



REPUBLIKA E SHQIPËRISË

**ELECTRONIC AND POSTAL COMMUNICATIONS AUTHORITY
STEERING COUNCIL**

No. _____ prot.

Tirana, on ____.__.2026

DECISION

No. 05, dated 02.02.2026

ON

THE REVIEW OF THE ADMINISTRATIVE APPEAL OF THE UNDERTAKING “I.B.C TELECOM” LTD., AGAINST THE “FINAL INSPECTION DECISION” AND THE ADMINISTRATIVE MEASURE

The Steering Council (SC) of the Authority of Electronic and Postal Communications (AKEP), with the participation of:

Mr. Gentian Sala Chairman
Ms. Edlira Dvorani Member
Mr. Lorenc Bako Member
Mr. Bleron Dokle Member
Mr. Armer Juka Member

and secretary Ms. Dania Nallbani, at the meeting held on 02 February 2026, pursuant to the procedure established in Law No. 54/2024 “On Electronic Communications in the Republic of Albania”, and the Internal Regulation on the “Functioning of the Steering Council of the Authority of Electronic and Postal Communications”, approved by Decision No. 7, dated 16.02.2017 of the AKEP Steering Council, as amended, reviewed the matter with the following subject:

- Review of the administrative appeal of the undertaking “I.B.C Telecom” Ltd. against the Final Inspection Decision and the administrative measure.

LEGAL BASIS:

1. Article 135 of Law No. 44/2015, the Code of Administrative Procedures of the Republic of Albania;
2. Point 1 of Article 185 of Law No. 54/2024 “On Electronic Communications in the Republic of Albania”;
3. Law No. 99, dated 12.09.2024 “On Inspection in the Republic of Albania”;
4. Point 3.9 of AKEP Regulation No. 46, dated 27.10.2016 “Methodology for the Inspection of the Activity of Undertakings of Electronic Communications Networks and Services”.

THE STEERING COUNCIL:

Upon review of the written documentation consisting of:

1. The administrative appeal of the undertaking “I.B.C Telecom” Ltd., dated 8 December 2025, registered with AKEP under No. 1467/9 prot., dated 09.12.2025;
2. The opinion of the Ad Hoc Commission, established by Order No. 347 prot., dated 15.12.2025 of the Chairman of AKEP, “On the review of the administrative appeal of the undertaking “I.B.C TELECOM” Ltd. against the Final Inspection Decision”;
3. The formatted and reasoned draft decision;
4. The accompanying report of the draft decision;
5. The complete inspection file.

As well as referring to the discussions held during the meeting regarding the matter and the above-cited legal basis,

NOTES:

I. Preliminary Assessment:

1. Following the review of the administrative appeal submitted by the electronic communications undertaking “I.B.C. Telecom” Ltd. against the Final Inspection Decision and the administrative measure imposed by the AKEP inspectors (Inspection Group), the Steering Council of AKEP established that the undertaking has standing to file an administrative appeal pursuant to Article 185 of Law No. 54/2024.
2. The appellant undertaking submitted the administrative appeal within the deadline provided under Article 185 of Law No. 54/2024, as well as Point 3.9 of AKEP Regulation No. 46, dated 27.10.2016 “Methodology for the Inspection of the Activity of Undertakings of Electronic Communications Networks and Services”. This appeal fulfills the formal requirements for admissibility provided under Article 135 of the Code of Administrative Procedures of the Republic of Albania.

II. Circumstances of the Case:

1. During April 2025, complaints and reports regarding interference caused in the areas of Shkodër and Lezhë were submitted to AKEP by the undertakings “Vodafone Albania” sh.a. (AKEP Ref. No. AKEP-2025-RI-31.1_188) and “One Albania” sh.a. (AKEP Ref. No. AKEP-2025-RI-31.1_185).
2. For the verification of the complaints submitted to AKEP, the latter repeatedly authorized, during the period April–June 2025, the carrying out of measurements for frequency monitoring, with the purpose of identifying and eliminating the source of interference in the LTE 800 MHz (4G) frequency band and in the GSM 900 MHz frequency band, as well as the conducting of an inspection at the premises of the appellant undertaking, which uses

DVB-T2 receiving antennas generating frequencies within the band assigned for use to the undertakings One Albania sh.a. and Vodafone Albania sh.a., as well as:

i. the conditions set forth in Law No. 54/2024 “On Electronic Communications in the Republic of Albania”.

3. Finally, by letter No. 1476 prot., dated 14.10.2025, the Chairman of AKEP authorized the conduct of an inspection at the entity “I.B.C Telecom” Ltd. for the period 15–17 October 2025. The inspection of this entity was carried out with the following scope:

frequency monitoring, identification and elimination of sources of interference, and inspection at the premises of the undertaking “I.B.C Telecom” Ltd. for the period 15–17 October 2025.

4. The Inspection Group, based on the inspection report, the monitoring report, the explanations and evidence provided by the entity “I.B.C Telecom” Ltd., as well as on the previous inspection practices concerning this entity (letters No. 604 prot., dated 08.04.2025 through No. 604/8 prot., dated 27.06.2025, as well as letters No. 1066 prot., dated 27.06.2025 through No. 1066/2 prot., dated 02.07.2025), established, inter alia, that:

- The measurements carried out revealed the presence of an external source of interference in the monitored areas within the 790–862 MHz and 860–960 MHz frequency bands;
- The Inspection Group assigned to monitor the frequency bands and identify the source of the interference, based on the measurements performed and field verifications, succeeded in identifying the interference and undertook steps to block and remove from use the interfering equipment marked with the logo of the operator “I.B.C Telecom” Ltd.;
- As an urgent measure, the Inspection Group blocked the DVB-T2 devices which were the source of the identified interference, and during this process the Group was assisted by the technicians of the entity “I.B.C Telecom” Ltd.;
- Based on point 3/a of Article 1 of Council of Ministers Decision No. 378/2019, the DVB-T2 receiving devices marketed/supplied to end users by the entity “I.B.C Telecom” Ltd. are not exempt from the application of this technical regulation regarding the possession of a certificate of conformity as radio equipment and notification for registration with AKEP;
- Despite the measures undertaken by the entity to replace the defective equipment following previous inspection/monitoring/correspondence procedures, it was found that the interference caused by the DVB-T2 devices continued to occur, degrading the signal of mobile networks operating in the 800 MHz band used by mobile operators.

5. Based on the legal powers of the Inspection Group, pursuant to Articles 181 et seq. of Law No. 54/2024, the inspection report was drafted and the “Final Inspection Decision” was issued as follows:

- a. Main administrative sanction, in the amount of ALL 500,000 (five hundred thousand), based on Article 184, paragraph 1, letter “ç”, of Law No. 54/2024 (letters No. 1476/5 prot. and No. 1476/6 prot., dated 05.11.2025).
- b. Additional administrative sanctions: withdrawal from the market of DVB-T2 HD devices that do not comply with EU standards (Council of Ministers Decision No. 378/2019) and elimination of the consequences of the violations within a reasonable timeframe.

6. By AKEP letter No. 1476/7 prot., dated 05.11.2025, confirmed by postal acknowledgment of receipt on 07.11.2025, the entity was notified of the Final Inspection Decision and the accompanying materials.
7. Subsequently, by our letter No. 1476/9 prot., dated 09.12.2025, the entity filed an administrative appeal against Decision No. 1476/7 prot., dated 05.11.2025 “On the imposition of a fine on the company “I.B.C Telecom” Ltd.”, arguing that:
 - *the receiving antennas subject to inspection are only signal receivers, therefore they do not constitute an interactive service; the antennas comply with Albanian as well as European directives and legislation; the devices do not require authorization from AKEP; and the entity further claims that it possesses certificates of conformity for these devices.*
8. Pursuant to Law No. 54/2024 “On Electronic Communications in the Republic of Albania” and Regulation No. 46 “Methodology for the Inspection of the Activity of Undertakings of Electronic Communications Networks and Services”, by Order No. 347 prot., dated 15.12.2025 of the Chairman of the Authority of Electronic and Postal Communications (AKEP), “On the establishment of the Ad Hoc Commission for the review of the administrative appeal of the undertaking “I.B.C Telecom” Ltd.”, the Commission reviewed the administrative appeal of the entity “I.B.C Telecom” Ltd., proposing:
 - “The rejection of the administrative appeal of the undertaking “I.B.C Telecom” Ltd. against Decision No. 1476/7 prot., dated 05.11.2025 ‘On the imposition of a fine on the company “I.B.C Telecom” Ltd.’, as unfounded in facts and evidence, and the upholding of the Final Inspection Decision and the administrative sanction imposed by the Inspection Group.”

THE STEERING COUNCIL:

Having reviewed the administrative appeal of the undertaking “I.B.C. Telecom” Ltd., and having examined the materials forming part of the inspection file, as well as the findings and conclusions reached upon completion of this inspection procedure,

REASONS AS FOLLOWS:

1. In implementation of AKEP Regulation No. 46, dated 27.10.2016 “Methodology for the Inspection of the Activity of Undertakings of Electronic Communications Networks and Services”, the Inspection Group carried out the procedural actions by conducting the inspection procedure in accordance with the applicable legal provisions.
2. With regard to the violations identified during this inspection procedure, it is noted that the undertaking “I.B.C Telecom” Ltd. committed violations pursuant to Articles 29, 53 and 62 of Law No. 54/2024, as well as AKEP Regulation No. 48, dated 22.04.2020 “On the implementation of the technical regulation for radio equipment”.
3. Upon completion of the procedure for reviewing the appeal and the claims of the undertaking “I.B.C Telecom” Ltd., following the reasoning and acts submitted by the Inspection Group, as well as the comprehensive analysis of the matter under review, it is established that the Final Decision was issued by the Inspection Group in support of and in compliance with the inspection procedure.
4. According to the applicable legal framework, the Final Inspection Decision is the act that concludes an inspection procedure and is issued by the Inspection Group after the signing of the inspection report.

In the present case, where violations were identified, the Inspection Group, based also on the inspection report and the administration of explanations, evidence and objections provided by the inspected entity, drafted the Final Inspection Decision and delivered it to the appellant entity within the legal deadlines, while also determining the administrative measures.

FOR THESE REASONS:

Pursuant to paragraph 1 of Article 14 and paragraph 1 of Article 15 of Law No. 54/2024, the Steering Council of AKEP,

DECIDED:

1. To reject the administrative appeal submitted by the company “I.B.C. Telecom” Ltd.
2. To uphold the Final Inspection Decision No. 1476/5 prot., dated 05.11.2025 and No. 1476/6 prot., dated 05.11.2025.
3. This Decision shall be notified to the company “I.B.C. Telecom” Ltd.
4. This Decision may be appealed before the court within 45 days from the date of notification of the decision.

This Decision enters into force immediately.

Chairman	Member	Member	Member	Member
Gentian Sala	Edlira Dvorani	Bleron Dokle	Lorenc Bako	Armer Juka