

Draft-REGULATION

on

“Establishing the template of the contract summary to be used by providers of publicly available electronic communications services”¹

Document for Public Consultation²

(Approved by AKEP Steering Council Decision No.1 on 19 March 2025)

¹ This Regulation is fully aligned with Commission Implementing Regulation (EU) 2019/2243 of 17 December 2019 establishing a template for the contract summary to be used by providers of publicly available electronic communications services pursuant to Directive (EU) 2018/1972 of the European Parliament and of the Council. CELEX_32019R2243, Official Journal of the European Union, L series, No 336, 17.12.2019, p. 274-280 .

² Please refer to Appendix 1 ‘Explanatory Note to the public consultation document’ at the end of this document for explanations and clarifications regarding the proposed draft-regulation, including the public consultation process and questions for stakeholders.

Article 1

Subject matter, aim and scope

This Regulation establishes the template for the contract summary that providers of publicly available electronic communications services, other than transmission services used for the provision of machine-to-machine services, shall complete and make available to end-users in an appropriate manner with the information required under the provisions of points 5 and 6 of Article 141 of Law No. 54/2024 “On electronic communications in the Republic of Albania”.

The contract summary document shall be provided to end-users who are consumers, and also to non-consumers (business) end-users who are microenterprises or small enterprises, or not-for-profit organizations, unless the latter have expressly agreed to waive this right

Article 2

Definitions

Without prejudice to the provisions of Law No. 54/2024, and to other secondary legislation adopted for its implementation, for the purposes of this Regulation, the following terms shall have the meanings set out below:

1. **Contract summary:** is the document with the pre-contractual summary information made available by the service provider to the end-user pursuant to the requirements of points 5 and 6 of Article 141 of Law 54/2024, and in accordance with the template and the requirements of this Regulation.
2. **End-users who are microenterprises, small enterprises or non-profit organization:** are enterprises or non-profit organizations defined/classified as such under the legislation in force³ and seeking to conclude or conclude a subscription contract on behalf of the enterprise or organization as an end-user of the non-consumer (Business) category with no more than 49 end-users of publicly available electronic communications services other than transmission services used for the provision of machine-to-machine services.

Article 3

Template for the contract summary

Providers of publicly available electronic communications services other than transmission services used for the provision of machine-to-machine services, when implementing the obligations of points 5 and 6 of Article 141 of Law 54/2024 on making the contract summary available to the consumer, shall use the template set out in Annex 1, in accordance with the instructions for its completion set out in Annex 2, of this Regulation.

³ Law 43/2022 “On the development of micro, small and medium-sized enterprises”.

Article 4

Presentation of content

1. The contract summary shall not, unless duly justified, exceed the equivalent of 1 (one) single-sided A4 page when printed. Where services or services and terminal equipment, comprising at least an internet access service or a publicly available number-based interpersonal communications service, are bundled into a single contract, the contract summary shall not, unless duly justified, exceed the equivalent of 3 (three) single-sided A4 pages when printed.
2. The information included in the contract summary shall be presented in portrait format and in accordance with the order of headings set out in Annex 1 of this Regulation. The font type used shall be such that the text is easily readable. The font size shall be at least 10 points. In duly justified circumstances the font size may be reduced; in such cases a possibility to enlarge the contract summary by electronic means or to receive the contract summary upon request with a font size of at least 10 points shall be provided.
3. The content of the contract summary shall be easily readable with sufficient contrast between the font used and background of the document, especially when using colors. Visuals shall not overlay the text of the contract summary.
4. The contract summary shall be drafted in language that is easily readable and understandable for consumers. The contract summary shall focus on key information that the consumer needs to compare offers and make an informed decision .
5. Headings shall be clearly distinguishable from the text.

Article 5

Entry into force and application

This Regulation shall enter into force on 20.12.2025

Annex 1: Contract Summary Template

[Service name]

[Provider

/Provider logo]

[Contact]

Contract summary

- **This contract summary provides the main elements of this service offer according to the requirements of Law 54/2024¹**
- **This information facilitates comparison between service offerings.**
- **Full information about the service is provided in other documents.**

Service/services and terminal equipment	
[...]	
<i>Speeds of internet access service and remedies</i>	
[...]	
Price	
[...]	
Duration, renewal and termination	
[...]	
Featured for end-users with disabilities	
[...]	
<i>Other relevant information</i>	
[...]	

¹ Point 5 of Article 141 of Law 54/2024 “On electronic communications in the Republic of Albania”.

Annex 2 : Instructions for completing the Contract Summary Template

The service or brand name of the electronic communications service(s) offered shall be placed immediately above the title “Contract Summary”.

The name of the provider shall immediately follow the name of the electronic communications service(s). The provider may insert its logo to the right of the title “Contract Summary”.

The three introductory sentences form an integral part of the contract summary and shall not be altered.

The name, address and contact information of the service provider and, if these contact details are different from those for information, contact details for any complaints shall be included below the name of the service provider. The contract summary shall also include the issue date of the document.

In cases where the contract does not include the provision of terminal equipment, the reference ‘terminal equipment’ in the heading “Service(s) and terminal equipment” shall be deleted or indicated as not applicable. In cases where the contract does not include an internet access service, the section on the “*Speeds of the internet access services and remedies*” shall be deleted or indicated as not applicable. In cases where no other information is provided, the section “Other relevant information” shall be deleted or indicated as not applicable.

The text in italic type font used in the template set out in Annex 1 indicates that the abovementioned headings and related information are not mandatory in all circumstances. The square brackets used in Annex 1 shall be replaced with the required information.

Section “*Services and terminal equipment*”

This section shall include a description of the main characteristics of the electronic communications service(s), for example, fixed voice telephony, mobile voice telephony, mobile internet access, fixed internet access, transmission service for TV broadcasting (such as Cable TV or IPTV) or number-independent interpersonal communication services. For offers through bundles pursuant to Article 147 of Law 54/2024, a description of the type of terminal equipment and the services included in the bundle, such as TV packages, video-on-demand or other media services, where applicable. For transmission services for TV-broadcasting and for bundles including such services, information on the type of TV package offered shall be included where it is not possible to list all the TV channels included in the package. For bundles, the services shall be listed in the order mentioned in this paragraph. The description shall include, where applicable, the volume or quantity for calls, messages and data included and the roaming fair use policy applied by the service provider.

Section “*Speeds of internet access and remedies for complaints/dispute resolution*”

Where the service includes internet access, a summary of the information required under letters “ç” and “d” of point 1 of Article 178 of Law 54/2024 shall be included. For fixed internet access services, the minimum, normally available and maximum download and upload speeds shall be included, and for mobile internet access service the estimated maximum download and upload speeds shall be included. This section shall also include a description of the legal remedies available to the consumer in accordance with Law 54/2024 and the relevant secondary legislation in the event of continuous or regularly recurring discrepancy between the actual performance of the internet access service regarding the speed or other quality of service parameters and the performance indicated in the contract.

Section “Price”

For electronic communications services provided for direct monetary payment, this section shall include the prices for activating the service and recurring subscription or consumption-related charges.

For subscription contracts, the recurring price, inclusive of taxes, per billing period and, if the billing period is other than monthly, also the price per month shall be included. This section shall also include any additional fixed prices, such as for activating the service, and, where applicable, the price of the terminal equipment, as well as any time-limited discounts on the monthly subscription.

Where applicable, consumption-related charges, such as unit charges , which will apply after the volumes included in the recurring price have been exceeded, shall be indicated in the contract summary. Where applicable, information about tariffs for additional services not included in the recurring prices shall be indicated to be available in a separate document/medium.

Where the service is provided without a direct monetary payment, but subject to certain obligations on users as a condition of providing the service, that shall be clearly indicated in this section.

Section “Duration, renewal and termination”

The information on the duration of the contract in months and the main conditions for its renewal and termination due to the end of the contract duration and to early termination, where applicable, shall be included in this section of the contract summary. Fees due on early termination, including information on unlocking the terminal equipment, where applicable, shall also be included in this section. This information will be provided without prejudice to other grounds for termination of the contract provided by applicable legislation, such as in the event of a lack of conformity with the terms and conditions of the contract.

Section “Features for end-users with disabilities”

This section shall present information on the main products and services offered to end-users with disabilities, which may include, where available, at least real-time text, total conversation, relay

services, accessible emergency communications, specialized equipment, special tariffs and accessible information for persons with disabilities. In relation to the details of these services, where applicable, a note may be placed that they can be made available to the end-user in separate mediums/manner.

Section “Other relevant information”

In this section the service provider may include additional information required by national legislation (Law 54/2024 and/or relevant consumer protection legislation) to provide before a consumer is bound by a contract or any corresponding offer.

NOTES

Duly justified exceptional cases

Duly justified cases where the maximum number of pages (1 or 3 in the case of service packages) of the contract summary referred to in point 1 of Article 4 of this Regulation may be exceeded are considered cases where the contract summary document is provided in a format accessible to persons with disabilities, such as in Large Print or Braille.

Duly justified cases where the font size (of at least 10 points) of the contract summary referred to in point 2 of Article 4 of this Regulation may need to be reduced are considered to be cases where the contract summary needs to be scaled down in size in order to fit the packaging of prepaid SIM cards sold at operators' points of sale, where the use of 10-point font size would be impractical. However, in such cases, the possibility should be offered for the contract summary to be obtained at the consumer's request in a format with a font size of no less than 10 points.

Other clarifications

The visuals (objects) referred to in point 3 of Article 4 of this Regulation refer to symbols, icons and graphics or the use of “hyperlinks” or “pop-ups”.

In the section of service description, the volume or quantity of calls, messages and data included in the relevant price plan shall be, where applicable, indicated in minutes, number of SMS and MB or GB, including, where applicable, a description of the fair use policy when roaming in the Western Balkans applied by the (mobile) service provider and the amount of data (MB/GB) without surcharges available when roaming in the Western Balkans, calculated in accordance with the “*Regulation on the application of the Fair Use Policy and the methodology for assessing the sustainability of the abolition of retail roaming surcharges (RLAH) with the Western Balkans*”, approved by AKEP Steering Board Decision No. 9, dated 9.06.2021.

Appendix 1: Explanatory Note to the Public Consultation Document

Legal basis for the issuance of the act

Law 54/2024 “On electronic communications in the Republic of Albania” entered into force on 20.12.2024, repealing Law 9918/2008. Law 54/2024 transposes into national legislation Directive (EU) 2018/1972 of the European Parliament and of the Council “Establishing the European Electronic Communications Code” (hereinafter EECC), and contains several new provisions regarding the rights of end-users of electronic communications services and networks, and their implementation by service providers must be carried out in accordance with the regulatory acts issued by AKEP for the implementation of the new law.

Article 141 of Law 54/2024 contains obligations for providers of publicly available electronic communications services regarding the information that they must provide/make available to consumers before the conclusion of a contract or the acceptance by them of a corresponding offer. The pre-contractual information provided to consumers must comply with the requirements of the Consumer Protection Law (9902/2008) as well as with Article 180 of Law 54/2024, which determines the information that contracts concluded with consumers must contain. The legal obligations for providers of publicly available electronic communications services to provide pre-contractual information include the obligation to make available to consumers the contract summary.

According to point 5 of Article 141 of Law 54/2024:

Providers of publicly available electronic communications services other than transmission services used for the provision of machine-to-machine services shall provide consumers with a concise and easily readable contract summary. That summary shall identify the main elements of the information requirements in accordance with paragraph 1 of this article, which include:

- a) the name, address and contact information of the provider and, if different, the contact information for any complaint;*
- b) the main characteristics of each service provided;*
- c) the respective prices for activating the electronic communications service and for any recurring or consumption-related charges, where the service is provided for direct monetary payment;*
- ç) the duration of the contract and the conditions for its renewal and termination;*
- d) the extent to which the products and services are designed for end-users with disabilities;*
- dh) with respect to internet access services, a summary of the information required under letters “ç” and “d” of point 1 of Article 178 of this Law.*

The contract summary is pre-contractual information (a document that the provider must make available to the consumer before concluding the contract or accepting a corresponding offer), but after concluding the contract, it becomes part of the documentation of the contractual relationship between the service provider and the consumer who has concluded the contract/accepted the corresponding offer (point 7 of Article 141).

According to point 6 of Article 141:

Service providers, who are subject to the obligations under point 1 of this Article, shall duly complete the contract summary template with the required information, in accordance with the regulation approved by AKEP, and provide the contract summary free of charge to consumers, prior to the conclusion of the contract, including distance contracts. Where, for objective technical reasons, it is impossible to provide the contract summary at that moment, it shall be provided without undue delay thereafter and the contract shall become effective when the consumer confirms his/her agreement, after receiving the contract summary.

Contract summary template:

In accordance with the above provisions of point 6, Article 141 of Law 54/2024, AKEP has prepared this draft Regulation document on “*Establishing the contract summary template to be used by providers of public electronic communications services*”, for public consultation with interested parties.

AKEP, in accordance with Article 10(4) of Law No. 54/2024, in preparing the draft Regulation on “*Establishing the contract summary template to be used by providers of public electronic communications services*”, has relied on Commission Implementing Regulation (EU) 2019/2243, adopted by the European Commission on 17 December 2019, pursuant to Article 102(3) of the European Electronic Communications Code (EECC).

The adoption of the final version of the draft Regulation on “*Establishing the contract summary template to be used by providers of public electronic communications services*” also aims to ensure the full transposition of Commission Implementing Regulation (EU) 2019/2243, which is envisaged as a commitment of AKEP under the National Plan for European Integration (NPEI) 2022–2024.

The draft Regulation on “Determining the model of the contract summary to be used by providers of public electronic communications services” is structured as follows:

- Main Body:

- **Articles 1–2:** Purpose and scope of the Draft Regulation, as well as Definitions, including definitions relating to end-users that are micro or small enterprises or non-profit organisations, in accordance with the applicable legislation;
- **Articles 3–4:** Rules on the template to be used and on the presentation of the content of the contract summary

(Drafted in full compliance with Articles 1 and 2 of Commission Implementing Regulation (EU) 2019/2243);

- Annex 1: Model contract summary

(Drafted in full compliance with Part A of the Annex to Commission Implementing Regulation (EU) 2019/2243);

- **Annex 2: Instructions for completing the contract summary and Notes.**

(The instructions for completing the contract summary have been drafted in full compliance with Part B of the Annex to Commission Implementing Regulation (EU) 2019/2243.

The Notes section contains certain clarifications in accordance with the provisions of the recitals of Commission Implementing Regulation (EU) 2019/2243.)

Right to be provided with a contract summary (categories of end-users)

The provisions set out in points 1, 2, 3, 5, and 6 of Article 141, as well as in other parts of Chapter XVIII (End-User Rights) of Law 54/2024, refer to the rights of consumers or to the obligations of service providers vis-à-vis consumers, as a category of end-users of publicly available electronic communications services. However, according to recital 259 of the EECC, these rights should also extend to end-users of such services that are microenterprises, small enterprises, or non-profit organizations as defined under national legislation, since the bargaining power of these categories of end-users is comparable to that of consumers and, therefore, they require the same level of protection, except where such end-users have expressly consented to waive these rights.

Pursuant to point 4 of Article 141 of Law 54/2024, “*the information referred to in points 1 and 5 of that Article shall also be provided to **end-users that are micro or small enterprises or non-profit organizations**, unless those end-users have expressly consented to waive all or part of the rights covered by those provisions*”. Under these conditions, the obligation of service providers to provide a contract summary also applies to end-users of public electronic communications services that fall within the business category but which, under the legislation in force in the Republic of Albania, are registered or classified as **micro or small enterprises or as non-profit organizations**. The legislation in force in the Republic of Albania governing micro and small enterprises and non-profit organizations includes:

- *Law No. 43/2022 “On the Development of Micro, Small and Medium-Sized Enterprises”;*
- *Law No. 80/2021 “On the Registration of Non-Profit Organizations”;*
- *Law No. 8788, dated 7 May 2001, “On Non-Profit Organizations”, as amended.*

Obligation to provide a contract summary (categories of undertakings):

Law 54/2024 introduces new definitions and categorizations for providers of electronic communications services and networks compared to Law 9918/2008, and the legal obligations vary depending on the category of service/network provider. As regards the obligation to provide a contract summary, Article 141(1) and (5) stipulate that this obligation applies to providers of publicly available electronic communications services, with the exception of transmission services used for the provision of machine-to-machine (M2M) services.

Accordingly, the obligation to provide the contract summary document applies to all undertakings that provide internet access services, interpersonal communications services (such as voice

communication services/publicly available telephone services), etc., via fixed networks or mobile networks.

Relation with other secondary legislation

The contract summary is a pre-contractual information document and does not replace the full pre-contractual information that the service provider is obliged to make available to the consumer, nor the contract to be concluded with the consumer. The contract summary document serves to provide the consumer with important and concise information prior to the conclusion of the contract, so that the consumer is well informed about the key elements of the service, such as the description of the service, price, contract duration and penalties for early termination of the contract, internet access speeds (minimum, maximum and normally available, etc.), contact details of the service provider for complaints and dispute resolution with consumers, etc. This key information, presented in a consistent manner for all services/packages offered by the same service provider and by all service providers in the market, in accordance with the contract summary template and the instructions set out in this draft Regulation, facilitates the process for consumers to compare services/tariff packages of the same provider and of other providers, and also reduces the costs of implementing this legal obligation for service providers.

Through the adoption of the final version, following public consultation, of the draft Regulation “*Establishing the contract summary template to be used by providers of public electronic communications services*”, the secondary legislative framework for the contract summary as provided for in points 5 and 6 of Article 141 of Law 54/2024 shall be completed. Meanwhile, the main provisions of points 1–3 of Article 141 of Law 54/2024 are currently included in Regulation No. 49/2021 (Article 9), which will be subject to review by AKEP in the coming months in the context of preparing the new regulatory framework for consumer protection, in order to ensure full compliance with Law 54/2024 (Articles 141, 180 and all other provisions related to the protection of consumers/end-users).

In the process of preparing the new regulatory framework for the implementation of Articles 177–179 (Safeguarding open internet access) of Law 54/2024, AKEP will also issue a Guideline document (within 6 months from the entry into force of Law 54/2024), which will set out provisions and explanations regarding internet speeds (minimum, maximum, normally available, etc.) on fixed and mobile networks, as well as the monitoring mechanism for internet quality/speed, certified by AKEP, to verify sustained discrepancies in internet access speeds (actual vs contractual). These provisions will apply only to contracts concluded after 20.12.2025.

Public Consultation Questions

Topic 1: Contract Summary Template

The main objective of defining the contract summary template is to ensure that all undertakings use a standardized Contract Summary template, which will best facilitate consumers' ability to compare offers/services of the same operator or between different operators.

AKEP has prepared this draft regulation based on Commission Implementing Regulation (EU) 2019/2243. Annex 1 presents the Contract Summary template in accordance with Part A of the Annex to Commission Implementing Regulation (EU) 2019/2243, which sets out the main headings/sections of the Contract Summary, without imposing an obligation to present the information in tabular form and without specifying subheadings/subsections within the main headings/sections, thereby allowing flexibility for service providers.

Question 1: *Do you consider that AKEP should define additional requirements, compared to the template set out in Commission Implementing Regulation (EU) 2019/2243, with regard to the Contract Summary Template in Annex 1, including an obligation to present the information in tabular form and/or by adding subheadings/subsections in accordance with the Explanations in Annex No. 2?*

Topic 2: Entry into Force / Application Deadline for the Obligation to Provide the Contract Summary by Service Providers

Given that internet access services on fixed and mobile networks have already become the most important public electronic communications service for end-users (almost all mobile and fixed network service offers include internet access), and that the quality of internet access services is given increased focus under Law 54/2024 (Articles 143 and 177–179), AKEP has proposed that the date of entry into force of the Regulation (final version adopted by the AKEP Steering Council following the public consultation) be 20 December 2025, which also coincides with the deadline referred to in Article 178(3), which provides that:

Any significant, continuous or regularly recurring discrepancy between the actual quality of the internet access service, in relation to speed or other quality-of-service parameters, and the performance indicated by the provider of internet access services in accordance with points (a) to (d) of paragraph 1 of this Article, where the relevant facts are verified by a monitoring mechanism certified by AKEP, shall be deemed to constitute non-conformity of performance for the purpose of triggering the remedies available to the consumer under national legislation. This paragraph shall apply only to contracts concluded or renewed one year after the entry into force of this Law.

Accordingly, all undertakings providing public electronic communications services (internet access services, interpersonal communications services, etc.) over fixed and/or mobile networks—

including bundles of such services that also include terminal equipment and/or television services (IPTV or cable TV)—will be required, as of 20 December 2025, to make available to end-users (both consumers and end-users classified as microenterprises, small enterprises or non-profit organisations, as defined in the Regulation) the Contract Summary document for contracts concluded or renewed on or after 20 December 2025.

Question 2: *Do you agree with the deadline proposed by AKEP for the entry into force of the Regulation / the start date for the application by operators of the obligations set out in this Regulation?*

In addition to the questions above, AKEP welcomes written comments and suggestions on any other aspect of the document and the proposals contained in this draft Regulation.

In their responses to the questions, stakeholders are encouraged to include supporting reasoning for their answers/comments, as well as suggestions for improving the document.

The public consultation process will be conducted for a period of 30 days from the date of publication of the document on the AKEP website, and interested parties may submit their written comments to AKEP as follows:

- in written form to: Authority of Electronic and Postal Communications (AKEP), Rr. “Reshit Çollaku”, Tirana;
- electronically by email to: info@akep.al.