**REPUBLIC OF ALBANIA**

**THE ASSEMBLY**

**DRAFT LAW**

**No.\_\_\_\_\_ Dated \_\_\_.\_\_\_.2018**

**ON**

**ADDITIONS AND CHANGES TO LAW NR. 9918, DATED 19.5.2008 “ON ELECTRONIC COMMUNICATIONS IN THE REPUBLIC OF ALBANIA”, AS AMENDED**

Pursuant to Article 78 and point 1 of Article 83of the Constitution, and upon a proposal of the Council of Ministers,

**THE ASSEMBLY**

**OF THE REPUBLIC OF ALBANIA**

**DECIDED:**

To make the following changes and additions to Law 9918, dated 19.5.2008 “On electronic communications in Republic of Albania”:

**Article 1**

In Article 3, after point 23, the following points 23/1 and 23/2 shall be added:

 “23/1. Providers of electronic publication services” refers to natural or legal persons, which are registered with the register of providers of electronic publications, and provide electronic publication services.”.

23/2 “Electronic publication electronic”includes, but is not limited to, programs/publications, whose content is broadcast/published through the internet, on daily or periodical basis, by providers of electronic publications for purposes of public information, entertainment, and education.“

**Article 2**

In article 8, letter k) and letter rr) shall change as follows:

“k) administer the cc.TLD.al domain, its subdomains, as well as determine by special regulation detailed rules for the methodology, payments, procedure and form of management of this service in line with the legislation in force and international standards”

rr) ensure that the entrepreneurs of electronic communication networks and electronic communications services meet their obligations in terms of protecting the interests of the country, and public safety even in case of war or state of emergency, as well as guarantee individual fundamental rights and freedoms, and any other obligations provided for in the legal framework in force in the Republic of Albania;

**Article 3**

After point 2 of Article 12, the following point 3 shall be added:

“3. PECA[[1]](#footnote-2) shall cooperate with AMA in compliance with the provisions of this law and other provisions of secondary legislation, and ensure the implementation of the decisions of the Complaint Council and other AMA bodies, requiring providers of internet access services to implement the respective acts/decisions of these authorities according to the deadlines and procedures foreseen by the legislation in force.

**Article 4**

After Article 14, the following Article 14/1 shall be added:

1. PECA shall manage an updated register, and a database for domains under “.al” and subdomains “.com.al, .org.al and .net.al” .mil.al, .edu.al for all the owners, who are natural and legal persons registered in the trade registers and any other registers of the Albanian state.

1. AKEP shall manage an updated register, and a database for domains not under “.al” for all the owners, who are natural and legal persons, providers of electronic publication services, who are registered in the trade registers and any other registers of the Albanian state.

1. All the institutions, structures, bodies, or any other entities that administer, maintain and manage the information referred to in the above points under this article, shall be obliged to cooperate with PECAin giving/obtaining the information needed for ensuring the effective progress of this process.

1. Upon a request of the tax authorities, or any other bodies authorized by law, PECA shall follow the procedures until the closure of such domains, if their owners are not registered as required by law for exercising their economic/trade activity through these domains.

1. All the owners, natural and legal persons, of domains under under “.al” and subdomains “.com.al, .org.al and .net.al” .mil.al, .edu.al shall have to open a section where complainst against any subjects/parties concerned may be reported/sent.

1. PECA shall, through a special Regulation, establish detailed rules for cooperation and communication between public institutions, announcements and implementation of the decisions of the Complaint Council and AMA, as well as pursuant to the specific provisions of this article.

**Article 5**

In Chapter III, article 137, after point 2, point 2/1 shall be added as follows:

2/1 If the providers of public communications fail to implement the orders/decisions of PECA related to the implementation of the acts/decisions of the Complaint Council and AMA, or issued by any other bodies with legal competencies in this area, according to Article 4 of this law.

**Article 6**

This law shall enter into force 15 days after its publication in the “Official Journal”

**CHAIR**

**GRAMOZ RUÇI**

1. Postal and Electronic Communications Authority, or AKEP, as it is better known by its Albanian acronym. [↑](#footnote-ref-2)