

Monitoring regulatory and market developments for electronic communications and information society services in Enlargement Countries

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Content....

- ▶ Legislative development in Albania
 - Amendments of primary law
 - New law for RoW
 - New Law for AVMS and switchover strategy
 - Broadband Policy paper
 - E-commerce
 -

Adoption of EU 2009 directives

- ▶ Electronic Communication Law, 9918 dated 19.5.2008 in line with 2002 directives.

SAA agreement, Article 104:

Electronic Communications Networks and Services

- 1. Cooperation shall primarily focus on priority areas related to the Community acquis in this field.*
 - 2. The Parties shall, in particular, strengthen cooperation in the area of electronic communications networks and associated services, with the ultimate objective of the adoption by Albania of the Community acquis in these sectors one year after the date of entry into force of this Agreement.*
- ▶ EU analytical report of November 2010:
 - *In the field of electronic communications and information technologies, the 2008 Law on electronic communications, which provides for broad approximation to the 2002 EU regulatory framework, will need to be amended to take into account recent developments in the acquis (in 2009).*

The process of amendments (1)

- ▶ The first draft of amendments prepared, late in 2009 with DDL, EBRD/EU project;
- ▶ A joint working group established (MITIK, AKEP, KKRT, AKSHI);
- ▶ The aim of amendments to adopt EU directives 2009:
 - Better consumer protection
 - Regulatory measures for SMP (access to duct/F.O.)
 - Net neutrality principle
 - Improve regulatory body functioning etc...
- ▶ The first draft of amendments, go through an open public consultation during first half of 2010;

The process of amendments (2)

- ▶ Some suggestions, comments from market players..considered by the end of 2010
- ▶ The draft revised sent for official comments and suggestions from different line ministries, AKEP, NCRT, AK, KMDP etc.
- ▶ Comments completed by the end of June
- ▶ June–September 2011, final preparations to submit the amendments for governmental approval
- ▶ Final adoption within 2011

New Law on RoW..necessities..

- ▶ Existing law on electronic communication doesn't address in detail the right of way in electronic communications
- ▶ The undertakings authorized to provide electronic communications services and networks through a simple general authorization – difficulties to build the networks
- ▶ Right of way procedure distributed in different pieces of legislation, different institutions, in central, local government...a complex and time consuming process
- ▶ Framework Directive 2002/21/EC, 2009/140/EC, Article 11 Rights of way, *asked for transparent, non discrimination procedures. ..an effective structural separation of the function responsible for granting the rights....*

New law on RoW...

- ▶ The draft law prepared with a local consulting and a team with MITIK and other institutions
- ▶ The draft discussed with market players during last year;
- ▶ The draft approved by the Council of Ministers on December 2010;
- ▶ The draft law is being discussed in parliamentary commissions;
- ▶ Expected to be approved soon;

New law on RoW...cnt.

- ▶ What is aiming to regulate:
 - Transparency of the procedures to get the right of way from responsible authorities in local/ central level
 - Equal treatment and no discrimination
 - Dispute resolution in case of no permission or no agreement
 - Time performance of processes
 - Establishment of register of infrastructure
 - Rules for infrastructure sharing and projects to consider other undertakings necessities and future development...

New law on audio visual media service

- ▶ The new law on audio visual media service is in final stage
- ▶ The main aim adoption of AVMSD directives, some provisions of EU regulatory package on electronic communication linked with broadcasting
- ▶ The new law address the CaTV problem, through general authorization regime for network;
- ▶ The new law on audio visual media service an initiative of parliament
- ▶ MITIK contribute through experts in technical working group
- ▶ The draft law in a long process, and public consultation with different stakeholders

Policy paper on broadband

- ▶ Development of broadband infrastructure is main challenge of us.
- ▶ Different initiatives are ongoing to promote broadband infrastructure development such as:
 - improve existing legislation, the amendments of electronic communications law already to be approved within this year
 - drafting a policy paper on broadband development, is ongoing
 - adopt rules for right of way, new law for the right of way for electronic communication network is approved by the Government and expected to be approved by the Parliament during this year
 - promote effective regulation for access to existing infrastructure, AKEP has done the market analyses for relevant market and impose the remedies to SMP
 - promote investments of private sector, through a public private partnership, the process for issuing the right to build a backbone broadband network through a concessionaire contract the process which is ongoing, etc.

E-commerce law – full adoption with acquis

- *The approximation of European legislation on information society to be continued.*
- *National contact point based on electronic commerce directive need to be established.*

- ▶ E-commerce law:
- ▶ A joint WG established, the first draft of amendments prepared April 2011:
 - Better addressing of internal market rules and establishment contact point
- ▶ The draft sent to DGMARKT on April 2011
- ▶ The opinion and comments received on August 2011
- ▶ WG is working to reflect the EU suggestions..

Committee Meeting, Brussels,
18th of November 2010

The process ongoing..

Other initiatives...

- ▶ Adoption of acquis for data retention, through amendments of law 9918 dated 19.5.2008 (article 101);
- ▶ IPA 2009 project given to NAIS:
 - adoption of regulatory concept for e-government service delivery
 - Legal framework on implementation of interoperability of systems
 - The project ongoing
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**Thank you
for
Attention!**