



**REPUBLIC OF ALBANIA
ASSEMBLY**

LAW

No. 46/2015

FOR POSTAL SERVICES IN THE REPUBLIC OF ALBANIA¹

In support of Articles 78 and 83, point 1, of the Constitution, with the proposal of the Council of Ministers,

ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Object of the law

1. This law defines the rules for the provision and provision of postal services and the universal postal service, as well as the conditions for access to the postal network in the Republic of Albania.
2. This law defines the institutions responsible for regulating the postal service, as well as the rights and obligations of providers and users of postal services in the Republic of Albania.

Article 2

¹ This law is fully aligned with directive 97/67/EC of the European Parliament and of the Council, dated December 15, 1997, "On the common rules for the development of the internal market of the Community postal service and the improvement of the quality of the service", Number CELEX : 31997 L0067, Official Journal of the European Union, Series L, No. 15, dated 21.1.1998, page 14, amended by directive 2002/39/EC of the European Parliament and of the Council, dated 10 June 2002, Regulation (EC) 1882/2003 of the European Parliament and of the Council, dated 29 September 2003 and the directive 2008/6/EC of the European Parliament and of the Council, dated February 20, 2008.

Purpose of the law

The purpose of this law is:

1. Ensuring the provision of universal postal service throughout the territory of the Republic of Albania.
2. Providing universal postal service financing to guarantee the continued provision of universal postal services.
3. Encouraging free and effective competition in the provision of postal services.
4. Determining the principles for fees and ensuring the transparency of accounts for the provision of the universal postal service.
5. Determination of quality standards for the provision of universal service, promotion of continuous improvement of service quality, harmonization of technical standards and modernization of postal services.
6. Protecting the interests of users and ensuring their equal treatment.
7. Secrecy of correspondence and confidential handling of all user data.
8. Operation of an independent regulatory body for postal services.

Article 3

Definitions

In this law, the following terms have the following meanings:

1. "Acts of the UPU" are international agreements, signed in the framework of the Universal Postal Union and ratified by the Republic of Albania.
2. "Electronic and Postal Communications Authority (AKEP)" is the regulatory body, which oversees the regulatory framework, defined in this law and in the legislation in force for electronic communications.
3. "Authorization" is any permit, in the form of a general authorization or individual authorization, that defines specific rights and obligations in the postal sector, by which postal service providers are authorized to provide postal services and/or build or to operate their networks for the provision of these postal services, as defined in this law.
4. "General authorization" is an act of a general nature, which consists of the legal framework, defined by this law and the rules issued in its implementation, to ensure the rights for the provision of postal services and the determination of specific obligations, which may apply to all or some of the postal services.
5. "Individual authorization" is the authorization issued by AKEP, by means of which a postal service provider is given special rights or specific additional obligations are imposed on the general authorization, for which the postal service provider is not authorized to exercise these rights without receiving the decision from AKEP.
6. "Terminal obligations" is the payment to the universal service provider for delivery of incoming postal objects cross-border or from another country.
7. "Sender" is a natural or legal person, who is responsible for the postal facilities sent by him.
8. "Delivery" is the journey of postal objects from the point of receipt to their delivery to the address.
9. "Essential requirements" are the general, non-economic criteria that prompt the assignment of additional conditions in the provision of postal services, according to the legislation in force, in relation to the confidentiality of correspondence, network security, as well as the transport of goods

dangerous, compliance with terms and conditions of employment, social security, collective agreements, protection of personal data and privacy, environmental protection or territorial planning.

10. "Post office box" is the letter box used for receiving or delivering postal objects, located in the offices of the postal service provider, in the user's residence or in business premises, according to this law.

11. "Recipient" is a natural or legal person to whom the postal object is addressed.

12. "Minister" is the minister responsible for postal services.

13. "Postal object" is an addressed object, in its final form, that is sent by the postal service provider, which, in addition to letter correspondence objects, includes books, catalogs, newspapers, magazines and postal packages containing goods with or of no commercial value.

14. "Registered postal facility" is a postal facility that is registered by the provider service, against a fixed payment, to guarantee delivery of the postal object and compensation, in case of loss, robbery and theft. The compensation is paid after the request and when the non-delivery of the postal object or its non-delivery to the destination is proven.

15. "Correspondence objects" is written communication, on any type of physical object that will be transmitted and sent to the address indicated by the sender, on the object itself or in its packaging. Books, catalogues, newspapers and periodicals will not be considered items of correspondence.

16. "Insured objects" is a postal object, insured with a special service, up to the value declared by the sender, in case of loss, theft, damage.

17. "Prepaid postal items" are letters and envelopes with a printed stamp or a text instead of a stamp, certifying that postage has been paid at the correct price for the letter or envelope.

18. "Postal service provider" is a natural or legal person that provides one or more postal services.

19. "Universal service provider" is a postal service provider, which, according to provisions of this law, is designated for the provision of the universal postal service.

20. "User" is any natural or legal person who uses postal services as a sender or recipient.

21. "Access points" are physical facilities, including letter boxes provided to the public, in the offices of the postal service provider or on the street, in residences or in business premises, for the acceptance of postal deliveries, with the purpose of delivery to recipient.

22. "Acceptance" is the action by which the postal service provider accepts postal objects, in order to distribute them to the destination.

23. "International/cross-border mail" is mail from or to another country.

24. "Postal network" is the system of organization of all services used by universal postal service providers for receiving postal objects, transporting and holding these objects from the access points to the distribution center and delivery to the address indicated in the object .

25. "Postal services" are the services that include the reception, processing, transport and distribution of postal items in the national and international/cross-border postal network.

26. "Universal postal service" is a defined minimum of services, of a certain quality, possible for all users in the territory of the Republic of Albania, regardless of geographical location, at affordable prices, according to the definitions in Article 12 of this law.

27. "Special services" is the service of registration, insurance and registration, notification, air mail, express service, payment on delivery, for fragile and delicate objects, to be delivered only to the addressee.

28. "Express service" is the service of delivery "door to door", in a short time, delivery one day after delivery, or transport at a specified time of the postal facility that includes the delivery of documents, packages and goods.

29. "Delivery" is the processing process at the distribution center for the delivery of postal objects to the destination.

30. "Deliverer" is the person in charge of delivering the postal object, in accordance with the law.

Article 4

General principles

1. The provision and provision of postal services in the territory of the Republic of Albania by registered natural or legal persons, according to the legislation in force, is carried out on the basis of the principles of legality, non-discrimination, objectivity, transparency and proportionality.

2. The provision of postal services must guarantee the confidentiality of correspondence and the protection of personal data, the continuity of the provision of universal postal services, the protection of the interests of users and the provision of their equal treatment.

CHAPTER II

COMPETENT AUTHORITIES FOR POSTAL SERVICES

Article 5

Competent bodies

The competent bodies in the field of postal services are the minister responsible for postal services and the Electronic and Postal Communications Authority (AKEP).

Article 6

Powers of the minister

The responsible minister has the following powers: 1. Drafts and submits for approval to the Council of Ministers development policies postal sector in the Republic of Albania.

2. Drafts and presents to the Council of Ministers the legal and by-law drafts for regulating the activity of the postal service sector.

3. Issue orders and instructions on issues related to the implementation of this law and development policies of the postal sector.

4. Represents the Republic of Albania in the Universal Postal Union (UPU) and in international organizations for postal services, as well as drafts and signs, on behalf of the Republic of Albania, bilateral and multilateral international agreements in the field of postal services.

5. Follows the implementation of obligations from international treaties and agreements, to which it accedes or is the Republic of Albania a party.

6. Takes measures for service providers to implement obligations related to the protection of the country's interests, public safety, as well as service provision in exceptional cases.

7. Determines the density of access points for the provision of universal postal service.

Article 7

Postal Electronic Communications Authority

1. AKEP is the national regulatory authority responsible for the regulation and supervision of postal services in the Republic of Albania, which was created and operates according to the legislation in force for electronic communications.

2. AKEP's funding sources are payments, according to the provisions of the legislation in force for electronic communications and the provisions of this law, to cover administrative costs for the regulation of the postal sector.

Article 8

AKEP reporting on postal services

1. AKEP is responsible for its work before the Assembly of the Republic of Albania.

2. AKEP presents to the Assembly, within the first four months of the following year, the annual report of the previous year's activity on postal services. A copy of the report is sent to the minister.

3. The annual report, mentioned in point 2 of this article, must contain, in particular:

- a) information on the progress and trends of the postal services market;
- b) the activity of AKEP in the field of postal service;
- c) the status of providing the universal postal service.

Article 9

AKEP powers for postal regulation

To fulfill the purpose defined in this law, in the field of postal regulation, AKEP has the following powers:

1. Gives the authorizations, based on the provisions of this law and the rules adopted in its implementation.

2. Supervises, controls and monitors the activities of postal service providers, in accordance with this law and other acts in its implementation, and takes administrative measures, in case of violations of this law and the acts issued in its implementation.

3. Supervises compliance with the requirements of the law on postal service fees and takes the necessary regulatory measures in implementation of this law.

4. Drafts and approves the regulations in implementation of this law, which are mandatory to be implemented.
5. Cooperates with national and international organizations in the field of regulation of postal services.
6. Determines the provider of the universal postal service, according to the requirements set forth herein law, and supervises the fulfillment of the obligations of the universal postal service.
7. Controls compliance with essential requirements by postal service providers.
8. Drafts and approves standards and technical conditions for the provision of postal service, in accordance with the recommendations of international organizations, including standards for the provision of universal postal service.
9. Promotes free and efficient competition between postal service providers for it guarantee transparency, non-discrimination and honesty.
10. Collects and processes statistical and financial data from postal service providers, in fulfillment of regulatory duties pursuant to this law, guaranteeing the confidentiality of the information provided.
11. Approves the general terms and conditions of providing the universal postal service.
12. Regulates the fees of the universal postal service and other specific services determined by this law.
13. Resolve disputes between postal service providers.
14. Protects the rights of users of postal services and resolves disputes between users and providers of postal services.
15. Cooperates with the Competition Authority and the Consumer Protection Authority in matters of common interest.
16. Represents the Republic of Albania in international regulatory organizations of postal services.

Article 10

Public consultation

1. AKEP, in drafting and approving the regulations and decisions issued pursuant to this law, which have a significant impact on the postal services market, must receive and evaluate the opinion of the interested parties, through public consultation.
2. In the process of public consultation, AKEP must publish the proposed regulations, as well as request the written submission of the opinion of the interested parties, according to the deadlines provided in the legislation in force for notification and public consultation.
3. If AKEP deems it necessary, it also conducts a hearing, where they are invited interested parties to submit their opinion on the proposed regulatory documents.
4. After the deadline, mentioned in point 2, of this article, and before the approval of regulatory documents, published for public consultation, AKEP must publish on its official website the opinions and comments of interested parties, respect the confidentiality of information.

Article 11

Providing information to the minister

AKEP informs regularly during the year the minister responsible for the realization of the objectives of the development policy in the postal sector and for the fulfillment of his powers, defined in this law.

CHAPTER III

UNIVERSAL POSTAL SERVICE

Article 12

Universal Postal Service

1. Every user, in the Republic of Albania, enjoys the right to universal postal service, which includes the continuous provision of postal service with a quality defined in the regulation approved by AKEP and at affordable prices at all access points within their territory.

2. The universal postal service includes the following minimum requirements:

a) acceptance, processing, transport and delivery of postal items weighing up to 2 kg; b) receiving, processing,

transporting and distributing postal packages weighing up to 10 kg; c) services for registered postal facilities

and insured postal facilities.

3. The density of access points, for the provision of the universal postal service, is determined by order of the minister, taking into consideration the needs of the users. Before approval, the order for determining the density of access points is consulted with interest groups and AKEP, according to the law in force on public notification and consultation. The approved order is published on the official website of the responsible ministry and AKEP, according to the provisions of the law in force on the right to information.

4. The universal service provider/s ensure the universal service for every user, at least 5 days a week, offering, as a minimum, except for circumstances or geographical conditions, which are considered exceptional: a) acceptance of the postal facility; b) delivery of the postal

facility to the residence or premises

of any natural or legal person. 5. Any exception or deviation from the provisions of point 3, of this article, is approved

by order of the minister. Before approval, this order is consulted with interest groups and AKEP, according to the provisions of the law in force for public notification and consultation. The approved order is published in the post offices of the universal postal service provider and on the website of AKEP, according to the provisions of the legislation in force on the right to information.

6. Based on the situation of the postal services market and the needs of users, the weight limit, defined in the letter "b", point 2, of this article, can be increased up to 20 kg, by decision of AKEP. In this case, with special agreements, the service provider provides for the "door-to-door" delivery of these packages.

7. Regardless of the weight limit for postal packages, determined under this article, the universal postal service provider must ensure that postal objects, received in an EU member state and weighing up to 20 kg, are delivered throughout the territory of the Republic of Albania.

8. The universal postal service covers postal services within the country, as well as cross-border ones.

9. The minimum and maximum dimensions for postal facilities, according to this article, must be in accordance with the acts approved by the UPU.

Article 13

Ensuring the provision of universal postal service

1. To ensure the provision of the universal postal service, AKEP can appoint:

a) one or more providers of the universal postal service, to guarantee the provision of the universal postal service in the territory of the Republic of Albania; b) different providers of the universal postal service, for the provision of special elements of a universal postal service, if it is appropriate to the specific conditions of the postal market in the country, and when, from the market analysis carried out by AKEP, it results that these services are not provided; c) different providers of the universal postal service to cover

different areas of the territory of the Republic of Albania, if it is appropriate to the specific conditions of the postal market in the country, and when, from the market analysis carried out by AKEP, it results that these services are not available in the respective area. The minimum area of the territory for the definition of a universal postal service provider is determined by the decision of the Council of Ministers.

2. The determination of the provider/s of the universal postal service is made by decision of AKEP, based on the principles of objectivity, transparency, non-discrimination and proportionality, in order to guarantee the continuity of the provision of the universal postal service, considering the important role that the service universal postal plays for society, as well as ensuring equal treatment of users throughout the territory. In determining the provider/s of the universal postal service, AKEP, in particular, considers:

a) the circumstances and development of the postal services market in the Republic of Albania and the need to implement the universal postal service; b) the technical capabilities, including the information system, for tracking postal and financial facilities and the reliability of the provider for providing the universal postal service in a certain area or in the entire territory of the Republic of Albania, within a defined period of time; c) access points of the postal network of the universal postal service provider; ç) the relevant net costs, for the provision of the universal postal service, as well as, as far as it is applicable, the corresponding value of the compensation, which may be requested by the operator for the provision of the universal postal service.

3. Designation of the universal postal service provider is a periodic review process every 5 years. In any case, the term of appointment of a universal postal service provider takes into account the time required for the return of the investment.

4. AKEP appoints the universal postal service provider, based on a competition procedure, according to the rules approved by the Council of Ministers, if from the analysis of

market development finds that there are, at least, two postal service providers that can ensure the provision of universal postal service, according to the conditions defined in this law.

5. Obligations and data of the universal postal service provider/s are published on the AKEP website and at the access points of the universal postal service provider, according to the law in force on the right to information.

Article 14

Requirements for the universal postal service

1. The universal postal service provider must fulfill the following requirements:
 - a) to provide the universal postal service in accordance with the essential criteria; b) provide the same service to users under comparable conditions; c) provide the service/s without any form of discrimination;
 - ç) ensure that the service is not interrupted or blocked, except in cases of force majeure; d) ensure that the service is developed in accordance with the technical, economic and social environment and the needs of the users.
2. The provider of the universal postal service must publish detailed and updated information, according to the format defined by AKEP, regarding specific elements and the quality of the universal postal service provided. The published information includes the general conditions of access, the fees for the provision of the service and the quality offered.
3. Information on general conditions and fees must be published, at least, 15 days before their entry into force. The information is published on the official website of the service provider and at all access points of the postal service.
4. AKEP approves by regulation the indicators of the quality of universal service provision postal and detailed requirements for the provision of universal postal service/s.
5. AKEP conducts the independent quality assurance supervision of the universal postal service provider/s, at least once a year. The results of the supervision are published on the website of AKEP.

CHAPTER IV

UNIVERSAL SERVICE FUNDING

Article 15

Right to compensation for providing universal postal service

1. Provision of the universal postal service can be financed in the ways and in the cases provided for in this law.
2. When the provision of the universal postal service causes additional net costs, which may constitute an unfair burden for the provider of the universal postal service, then the provider of the universal postal service has the right to request compensation for the provision of the universal postal service.
3. Compensation for the provision of the universal postal service is made from the compensation fund, when AKEP, after verification, concludes that the provision of these services causes net costs, which constitute an unfair burden for the provider of the universal postal service.
4. The net costs for providing the universal postal service are calculated as the difference between the net costs for providing the universal postal service and the costs that the universal postal service provider would have had if it had not been a universal postal service provider.

The compensation, according to point 2, of this article, cannot exceed, in any case, the net costs for providing the universal postal service.

Article 16

Calculation of the net costs of the universal postal service

1. AKEP determines, with a regulation, the method of calculating the net cost, as well as the intangible benefits, which must be taken into account in the calculation of the costs of providing the universal postal service.

2. The providers of the universal postal service are obliged to keep separate accounts for the costs of providing the universal postal service. The financial accounts of the universal postal service provider are audited by independent accounting experts and published, in accordance with the legislation in force.

3. The provider of the universal postal service, who claims the right to compensation for the provision of the universal postal service, must submit to AKEP the claim, together with the information on the real costs, the data used to calculate the actual net costs of the universal service postal and financial statements.

4. AKEP, with independent accounting experts, performs control and verification of the presented information. At the end of the verification, AKEP: a) confirms the calculation

of the real (net) costs for providing the universal postal service;

OR

b) requests the corresponding corrections, if he notices that the calculations are not correct.

5. AKEP, in the evaluation, also takes into account the costs of providing the universal postal service, presented by the provider in the selection process, according to point 4, article 13 of this law.

6. AKEP evaluates the cost differences only in cases where the conditions have changed, from the time of granting the authorization of the universal postal service provider, and proves, in a convincing, objective and transparent manner, these differences. AKEP publishes the results of the cost calculation and the expertise carried out for the information submitted by the universal postal service provider.

7. AKEP, based on the calculations, determines whether the universal postal service provider is entitled to compensation for universal postal services, as well as determines the level of compensation based on the net cost. In any case, the compensation is carried out only after approval by the State Aid Commission, according to the procedures defined in the legislation in force on state aid.

8. The universal postal service provider can appeal against the decision of AKEP, according to Code of Administrative Procedures.

Article 17

Creation of compensation fund

1. To compensate the net costs of the universal postal service, the fund i compensation for this service.

2. The universal postal service compensation fund is created with public funds, approved according to the legislation in force for state aid and/or with co-financing of providers for the universal postal service.

3. The rules for the creation and administration of the fund for the universal postal service, as well as the way of determining the contribution from each provider of the universal postal service, in the case of co-financing application, are determined by the decision of the Council of Ministers.

4. The rules for the creation and administration of the fund for the universal postal service must be based on the principle of objectivity, non-discrimination and proportionality, and must not create distortions of competition in the market.

HEAD V

CONDITIONS FOR OFFERING POSTAL SERVICES

Article 18

Provision of postal services

1. Any natural or legal person is free to offer postal services in the Republic of Albania, in accordance with the requirements of this law.

2. The provision of postal services in the Republic of Albania is subject to authorization by AKEP.

3. The authorization to provide postal services in the Republic of Albania is done: a) through general authorization, with notification, when the provision of postal services does not is part of the universal postal service;

b) on the basis of individual authorization and the decision of AKEP for the provision of universal postal service, for the cases mentioned in Article 12 of this law.

4. The authorization for the provision of postal services, according to this article, gives the right to the authorized

subject: a) to negotiate for access to the postal network, when applicable, to ensure access by the universal service provider/s, in accordance with this law;

b) participate in the procedure of designation as a universal postal service provider for special services, in the universal postal service scheme, or in certain parts of the territory of the Republic of Albania.

5. The provision of postal services, under the terms of the general authorization, is not limited in number.

Article 19

Notice of general authorization

1. Any natural or legal person who, for profit purposes, intends to provide services postal service, must notify AKEP before starting to provide the service.

2. The notification is made in writing, according to the rules approved by AKEP, and must contain the following information:

a) name and address of the provider;

b) the legal registration data of the natural or legal person;

c) contact persons of the natural or legal person;

ç) brief description of the service/s and/or postal network;

d) the date when the beginning of the provision or the change of the activity is foreseen;

dh) the fees provided for the provision of postal services; e) declaration of the postal service delivery area.

3. The notification is accompanied by the statement that:

a) the information is correct;

b) the natural or legal person will comply with the legal obligations.

4. The service provider is obliged to report to AKEP all changes in the information presented during the notification, within 30 days of their occurrence.

5. AKEP registers the service provider within 7 days from the date of receiving the notification, in the electronic database, and confirms to him, in writing, the registration.

6. Within 7 days from the date of receiving an incomplete notification in the documentation, according to the requirements in points 2 and 3 of this article, AKEP informs the natural or legal person of the need to complete the missing information. If the natural or legal person does not fill in the missing information, within 15 days, AKEP informs the natural or legal person that it will not register it. The natural or legal person has the right to complain to the Governing Council of AKEP on this matter.

7. If AKEP does not confirm in writing, within the deadline defined in point 5, of this article, or does not inform the natural or legal person about completing the missing information, according to point 6, of this article, the notification is considered complete and the corresponding registration is called completed.

8. AKEP, by regulation, determines, in application of this law, in detail the form and content of the request and the supporting documentation. This document is published on the official website of AKEP and is easily accessible by the public.

9. AKEP administers an updated register, database for natural and legal persons, who are authorized, according to the provisions of this article. The database necessarily contains the information defined in point 2 of this article, and is open to the public.

10. AKEP deregisters a provider from the register of general authorization in cases where the postal service provider requests to be deregistered or when it declares the closure of the activity.

Article 20

Essential requirements for the provision of the postal service

1. The authorization for the provision of the postal service contains conditions for meeting the requirements legal essentials regarding: a)

confidentiality of correspondence; b) network

security; c)

transportation of dangerous goods; ç)

respecting the terms and conditions of employment; d)

respecting the terms and conditions of social security; dh) collective

agreements; e) protection of

personal data and privacy; ë) environmental protection or

territorial planning;

f) obligations, in case of extraordinary situations.

2. The postal service provider, which provides services on the basis of general authorization, and universal postal service providers are obliged to comply with the essential requirements.

3. AKEP can set conditions in the general authorization, when: a) it is necessary

and justified for: i) quality; ii) availability; iii)

performance

of postal services; b) is

applicable to:

i) the obligation to finance the universal postal service;

ii) payment of supervision for AKEP.

4. AKEP does not establish in the conditions of the general authorization requirements that repeat/duplicate the obligations of the legislation in force.

Article 21

Change of general authorization

AKEP by decision changes the rights, conditions and procedures for the general authorization in objectively justified cases and, proportionally, after conducting a public consultation, according to the provisions in the law in force for public notification and consultation. Objectively justified cases mean:

a) change of the facts, on the basis of which the rights, conditions and procedures in the general authorization;

b) the fulfillment of commitments, which originate from the membership of the Republic of Albania in international organizations; c)

the need for defense and security of the state; ç)

the need to protect the public interest.

Article 22

Individual authorization for the provision of the universal postal service

1. AKEP issues a decision on the determination of the universal postal service provider, at the end of the procedures provided for in Article 13 of this law, and issues the individual authorization for the universal postal service provider.

2. The individual authorization is issued for a minimum period of 5 years and a maximum of 20 years.

3. The transfer of individual authorization to another natural or legal person is not allowed.

4. The individual authorization must contain, in particular:

a) the conditions of the rights and obligations of providing the universal service;

b) data on the individual authorization holder; c) the period of validity of the individual authorization;

ç) special rights and obligations, to be fulfilled by the authorization holder, during providing universal postal services in:

i) the postal

network; ii) access

points; iii) the quality of routing of postal facilities, including requirements for the information system for tracking postal facilities; iv) other requirements and

commitments, determined in the process of determining the universal postal service provider.

5. The individual authorization holder is obliged to report all changes e status at AKEP within 30 days of their occurrence.

Article 23

Change of individual authorization

1. The individual authorization can be changed by decision of AKEP with the proposal of the authorization holder, taking into consideration the requirements for providing the universal postal service.

2. AKEP by decision has the right to change, on its own initiative, the individual authorization, in the following cases:

a) if this is necessary to guarantee the effectiveness of the provision of universal postal services; b) if this is required by international legal acts in force in the Republic of Albania.

Article 24

Revocation of individual authorization

1. The individual authorization can be revoked or canceled at the initiative of AKEP or at the request of the holder of the individual authorization.

2. AKEP revokes the individual authorization, at the request of its holder, even in cases where the latter has fulfilled all the obligations arising from this law and the by-laws in its implementation.

3. AKEP can revoke the validity of an individual authorization if:

- a) the holder of the individual authorization no longer meets the conditions defined in this law;
- b) the holder has submitted incorrect data in the selection procedure, which have a impact on its appointment;
- c) the holder of the individual authorization fails to provide the services that are subject to the decision, within 1 year from the day on which the decision was issued, with the exception of cases that may have been otherwise provided for in the decision;
- ç) the individual authorization holder has not fulfilled his obligations, despite several warnings;
- d) in cases of serious violations of this law or repeated violations, ascertained during the inspection and supervision of the implementation of the obligations provided for in the authorization, if these violations have not been eliminated with milder measures in the control procedure; dh) the individual authorization holder, despite the warning, does not take measures to prevent intrusions into the confidentiality of postal facilities.

4. If the provision of universal postal services is jeopardized, AKEP may revoke the validity of the individual authorization, based on this article, only if it has designated, by decision, another universal postal service provider.

Article 25

Procedure for revocation of individual authorization

1. Upon taking the decision to initiate the procedure of revoking the individual authorization, AKEP is obliged to notify the holder of the individual authorization immediately, presenting the reasons for the initiation of the procedure.

2. AKEP, before revoking the validity of the individual authorization, requests in writing the holder of the individual authorization to stop committing the violations found during the inspection procedure, setting a deadline within which these violations must be eliminated. If the holder of the individual authorization continues to commit violations even after the expiration of the defined time limit, AKEP revokes the individual authorization, taking into account point 4, of article 24, of this law.

3. The validity of the individual authorization can be partially or completely revoked, based on the principle of proportionality.

4. The revocation of the validity of the individual authorization takes effect on the day on which the decision revoking the validity of the individual authorization becomes final.

Article 26

Termination of the validity of the individual authorization

1. The individual authorization ends:

a) when the time period for which it was issued expires; b) if the individual authorization holder no longer exists; c) with the revocation of the validity of the individual authorization, in accordance with Article 24 of this law.

2. In the case provided for in letter "b", point 1, of this article, AKEP issues a decision where it is determined that the validity of the individual authorization has ended.

Article 27

Payments for market surveillance of the postal service

1. Postal service providers are obliged to pay to AKEP an annual payment for cover the respective administrative costs of AKEP for the supervision of the postal market.

2. The administrative costs of AKEP for the supervision of the postal market include direct and indirect, operational and capital expenses, which are carried out by AKEP for the regulation of the postal sector during the current year.

3. The annual payment should not be more than 0.5 percent of the annual income of the year previous calendar, provided only by postal services.

4. The level of the annual payment in percentage, within the limit, according to point 3, of this article, is calculated as the ratio of AKEP expenses for the regulation of the postal sector for the current year with the total income of postal service providers in the previous year calendar, provided only by postal services.

5. The annual payment for the supervision of the postal service market should not distort competition or create obstacles for new postal service providers to enter the market.

6. Postal service providers are obliged to keep separate accounts for the income from postal services, recording this income as a separate item in the audited financial statements, separated from the income from other services, not related to the services postal. The commercial entity, provider of postal services, submits to AKEP a copy of the audited financial statements of the previous year, by April 20.

7. The annual payment for the surveillance of the postal service market must be made in the accounts bank of AKEP.

8. AKEP publishes on its official website the expenditure plan for the regulation of the sector post of the following year three months before the end of each calendar year.

CHAPTER VI

PRINCIPLES FOR FEES AND TRANSPARENCY OF ACCOUNTS

Article 28

Fees for providing the universal postal service

1. Fees for any service that is part of the universal postal service must comply with the following principles:
 - a) be affordable and such that all users, regardless of location their geographical location, to have access to the services offered;
 - b) be cost-oriented and provide incentives for the efficient provision of the universal postal service; c) be the same for the same services throughout the territory of the Republic of Albania; ç) to be transparent and non-discriminatory, not to harm competition.
2. The application of the same fee, according to point 1, of this article, does not exclude the right of the provider of universal postal services to conclude individual contracts for fees with users, for the acceptance of bulk objects, the quantity of which is determined from AKEP; 3. The specific conditions of the country are taken into account when setting the fees for the provision of the universal postal service/s.
4. The provision of services to blind and partially blind persons, who are exempt from paying postal fees, is determined by the Minister's instruction, in accordance with the ratified acts of the Universal Postal Union.
5. In the case of the application of special rates, in relation to services for businesses, for the acceptance of postal facilities in bulk or for mail collectors from different users, the providers of the universal postal service are obliged to apply the principle of transparency and non-discrimination . The application of special fees should not affect the increase in the net cost of the universal postal service, according to Article 16 of this law.
6. The fees and associated conditions for services, according to point 5, of this article, are applied equally to third parties/different users and between third parties and the universal postal service provider for the provision of equivalent services. These rates are valid both for individual users and for small and medium-sized enterprises, under similar conditions.

Article 29

Regulation of universal postal service charges

1. AKEP has the right to implement the regulation of tariffs, through a decision on the regulation of tariffs for universal postal services, provided by the universal postal service provider, when it finds that they are not in accordance with the requirements of this law.
2. AKEP implements the regulation of tariffs through: a) determining the minimum or maximum level of tariffs; b) correcting the progress of tariffs, by defining such conditions as:
 - i) the maximum limit of the rate of possible change (increase/decrease) of the tariff within a certain period of time;
 - ii) the maximum ratio of the rate increase, which is imposed by the increase in the prices of the elements components (inputs), within a certain period of time;
 - iii) the procedure to be used for determining or calculating the fee, which enables the realization of a reasonable profit;
- c) determining a period of time, in no case longer than 12 months, during which the increase of tariffs above their current level in a relevant market is prohibited.
3. In adjusting the fee for the universal postal service, AKEP also evaluates the data

latest on:

- a) the best practice of EU countries;
 - b) average tariffs of EU countries;
 - c) tariffs of countries in the region with similar development to the Republic of Albania;
 - ç) ratios between majority and minority tariffs;
 - d) the rate of reasonable profit, realized by other providers of postal services in EU countries and in countries with similar development to the Republic of Albania.
4. Fee adjustment methods may be combined.

Article 30

Fees for the provision of cross-border services

1. In order to ensure the universal postal service for cross-border mail, the universal postal service provider has the right to conclude agreements for the distribution of cross-border postal facilities, for mutual terminal duties, respecting the following principles: a) terminal duties reflect the cost for

processing and distribution of incoming cross-border postal objects; b) the level of payment is related to the quality of the service provided; c) terminal obligations to be transparent and non-discriminatory.

2. The determinations in point 1, of this article, can be implemented with temporary agreements, necessary to avoid the interruption of the realization of the cross-border postal service or unfavorable economic conditions between the providers of origin and the recipients of postal facilities. In any case, the number of these agreements must be limited to the minimum necessary for the realization of the service.

3. In determining terminal duties, the designated operator for universal postal services applies the rules approved by the acts of the UPU.

Article 31

Separation of accounts

1. Postal service providers, who carry out one or several other business activities, different from the postal service offered, must apply separation of accounts, to record the income coming from postal services as a separate item and separated from income from other business activities.

2. The providers of the universal postal service must keep separate accounts, within their accounting system, to distinguish, clearly, the services and products that are part of the universal postal service and those that are not part of this service, in order to calculate the net costs of the universal postal service.

3. The accounting systems, according to point 2, of this article, divide the costs as follows: a) costs that can be applied directly to a certain service or product; b) common costs, which cannot be applied directly to a specific service or product and which are divided as follows: i) when possible, common costs are divided based on a direct analysis of the origin of the costs themselves; ii) when direct analysis is not possible, common cost categories are established on the basis of indirect association with another cost category, or group of categories, for which

a direct assignment or a distribution is possible. The indirect link is based on the compared cost structure;

iii) when direct or indirect cost distribution analysis is not possible, cost categories are divided on the basis of general determinants, calculating the ratio of all direct or indirect costs, assigned or distributed, on the one hand for universal service and on the other hand for other services;

iv) common costs, which are necessary for the provision of universal and non-universal services, are determined appropriately, applying the same cost determination criteria for universal services and non-universal services.

4. The universal service provider must make information available to AKEP detailed on the costing systems it implements.

5. AKEP, by regulation, defines in detail the methods and ways of determining and recording the costs of universal service providers.

Article 32

General terms and conditions of the provision of postal services

1. Postal service providers draw up the general conditions and terms of providing postal services, which, in particular, contain: a) the name and place of the service provider; b) the list of services provided by the service provider; c) the area where postal services are provided; ç) the ways and conditions for postal and special services; d) conditions for postal deliveries; dh) payment methods and conditions for postal services; e) responsibilities of the service provider and compensation for damage; ë) procedures for resolving complaints.

2. The general terms and conditions, drawn up by the service provider, are sent to AKEP for review 30 days before their application. AKEP, 30 days after receiving the notification, has the right to request changes in the general terms and conditions presented by the service provider, if it finds a violation of the provisions of this law and the by-laws in its implementation.

3. The general terms and conditions are published on the official website of the service provider, as well as in the premises where it carries out its business activity for direct actions with users of postal services, at least 15 days before their entry into force.

4. If AKEP does not express the general conditions and terms, within the deadlines provided for in this article, then they are considered tacitly approved.

CHAPTER VII

QUALITY OF SERVICES AND PROTECTION OF USERS

Article 33

Quality of service

1. AKEP, by regulation, determines the standards for the quality of the universal postal service, to guarantee the provision of good quality service, according to international standards.
2. The providers of the universal postal service are obliged, at least once a year, to publish information on the quality of the universal postal service.
3. The quality of the service includes, in particular, the requirements for the delivery time of postal objects, the information system for tracking postal objects, the regularity and reliability of national and cross-border/international services.
4. The monitoring of the quality of services is carried out by AKEP, at least once a year. Monitoring results are published on the official website of AKEP.
5. In case of non-compliance with the quality of the service by the universal postal service provider, AKEP notifies the service provider, setting a deadline for fulfilling the obligations. In case of finding repeated violations, AKEP takes escalating measures, according to the provisions of this law.

Article 34

Harmonization of technical standards

1. The provision of postal services is made in accordance with the harmonized standards European and international standards for postal services, defined by the UPU.
2. Only devices that have technical characteristics can be placed in the postal network, according to harmonized standards and approved by international organizations, to which the Republic of Albania adheres.
3. Information on the applicable standards for postal services is published on the official website of AKEP.

Article 35

Access to the postal network

1. Access to the postal network includes elements of the postal network or access to services provided by the universal postal service, such as:
 - a) access to the postal code system;
 - b) access to the address system;
 - c) access to mailboxes;
 - ç) access to distribution boxes;
 - d) access to information on change of addresses;
 - dh) access to the service of redirection and return to the sender.
2. To protect the interest of the user and/or to promote effective competition, based on the specific circumstances of the country and in accordance with the legislation in force, AKEP, when necessary, takes measures to ensure that the conditions of access to the postal network to be objective, transparent and non-discriminatory.
3. The decision of AKEP, according to this article, must be transparent, non-discriminatory and based on proportionality. Before making the decision on access, AKEP conducts public consultation with interest groups.

Article 36

Payment methods for postal services

1. Postal services are paid: a) in cash, directly at the counter of the service provider; b) through the bank, to the service provider's bank account, based on a service contract between the service provider and the service user; c) by other legal means.
2. Postal service charges, for each postal facility, must be labeled on the postal facility with:
 - a) postage stamps, put into circulation by the public postal operator;
 - b) franking machine; c) payment token printing machine; g) other signs, indicating that the postal service has been paid.
3. Payments are made according to service fees, which must be made available to users of postal services in a visible and easily accessible place on the premises of the postal service provider.

Article 37

Right of appeal

1. Everyone has the right to use postal services, in accordance with the published general terms and conditions. 2. Every user of postal services has the right to complain or ask for clarification from the postal service provider, in case he notices a violation in the fulfillment of the general terms and conditions of providing the postal service, of the fees offered by the postal service provider , as well as the quality of the service provided.
3. The user of the postal service can submit a written complaint within 30 days: a) from the provision of the service, if the complaint refers to the quality of the service provided; b) from receiving the invoice for the service provided, if the complaint refers to the invoiced amount for the service provided.
4. After receiving the complaint, the postal service provider must verify the complaint based on point 3, of this article, and, after verification, return an answer no later than 30 days after receiving the complaint from the postal service user.
5. If the user does not agree with the written response of the postal service provider, then the user initiates the dispute resolution procedure, according to Article 55 of this law. 6. Each postal service provider is obliged to publish, on its official website and in the offices providing the service, the rules for accepting, handling and resolving user complaints, according to this law and the legislation in force for consumer protection.

Article 38

Obligation to provide information

1. Postal service providers, who provide postal services, are obliged to provide AKEP, upon its request, any information necessary to fulfill its obligations

functional, according to this law. In particular, AKEP may request information, including financial information, which is necessary:

a) for the systematic or case-by-case verification of compliance with the provisions of this law;

b) for statistical purposes, in accordance with the legislation in force or derived from one agreement between the Republic of Albania and international organizations.

2. The information requested by AKEP will be proportional to the fulfillment of the functional tasks for which it was requested, and AKEP will provide the reasons for which this information was requested.

3. Postal service providers must submit the information mentioned in point 1 of this article, within the time limit and to the extent of the details required by AKEP in the by-laws in implementation of this law.

4. If the information is assessed as confidential, AKEP secures it in accordance with the legislation in force on commercial business secrets. If the information is not confidential, AKEP publishes it or makes it available to the public, upon its request, when this is necessary to create an open and competitive market.

5. AKEP publishes reports on the situation of the postal services market, including statistical, financial data and other data provided for in this article.

CHAPTER VIII

ACCEPTANCE AND DISTRIBUTION OF POSTAL OBJECTS

Article 39

Acceptance of postal objects

1. The acceptance of an object or the undertaking of a service implies the conclusion of a contract between the service provider and the user.

2. Placing an object in a mailbox installed by the service provider is equivalent to the acceptance of this object.

3. Acceptance of a registered object (objects of letter mail, accepted in accordance with the special services of registration, registration and declaration of value, colliposta, letters and colliposta posted with declared value and payment order) is considered realized when the object is taken over by the service provider, who, at the same time, gives the service user a document of acceptance of the postal object.

4. The postal service provider can accept postal objects with a declared value, according to the provisions in the general conditions and terms for the provision of special services, accepted by AKEP. In international traffic, the declared value of the postal object cannot exceed the limit determined by the place of arrival.

Article 40

Distribution and delivery of postal objects

1. Postal objects are delivered to one of the following addresses of the recipient:

a) to his residence; b)

in work or business premises;

c) in the mailbox, located in the relevant premises.

2. Registered and insured objects are delivered to the recipient's address. If this is not possible, a registered and insured postal object is delivered to an adult member of the family, at his residence, or to an authorized person at the place of work/business or to a person authorized by the recipient.

3. If the delivery of postal objects is not possible, according to point 2, of this article, due to their absence, the distributor issues a notice to the address provided for in point 1, of this article, specifying the place of receipt and the deadline time, in which these postal objects can be withdrawn.

4. If the recipient of the postal objects fails to receive the postal object within the time limit, specified in the notice referred to point 3, of this article, the postal object will be returned to the sender abroad, according to the provisions of the UPU Convention and the regulation in its implementation.

5. If the recipient or the persons referred to in point 2, of this article, refuse to accept a registered and insured postal object, the distributor notes on the postal object the date and reason for the refusal and returns the postal object to the sender.

6. In case a postal object cannot be delivered to the recipient and in case the sender cannot be identified, the postal service provider issues an official note on the postal object. This object is stored for a period of 1 year from the date on which the official note is left.

7. If the consignee is illiterate or he/she cannot sign the delivery receipt, the distributor shall record the consignee's name, including a note specifying the reason for the consignee's failure to sign the delivery receipt.

Article 41

Mailboxes

1. The owner/administrator of a housing unit or business premises provides installation, labeling and maintenance of the mailbox at the entrance of the building. The user of postal services in a residential unit or business premises ensures that the mailbox is regularly emptied.

2. Mailboxes in multi-story buildings are marked with the name of the family or company, according to individual apartments and business premises. They are installed on the first floor and have free access. If the entrance to the building is closed, the owner or its custodian provides free access to the mailbox for the delivery person. The method of access is agreed between the building owner or custodian, on the one hand, and the service provider, on the other hand.

3. If the persons mentioned in point 1, of this article, fail to fulfill their obligations, the postal service provider notifies them in writing and invites them to correct the violation, within a certain period of time.

4. If the persons mentioned in point 1, of this article, fail to correct these violations within the specified period, the universal postal service provider is not required to distribute the postal facilities, however, he notifies AKEP in advance.

5. Mailboxes must be designed and installed in such a way as to enable safe delivery and privacy of postal facilities.

6. In cases of construction of new buildings for business purposes or residential buildings, construction entrepreneurs are obliged to build the infrastructure for the postal network, by installing mailboxes.

Article 42

Distribution of unaddressed postal objects

1. The use of letter boxes for the distribution of unaddressed postal objects, for marketing purposes, may be allowed only after the prior approval of the user. The user can revoke the consent given at any time.
2. Postal service providers may use letter boxes for direct marketing of similar products or services, but are obliged to give their customers the opportunity to, at any time, simply and free of charge, to be able to stop the use, for marketing purposes, of their mail.
3. Each service provider that offers unaddressed postal facilities, with marketing purposes, maintains a register of exceptions, where persons who do not wish to receive unsolicited commercial communications are registered. Service providers are obliged to regularly check and respect the exception register.

CHAPTER IX

POSTAL STAMPS

Article 43

Production and issuance of postage stamps

1. The public postal operator has the exclusive right to produce, issue, put in circulation and withdrawal from circulation of Albanian postage stamps.
2. Albanian postage stamps are issued in accordance with the requirements defined in acts e UPU and the rules approved by the minister's instruction.
3. The procedures for issuing, producing, using and trading Albanian postage stamps are determined by the decision of the Council of Ministers.

Article 44

Invalid postage stamps

1. Postal stamps are considered invalid: a) produced and issued in violation of this law; b) damaged, in which the nominal value indicated in numbers, in letters and the note indicating the issuing authority is no longer visible;
c) used for payment of postal services; ç) that were not issued by the Albanian Post, as provided for in point 1 of article 43 of this law; d) whose validity has expired.

2. If an invalid postage stamp is placed in a postal facility, the postal service is considered unpaid.

CHAPTER X

CONTENTS OF POSTAL OBJECTS AND LIABILITY FROM DAMAGES

Article 45

Goods prohibited in the postal service

1. Postal facilities cannot contain: a) radioactive substances or other dangerous substances; b) narcotic and psychotropic substances, except when the sender and receiver are persons legally authorized to trade or use such substances; c) live animals; ç) articles, the importation and circulation of which is prohibited in the country of destination; d) articles, which are dangerous for the personnel employed by the postal service provider; dh) substances or other objects, the transport of which is prohibited based on the legislation in force.

2. An exception to what is provided in point 1, of this article, can only be made in the cases provided for in the legislation in force and in the international agreements, to which the Republic of Albania has acceded.

3. In international postal services, prohibited goods are those defined in the International Postal Convention and implementing regulations, as well as special goods, defined and declared by each member country of the International Postal Union.

Article 46

Packaging of postal facilities

1. The sender must ensure the packaging of postal objects, in which, under conditions of normal use, no damage is caused to the contents of the postal object, postal objects consisting of postal items, items or equipment of the postal service provider and no damage in the health of postal service employees.

2. The packaging of postal facilities, the composition of which endangers the content of postal deliveries, is done according to the standards and technical conditions determined by AKEP for the provision of postal services.

3. If a damage occurs, because the postal object is not packaged according to specifications in point 1 of this article, the sender is responsible for compensation.

4. The postal service provider is not responsible for compensation if damage to an object occurs as a result of an inappropriate packaging of the contents of the postal object by the sender.

Article 47

Liability for damages caused

1. Postal service providers are considered responsible for damages caused during the transportation of registered and insured postal objects and collipos, due to:

a) loss, damage or theft; b) exceeding the time limit for transportation and delivery; c) incomplete or incomplete postal services.

2. With the exception of the cases provided for in point 1 of this article, the postal service provider is not responsible for the damages caused if it proves that:

a) the transport of postal objects is carried out in accordance with the general terms and conditions; b) the damage

occurred due to force majeure; c) the damage is caused by fault or negligence of the sender or as a result of the nature of

the content of the postal object;

ç) the damage was caused because the postal facility was handed over to competent state bodies, public authority owners or public service providers, defined in this law; d) users of postal services are provided with the contents

of the postal facility with

fraud, for an amount that exceeds the actual value of the content;

dh) the user of postal services has not advertised within the specified period; e) the damage occurred due to the legal actions of the competent bodies.

3. The provision of letter "b", point 2, of this article, does not exclude the right of the sender for the reimbursement of the obligations paid, as well as the amount of compensation, as provided for in the legislation in force.

Article 48

Promotions

1. Users of postal services have the right to advertise within 3 months from the day of acceptance of the registered postal facility.

2. Users of postal services have the right to submit advertising immediately after receiving the registered postal object or no later than 30 days from the day of receipt, only if the deficiencies are not immediately apparent.

3. If the user of postal services does not submit any advertisement within the deadlines of defined in point 1 of this article, he loses the right to claim compensation.

4. A postal service provider must respond to such advertisements within 15 days for the delivery of a domestic postal item, and within 2 months for the delivery of an international/cross-border item. Within 15 days from the end of this period, the user of postal services can submit a request for the resolution of possible disputes to AKEP.

5. The postal service provider, for quality control purposes, must keep records of the number of complaints.

6. Advertisements for postal facilities that are sent abroad are free of charge, based on the provisions of the UPU Convention and its implementing regulation.

Article 49

INDEMNIFICATION

1. A postal service provider pays a postal service user an amount equivalent to the amount of damage caused, but not more than the maximum limit, defined in point 2 of this article.

2. The maximum compensation is:

a) for the loss, damage or theft of an insured object, as much as the damaged value, but not more than the stated value of the postal

object; b) for the loss or theft of a postal object, registered letter, 2,000 (two thousand)

ALL; c) for the loss, theft or damage of a registered colliposte, 5,000 (five thousand) ALL;

ç)

for the non-performance or incomplete or incorrect performance of the postal service, in relation to the transport of an insured and registered postal object or the parcel post as the price paid for the performance of the postal

service; d) for exceeding the deadline for the delivery of registered and insured postal facilities, within the country, beyond the stipulated rates, 500 (five hundred) ALL for each day of delay, but not more than 5,000

(five thousand) ALL. dh) for the loss of a postal facility, as much as the price paid for the performance of the

3. In addition to the compensation amounts provided above, the service provider returns to the sender all service fees paid by him. With the approval of the parties, the compensation is made by the service provider, offering to resend the shipment free of charge.

4. Regardless of what is provided in the provisions of point 2, of this article, compensations for the loss and theft of international postal objects, such as registered letter, colliposte and bag, are determined in accordance with the acts of the UPU, which apply in Albania. In addition to the indemnity, the service provider shall refund to the sender all service charges paid by him.

5. The postal service provider is not responsible for indirect damages or lost profits, when it is proven that they were not caused by him.

CHAPTER XI

PRIVACY OF POSTAL OBJECTS AND SECURITY OF PERSONAL DATA

Article 50

Maintaining confidentiality

1. Postal service providers ensure the secrecy of postal facilities, based on the law regulating the protection of personal data.

2. Postal service providers, in full compliance with the provisions of the law on the protection of personal data, may collect and process the personal data of users of postal services, provided that these data are necessary for the provision of services postal or commercial purposes, but obtaining, in advance, the written consent of the user of the postal service.

3. Postal service providers do not have the right to receive information about the content of postal facilities and data related to facts and circumstances related to postal services. The postal service provider is prohibited from:

a) to open a closed postal facility or get to know its contents without opening the facility;

b) to provide third parties with data, with which he became familiar during the performance of the service, with the exception of the sender, the addressee and the person appointed to take delivery of the object; c) deliver the object

to third parties, in order to know its contents;

ç) to inform third parties about the fulfillment of the service, except for the sender, the addressee and the person appointed to take delivery of the object.

4. The obligations of this article for the preservation of confidentiality will be applied even after the end of the postal service, as well as after the termination of the relevant employment relationship, between the service provider and the employee.

5. Postal service providers must create appropriate systems for ensuring e confidentiality of postal facilities.

Article 51

Cases of opening postal items

1. The service provider may open a closed postal facility, if:

a) due to the lack of address, the object cannot be delivered or returned and for delivery, it is necessary to know the address of the addressee or the sender;

b) the packaging or covering of the object is damaged to the extent that, to protect its contents, repackaging is necessary, which cannot be done without opening the object;

c) there is a reasonable suspicion that the postal shipment contains prohibited content, as defined in Article 45 of this law;

ç) it is necessary to prevent damage to persons or objects; d) a postal shipment, in international traffic, is subject to customs and inspection, in accordance with the customs rules for foreign currency transactions.

2. The opening of a postal facility, in the cases provided for in the law, is done by a commission, which is obliged to keep minutes of the opening procedure and the measures to be taken.

The fact of opening must be indicated on the postal object and, when the name and address of the sender are known, the sender must be notified of the opening and the reasons for this opening.

Article 52

Administration of data for purposes of criminal prosecution

Regardless of what is defined in this law, for the purposes of criminal prosecution, postal service providers are obliged to provide the information requested by the competent authorities, according to the provisions provided in the Code of Criminal Procedure.

CHAPTER XII

PROVISION OF SERVICE IN SPECIAL SITUATIONS

Article 53

Provision of service in exceptional cases

1. The universal service provider draws up an action plan for ensuring the provision of services in case of extraordinary situations, which it presents to the minister and AKEP.

In the sense of this law, by extraordinary situation we mean serious damage to the network, natural disasters, state of emergency or state of war.

2. The Minister, in cooperation with other structures designated by law for dealing with emergency situations, and with AKEP, proposes to the Council of Ministers the measures that must be included in the plan of measures, according to point 1 of this article .

Article 54

Provision of postal services during strikes

1. During strikes, the postal service provider must ensure the routing of: a) postal facilities used in judicial proceedings, administrative proceedings and procedures established in connection with a violation, as well as registered postal facilities for protection and rescue needs;

b) registration and securing of postal facilities that were taken before the strike.

2. Upon termination of the strike, the postal service provider ensures immediate routing of all postal objects that were delivered before the strike.

3. The postal service provider takes measures to ensure that the postal objects, deposited during the strike, are not destroyed, damaged or lost and that they are sent to their destination no later than 2 days after the end of the strike.

CHAPTER XIII

RESOLUTION OF DISPUTES

Article 55

Resolution of disputes between the user and the service provider

1. AKEP resolves disputes between postal service providers and users, when such disputes are related to the rights and obligations defined in this law and by-laws in implementation of this law.

2. If a dispute between the postal service user and the postal service provider cannot be resolved through complaints procedures, according to Article 37 of this law, the user, within 15 days of receiving the provider's written response, may request letter from AKEP to resolve the dispute.

3. AKEP examines all available evidence and, within 30 days of receiving the request, makes a decision regarding the dispute.

4. This decision is binding on both parties, if not contested within 30 days from the day of receiving notice in the competent court, according to the legislation in force.

5. AKEP resolves disputes in a transparent, fast, objective and non-discriminatory manner.

6. AKEP determines the relevant procedures and structure for the resolution of disputes by means of a regulation, which is published on the official website of AKEP.

Article 56

Resolution of disputes between postal service providers

1. AKEP resolves disputes between postal service providers related to the implementation of this law and the rules issued pursuant to this law.

2. In the cases referred to point 1 of this article, AKEP initiates a procedure for the resolution of disputes upon receiving the request of each party to the dispute.

3. In making decisions to resolve disputes, AKEP takes into consideration the fulfillment of regulatory objectives for promoting competition and protecting the interests of users, according to the provisions of this law.

4. AKEP is obliged to publish all the decisions it takes on disputes, taking into account the preservation of the trade secret of the parties to the dispute.

5. The parties have the right to appeal the decision of AKEP to the competent court.

CHAPTER XIV

CUSTOMS MATTERS

Article 57

Customs duties for postal goods

1. Postal goods are subject to the necessary customs formalities and controls and may be subject to customs duties, taxes or other taxes that are paid on import or export, or may be subject to exemption from these payments, according to the legislation in force.

2. The service provider is obliged to inform, in advance and clearly, the users about the taxes/fees they have to pay, as well as about the prohibitions and restrictions for the import of postal goods.

3. The implementation of the provisions of this law does not affect the obligation to implement the provisions of the law on customs and foreign exchange activities.

Article 58

Customs declaration

1. Completing and filing the customs declaration is the responsibility of the declarant. The provider of service, if it is not a declarant, is not responsible for the customs declaration.

2. Regardless of what is stated in point 1, of this article, service providers must take all the necessary steps to inform users about the fulfillment of customs formalities and, specifically, about the correct completion of the customs declaration to facilitate the procedures of customs clearance.

3. Service providers take measures to speed up customs clearance procedures for airmail parcels.

Article 59

Cases of cancellation of customs duty

The customs authorities, based on the application by the declarant, cancel/invalidate a customs declaration, according to the provisions in the customs legislation of the Republic of Albania, for postal goods, when they are: a) returned

to the sender;

b) sent back to a third country;

c) abandoned by the declarant;

ç) lost in the postal service, or destroyed, due to complete damage to content and, in this case, against completing the customs declaration for destruction.

CHAPTER XV

INSPECTION AND ADMINISTRATIVE MEASURES

Article 60

Inspection

1. The inspection of the activity of each postal service provider is carried out by AKEP inspectors, who carry out inspections for the implementation of this law, the regulations issued in its implementation and the legislation in force for inspections.

2. AKEP inspectors are provided with a special identification document. They carry out inspections in the premises where the postal service provider conducts its activity, even without prior notification, to verify the implementation of the provisions of this law and the relevant rules issued in its implementation.

3. Postal service providers, who carry out activities in the field of postal services, are obliged to allow the inspectors to carry out the inspection in these premises, as well as to provide them with all the data and documentation requested by them.

4. When special expertise is needed, inspectors may request an independent postal expert.

Article 61

Administrative offenses and fines

1. The following violations, when they do not constitute a criminal offense, constitute an administrative misdemeanor and are punished with a fine as follows: a)

From 1,000,000 (one million) to 3,000,000 (three million) ALL for the committed violations by a legal entity, which:

i) has not provided the universal postal service for internal and cross-border postal service, in accordance with the provisions of this law; ii) did not reach the quality of the service, defined according to Article 14 of this law, in the performance of universal service, within 9 or 12 months;

iii) fails to provide a permanent, regular and free universal postal service obstacles on equal terms for all users of the postal service;

iv) fails to provide, for each user of the postal service, at least a service of 5 days per week, which includes, as a minimum, a reception and a delivery to the residence or work address of any physical or legal entity. The weekly attendance of reception and deliveries can be reduced in proportion to the increase in the number of days off; v) did not respect the rights and obligations specified in Article 14 of this law; vi) has not

implemented the obligations of AKEP for the regulation of tariffs, in accordance with Article 29 of this law; vii) has not implemented the obligations in keeping separate accounts, in accordance with Article 31 of this law; viii)

offers services without authorization from AKEP. b) With a fine, in the amount of 500,000 (five hundred thousand)

ALL to 1,000,000 (one million) ALL,

for the violations defined in letter "a" of this article, committed by a natural person.

c) With a fine, from 500,000 (five hundred thousand) ALL to 1,000,000 (one million) ALL, for offenses committed by a legal entity, which:

i) does not publish the conditions for access to the postal network in a transparent, non-discriminatory manner, in accordance with the provisions of this law; ii) does not

make payments to AKEP, as provided for in Article 27 of this law; iii) does not publish

general conditions and terms, as well as tariffs, in accordance with Article 32 of this law; iv) carries out the distribution of

postal facilities contrary to the provisions of Article 40 of this law; v) has not respected the obligations, according

to Article 50 of this law; vi) has not respected the obligations,

according to Article 51 of this law. ç) With a fine, from 100,000 (one

hundred thousand) ALL to 500,000 (five hundred thousand) ALL, for

the violations specified in letter "c" of this article, committed by a natural person.

d) With a fine, in the amount of up to 100,000 (one hundred thousand) ALL, for any other violation, committed by the legal entity, not specified in the points above.

dh) With a fine, in the amount of up to 50,000 (fifty thousand) ALL, to a natural person, for the violations specified in letter "d" of this article.

2. The criteria for determining the type and amount of punishment are provided in the legislation in force for administrative offenses.

3. The fine is an executive title collected by AKEP and transferred to the State Budget.

4. An appeal is filed against the fine, according to Article 62 of this law.

Article 62

complaint

1. Against the fine imposed by the inspectors, according to this law, an appeal is made to the Governing Council of AKEP, within 15 days from the date of its imposition.

2. Against the decisions of AKEP, an appeal can be made to the competent administrative court within 30 days from the decision.

Article 63

Examination and determination of administrative offenses

1. When AKEP inspectors prove that a postal service provider or any other natural or legal person, who is active in the field of postal services, has violated this law and the approved regulations, they have the right to: a) decide fine for violation, according to Article 61, of this law, and request

the receipt of

measures for the correction of the violation, setting a deadline for its realization;

b) propose to the Governing Council of AKEP the suspension of the authorization for the provision of to the postal service until the postal service provider corrects this violation;

c) to propose to the Governing Council of AKEP the removal of authorization, in case of repeated violations.

2. The Governing Council of AKEP examines the proposal of the inspectors, made according to letters "b" and "c", of point 1, of this article, according to the rules provided in the Code of Administrative Procedures.

3. Before taking the decision, the Governing Council of AKEP calls the postal service provider to a hearing, to give him the opportunity to give explanations. AKEP makes a decision in accordance with the Code of Administrative Procedures.

CHAPTER XVI

TRANSITIONAL AND FINAL PROVISIONS

Article 64

Transitional provisions

1. Decisions of the Council of Ministers, issued pursuant to law no. 8530, dated 23.9.1999, "On the postal service in the Republic of Albania", as amended, remain in force until the issuance of decisions in accordance with this law.

2. All licenses issued according to law no. 8530, dated 23.9.1999, "On the postal service in the Republic of Albania", as amended, remain in force and operate until the moment of their amendment, in accordance with the requirements of this law, but not later than 6 months from the entry in his power.

3. With the entry into force of this law, AKEP gives the company "Posta Shqiptare", sh.a. individual authorization, as the sole provider of the universal postal service, with a five-year term. AKEP performs the first review process for the appointment of the universal postal service provider, according to point 3, article 13, of this law, at the end of this term.

4. "Albanian Post", sh.a. continues to exercise the right to provide reserved postal services until 31.12.2016.

Article 65

Bylaws

1. The Council of Ministers is tasked to, within 6 months from the entry into force of this law, issue by-laws in implementation of articles 13, point 1, letter "c", and point 4; 17, point 3; and 43, point 3, of this law.

2. AKEP is tasked to, within 6 months from the entry into force of this law, issue by-laws in implementation of articles 12, point 1; 14, point 4; 16, point 1; 19, points 2 and 8; 31, item 5; 33, point 1; and 55, point 6, of this law.

3. The minister is instructed to issue the acts within 6 months from the entry into force of this law by-laws in implementation of articles 12, point 3; 28, item 4; and 43, point 2, of this law.

Article 66

repeal

Law no. 8530, dated 23.9.1999, "On the postal service in the Republic of Albania", of amended, repealed.

Article 67

Entry into force

This law enters into force 15 days after its publication in the Official Gazette.

HEAD

Ilir META

Approved on 7.5.2015