



REPUBLIKA E SHQIPËRISË

**ELECTRONIC AND POSTAL COMMUNICATIONS AUTHORITY
STEERING COUNCIL**

No. _____ Prot.

Tirana, _____.____.2026

DECISION

No.19 Dated 09.09.2026

ON

**THE REVIEW OF THE ADMINISTRATIVE APPEAL OF THE ENTITY “FLY
COURIER” SH.P.K. AGAINST THE “FINAL INSPECTION DECISION NO. 428/8
PROT., DATED 04.06.2026”**

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

Mr. Gentian Sala, Chairman
Ms. Edlira Dvorani, Member
Mr. Armer Juka, Member
Mr. Bleron Dokle, Member
Ms. Diana Dervishi, Member

and Secretary Ms. Dania Nallbani, at its meeting held on 09.09.2026, pursuant to the procedure provided for under Law No. 54/2024 “On Electronic Communications in the Republic of Albania”, Law No. 8480, dated 27.05.1999 “On the Functioning of Collegial Bodies of State Administration and Public Entities”, and the Internal Regulation on the Organization and Functioning of the Electronic and Postal Communications Authority (AKEP), approved by Decision No. 11, dated 31.03.2026, of the Steering Council of AKEP, upon the proposal of the Ad Hoc Committee, considered the following matter:

- Review of the administrative appeal submitted by the entity “Fly Courier” sh.p.k. against the Final Inspection Decision and the administrative measure.

LEGAL BASIS:

1. Article 62 of Law No. 46/2015 “On Postal Services in the Republic of Albania”;
2. Paragraph 28 of Regulation No. 45, dated 27.10.2016, “Methodology for the Inspection of the Activity of Postal Service Providers”, approved by Decision No. 2694, dated 27.10.2016, of the Steering Council of AKEP.

THE STEERING COUNCIL:

Having reviewed the documentary material consisting of:

1. The administrative appeal submitted by the company “Fly Courier” sh.p.k. against Final Inspection Decision No. 422/8 Prot., dated 04.06.2026;
2. The Opinion of the Ad Hoc Committee, established by Order No. 141, dated 23.06.2026, of the Chairman of AKEP, for the review of the administrative appeal of the entity “Fly Courier” sh.p.k.;
3. The formatted and reasoned Draft Decision;
4. The explanatory report accompanying the Draft Decision;
5. The complete inspection file;

Furthermore, with reference to the discussions held at the meeting regarding the matter and the aforementioned legal basis,

FINDS:

I. Preliminary assessment:

1. Following the review of the administrative appeal submitted by the entity “Fly Courier” sh.p.k. against Final Inspection Decision No. 422/8 Prot., dated 04.06.2026, the Steering Council (SC) finds that the appeal was submitted by the entity against which the administrative act was issued and, consequently, that such entity has standing to exercise the right to administrative appeal, in accordance with Article 62 of Law No. 46/2015 “On Postal Services in the Republic of Albania”.
2. Verification of the administrative documentation shows that the Final Inspection Decision was notified to the entity on 15.06.2026 and that the administrative appeal was submitted by letter No. 422/11 Prot., AKEP, dated 15.06.2026, within the statutory time limit provided for in Article 62 of Law No. 46/2015. Therefore, the appeal meets the procedural requirements for admission and examination on the merits.

II. Circumstances of the case:

1. During April 2026, reports concerning several entities carrying out postal service activities without authorization from AKEP were received and recorded electronically by AKEP. For the purpose of verifying these reports, the AKEP Inspection Group carried out test activities by presenting themselves as users interested in receiving postal services within the territory of the city of Tirana.
2. As a result of the activities carried out, it was established that the courier who appeared to collect the shipment had been sent by the entity “Fly Courier” sh.p.k., which was not found to hold the general authorization issued by AKEP for carrying out the activity of a postal service provider.
3. Pursuant to Articles 60 et seq. of Law No. 46/2015 “On Postal Services in the Republic of Albania”, as well as Articles 19 et seq. of Regulation No. 45, dated 27.10.2016, “Methodology for the Inspection of the Activity of Postal Service Providers”, the Chairperson of the Steering Council of AKEP, by Authorization No. 422 Prot., dated 21.04.2026, authorized the Inspection Group to conduct inspections of several entities suspected of carrying out postal activities without authorization, for the period from 22.04.2026 to 05.05.2026, including the entity “Fly Courier” sh.p.k.
4. Subsequently, on 22.04.2026, an inspection of this entity was conducted by AKEP.
5. The verifications carried out established that, although the entity had been registered with the National Business Center in 2025 with postal services as its object of activity, they had not submitted to AKEP any application for registration or authorization to carry out such activity. This fact was also acknowledged by the entity’s representative during the inspection procedure.

¹ Adress: St. “Reshit Çollaku”, Tirana Phone : + 355 4 2259 571 Fax: + 355 4 2259 106 www.akep.al, info@akep.al

6. Upon completion of the inspection, the Inspection Report No. 2, dated 22.04.2026, was drawn up and signed by the Inspection Group and the entity's representative. This report imposed the urgent measure of "Suspension of the activity until the entity is provided with the general authorization for the provision of postal services, as well as blocking the social media accounts where the postal service was advertised."
7. Subsequently, on 28 May 2026, the company "Fly Courier" sh.p.k. applied to AKEP for authorization to provide postal services and, by AKEP letter No. 1289/2 Prot., dated 02.06.2026, was issued a Certificate of Confirmation of Notification.
8. On 04.06.2026, the Inspection Group issued Final Inspection Decision No. 428/8 Prot., dated 04.06.2026, as well as the administrative act imposing an administrative fine in the amount of ALL 1,000,000 (one million), pursuant to Article 61, paragraph 1, letter "a", sub-item viii, of Law No. 46/2015 "On Postal Services in the Republic of Albania".
9. The documentation relating to the inspection procedure was communicated to the entity through postal service on 15.06.2026.
10. By document No. 422/11 Prot., AKEP, dated 15.06.2026, the entity "Fly Courier" sh.p.k. submitted to AKEP an administrative appeal against Final Inspection Decision No. 422/8 Prot., dated 04.06.2026, requesting the annulment of the administrative fine.
11. Pursuant to Law No. 46/2015 "On Postal Services in the Republic of Albania" and Regulation No. 45, dated 27.10.2016, by order of the Chairperson of AKEP, an Ad Hoc Committee was established to review the administrative appeal of the entity "Fly Courier" sh.p.k. Following its review of the administrative file, the inspection documentation, the entity's claims and the legislation in force, the Ad Hoc Committee proposed to the Steering Council the "Revocation of Final Inspection Decision No. 428/8 Prot., dated 04.06.2026, of the Inspection Group."

THE STEERING COUNCIL:

Having reviewed the administrative appeal of the entity "Fly Courier" sh.p.k., and having examined the supporting materials contained in the inspection file, as well as the findings and conclusions reached upon completion of the inspection process,

REASONS:

1. The review of the administrative documentation shows that the Inspection Group conducted the inspection on the basis of an authorization and, upon completion of the inspection, by Final Inspection Decision No. 428/8 Prot., dated 04.06.2026, imposed an administrative fine in the amount of ALL 1,000,000 (one million), pursuant to Law No. 46/2015 "On Postal Services in the Republic of Albania".
2. The Steering Council considers that the subject matter of the review of the administrative appeal is not limited to the existence of the substantive violation by the inspected entity, but also includes compliance with the administrative procedure followed by the Inspection Group in establishing the violation and imposing administrative measures, in accordance with the requirements of the legislation in force.
3. The analysis of the administrative file shows that Inspection Report No. 2, dated 22.04.2026, of the Inspection Group, provided for the imposition of the urgent measure of suspension of the activity until the entity obtained the relevant authorization, as well as the blocking of the social media accounts where the postal service was advertised; however, it did not identify the carrying out of postal activity without authorization as a violation and did not contain a proposal for the imposition of an administrative fine pursuant to Article 61, paragraph 1, letter "a", sub-item viii, of Law No. 46/2015 "On Postal Services in the Republic of Albania".

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4. Pursuant to paragraph 22 of Regulation No. 45, dated 27.10.2016, “Methodology for the Inspection of the Activity of Postal Service Providers”, the inspection report constitutes the basic document of the inspection procedure, in which all factual findings established during the inspection must be recorded, so that the inspected entity is informed thereof and has the opportunity to exercise its right to submit explanations, evidence and objections.
5. The Steering Council considers that Final Inspection Decision No. 422/8 Prot., dated 04.06.2026, should not have included the urgent measure of “Suspension of the activity until the entity is provided with the general authorization for the provision of postal services, as well as blocking the social media accounts where the postal service was advertised”, given that, on 2 June 2026, the entity had been issued authorization to provide postal services.
6. Furthermore, paragraph 26 of this Regulation provides that the Final Inspection Decision and the administrative measures shall be based on the inspection report, the evidence administered and the explanations provided during the administrative procedure.
7. The documentation shows that Final Inspection Decision No. 422/8 Prot., dated 04.06.2026, imposed an administrative fine for a violation that is not recorded in the inspection report and of which the entity had not previously been informed during the conduct of the inspection procedure.
8. The Steering Council considers that, although the carrying out of postal activity without authorization constitutes a violation of Law No. 46/2015, the manner in which such violation was documented and recorded during the inspection procedure does not meet the procedural requirements established by the legislation in force.
9. The failure to establish the violation in the inspection report and its recording for the first time only in the Final Inspection Decision infringes the entity’s right to be informed of the inspection findings and to effectively exercise its right of defense, with reference to the procedural guarantees provided for in the Code of Administrative Procedures and Regulation No. 45/2016.

In view of the foregoing, the Steering Council considers that the appeal submitted by the entity “Fly Courier” sh.p.k., concerning the annulment of the Final Inspection Decision, is well-founded and should therefore be accepted.

FOR THESE REASONS:

Pursuant to paragraph 1 of Article 14 and paragraph 1 of Article 15 of Law No. 54/2024 “On Electronic Communications in the Republic of Albania”, Law No. 46/2015 “On Postal Services in the Republic of Albania”, and Law No. 8480, dated 27.05.1999 “On the Functioning of Collegial Bodies of State Administration and Public Entities”, the Steering Council of AKEP,

DECIDED:

1. To accept the appeal of the entity “Fly Courier” sh.p.k.
2. To revoke Final Inspection Decision No. 428/8 Prot., dated 04.06.2026.
3. This Decision shall be notified to the company “Fly Courier” sh.p.k.
4. An appeal against this Decision may be filed with the court within 45 days from the date of notification of the Decision.

This Decision shall enter into force immediately.

Chairman	Member	Member	Member	Member
Gentian Sala	Edlira Dvorani	Armer Juka	Bleron Dokle	Diana Dervishi

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