

“On Digital Services in The Republic of Albania”

Newsletter



Draft Law “On Digital Services in the Republic of Albania”

On July 23, 2026, the Ministry of Infrastructure and Energy submitted for public consultation the draft law “On Digital Services in the Republic of Albania” (the **Draft Law**).

The Draft Law is partially aligned with Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act - DSA). It aims to establish a safe, predictable and trustworthy online environment for intermediary services, keeping pace with technological change while reinforcing the protection of fundamental rights and consumer safeguards.

Among its principal innovations, the Draft Law introduces the following elements into the Albanian legal framework:

Digital Services Coordinator

The Draft Law establishes the Digital Services Coordinator as the independent authority tasked with supervising intermediary services and coordinating enforcement with other competent bodies.

The Coordinator holds broad investigative powers, including the ability to request information, conduct inspections and impose enforcement measures. Where infringements are serious, it may compel providers to implement corrective action plans or apply to the courts for orders temporarily restricting access to non-compliant services, always subject to the principle that measures remain effective, proportionate and dissuasive.

Conditional Liability Regime for Intermediary Services

Consistent with the DSA, the Draft Law codifies the liability exemptions applicable to intermediary service providers, including *mere conduit*, *caching*, and *hosting services*. Providers acting as mere conduits are exempt from liability provided, they neither initiate transmission, select the recipient, nor modify the content transmitted. A comparable regime governs caching services, shielding providers from liability for the automatic, intermediate and temporary storage of information carried out solely to make subsequent transmission more efficient. In both instances, courts and competent authorities retain full authority to order the termination or prevention of infringements.

Hosting providers, in turn, benefit from an exemption in respect of content stored at the request of a recipient, so long as they have no actual knowledge of illegal activity or content and act quickly to remove or disable access upon becoming aware of it.

Representation and Transparency Requirements

Foreign providers offering intermediary services in Albania will be required to appoint a legal representative established in Albania or in an EU Member State, acting as the point of contact for domestic authorities and the Digital Services Coordinator and answerable alongside the provider for any non-compliance. Providers must also notify the Coordinator of the representative's contact details, though this designation does not amount to establishment in Albania. On

transparency, providers must clearly disclose restrictions on service use, including content moderation policies and internal complaint-handling rules, while Very Large Online Platforms and Very Large Online Search Engines face heightened duties to publish accessible summaries of their terms, including available remedies, in every official EU language of the Member States where they operate.

Complaint-Handling Mechanisms, Trusted Flaggers and Advertising Transparency

According to the Draft Law, online platforms must maintain internal complaint mechanisms that are user-friendly and capable of processing substantiated complaints diligently, fairly and without discrimination. The Draft Law also introduces a mechanism for designating trusted flaggers, entities recognized for their particular expertise in identifying illegal content, thereby facilitating more efficient content moderation. Particular attention is given to the protection of minors, with the Draft Law reinforcing obligations aimed at limiting their exposure to harmful content and ensuring that reporting mechanisms remain accessible and effective for this category of users.

In respect of online advertising, platforms must clearly identify advertisements as such, disclose the identity of the natural or legal person on whose behalf the advertisement is presented and, where different, the person funding it, explain the parameters used for targeting, and enable users to flag commercial content they have uploaded. Advertising based on profiling is prohibited whenever it conflicts with applicable data protection legislation.

Trader Traceability and the Right to Information

Platforms enabling consumers to conclude contracts with traders must verify essential trader information, including identity, contact details, registration documents and banking details, prior to granting market access, thereby reinforcing consumer protection and curbing the circulation of illegal goods and services. Where a platform becomes aware that a trader has offered an illegal product or service to Albanian consumers, and where contact details are available, it must inform the affected consumers of the illegality of the product, the identity of the trader concerned, and the redress mechanisms available to them.

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