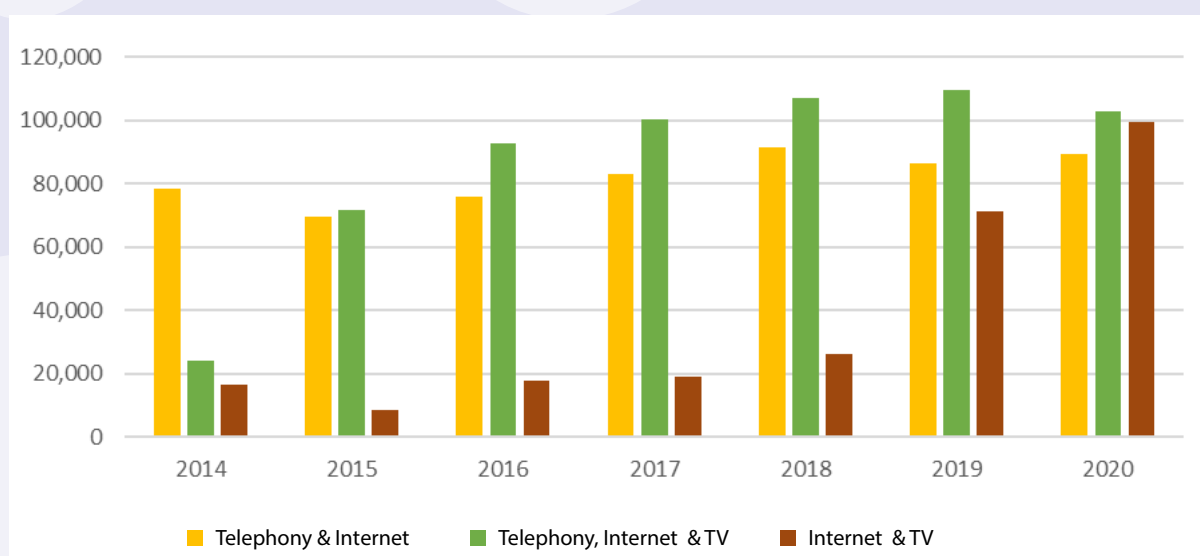
Source: Data sent from operators to AKEP.

Figure 3 Progress of the number of subscribers with broadband access in fixed networks 2010-20



Source: Data sent from operators to AKEP.

Figure 4 Number of subscribers with access to integrated services (Telephony, Internet and TV)



Source: Data sent from operators. Processed by AKEP

In 2020, subscribers with integrated packages equaled 58% of subscribers with broadband access to fixed networks, while 35% of subscribers with integrated packages have purchased threefold packages (Telephony, Internet and TV)

Table 4: Data on the main categories of post objects (2018-2020) ¹³

| Postal services offered | | 2017 | 2018 | 2019 | 2020 | Ndryshim 2020/2019 |
|--|-------------------------------------|-------------------|-------------------|-------------------|-------------------|-----------------------|
| Albanian Post (Posta Shqiptare) | | | | | | |
| 1 | Universal Postal Service | 19,922,420 | 19,711,717 | 21,501,005 | 18,390,874 | -14% |
| | Domestic postal service | 18,599,662 | 18,298,143 | 20,348,070 | 17,487,538 | -14.1% |
| | International Post Service | 1,322,758 | 1,413,574 | 1,152,935 | 903,336 | -21.6% |
| 2 | Non-universal Postal Service | 2,612,719 | 2,826,217 | 661,801 | 875,856 | 32% |
| | Domestic Postal Service | 2,603,017 | 2,819,601 | 656,177 | 873,512 | 33.1% |
| | International Post Service | 9,702 | 6,616 | 5,624 | 2,344 | -58.3% |
| 3 | Postal Express Service | 750,558 | 718,573 | 723,120 | 499,405 | -31% |
| | Domestic Express Service | 724,794 | 699,731 | 644,049 | 486,531 | -24.5% |
| | International Express Service | 25,764 | 18,842 | 79,071 | 12,874 | -83.7% |
| Other Postal Service Providers | | | | | | |
| 4 | Non-universal Postal Service | 312,136 | 526,386 | 738,157 | 1,959,797 | 165% |
| | Domestic Postal Service | 277,504 | 490,900 | 698,388 | 1,914,761 | 174.2% |
| | International Post Service | 34,632 | 35,486 | 39,769 | 45,036 | 13.2% |
| 5 | Postal Express Service | 1,257,488 | 1,631,023 | 2,256,965 | 3,069,247 | 36% |
| | Domestic Express Service | 1,050,783 | 1,408,298 | 2,010,034 | 2,796,387 | 39.1% |
| | International Express Service | 206,705 | 222,725 | 246,931 | 272,860 | 10.5% |
| 6 | Total 1+2+3+4+5 | 24,855,321 | 25,413,916 | 25,881,048 | 24,795,179 | -4.2% |

Source: Data sent from undertakings. Processed by AKEP

4.

Statistics on the developments in the authorization sector and other rights related to use, licenses, air certificates, maritime certificates etc., and the domain.al use

1. GRANTING A NEW AUTHORIZATION TO THE “ALBANIAN POST” SH.A., COMPANY FOR THE UNIVERSAL POST SERVICE PROVISION

One of the most important developments in the post service market during 2020 was the grant of the new Individual Authorization to the “Albanian Post” sh.a. Company on universal post service provision.

¹³ 2019 data on the Albanian Post have been updated by request letter with prot. no.416, dated 23.2.2021 sent from the Albanian Post itself.

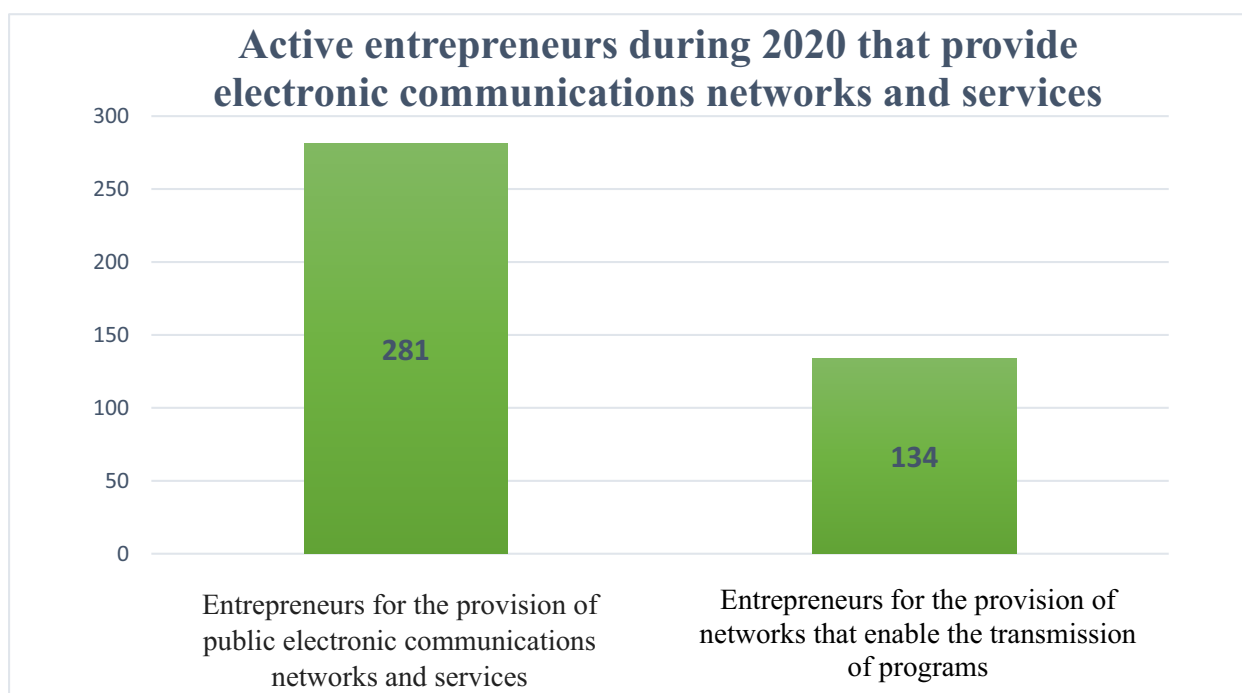
AKEP Steering Board, through its decision no. 13, dated 30.6.2020, granted the Individual Authorization to the “Albanian Post” sh.a. company for the universal post service provision in the entire territory of the Republic of Albania for a 5-year term frame. This decision was made upon conclusion of the Public Consultation and upon approval of the post service market analysis and potential post service providers evaluation.

When preparing the Individual Authorization to the Universal Post Service Provider, AKEP considered the provisions under law 46/2015 “On post services in the Republic of Albania” and regulation no. 36, dated 29.10.2015, “On Universal Post Service Provision”, and the relevant legal and sub-legal acts in force.

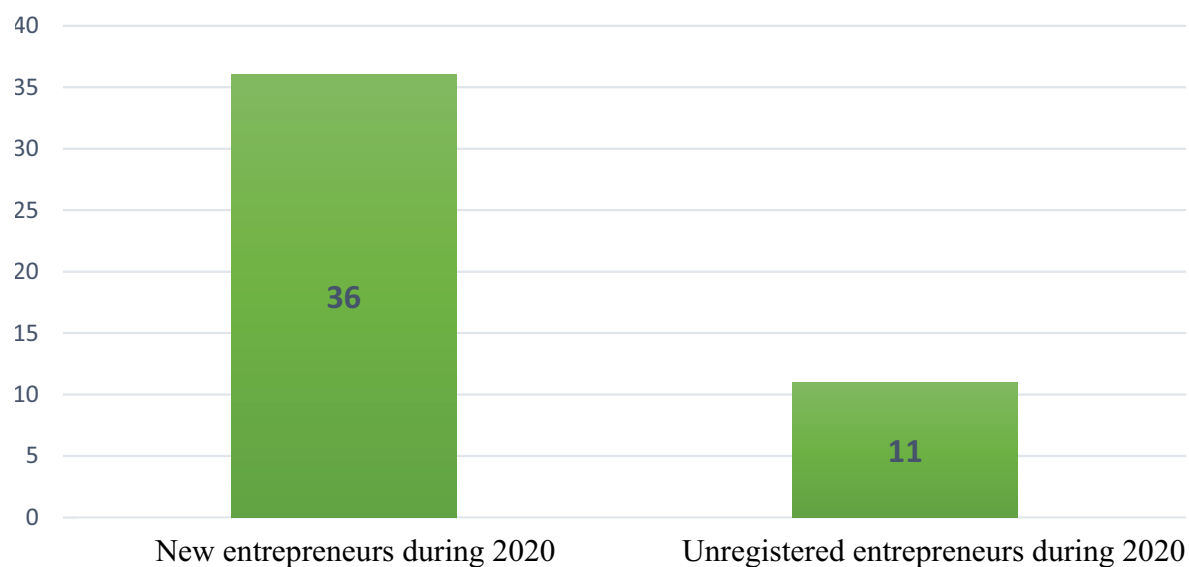
The Individual Authorization on universal post service provision is a highly important regulatory document for the post service market, which provides for the rights and obligations of the “Albanian Post” sh.a entity, in order to provide the universal post service in the entire territory of the Republic of Albania.

II. REGISTRATION OF UNDERTAKINGS TO PROVIDE THE ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES, ACCORDING TO THE GENERAL AUTHORIZATION REGIME

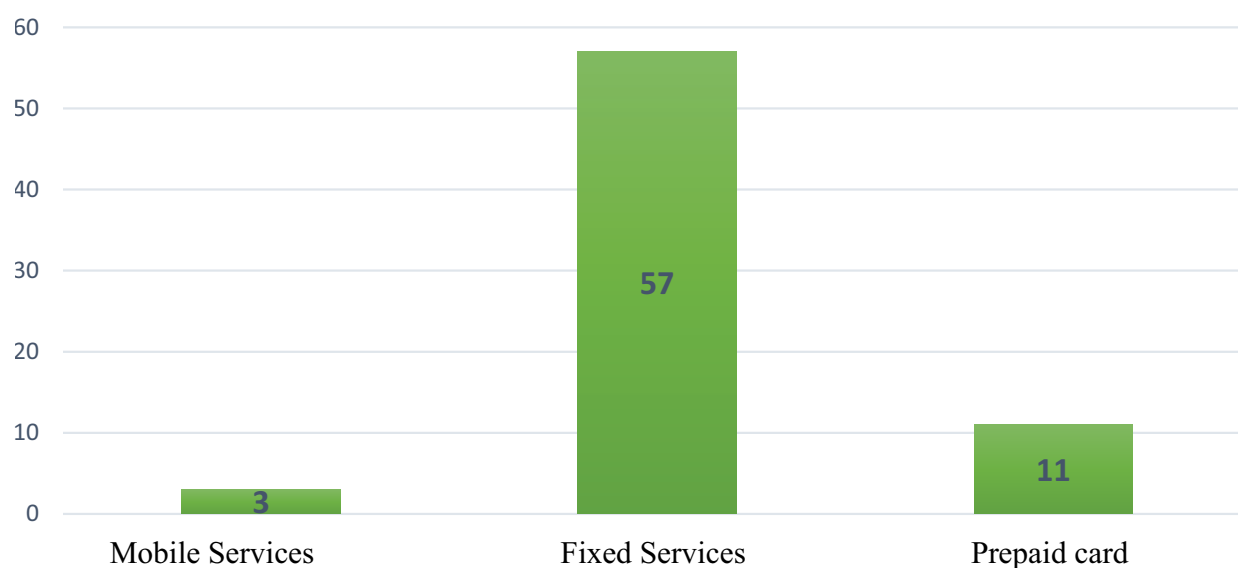
Data on undertakings registered with AKEP for the provision of public electronic communications networks/ services for the period from 1. 1. 2020 up to 31. 12. 2020.



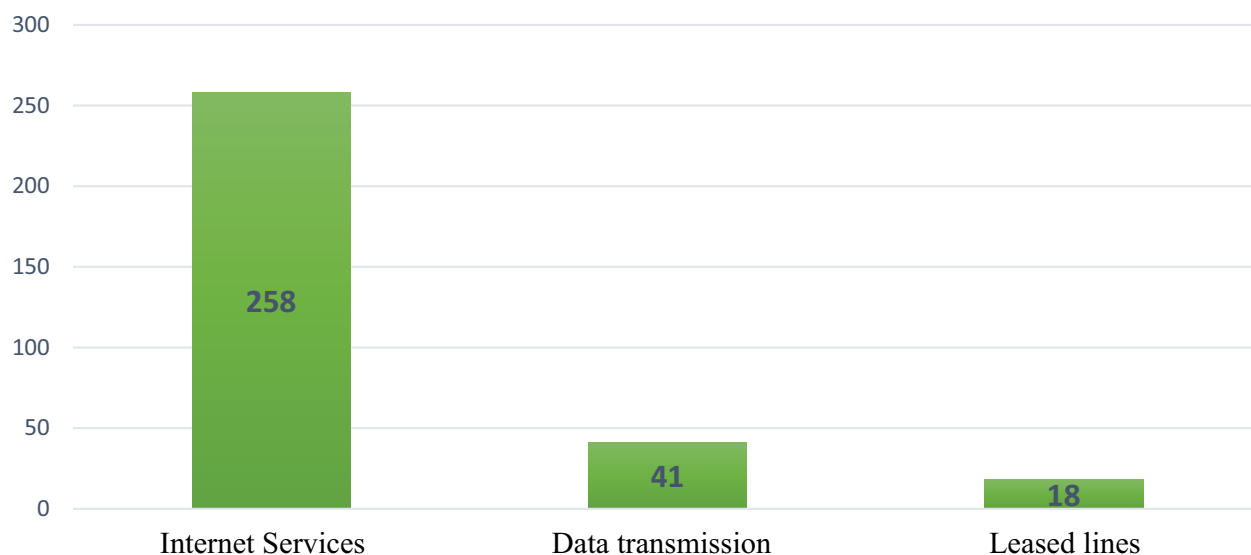
New undertakings and undertakings de-registered during 2020:



Undertakings providing phone public services (2020):



Undertakings providing other services (2020):



It's worth mentioning that during 2020, all notifications delivered to undertakings to start providing the electronic communications networks focused on network building only with optical fibers. Likewise, the substitution of old coaxial cables with optical fibers has also been noted, thus providing more support to broadband (high speed) services from fixed networks.

Installation of optical fibers over the past years, is a novelty because there's been a significant increase of investments from operators in the optical fiber networks, thus improving the service provision speed and quality, as well as reducing the number of cables used and the types of outdated technologies installed on site and at the subscriber's address, thus replacing them with contemporary technologies. Another novelty is the fact that despite the urban areas, the operators are now investing in rural areas with respect to optical fiber networks and technology

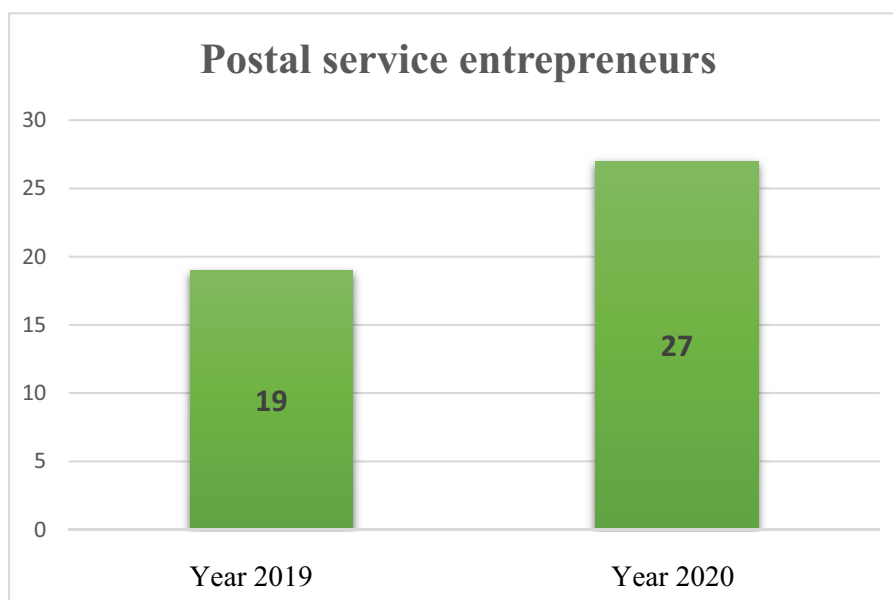
III. REGISTRATION OF POST SERVICE PROVIDERS, according to the General Authorization regime

During 2020, the following have exercised their activity:

- 1 universal post service provider ("Albanian Post" sh.a.);
- 27 post service providers that are not part of the universal post service.

During 2020, 12 (twelve) new post service providers have been registered with AKEP that are not part of the universal post service and 3 (three) post service providers have been de-registered.

We are graphically representing for comparison purposes the undertakings that provided post services during 2020, as compared to 2019.



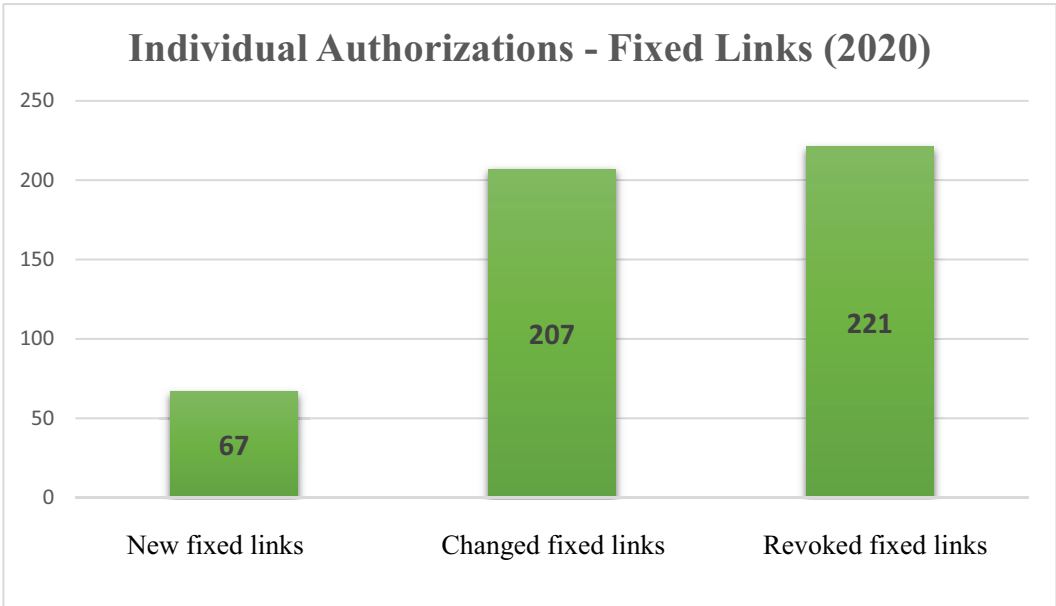
IV. INDIVIDUAL AUTHORIZATIONS

1. Individual Authorizations to undertakings providing mobile networks and services for the use of frequencies:

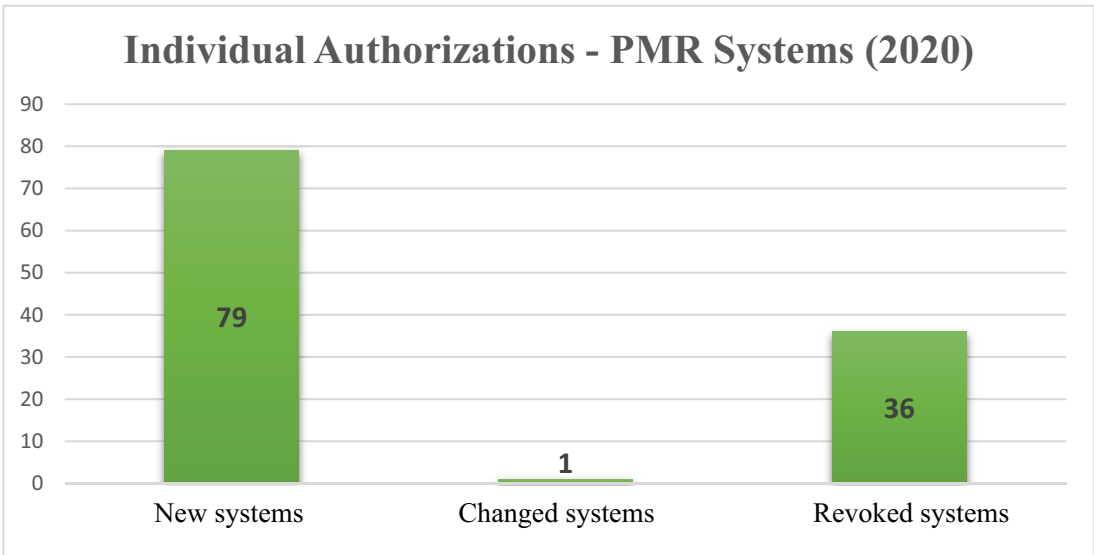
3 operators have provided mobile telephony and broadband services in the mobile networks: Vodafone Albania sh.a., One Telecommunications sh.a., and Albtelecom sh.a., have been granted by AKEP their Individual Authorizations for the use of frequencies in GSM/UMTS/IMT/LTE (800/900/1800/2100/2600 MHz) bands, otherwise known as 2G/3G/4G.

1. Individual Authorization for the use of frequencies in fixed (point-to-point) networks, PMR radio communication/radio alarm systems etc.

During 2020 AKEP has issued 69 individual authorizations to electronic communications for the use of frequencies in 67 new fixed connections and 2017 changed fixed connections (total of 274 fixed connections). 221 individual authorizations have been revoked.



In 2020, the operators using the frequencies for PMR systems (radio communication and radio alarm) have confirmed 116 applications, of which 79 applications were submitted for new systems, 1 application for changes to the existing authorization and 36 applications for the revocation of frequencies.



2. Numbering Individual Authorizations:

In 202, there have been:

- 30 numbering designations (numerical series, short codes);
- 9 numbering annulments, requested from the entities/undertakings.

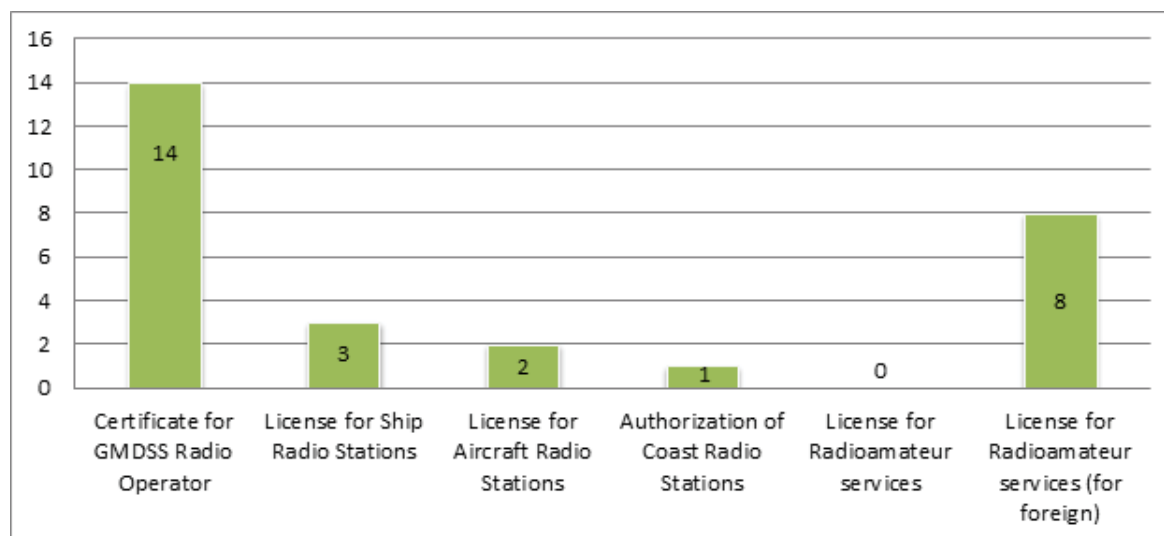
3. Transfer of Abcom sh.p.k. Individual Authorization to Vodafone Albania sh.a.:

Following the approval from the Competition Authority of the Abcom sh.p.k. undertaking merging with Vodafone Albania sh.a. undertaking upon request of both operators, AKEP Steering Board approved through its decision no. 23, dated 26.11.2020 the transfer of Individual Authorizations for the use of frequencies (fixed connections) and numbering from Abcom sh.p.k. to Vodafone Albania sh.a. By the end of 2020, the Abcom sh.p.k. undertaking was de-registered from NBC and AKEP, while from 1 January 2021, the fixed telephony services and Internet services in the fixed network will be provided without interruption to Vodafone Albania sh.a. subscribers.

4. Authorizations, licenses and certificates for air, maritime services etc.

Pursuant to law 9918, as amended, and AKEP regulations, and based on applications submitted, the following licenses, certificates and authorizations have been granted to coastal radio stations:

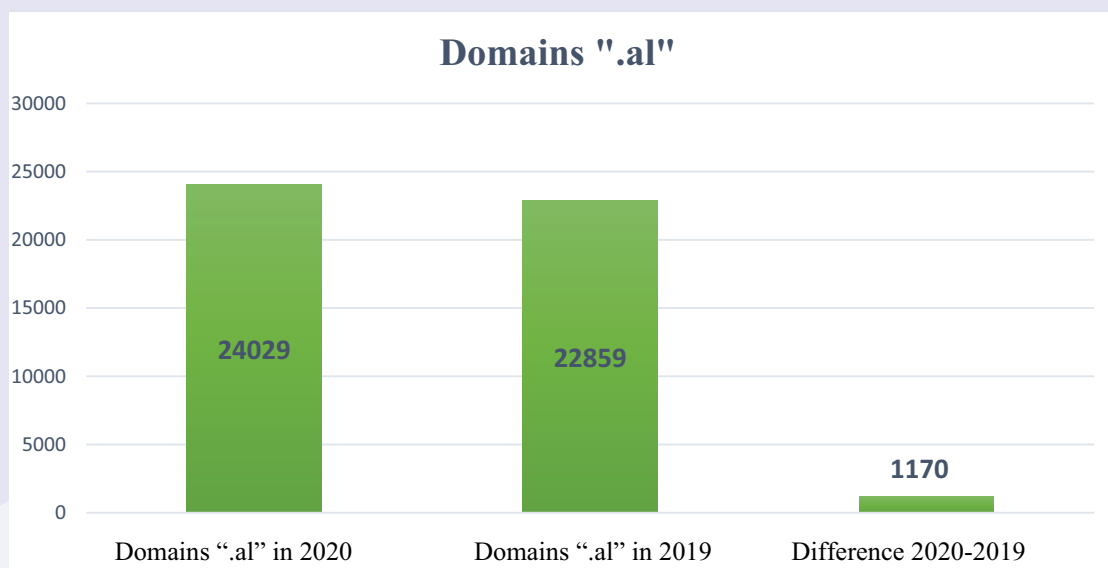
Rdio Licenses on ships. aircrafts, etc. (2020)



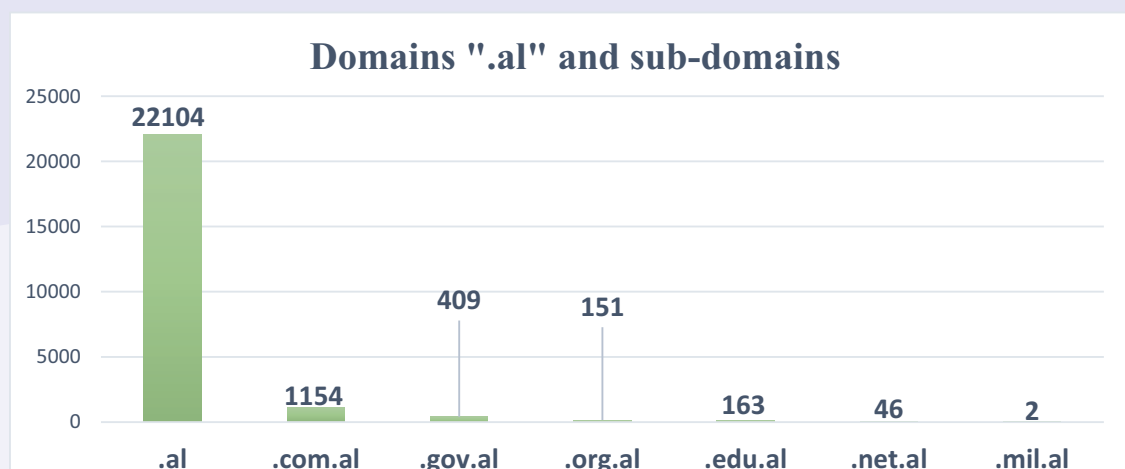
V. ADMINISTRATION OF DOMAINS “.al”:

AKEP administers the domain “.al”, based on paragraph k), article 8, law no. 9918, dated 19.5.2008, dated “On Electronic Communications in the Republic of Albania”, as amended. The number of domains ending

in “.al” for 2020 was 5726. Total number of domains ending in “.al” by the end of 2020 equaled 24.029. In statistical terms, seems like there is an increase in the number of registered domains by 1170 as compared to 2019.



The number of domains ending in “.al” and sub-domains ending in “.al” by the end of 2020, is as follows:



Given the Covid-19 pandemic situation, the domains ending in “.gov.al” during 2020 has been paid extra attention, given that the websites created with such domains were the main source for the safe public information on the pandemic management. Likewise, the e-Albania Portal (operating with the domain e-albania.al) has been active all this time providing critical online services for all citizens and businesses during 2020.

From the statistical perspective, 31 domains ending in “.gov.al” have been registered and 97 have been renovated. By the end of 2020, the total number of domains ending in “.gov.al” stood at 409.

5.

AKEP Steering Board decisions in 2020

| Decision | Date | Title of Decision |
|----------|------------|---|
| No.1 | 30.01.2020 | On approval of the document “Strategic Plan on the Inspection of Electronic Communications Service and Network Providers” |
| No.2 | 30.01.2020 | On approval of the document “Strategic Plan on the Inspection of Post Service Providers” |
| No.3 | 24.02.2020 | On some addenda and amendments to the Internal Regulation on AKEP Steering Board Functioning, approved by SBD no.7, dated 16.2.2017 |
| No.4 | 25.03.2020 | Circulating Decision on the “Suspension of the Steering Council meetings in AKEP headquarters and the realization of the decision-making process through electronic communication means, until the end of the Covid-19 pandemic”. |
| No.5 | 16.04.2020 | On the “Suspension of the review deadline for the administrative complaint filed from the universal post service provider “Albanian Post” sh.a., against the administrative fine, as a result of the state of emergency due to natural disaster”. |
| No.6 | 16.04.2020 | On approval of the public consultation of the document “Market analysis on post service and evaluation of potential universal service providers” |
| No.7 | 22.04.2020 | On approval of the document “Regulation on the implementation of the technical rule for radio devices” |
| No.8 | 24.04.2020 | On “Approval of the Report of Activities of Electronic and Post Communications Authority (AKEP) for 2019” |
| No.9 | 24.04.2020 | On conclusions of the Public Consultation on the document “Market Analysis targeting Wholesale Access and Call Origination on Mobile Networks” |
| No.10 | 28.05.2020 | On approval of the public consultation on the document “On some addenda and amendments to Annex of the Regulation no. 47, dated 26.10.2017 “On the implementation of the General Authorization regime” |
| No.11 | 16.06.2020 | On conclusions reached following the public consultation of the document “Market Analysis targeting wholesale call termination markets on mobile networks, including the international incoming calls termination” |
| No.12 | 16.06.2020 | On approval of the document “Market analysis on post services and evaluation of potential universal service providers” |
| No.13 | 30.06.2020 | Granting a new authorization to the “Albanian Post” sh.a., company for the universal post service provision |
| No.14 | 30.06.2020 | On the use of commission established like a tax agent from AKEP in the form of remuneration for work difficulties for 2020” |
| No.15 | 13.07.2020 | On approval of the re-allocation of the expenditure fund for 2020, in the line expenses for investments |

| | | |
|-------|------------|---|
| No.16 | 24.07.2020 | On the administrative complaint filed by Albtelecom sh.a. on revoking the Steering Board Decision no.11, dated 16.6.2020 “On conclusions reached following the public consultation on the document: “Market Analysis targeting wholesale call termination markets on mobile networks, including the international incoming calls termination” |
| No.17 | 31.08.2020 | On the “Suspension of the review deadline for the administrative complaint filed from the universal post service provider “Albanian Post” sh.a., against the administrative fine and the continuation of administrative procedures for the complaint review” |
| No.18 | 31.08.2020 | On “Repeal of the administrative act “Act for blocking and banning the use of equipment”, dated 12.8.2020, issued by the monitoring group, established by the Authorization no. 1596, dated 06.8.2020 “On performance of measurements on the monitoring of frequencies” |
| No.19 | 17.09.2020 | On “Review of the administrative complaint filed by the post universal service “Albanian Post” sh.a., against the decision no.1, dated 18.2.2020” |
| No.20 | 25.09.2020 | On “Approval of the public consultation on the document: “Regulation on protection of consumers and users of public electronic communications services” |
| No.21 | 30.09.2020 | On “The way of use from AKEP of the commissions that will be established as a tax agent in 2020” |
| No.22 | 05.10.2020 | On “Allocating to AKEP the administrative expenditure fund and the draft budget for 2021” |
| No.23 | 26.11.2020 | On “Transferring the rights and obligations foreseen in the regulatory acts issued by AKEP, and the general and individual authorizations from Abcom sh.p.k. to Vodafone Albania sh.a.” |
| No.24 | 26.11.2020 | On “Approval of the public consultation on the document: Reference template of the document for building the cost model for mobile services” |
| No.25 | 09.12.2020 | On “Approval of the procedures to grant the reward on good work outputs in 20220 for AKEP employees” |

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