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| [*https://zakon.rada.gov.ua/laws/show/1089-20#Text*](https://zakon.rada.gov.ua/laws/show/1089-20#Text)  <https://zakon.rada.gov.ua/laws/show/1089-20/ed30000101#Text> |
| Зображення, що містить текст  Автоматично згенерований опис |
| ***LAW OF UKRAINE*** |

**On Electronic Communications**

{As amended by the Laws  
[No. 1591-IX of 30.06.2021](https://zakon.rada.gov.ua/laws/show/1591-20%252525252523n1249)  
[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n540)  
[No. 2137-IX of 15.03.2022](https://zakon.rada.gov.ua/laws/show/2137-20%252525252523n85)  
[No. 2240-IX of 03.05.2022](https://zakon.rada.gov.ua/laws/show/2240-20%252525252523n2)  
[No. 2370-IX of 08.07.2022](https://zakon.rada.gov.ua/laws/show/2370-20%252525252523n2)  
[No. 2524-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2524-20%252525252523n350)  
[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252525252523n102)  
[No. 2530-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2530-20%252525252523n48)  
[No. 2581-IX of 07.09.2022](https://zakon.rada.gov.ua/laws/show/2581-20%252525252523n82)  
[No. 2801-IX of 01.12.2022](https://zakon.rada.gov.ua/laws/show/2801-20%252525252523n1233)  
[No. 2807-IX of 01.12.2022](https://zakon.rada.gov.ua/laws/show/2807-20%252525252523n191)  
[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3073)  
[No. 3245-IX of 13.07.2023](https://zakon.rada.gov.ua/laws/show/3245-20%252525252523n2)  
[No. 3460-IX of 09.11.2023](https://zakon.rada.gov.ua/laws/show/3460-20%252525252523n204)  
[№ 3721-IX від 21.05.2024](https://zakon.rada.gov.ua/laws/show/3721-20%25252523n68)  
[№ 3727-IX від 22.05.2024](https://zakon.rada.gov.ua/laws/show/3727-20%25252523n6)}

*{Іn the text of the Law, the words “media outlets” in all cases and numbers shall be replaced with the word “media” in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3120)*}*

This Law determines legal and organisational framework of the state policy in the fields of electronic communications and radio spectrum as well as the rights, obligations and responsibility of individuals and legal entities that engage in the appropriate activity or use electronic communications services.

**Section I. GENERAL PROVISIONS**

**Article 1.** Scope of the Law

1. This Law shall apply to the relations in the fields of electronic communications and radio spectrum, which involve provision and obtaining of electronic communications services, provision of and access to electronic communications networks, ensuring competition in electronic communications markets as well as the use of radio spectrum, numbering resources, and protection of service user rights.

2. This Law shall not apply to the relations involving:

electronic communications networks that are not interconnected with public electronic communications networks (apart from radio spectrum relations);

audiovisual policy regulation, analysis and editing of the content transmitted using public electronic communications networks, provision of audiovisual media services to consumers;

*{The third indent of Article 1(2) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3074)*}*

interconnection, resource allocation, the Internet traffic routing and transit, which are regulated by the documents of international organisations, except for organisations registered in the territory of states recognized by the Verkhovna Rada of Ukraine as aggressor states.

**Article 2.** Definitions

For the purposes of this Law, the terms below shall have the following meanings:

1) ‘subscriber’ means an end user that obtains electronic communications services under an agreement concluded with an electronic communications services provider;

2) ‘subscription fee’ means a fixed amount that may be charged by an electronic communications services provider from a subscriber for a permanent access to electronic communications services, regardless of whether they have been obtained;

3) ‘subscriber line of an electronic communications network (subscriber line)’ means a part of the electronic communications network, which connects the terminal equipment to the electronic communications network;

4) ‘automated radio spectrum management information system’ means a system for information provision, collection, accumulation, protection, registration, processing and use, which enables measures related to radio frequency planning, electromagnetic compatibility assessment, radio frequency assignment and radio frequency monitoring;

5) ‘Internet address’ means an alphanumeric identifier as determined subject to applicable international Internet standards;

6) ‘Internet address space’ means a range of the Internet addresses;

7) ‘security of networks and services’ means the ability of electronic communications networks and services to resist any action that compromises the availability, integrity or confidentiality of such networks and services as well as stored, transmitted or processed data and associated services provided or accessible through electronic communications networks or services;

8) ‘rate for service bundle’ means a fee set for the use of the service bundle per a period of time as defined by the tariff plan and which can be independent of actual consumption of electronic communications services as provided by the service bundle;

9) ‘network interconnection’ means a type of access implemented between electronic communications networks and/or services providers (operators) by means of the physical and/or logical connection of electronic communications networks in order to allow the users of one electronic communications networks and/or services provider (operator) to communicate with users of another electronic communications networks and/or services provider (operator), or to access services provided by other undertakings that have access to the respective network;

10) ‘radio frequency band allocation’ means entry in [the Plan for Radio Spectrum Allocation and Use in Ukraine](https://zakon.rada.gov.ua/laws/show/815-2006-%2525252525252525D0%2525252525252525BF%252525252523n82) of a given radio frequency band for the purpose of its use by one or more radio technologies under specified conditions as well as for the purpose of establishing a category of users of the mentioned technologies;

11) call means a connection established by means of an interpersonal electronic communications service allowing two-way voice electronic communication;

12) ‘measurement of the parameters of radio equipment, an emitter, a special purpose radio electronic device and emitter’ means a part of on-site acceptance tests and/or field tests of radio equipment, an emitter, a special purpose radio electronic device and emitter, which experimentally determine whether their parameters correspond to the electromagnetic compatibility calculation or radio frequency assignment;

13) ‘emitter’ is a technical device emitting electromagnetic energy into the environment, which is used for production, research, medical, military, industrial, household purposes (except for radio communication purposes), other than radio equipment;

14) ‘high-speed network’ means an electronic communications network that can ensure providing broadband access services at a rate no lower than the one established by the legislation;

15) ‘virtual electronic communications network’ means the operator’s electronic communications network designed to provide own electronic communications services which operates under the agreement for the use of another operator’s electronic communications network or its separate components;

16) ‘secondary allocation of the numbering resource’ means allocation of the numbering resource by electronic communications networks and/or services provider to service users or other electronic communications networks and/or services providers;

17) ‘harmonised radio spectrum’ means radio frequency bands or channels, which technical and operating conditions in Ukraine are harmonised with the European Union requirements, provisions and rules for radio spectrum use;

18) ‘geographic number’ means a number from the National Numbering Plan where part of its digit structure contains geographic significance used for routing calls to the physical location of the network termination point;

19) ‘geographic boundaries of the electronic communications market’ means a territory or territories where there is demand and supply for a certain type of electronic communications services and competitive conditions are, to a large extent, uniform, which can be distinguished from adjacent territories where competitive conditions are substantially different;

191) visited network of the Ukraine - EU roaming zone (visited network) means a terrestrial public mobile electronic communications network situated in a country within the Ukraine - EU roaming zone other than that of the roaming customer’s domestic provider network that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications (access to the Internet), by means of arrangements with the home network operator of the Ukraine - EU roaming zone;

20) ‘data’ means information expressed in a format suitable for its automated processing by computer equipment, hardware and software;

21) ‘authorisation to use the numbering resource’ means the right of use, granted through primary allocation of the national numbering resource in a certain territory and/or in the electronic communications network during the specified period;

211) domestic provider of the Ukraine - EU roaming zone means a provider of mobile electronic communications network and/or services that provides a roaming customer in the Ukraine - EU roaming zone with domestic mobile electronic communications services;

212) home network of the Ukraine - EU roaming zone (home network) means a public mobile electronic communications network located in a country within the Ukraine - EU roaming zone and used by the roaming provider for the provision of regulated retail roaming ser-vices to a roaming customer;

213) domestic retail price in the Ukraine – EU roaming zone means a domestic retail per-unit charge of a roaming provider in the Ukraine – EU roaming zone applicable to calls made and SMS messages sent, originating and terminating on different public electronic communications networks within the same country in the Ukraine – EU roaming zone, and to data consumed by a customer. In the event that there is no specific domestic retail per-unit charge in the Ukraine – EU roaming zone, the domestic retail price shall be deemed to be the same charging mechanism as that applied to the customer for calls made and SMS messages sent, originating and terminating on different public electronic communications networks within the same country of the Ukraine – EU roaming zone, and data consumed in that customer’s country;

22) ‘domain’ means a part of the hierarchical address space of the Internet, which has a unique name (domain name) that identifies it, is served by a group of domain name servers and is centrally administered;

23) ‘access’ means granting, pursuant to this Law, the right and the capability of access to electronic communications networks, infrastructure, facilities and/or services to other electronic communications networks and/or services providers for them to provide electronic communications networks and/or services, including for the purpose of broadcasting;

*{Point 23 of Article 2(1) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3076)*}*

231) wholesale roaming access in the Ukraine – EU roaming zone means direct wholesale roaming access in the Ukraine – EU roaming zone or wholesale roaming resale access in the Ukraine – EU roaming zone;

232) wholesale roaming resale access in the Ukraine – EU roaming zone means the provision of roaming services in the Ukraine – EU roaming zone on a wholesale basis by a mobile network operator different from the visited net-work operator to another undertaking for the purpose of that other undertaking providing regulated roaming services to roaming customers;

24) ‘electromagnetic compatibility’ means the ability of radio equipment, emitters, special purpose radio electronic devices and emitters to simultaneously function with a given quality in the actual use environment without introducing radio interferences with other radio equipment, emitters, special purpose radio electronic devices and emitters;

25) ‘electronic communications network’ means a complex of technical means of electronic communications and facilities, intended for electronic communications services provision;

26) ‘public electronic communications network’ means an electronic communications network with an open access for all service end users;

27) ‘electronic communications service’ means a service which involves receiving and/or transmitting information via electronic communications networks, except for services with editorial control over content transmitted using electronic communications networks and services;

28) ‘electronic communication (telecommunication, electric communication)’ means transmission and/or reception of information regardless of its type or kind in the form of electromagnetic signals via technical means of electronic communications;

*{Point 28 of Article 2(1) as amended by the Law*[No. 2530-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2530-20%252525252523n48)*}*

29) ‘efficient use of radio spectrum’ means the radio spectrum utilisation state that corresponds to the criteria established under the legislation;

30) ‘ensuring electromagnetic compatibility’ means a set of organisational and technical measures implemented for the purpose of ensuring compatible use of the radio spectrum, reduction or elimination of radio interferences with radio equipment, emitters, special purpose radio electronic devices and emitters;

31) ‘activated radio frequency assignment’ means radio frequency assignment for relevant radio equipment, emitter, special purpose radio electronic device and emitter, which have been put in operation under the procedure established by the legislation;

32) ‘planned radio frequency assignment’ means radio frequency assignment for relevant radio equipment, emitter, special purpose radio electronic device and emitter, for which the electromagnetic compatibility calculation procedure has given a positive result;

33) ‘notified radio frequency assignment’ means radio frequency assignment for relevant radio equipment, emitter, special purpose radio electronic device and emitter, the electromagnetic compatibility calculation procedure for which has started;

34) ‘connection’ means establishing a link between the terminal equipment for the purpose of information exchange;

35) ‘numbering zone’ means a part of the territory within which numbering resources for fixed voice communication have the same network code and the uniform numbering format as defined by the National Numbering Plan;

36) ‘instrumental estimation of radiation parameters’ means determining, using technical control means, the values of parameters of electromagnetic radiation generated by radio equipment, emitters, special purpose radio electronic devices and emitters;

37) ‘caller location information’ means, in a mobile network, the data processed, derived from network infrastructure or mobile terminal equipment, indicating the location of the mobile terminal equipment (point of its connection to the network), and, in a fixed network, the data about the physical address of the network termination point;

38) ‘electronic communications networks infrastructure’ means technical means and/or facilities of electronic communications networks (elements of the electronic communications networks infrastructure);

39) ‘cable duct system of electronic communications networks’ means equipment and facilities intended for laying, installation and maintenance of cables of electronic communications networks, which in particular include conduits (cable ducts), cage and inspection devices in manholes, cable cabinets, chambers, vaults, bridges, overpasses, tunnels, buildings as well as facilities for cable entry and line transmission equipment;

40) ‘cable duct of electronic communications networks’ means dedicated places of limited capacity within the infrastructure of the cable duct system of electronic communications networks, intended for laying of electronic communications cables;

41) ‘terminal equipment’ means equipment intended for connection to the termination point of the electronic communications network to ensure access to electronic communications services;

42) ‘service end user’ means a service user that does not provide electronic communications services;

43) ‘network termination point’ means the physical point at which an end user is provided with an access to a public electronic communications network, and which, in the case of networks involving switching or routing, is identified by a specific network address;

44) ‘radio spectrum conversion’ means a set of measures/ works that involve changing radio services and/or radio technology or radio spectrum user categories for the purpose of further use of specific radio frequency band or bands;

45) ‘radio spectrum use’ means an activity related to the operation of radio equipment, emitters, special purpose radio electronic devices and emitters, which radiate and/or receive electromagnetic energy within the radio spectrum;

46) ‘electronic communications service user (service user)’ means a legal or natural person or an individual entrepreneur that uses or orders an electronic communications service;

47) ‘radio spectrum user’ means an individual, a legal entity or an individual entrepreneur that uses the radio spectrum;

471) roaming customer of regulated roaming services (roaming customer in the Ukraine – EU roaming zone) means a customer of a roaming provider of regulated roaming services, by means of a terrestrial public mobile electronic communications network situated in the Ukraine – EU roaming zone, whose contract or arrangement for the provision of retail electronic communications services with that roaming provider permits roaming within the Ukraine – EU roaming zone;

48) ‘numbering resource user’ means an individual, a legal entity or an individual entrepreneur that uses the numbering resource;

481) Short Message Service message (SMS message) means text message, composed principally of alphabetical or numerical characters, or both, capable of being sent between mobile and/or fixed numbers assigned in accordance with national numbering plans;

49) ‘electronic communications networks line (communication line)’ means an element of the electronic communications network infrastructure, which creates a propagation medium for electromagnetic waves through radio, wired, optical or other electromagnetic systems between technical means of electronic communications, intended for transmission and/or reception of electromagnetic signals, and/or the terminal equipment;

50) ‘radio spectrum licence’ means an undertaking’s right to use specific radio frequency bands (band) on an individual basis within the licensed radio range during the specified period in defined regions (territories) and on specified terms;

51) ‘licensed radio range’ means radio frequency bands as specified in the Plan for Radio Spectrum Allocation and Use in Ukraine within the relevant range, the use of which requires a radio spectrum licence;

52) ‘radio local area network’ means a wireless access network within the unlicensed radio range, which is built with the use of radio equipment with adaptive selection of a free channel and methods of mitigating radio interferences under the conditions of shared use of radio frequency bands using technology that can ensure efficient radio spectrum use;

53) ‘low-power base station’ means low-power radio equipment used within the licensed radio range and in a small area based on a radio frequency assignment without electromagnetic compatibility calculation or based on a general authorisation;

54) ‘Internet’ means a global electronic communications network which is intended for data transmission and consists of physically and logically interconnected electronic communications networks that interact based on the use of the single address space and the Internet Protocols as determined by international standards;

55) ‘very high capacity network’ means an electronic communications network that satisfies one of the following requirements:

it consists wholly of optical fibre elements at least up to the network termination point of the electronic communications network provider;

any other electronic communications network which is capable of delivering, under usual peak-time conditions, network performance that is similar to networks specified in [the second indent](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n69) of this point. Network performance is considered similar by parameters provided in the legislation and regardless of whether the parameters of electronic communications services vary depending on the changes in characteristics of the medium by which the electronic communications network ultimately connects with the network termination point;

56) ‘broadband access network’ means an electronic communications network intended for providing broadband access services;

57) ‘international coordination, notification and recording of radio frequency assignments’ means procedures implemented pursuant to the International Telecommunication Union Radio Regulations for the purpose of international legal protection of radio frequency assignments in Ukraine;

58) ‘local loop’ means the physical path of an electronic communications network, which ensures transmission of electromagnetic signals connecting the network termination point to a distribution frame or equivalent facility in the fixed public electronic communications network;

59) ‘mobile communication’ means electronic communications using radio technology, in which the terminal equipment of at least one of consumers can be moved easily within all electronic communications network termination points;

60) ‘efficient operator model’ means a system for calculation of resources (costs) required for a potential electronic communications services provider to ensure provision of the specified amount of certain services to end users without violating existing quality indicators and parameters;

61) ‘electronic communications service quality monitoring’ means collection, measurement, testing, processing, storage, analysis of the values of quality parameters and quality indicators for electronic communications services for a specific period;

*{Article 2(61) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n541)*}*

62) ‘transfer of use of radio spectrum or numbering resource’ means a voluntary, paid, revocable and non-permanent waiver of individual rights of use for specific radio spectrum or the numbering resource (a part thereof) in favour of other users under the procedure established by this Law;

63) ‘field tests’ means experimental verification of electromagnetic compatibility of the notified radio equipment with other radio equipment and/or special purpose radio electronic devices and emitters;

64) ‘National Numbering Plan of Ukraine’ means a legal and normative act that determines the format and the structure of the numbering resource in electronic communications networks;

65) ‘national roaming’ is an electronic communications service that enables subscribers of an electronic communications services provider to obtain such services in the network of another electronic communications services provider in the territory of Ukraine (without concluding an agreement by a subscriber with the latter) with preservation of the subscriber’s preliminary registration in its electronic communications network;

66) ‘non-geographic number’ means a number, the digit structure of which does not contain any geographic significance according to the National Numbering Plan, which does not limit its use to a specific territory of the country;

67) ‘illicit radio equipment’ means radio equipment, an emitter intended for any purpose, the operation of which is prohibited or not permitted in Ukraine or where it has been established that it has been used without radio frequency assignment provided by the legislation;

68) ‘unlicensed radio range’ means radio frequencies specified in the Plan for Radio Spectrum Allocation and Use in Ukraine within the relevant range for the purpose of satisfying public short-distance radio communication needs, including providing electronic communications services without radio spectrum licences;

69) ‘number’ means a sequence of decimal digits, which meets the requirements to the structure, length and uniqueness pursuant to the National Numbering Plan of Ukraine and contains information required for routing a call to the terminal equipment or obtaining an access to electronic communications networks and services;

691) European Union number means a number from national numbering plans corresponding to country codes of ITU-T E.164 Recommendation “The international public telecommunication numbering plan” for geographic areas belonging to the territory of the European Union;

70) ‘electronic communications operator (operator)’ means an undertaking that owns, operates and manages electronic communications networks and/or associated facilities.

In case of provision of electronic communications networks, an operator is also considered an electronic communications networks provider.

In case of provision of electronic communications services, an operator is also considered an electronic communications services provider;

71) ‘wholesale market of certain electronic communications services (wholesale market)’ means an area of circulation of electronic communications, where electronic communications networks and/or services providers provide electronic communications networks and/or services to other electronic communications networks and/or services providers for such operators to provide electronic communications services to service users;

72) ‘primary allocation of the numbering resource’ means granting the right of use for a part of the numbering resource (with indication of indices, number capacity, specific network codes, services, etc.) in the electronic communications network for the purpose of providing electronic communications services;

73) ‘assignment of the rights of use for radio spectrum or numbering resource’ means a voluntary, paid, irrevocable and permanent waiver of individual rights of use for specific radio spectrum or the numbering resource (a part thereof) in favour of other users under the procedure established by the legislation;

74) ‘number porting’ means an associated service which is provided to a subscriber upon its request and enables the subscriber to retain the number provided to it by the electronic communications services provider for the purpose of its use to obtain electronic communications services in the network of another electronic communications services provider;

75) ‘Plan for Radio Spectrum Allocation and Use in Ukraine’ means a legal and normative act that regulates radio frequency band allocation by radio services in Ukraine, division into public and special bands, determines the areas and terms of the radio spectrum use with identification of radio technology for specific radio frequency bands;

76) ‘associated service’ means a service associated with an electronic communications network or service which is intended for enabling or supporting self-provision or automated-provision of services via that network or service, and includes number porting or systems offering equivalent functionality, conditional access systems and electronic programme guides, as well as other services including caller location identification and presence identification service;

77) ‘associated facilities’ means associated services, physical electronic communications infrastructure facilities and other equipment or means associated with an electronic communications network or service which are intended for enabling or supporting the provision of services via appropriate network or service, including buildings, entries to buildings, building wiring, antennae, towers and other supporting constructions, ducts, conduits, masts, manholes, cabinets, etc.;

78) ‘ex ante regulation’ means regulatory obligations aimed at ensuring development of economic competition in electronic communications networks and/or services markets, the necessity of which is determined by regulatory authorities based on the results of the analysis of such markets and which are imposed on electronic communications networks and/or services providers with significant market power as designated by a regulatory authority for a limited period;

79) ‘voice electronic communications service’ means a real-time voice information exchange using electronic communications networks and numbers in a national or international numbering plan;

80) ‘Internet access service’ means an electronic communications service that provides access to the Internet and logical connectivity to termination points of the Internet, irrespective of the electronic communications network technology and terminal equipment used;

81) ‘interpersonal electronic communications service’ means an electronic communications service that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine recipient(s) of information (except for services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service);

82) ‘number-independent interpersonal electronic communications service’ means an interpersonal electronic communications service which does not use a number (numbers) in national or international numbering plans or which does not connect with a number (numbers) in national or international numbering plans;

83) ‘number-dependent interpersonal electronic communications service’ means an interpersonal electronic communications service which uses a number (numbers) in national or international numbering plans or which connects with a number (numbers) in national or international numbering plans;

831) mobile voice termination service means the wholesale service required to terminate calls to mobile numbers and numbers of emergency services that are publicly assigned numbering resources, namely numbers from national numbering plans, provided by providers of electronic communications services and/or networks with the ability to control termination and set the termination rates for calls to such numbers, where there is interconnection with at least one network, irrespective of the technology used, including network interconnection ports;

832) fixed voice termination service means the wholesale service required to terminate calls to geographic numbers and non-geographic numbers of fixed communication networks and numbers of emergency services, that are publicly assigned numbering resources, namely numbers from national numbering plans, provided by providers of electronic communications services and/or networks with the ability to control termination and set the termination rates for calls to such numbers, where there is interconnection with at least one network, irrespective of the technology used, including network interconnection ports;

84) ‘broadband Internet access service’ means a service related to an access to the Internet with a transmission rate that is not lower than the one determined by the legislation and without the use of channel switching systems;

85) ‘electronic communications networks provider’ means an undertaking that provides services related to an access to electronic communications networks owned by it, and to associated facilities or with the use of virtual networks;

86) ‘electronic communications networks and/or services provider with significant market power’ means a provider that, either individually or jointly with others, enjoys a position in the electronic communications market, which is equivalent to dominance, that is to say a position of economic strength affording it the power to behave mainly independently of their competitors and end users; The regulatory authority shall identify the position equivalent to dominance, taking account of the legislation on protection of economic competition;

87) ‘electronic communications services provider’ means an undertaking that actually provides and/or has the right to provide electronic communications services via its own networks and/or networks of other electronic communications services providers;

871) roaming provider in the Ukraine – EU roaming zone means a provider of electronic communications network and/or services that provides a roaming customer in the Ukraine – EU roaming zone with regulated retail roaming services;

88) ‘on-site acceptance tests of installed radio equipment (hereinafter referred to as ‘primary technical control’)’ means a set of works of on-site checking of technical specifications and parameters of the installed radio equipment to verify its compliance with the electromagnetic compatibility calculations and radiation standards;

89) ‘radio frequency assignment’ means entering parameters and specific operational conditions of radio equipment, special purpose radio electronic devices and emitters with an activated radio frequency (band, value or radio frequency channel) assignment status into the Register of Radio Frequency Assignments of General Users or Register of Radio Frequency Assignments of Special Users;

90) ‘traffic transmission’ means a process of traffic origination and/or termination and/or transit in interconnected networks;

901) direct wholesale roaming access in the Ukraine – EU roaming zone means the making available of facilities or services, or both, by a mobile network operator to another undertaking, under defined conditions, for the purpose of that other undertaking providing regulated roaming services to roaming customers;

91) ‘radio amateur’ means an individual who uses the radio spectrum for personal needs that are not related to business activity, without the purpose of profit and pursuant to the [Rules of Amateur Radio Communication of Ukraine](https://zakon.rada.gov.ua/laws/show/z0205-11) and this Law;

92) ‘special purpose radio electronic device and emitter’ means radio equipment, a radio electronic device and/or emitter, used by special users exclusively for the purpose of performance of their functions and tasks;

93) ‘radio interferences’ means interferences caused by electromagnetic radiation, which endanger the functioning of radio navigation services or of other safety services or which otherwise significantly degrade, obstruct or repeatedly interrupt a radio communications service operating in accordance with the legislation or international treaties;

94) ‘radio communication’ means electronic communications made using radio spectrum;

95) ‘radio equipment (radio electronic device)’ means an electrical or electronic product intended for radiation and/or reception of radio waves for the purpose of radio communication and/or radio determination, or equipped with an auxiliary device intended for radiation and/or reception of radio waves for the purpose of radio communication and/or radio determination;

96) ‘radio service’ means a service defined in the International Telecommunication Union Radio Regulations involving the transmission, radiation and/or reception of radio waves for specific electronic communications purposes;

97) ‘radio technology’ means a set of methods for generation, reception and processing of radio signals, which forms the unified technological process of transmission and reception of radio signals and the use of which involves the radio spectrum use;

98) ‘radio waves’ means electromagnetic waves of frequencies lower than 3,000 GHz, propagated in space without artificial guide;

99) ‘radio frequency’ means a radio spectrum unit that has a specific value;

100) ‘radio frequency monitoring’ means a set of organisational and technical measures ensuring a systematic control, including collection, processing, storage and analysis of data about radiation parameters of radio equipment, emitters, special purpose radio electronic devices and emitters;

101) ‘radio frequency body of a special radio spectrum user’ means a dedicated structural subdivision of an executive authority, other public authority, which is classified as a special radio spectrum user under this Law;

102) ‘radio spectrum (radio frequency resource)’ means radio waves of frequencies below 3,000 GHz, which are suitable for transmission and/or reception of electromagnetic energy by radio equipment, emitters, special purpose radio electronic devices and emitters, and which can be used in the territory of Ukraine and abroad under this Law, international treaties of Ukraine as well as at frequency and orbital positions allotted for Ukraine;

1021) regulated data roaming service means a roaming service in the Ukraine – EU roaming zone enabling the use of packet switched data communications (access to the Internet) by a roaming customer in the Ukraine – EU roaming zone by means of his/her mobile terminal equipment while it is connected to a visited network within the Ukraine – EU roaming zone, excluding the transmission or receipt of regulated roaming calls or SMS messages, but including the transmission and receipt of multimedia messages (MMS messages);

1022) regulated roaming SMS message means an SMS message sent by a roaming customer in the Ukraine – EU roaming zone, originating on a visited network within the Ukraine – EU roaming zone and terminating on a public electronic communications network within the Ukraine – EU roaming zone or received by a roaming customer in the Ukraine – EU roaming zone, originating on a public electronic communications network within the Ukraine – EU roaming zone and terminating on a visited network within the Ukraine – EU roaming zone;

1023) regulated roaming call means a mobile voice telephony call made by a roaming customer in the Ukraine – EU roaming zone, originating on a visited network in the Ukraine – EU roaming zone and terminating on a public electronic communications network within the Ukraine – EU roaming zone or received by a roaming customer, originating on a public electronic communications net-work within the Ukraine – EU roaming zone and terminating on a visited network within the Ukraine – EU roaming zone;

1024) regulated roaming services mean a regulated roaming call in the Ukraine – EU roaming zone, a regulated roaming SMS message in the Ukraine – EU roaming zone or a regulated data roaming service (access to the Internet) within the Ukraine – EU roaming zone;

103) ‘regulatory reporting’ means periodic information and/or data as decided by the regulatory authority, including those that contain financial and economic performance indicators for electronic communications services providers, which are necessary for the regulatory authority to carry out its powers and tasks;

104) ‘regulatory authority’ means a central executive authority with a special status in the area of electronic communications, radio spectrum and postal services (hereinafter referred to as the “regulatory authority”);

*{Article 2(104) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n541)*}*

105) ‘regulatory obligations’ means obligations that are imposed by the regulatory authority on providers of electronic communications networks and/or services with significant market power in the electronic communications services market based on the results of the conducted analysis;

106) ‘Register of Radio Spectrum Licences’ means an information resource regarding radio spectrum licences issued;

107) ‘Register of Radio Frequency Assignments of General Users’ means the information from the automated radio spectrum management information system as regards radio frequency assignments for the radio equipment of general radio spectrum users;

108) ‘Register of Radio Frequency Assignments of Special Users’ means the information from the automated radio spectrum management information system regarding radio frequency assignments for special purpose radio electronic devices and emitters;

109) ‘Register of Special Purpose Radio Electronic Devices and Emitters’ means an information resource regarding the categories, types and specifications of radio electronic devices and emitters, the use of which by special radio spectrum users is permitted or temporarily permitted in the territory of Ukraine;

110) ‘Register of Radio Equipment and Emitters’ means an information resource regarding the categories, types and specifications of radio equipment and emitters, the use of which by general radio spectrum users is permitted, temporarily permitted or prohibited in the territory of Ukraine;

111) ‘numbering resource (number resource)’ means codes, numbers, identifiers used for marking (identification) of electronic communications networks, network termination points, services, subscribers during routing and making calls in public electronic communications networks;

112) ‘market of certain electronic communications services’ means the area of circulation of interchangeable electronic communications services, for which there is demand and supply in a certain territory;

113) ‘retail market of certain electronic communications services (retail market)’ means providing end users with interchangeable electronic communications services for which there is demand and supply in specific territory;

114) ‘radio frequency band allocation’ means entry in the Plan for Radio Spectrum Allocation and Use in Ukraine of a given radio frequency band for the purpose of its use by one or more terrestrial or space radio services under specified conditions as well as for the purpose of establishing a category of radio spectrum users;

1141) settlement rate (rate) means the amount of payment for the origination, transit or termination of a traffic unit;

115) ‘electromagnetic compatibility calculation’ means a technical calculation of the possibility of using certain radio equipment or special purpose radio electronic devices and emitters with stated specifications and radiation parameters in the specified location without introducing mutual radio interferences with other radio equipment, special purpose radio electronic devices and emitters with notified, planned and activated radio frequency assignments;

1151) roaming within the Ukraine – EU roaming zone means the use of a mobile terminal equipment by a roaming customer in the Ukraine – EU roaming zone to make or receive calls within the Ukraine – EU roaming zone, to send or receive SMS messages within the Ukraine – EU roaming zone, or to use packet switched data communications within the Ukraine – EU roaming zone (access to the Internet), while in a visited network, by means of arrangements between the home network operator and the visited network operator, when roaming within the Ukraine – EU roaming zone takes place in a country other than the country in which the domestic provider of the Ukraine – EU roaming zone is located;

116) ‘conditional access system’ means any technical means, authentication system and/or mechanism used to ensure access to audiovisual media services depending on subscription or other form of prior individual authorisation;

*{Point 116 of Article 2(1) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3077)*}*

117) ‘radio frequency band’ means a part of radio spectrum which is delimited by a certain radio frequency interval;

118) ‘spam’ means e-mail, text and/or multimedia messages that are repeatedly (over five messages per subscriber) sent to users’ e-mail addresses or terminal equipment without their prior consent (order), except for messages from an electronic communications services provider as regards provision of electronic communications services, or notifications from public authorities or local self-government bodies as regards issues covered by their powers;

1181) Common Ukraine and European Union roaming zone (Ukraine – EU roaming zone) means the area covering Ukraine and the European Union Member States;

119) ‘shared use of the electronic communications networks infrastructure’ means the shared use of the electronic communications networks infrastructure or some of its elements by several electronic communications networks providers on a contractual basis;

120) ‘shared use of radio spectrum’ means the use of radio frequency bands, for which a general radio spectrum user has the right of use under a radio spectrum licence, with other radio spectrum users under agreements concluded with them and notified to the regulatory authority;

121) ‘service consumer’ means any natural person that uses or orders an electronic communications service for own needs and does not provide any electronic communications services;

122) ‘electronic communications facilities’ means buildings, containers, towers, masts, supporting constructions, antenna-feeder devices, external power lines, cable duct system of electronic communications networks, other station and cable line structures, building distribution networks, which are used for establishment of electronic communications networks;

123) ‘electronic communications network resilience’ means the ability of an electronic communications network to maintain its functions in full or in part in the face of destabilizing factors;

124) ‘tariff plan’ means an offer of electronic communications services proposed by an electronic communications services provider to an end user, including the cost, the terms and the amount of certain electronic communications services to be provided;

125) ‘territory to be covered with universal services’ means settlements or their parts as determined based on the geographical surveys of electronic communications network deployment, which are subject to measures related to providing an access to universal services as set out in this Law;

126) ‘traffic termination’ means a process of establishing and maintaining physical and/or logical connections by an electronic communications network of an electronic communications networks and/or services provider between the electronic communications network that generates calls or initiates connections and the terminal equipment, to which calls are directed and connections are initiated;

127) ‘test run of planned radio equipment’ means running planned radio equipment for the purpose of its check and set-up before and during primary technical control as well as for field tests or testing;

128) ‘testing of planned radio equipment’ means experimental determination of the level at which necessary radio communication quality in the electronic communications network and conditions of electromagnetic compatibility with other radio equipment in its location and/or use area are ensured;

129) ‘technical regulation in the field of electronic communications’ means legal regulation of relations in the field of determination and fulfilment of mandatory requirements to specifications of electronic communications networks or their individual components, technical means of electronic communications or related processes and design, construction, reconstruction, technical re-equipment and operation methods, as well as electronic communications services;

130) ‘technical means of electronic communications’ means equipment, including that with software installed, as well as station and line structures, intended for establishment of electronic communications networks;

131) ‘technology neutrality in the area of radio spectrum’ means the principle of use for radio frequency bands as specified in a licence without limitation of use of radio technology permitted in Ukraine which are defined in the Plan for Radio Spectrum Allocation and Use in Ukraine and attributed to the same type of radio communication, on condition of ensuring electromagnetic compatibility;

132) ‘technological user of radio spectrum’ means a person that uses radio spectrum for its economic activity which is not related to provision of electronic communications services;

133) ‘technological user of the numbering resource’ means an undertaking that uses numbering resources for its economic activity which is not related to provision of electronic communications services;

134) ‘access point (site) of building distribution network’ means physical location of electronic communications networks inside or outside the building and accessible to electronic communications services providers, which enables connection to in-building physical infrastructure for the purpose of provision of appropriate electronic communications services;

135) ‘traffic transit’ means a process of establishing and maintaining physical and/or logical connections by the electronic communications network to ensure traffic transmission between two other electronic communications networks;

136) ‘traffic’ means information signals transmitted via an electronic communications network for a given period of time, including consumer information data and/or service information;

137) ‘universal electronic communications service (universal service)’ means electronic communications service of the established quality as defined in this Law that is accessible to all end-users throughout Ukraine at the affordable price;

138) ‘physical (passive) electronic communications infrastructure’ means any element of the electronic communications network (apart from active network elements), which is suitable for placement of other elements of the electronic communications network, including antennae, conduits, cable duct system, vaults, manholes, antenna mast structures, supporting constructions, towers, masts, buildings, relevant building utility systems, distribution cabinets, other engineering structures and means;

139) ‘fixed communication’ means electronic communications made using terminal equipment in a fixed location within a limited, namely by a numbering zone, territory;

140) ‘fixed location of a service’ means an address specified by an end consumer for the purpose of obtaining universal electronic communications services;

141) ‘Central Radio Frequency Body of the Special Radio Spectrum User System’ is a structural subdivision as designated by the General Staff of the Armed Forces of Ukraine, which is entrusted with exercising powers of the General Staff of the Armed Forces of Ukraine as related to the management in the field of the radio spectrum use by special users;

142) ‘radio frequency bandwidth’ means a numerical difference of the values of frequency boundaries of a radio frequency band.

Other terms applied in this Law shall be used as defined in the law.

**Article 3.**Legislation in the fields of electronic communications and radio spectrum

1. The legislation in the fields of electronic communications and radio spectrum includes [the Constitution of Ukraine](https://zakon.rada.gov.ua/laws/show/254%2525252525252525D0%2525252525252525BA/96-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580), this Law, other legislative acts, and international treaties of Ukraine as consented by the Verkhovna Rada of Ukraine.

2. The legislation in the fields of electronic communications and radio spectrum shall apply in compliance with the following principles:

1) minimum essential regulation, whereby decisions, actions of entities entrusted with power and authority shall be necessary and minimum sufficient for achievement of the goal and objectives set out in this Law;

2) regulatory predictability, whereby a consistent regulatory approach shall be ensured as well as objectivity, proportionality and impartiality;

3) imposing ex ante regulatory obligations on electronic communications networks and/or services providers with significant market power only to the extent necessary to secure effective and sustainable competition in the interest of end users and relaxing or lifting such obligations as soon as that condition is fulfilled;

4) transparency, whereby decisions, actions of entities entrusted with power and authority shall be duly substantiated and notified to the entities to which they refer before their entry into force (application);

5) non-discrimination, whereby discrimination shall be excluded in the treatment of any or all electronic communications networks and services providers, in particular irrespective of the types of electronic communications services, technology, ownership;

6) technology neutrality (to the extent that this is consistent with the achievement of objectives set out in [Article 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n173) of this Law), whereby the legislation shall apply, to the maximum possible extent, independently of the technology used for the provision of electronic communications services and shall not encourage or discriminate against the use of specific technology, and shall promote competition in the market;

7) taking due account of the variety of conditions relating to infrastructure, competition, service end users and service consumers in the various geographic regions of the country;

8) promoting innovation and efficient investment in new and enhanced electronic communications networks, including taking appropriate account of the risks incurred by investors when imposing any access obligations, and ensuring that competition in the electronic communications markets and the principle of non-discrimination are preserved;

9) ensuring electromagnetic compatibility of radio equipment, emitters, special purpose radio electronic devices and emitters.

**Article 4.**Goal and objectives of public administration and regulation in the fields of electronic communications and radio spectrum

1. The goal and objectives of public administration and regulation in the fields of and radio spectrum shall be as follows:

1) developing markets for access to electronic communications networks and markets for electronic communications services, which will ensure the deployment and take-up of high and very high capacity electronic communications networks, promotion of investment in the development of such networks and their infrastructure, development of competition, as well as interoperability of electronic communications services, availability, security of electronic communications networks and services and end user benefits;

2) establishing the framework for efficient and harmonised radio spectrum use to ensure economic, social, information and cultural development, national security, defence capacity, implementation of international commitments as well as to secure and protect the interests of the State and radio spectrum users;

3) ensuring the provision throughout the territory of Ukraine of good quality, affordable, publicly available services by ensuring effective competition and choice of electronic communications services as well as satisfying the needs and protecting the rights of service end users, including those with disabilities, for them to access the electronic communications services on an equal basis with other consumers;

4) contribute to the development of the domestic market by:

establishing predictable regulatory approaches;

removing obstacles and ensuring implementation of convergent conditions, promoting investments and introduction of innovations, and granting access to electronic communications networks and associated facilities;

promoting efficient and harmonised use of radio spectrum;

promoting the provision, availability and interoperability of electronic communications services;

creating equal conditions for economic activity in the field of electronic communications;

5) promoting the interests of end users, including by means of the following:

creating conditions for development, availability and take-up of high and very high capacity electronic communications networks, including fixed, mobile and wireless networks, and of electronic communications services;

creating conditions to enable maximum benefits during the selection of electronic communications services, price and quality by ensuring effective competition;

maintaining the security of electronic communications networks and services;

ensuring protection of consumer rights and legitimate interests through the legal and regulatory framework;

addressing the consumer needs for universal electronic communications services, including affordable prices for vulnerable social groups of consumers;

ensuring the choice and equivalent access to electronic communications services for disabled persons.

**Section II. SECTION II PUBLIC ADMINISTRATION AND REGULATION IN THE FIELDS OF ELECTRONIC COMMUNICATIONS AND RADIO SPECTRUM**

**Article 5.**Powers of the Cabinet of Ministers of Ukraine

1. The Cabinet of Ministers of Ukraine shall:

1) ensure implementation of state policy in the fields of electronic communications and radio spectrum;

2) guide and coordinate, within its powers, the activity of ministries, other central executive authorities in the fields of electronic communications and radio spectrum;

3) manage, in accordance with the law, state property assets and ensure equal conditions for development of all types of ownership in the fields of electronic communications and radio spectrum;

4) approve the Strategy for Development of Electronic Communications, the National Plan for Development of Broadband Electronic Communications Networks;

5) approve the [Plan for Radio Spectrum Allocation and Use in Ukraine](https://zakon.rada.gov.ua/laws/show/1340-2023-%2525252525252525D0%2525252525252525BF%252525252523n9);

6) ensure arrangement for and implementation of radio spectrum conversion within the scope and time limits provided by the Plan for Radio Spectrum Allocation and Use in Ukraine and the Radio Spectrum Conversion Plan;

7) take measures to ensure the provision of universal electronic communications services throughout Ukraine;

8) exercise control over the use by electronic communications services providers of compensations for losses defined in accordance with the legislation and arising as a result of the discharge of obligation to roll out electronic communications networks for providing universal electronic communications services funded from the state budget in accordance with the procedure laid down by the legislation;

9) approve the rules for providing and obtaining electronic communications services;

10) set the fees for issuance, renewal and extension of [radio spectrum licences](https://zakon.rada.gov.ua/laws/show/433-2023-%2525252525252525D0%2525252525252525BF%252525252523n12) and [authorisations to use the numbering resource](https://zakon.rada.gov.ua/laws/show/608-2022-%2525252525252525D0%2525252525252525BF%25252525252523n13);

*{para 11 of Article 5 (1) is excluded persuant to the Law of Ukraine No. 3721-IX as of May 21, 2024}*

12) approve the [procedure for issuance of import permits for special purpose radio electronic devices and emitters](https://zakon.rada.gov.ua/laws/show/1087-2022-%2525252525252525D0%2525252525252525BF%252525252523n12) as well as the [procedure for import, purchase, installation and operation of special purpose radio electronic devices and emitters](https://zakon.rada.gov.ua/laws/show/1087-2022-%2525252525252525D0%2525252525252525BF%252525252523n30);

13) approve the procedure for radio spectrum use for the needs of diplomatic missions and consular offices of foreign states, missions of international organisations in Ukraine and military forces of foreign states, which are temporarily located in the territory of Ukraine;

14) establish the [procedure for imposition of temporary restrictions on the use of radio equipment, emitters, special purpose radio electronic devices and emitters in the whole territory of Ukraine or in specific regions during the state of emergency or martial law](https://zakon.rada.gov.ua/laws/show/1459-2022-%2525252525252525D0%2525252525252525BF%252525252523n8);

15) approve the procedure for establishment and operation of the system for operational and technical control of public electronic communications networks and the national electronic communications network control centre for defence and security purposes during an emergency, the state of emergency or martial law;

16) exercise other powers as provided in this Law.

**Article 6.**Powers of the central executive authority in the fields of electronic communications and radio spectrum

1. The central executive authority in the fields of electronic communications and radio spectrum shall be responsible for exercising the following powers:

1) development and implementation of state policy in the fields of electronic communications and radio spectrum;

2) summarising the case law and development of proposals for its improvement, development and submission, under the established procedure, of draft legislative acts, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine for consideration of the Cabinet of Ministers of Ukraine;

3) development and approval of legal and normative acts relating to the issues falling within its powers under this Law;

4) development, in coordination with the regulatory authority, of the Strategy for Development of Electronic Communications, the National Plan for Development of Broadband Electronic Communications Networks, programmes, concepts aimed at the achievement of the goal and implementation of tasks provided in this Law as well as forecasts of development of electronic communications networks and services;

5) development, in consultation with the regulatory authority, of the rules for providing and obtaining electronic communications services, the procedure for payment from the state budget of the compensation for the losses caused as a result of electronic communications networks deployment for the purpose of providing an access to universal electronic communications services in the specified territories;

6) taking measures to arrange scientific support for the operation and development in the fields of electronic communications and radio spectrum, ensuring development of scientific and technological and innovation potential in the field of electronic communications, including by means of the following:

organising and conducting research;

approval of thematic plans and terms of reference for research and development works relating to radio frequency allocation, allotment and assignment, their international protection, ensuring electromagnetic compatibility of radio equipment (radio electronic devices) in consultation with the regulatory authority, the National Council of Television and Radio Broadcasting of Ukraine, the General Staff of the Armed Forces of Ukraine, other involved public authorities of Ukraine, issuing opinions on the feasibility of performing and financing of such works at public expense;

7) development, realization and implementation within the scope of powers defined by this Law of technical policy in the fields of electronic communications and radio spectrum;

8) fulfilment, in accordance with the law, of technical regulation functions in the fields of electronic communications and radio spectrum;

9) taking measures to ensure uniformity of measurements within its powers as provided in this Law;

*{para 10 of Article 6 (1) is excluded persuant to the Law of Ukraine No. 3721-IX as of May 21, 2024}*

11) organising examination, review and repeal of industry normative documents in the fields of electronic communications and radio spectrum;

12) approval, pursuant to the law, of technical requirements (technical specifications) as regards electronic communications networks, means of electronic communications as well as reconciliation of state construction norms in the part relating to the electronic communications networks infrastructure;

13) development and implementation of technical policy relating to formation of numbering resources, approval of the [National Numbering Plan](https://zakon.rada.gov.ua/laws/show/z1534-23%252525252523n14), changing the format and structure of numbering resources;

14) setting and periodic updating, within the periods established in the approved Procedure, of the following:

а) indicators identifying a universal electronic communications broadband Internet access service in a fixed location of service receipt;

б) quality parameters for provision of universal electronic communications services, their values and levels, methods for their measurement by electronic communications services providers and measurement methodologies;

в) criteria for classification of electronic communications networks as:

broadband access networks;

high-speed networks;

high and very high capacity networks;

15) establishing, if necessary, quality indicators for electronic communications services and their parameters in accordance with [Article 111(4)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2032) of this Law;

*{Article 6(1)(15) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n544)*}*

16) development, based on proposals of the regulatory authority, the National Council of Television and Radio Broadcasting of Ukraine, the General Staff of the Armed Forces of Ukraine, other interested parties, and submission for consideration of the Cabinet of Ministers of Ukraine of the Plan for Radio Spectrum Allocation and Use in Ukraine, a draft of amendments thereto;

17) establishing, based on the proposals of and in consultation with the regulatory authority, the criteria for efficient use of radio spectrum for specific radio technologies within relevant radio frequency bands;

18) taking measures relating to radio spectrum assignment to Ukraine and its international protection;

19) approval of the methodology for electromagnetic compatibility calculations taking account of the International Telecommunication Union documents;

20) participation in the development and approval of the draft procedure for radio spectrum use in Ukraine during the special period, the state of emergency or martial law, procedure for radio spectrum use for the needs of diplomatic missions and consular offices of foreign states, missions of international organisations in Ukraine and military forces of foreign states, which are temporarily located in the territory of Ukraine;

21) performance of duties of the communication administration relating to performance of Ukraine’s functions as a Member State of the International Telecommunication Union, ensuring discharge of obligations undertaken in [the Charter](https://zakon.rada.gov.ua/laws/show/995_099) and [the Convention of the International Telecommunication Union](https://zakon.rada.gov.ua/laws/show/995_100) and in the Administrative Regulations, and cooperation with international organisations and authorities performing the functions of communication administrations of foreign states;

22) preparation, involving the regulatory authority, of international treaties of Ukraine in the fields of electronic communications and radio spectrum, submission of proposals for conclusion, denunciation of such treaties and their implementation;

23) preparation and publication, on its official website, of the information about implementation of commitments under international treaties of Ukraine in the fields of electronic communications and radio spectrum, including implementation of commitments under the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part;

24) organizing, within its powers, the interaction of the regulatory authority, the General Staff of the Armed Forces of Ukraine, other involved public authorities to ensure performance of obligations provided in this Law as regards cooperation with international organisations and communication administrations of foreign states in the fields of electronic communications and radio spectrum;

25) ensuring measures for international coordination of radio frequency assignments, including those for special users, and international coordination of assignments for foreign users;

26) exercising other powers provided in this Law and other laws.

2. In order to exercise its powers, the central executive authority in the fields of electronic communications and radio spectrum shall have the right to obtain, free of charge and under the established procedure, necessary documents, materials and information from public authorities, local self-government bodies, the regulatory authority, the General Staff of the Armed Forces of Ukraine as well as, under the procedure established by this Law, from electronic communications networks and services providers, general users of radio spectrum.

**Article 7.**Powers of the General Staff of the Armed Forces of Ukraine in the field of radio spectrum use

1. The General Staff of the Armed Forces of Ukraine shall exercise powers related to regulation in the field of radio spectrum use by special users.

2. The General Staff of the Armed Forces of Ukraine shall:

1) participate in the development and approval of the draft Plan for Radio Spectrum Allocation and Use in Ukraine and Radio Spectrum Conversion Plan according to this Law;

2) develop and submit for approval of the Cabinet of Ministers of Ukraine proposals for the procedure for issuing import permits for special purpose radio electronic devices and emitters and the procedure for import, purchase, installation and operation of special purpose radio electronic devices and emitters;

3) determine whether it is possible to use specific types of radio electronic devices and emitters by special users in the territory of Ukraine and keep the Register of Special Purpose Radio Electronic Devices and Emitters;

4) assign radio frequencies and positive-going signals for special purpose radio electronic devices and emitters used by special users within special and public radio frequency bands;

5) organize implementation by special users of activities set out in the Radio Spectrum Conversion Plan;

6) issue import permits for special purpose radio electronic devices and emitters;

7) implement measures related to ensuring electromagnetic compatibility and make electromagnetic compatibility calculation for special purpose radio electronic devices and emitters;

8) establish the procedure and exercise state supervision and radio frequency monitoring of radio spectrum use by special users;

9) operate the special automated radio spectrum management information system;

10) keep the Register of Radio Frequency Assignments of Special Users and record radio frequency assignments for general users within public radio frequency bands to implement mobilization plans;

11) participate in international cooperation activities in the field of radio spectrum involving special users;

12) develop and approve legal and normative acts (rules, regulations, norms) with regard to radio spectrum use by special users;

13) participate in preparation of draft laws and other legal and normative acts in the part of radio spectrum use by special users;

14) approve plans of research and development works related to radio frequency allocation, allotment and assignment, their international protection, ensuring electromagnetic compatibility of radio electronic devices, ensuring functioning of the radio frequency monitoring system as related to special users;

15) approve radio frequency assignments for general users’ radio equipment in cases provided in this Law;

16) develop, with involvement of relevant public authorities, and submit for consideration of the Cabinet of Ministers of Ukraine proposals for the procedure for radio spectrum use during the special period, the state of emergency or martial law;

17) manage radio spectrum use by general and special users during the special period, the state of emergency or martial law under the [procedure](https://zakon.rada.gov.ua/laws/show/1118-2022-%2525252525252525D0%2525252525252525BF%252525252523n8) established by the Cabinet of Ministers of Ukraine;

18) participate in the activities of the International Telecommunication Union and other international organisations as related to the matters falling within the competence of the General Staff of the Armed Forces of Ukraine, organize, under the established procedure, implementation of their decisions, participate in the development of relevant draft international treaties of Ukraine;

19) coordinate the activity of radio frequency bodies of special radio spectrum users, determine their powers, rights and responsibilities;

20) organize radio electronic protection and radio frequency monitoring of special purpose radio electronic devices and emitters.

**Article 8.**Electronic regulatory platform

1. The electronic regulatory platform is the regulatory authority’s automated information and analysis system used for the exercise of its powers set out in this Law and the provision of administrative services in an electronic form, electronic exchange of information and documents and interaction with electronic communications networks and/or services providers, radio equipment suppliers, radio spectrum users and numbering resource users, service users.

2. The electronic regulatory platform shall provide access to:

1) the Register of Electronic Communications Networks and Services Providers;

2) the Register of Radio Spectrum Licences;

3) the Register of Radio Frequency Assignments of General Users;

4) the Register of Primary Allocation of Numbering Resources;

5) the Register of Radio Equipment and Emitters;

6) the number porting database in line with the provisions of [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2297-17) “On Personal Data Protection”;

7) the geographic information system for geographical surveys of the availability of broadband access networks (both fixed and mobile) and universal electronic communications services in the territory of Ukraine;

8) notifications on the duty to restrict access to websites specified in the decision of the National Council of Television and Radio Broadcasting of Ukraine on the application of a response measure in the form of a temporary ban on the distribution of online media or a ban on the distribution of online media, or a court decision on the ban on the distribution of online media that has entered into force;

*{Article 8(2) is supplemented with point 8 in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3078)*}*

9) notifications on the duty of restriction or recovery of access to websites determined in the decision of the National Council of Television and Radio Broadcasting of Ukraine on inclusion in or exclusion of the service from the List of on-demand audiovisual media services and services of audiovisual service providers of a state recognized by the Verkhovna Rada of Ukraine as an aggressor state.

*{Article 8(2) is supplemented with point 9 in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3078)*}*

3. The electronic regulatory platform shall provide for:

1) submission of notifications of the commencement of activity in the field of electronic communications;

2) keeping the registers listed in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n272) of this Article, databases and systems;

3) operation of personal accounts of electronic communications networks and services providers, general radio spectrum users, radio equipment suppliers;

4) submission of documents to obtain radio spectrum licences, authorisations to use numbering resources and other regulatory authority’s administrative services provided in this Law;

5) submission of regulatory reports and information provided in this Law;

6) control over the completeness of reports, applications and other documents required for obtaining the regulatory authority’s administrative services provided in this Law;

7) tracking the progress of consideration of submitted documents;

8) access to the information and documents provided in this Law and other laws;

9) publication of the results of administrative services;

10) generation and submission of electronic requests for extracts;

11) viewing, copying and printing of extracts from the registers listed in [points 1-5](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n273) of paragraph 2 of this Article, other documents in accordance with this Law;

12) online payment for administrative services provided in this Law using payment schemes;

13) access of public authorities, electronic communications network and/or services providers, radio spectrum users, numbering resource users, service users, radio equipment suppliers, other interested parties to the information published on the electronic regulatory platform within the scope and under the procedure established by the laws of Ukraine;

14) display of the validity periods of permits in personal accounts of electronic communications networks and/or services providers, radio spectrum users, numbering resource users, and automated marking of the document details (by colour or in any other manner to draw attention) as the deadline for its renewal set out in the legislation approaches;

15) storage, processing and providing access via personal account to the information and documents submitted by electronic communications networks and/or services provider, radio spectrum users, radio equipment suppliers to the regulatory authority via the electronic regulatory platform;

16) making other operations provided in this Law and in the regulation on the electronic regulatory platform to be approved by the regulatory authority.

4. The information on the electronic regulatory platform, apart from personal data and restricted information, shall be accessed via the Internet, and such access shall be public, free of charge, 24-hour, available in an open data format and shall take into account the needs of visually impaired persons. The entity that submitted information shall enjoy full and free access, including access to restricted information.

The electronic regulatory platform shall provide for search, generation of electronic extracts on electronic communications networks and services providers, taking account of the provisions of legislation on information protection and personal data protection.

The regulatory authority shall provide advisory support to the electronic regulatory platform users during working hours of the working week.

5. The electronic regulatory platform shall be deemed state property, state information resource.

The regulatory authority shall provide for the creation and operation of the electronic regulatory platform and shall be its holder. The regulatory authority shall approve the regulation on the electronic regulatory platform.

When creating the electronic regulatory platform, in particular, its components, its interoperability and interaction with other information systems and networks constituting the information resource of the State shall be ensured.

The information uploaded on the electronic regulatory platform shall be protected in accordance with the laws of Ukraine on information protection.

6. Electronic communications networks and/or services providers, radio spectrum users, radio equipment suppliers shall submit notices, applications, reports, other documents and information to the regulatory authority under this Law and obtain decisions, licences, permits, other documents from the regulatory authority via an electronic account on the electronic regulatory platform using qualified electronic signature creation devices.

If it is impossible to use the electronic regulatory platform (in case of interruption of its operation for more than a day), documents may be sent using one of the ways laid down in [points 2-4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n308) of paragraph 7 of this Article. In this case, the time limits for submission of relevant documents as established by the legislation or by the regulatory authority shall be extended for three business days.

7. Electronic communications service end users, other persons, apart from electronic communications networks and services providers, radio spectrum users and numbering resource users, shall submit appeals, applications and other documents to the regulatory authority, at the discretion of the applicant:

1) using the electronic regulatory platform;

2) in an electronic form via electronic communications networks in compliance with the provisions of the legislation on electronic documents;

3) by mail;

4) by courier (at the location of the relevant structural subdivision of the regulatory authority).

If no preferred way of receiving a response or documents is indicated in an appeal, [point 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n309) of this paragraph shall apply.

8. Upon request of electronic communications networks and services providers, radio spectrum, numbering resource users, radio equipment suppliers, authorised officials of the regulatory authority shall, within five business days, provide (send) to such persons in an electronic or paper form (as selected by the applicant) and free of charge the extracts from registers referred to in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n272) of this Article, permits and other documents printed on the letterhead of the regulatory authority.

9. When considering notices and applications of undertakings pursuant to this Law, the regulatory authority shall, in accordance with the law, use the information from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations, other state electronic databases and shall not have the right to require information from the undertakings.

**Article 9.**Requests for information

1. The regulatory authority, within the limits of its competence, may request from electronic communications networks and/or services providers, and other undertakings providing associated facilities or associated services in the field of electronic communications, radio spectrum users, and central and local executive authorities, authorities of the Autonomous Republic of Crimea, local authorities to provide, in writing and/or in an electronic form, the information related to the terms of general authorisation, the right of use for radio spectrum and numbering resources, and in other cases provided for by this Law, in particular, for the following purposes:

1) state supervision (control) over compliance with the legislation on electronic communications and radio spectrum, consumer protection of service users;

2) consideration of appeals and complaints as regards their activity regulated by this Law or in case when the regulatory authority has information on their breach of the legislation on electronic communications and/or radio spectrum;

3) preparation and publication of comparative overviews of the terms, quality and price of electronic communications services for consumers of services;

4) identification of specific markets for electronic communications, their analysis, identification of electronic communications networks and/or services providers with significant market power as well as imposition, modification and lifting of regulatory obligations pursuant to this Law;

5) ensuring efficient management and use of radio spectrum and numbering resources as well as verification of compliance with the terms of radio spectrum licences and authorisations to use the numbering resource;

6) conducting geographical surveys of the reach of networks and universal electronic communications services;

7) exercising powers related to the access to and interconnection of electronic communications networks as provided in this Law;

8) providing information for statistical and other reports, including for the Digital Economy and Society Index (DESI), to other interested organisations, institutions and bodies, international institutions, including institutions of the European Union.

9) exercising the powers provided for by this Law regarding roaming within the Ukraine-EU roaming zone;

10) preparation of information at the request of the Body of European Regulators for Electronic Communications (BEREC) or the Agency for Support for BEREC (BEREC Office).

Where the information collected in accordance with the first paragraph of this Article is insufficient for the regulatory authority to exercise its powers, including providing information to the BEREC and BEREC Office, such information may be inquired by the regulatory authority from other undertakings regardless of the form of ownership, operating in the field of electronic communications or closely related sectors.

2. The information listed in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n315) of this Article may not be required from an undertaking before it is included in the Register of Electronic Communications Networks and Services Providers, apart from cases specified in [paragraph 1(1)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n316) and [(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n317) of this Article.

3. A request for information shall be proportionate to its objective and shall be reasoned, shall indicate the purpose for which the information will be used and the grounds for requesting it.

A request for information shall not contain a requirement to provide information submitted to the regulatory authority or available in other state electronic databases.

4. The undertakings specified in paragraph 1 of this Article shall provide, upon the regulatory authority’s requests, the information, including financial and restricted information (except proprietary information and state secret), requested for the purpose of exercising of the regulatory authority’s powers provided for by this Law within the time limits and according to the level of detail and contents of the request, as well as upon reasoned requests of BEREC or the BEREC Office, and the European Commission, which are received through the regulatory authority.

The regulatory authority shall ensure protection of the information received in accordance with the legislation.

**Section III. STATE SUPERVISION (CONTROL) OVER COMPLIANCE WITH THE LEGISLATION IN THE FIELDS OF ELECTRONIC COMMUNICATIONS AND RADIO SPECTRUM**

**Article 10.**Exercise of state supervision (control) over compliance with the legislation on electronic communications and radio spectrum

1. The regulatory authority shall exercise state supervision (control) over compliance with the legislation on electronic communications and radio spectrum in respect of electronic communications networks and/or services providers, general radio spectrum users as well as in respect of persons that provide electronic communications networks and/or services without notification of the commencement of such activity and/or use radio spectrum without a licence and/or without radio frequency assignment as provided by the legislation.

2. State supervision (control) over compliance of undertakings and other persons with the legislation on electronic communications and radio spectrum shall be exercised in accordance with [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/877-16) “On Fundamental Principles of State Supervision (Control) in the Area of Economic Activity” taking account of the peculiarities set out in this Law.

3. The regulatory authority shall enter the information on state supervision (control) over compliance with the legislation on electronic communications and radio spectrum as provided in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/877-16) “On Fundamental Principles of State Supervision (Control) in the Area of Economic Activity”, taking account of the peculiarities set out in this Law, into the integrated automated state supervision (control) system.

4. State supervision (control) over compliance with the legislation on electronic communications and radio spectrum shall be exercised by the regulatory authority using the following two methods:

1) unscheduled audits;

2) analysis of regulatory reports submitted by electronic communications networks and services providers and radio spectrum users.

5. In the course of an unscheduled audit to be carried out in cases and under the procedure established by the regulatory authority, tests shall be carried out by means of measurement and/or compliance observation of the parameters of electronic communications networks and of the quality of electronic communications services as provided for in the legislation, the traffic routing procedure for number-based interpersonal electronic communications services, and calculation of the quality indicators of electronic communications services. For the purposes of carrying out tests and other technical procedures during unscheduled audits, the regulatory authority shall, if needed, engage technical means and personnel of a state-owned enterprise under its management.

*{Article 10(5) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n547)*}*

6. In case of identifying any failures to comply with the legislation on electronic communications and/or radio spectrum based on the results of the analysis of regulatory reports submitted by electronic communications networks and services providers, authorised officials of the regulatory authority shall request explanations on the identified failures to comply with the legislation in the fields of electronic communications and/or radio spectrum from the relevant electronic communications networks and/or services provider, and the electronic communications networks and/or services provider shall provide reasoned explanations on the merits within the time limits specified in the request and, if needed, underpin them by copies (electronic copies) of documents as certified under the established procedure.

The time limit for providing a response to the regulatory authority shall depend on the scope of information and shall not be less than ten and more than twenty-five business days following the date of request. The authorised official of the regulatory authority, upon a reasoned request of the electronic communications networks and/or services provider, shall extend the time limit for providing a response for up to ten business days.

In case when sufficient information confirming the compliance of the electronic communications networks and/or services provider with the legislation on electronic communications and radio spectrum is received within the specified time limits, the authorised official of the regulatory authority shall notify the relevant electronic communications networks and/or services provider within ten business days.

When sufficient information confirming a breach of the legislation on electronic communications and/or radio spectrum is received within the specified time limits, the regulatory authority shall implement response measures provided in [Article 14](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n436) of this Law.

In case when the requested information is not received within the specified time limit or the received information is not sufficient for deciding whether there is a breach of the legislation on electronic communications and radio spectrum, the authorised official of the regulatory authority shall repeatedly request the electronic communications networks and/or services provider to provide explanations or clarify provided explanations on the identified failure to comply with the legislation in the field of electronic communications and/or radio spectrum within the time limit established according to the provisions of this paragraph.

In case when, upon the repeated request of the authorised official of the regulatory authority the requested information is not received within the specified time limit or the received information is not sufficient for deciding whether there is a breach of the legislation on electronic communications and/or radio spectrum, the regulatory authority shall issue a decision on an unscheduled audit of the electronic communications networks and/or services provider.

7. An unscheduled audit shall be carried out upon the regulatory authority’s decision with regard to the issues specified therein and under an audit mandate issued. The decision on an unscheduled audit shall indicate the ground, scope and period of the audit, the name of an electronic communications networks and/or services provider or radio spectrum user that is subject to the audit.

8. The regulatory body and authority’s decision on an unscheduled audit shall only be issued in the following cases:

1) when the regulatory authority receives a reasoned report with supporting documents or their copies (if any) from:

electronic communications service end users, radio spectrum users, electronic communications networks and/or services providers, with regard to violations of rights or legitimate interests provided in the legislation on electronic communications and/or radio spectrum (apart from issues relating to the out-of-court resolution of disputes between electronic communications networks and/or services providers as specified in this Law);

special-purpose public authorities with law enforcement functions, law enforcement authorities (within their competence) on violation of the legislation on electronic communications and/or radio spectrum and postal services.

*{The third indent of Article 10(8)(1) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n550)*}*

In the cases listed in this point, an unscheduled audit shall be carried out in respect of the issues indicated in the report.

The National Council of Television and Radio Broadcasting of Ukraine, other public authorities, legal or natural persons — upon infringement of requirements provided for in [Articles 115-1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2595) and [115-2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2599) of this Law;

*{Article 10(8)(1) is supplemented with the fifth indent in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3081)*}*

2) upon a written application of an electronic communications networks and/or services provider, radio spectrum user within public radio frequency bands for a voluntary audit;

3) in case of identification of breaches of the legislation on electronic communications and/or radio spectrum based on the results of the analysis of regulatory reports submitted by electronic communications networks and/or services providers and failure of the electronic communications networks and/or services provider to provide information within the specified time limit upon the repeated request of the regulatory authority or when the information provided by the provider is not sufficient for deciding whether there is a breach of the legislation on electronic communications and/or radio spectrum;

4) in case of an undertaking’s failure to submit regulatory reporting documents within specified time limits without good cause or without written explanations on the reasons that prevented it from submission of such documents — in respect of the issues relating to the reports that have not been submitted;

5) for the purpose of verification of compliance with the terms provided in the radio spectrum licence and/or utilization of radio spectrum or the numbering resource (no more than once a year);

6) in case when there is evidence-based information on a failure to comply with regulatory obligations imposed on electronic communications networks and/or services providers with significant market power. In the cases provided in this point, an unscheduled audit shall be carried out after the regulatory authority sends a request to such provider as regards its compliance with the relevant regulatory obligations and no earlier than a deadline established for provision of response thereto;

7) for the purpose of verification of compliance with improvement notices or ordinances on remediation of identified breaches of the legislation on electronic communications and radio spectrum;

8) in case when the regulatory authority receives a written report on the activity in the field of electronic communications or radio equipment operation without notification of the commencement of the activity in the field of electronic communications, obtaining in cases provided for in this Law of a radio spectrum licence or radio frequency assignments;

9) in case of identification of breaches of the legislation on electronic communications and/or radio spectrum as a result of radio frequency monitoring, works / measures for detection of radio interferences and monitoring of the quality of electronic communications services;

*{Article 10(8)(9) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n552)*}*

10) for the purpose of compliance with the values of the criteria for efficient use of radio spectrum as established by the legislation;

11) in case of identification of breaches of the legislation in the field of electronic communications in the course of out-of-court dispute consideration.

12) in case of reasonable information about signs of non-compliance with the provisions on roaming in the Ukraine – EU roaming zone stipulated by the legislation in electronic communications sector.

9. It shall be prohibited to repeatedly implement unscheduled measures of state supervision (control) in respect of the same incident (incidents) that constituted a ground for implementing an unscheduled measure of state supervision (control), apart from cases provided in [paragraph 8(5)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n353), [(6)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n354), [(10)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n358) of this Article. Persons who submitted an unsubstantiated report on an undertaking’s breach of the legislation on electronic communications and radio spectrum shall be liable in accordance with the law.

10. The period of implementation of an unscheduled measure of state supervision (control) shall not exceed ten business days.

**Article 11.**Rights, obligations and responsibilities of officials of the regulatory authority with regard to state supervision (control) and of the General Staff of the Armed Forces of Ukraine

1. For the purpose of state supervision (control), authorised officials of the regulatory authority shall have the right to:

1) access, in accordance with the legislation, the territory and the production, service and administrative premises of electronic communications networks and/or services providers, radio spectrum users as well as, under the established procedure, the same of persons that provide electronic communications networks and/or services without notification of the commencement of such activity and/or use radio spectrum without obtaining a radio spectrum licence and/or radio frequency assignment in cases provided in this Law;

2) inspect territories, premises used for the purpose of carrying out the activity in the field of electronic communications and radio spectrum, electronic communications networks and means, radio equipment/ emitters as well as documents relating to the issues under audit;

3) verify the compliance of persons listed in [point 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n364) of this paragraph with the legislation on electronic communications and radio spectrum, the terms of radio spectrum licences, regulatory obligations imposed on electronic communications networks and/or services providers with significant market power, improvement notices and ordinances on remediation of breaches of the legislation on electronic communications and radio spectrum as well as with other decisions of the regulatory authority as issued in accordance with this Law;

4) obtain, free of charge, information, oral and written explanations and other materials required for verification of compliance with the legislation on electronic communications and radio spectrum from persons subject to state supervision (control) and their officials;

5) obtain, free of charge, documents, materials, statistics and other information as required for performance of the regulatory authority’s functions from central and local executive authorities, executive authorities of the Autonomous Republic of Crimea, local self-government bodies;

6) use, in accordance with the legislation, technical means for the purpose of state supervision (control), make audio and video recording of the process of implementation of a measure or of each individual procedure;

7) engage, if needed, third parties in implementation of state supervision (control) measures;

8) require remediation of identified breaches from a person subject to state supervision (control), issue, within its powers, improvement notices and ordinances on remediation of breaches of the legislation on electronic communications and radio spectrum to electronic communications networks and/or services providers and radio spectrum users;

9) carry out tests by means of measurement and/or observation of the parameters of electronic communications networks, the quality of electronic communications services, the traffic routing procedure and calculation of the quality indicators of electronic communications services as provided by the legislation under the procedure established by the regulatory authority;

10) require ceasing actions that impede state supervision (control);

11) other rights provided in [the Code of Ukraine on Administrative Offences](https://zakon.rada.gov.ua/laws/show/80731-10).

2. In the course of state supervision (control), the regulatory authority and its authorised officials shall:

1) exercise state supervision (control) in a complete, objective and impartial manner and within their powers provided for in this Law;

2) ensure non-disclosure of an undertaking’s trade secrets and confidential information that have become available in the course of state supervision (control);

3) avoid interfering with and impeding the economic activity in the course of implementation of state supervision (control) measures if it neither poses a threat to human life and health nor causes man-made emergencies, accidents, other damage to electronic communications networks, which can result in the interruption of electronic communications services;

4) inform the director of an electronic communications networks and/or services provider, radio spectrum user being a legal entity, its separate unit or a person authorised by them or an individual or a person authorised by him/her about the results of state supervision (control) within the time limits provided in the law;

5) provide advisory support related to state supervision (control) to a person subject to state supervision (control) free of charge and within the limits of its competence;

6) follow business ethics in relations with persons under state supervision (control), refrain from unfounded opinions on the compliance of undertakings with the legislation as well as from unlawful and unjustified imposition of penalties on undertakings;

7) avoid implementing state supervision (control) measures and other measures that either do not comply with or are not provided in this Law.

3. Officials of the regulatory authority shall be liable for unlawful decisions, actions or omissions relating to state supervision (control) in accordance with [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/877-16) “On Fundamentals of State Supervision (Control) in the Area of Economic Activity”.

4. The procedure for state supervision (control) in respect of special radio spectrum shall be established by the General Staff of the Armed Forces of Ukraine.

**Article 12.**Rights, obligations and responsibilities of undertakings and radio spectrum users

1. In the course of implementation of state supervision (control) measures, an undertaking operating in the field of electronic communications and/or radio spectrum, a radio spectrum user shall have the right to:

1) be informed of their rights and obligations;

2) require authorised officials of the regulatory authority to comply with the legislation;

3) check whether authorised officials of the regulatory authority and persons involved in the audit have an official ID and an unscheduled audit mandate and obtain a copy of the unscheduled audit mandate;

4) prevent authorised officials of the regulatory authority from exercising state supervision (control) if:

а) before the start of an audit, an authorised official of the regulatory authority has neither produced documents provided for in [Article 10(7)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n344) of this Law to an undertaking nor provided their copies or if produced documents do not comply with this Law;

б) an authorised official of the regulatory authority has not made an entry on the implementation of the state supervision (control) measure in the state supervision (control) log book (in case when an undertaking subject to audit has such log book);

в) the duration of an unscheduled audit exceeds the time limit referred to in the documents provided for in [Article 10(7)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n344) of this Law;

г) authorised officials of the regulatory authority carry out a repeated unscheduled audit in respect of the same incident (incidents) that constituted a ground for the implemented unscheduled audit, apart from cases provided in [Article 10(8)(5)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n353), [(6)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n354), [(10)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n358) of this Law;

5) be present during the implementation of state supervision (control) measures, engage third parties in such measures;

6) require non-disclosure of the information that constitutes a trade secret or is confidential information of an undertaking;

7) obtain and review state supervision (control) reports;

8) submit written explanations, observations and objections against the report to the regulatory authority;

9) appeal against unlawful actions of the regulatory authority and its officials in accordance with the procedure established by law;

10) obtain consultations from the regulatory authority to prevent breaches in the course of the implementation of state supervision (control) measures;

11) keep the state supervision (control) log book and require making entries on relevant measures before their start from authorised officials of the regulatory authority;

12) require ceasing the implementation of a state supervision (control) measure in case when:

а) an authorised official of the regulatory authority has exceeded the maximum period of implementation of such measure as provided in this Law;

б) in the course of an unscheduled audit, authorised officials of the regulatory authority look into issues other than those which need to be checked and constitute a ground for implementation of such measure;

13) make audio and video recording of the process of implementation of the measure or of each individual procedure.

2. In the course of implementation of state supervision (control) measures, an undertaking operating in the fields of electronic communications and radio spectrum, a radio spectrum user shall:

1) allow exercising state supervision (control) by authorised officials of the regulatory authority provided that they comply with the state supervision (control) procedure set out in this Law;

2) comply with the requirements of the regulatory authority, its authorised officials with regard to remediation of identified breaches of the legislation;

3) provide documents, explanations, certificates, information, materials in respect of the issues arising in the course of state supervision (control) in accordance with the law, including information on radio equipment performance characteristics, use and location;

4) obtain a copy of the report and/or improvement notice, ordinance of the regulatory authority, its authorised officials based on the results of the implemented state supervision (control) measure.

**Article 13.**Executive documents of the regulatory authority and its authorised officials relating to state supervision (control)

1. In order to conduct an unscheduled audit, the regulatory authority shall make a decision that is to contain the information in accordance with [Article 10(7)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n344) of this Law.

2. On a basis of the decision, an unscheduled audit mandate shall be issued to be signed by an official authorised by the regulatory authority, with indication of his/her surname, name and patronymic (if any), and sealed (if available).

3. The unscheduled audit mandate shall contain:

1) the name of an electronic communications networks and/or services provider, a radio spectrum user and/or its separate unit or the surname, name and patronymic (if any) of an individual entrepreneur, whose activity is subject to the measure;

2) the registered office of an electronic communications networks and/or services provider, a radio spectrum user and/or its separate unit, whose activity is subject to the audit;

3) the date and number of the decision in pursuance of which the audit is carried out;

4) a list of officials who will participate in the audit, with indication of their positions, surnames, names and patronymics (if any);

5) the audit start date and end date;

6) grounds for the audit;

7) subject matter of the audit.

4. The mandate shall be valid only during the unscheduled audit period indicated therein.

5. Prior to an unscheduled audit, authorised officials of the regulatory authority shall produce a mandate and an official ID of an authorised official of the regulatory authority to the director of an electronic communications networks and/or services provider, radio spectrum user and/or its separate unit or to a person authorised by him/her (an individual entrepreneur or a person authorised by him/her), submit a copy of the mandate to an undertaking operating in the field of electronic communications and radio spectrum and state the ground for an unscheduled audit.

The authorised official of the regulatory authority without an unscheduled audit mandate and official ID shall have no right to exercise state supervision (control).

6. Based on the results of the unscheduled audit, the authorised official of the regulatory authority shall execute a report according to the form to be approved by the regulatory authority.

7. In the report, the authorised official of the regulatory authority shall indicate the state of compliance of the electronic communications networks and/or services provider (radio spectrum user) with the legislation, and in case of its non-compliance, a detailed description of the identified breach with reference to the relevant provision of the legislation.

On the last day of the audit, two copies of the report shall be signed by the authorised official of the regulatory authority who implemented the measure and by the electronic communications networks and/or services provider (radio spectrum user) or a person authorised by it, unless the law provides otherwise.

If the electronic communications networks and/or services provider (radio spectrum user) disagrees with the report, it shall sign the report with observations being an integral part of the audit report. The observations may be submitted within three business days following the date of signing of the report.

In case when the electronic communications networks and/or services provider (radio spectrum user) refuses to sign the report, the authorised official of the regulatory authority shall make the relevant entry in the report.

One copy of the report shall be provided to the electronic communications networks and/or services provider (radio spectrum user) subjected to the audit, the other one shall be kept by the regulatory authority.

8. In order to implement measures aimed at remediation of the breaches of the legislation on electronic communications and radio spectrum as identified during the unscheduled audit, on a basis of the audit report, an improvement notice or ordinance on remediation of identified breaches shall be issued according to the form approved by the regulatory authority. The official of the regulatory authority shall make a decision to issue an improvement notice for remediation of identified breaches within 15 business days following the date of the audit report.

9. An improvement notice is a written requirement to remedy breaches of the legislation, issued by an authorised official of the regulatory authority to an electronic communications networks and/or services provider, a radio spectrum user, which shall be executed within specified periods. The improvement notice shall not entail imposition of administrative and economic penalties on an undertaking. The improvement notice shall be issued and signed by the authorised official of the state supervision (control) authority, who carried out the audit. The improvement notice of the authorised official of the regulatory authority, aimed at remediation of breaches, shall be prepared in two copies: one copy shall, within three business days following the date of the improvement notice, be provided to the electronic communications networks and/or services provider (radio spectrum user) or a person authorised by it for the purpose of implementation, and the other copy shall be kept by the regulatory authority.

In case when the electronic communications networks and/or services provider (radio spectrum user) or the person authorised by it refuses to accept the improvement notice for remediation of breaches of the legislation, it shall be sent by registered mail, with indication of the relevant reference number and mailing date on the copy of the improvement notice to be kept by the state supervision (control) body.

10. An ordinance of the regulatory authority is a binding written decision of the regulatory authority on remediation of identified breaches within specified periods. The ordinance shall be signed by the head of the regulatory authority.

The ordinance may provide for imposition of penalties provided by law on an undertaking. The ordinance of the regulatory authority, aimed at remediation of breaches, shall be prepared in two copies: one copy shall be sent, within five business days following the date of the decision on its issuance, to the electronic communications networks and/or services provider (radio spectrum user) or a person authorised by it for the purpose of implementation, and the other copy shall be kept by the regulatory authority.

**Article 14.**Remediation of breaches of the legislation on electronic communications and radio spectrum

1. The electronic communications networks and/or services provider, the radio spectrum user that received an improvement notice from the authorised official of the regulatory authority, an ordinance of the regulatory authority on remediation of breaches of the legislation on electronic communications and/or radio spectrum, shall, within the period specified in the improvement notice or ordinance, remedy the breaches and submit written information on their remediation to the regulatory authority.

The period for remediation of identified breaches shall be specified in the improvement notice within maximum periods for remediation of certain types of breaches of the legislation on electronic communications and radio spectrum to be established by the regulatory authority.

In case when there is documented proof of inability to remedy breaches within the period specified in the improvement notice, upon an undertaking’s request, the regulatory authority shall issue a decision on extension of such period for no more than 60 business days.

2. In case of non-compliance with the improvement notice within the period specified therein, the regulatory authority shall, within 25 business days following the day when the non-compliance with the improvement notice was established as documented in the relevant unscheduled audit report, make a decision on issuing an ordinance on remediation of breaches, in which it shall:

1) specify, in accordance with the Law, measures aimed at remediation of breaches and periods for their implementation;

2) impose, if applicable, administrative and economic penalties, take other measures provided by law;

3) compel to cease the activity related to the provision of electronic communications networks and/or services without notification of the commencement of such activity and/or the use of radio equipment without radio frequency assignment, and impose relevant administrative and economic penalties;

4) in case of detecting the use of radio equipment in violation of the parameters specified in the radio frequency assignment make a decision (if necessary) on suspension of its use or modification of its operating conditions until identified breaches are eliminated, and on implementation of technical measures for elimination of radio interferences at the expense of the radio frequency user, due to the fault of which such radio interferences are caused.

The regulatory authority shall suspend the use or modify the operating conditions for radio equipment only in cases when the threat to human life and health has been identified, with mandatory notification of the National Council of Television and Radio Broadcasting of Ukraine within three days.

3. If the regulatory authority has evidence of breaches of the provisions on roaming in the Ukraine – EU roaming zone stipulated by the legislation in electronic communications sector, the regulatory authority makes a decision to issue an order to eliminate such breaches immediately, without any delay, and also starts taking measures on considering application of administrative and economic penalties.

4. In case when the regulatory authority has information about carrying out the activity in the field of electronic communications and radio spectrum without notification of the commencement of the activity and/or the use of radio spectrum without radio frequency assignment (in cases provided in this Law) and when it is impossible to implement state supervision (control) measures, in order to identify the owners of illicit means of electronic communications, radio equipment/ emitters and seize them as well as to remedy breaches of the legislation on electronic communications and radio spectrum, the regulatory authority shall provide for the implementation of joint activities according to the procedure for cooperation between the regulatory authority and law enforcement authorities to be determined by their joint legal and normative acts. During joint activities, the officials authorised by the regulatory authority shall have the right to issue, within the limits of their powers, binding improvement notices for remediation of breaches of the legislation on electronic communications and radio spectrum, prepare administrative offence reports under the procedure established by law, take other measures provided in the law, including those in respect of the owners (property holders) of facilities or land plots on which illicit means of electronic communications, radio equipment are installed (in case when they refuse to provide information on the owner of the illicit radio equipment).

5. In case when there is evidence that the violation of the terms of general authorisation in the field of electronic communications, referred to in Article 18 of this Law, terms referred to in Аrticles 47 and 79 of this Law and/or the terms of licence for spectrum use poses an immediate and serious threat to public safety, public security, public health or a risk of causing serious economic or operational issues for other providers of electronic communications network and/or services, radio spectrum users, users of electronic communications services, the regulatory authority shall, under the procedure established by it, take immediate interim measures to eliminate these threats or risks until a final decision is taken, including through restriction of the rights of use for radio spectrum as provided in the licence, including their suspension or setting certain technical parameters of radio spectrum use.

Such measures shall be imposed for the period that shall not exceed 20 business days.

In case when the said measures have not been completed within the specified period, it may be extended by the regulatory authority’s decision for up to three months.

For the purpose of implementation of measures referred to in this paragraph, the regulatory authority shall propose that the undertaking subjected to such measures provides explanations within specified period as well as propose measures aimed at elimination of relevant threats or risks.

**Article 15.**Appeal against the decisions of the regulatory authority and its authorised officials relating to state supervision (control)

1. Electronic communications networks and/or services providers, radio spectrum users subject to state supervision (control) measures shall have the right to file a complaint with the regulatory authority against unlawful actions of its officials in the course of state supervision (control). Such complaint may be filed in the course of implementation of state supervision (control) measures or within ten business days following their completion. Filing of the complaint shall not suspend the implementation of state supervision (control) measures aimed at remediation of breaches, which are subject to appeal.

2. Electronic communications networks and/or services providers, radio spectrum users subject to state supervision (control) measures shall have the right to appeal against the results of state supervision (control) measures and decisions issued based on them in court.

3. Judicial appeal of an ordinance of the authorized official of the regulatory authority or an order of the regulatory authority does not stop their implementation unless the court decision provides otherwise.

**Section IV. GENERAL AUTHORISATION**

**Article 16.**Notification of the commencement of activity in the field of electronic communications

1. The economic activity in the field of electronic communications shall be carried out on a basis of the general authorisation, apart from cases of the use of radio spectrum and numbering resources as provided in this Law.

2. Undertakings that intend to carry out economic activity as electronic communications networks and/or services providers shall, within a month following the start of such activity, send a notification of the commencement of activity in the field of electronic communications (hereinafter referred to as the ‘notification’) to the regulatory authority.

From then onward, it shall be prohibited to carry out the activity in the field of electronic communications without submission of notifications of the commencement of activity in the field of electronic communications.

The notification obligation shall not apply to the provision of number-independent interpersonal electronic communications services.

Provider of electronic communications network and/or services (operator) of the European Union requesting access or interconnection from provider of electronic communications network and/or services (operator) of Ukraine shall not be obliged to undergo the general authorization procedure in the field of electronic communications, defined by this Article, in case if such provider (operator) doesn’t provide electronic communications services and does not manage the network in the territory of Ukraine.

3. The notification shall be sent by filling out an electronic form on the electronic regulatory platform using qualified electronic signature creation device and shall contain the following information:

1) full name of a legal entity or the surname, name and patronymic of an individual entrepreneur;

2) code in the Unified State Register of Enterprises and Organisations of Ukraine, for a legal entity, or taxpayer identification number or passport series and number (for individuals who refused from taxpayer identification number due to their religious beliefs and notified the relevant control body and have a mark to that effect in their passports), for individual entrepreneurs;

3) registered office for legal entities or place of residence for individual entrepreneurs;

4) correspondence address;

5) contact information: telephone numbers, fax numbers, e-mail address, official webpage address (if any);

6) surname, name, patronymic (if any) of the director and, if needed, of persons authorised to act on his/her behalf;

7) territory of activity in the field of electronic communications. The information shall be indicated in accordance with the State Classifier of Objects of Administrative and Territorial Division of Ukraine (SCOATDU) and shall be entered by means of placing a mark against relevant administrative and territorial units under the SCOATDU;

8) type and description of electronic communications services. The information shall be indicated in the notification by means of placing a mark against near the relevant type of services or access. In case when the indicative list of types of electronic communications services as approved by the regulatory authority, does not contain the service provided by an undertaking, the type and description of such service shall be provided in arbitrary form;

9) information about licences and permits obtained — for the activity in the field of electronic communications that provides for the use of the scare (radio frequency and/or numbering) resource (when filling in such information, data from relevant registers available on the regulatory platform shall be automatically used);

10) the applicant’s commitment to perform the obligations of the electronic communications networks and services provider as provided for in the law and in other legal and normative acts in the field of electronic communications;

11) date of commencement of activities.

When generating an electronic notification form according to [paragraph 3(1)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n462), [(3)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n464), [(6)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n467) of this Article, the data from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations shall be used via automated information exchange. In case of any data changes in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations, the relevant changes shall be automatically reflected in the Register of Electronic Communications Networks and Services Providers.

In the course of generation of an electronic notification form, the regulatory authority shall provide for verification of its completeness and correctness.

The notification shall be signed by the director or a person who can act on behalf of the undertaking or by an individual entrepreneur in person.

The date of submission of the notification shall be the date of its incoming registration with the regulatory authority.

The notification shall be deemed as not submitted in case when the information indicated therein does not comply with the requirements provided for in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n461) of this Article, which shall be notified to the undertaking within five business days.

4. The officials authorised by the regulatory authority shall, within five business days following the date of registration of the notification, ensure entering relevant information into the register of electronic communications networks and services providers and send an extract from the register of electronic communications networks and services providers to the undertaking via its electronic cabinet.

5. The director of the undertaking that submitted a notification or the individual entrepreneur shall be responsible for the accuracy and completeness of the information contained therein.

6. In case of any changes in the information referred to in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n461) of this Article or errors detected in the submitted notification, the undertaking shall submit the corrected data within ten business days following the date of such changes.

In case of termination of the activity related to the provision of electronic communications services (service) to end users, the undertaking shall, no later than three months before the termination of such activity, provide the relevant information to the regulatory authority for the purpose of its publication on the electronic regulatory platform.

7. No fee shall be charged for submission of a notification of the commencement of activity in the field of electronic communications, introducing changes to the information indicated therein, entering information into the Register of Electronic Communications Networks and Services Providers, obtaining extracts therefrom.

**Article 17.**Register of Electronic Communications Networks and Services Providers

1. The Register of Electronic Communications Networks and Services Providers shall be kept by the regulatory authority (its authorised persons) in an electronic format according to the procedure and form established by the regulatory authority.

2. The Register shall include:

1) date of receipt of a notification in accordance with [Article 16](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n456) of this Law;

2) information specified in the notification according to [Article 16(3)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n461) of this Law;

3) other information possessed by the regulatory authority, which is provided in the form of the Register.

3. Removal from the Register shall be made:

1) by the officials authorised by the regulatory authority upon an undertaking’s application to be submitted via an electronic cabinet on the electronic regulatory platform. Such application shall be submitted three months before the termination of activity in the field of electronic communications (apart from cases when the provider has no service users);

2) by the regulatory authority’s decision on a basis of the data on termination of the activity of a legal entity or termination of the business activity of an individual entrepreneur in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations.

4. No fees shall be charged for the entry into the Register and removal therefrom.

5. The regulatory authority shall provide for free data search in the Register, namely by the undertaking’s name, types of services and other existing parameters, as well as for generation and obtaining extracts from the Register.

**Article 18.**Conditions of the general authorisation in the field of electronic communications

1. Undertakings shall be granted the freedom to provide electronic communications networks and services in compliance with the requirements provided in this Law.

The electronic communications service shall include, in particular, the following types of services:

Internet access service;

interpersonal electronic communications service;

services consisting wholly or mainly in the conveyance of signals, including:

for machine-to-machine communication;

for broadcasting.

2. The economic activity related to the provision of electronic communications services and access to electronic communications networks shall be subject only to the following:

1) conditions of the general authorisation set out in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n508) of this Article;

2) requirements established by this Law with regard to regulation of the following:

а) use of radio spectrum and numbering resources, provision of universal services;

б) ensuring access and network interconnection, shared use of the physical infrastructure of electronic communications;

в) imposition of regulatory obligations on electronic communications networks and/or services providers with significant market power.

3. Electronic communications networks and/or services providers shall comply with the following conditions of the general authorisation:

1) submit notifications of the commencement of activity in the field of electronic communications and the information on data changes therein according to [Article 16](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n456) of this Law;

2) submit regulatory reports set out in the law and information upon requests of the regulatory authority and other public authorities, within the limits of their competence, according to [Articles 9](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n314), [20](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n550) of this Law;

3) protect personal data in the course of ordering and providing electronic communications services according to [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2297-17) “On Personal Data Protection”;

4) protect the confidentiality of electronic communications according to [of the Constitution of Ukraine](https://zakon.rada.gov.ua/laws/show/254%2525252525252525D0%2525252525252525BA/96-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580) and the law;

5) ensure the transparency of information disclosure for the purpose of ensuring end-to-end connectivity; provide information to the regulatory authority as required for verification of the accuracy of such disclosure as well as fulfil other obligations related to access and interconnection in accordance with this Law. This point shall apply only to the activity related to the provision of access to electronic communications networks;

6) fulfil obligations related to the provision of electronic communications services to end users, apart from number-independent interpersonal electronic communications services, according to this Law;

7) fulfil obligations related to radio spectrum use according to [Article 47](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n963) of this Law;

8) fulfil obligations related to the numbering resource use according to [Article 79](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1572) of this Law;

9) comply with technical regulations and technical specifications according to the law;

10) provide an access to their electronic communications networks to public authorities (their officials) as authorised by law for the purpose of lawful retrieval of information from electronic communications networks in cases and under the procedure established by law;

11) ensure, in accordance with the law, transmission of public alerts for emergencies, a state of emergency or martial law from public authorities;

12) ensure, in accordance with the law, user connection to emergency services and connection between emergency services and public authorities, local self-government bodies during emergencies;

13) by a court decision, limit the access of its subscribers to the resources used for distribution of child pornography.

14) perform instructions of the National Centre for Operational and Technical Management of Electronic Communications Networks of Ukraine during the state of emergency or martial law, except for electronic communications networks used for broadcasting in accordance with [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2849-20) “On the Media”, the decisions on which are adopted by the National Council of Television and Radio Broadcasting of Ukraine;

*{Article 18(3) is supplemented with point 14 in accordance with the Law* [No. 2240-IX of 03.05.2022](https://zakon.rada.gov.ua/laws/show/2240-20%252525252523n6)*; as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3084)*}*

15) restrict access to websites specified in the decision of the National Council of Television and Radio Broadcasting of Ukraine on the application of a response measure in the form of a temporary ban on the distribution of online media or a ban on the distribution of online media, or a court decision on the ban on the distribution of online media that has entered into force;

*{Article 18(3) is supplemented with point 15 in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3086)*}*

16) restrict or restore the access to websites determined in the decision of the National Council of Television and Radio Broadcasting of Ukraine on inclusion in or exclusion of the service from the List of on-demand audiovisual media services and services of audiovisual service providers of a state recognized by the Verkhovna Rada of Ukraine as an aggressor state.

*{Article 18(3) is supplemented with point 16 in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3086)*}*

4. [Paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n508) of this Article contains an exhaustive list of the general authorisation conditions. The general authorisation conditions, according to the legislation, shall not include obligations imposed on electronic communications networks and services providers in other fields.

5. The rights of use for radio spectrum or numbering resources shall be subject only to the general authorisation conditions related to these rights as set out in [Articles 47](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n963) and [79](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1572) of this Law, respectively.

6. The conditions and procedures for the general authorisation may be modified only in objectively justified cases, in a proportionate manner and taking account of the objectives provided in [Article 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n173) of this Law.

**Article 19.**Rights of electronic communications networks and services providers

1. Electronic communications networks and/or services providers shall have the right to:

1) provide electronic communications services and/or network access according to this Law;

2) obtain an access to land plots and infrastructure for the purpose of deployment (creation) and operation of electronic communications networks as well as plan and develop own electronic communications networks in accordance with requirements laid down by [the Land Code of Ukraine](https://zakon.rada.gov.ua/laws/show/2768-14) and other laws of Ukraine;

3) obtain and use radio spectrum, in accordance with this Law, for the purpose of the provision of electronic communications services and access to electronic communications networks;

4) obtain and use numbering resources from the National Numbering Plan, in accordance with this Law, for the purpose of the provision of electronic communications services and/or network access;

5) electronic communications networks and/or services providers rendering services to users shall have the right to:

а) negotiate network interconnection with other electronic communications networks and/or services providers and, where it complies with the law, obtain access to and/or interconnection of their electronic communications networks with the electronic communications networks of other electronic communications networks and/or services providers;

б) be designated, in cases and under the procedure established by this Law, to provide a universal service (services) in territories to be covered by universal services and receive compensation for damages (losses), if any, incurred due to network deployment to ensure access thereto;

в) set individual Installation when concluding a contract for the provision of electronic communications services with end-users being legal entities or individual entrepreneurs;

6) bundle electronic communications services into tariff plans and service bundles, and receive payments for service bundles from end users;

7) share the electronic communications networks infrastructure and its elements on a contractual basis pursuant to this Law;

8) install technical means of electronic communications in the premises duly owned by them with permission from the owner of the premises, and place technical means of electronic communications on the infrastructure elements of construction, transport and electricity generation facilities on a contractual basis under the procedure established by the legislation;

9) terminate the activity in the field of electronic communications or partly cease to provide electronic communications services or certain type thereof or in a certain territory pursuant to this Law;

10) other rights provided in this Law;

2. Any individual entrepreneur or legal entity, irrespective of ownership, being residents of Ukraine, may have the ownership and the right to maintenance and operation of electronic communications networks.

The provision of electronic communications networks and services in the territory of Ukraine shall be an exclusive right of legal entities and individual entrepreneurs registered according to the legislation (residents of Ukraine).

3. The peculiarities of provision of electronic communications services for the needs of broadcasting and requirements for providers of the relevant services (electronic communications networks and/or services providers carrying out activities for provision of services for maintenance and operation of multi-channel digital broadcasting tele- and radio networks with the nationwide coverage) shall be determined by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2849-20) “On the Media”.

*{Article 19(3) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3089)*}*

4. In order to improve the quality of electronic communications services, electronic communications networks and/or services providers, with involvement of other interested parties and in coordination with the regulatory authority, may develop, in accordance with the legislation, codes (standards) of conduct, which may apply (on a voluntary basis) in the course of the provision of electronic communications services, and monitor the compliance with them.

5. Disconnection of terminal equipment for subdivisions of the Ministry of Defence of Ukraine, the Security Service of Ukraine, the State Bureau of Investigation, the National Anti-Corruption Bureau of Ukraine, the Bureau of Economic Security of Ukraine, the Foreign Intelligence Service of Ukraine, the State Service for Special Communication and Information Protection of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Police of Ukraine, the central executive body implementing the state customs policy, the central executive authority implementing the state civil protection policy, the lines of electronic communications networks (communication lines) of emergency services shall be performed in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

*{Article 19 is supplemented with paragraph 5 in accordance with the Law*[No. 2581-IX of 07.09.2022](https://zakon.rada.gov.ua/laws/show/2581-20%252525252523n83)*}*

**Article 20.**Regulatory reporting

1. Electronic communications networks and/or services providers, general radio spectrum users shall prepare and submit, free of charge, regulatory reports on the activity in the fields of electronic communications and radio spectrum and certain types thereof to the regulatory authority for the purposes provided in this Law.

Regulatory reporting shall be made via the electronic regulatory platform pursuant to the guidelines on filling out, submission deadlines and procedure established by the regulatory authority.

The regulatory authority shall establish regulatory reporting for the purpose of exercising its powers set out in this Law.

2. Electronic communications networks and/or services providers that also operate in the areas of economic activity other than electronic communications, for the purposes of regulatory reporting, including that required for electronic communications market analysis, shall keep separate accounts for the activities associated with the provision of electronic communications networks and/or services, in order to identify all elements of cost and revenue related to such activities, with the basis and methods of their calculation used, including an itemised breakdown of fixed assets and structural costs, in accordance with the legislation on financial management and accounting.

Entrepreneurs who have been granted an authorisation to keep simplified cost and revenue accounts in accordance with the law, shall be subject to the provisions set out in this paragraph in the part of separate revenue accounts.

3. In case of identifying any failures to comply with the legislation on electronic communications and/or radio spectrum based on the results of the analysis of regulatory reports submitted by electronic communications networks and services providers, authorised officials of the regulatory authority shall request explanations on the identified failures to comply with the legislation in the fields of electronic communications and/or radio spectrum from the relevant electronic communications networks and/or services provider, and the electronic communications networks and/or services provider shall provide reasoned explanations on the merits within the time limits specified in the request and, if needed, underpin them by copies (electronic copies) of documents as certified under the established procedure.

The time limit for providing a response to the regulatory authority shall depend on the scope of information and shall not be less than ten and more than twenty-five business days following the date of request. This time limit may be extended for up to ten business days by an authorised official of the regulatory authority upon a reasoned request of the electronic communications networks and/or services provider.

In case when sufficient information confirming the compliance of the electronic communications networks and/or services provider with the legislation on electronic communications and radio spectrum is received within the specified time limits, the authorised official of the regulatory authority shall notify the relevant electronic communications networks and/or services provider within ten business days.

When sufficient information confirming a breach of the legislation on electronic communications and/or radio spectrum is received within the specified time limits, the regulatory authority shall implement response measures provided in [Article 14](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n436) of this Law.

In case when the requested information is not received within the specified time limit or the received information is not sufficient for deciding whether there is a breach of the legislation on electronic communications and radio spectrum, the authorised official of the regulatory authority shall repeatedly request the electronic communications networks and/or services provider to provide explanations or clarify provided explanations on the identified failure to comply with the legislation in the field of electronic communications and/or radio spectrum within the time limit established according to the provisions of this paragraph.

In case when, upon the repeated request, the requested information is not received within the specified time limit or the received information is not sufficient for deciding whether there is a breach of the legislation on electronic communications and/or radio spectrum upon the repeated request of the authorised official of the regulatory authority, the regulatory authority shall issue a decision on an unscheduled audit of the electronic communications networks and/or services provider.

*{The sixth indent of Article 20(3) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n553)*}*

**Article 21.**Geographical surveys of broadband access network deployments and of the reach of universal services

1. The regulatory authority shall conduct geographical surveys of the reach of broadband access networks (both fixed and mobile) and voice electronic communications services in a fixed location throughout Ukraine and shall update them at least once a year.

2. The geographical survey shall include:

1) a survey of the current geographic reach of electronic communications networks and services referred to in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n563) of this Article within the territory of Ukraine;

2) a forecast, at least for the year following the survey, of the reach of electronic communications networks and services referred to in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n563) of this Article within the territory of Ukraine, including information on planned deployments of such networks, their significant upgrades or extensions as well as on planned provision of voice electronic communications services in a fixed location.

Such geographical surveys shall include a data set with details for each settlement, which characterize the reach of the relevant electronic communications networks and services, including the availability of electronic communications networks, their capacity, providers of such networks and/or services and the quality of services, which may be displayed, including using digital tools, on a multi-level map (geographic information system).

3. The methodology for conducting and updating geographical surveys referred to in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n563) of this Article shall be established by the regulatory authority in consultation with the central executive authority in the fields of electronic communications and radio spectrum.

For the purpose of conducting geographical surveys, the regulatory authority shall have the right to require information referred to in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n564) of this Article from electronic communications networks and/or services providers, public authorities and local self-government bodies according to the specified methodology.

Public authorities, local self-governing bodies shall provide information referred to in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n564) of this Article upon request of the regulatory body.

4. If the geographical survey shows that there are no broadband access networks or voice electronic communications services in a fixed location in the certain territory, and neither deployment of such networks nor provision of services is planned within a year following the survey, the regulatory authority shall issue a decision on designation of such territory (with clear geographical boundaries) as the one to be covered by broadband access networks or voice electronic communications services in a fixed location according to this Law.

5. The regulatory authority shall send requests for information on the intention to deploy broadband access networks or provide voice electronic communications services in a fixed location during the forecast period to all electronic communications networks and/or services providers that carry out relevant types of activity in the territory designated under [paragraph 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n571) of this Article.

The regulatory authority shall establish a list of information and the form of notification of the intention to deploy broadband access networks, taking account of information included in geographical surveys of network deployments under [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n564) of this Article.

6. The regulatory authority, the central executive authority in the fields of electronic communications and radio spectrum, other public authorities and local self-governing bodies shall take into account the results of the geographical survey and the designation of territories under [paragraph 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n571) of this Article when:

1) drafting the National Plan for Development of Broadband Access Networks;

2) determining obligations related to the coverage with electronic communications services when granting radio spectrum licences;

3) determining the reach of universal services and taking measures to ensure their provision pursuant to this Law;

4) financing measures aimed at developing electronic communications networks and services from state or local budgets;

5) making other decisions pursuant to this Law.

7. In order to ensure the accessibility of information on the availability of electronic communications services in various settlements for end users, the regulatory authority shall ensure publication of the geographical survey data on the electronic regulatory platform with the level of detail established by it and in a format, which are useful to support the choice of the electronic communications services provider.

**Article 22.**Consultations with market participants, other interested parties

1. The regulatory authority shall hold consultations with electronic communications networks and/or services providers, radio spectrum users, other interested parties in the course of implementation of measures referred to in this Law, which have a significant impact on the relevant market, including as regards competitive framework for radio spectrum allocation, market analysis and decision making based on its results, taking measures to ensure the accessibility of universal services and in other cases provided in the legislation, as well as upon request of associations, public associations and trade unions, market participants or persons subject to decisions (measures).

2. In order to take due account of the views of end users, the regulatory authority, with involvement of other interested public authorities, shall ensure holding consultations with end users, including end users with disabilities, manufacturers, providers of means of electronic communications, electronic communications networks and/or services providers on issues related to end user rights, including equivalent access and choice for consumers with disabilities.

3. The regulatory authority shall ensure an access to consultations referred to [paragraphs 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n582) and [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n583) of this Article and publication of their results, including via the electronic regulatory platform.

The draft decision or another document subject to the consultation procedure, the date of its publication, the period for submission of comments and proposals and the indicative period for making relevant decision based on the results of consultations shall be published on the electronic regulatory platform.

This information shall be also sent via an electronic account to electronic communications networks and/or services providers subject to decisions (measures) and, in an electronic form, to other interested parties that added their e-mail addresses to the distribution list related to consultations on the electronic regulatory platform.

4. The regulatory authority shall give interested parties the opportunity to comment on the relevant draft decision (measures) within the period established by it, having regard to the complexity of the matter, but not shorter than 30 calendar days.

For the regulatory authority’s decisions where the time limit for decision taking as established by this Law is less than 30 calendar days, the regulatory authority shall establish the consultation period within the relevant time limit, but not shorter than five business days.

The consultation period for draft legal and normative acts shall be no less than 30 calendar days.

5. The regulatory authority shall publish a summary of the consultation results, including comments and proposals received and the regulatory authority’s opinion on such comments, within five business days following the end of the consultation period.

6. Consultation on regulatory acts shall be held according to [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1160-15) ‘On the Principles of State Regulatory Policy in the Area of Economic Activity’, taking account of peculiarities provided in this Article.

7. During the martial law, the period of consultation with market participants and other stakeholders as provided for in this Article as regards preparing draft decisions or other documents shall not be less than five days from the date of publication of the relevant draft subject to the consultation procedure, which shall be stated by the regulatory authority in the accompanying documents.

*{Article 22 is supplemented with paragraph 7 in accordance with the Law*[No. 2240-IX of 03.05.2022](https://zakon.rada.gov.ua/laws/show/2240-20%252525252523n8)*}*

**Article 23.**General principles of out-of-court resolution of disputes

1. The regulatory authority shall resolve disputes arising between electronic communications networks and/or services providers in connection with the exercise of their rights and/or performance of their obligations:

1) as provided in this Law or legal and normative acts adopted pursuant to this Law, including as regards:

network interconnection, arising at any stage of conclusion, modification, performance and termination of network interconnection agreements;

access to electronic communications networks and infrastructure, arising at any stage of conclusion, modification, performance and termination of network interconnection agreements;

national roaming and number porting;

roaming within the Ukraine – EU roaming zone;

implementation of measures provided in this Law and related to co-investment and deployment of electronic communications networks;

2) as provided in an agreement regulating the relationship laid down by this Law.

2. The regulatory authority shall, at the request of either party, review a dispute in accordance with [Article 24](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n606) of this Law and issue a binding decision within two months following the receipt of the request. This period may be extended for the time required for taking evidence or taking other necessary procedural actions. The general period of dispute resolution shall not exceed four months following the receipt of the request.

In case of commissioning an expert examination, the period may be suspended until the expert examination is performed, which is subject to the regulatory authority’s reasoned decision.

3. The regulatory authority shall resolve disputes according to the principles and objectives set out in [Article 3(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n163) and [Article 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n173) of this Law as well as the principle of equality of arms and adversarial principle, publicity and openness of dispute resolution.

4. The regulatory authority’s decisions based on the results of the dispute review shall be justified and published on the electronic regulatory platform apart from their provisions (parts) containing restricted information.

5. Applying to the regulatory authority for out-of-court dispute resolution shall be without prejudice to the right of either of the parties to apply to court.

6. In the event of a dispute arising between electronic communications networks and/or services providers from Ukraine and from other countries, the regulatory authority shall take measures to facilitate their resolution in accordance with the international treaties of Ukraine and in cooperation with competent authorities of relevant countries and international organisations.

**Article 24.**Procedure for out-of-court review of disputes and issuance of decisions

1. The regulatory authority shall establish the [procedure for review of disputes between electronic communications networks and/or services providers](https://zakon.rada.gov.ua/laws/show/z1700-23%252525252523n12), which shall determine, inter alia, the requirements with regard to the following:

1) form, contents and procedure for submission of claims for dispute resolution;

2) negotiation on dispute resolution between the parties;

3) providing and collecting evidence, conducting an expert examination (if applicable);

4) preparation for the dispute review, including establishing working groups for preliminary review of the dispute and submitting proposals for its resolution to the regulatory authority;

5) procedure for notification of the parties of sessions and other dispute review measures;

6) dispute review procedures, including those in an electronic form.

2. The parties to the dispute shall have the right to:

1) review the materials relating to the dispute;

2) provide evidence, explanations, requests, other documents on the subject-matter of the dispute to the regulatory authority, substantiate their positions, including as regards the objections of the other party or other interested parties participating in the dispute review;

3) obtain copies of decisions, other procedural documents of the regulatory authority relating to dispute resolution;

4) appeal against the regulatory authority’s decisions in court;

5) exercise other rights provided by this Law and dispute review rules established by the regulatory authority.

A party to the dispute shall have the right to waive its claims.

A party to the dispute shall have the right to admit the asserted claim.

The parties may conclude the dispute review by entering into an amicable settlement.

In the course of the dispute resolution, the parties shall enjoy their rights in good faith and in fair manner.

3. The claim shall be dismissed by the regulatory authority in the following cases:

1) the subject-matter of the dispute does not fall within the regulatory authority’s competence;

2) a dispute between the same parties with the same subject-matter and on the same grounds is being considered by the regulatory authority, court or arbitration tribunal or a decision issued as a result of such consideration has entered into force;

3) the parties have entered into the agreement to refer the dispute to the arbitration tribunal or to review it in other manner of out-of-court dispute resolution, with a certified copy of it submitted to the regulatory authority;

4) the claim has been submitted by a person having no relevant powers.

4. The regulatory authority shall discontinue the dispute in case when:

1) after the start of the dispute review, any circumstances referred to in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n624) of this Article became known;

2) the claimant has submitted a statement of waiver of its claim for dispute resolution;

3) the parties have entered into an amicable settlement;

4) the legal entity being a party to the case has been terminated (state registration of the termination of business activity of the individual entrepreneur).

5. The regulatory authority shall, at the request of either of the parties to the dispute and following the procedure stipulated by the law, issue a decision on imposition of provisional measures to secure the claimant’s rights, within the powers provided in this Law, by issuing an order to refrain from specific actions, measures that may complicate or impede the enforcement of the decision on dispute resolution. The provisional measures shall be in force during the period specified in the regulatory authority’s decision, but no longer than until the decision in the dispute enters into force, apart from cases of their lifting or modification by the regulatory authority at the request of either of the parties to the dispute or by court.

6. The regulatory authority’s decisions issued in the course of dispute review shall enter into force on the date of their issuance.

**Section V. ELECTRONIC COMMUNICATIONS NETWORKS**

**Article 25.**Setting up electronic communications networks

1. Placement of construction facilities which form part of electronic communications networks or infrastructure thereof on the land plots shall be in accordance with [the Land Code of Ukraine](https://zakon.rada.gov.ua/laws/show/2768-14), [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/3038-17) “On Regulation of Urban Planning Activity”.

2. Exclusion zones, and where necessary, cleared strips, especially protected forest parcels, shall be established along the overhead and underground cable lines of electronic communications networks and electronic communications facilities in compliance with the requirements of [the Land Code of Ukraine](https://zakon.rada.gov.ua/laws/show/2768-14) and [the Forest Code of Ukraine](https://zakon.rada.gov.ua/laws/show/3852-12).

The procedure for establishing and determination of the sizes of exclusion zones and cleared strips, the procedure of marking thereof and performing works in those zones, including list of activities requiring approval of the electronic communications operators, shall be established by the Cabinet of Ministers of Ukraine.

3. The operators shall have the right to request the owners of land plots or land users to establish servitudes to the land categories as stipulated by the [Land Code of Ukraine](https://zakon.rada.gov.ua/laws/show/2768-14), with the view to deployment and operation of public electronic communications networks and/or infrastructure.

Establishing servitudes for deployment and operation of electronic communications networks and termination thereof shall be in accordance with [the Land Code of Ukraine](https://zakon.rada.gov.ua/laws/show/2768-14) and the [Civil Code of Ukraine](https://zakon.rada.gov.ua/laws/show/435-15) with the account taken of specific features stipulated by this Article.

4. Use of state property and communal property belonging to the Autonomous Republic of Crimea with the view to placement by the electronic communications services providers of their technical means of electronic communications shall be in accordance with the procedure and by means as stipulated by [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1834-19) “On Access to Construction Facilities, Transport, Electric Power With the View to Development of Electronic Communications Networks”.

5. Access to the elements of the construction facilities’ infrastructure, transport, electric power facilities, telecommunications cable-duct systems and those of building distribution networks not owned by the electronic communications networks and/or services providers with the view to deployment of public electronic communications networks shall be in accordance with [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1834-19) “On Access to Construction Facilities, Transport, Electric Power with the View to Development of Electronic Communications Networks”.

Access to physical infrastructure of the electronic communications networks and/or services providers with the view to deployment of generally accessible electronic communications networks shall be in accordance with this Law.

6. The operator and persons authorised by it shall be allowed, under the procedure as established by legislation, to lay underground, underwater and surface telecommunication cable lines across and along the bridges, tunnels, collecting canals, streets, ways, structures, forests and waters, and also, to use power transmission poles and pylons of the construction facilities’ infrastructure, transport and electric power facilities to that effect.

7. Installation (placement) of technical means of electronic communications, structures of electronic communications networks on the elements of infrastructure of the construction facilities, transport and electric power facility, cable duct systems of electronic communications, building distribution networks, and on the facilities of physical infrastructure of electronic communications to which access has been gained, shall be performed based on the access design documentation.

8. It shall be prohibited to require that the operators obtain or submit any additional permits for placement of technical means of electronic communications, structures of electronic communications networks on the elements of infrastructure of the respective construction facility, transport and electric power facility, a cable duct system of electronic communications, building distribution network, and on the facilities of physical infrastructure of electronic communications, except those provided for in law.

9. Refitting of technical means of electronic communications, facilities of electronic communications networks installed on the elements of infrastructure of the respective construction facility, transport and electric power facility, a cable duct system of electronic communications, building distribution network or on the facilities of physical infrastructure of electronic communications shall require approval of the owner of such structure and shall not require obtaining or submission of any other permits, approvals by the public authorities, local self-government bodies and officials thereof, or by legal entities as established by the above bodies.

10. The procedure for putting into operation technical means of electronic communications network, structures of electronic communications networks installed on the elements of infrastructure of the respective construction facility, transport and electric power facility, a cable duct system of electronic communications, building distribution network or on the facilities of physical infrastructure of electronic communications shall be established by an operator or the persons as authorised by it.

11. Developers shall be bound to equip new housing, cultural property, healthcare and other facilities of all forms of ownership with the networks and devices with the view to making arrangements for provision of electronic communications services, including in multi-apartment buildings — to each apartment.

12. An operator shall, at its own expense, have the right to deploy a network of its own to the point of access to the in-building physical infrastructure. In case of absence of the in-building physical infrastructure required for deployment of the network, including of high capacity, an operator or an electronic communications networks provider shall have the right to bring its network to the subscriber’s premises subject to the subscriber’s consent and provided the impact on the third parties’ private property has been minimised.

13. Deployment (establishment), reconstruction and modernisation of electronic communications networks must ensure compliance with the performance indicators of electronic communications services as established by legislation.

**Article 26.**Collocation and use of the elements of electronic communications networks infrastructure

1. An operator shall have the right to propose access to the physical infrastructure of its electronic communications network, co-installation and/or use of the network and installation elements to the other operators and electronic communications networks providers, with the view to installation of the elements of their electronic communications networks.

2. Technical, organisation and financial conditions of access and collocation and use by the operators of the network and/or physical infrastructure elements with the view to deployment (establishment) of electronic communications networks shall be defined in accordance with legislation, on a contractual basis, except in cases as stipulated in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n657) of this Article and [Article 27](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n665) of this Law.

3. If an operator has, in accordance with law, obtained the right to install physical infrastructure facilities for electronic communications using state, communal or private property, the regulatory authority may, with the view to protection of environment, healthcare, public security or meeting the goals of territorial planning, take the following decisions in accordance with the approved procedure and upon consultations under [Article 22](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n581) of this Law:

1) on obligations regarding collocation and/or joint use of electronic communications network and electronic communications physical infrastructure elements installed based on such rights;

2) on arrangements for coordinating activities relating to deployment of electronic communications network elements in the respective areas in accordance with this paragraph.

Decisions of the regulatory authority as provided for in this paragraph shall be taken in accordance with legislation, based on the request of the operator or the electronic communications network provider concerned, after consultations held and with the account taken of the principles of objectivity, transparency, non-discrimination and proportionality.

4. In the cases as provided for in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n657) of this Article, the regulatory authority shall, under the procedure established by it, take the following measures:

1) coordination of the process of collocation and use of network elements and related facilities by the operators and electronic communications network providers;

2) ensuring creation and functioning of a single information point dealing with the issues of collocation and joint use of electronic communications network and physical infrastructure elements by way of application of electronic regulatory platform;

3) establishment of the methodology for allocation of costs relating to joint use of the facilities and coordination of activities with the view to deployment (establishment) of electronic communications networks.

**Article 27.**Peculiarities of access to physical infrastructure of electronic communications networks with the view to deployment of high-speed networks

1. An operator shall be bound, under the procedure as established by the regulatory authority, to grant the substantiated requests of other operators for provision of access to physical infrastructure elements of its electronic communications network with the view to deployment of the elements of high-speed networks.

Access to physical infrastructure of electronic communications must be provided under equitable and substantiated conditions, including in relation to access fee.

2. The regulatory authority shall approve the procedure for provision of access to physical infrastructure of electronic communications with the view to deployment of high-speed networks, which shall, in particular, contain:

1) requirements to execution of a request for provision of access to physical infrastructure of electronic communications;

2) requirements to and time-limits for submission of a response to a request for provision of access to physical infrastructure of electronic communications;

3) criteria for availability or absence of grounds for denial of access o physical infrastructure of electronic communications, including as regards suitability of physical infrastructure for deployment of high-speed networks;

4) time-limits for development and issuance and validity periods of technical conditions of access to physical infrastructure of electronic communications;

5) procedure and time-limits for development and approval of design documentation regarding access to physical infrastructure of electronic communications;

6) procedure and time-limits for conclusion of an agreement for access to physical infrastructure of electronic communications;

7) methodology for determination of a fee for access to physical infrastructure of electronic communications;

8) procedure for and terms of discontinuation of use of the infrastructure elements of the object of access to physical infrastructure of electronic communications;

9) procedure for publication of information as provided for in [Articles 28](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n694), [30](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n716) of this Law, in a single point of access to information about physical infrastructure of electronic communications on the electronic regulatory platform.

3. In the case of receipt of a request for provision of access to physical infrastructure of electronic communications as executed in breach of legislation, the operator must, within ten business days from receipt thereof, notify about it the requesting operator or the electronic communications network provider by setting out the essence of the breach in the notice.

In the case of receipt of a request for provision of access to physical infrastructure of electronic communications as executed in accordance with legislation, the operator must review the request and provide a response within the time-limit not exceeding two months from receipt thereof.

4. The operator shall have the right to deny access to physical infrastructure of its network, including issuance of technical conditions and approval of draft technical documentation on the following grounds:

1) physical infrastructure to which access is requested is technically unfit for placement of elements of high-speed networks;

2) there is no place available for installation of elements of high-speed network, with the account taken of the planned needs of an operator or an electronic communications network provider which they must substantiate;

3) there is a threat to safety and health of population well-documented by the competent authority, in the case of provision of the access requested;

4) there is a well-documented threat to integrity and safety of electronic communications networks and the critical information infrastructure facilities;

5) there are existing risks of substantial obstacles to provision of electronic communications services as planned by the operator, and also, to services provided with the use of physical infrastructure to which access is requested, or there is a risk of substantial deterioration in quality of such services;

6) existence of other means of physical access to physical infrastructure of electronic communications suitable for placement of elements of high-speed networks, provided that access is granted under equitable and substantiated conditions.

Denial of access to physical infrastructure of electronic communications must contain grounds for substantiation of reasons for denial.

Denial of access to physical infrastructure of electronic communications as provided for in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n666) of this Article on the grounds other than those indicated in this paragraph shall be prohibited.

5. Where access to physical infrastructure of electronic communications is denied or where there is no response given within two months from the date of receipt of the request for access, or in the case of failure to achieve agreement as to conditions of access, including in respect of a price, any of the parties shall have the right to apply to the regulatory authority to have an out-of-court resolution of a dispute in accordance with this Law.

A decision of a regulatory authority concerning settlement of a dispute on a price of access to physical infrastructure of electronic communications must take into account:

 tasks as stipulated in [Article 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n173) of this Law;

necessity of reimbursement of the operator’s expenses for provision of access to its infrastructure;

impact of access requested on the operator’s business plans, including investment in physical infrastructure for high-speed networks.

**Article 28.**Transparency of information about physical infrastructure of electronic communications networks with the view to deployment of high-speed networks

1. For the purpose of submission of a request for access to physical infrastructure of electronic communications in accordance with [Article 27](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n665) of this Law, the operator shall have the right to receive information about available physical infrastructure, including one belonging to other operators — data on existing physical infrastructure in the particular geographical point of the area (placement and laying existing physical infrastructure) with the level of detail and under the procedure as defined by the regulatory authority with approval of the central executive authority in the fields of electronic communications and radio spectrum, by the General Staff of the Armed Forces of Ukraine and by the Security Service of Ukraine.

2. The operators shall have the right to post information as provided for in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n695) of this Article on a single point of access to information about physical infrastructure of electronic communications.

3. Access to information as stipulated in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n695) of this Article shall be provided by way of:

1) publishing thereof in electronic form via a single point of access to information about physical infrastructure of electronic communications on the electronic regulatory platform;

2) Provision by the infrastructure’s owner, at the operator’s written request, of information absent at a single point of access to information about physical infrastructure of electronic communications. Such a request must include a particular geographical point of the area in which deployment of high-speed networks is planned.

4. Period of time for provision of information about physical infrastructure of electronic communications shall be 30 calendar days from receipt of the request.

5. Absent the grounds for denial of access as provided for in [Article 27(4)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n680) of this Law, the operator shall be bound to grant substantiated written requests of other operators for provision of technical conditions of access to infrastructure.

Particular components of physical infrastructure where placement of high capacity network elements shall be indicated in such request.

The request must be granted within one month from the date of receipt thereof and must be based on proportionate, non-discriminatory and transparent conditions and with the account taken of restrictions of access to information, as provided for in [paragraph 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n700) of this Article.

6. Where there is a dispute on rights and obligations as provided for in this Article, either party shall have the right to apply to the regulatory authority for out-of-court settlement of a dispute in accordance with this Law. The regulatory authority must resolve such a dispute within two months.

7. The operators who have gained access to information in accordance with this Article must ensure protection of restricted information.

**Article 29.**Cooperation between the operators in deployment of physical infrastructure of high-speed electronic communications networks

1. Each operator shall have the right to carry out negotiations with the other operators concerning conclusion of contracts for cooperation in deployment of physical infrastructure with the view to placement of the elements of high-speed networks. Such negotiations and activities shall not be subject to mandatory endorsement by the Antimonopoly Committee of Ukraine.

2. In performing works aiming at deployment of physical infrastructure fully or partially financed from public funds, the operator must, under the transparent and non-discriminatory conditions, grant any substantiated request for cooperation in deployment of networks as submitted by the other operator with the view to placement of high-speed network elements.

Such a request must be granted by the operator if:

1) this will not result in the operator’s additional expenses, including because of extension of time-limits for previously planned works on deployment of infrastructure;

2) this does not hinder deployment of its own electronic communications network;

3) the request was submitted not later than one month prior to submission of an appeal to the competent authorities on approval or endorsement of plans of works, carrying out expert assessment thereof or notification of the start of those works (where necessary).

3. Failing to achieve agreement for cooperation in deployment of the networks or in the cases as provided for in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n708) of this Article, any of the parties shall have the right to apply, within one month from the date of receipt of the request for negotiations, to the regulatory authority to have an out-of-court resolution of a dispute in accordance with this Law.

The regulatory authority must resolve such a dispute within two months, in compliance with the principle of proportionality and define, where necessary, equitable and non-discriminatory conditions, including as regards payments.

4. Requirements as provided for in this Article and [Article 30](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n716) of this Law shall not cover small-scale works, by cost, scope and duration thereof, whose criteria shall be defined by the regulatory authority, or in other cases as provided for by law and related to deployment (creation) of critical information infrastructure.

**Article 30.**Transparency in planning works involving deployment of physical infrastructure of high-speed electronic communications networks

1. For the purpose of negotiations on agreements for cooperation in deployment of electronic communications networks as stipulated in [Article 29](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n706) of this Law, the operator must, at the written request (including in electronic form) of the other operator, provide information about current or planned works involving deployment of physical infrastructure of its network, for which documents as provided for by legislation have been obtained or requests for obtaining thereof have been submitted, and particularly:

1) information about location and type of works;

2) information on elements of infrastructure of electronic communications, for which the works are planned;

3) scheduled date of commencement of works and duration thereof;

4) access point.

The operator requesting provision of information about current or planned works on deployment of physical infrastructure of electronic communications must, in its request, indicate the area in which it plans to deploy the elements of high-speed networks, and other information in accordance with legislation.

2. The operator shall ensure provision of access to information as stipulated in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n717) of this Article in one or more of the following ways:

1) publishing thereof in electronic form via a single point of access to information about physical infrastructure of electronic communications on the electronic regulatory platform;

2) publishing thereof on its own website;

3) providing information about physical infrastructure of electronic communications absent at the single point of access to information, at the operator’s request.

3. The operator shall have the right to refuse to grant the request:

1) if it has provided access to requested information in accordance with [points 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n724) or [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n725) of paragraph 2 of this Article;

2) in respect of information as defined by the regulatory authority with approval of the central executive authority in the fields of electronic communications and radio spectrum, by the General Staff of the Armed Forces of Ukraine and by the Security Service of Ukraine.

4. Where there is a dispute on rights and obligations as provided for in this Article, either party shall have the right to apply to the regulatory authority for out-of-court settlement of a dispute in accordance with this Law. The regulatory authority must resolve such a dispute within two months.

5. All necessary information as regards legislative requirements to the conditions of and procedure for performance of works on deployment of physical infrastructure of electronic communications must be published in electronic form via a single point of access to information about physical infrastructure of electronic communications on the electronic regulatory platform.

**Article 31.**Ensuring security of electronic communications networks

1. Responsibility for ensuring security and resilience of public electronic communications networks shall be allocated to the electronic communications networks and/or services providers, except in cases where networks are damaged as a result of wilful misconduct of the third parties. Legislative requirements to security and resilience of networks must be taken into account when deploying (creating) and operating electronic communications networks.

2. Electronic communications networks and/or services providers must take relevant technical and organisational measures to ensure security of electronic communications networks and services with the view to safeguarding integrity of their own electronic communications networks and continuity of provision of electronic communications services and prevention of unauthorised access to electronic communications networks.

**Article 32.**Operational and technical control of electronic communications networks in the condition of state of emergency and martial law

1. Management of electronic communications networks and responsibility for ensuring resilience thereof in the condition of state of emergency and martial law shall lie with the central executive authority that ensures the development and implementation of state policy in the fields of organisation of special communications and data protection.

2. To enable operational and technical control of electronic communications networks by all electronic communications networks and/or services providers in the condition of state of emergency and martial law, the national centre for operational and technical management of electronic communications networks of Ukraine shall be established.

3. The Procedure for establishment and operations of the national centre for operational and technical management of electronic communications networks of Ukraine shall be defined by the Cabinet of Ministers of Ukraine.

4. In the condition of state of emergency or martial law, the national centre for operational and technical management of electronic communications networks of Ukraine shall provide operational and technical management of electronic communications networks within the limits of its powers as allocated to it by the Cabinet of Ministers of Ukraine.

5. The national centre for operational and technical management of electronic communications networks of Ukraine shall cooperate with the management centres of the electronic communications networks and/or services providers, including foreign ones.

6. With the view to enabling performance of functions allocated to the national centre for operational and technical management of electronic communications networks of Ukraine, the electronic communications networks and/or services providers shall be bound to provide information about electronic communications networks they operate, and about their condition, in the amounts and under the procedure as established by the Cabinet of Ministers of Ukraine.

7. Cooperation between the electronic communications networks and/or services providers and the national centre for operational and technical management of electronic communications networks of Ukraine shall be on the contractual basis and in accordance with the procedure and terms and conditions of a standard form contract to be approved by the central executive authority in the fields of electronic communications and radio spectrum.

8. The national centre for operational and technical management of electronic communications networks of Ukraine shall, during the state of emergency or martial law, issue orders on the operational and technical control of electronic communications which shall be binding on electronic communications networks and/or services providers.

During the martial law, upon the request of the national centre for operational and technical management of electronic communications networks of Ukraine, the regulatory authority may, on agreement with the Cabinet of Ministers of Ukraine, make a decision on removal from the Register of Electronic Communications Networks and Services Providers that failed to comply with an order of the national centre for operational and technical management of electronic communications networks of Ukraine.

In this case, the exchange of information with the networks of the undertaking removed from the Register of Electronic Communications Networks and Services Providers shall be terminated.

Considering making the decision on removal of an electronic communications networks and/or services provider from the Register of Electronic Communications Networks and Services Providers upon the request of the national centre for operational and technical management of electronic communications networks of Ukraine, the regulatory authority shall take into the account the need for continued provision of services to consumers by other electronic communications networks and/or services providers.

The undertaking removed from the Register of Electronic Communications Networks and Services Providers under this Article shall not be entered in this Register within one year.

*{Article 32 is supplemented with paragraph 8 in accordance with the Law*[No. 2240-IX of 03.05.2022](https://zakon.rada.gov.ua/laws/show/2240-20%252525252523n10)*}*

**Section V. ACCESS TO AND INTERCONNECTION OF PUBLIC ELECTRONIC COMMUNICATIONS NETWORKS**

**Article 33.**Requirements to electronic communications networks interconnections in provision of number-based interpersonal electronic communications services

1. Electronic communications networks interconnections in provision of number-based interpersonal electronic communications services shall be made in compliance with the following principles:

1) organisational, technical and economic conditions of electronic communications network interconnections must be subject of an agreement between providers of electronic communications networks and/or services (operators);

2) organisational, technical and economic conditions of electronic communications network interconnections shall be defined under the procedure as approved by the regulatory authority.

2. Electronic communications networks and/or services providers (operators) who provide number-based interpersonal electronic communications services shall be obliged to:

1) comply with technical requirements established for electronic communications networks;

2) provide the other electronic communications networks and/or services providers (operators), who wish to conclude agreements on electronic communications network interconnections, information necessary for preparation of such agreements, and also, offer terms and condition of interconnection which are not worse than those offered to the other electronic communications networks and/or services providers (operators);

3) make arrangements for interconnections of electronic communications networks in all technically feasible places with the capacity necessary for high-quality provision of electronic communications services. At the same time, the electronic communications networks and/or services providers (operators), when performing electronic communications network interconnections, shall be prohibited to require from one another performance of any works, services, incur expenses for the purpose of refitting their electronic communications networks, or expenses for services and technical means of electronic communications unnecessary for arranging network interconnection;

4) submit, at the request of the regulatory authority information on the conditions of electronic communications network interconnections;

5) comply with settlement fees for traffic termination as set by the regulatory authority in the cases as provided for in this Law;

6) make payments, in full and in a timely manner, in accordance with the agreement on electronic communications network interconnections;

7) avoid hindering electronic communications network interconnections;

8) take measures to ensure stable operation of interconnected electronic communications networks and traffic transmission as provided for in the agreement, and notify one another, within 24 hours, about any damage to an electronic communications network or emergence of other circumstances which have led or may lead to downfall to unacceptable quality indicators of electronic communications services;

9) exchange in accounting data in respect of electronic communications services provided via their electronic communications network interconnection points;

10) comply with the established procedure for traffic routing in provision of number-based interpersonal electronic communications services, including refraining from traffic transmission with the use of numbering resource in whose respect primary allocation as provided for in [Article 75](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1489) of this Law was not performed.

3. Conclusion of electronic communications network interconnection contract shall be in accordance with mandatory requirements to the contract for electronic communications network interconnections as established by the regulatory authority.

The electronic communications networks and/or services provider (operator) intending to conclude an agreement on electronic communications network interconnections, or amend or terminate it, shall be obliged to submit its written proposals on electronic communications network interconnection to the respective electronic communications networks and/or services provider (operator).

The electronic communications networks and/or services provider (operator) which has received a written proposal on electronic communications network interconnection from the other electronic communications networks and/or services provider (operator) must respond to it within 20 calendar days from the date of receipt thereof.

4. The provider of electronic communications networks and/or services (operator) which has received a written proposal on electronic communications network interconnection shall have the right to reasonably refuse interconnection with the electronic communications network of the other provider of electronic communications networks and/or services (operator) subject to the following grounds:

1) there is no such provider of electronic communications networks and/or services (operator) in the register of electronic communications networks and/or services providers except provider of electronic communications networks and/or services (operator) of the European Union defined in paragraph 4 of Article 16(2) of this Law”;

2) making interconnection of electronic communications networks is technically unfeasible;

3) in other cases provided for in the mandatory requirements to the agreement on electronic communications network interconnections to be established by the regulatory authority.

The provider of electronic communications networks and/or services (operator) shall have no right to refuse interconnection with the electronic communications network of the other provider of electronic communications networks and/or services (operator) in cases other than those stipulated in this clause.

5. The regulatory authority has the right, if there are grounds, to impose, by its decision, obligations on the electronic communications networks and/or services providers (operators) to interconnect their networks where it is necessary for securing number-based interpersonal electronic communications services, including where there is no network interconnection in place.

The regulatory authority’s decision on imposing obligations shall contain justification and be published on the electronic regulatory platform, except for provisions (parts thereof) containing restricted information.

The regulatory authority also has the right to impose such obligations, at the application of any party, with the use of the out-of-court dispute resolution mechanism.

6. Information received by the parties prior to, during or after the process of negotiations concerning interconnection of networks, must be used solely for the purpose for which it was provided and its confidentiality must be secured, unless otherwise is provided for in the agreement.

The parties must not transfer the information received to any third parties, including to other subdivisions and branches, unless otherwise is provided for in the agreement.

7. To ensure that providers of electronic communications networks and/or services (operators) which are micro, small and medium-sized enterprises, as well as providers of electronic communications networks and/or services (operators) with a limited geographical reach of the territory of Ukraine benefit from interconnection of electronic communications networks, the regulatory authority shall publish on its official website the applicable interconnection procedure defined by the law.

8. When taking a decision in accordance with this Article, the regulatory authority shall ensure equivalent conditions for interconnection of electronic communications networks for equivalent services, as well as ensure prohibition for the interconnection parties to demand from each other the performance of any works, services, to incur expenses for the purpose of refitting their electronic communications networks, or expenses for services and technical means of electronic communications, which are not related to the object of the agreement on interconnection of electronic communications networks and unnecessary for arranging network interconnection.

**Article 34.**Requirements to access to electronic communications networks and to their infrastructure

1. The providers of electronic communications networks and/or services (operators) shall have the right to conduct negotiations and conclude agreement with one another concerning technical, economic and organisational conditions of access in accordance with law.

2. Access shall include but not be limited to the access to:

1) the elements of electronic communications network and associated facilities and services, which may include connection of equipment by means of fixed or mobile communication facilities, including access to local loops and equipment and services necessary for provision of services via a local loop;

2) physical infrastructure, including structures, cable duct systems and masts;

3) respective software systems, including operational support systems;

4) digital information systems and databases for preliminary ordering, providing, ordering, requesting maintenance and repairs, and also, billing;

5) a numbering resource ensuring identification of networks or systems providing equivalent functionality;

6) fixed and mobile communications networks, including for the roaming purposes;

7) the systems of conditional access to audiovisual media services;

*{Article 34(2)(7) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3091)*}*

8) access to virtual network services.

3. The provider of electronic communications networks and/or services (operator) shall have the right, upon request, to receive from the other provider of electronic communications networks and/or services (operator) the information about whether certain electronic communications networks infrastructure at a particular location belongs to it and whether there is free space to be made available for use. The provider of electronic communications networks and/or services (operator) shall be obliged to provide a response to such request within 30 calendar days.

4. Providers of electronic communications networks and/or services (operators) shall be obliged to provide other providers of electronic communications networks and/or services (operators) who are willing to conclude access agreement with the information necessary for the preparation of such agreement, as well as to offer access conditions, not worse than those offered to other providers of electronic communications networks and/or services (operators).

5. When providing access, providers of electronic communications networks and/or services (operators) shall be prohibited to demand from each other performance of any works, services, incur expenses for the purpose of refitting their electronic communications networks, or expenses for services and technical means of electronic communications unnecessary for arranging network access.

~~4~~ 6. The regulatory authority shall establish the rules for providing and obtaining access to the cable duct system and the rules for providing it for use, including, among other things, as regards compliance with the non-discrimination principle of access for the operators and providers of electronic communications networks and/or services which represent micro- small and medium-sized undertakings with a limited geographic coverage by electronic communications services.

The regulatory authority shall set maximum tariffs for the use of the cable duct system that shall include providing services to the client by operators, providers of electronic communications networks and/or services as related to the development and issuance of technical specifications, approval of the working design, engineering supervision, space reservation, provision of the space in the cable duct and its use.

~~5~~ 7. Information received by the parties prior to, during or after the process of negotiations concerning access, must be used solely for the purpose for which it was provided and its confidentiality must be secured, unless otherwise is provided for in the agreement.

The parties must not transfer the information received to any third parties, including to other subdivisions and branches, unless otherwise is provided for in the agreement.

~~6~~ 8. Where access to cable duct system is denied or where there is no response given to the request for access to cable duct system, or in the case of failure to achieve agreement as to conditions of access, any of the parties shall have the right to apply to the regulatory authority to have an out-of-court dispute resolution.

**Article 35.**Powers of the regulatory authority in respect of access

1. In order to promote efficiency, sustainable competition, very high-capacity networks deployment, effective attraction of investments and introduction of innovation, or to provide end users with maximum benefits, the regulatory authority shall, by its decision or at the request of any party with the use of the out-of-court dispute resolution mechanism, have the right to impose access obligations provided for by this Article.

2. To ensure that providers of electronic communications networks and/or services (operators) which are micro-, small and medium-sized enterprises, as well as providers of electronic communications networks and/or services (operators) with a limited geographical reach of the territory of Ukraine benefit from access, the regulatory authority shall publish on its official website the applicable access procedure defined by the law.

3. Without prejudice to measures that may be applied to providers of electronic communications networks and/or services with significant market power, the decisions of the regulatory authority related to ensuring access, adopted in accordance with paragraph one of this Article, may stipulate the imposition of the following obligations:

1) to the extent necessary to ensure end-to-end connectivity, obligations on providers of electronic communications networks and/or services (operators) that control access to end-users, including, in justified cases – the obligation to interconnect their networks according to Article 33 of this Law;

2) in justified cases and to the extent necessary to ensure interoperability of electronic communications services – obligations on providers of electronic communications networks and/or services (operators) that control access to end-users;

3) to the extent necessary to ensure end-user access to digital radio and television broadcasting and associated services – obligations on providers of electronic communications networks and/or services (operators) that provide services for broadcasting needs (including end-user access to audio-visual media services), to provide access to Application programming interfaces (APIs) and Electronic Programme Guides (EPGs) on fair, reasonable and non-discriminatory terms.

4. Where the end-to-end connectivity between end users is under threat due to lack of interoperability between the interpersonal electronic communications services, the regulatory authority shall have the right to impose obligations on the providers of number-independent interpersonal electronic communications services, whose services are provided over a wide geographical area and used by a significant number of end users to make their services interoperable. Such obligation shall be imposed in justified cases defined by this Law and to the extent necessary for ensuring communications between the end users.

The regulatory authority has also the right, where necessary, to impose obligations in situations referred to under point 2 of paragraph 3 and this paragraph to ensure adequate access and interconnection in order to guarantee the end-to-end connectivity and interoperability of the regulated roaming services.

The above obligation shall be imposed only:

1) to the extent necessary to ensure interoperability of interpersonal electronic communications services and may include proportionate obligations for providers of such services to publish and allow the use, modification and redistribution by the authorities and other providers of relevant information, or obligation to use and implement standards or specifications (for use of electronic communications networks, electronic communications services and associated facilities and associated services) published in the Official Journal of the European Union or of any other relevant European or international standards.

2) where the European Commission has found an appreciable threat to end-to-end connectivity between end-users and has adopted implementing measures which determine the nature and scope of obligations that may be imposed by the regulatory authority.

5. The regulatory authority shall, at a reasonable request, take a decision on imposition on a provider of electronic communications network and/or services (operator) of an obligation to provide access to wiring, cables and associated facilities within buildings or to the first concentration or distribution point (access point of building distribution network) defined by the regulatory authority if this point is located outside of the building. Such obligation may be imposed on providers of electronic communications networks or owners of such wiring, cables and associated facilities, where those owners are not providers of electronic communications networks, where replication of respective elements of the electronic communications network is economically unfeasible or physically impracticable.

An obligation imposed by the regulatory authority shall contain justification and may include specific conditions on access to such network elements and associated facilities and services, on transparency and non-discrimination and on allocation of costs relating to access, which, where appropriate, are adjusted to consider risk factors.

Where the regulatory authority concludes, having regard, where applicable, to the obligations resulting from any relevant market analysis, that the obligations imposed in accordance with the subparagraphs 1 and 2 of this paragraph do not sufficiently address high and non-transitory economic or physical barriers to network replication which underlie an existing or emerging market situation significantly limiting competitive outcomes for end-users, it may extend the imposition of such access obligations, on fair and reasonable terms and conditions, beyond the first concentration or distribution point to a point that it is defined by the regulatory authority as the closest to end-users, capable of hosting a sufficient number of end-user connections to be commercially viable for efficient providers of electronic communications networks and/or services (operators) requesting access.

If justified on technical or economic grounds, the regulatory authority may also impose an obligation to provide physical or virtual access.

Obligations as provided for in paragraphs 3 and 4 of this clause shall not be imposed where the regulatory authority has established that:

1) the provider of electronic communications networks, which provides services purely on the wholesale electronic communications markets and meets the characteristics defined in Article 96 (1) of this Law, ensures alternate ways of access to end users, by providing access to high and very high capacity networks to any providers of electronic communications networks and/or services (operators) on fair, non-discriminatory and reasonable conditions. Exceptions provided for in this clause may be extended to other providers of electronic communications networks and/or services (operators) that offer access to a very high capacity network on fair, reasonable and non-discriminatory terms, by decision of the regulatory authority.

Exceptions provided for in this clause shall not cover networks in case deployment thereof is financed by the State;

2) imposition of the obligations threatens economic or financial capacity for deployment of a new network, in particular, by small scale local projects.

Exceptions as stipulated in points 1 and 2 of this paragraph shall also be applied by the electronic communications networks providers also as grounds for refusal to provide access as provided in this paragraph.

For the purpose of application of provisions of this paragraph, the regulatory authority, taking into account the guidelines of the Body of European Regulators for Electronic Communications (BEREC), shall establish criteria for defining:

the first concentration or distribution point (access point of building distribution network);

the point, beyond the first concentration or distribution point capable of hosting a sufficient number of end user connections to enable the efficient electronic communications networks and/or services provider (operator) to overcome the significant replicability barriers identified;

which electronic communications networks deployment can be considered new;

which economic or physical barriers to networks replication are high and non-transitory;

which projects can be considered small.

6. Where deployment of physical infrastructure of electronic communications is economically unfeasible, the regulatory authority shall take a decision to impose obligation on the electronic communications networks and/or services providers to share physical infrastructure or conclude national roaming agreements, where it is necessary for provision of electronic communications services using radio spectrum in the respective area, in accordance with this Law.

Where the measures as provided for in this paragraph are insufficient for ensuring provision of electronic communications services, the regulatory authority may take a decision to impose obligations on access to active infrastructure.

When imposing such obligations on access to passive or active infrastructure, the regulatory authority shall take into account:

necessity in providing services to end users throughout Ukraine, along main transport routes and in certain areas, and also, in substantial increase of choice and improvement of quality of electronic communications services for end users;

ensuring efficient use of radio spectrum;

technical feasibility of sharing and conditions relating thereto;

status of competition as regards infrastructure and electronic communications services;

technological innovations;

necessity in maintaining motivation of the electronic communications networks and/or services provider on whom obligations to deploy electronic communications networks and infrastructure are imposed.

In the case of review of a dispute based on an appeal of one of the parties concerning obligations as provided for in paragraphs [3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n791) and [4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n804) of this Article, the regulatory authority shall have the right to impose an obligation on the beneficiary of a decision to on sharing radio spectrum with the infrastructure’s owner in the respective area.

7. When taking a decision in accordance with this Article, the regulatory authority shall ensure equivalent access conditions for equivalent services, as well as ensure prohibition for the access parties to demand from each other the performance of any works, services, to incur expenses for the purpose of refitting their electronic communications networks, or expenses for services and technical means of electronic communications, which are not related to the object of the access agreement and unnecessary for access provision.

Obligations and conditions as established in accordance with this Article shall be objective, transparent, proportionate, non-discriminatory and be imposed after consultations with the market participants in accordance with and taking into account the objectives as stipulated in Article 4 of this Law.

8. The regulatory authority shall assess the outcomes of the obligations imposed in accordance with this Article at least once every five years after taking the respective decision, and adopt, where necessary, decisions to amend or cancel them, in the light of the changes in the market of electronic communications.

9. Where necessary and justified, the regulatory authority has the right to define network termination points for networks with different topologies, taking the utmost account of the relevant guidelines adopted by the Body of European Regulators for Electronic Communications (BEREC).

**Section VII. TECHNICAL REGULATION OF ELECTRONIC COMMUNICATIONS**

**Article 36.**Conditions of use of technical means of electronic communications and terminal equipment

1. Compliance of technical means of electronic communications and terminal equipment in electronic communications networks with technical requirements and/or technical regulations shall be conditions of their use. Technical means of electronic communications and terminal equipment must have a conformity document issued in accordance with the procedure as established by legislation.

2. Conformity assessment of technical means of electronic communications and terminal equipment shall be carried out in accordance with [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/124-19) “On Technical Regulations and Conformity Assessment” with the account taken of the requirements of this Law.

**Article 37.**Standardisation in the fields of electronic communications and radio spectrum

1. Standardisation in the fields of electronic communications and radio spectrum shall be conducted in accordance with [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1315-18) “On Standardisation” and with the account taken of the recommendations of the International Telecommunication Union.

2. Normative documents of the International Telecommunication Union (MCE), and also, documents of the Conference of European Post and Telecommunications (СЕПТ), European Electronic Communications Committee (ECC) and the European Telecommunications Standards Institute (ETSI) shall be applied in the fields of electronic communications and radio spectrum by way of making references thereto in legal and normative acts.

3. Recommendations of the International Telecommunication Union and standards of the European Telecommunications Standards Institute and international standardisation organisations shall be the basis for encouraging harmonisation of electronic communications and use of radio spectrum.

**Article 38.**Metrological activity and accounting and reporting time in the fields of electronic communications and radio spectrum

1. Metrological activity in the fields of electronic communications and radio spectrum shall be conducted in accordance with [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1314-18) “On Metrology and Metrological Activity”.

2. Common accounting and reporting time — Kyiv time — shall be used in carrying out activities in the field of electronic communications.

3. Accounting and reporting time in international electronic communications shall be in accordance with international treaties to which Ukraine is party.

**Section VIII. PUBLIC ADMINISTRATION AND REGULATION IN THE FIELD OF СПЕКТРА**

**Article 39.**General framework of radio spectrum management

1. Basic principles of radio spectrum management shall be:

1) openness, objectivity, non-discrimination and transparency of conditions and procedures of planning, allotment, allocation and use of radio spectrum;

2) harmonisation of allocation of bandwidths and radio frequency values and their conditions of use in Ukraine with the international allocation of bandwidths and nominal frequencies as established for Region 1 of the International Telecommunication Union by the Radio Regulations of the International Telecommunications Union and the European Conference of Postal and Telecommunications Administrations;

3) encouraging competition based on balancing interests of the State, public, radio spectrum users and users of electronic communications services;

4) ensuring equality of legal rights and interests of natural persons and legal entities who use or intend to use radio spectrum;

5) a possibility of transferring rights of use radio spectrum between the electronic communications networks and/or services providers;

6) technology neutrality as regards radio frequency bandwidth in accordance with legislation;

7) ensuring electromagnetic compatibility;

8) compliance with established criteria for efficient use of radio spectrum;

9) fostering freedom of opinion and expression, including freedom of thought, receipt and dissemination of information and pluralism among media;

10) taking into account public interest, including as regards national defence and security of the state, public security and legal order.

2. Needs of all radio spectrum users shall be met by making respective entries in the Plan for Radio Spectrum Allocation and Use in Ukraine.

3. The efficiency criteria and indicators as regards the use of radio spectrum shall be defined by the central executive authority in the fields of electronic communications and radio spectrum.

4. The efficiency criteria and indicators as regards the use of radio spectrum shall be defined by the central executive authority in the fields of electronic communications and radio spectrum and by the regulatory authority within the limits of its powers as established by this Law.

5. International coordination with the other countries on the matters of radio frequency assignment shall be performed by the regulatory authority or by the General Staff of the Armed Forces of Ukraine with involvement of the state-owned enterprise managed by the regulatory authority.

**Article 40.**Use of radio spectrum in the case of imposition of the state of emergency or martial law

1. In the case of imposition of the state of emergency or martial law throughout Ukraine or in some of its regions, temporary restrictions of use of radio-electronic devices/emitters of any forms of ownership and intended end-use may be imposed in accordance with the procedure for use of radio spectrum in the case of imposition of the state of emergency or martial law.

**Article 41.**Technology neutrality of the use of radio spectrum

1. Technology neutrality of the radio spectrum use in respect of the radio frequency band shall provide for the right to apply, in accordance with a definition in the Plan for Radio Spectrum Allocation and Use in Ukraine, whatever radio technology meeting minimum restrictive technical requirements to a certain radio frequency band within the same radio service, as harmonised in accordance with international treaties.

2. Proportionate and non-discriminatory restrictions on radio technologies shall be stipulated, where necessary, in the Plan for Radio Spectrum Allocation and Use in Ukraine for:

1) avoiding radio interferences;

2) compliance with the legislative requirements to protection of public health from influence of electromagnetic emissions of radio equipment operated as part of electronic communications networks;

3) ensuring quality indicators for electronic communications services;

*{Article 41(2)(3) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n555)*}*

4) ensuring efficient use of radio spectrum;

5) need for implementation of the requirements of the International Telecommunication Union’s Radio Regulations and other international Treaty concerning radio spectrum to which Ukraine is a party.

3. All kinds of electronic communications services may be delivered by using public radio frequency bands as provided for delivery of electronic communications services by the Plan for Radio Spectrum Allocation and Use in Ukraine.

4. Measures as provided for in paragraphs [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n849) and [3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n855) of this Article shall be taken together with carrying out consultations in accordance with this Law.

**Article 42.**Plan for Radio Spectrum Allocation and Use in Ukraine

1. Use of radio spectrum in Ukraine shall be in accordance with [the Plan for Radio Spectrum Allocation and Use in Ukraine](https://zakon.rada.gov.ua/laws/show/815-2006-%2525252525252525D0%2525252525252525BF%252525252523n82) and legal and normative acts as adopted in pursuance thereof.

2. [Plan for Radio Spectrum Allocation and Use in Ukraine](https://zakon.rada.gov.ua/laws/show/815-2006-%2525252525252525D0%2525252525252525BF%252525252523n82) and amendments thereto shall be drawn up with the account taken of and in compliance with:

1) principles of state policy for development of the fields of radio spectrum and electronic communications as defined by this Law;

2) recommendations of the International Telecommunication Union, European Union acquis, decisions of the European Conference of Postal and Telecommunications Administrations, other international organisations, of which Ukraine is a member;

3) requirements for electromagnetic compatibility of radio equipment, emitters, special purpose radio electronic devices and emitters as well as for avoiding radio interferences, including cross-border ones;

4) existing and priority needs in radio spectrum for public order, security and defence of the state;

5) procedures and conditions of international coordination and international legal protection of radio frequency assignment in Ukraine;

6) requirements to taking measures aiming at ensuring efficient use of radio spectrum;

7) real need in radio spectrum by all economic sectors of Ukraine which are based on the balance between respective needs and capabilities;

8) principle of reducing restrictions of access to the use of radio spectrum.

3. [The Plan for Radio Spectrum Allocation and Use in Ukraine](https://zakon.rada.gov.ua/laws/show/815-2006-%2525252525252525D0%2525252525252525BF%252525252523n82) shall define:

1) radio frequency band allocation between radio services in accordance with the International Telecommunication Union’s Radio Regulations for the Region 1;

2) radio frequency band allocation between radio services in Ukraine;

3) radio frequency band division into special-use radio frequency bands and public radio frequency bands;

4) use of certain radio frequency bands on the principles of general authorisation or individual rights or on the principles of joint or individual use;

5) restrictions on the types of radio networks, radio technologies or electronic communications services for certain radio frequency bands in accordance with paragraphs [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n849) and [3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n855) of Article 41 of this Law, with indication of radio frequency bands and radio services to which they correspond and duration of the restrictions;

6) radio frequency bands in which assignment, transfer of use of radio spectrum is restricted;

7) sufficient radio spectrum in special-use radio frequency bands for meeting the needs of national security, defence, law enforcement; periods of time for vacation (conversion) by special users of defined public radio frequency bands (where necessary).

4. Plan for Radio Spectrum Allocation and Use in Ukraine shall be drawn up by the central executive authority in the fields of electronic communications and radio spectrum, based on the proposals, and with participation, of the regulatory authority, the General Staff of the Armed Forces Ukraine, National Council of Television and Radio Broadcasting of Ukraine, other public authorities Ukraine and civic associations and undertakings concerned.

Central executive authority in the fields of electronic communications and radio spectrum shall submit the Plan for Radio Spectrum Allocation and Use in Ukraine and amendments thereto for its approval by the Cabinet of Ministers of Ukraine, after coordination thereof with the regulatory authority, the General Staff of the Armed Forces of Ukraine and the National Council of Television and Radio Broadcasting of Ukraine of Ukraine insofar as its provisions concern radio frequency bands allotted for television and radio broadcasting.

5. Central executive authority in the fields of electronic communications and radio spectrum shall, with the account taken of the national interest, arrange for the activities on harmonisation of radio frequency band allocation as defined by Plan for Radio Spectrum Allocation and Use in Ukraine, with radio frequency band allocation as recommended by the International Telecommunication Union and the European Union.

6. The Plan for Radio Spectrum Allocation and Use in Ukraine shall be revised by the central executive authority in the fields of electronic communications and radio spectrum at least once in a year both on the initiative of its own and based on the proposals received from the regulatory authority or the General Staff of the Armed Forces Ukraine.

General and special radio spectrum users shall have the right to submit proposals on amendments to the Plan for Radio Spectrum Allocation and Use in Ukraine to the regulatory authority and to the General Staff of the Armed Forces Ukraine respectively, and also, participate in discussions of the respective proposals.

The regulatory authority, the General Staff of the Armed Forces of Ukraine shall, within one month from receipt of the radio spectrum’ proposals on the amendments to the Plan for Radio Spectrum Allocation and Use in Ukraine, review them, prepare their conclusions and, where necessary, submit those proposals to the central executive authority in the fields of electronic communications and radio spectrum.

7. Upon receipt of the proposals on the amendments to the Plan for Radio Spectrum Allocation and Use in Ukraine from the regulatory authority or the General Staff of the Armed Forces of Ukraine, the central executive authority in the fields of electronic communications and radio spectrum shall review them, prepare its conclusions and, where necessary, draw up a respective draft act of the Cabinet of Ministers of Ukraine and, within one month from receipt of proposals, send them to the public authorities concerned for approval.

8. The Cabinet of Ministers of Ukraine shall review the proposals on the amendments to the Plan for Radio Spectrum Allocation and Use in Ukraine as submitted by the central executive authority in the fields of electronic communications and radio spectrum and approve them within one month from the submission date.

9. [The Plan for Radio Spectrum Allocation and Use in Ukraine](https://zakon.rada.gov.ua/laws/show/815-2006-%2525252525252525D0%2525252525252525BF%252525252523n82) shall be posted on the electronic regulatory platform.

The regulatory authority and the General Staff of the Armed Forces of Ukraine shall respectively exercise control over the execution thereof.

**Article 43.**Public regulation of the special-use radio frequency bands

1. The General Staff of the Armed Forces of Ukraine shall be the public regulatory authority as regards special-use radio frequency bands and special radio spectrum users.

2. Subdivisions and organisations of the following ministries and agencies fall under the category of special radio spectrum:

1) Ministry of Defence of Ukraine;

2) Security Service of Ukraine;

3) Foreign Intelligence Service of Ukraine;

4) State Service of Ukraine for Special Communications and Information Protection;

5) Ministry of Internal Affairs of Ukraine;

6) State Guard Administration;

7) the central executive authority implementing the state civil protection policy;

*{Article 43(2)(7) as amended by the Law*[No. 2581-IX of 07.09.2022](https://zakon.rada.gov.ua/laws/show/2581-20%252525252523n86)*}*

8) central executive authority which ensures implementation of public policy in the sphere of border security;

9) central executive authority which ensures implementation of public policy in the penitentiary sphere;

10) central executive authority which ensures implementation of public policy in the sphere of a single tax and customs policy (insofar as it concerns radio electronic devices by tax police);

11) National Police of Ukraine;

12) National Anti-Corruption Bureau of Ukraine

13) State Bureau of Investigation;

14) central executive authorities that ensure development of, and implement, public policy in the field of transport in terms of use of radio electronic facilities of integrated civil and military system of air traffic organisation in Ukraine and flight operations;

15) central executive authorities that ensure development of, and implement, public policy in the field of use of radio-electronic facilities by the State Special Transport Service;

16) emergency medical care system;

17) court protection services (insofar as their activities relate to the use of radio-electronic devices/emitters of any forms exclusively for performance of their functional responsibilities and subject to funding thereof only from the State Budget of Ukraine).

18) local and voluntary fire fighting services (in terms of the use of the radio spectrum of Ukraine).

*{Article 43(2) is supplemented with point 18 in accordance with the Law*[No. 2581-IX of 07.09.2022](https://zakon.rada.gov.ua/laws/show/2581-20%252525252523n88)*}*

3. Special users shall be bound to use radio spectrum solely for performance of their functional responsibilities with no right to use it in business activities and/or transfer its use to the third parties.

Use of radio spectrum in special-use radio frequency bands by general radio frequency users shall not be allowed.

4. Importation of special purpose radio electronic devices and emitters shall be performed in Ukraine on the basis of permits. The respective permit shall be issued by the General Staff of the Armed Forces of Ukraine subject to availability of such special purpose radio electronic devices and emitters in the register of special purpose radio electronic devices and emitters.

The Procedure for import, purchase, installation and operation of special purpose radio electronic devices and emitters shall be established by the Cabinet of Ministers of Ukraine.

**Article 44.**Radio frequency monitoring

1. Radio frequency monitoring shall be conducted with the view to ensuring electromagnetic compatibility and identifying usage status of the radio spectrum at a regional, national and international levels, and identification of the radio spectrum available for introduction of state-of-the-art technologies, and development of the proposals for respective decisions aiming at improvement of the effectiveness of use the radio spectrum, and also, at identification of whether Ukraine and neighbouring countries comply with the international commitments and provisions of International Telecommunication Union’s Radio Regulations insofar as those concern radio spectrum.

2. Radio frequency monitoring shall be conducted by the state-owned enterprise managed by the regulatory authority in the public radio frequency bands used by general radio spectrum users, and by the General Staff of the Armed Forces of Ukraine — in public and special-use radio frequency bands used by special radio spectrum users.

In agreement with the General Staff of the Armed Forces of Ukraine, radio frequency monitoring in the special-use radio frequency bands may be conducted by the state-owned enterprise managed by the regulatory authority.

Radio frequency monitoring shall cover each and every radio frequency band.

3. Radio frequency monitoring shall be conducted by the state-owned enterprise managed by the regulatory authority on a paid basis at the expense of the radio frequency resource users. The cost of such works shall be paid on a contractual basis.

4. When detecting illicit radio equipment or an emitter, the regulatory authority shall ensure taking measures with the view to its operation shutdown.

Where it is impossible to apply public supervision measures to an entity operating illicit radio equipment or an emitter, the regulatory authority shall apply to the bodies of the National Police of Ukraine for carrying out joint activities aiming at identification of a violator and other factual data necessary for preparation of the administrative offence case-file, in accordance with [the Code of Ukraine on Administrative Offences](https://zakon.rada.gov.ua/laws/show/80731-10).

**Article 45.**Activities of the state-owned enterprise managed by the regulatory authority

*{Title of Article 45 as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n558)*}*

1. The state-owned enterprise managed by the regulatory authority shall have the right to perform the following activities:

*{The first indent of Article 45(1) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n561)*}*

1) make electromagnetic compatibility calculations and assign radio frequencies and recognition signals;

2) conduct radio frequency monitoring of the use of radio spectrum by general users in accordance with this Law and under the procedure set out by the regulatory authority;

2**-1**) monitor the quality of electronic communications services in accordance with the procedure set out by the regulatory authority;

*{Article 45(1) is supplemented with point 2***-1***in accordance with the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n563)*}*

3) provide technical substantiations of a possibility of using a specified type of radio equipment in Ukraine by general users in the public radio frequency bands;

4) take part in conducting in-field primary technical control of radio equipment;

5) take measures with the view to identification of the sources of radio interferences;

6) keep automated public radio spectrum management information system;

7) take measures with the view to ensuring electromagnetic compatibility of radio equipment;

8) conduct technical expert examination for preliminary assessment of the possibilities to ensure electromagnetic compatibility of the radio equipment to enable the regulatory authority to prepare a decision on issuance of a radio spectrum licence;

9) coordinate, at the international level, satellite networks and systems and assignments of radio frequencies to radio equipment and provide international legal protection thereof;

10) other activities not prohibited by law.

2. State-owned enterprise managed by the regulatory authority shall perform works on a paid and contractual basis. Work related to calculations regarding the feasibility and conditions of using radio spectrum for the purposes of broadcasting, including temporary broadcasting, work related to identification of sources of radio interferences in public radio frequency bands upon request of special users are financed from the funds of the spending units of the State Budget of Ukraine.

*{Paragraph 2 of Article 45 as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3092)*}*

3. On instruction of the central executive authority in the fields of electronic communications and radio spectrum, the state-owned enterprise managed by the regulatory authority shall:

1) perform the work with respect to international coordination and registration of radio frequency assignments to radio equipment in Ukraine with the International Telecommunication Union and with respect to international coordination, preliminary publication and registration of satellite networks and systems of Ukraine with the International Telecommunication Union;

2) participate in activities of the International Telecommunication Union;

3) takes measures to review reports of interferences or violations of [the Charter](https://zakon.rada.gov.ua/laws/show/995_099), [the Conventions](https://zakon.rada.gov.ua/laws/show/995_100) and administrative regulations of the International Telecommunication Union from authorised bodies of telecommunication administrations of foreign countries and international organisations;

4) executes operating documents relating to the use of radio spectrum for shipboard stations and radio amateurs.

4. List of works and services provided by the state-owned enterprise managed by the regulatory authority in accordance with this Law, and also, their tariffs, shall be established by the regulatory authority.

5. The regulatory authority, in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1314-18) “On Metrology and Metrological Activity”, shall authorise a state-owned enterprise under its management to measure the parameters of electronic communications networks, the quality of electronic communications services and parameters of electronic communications networks relating to the traffic routing procedure in the public electronic communications network.

*{Article 45 is supplemented with paragraph 5 in accordance with the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n565)*}*

**Section IX. USE OF RADIO SPECTRUM**

**Article 46.**Framework of use of radio spectrum by general users

1. Radio spectrum shall be used under general authorisation or individual rights on the basis of radio spectrum licences.

2. Technical principles of the use of radio spectrum shall be defined in the Plan for Radio Spectrum Allocation and Use in Ukraine taking into account the peculiarities of the relevant radio spectrum and the need to ensure:

1) protection from radio interferences and minimisation thereof;

2) creation of appropriate conditions for the shared use of radio spectrum, if necessary;

3) ensuring quality indicators for electronic communications services;

*{Article 46(2)(3) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n567)*}*

4) public interest purposes established by law;

5) efficient use of radio spectrum.

The rights of use for radio spectrum on the individual basis shall be provided to meet the objectives set out in [points 1–5](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n941) of this paragraph and taking into account the demand for the relevant radio frequency bands.

In other cases the radio spectrum shall be used under general authorisation.

For the purposes of shared use of radio spectrum, the regulatory authority, in accordance with the Plan for Radio Spectrum Allocation and Use in Ukraine, shall define conditions for the shared use promoting efficient use of radio spectrum, competition and innovations.

3. Radio spectrum shall be used by:

1) undertakings to facilitate provision of electronic communications services in accordance with:

а) radio spectrum licences within the licensed radio range;

б) general authorisation in unlicensed radio range;

в) broadcasting licences (for providing services for the needs of broadcasting) and temporary broadcasting permits issued by the National Council of Television and Radio Broadcasting of Ukraine;

*{Article 46(3)(1) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3093)*}*

2) undertakings and citizens for technological, personal and other needs not related to provision of electronic communications services on the basis of radio frequency assignment or under general authorisation;

3) technological users on the basis of licences in the licensed radio range for technological needs not related to provision of electronic communications services;

4) operating organisations for shipboard stations and radio equipment for management of electronic communications services on boards of aircraft and sea vessels on the basis of harmonised and national operational documents issued according to the procedure an in the format established by the regulatory authority;

5) radio amateurs, who proved their technical and operational competence according to the established procedure, as well as radio amateur civil society organisations and radio clubs according to the [Rules of Amateur Radio Communication of Ukraine](https://zakon.rada.gov.ua/laws/show/z0205-11) and on the basis of harmonised and national operational documents issued according to the procedure an in the form established by the regulatory authority.

4. Radio equipment shall be operated according to the notified registered radio frequency assignment or according to the procedure, standards and conditions for the use of radio spectrum defined by the regulatory authority for implementation of the general authorisation framework.

5. [The Rules of Amateur Radio Communication of Ukraine](https://zakon.rada.gov.ua/laws/show/z0205-11) shall be developed and approved by the regulatory authority upon consultations with radio amateur civil society organisations of Ukraine.

*{Article 46(5) as amended by the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252525252523n103)*}*

6. [The procedure of use of radio spectrum for the needs of diplomatic missions and consular offices of foreign states, missions of international organisations in Ukraine, military forces of foreign states, which are temporarily located in the territory of Ukraine, as well as for the needs of foreign legal entities in course of coverage of sports, cultural and other events in Ukraine](https://zakon.rada.gov.ua/laws/show/1150-2022-%2525252525252525D0%2525252525252525BF%252525252523n9) shall be established by the Cabinet of Ministers of Ukraine on the proposal of the regulatory authority taking into account the provisions of international agreements.

7. Public radio spectrum shall be used by general users on a fee basis.

The fee for the use of radio spectrum (radio frequency resource) of Ukraine shall be set out in [the Tax Code of Ukraine](https://zakon.rada.gov.ua/laws/show/2755-17).

*{Para 2 of Article 46 (7) as amended by Law of Ukraine No. 3721-IX as of May 21, 2024}*

**Article 47.**Conditions applicable to the rights of use for radio spectrum

1. Radio spectrum users shall be obliged to respect the following general authorisation conditions for the use of radio spectrum:

1) requirements for provision of electronic communications services concerning territorial coverage and the quality of electronic communications services;

2) requirements for the use of certain radio technologies defined in the Plan for Radio Spectrum Allocation and Use in Ukraine in cases provided for in [Article 41(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n849) of this Law;

3) requirements for efficient use of radio spectrum;

4) technical and operational conditions, according to radio frequency assignment, necessary for the avoidance of harmful interference and for the protection of public health against electromagnetic fields;

5) established maximum duration of rights of use for radio spectrum according to the Plan for Radio Spectrum Allocation and Utilisation in Ukraine (as amended) and [Articles 50](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1039) and [51](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1044) of this Law;

6) conditions for assignment or transfer of individual rights of use for radio spectrum upon the initiative of a radio frequency user in accordance with [Article 52](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1072) of this Law;

7) requirements for timely and full payment of the fees for rights of use for radio frequencies in accordance with [the Tax Code of Ukraine](https://zakon.rada.gov.ua/laws/show/2755-17) and of the fees for radio frequency monitoring in radio frequency bands of general use in accordance with the procedure established by the regulatory authority;

8) obligations undertaken in the process of obtaining radio spectrum licence or extension thereof as defined in the licensing conditions according to [Article 49](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1023) of this Law;

9) requirements for the shared use of radio spectrum, sharing or granting access to radio spectrum to other radio spectrum users in specific territories or throughout the country in cases and according to the procedure provided for by this Law;

10) requirements of international treaties of Ukraine concerning the use of radio spectrum;

11) conditions of the experimental use of radio frequency bands according to [Article 72](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1438) of this Law;

12) requirements for obtaining licenses and permits (for special users), assignment of radio frequencies necessary for the use of radio spectrum and orbital-frequency resource of Ukraine in cases provided for by this Law;

13) conditions set out in radio spectrum licences;

14) requirements for operation of own radio equipment in line with conditions established in accordance with this Law;

15) requirements of this Law concerning installation and operation of radio equipment, as well as discontinuation and suspension of its operation upon receipt of a notification of interference with other radio equipment, special purpose radio electronic devices and emitters;

16) requirements for notifying, according to the established procedure, the regulatory authority (for general users) or the General Staff of the Armed Forces of Ukraine (for special users) of suspension of the use of radio spectrum for more than three months and of resumption of the use of radio spectrum;

17) requirements for respect of the rights of radio spectrum special users, which ensure national security and defence capacity;

18) requirements for providing the regulatory authority with information on the start of use and full deployment of radio spectrum under corresponding license according to the established procedure;

19) requirements for notification of the intention of shared use of radio spectrum (used on the basis of a licence) to the regulatory authority before the start of such use;

20) criteria for the start of use and full deployment of radio spectrum of networks or electronic communications services, required to be met in order for the radio spectrum to be deemed deployed, which are established by the regulatory authority depending on the radio technology;

21) other requirements for the use of radio spectrum set out by this Law and legal and normative acts adopted in pursuance therewith.

**Article 48.**Conditions for obtaining a radio spectrum licence

1. An undertaking, which notified of commencement of electronic communications activities according to [Article 16](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n456) of this Law and intends to carry out such radio spectrum use activities on the basis of individual rights, shall apply to the regulatory authority for obtaining a radio spectrum licence.

2. To obtain the license the undertaking shall submit corresponding application to the regulatory authority.

The application shall be submitted via filling of a form established by the regulatory authority in user account on electronic regulatory platform using a qualified electronic signature tool.

The application shall contain the following information:

1) full name of a legal entity or the surname, name and patronymic of an individual entrepreneur;

2) identification code of a legal entity in the Unified State Register of Enterprises and Organisations of Ukraine for legal entities, taxpayer’s registration card number or passport series and number or document (passport) number (for individuals who refused from the registration number of the taxpayer’s registration card due to their religious beliefs, notified the competent controlling authority and have an appropriate mark in the passport confirming their right to make payments using passport series and number or document (passport) number) for individual entrepreneurs;

3) information on radio spectrum necessary for electronic communications activities;

4) information on the types of radio networks or radio technologies that will be used for the bands, which, in accordance with the Plan for Radio Spectrum Allocation and Use in Ukraine, are subject to restrictions as envisaged by [Article 41(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n849) of this Law;

5) territory within which the radio frequencies will be used;

6) the period of time during which the radio frequencies will be used;

7) radio frequencies deployment plan specifying the terms of the start and full deployment of the ordered radio frequency bands, as well as the terms of their activation by each region of the territory, where radio frequencies will be used.

Data from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations shall be used when filling in the electronic application (under [points 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n991) and [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n992) of the first indent of this paragraph) through automated information exchange.

The electronic regulatory platform shall check the completeness of electronic applications in the process of creation thereof.

It shall be prohibited to require applicants to submit any other documents not envisages by this paragraph.

3. The regulatory authority shall publish clarifications and provide methodological assistance to those willing to obtain the license.

4. The application for the license shall be rejected if:

1) the application is submitted (signed) by a person, who has no relevant authorities;

2) a radio technology is not included in the Plan for Radio Spectrum Allocation and Use in Ukraine, or the notified radio equipment is not included in the radio equipment register or is not compliant with terms and conditions of the register;

3) the use period of the notified radio technology expires in less than two years according to the Plan for Radio Spectrum Allocation and Use in Ukraine.

5. If the application for the license is rejected, the regulatory authority shall notify the applicant thereof in writing specifying the relevant reasons within five business days of the date of registration of the application. Such notice shall not require the decision of the regulatory authority.

If the reasons, for which the application was rejected, are remedied, the applicant shall have the right to re-apply for the license.

6. The regulatory authority, within five days of receipt of the application, shall send the documents provided by the applicant for the purposes of technical expert examination for preliminary assessment of the possibility to ensure electromagnetic compatibility of the planned radio equipment to the state-owned enterprise managed by the regulatory authority.

7. The state-owned enterprise, within 10 business days of receipt of the documents from the regulatory authority (without taking into account the time for agreement and international coordination of the use of radio spectrum) shall carry out technical expert examination for preliminary assessment of the possibility to ensure electromagnetic compatibility of the radio equipment and submit the results thereof to the regulatory authority.

If the international coordination is needed, the state-owned enterprise shall notify the regulatory authority thereof for the purposes of informing the applicant of the terms of consideration of the application.

8. The regulatory authority shall take a decision to grant or deny the licence within 10 business days of the date of receipt of results of the technical expert examination from the state-owned enterprise. An extract from the decision and a notice containing an account to be used for payment of the licence fee shall be sent to the applicant within three days of approval of the specified decision.

Decision to grant the license may specify the preliminary assessment of the possibility to ensure electromagnetic compatibility of the planned radio equipment with operating radio equipment, as well as other restrictions of the use of radio spectrum in corresponding radio frequency bands.

9. The grounds for decision to deny the license shall be the following:

1) non-compliance of the submitted documents with the Plan for Radio Spectrum Allocation and Use in Ukraine;

2) negative results of the technical expert examination by a state-owned enterprise for preliminary assessment of the possibility to ensure electromagnetic compatibility of the planned radio equipment;

3) false technical parameter data in the documents provided by the applicant to obtain the license;

4) prior decision to grant the licence for the use of the notified radio spectrum taken on the competitive basis, unless such license was cancelled;

5) non-compliance of the applicant, as a result of granting of the license, with restrictions on accumulation of radio frequency bands envisaged by [Article 57](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1158) of this Law if such accumulation would distort competition.

10. If no confirmation of payment of the licence fee is received from the State Treasury Service of Ukraine within 30 calendar days of sending of the notification of decision to grant the license to the applicant, the regulatory authority shall cancel the decision to grant the license.

11. The content and the form of the license shall be defined by the regulatory authority. The licence does not contain information about the radio technology.

12. The regulatory authority shall issue the radio spectrum licence electronically via entering information defined in [paragraph 11](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1020) of this Article to the licence register.

Upon request of the undertaking the authorised officials of the regulatory authority shall provide (send) it an extract from the license register printed on the letterhead of the regulatory authority free of charge within three business days.

**Article 49.**Radio spectrum licence conditions

1. When taking decision to grant or to extend a radio spectrum licence the regulatory authority shall define the license conditions in accordance with this Law, the Plan for Radio Spectrum Allocation and Use in Ukraine and international treaties of Ukraine concluded in the name of Ukraine.

Radio spectrum licence conditions shall define:

1) start of the use and full deployment of radio spectrum, coverage requirements, possibilities of assignment or transfer of use of the radio spectrum in accordance with [Article 52](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1072) of this Law;

2) parameters of use of radio spectrum in accordance with legislation, as well as deadlines and plan for activation of radio spectrum in the territory specified in the license, which if not fulfilled will constitute the ground for cancellation of the license or application of other sanctions as envisaged by law.

Radio spectrum deployment plan shall specify the use start date (start of operation of radio equipment and provision of access to the networks or electronic communications services) for each region (raion, oblast) and the term of full deployment of radio spectrum;

3) conditions set forth by [points 1-4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n965), [6](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n970), [8](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n972), [9](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n973) of Article 47(1) of this Law.

The regulatory authority shall define, upon consultations held in accordance with this Law, and publish the criteria for assessment of the compliance with conditions set out in this paragraph.

2. When defining the license conditions, if it is necessary to ensure efficient use of radio spectrum, electromagnetic compatibility, promote territorial coverage with electronic communications services or efficient competition, the regulatory authority, in accordance with this Law, shall ensure that radio spectrum user provides for:

1) shared use, on the contractual basis, of the passive or active electronic communications networks infrastructure related to the use of radio spectrum;

2) national roaming agreements;

3) joint roll-out, on the contractual basis, of infrastructure for providing access to electronic communications networks and/or electronic communications services requiring the use of radio spectrum;

4) actions to ensure competition according to [Article 57(1)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1159) of this Law.

License conditions shall not provide for restrictions of the shared use of radio spectrum in cases, where such shared use is envisaged by the Plan for Radio Spectrum Allocation and Use in Ukraine.

Conditions set out by this paragraph shall be fulfilled taking account of the legislation on protection of economic competition.

3. The regulatory authority shall hold consultations, in accordance with this Law, before defining radio spectrum licence conditions.

**Article 50.**Extension of radio spectrum licence

1. When taking decisions on the duration of radio spectrum licence the regulatory authority shall take into account the goals envisaged by [Article 59(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1197) of this Law, as well as the need to ensure competition, efficient use of radio spectrum, regulatory predictability of conditions of investments in the relevant electronic communications infrastructure, to promote innovations and investments, including the period for investment amortisation.

2. Duration of radio spectrum licence shall be defined by the regulatory authority according to the procedure established thereby. It may not be shorter than 15 years for the harmonised radio spectrum and 20 years for broadband access services, unless other duration is specified in the application of electronic communications networks and/or services provider.

If the Plan for Radio Spectrum Allocation and Use in Ukraine establishes the term for discontinuation of development and use of corresponding radio technology shorter than 15 or 20 years as of the day of granting the licence, duration of the licence may not exceed the term established by the Plan for Radio Spectrum Allocation and Use in Ukraine.

Upon request of a licensee the regulatory authority may change duration of the license, if it is necessary to ensure simultaneous termination of licences in one or more radio frequency bands.

**Article 51.**Extension of radio spectrum licence

1. Upon request of a licensee radio spectrum licence may be extended in accordance with this Article, except when:

1) the licensee fails to comply with conditions of the use of radio spectrum according to [Article 47](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n963) of this Law and/or license conditions as provided for in [Article 49](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1023) of this Law;

2) extension of the license is not in line with criteria for efficient use of radio spectrum or the goals envisaged in [points 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n831) and [8](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n838) of paragraph 1 of Article 39 of this Law;

3) further use of specified radio technologies in the radio frequency bands is not envisaged by the Plan for Radio Spectrum Allocation and Use in Ukraine (in such case the user shall be notified of the impossibility of extension of the license at least two years before the expiry thereof);

4) extension of the license is not in line with requirements of [Article 57](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1158) of this Law concerning the accumulation of the rights of use for radio spectrum.

2. The regulatory authority, upon its own initiative or upon request of a licensee submitted not earlier than five years before the expiry of the license, shall objectively asses the criteria envisaged by [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1045) of this Article according to the procedure established thereby no later than two years before the expiration of the license.

Based on such assessment, within 20 business days of completion thereof, the regulatory authority shall notify the licensee of the grounds for extension of the license or for denial of the extension.

3. The regulatory authority shall derogate from the grounds for denial of the license extension envisaged by [the first paragraph](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1045) of this Article in the following cases:

1) in the territories, for which geographical surveys of high-capacity networks roll-out show that access to such networks is either lacking or does not satisfy the existing demand;

2) if there is no demand for relevant radio frequencies, which is confirmed by an opinion of the regulatory authority, which includes estimates of such demand and is approved using consultations mechanism according to this Law.

The regulatory authority shall take decisions on the extension of radio spectrum licence upon request of the licensee before the expiry of the relevant license, unless it is not possible in accordance with [Articles 54–56](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1115) of this Law and the Plan for Radio Spectrum Allocation and Use in Ukraine as of the moment of approval of the decision.

The regulatory authority shall notify the radio spectrum user of the expiry of the license via the user account on the electronic regulatory platform six months before the expiry, together with the assessment provided for in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1050) of this Article.

*{The fifth indent of Article 51(3) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n569)*}*

4. The licensee’s request for extension of the license shall be submitted no sooner than the regulatory authority carries out the assessment envisaged by [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1050) of this Article and no later than four months before the expiry of the license. Requests submitted in breach of the terms set out in this paragraph shall not be considered.

In case when the regulatory authority fails to conduct an assessment referred to in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1050) of this Article within the established period, the licensee’s request for licence renewal may be submitted no later than four months before the licence expires, irrespective of whether the assessment provided for in paragraph 2 of this Article is conducted, and the regulatory authority shall consider such request.

*{Article 51(4) is supplemented the second indent in accordance with the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n570)*}*

5. Decision to extend a radio spectrum licence shall take into account:

1) the need to fulfil the objectives envisaged by [Articles 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n173) and [39](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n829) of this Law;

2) the need for efficient use of radio spectrum considering the new radio technologies, electronic communications networks and electronic communications market conditions;

3) fulfilment of conditions of the relevant radio spectrum licence.

6. For the purposes of compliance with [paragraph 5](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1058) of this Article, the regulatory authority may, when deciding on the extension of a license, change conditions of such license in accordance with [Article 49](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1023) of this Law, requirements of this Law and the Plan for Radio Spectrum Allocation and Use in Ukraine.

7. The regulatory authority shall consider extension of radio spectrum licence, for which the number of rights of use for radio spectrum is limited according to [Article 59](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1195) of this Law, using open, transparent and non-discrimination procedures, including:

1) provide all the interested parties with an opportunity to have a real say via holding consultations in accordance with this Law;

2) clearly indicate the grounds for possible extension or denial of extension of the relevant license.

Decisions envisaged by this paragraph shall be taken no later than two years before the expiry of a license.

8. If a radio spectrum licence was not extended, the regulatory authority shall grant the right of use for corresponding radio frequency bands according to the procedure established by this Law.

9. Decisions envisaged by this Article shall be taken on the basis of consultations envisaged by this Law.

10. A radio spectrum licence shall be extended from the date of expiry of the previous relevant license.

11. Decisions to extend the license or to deny extension thereof shall be taken and sent to the applicant no later than 15 business days of the date of registration of its application. In case of denial to extend the licence, the decision shall specify the grounds and justification of such denial.

12. A fee in the amount established by the Cabinet of Ministers of Ukraine shall be paid for the extension of the license.

**Article 52.**Assignment or transfer of individual rights of use for radio spectrum

1. Radio spectrum users shall have the right to assign or transfer their individual rights of use for radio spectrum (a part thereof), other than the rights granted free of charge, and radio broadcast spectrum to other providers of electronic communications networks and/or services, as well as other radio spectrum users.

The regulatory authority shall define specific public bands and radio technologies for which the right of use for radio spectrum (a part thereof) is assigned based on the criteria developed by it.

2. A radio spectrum user shall notify the regulatory authority of the intention to assign or transfer the individual rights of use for radio spectrum (a part thereof) via filling a form established by the regulatory authority in the user account on the electronic regulatory platform.

Such notification shall contain the following information:

1) the licensee and the provider of electronic communications networks and/or services or other radio spectrum user, to which radio spectrum (a part thereof) will be assigned or transferred in use, as provided for in [Article 48(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n988) of this Law. The information available in the databases of the regulatory authority shall be automatically entered into the notification when it is created on the electronic regulatory platform;

2) radio frequency bands and individual rights, which will be assigned or transferred in use, specifying the territory of use;

3) preservation (fulfilment) of conditions of use of the radio frequencies in accordance with the license.

The regulatory authority shall publish such notification on the electronic regulatory platform no later than one business day after the receipt of such notification.

3. The regulatory authority shall consider, within 20 business days, the notification provided for in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1075) of this Article and decide on the agreement of assignment or transfer of the rights of use according to the notification, except in cases envisaged by [paragraph 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1082) of this Article.

4. The regulatory authority shall deny the agreement of the assignment or transfer of individual rights of use for radio spectrum (a part thereof) if there is an evidence that a provider of electronic communications networks and/or services, to which the rights will be assigned, is subject to conditions envisaged by [Article 48(9)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1013) of this Law, or a provider of electronic communications networks and/or services is unable to fulfil conditions of the transferred licence, including in terms of criteria for full deployment and use of radio spectrum established by the regulatory authority.

If, in case of transfer of individual rights of use for radio spectrum, the licensee undertakes to reserve responsibility for fulfilment of conditions related to such rights, the regulatory authority shall have no right to deny the agreement with reference to inability to fulfil conditions of the transferred licence.

5. The regulatory authority shall send the decision envisaged by [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1081) of this Article to the user account of the applicant within three days of the day of its approval.

Upon request of the applicant the authorised officials of the regulatory authority shall provide (send) it a copy of decision printed on the letterhead of the regulatory authority free of charge within three business days.

6. Based on decision on agreement of assignment or transfer of individual rights of use for radio spectrum (a part thereof) the regulatory authority shall make relevant updates to the license register, including on the granting of the license to an economic undertaking, to which the rights are assigned, and cancellation of the license of an undertaking, which assigned such rights.

If a part of the rights is transferred, the regulatory authority shall re-issue the license of an economic undertaking, which assigned the rights, and grant the license to an undertaking, to which such rights were transferred.

Based on decision on the transfer of individual rights of use for radio spectrum (a part thereof) the regulatory authority shall make the relevant entry in the licence register.

7. A fee in the amount established by the Cabinet of Ministers of Ukraine, which shall not exceed the administrative costs of provision of the relevant administrative services, shall be paid for the re-issue or granting of a radio spectrum licence in accordance with this Article.

Decision of the regulatory authority to re-issue and grant radio spectrum licences shall contain details and other information necessary to pay for the relevant administrative services.

8. The use of radio spectrum on the bases provided for in this Article shall be carried out within the terms and other requirements set forth by the license, in accordance with conditions of the relevant license and [Article 49](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1023) of this Law.

**Article 53.**Re-issue of radio spectrum licence and updates to the license register

1. The grounds for updates to the radio spectrum license register shall be the following:

1) the change of a name of a legal entity or the surname, name and patronymic (if any) of an individual entrepreneur;

2) the change of the legal address of the legal entity or the place of residence of the individual entrepreneur;

3) reorganisation of the legal entity, i.e. an undertaking, via the change of its legal form (transformation).

The authorised officials of the regulatory authority shall make updates to the license register free of charge based on the relevant changes in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations using the automated exchange of data.

Re-issue of a radio spectrum licence in such cases shall not require submission of an application or other documents by a radio spectrum user.

2. The regulatory authority shall re-issue radio spectrum licences based on applications of radio spectrum users in the following cases:

1) discontinuation of use of a part of radio spectrum in accordance with [Articles 52](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1072), [54](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1115), [55](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1143) and [56](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1151) of this Law;

2) reorganisation of the legal entity, which is a radio spectrum user. In this case the licenses shall be re-issued to a legal successor or a legal entity, to which the rights of use for radio spectrum are transferred under a split-off/spin-off balance sheet;

3) upon application of the licensee for reduction of a radio frequency band;

4) upon application of the licensee for reduction of a number of regions, where it uses the specified radio frequency bands.

In the cases provided for in [paragraph 2(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1101) of this Article a radio spectrum user shall apply to the regulatory body and authority for re-issue of the license within the time limit not exceeding 30 business days of the day, when the grounds for re-issue arise. The application shall be submitted on the electronic regulatory platform in the form established by the regulatory authority.

A fee in the amount established by the Cabinet of Ministers of Ukraine, which cannot exceed the administrative costs of provision of the relevant administrative services, shall be paid for the re-issue of a radio spectrum licence.

3. Decision to re-issue the licences according to [paragraph 2(1)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1100) of this Article shall be taken on the grounds established by [Articles 52](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1072), [54](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1115), [55](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1143) and [56](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1151) of this Law.

The regulatory authority shall deny re-issue of the licence in accordance with [paragraph 2(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1101) of this Article if there is an evidence that a provider of electronic communications networks and/or services, to which the license will be re-issued, is subject to conditions envisaged by [Article 48(9)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1013) of this Law.

The license, which is not re-issued within the established term and on the grounds envisaged by [paragraph 2(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1101) of this Article shall be invalid.

4. The regulatory authority shall decide on re-issue of the license and, if there is no grounds for denial of re-issue and the documents confirming the payment of the re-issue fee are available, re-issue the license within 10 business days of the date of registration of the application for re-issue (except in cases envisaged by [paragraph 2(1)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1100) of this Article).

Decision of the regulatory authority to re-issue radio spectrum licences shall contain details and other information necessary to pay for the relevant administrative services.

Re-issue of licence is carried out via making the relevant entry to the license register.

A decision to re-issue the license shall enter into force from the day of corresponding entry to the license register.

5. In case of re-issue of a radio spectrum license, its term and other parameters, including the license conditions, shall remain unchanged.

6. In parallel with updating the license register the regulatory authority shall send the relevant notification to the user’s account on the electronic regulatory platform.

**Article 54.**Cancellation of radio spectrum licence

1. Radio spectrum licence shall be cancelled based on decision of the regulatory authority via withdrawal of individual rights of use for the radio spectrum or a part thereof from the user with relevant entry to the license register.

2. The grounds for cancellation of the license shall be the following:

1) application of a radio spectrum user for cancellation of the licence;

2) certificate of illegal assignment or transfer of individual rights of use for radio spectrum to another legal entity or an individual (in breach of [Article 52](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1072) of this Law);

3) a certificate of a radio spectrum user’s repeated unreasoned refusal of check by the regulatory authority for compliance with radio spectrum use legislation.

Unreasoned denial of check shall be deemed to be prevention from conducting a check by authorized officials of the regulatory authority under no grounds provided for such prevention by law (in particular non-provision of documents, information about the object of check upon a written request of officials of the regulatory authority, denying access to them to radio equipment locations, or absence at the location and/or actual location of radio spectrum user or person authorized to represent such user during a check without good reason and during the whole period of check);

4) certificate of repeated breach by a radio spectrum user of the license conditions and/or other obligations envisaged by [Article 49](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1023) of this Law. A repeated breach shall be deemed to be a breach of at least one of the requirements specified in an ordinance for correction of breaches issued by the regulatory authority within one year from the date of issue of such an order.

5) information on termination of the legal entity (state registration of cessation of the individual entrepreneur’s business) in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations, unless the licence is reissued due to reorganisation;

6) notarized copy of certificate of death of the individual entrepreneur;

7) non-payment or underpayment of the fee for the use of radio spectrum (radio frequency resource) of Ukraine to the State Budget of Ukraine for three and more months according to information provided by a controlling authority according to the procedure established by the regulatory authority and approved by the central executive authority, which ensures the formation and implementation of the state financial policy;

*{Para 7 of Article 54 (2) as amended by the Law of Ukraine No. 3721-IX as of May 21, 2024}*

8) a radio spectrum user due to its fault:

а) failed to start using radio spectrum defined in the license in due time and/or deploy it in the territory and/or in time defined by law;

б) discontinued the use of radio spectrum defined in the license for more than one year;

9) radio spectrum defined in the license is not used in full. In this case the license may be re-issued for the actually used radio spectrum upon request of the licensee. The regulatory authority shall define criteria for the use of radio spectrum in full for specified technologies;

10) certificate of failure to comply with requirements laid down in an ordinance of the regulatory authority;

11) the need for change of a radio service or a category of radio frequency users for further use of specific radio frequency band(s) according to the Plan for Radio Spectrum Allocation and Use in Ukraine and the procedure established by [Article 56](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1151) of this Law;

12) in case of application of the sanctions envisaged by [Article 4(1)(6)](https://zakon.rada.gov.ua/laws/show/1644-18%252525252523n31) of the Law of Ukraine “On Sanctions”.

13) removal of an undertaking from the Register of Electronic Communications Networks and Services Providers during the martial law.

*{Article 54(2) is supplemented with point 13 in accordance with the Law*[No. 2240-IX of 03.05.2022](https://zakon.rada.gov.ua/laws/show/2240-20%252525252523n16)*}*

3. In case of cancellation of a licence the licence fee shall not be reimbursed.

4. License cancellation shall be considered with obligatory prior invitation of the licensee or its representatives, except in cases envisaged by paragraph 2(1), (5) and (6) of this Article.

*{Article 54(4) as amended by the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252525252523n104)*}*

5. The regulatory authority shall consider license cancellation and take the decision within 20 business days of the date of discovery of the grounds for cancellation. If the discovered grounds are confirmed, the regulatory authority shall take a decision to cancel the license. Decision taken as a result of consideration of the license cancellation shall be sent to the licensee’s user account specifying the grounds for cancellation of the license no later than three business days of the date of decision.

6. Decision to cancel the license shall enter into force 10 days after its approval and upon its approval in cases provided for in paragraph 2(5), (6) and (7) of this Article.

*{The first indent of Article 54(6) as amended in accordance with the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252525252523n104)*}*

Decision to cancel the licence may be challenged in court.

During the court proceedings a decision to cancel the license shall be suspended till the date of entry into force of the relevant court ruling.

7. To protect the interests of end users and allow them time to order services from another electronic communications services provider, a decision of the natural regulatory authority shall be enforceable three months after its entry into force, except in cases provided for in paragraph 2(5), (6) and (7) of this Article.

*{Article 54(7) as amended by the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252525252523n104)*}*

8. Within one business day of taking decision to cancel a radio spectrum licence the regulatory authority shall:

1) make relevant updates to the license register and re-issue the licence (if necessary) in case of partial withdrawal of the rights of use for the radio spectrum envisaged by the license;

2) make relevant updates to the license register on cancellation of the license in case of full withdrawal of the rights of use for the radio spectrum envisaged by the relevant license;

**Article 55.**Conversion of radio spectrum

1. Conversion of radio spectrum is carried out according to the Plan for Conversion of the Radio Frequency Resource of Ukraine approved by the Cabinet of Ministers of Ukraine.

The regulatory authority and/or the General Staff of the Armed Forces of Ukraine shall prepare proposals on development of the Plan for Conversion of the Radio Frequency Resource of Ukraine specifying radio frequency bands, main organisation, financial and technical measures for the conversion and submit them to the central executive authority in the fields of electronic communications and radio spectrum.

2. The central executive authority in the fields of electronic communications and radio spectrum shall develop draft Plan for Conversion of the Radio Spectrum in accordance with the Plan for Radio Spectrum Allocation and Use in Ukraine based on proposals of and in cooperation with the regulatory authority, the National Council of Television and Radio Broadcasting of Ukraine, the General Staff of the Armed Forces of Ukraine and other competent public authorities of Ukraine.

3. The central executive authority in the fields of electronic communications and radio spectrum, the regulatory authority, the National Council of Television and Radio Broadcasting of Ukraine, the General Staff of the Armed Forces of Ukraine and other competent public authorities of Ukraine, shall, within their competence, take measures for conversion of radio spectrum within the scope and the terms envisaged by the Plan for Radio Spectrum Allocation and Use in Ukraine.

4. Radio spectrum conversion in the interest of special and general users is funded from the State Budget of Ukraine. The Cabinet of Ministers of Ukraine shall have the right to raise additional extra-budgetary funds for radio spectrum conversion according to the established procedure.

The procedure for reimbursement of costs related to the radio spectrum conversion with raising extra-budgetary funds is established by the Cabinet of Ministers of Ukraine on proposal of the central executive authority in the fields of electronic communications and radio spectrum agreed with the General Staff of the Armed Forces of Ukraine and the regulatory authority. The said procedure shall be applicable in cases, when the use of such mechanism is initiated by providers of electronic communications networks and/or services and shall not be applicable in case of the radio spectrum conversion for the change of special user’s radio technologies.

The extra-budgetary funding of the radio spectrum conversion is carried out at the expense of its initiator (initiators) based on a radio spectrum conversion agreement.

**Article 56.** Release and restriction of rights of use for radio spectrum (a part thereof) using compensation and conversion mechanisms

1. Release or restriction of use of the previously released radio spectrum shall be carried out where it is necessary to ensure efficient use of radio spectrum or in connection with implementation of new radio services, radio technologies or categories of radio spectrum users for further use of specific radio frequency band(s) according to the Plan for Radio Spectrum Allocation and Use in Ukraine, including for the purposes of harmonisation of the use of radio spectrum according to international treaties of Ukraine consented by the Verkhovna Rada of Ukraine.

2. Release or restriction of use of the previously released radio spectrum shall be carried out in accordance with principles of transparency, proportionality and non-discrimination taking into account the necessity of preserving the established criteria for efficient use of radio spectrum.

In such cases release or restriction of use of radio spectrum shall be reimbursed.

The procedure for application of reimbursement mechanism, including calculation of the amount of reimbursement and raising budgetary and/or extra-budgetary funds for the purposes of reimbursement shall be established by the Cabinet of Ministers of Ukraine on proposal of the central executive body and authority in the fields of electronic communications and radio spectrum agreed with the regulatory authority.

3. Release or restriction of use of the previously released radio spectrum shall be carried out subject to prior notification to users and changes to the Plan for Radio Spectrum Allocation and Use in Ukraine no later than two years before actual release or restriction of use of radio spectrum according to the procedure established by the regulatory authority.

*{Paragraph 3 of Article 56 as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n572)*}*

4. The regulatory authority shall decide on release or restriction of use of radio spectrum using reimbursement mechanisms upon consultations and discussions with interested parties in accordance with this Law.

**Article 57.**Measures to ensure competition

1. To promote efficient competition and prevent distortion thereof the regulatory authority, when deciding on granting of radio spectrum licences, extension or re-issue thereof, agreeing assignment or transfer of the rights of use for radio spectrum, shall decide, according to procedure established thereby, on adoption of one or more of the following measures:

1) limitation of the number of radio frequency bands, for which the rights of use for radio spectrum are provided to any electronic communications networks and/or services provider or defining license conditions for such rights, including for wholesale access or national roaming, in specific ranges or radio frequency band groups with similar parameters in case when it is established that such provision of the right would result in distortion of competition;

2) reservation, according to the procedure established by the central executive authority in the fields of electronic communications and radio spectrum, of certain radio frequency bands or radio spectrum band group for granting rights to new market participants, when there is a reasonable necessity to ensure competition in electronic communications market;

3) denial of granting new rights of use for radio spectrum (granting a license or radio frequency assignment) or defining license conditions for new rights of use for radio spectrum, if it is necessary to avoid distortion of competition as a result of accumulation of rights of use for radio spectrum, including as a result of assignment and transfer of the rights of use, merger and incorporation of radio frequency users, who are legal entities;

4) integration of the prohibition of assignment or transfer of rights of use for radio spectrum to the license conditions, if it is necessary to avoid distortion of competition as a result of accumulation of rights of use for radio spectrum;

5) making changes to radio spectrum licence conditions necessary to eliminate distortion of competition due to accumulation of rights of use for radio spectrum as envisaged by [point 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1160) of this paragraph.

2. Parameters of accumulation of radio frequency bands (depending on the radio range), which may be the basis for application of restrictions in accordance with [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1159) of this Article shall be defined by the regulatory authority upon agreement with the Antimonopoly Committee of Ukraine taking into account the requirements of legislation on protection of economic competition and substantial market influence criteria envisaged by this Law.

3. The regulatory authority shall decide on adoption of measures envisaged by [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1159) of this Article according to procedure established thereby taking into account:

1) market conditions and parameters envisaged by [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1165) of this Article;

2) objective and future-oriented assessment of market competition;

3) the need for adoption of such measures to support or create competition;

4) possible consequences of measures for existing and future investments of market participants, in particular for roll-out of electronic communications networks;

5) conditions referred to in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1604) of Article 82 of this Law;

6) market research approaches envisaged by this Law.

4. In case of taking measures provided for in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1159) of this Article, the regulatory authority shall:

1) apply consultations mechanism envisaged by [Article 22](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n581) of this Law;

2) prepare and publish the assessment of contribution of the proposed measures to the achievement of the objectives envisaged by [Article 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n173) of this Law;

3) notify an interested radio frequency user of the intention to adopt measures envisaged by [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1159) of this Article with proposal to express its own position as regards such measures within 20 business days, unless the changes concerning the rights and/or conditions of use for the radio frequencies proposed by the regulatory authority are agreed with the radio spectrum user;

4) apply requirements of [Article 56](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1151) of this Law in case of withdrawal of rights of use for radio spectrum (a part thereof).

*{Article 57(4)(4) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n573)*}*

5. Decisions of the regulatory body and authority to adopt measures envisaged by [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1159) of this Article shall specify the grounds for their approval and justification thereof and be published on the electronic regulatory platform.

**Article 58.**Shared use of radio spectrum

1. Shared use of radio spectrum envisages the right of simultaneous use of the same radio frequency values (bands) by multiple users in cases and in accordance with requirements envisaged by the Plan for Radio Spectrum Allocation and Use in Ukraine subject to ensuring electromagnetic compatibility of radio equipment.

2. Shared use of the radio spectrum allocated based on individual rights by general users is carried on the contractual basis in compliance with the following requirements:

1) conditions of the relevant radio spectrum licences;

2) restrictions on accumulation of radio frequency bands envisaged by [Article 57](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1158) of this Law;

3) notification of the shared use of radio spectrum by radio spectrum users to the regulatory authority.

The notification of the shared use shall be provided through a user account on the electronic regulatory platform in the form established by the regulatory authority and contain information:

1) envisaged by Article 48(2)[(1)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n991), [(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n992) and [(4)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n994) of this Law concerning radio spectrum users, which plan the shared use of radio spectrum;

*{The sixth indent of Article 58(2) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n574)*}*

2) on radio frequency bands intended for shared use specifying the territory of use;

3) on preservation of conditions of radio frequency licences.

The regulatory authority shall publish information on the shared use on the electronic regulatory platform no later than one business day after the receipt of such notification.

3. In the event of disputes related to the shared use of radio spectrum, the regulatory authority, within 10 business days of the receipt of request from one of radio spectrum, shall oblige the interested users to hold negotiations on conditions of the shared use of the radio frequencies within the period not exceeding 20 business days.

4. The request for resolution of a dispute related to the shared use of radio frequencies shall specify the conditions on which the parties failed to reach an agreement and proposals on resolution thereof.

5. If negotiations referred to in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1190) of this Article were not held or the parties failed to reach an agreement, the regulatory authority, upon request of one of the parties, shall examine such dispute in accordance with [Articles 23](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n592) and [24](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n606) of this Law and establish conditions of the shared use of radio spectrum according to the legislation.

6. If it is established that the shared use of radio spectrum is not in line with requirements of [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1180) of this Article, the regulatory authority shall take decision, which obliges the radio spectrum to put the shared use in line with the mentioned requirements.

In case of failure to comply with the such decision within an established deadline, the regulatory authority shall take a decision on termination of the shared use.

**Article 59.**Radio spectrum licensing on the basis of auction or competitive tendering procedures

1. If the notified need for radio spectrum exceeds its actual availability, the right of use for radio spectrum shall be provided exclusively through competitive tendering or auction in accordance with this Law.

2. When taking decision referred to in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1180) of this Article, the regulatory authority shall define and justify its goals to be limited to the following:

1) facilitating coverage of specific territories with electronic communications services;

2) ensuring quality requirements to electronic communications services established by legislation;

3) facilitating efficient use of radio spectrum, including taking into account conditions related to the rights of use for radio spectrum and the amount of fee for the use of corresponding bands of radio spectrum;

4) promoting innovations and business development in corresponding markets.

3. Decision of the regulatory body and authority to grant a radio spectrum licence on the basis of auction or competitive tendering procedures shall, specifically, define and justify:

1) the choice of a selection procedure, including, conditions of participation in such a procedure;

2) results of competitive, technical and economic assessment of the relevant electronic communications market (markets);

3) license conditions applicable to the rights of use for radio spectrum obtained as a result of auction or competitive tendering.

Such decision shall be taken with application of consultation mechanism in accordance with this Law and published on the electronic regulatory platform.

4. The national regulatory authority shall hold the competitive tendering or auction according to the established procedure.

5. The call for competitive tendering or auction shall be made no later than 60 calendar days before the day of such tendering/ auction and published on the web site of the national regulatory authority.

The call shall duly inform the interested parties and contain information, in particular, on:

1) requirements for application for the participation in competitive tendering or auction and to the tender documents;

2) conditions for participation in competitive tendering or auction and requirements to the tenders/bids;

3) tenders/bids evaluation criteria defined in the competitive tendering or auction procedure;

4) qualification requirements to the tenderers/ bidders;

5) amount of fee for a license issued on the basis of competitive tendering;

6) starting (minimum) amount of fee for a license issued on the basis of auction;

7) warranty deposit amount.

6. The competitive tendering or auction procedure shall define:

1) detailed requirements for the text of the call and the contents of the competitive tendering documents;

2) conditions and procedure of organization, holding and closing competitive tendering or auction, including:

designation and procedure of the auction and tender commission;

ensuring clear and non-discriminatory conditions for any of the tenderers/ bidders during the competitive tendering or auction;

criteria for selection of a winner;

procedure for payment and repayment of the warranty.

7. The parties willing to participate in competitive tendering or auction shall apply for the license on the basis of competitive tendering or auction in the form established by the regulatory authority no later than 30 calendar days before the day of the tendering or auction.

8. The regulatory authority may cancel competitive tendering or auction within the term provided for submission of tenders/bids referred to in the call for tendering or auction, if such possibility is provided for therein. Information on cancellation of competitive tendering or auction accompanied with relevant justification shall be published on the electronic regulatory platform.

The exhaustive list of grounds for cancellation of competitive tendering shall be established in accordance with the procedure provided for in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1202) of this Article.

Tenders/bids submitted within the term established for their submission in case of cancelled tendering or auction procedure shall be returned without opening.

**Article 60.**Warranty deposits of tenderers/ bidders of competitive tendering or auction for the rights of use for radio spectrum

1. A warranty deposit shall be 10 percent of the fee for the relevant radio frequency band subject to competitive tendering or auction established by the Cabinet of Ministers of Ukraine. If competitive tendering or auction is carried out for more than one license, the warranty deposit amount shall be established for each individual license.

2. The warranty deposit shall not be returned if:

1) a tenderer/bidder withdraws its bid after a deadline for submission;

2) a bidder fails to declare the amount proposed for license subject to auction;

3) a winner of competitive tendering or auction refuses to obtain the license (licenses) and/or to provide a document, which confirms payment for it.

3. The warranty deposit made by the winner shall be offset against its payment for the obtained license. If an amount of the warranty deposit exceeds the amount of the fee, the regulatory authority shall repay the surplus amount within seven days of the announcement of results of competitive tendering or auction.

4. In cases other than set out in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1230) of this Article, the warranty deposit paid by a tenderer/bidder shall be repaid within 14 calendar days of the day of approval of a decision to grant the licence to the winner, or to declare competitive tendering or auction void or cancellation thereof.

**Article 61.**Evaluation of tender/bid and selection of winner

1. Criteria for assessment of tenders shall take into account:

1) maintenance or improvement of market competition as defined according to the procedure established by the regulatory authority;

2) terms and territory of provision of electronic communications services using the relevant radio frequencies;

3) others criteria set out in tender documents.

2. The regulatory authority shall define the criteria for assessment of a tender considering the objectives and the principles established by this Law and the competence in the market.

3. The amount of payment for the license proposed by the bidders shall be the criteria for assessment of auction bids.

4. The winner of auction or competitive tendering shall be a bidder/tenderer:

1) which meets qualification requirements to bidders/tenderers established in tender documents;

2) whose bid/proposal ranked first in the evaluation (ranking) list in accordance with criteria declared by the regulatory authority.

5. If a winner referred to in paragraph 4 of this Article is eliminated from auction/competitive tendering, a bidder/tenderer whose bid/proposal ranked the next place in the list referred to in [paragraph 4(2)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1245) of this Article shall become the winner.

*{Article 61(5) as amended by the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252525252523n105)*}*

6. The amount of fee for the licence obtained through competitive tendering and starting (minimum) amount of fee for a license obtained through auction shall be established by the Cabinet of Ministers of Ukraine on proposal of the regulatory authority.

7. Results of auction or competitive tendering shall be announced in the premises of the regulatory authority and published on the electronic regulatory platform as a list of results of eligible bidders/tenderers that meet the qualification requirements set out in the tender documents and are ranged in descending order according to their ranking (tenderers) or proposed amount (bidders). If different radio frequency bands were subject to auction or competitive tendering the regulatory authority shall prepare separate lists for each radio frequency band.

8. Decision on results of auction or competitive tendering shall be executed in the form of the minutes of the regulatory body and authority’s meeting and published on the electronic regulatory platform no later than five business days of the date of auction or competitive tendering.

9. Notice of decision taken as a result of auction or competitive tendering shall be sent (provided) to the applicant in writing and through the personal account within three business days of the day of its approval.

10. If the results of auction or competitive tendering are cancelled by court, the regulatory authority shall take measures to remedy the violations which have become the ground for the cancellation, in particular, concerning:

1) conditions of participation in auction or competitive tendering, requirements for the form of tender/bid and tender/bid evaluation criteria set out in the call and tender documents;

2) tenders/bids submitted by tenderers/bidders before cancellation of results of competitive tendering or auction.

11. Cancellation of the results of an auction or competitive tendering procedure by court shall constitute the ground for holding a new auction or competitive tendering for licenses for the relevant radio frequency bands.

In cases provided for in [paragraph 5](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1246) of this Article an undertaking selected as a winner before the cancellation of an auction or competitive tendering procedure and refused to obtain the license may not be the winner as a result of a new auction or competitive tendering procedure.

12. The regulatory authority shall cancel a decision on the results of auction or competitive tendering at its own discretion if:

1) no bidder/tenderer meets qualification requirements to bidders/tenderers established in tender documents;

2) no undertaking has participated in the competitive tendering or auction within the time limit set forth in the tender documents. If an auction or competitive tendering procedure is held for more than one license, only the auction or competitive tendering for the radio frequency band license with no bidders/tenderers shall be subject to cancellation.

Information concerning the issues referred to in this paragraph shall be published on the electronic regulatory platform.

**Article 62.**Peculiarities of the use of radio spectrum for television and radio broadcasting

1. The procedure of the use of the radio spectrum for the needs of broadcasting shall be established by this Law and [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2849-20) “On the Media”.

*{Article 62(1) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3096)*}*

2. Duration of licence (extension of license) issued by the National Council of Television and Radio Broadcasting of Ukraine shall not exceed the period of use of the relevant radio technology as defined by the Plan for Radio Spectrum Allocation and Use in Ukraine.

3. The National Council of Television and Radio Broadcasting of Ukraine shall order from the state-owned enterprise falling within the scope of management of the regulatory authority, the development of estimations concerning the possibility and conditions of use of the radio spectrum for the needs of broadcasting (including for the needs of temporary broadcasting).

*{Article 62(3) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3096)*}*

4. Assignment of radio frequency to radio equipment in radio frequency bands allotted for broadcasting shall be carried out taking into account the broadcasting license (for providing services for the needs of broadcasting) in accordance with the procedure defined in the Plan for Radio Spectrum Allocation and Use in Ukraine. Procedure for commissioning broadcasting radio equipment and radio frequency assignment thereto shall be established by this Law.

*{Article 62(4) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3096)*}*

5. Discontinuation of the use of broadcasting radio equipment, limitation or termination of the provision of electronic communications services for broadcasting purposes, the use of electronic communications network intended for broadcasting (multi-channel television networks) shall be imposed only in the case of cancellation of the relevant broadcasting license or radio frequency assignment. Radio frequency assignment for broadcasting radio equipment shall be cancelled in cases and according to the procedure established by this Law.

*{Article 62(5) as amended by the Laws*[No. 2240-IX of 03.05.2022](https://zakon.rada.gov.ua/laws/show/2240-20%252525252523n18)*,*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3100)*}*

**Article 63.**Peculiarities of the use of radio spectrum by specific categories of general users

1. Shipboard stations, space systems and aircraft, including relevant land facilities, shall use radio spectrum according to the legislation of Ukraine, International Telecommunication Union’s Radio Regulations and international agreements taking into account corresponding recommendations of the European Conference of Postal and Telecommunications Administrations in cooperation with competent executive authorities.

2. The procedure of use of radio spectrum for the needs of diplomatic missions and consular offices of foreign states, missions of international organisations in Ukraine and military forces of foreign states, which are temporarily located in the territory of Ukraine shall be established by the Cabinet of Ministers of Ukraine on the proposal of the regulatory authority upon agreement with the central executive authority in the fields of electronic communications and radio spectrum, the General Staff of the Armed Forces of Ukraine taking into account the provisions of international agreements and this Law.

3. Radio amateurs shall use radio spectrum in accordance with [the Rules of Amateur Radio Communication of Ukraine](https://zakon.rada.gov.ua/laws/show/z0205-11) to be approved by the regulatory authority upon agreement with the General Staff of the Armed Forces of Ukraine taking into account recommendations of radio amateur public associations of Ukraine and competent international organisations.

4. The procedures for issue of operating documents related to the use of radio spectrum to shipboard stations and to radio amateurs to be valid in the territory of Ukraine and abroad shall be defined by the regulatory authority in accordance with international and national legislation.

**Section Х. RADIO EQUIPMENT, EMITTERS AND RADIO FREQUENCY ASSIGNMENT**

**Article 64.**Placement of radio equipment and emitters on the market of Ukraine

1. Compliance of radio equipment and emitters with technical regulations shall be precondition for placement thereof on the market in the territory of Ukraine.

The manufactures must, prior to placing radio equipment and emitters (products) on the market, notify the regulatory authority of the types of radio equipment and emitters which have low level of compliance with essential requirements, for registration thereof in the register of radio equipment and emitters. Types of radio equipment and emitters subject to registration, a form of a notification and elements of technical documentation to be submitted shall be defined by the regulatory authority.

The regulatory authority shall attach a registration number to each registered type of radio equipment or an emitter, which a manufacturer shall apply on radio equipment or an emitter together with the mark of conformity with technical regulations or otherwise as defined by the regulatory authority.

2. The obligations of manufacturers, importers and other undertakings during the delivery of radio equipment and emitters in the territory of Ukraine and placement thereof on the market shall be defined by the technical regulation on the radio equipment.

The manufacturer shall, under the procedure established by the technical regulations, engage designated conformity assessment bodies whose list is approved by the regulatory authority under the procedure established by it in certain works on conformity assessment of the types of radio equipment and emitters subject to registration.

The manufacturer must guarantee that the radio equipment and emitters are designed in such a way so that they could be operated in the territory of Ukraine as intended and without breaching established terms and rules of use of the radio spectrum. To that end, the manufacturer shall, under the procedure as established by the regulatory authority, obtain a decision on feasibility/infeasibility of the use of a radio equipment or an emitter of a new type in Ukraine by general users or a respective confirmation of the General Staff of the Armed Forces of Ukraine that a special purpose radio electronic device or an emitter fall under the category of those permitted for the use in Ukraine by special users.

3. Use of radio equipment and emitters for public radio frequency bands shall be in accordance with the conditions as set out in the in the register of radio equipment and emitters.

The register of radio equipment and emitters shall be maintained by the regulatory authority under the procedure established by it, and the latter shall include therein radio equipment and emitters permitted (temporarily permitted) for use in Ukraine in the public radio frequency bands by the general users, and radio equipment and emitters requiring a special registration procedure (when imported or operated) as well as those prohibited for import into the territory of Ukraine and use therein.

4. Placing radio equipment and emitters which have low level of compliance with essential requirements of the radio equipment technical regulations, and whose types are defined by the regulatory authority, under a respective customs regime in the customs territory of Ukraine shall be performed by the bodies of revenues and duties subject to availability of their types in the register of radio equipment and emitters, and also radio equipment and emitters whose operation is provided for general users of radio frequency resource — provided that such a type of radio equipment or emitters is not on the respective list of those prohibited for use in, or import to, Ukraine and/or under the special procedure for registration in the register of radio equipment and emitters.

Each item of radio equipment or emitters (products) must be accompanied by a simplified declaration of conformity with technical regulations.

The regulatory authority shall ensure, within three business days from adoption of a respective decision, upload by an official authorised by it, and with the use of a qualified electronic signature, of necessary information in electronic format in confirmation of compliance or failure to comply with the restrictions set in respect of carrying across the border of radio equipment and emitters to be operated by general radio spectrum users, to the unified public information web-portal Single Window for International Trade in accordance with [the Customs Code of Ukraine](https://zakon.rada.gov.ua/laws/show/4495-17).

*{The third indent of Article 64(4) as amended by the Law*[No. 2801-IX of 01.12.2022](https://zakon.rada.gov.ua/laws/show/2801-20%252525252523n1234)*}*

**Article 65.**Conditions of the use of radio equipment in Ukraine

1. Determination of potential for use of radio equipment and emitters in Ukraine shall be performed with the following principles taken into account:

1) use of radio equipment with the view to introduction of radio technologies in accordance with the Plan for Radio Spectrum Allocation and Use in Ukraine;

2) ensuring electromagnetic compatibility.

2. To obtain a decision on feasibility of the use of a radio equipment or an emitter of a new type in the territory of Ukraine by general users, the manufacturer or its authorised representative in Ukraine shall submit the following documents:

1) an application for identifying potential for use of a particular type of radio equipment and emitters in accordance with the form as established by the regulatory authority;

2) a card containing tactical characteristics and specifications of radio equipment or an emitter in accordance with the form as established by the regulatory authority;

3) additional information (optional).

3. An application shall be dismissed in the case if:

1) documents are submitted in breach of requirements of [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1288) of this Article;

2) radio technology for which radio equipment is notified is not identified in the Plan for Radio Spectrum Allocation and Use in Ukraine;

3) the use period of the radio technology for which radio equipment or emitter is notified expires in less than one year from registration date according to the Plan for Radio Spectrum Allocation and Use in Ukraine.

In that case, the regulatory authority shall sent a notification to the applicant, where it indicates the grounds for considering the application void. Where the reasons for considering the application void have been removed, the applicant shall have the right to apply to the regulatory body and authority again by filing a properly executed application.

4. The regulatory authority shall, within ten days from registration of the application, send the documents provided by the applicant to the state-owned enterprise managed by the national regulatory authority for the purposes of technical expert examination for preliminary assessment of the possibilities to ensure electromagnetic compatibility of the radio equipment and emitters.

5. The state-owned enterprise shall, within one month from receipt of the documents from the regulatory authority, conduct technical expert examination for preliminary assessment of the possibilities to ensure electromagnetic compatibility of the radio equipment or emitters and submits the results thereof and substantiation of feasibility or infeasibility of the use of a radio equipment or an emitter of a notified type in the territory of Ukraine to the regulatory authority.

6. If submitted information containing technical specifications of the notified type of radio equipment or emitter is insufficient for the technical expert examination of the possibilities to ensure electromagnetic compatibility, the state-owned enterprise shall request the applicant to provide additional information and notify the regulatory authority to that effect in writing. In such a case, period of time for conduct of technical expert examination by the state-owned enterprise shall be extended for the period of time spent for obtaining additional information.

7. The regulatory authority shall, within fifteen days from the date of receipt of the results of the technical expert examination of the possibilities for ensuring electromagnetic compatibility from the state-owned enterprise, take a decision on feasibility or infeasibility of the use of radio equipment or an emitter of a notified type in Ukraine.

The said decision shall be sent to the applicant within three days from adoption thereof.

8. Where the regulatory authority decides that it is impossible to use the radio equipment or emitter of a notified type in Ukraine, that type of radio equipment or emitter shall be entered by the regulatory authority in the respective list contained in the register of radio equipment and emitters.

9. As regards technical specifications and conditions for the use, the regulatory authority shall adopt and publish generalised conditions of the use of radio equipment and emitters on an electronic regulatory platform.

The manufacturer may use such generalised conditions for the use with the view to confirmation of conformity of the use of radio equipment or an emitter with established conditions and rules of the use of radio spectrum, without the need to obtain an individual decision of the regulatory in accordance with this Article.

10. The procedures for maintaining of the register of radio equipment and emitters and the register of special purpose radio equipment and emitters shall be established by the regulatory authority and the General Staff of the Armed Forces of Ukraine respectively.

**Article 66.**Access to radio local area networks

1. Provision of access to public electronic communications network via a radio local area network and the use of radio spectrum for that purpose shall be performed based on general authorisation.

If an activity as stipulated in the first indent of this paragraph is carried out without purpose of providing electronic communications services, it shall not require notification of commencement of activities in accordance with this Law.

The above entities shall bear responsibility for a violation of legislative requirements to radio spectrum in accordance with law.

The requirements to radio equipment to be used in a radio network, which make it possible to consider it a radio local area network, shall be established by the regulatory authority.

2. Public electronic communications networks and/or services providers shall have the right to provide, on a contractual basis, access to their electronic communications networks via a radio local area network, including one located in the end user’s premises, subject to compliance with the conditions as stipulated in [Article 49](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1023) of this Law and subject to preliminary consent of an end user.

3. Electronic communications networks and/or services providers shall have no right to restrict or hinder the end users’:

1) access to radio local area networks as provided to the third parties, of their own volition; or

2) affording joint or public access to electronic communications networks of such providers by other end users via a radio local area network, including on the proposal of the third parties which amalgamate radio local area networks of various end users and render them public.

End users shall have the right to provide access, including joint access to their electronic communications networks, to other end users, including based on the proposal of the third parties which amalgamate radio local area networks of various end users and render them public.

4. Public authorities or local self-government bodies must not unreasonably restrict access to radio local area networks, and also:

1) provide, in the premises intended for public receptions or in public places located near the premises occupied by the above authorities or bodies, free-of-charge public access to the resources necessary for provision of administrative and other public services, via a local network;

2) on the initiative of civic associations or public authorities with the view to amalgamation and joint or public access to radio local area networks of various end users, including in the cases as provided for in [point 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1317) of this paragraph.

5. The Cabinet of Ministers of Ukraine shall adopt the respective national programme for ensuring public support for organisation of unhindered access to local radio networks for public in public places, including parks, garden squares, public buildings, libraries, healthcare centres and museums throughout Ukraine.

**Article 67.**Deployment and operation of low-power base stations

1. Deployment of low-power base stations shall be carried out in accordance with this Article, based on radio spectrum licences and without radio frequency assignment for such radio equipment (on principles of general authorisation) under the procedure as established by the regulatory authority. Such procedure must define, among the other things, physical and technical characteristics, such as emission power of a low-power base station.

2. Legislative principles underlying deployment of low-power base stations complying with the characteristics as stipulated in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1321) of this Article must facilitate simplification of the procedure for deployment thereof, including as regards permit procedures relating to their installation.

3. The electronic communications networks and/or services providers shall have the right to access to physical infrastructure in state or communal ownership suitable for placement of low-power base stations or for switching such points to a public electronic communications network, including street furniture, street lighting posts, traffic signs, traffic lights, billboards, bus and tram stops and metro stations.

Public authorities and local self-governing bodies must satisfy all reasonable requests for access to low-power base stations on equitable, reasonable, transparent and non-discriminatory principles to be published at the single entry point as provided for in [Article 28](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n694) of this Law.

4. Public authorities and local self-governing bodies shall not set nor collect any administrative fees for deployment of low-power base stations, other than fees for provision of administrative services as provided by law, which shall not exceed their self-cost.

**Article 68.**Radio frequency assignment

1. Radio frequency assignment shall be performed for each individual item of radio equipment as notified by the radio spectrum user for operation in a certain place (in a respective operation site — for mobile stations of radio services) as regards a radio service of an identified radio technology as provided for in the Plan for Radio Spectrum Allocation and Use in Ukraine and with the account taken of the International Telecommunication Union’s Radio Regulations and subject to ensuring electromagnetic compatibility with notified, planned and activated radio frequency assignments.

2. Regulatory authority shall, in coordination with the General Staff of the Armed Forces of Ukraine, compile a list of radio technologies, radio equipment for which radio frequency assignment is performed without electromagnetic compatibility calculation, and also a list of radio equipment operated without registration in the Register of Radio Frequency Assignments of General Users.

3. It shall be prohibited to assign radio frequencies to the radio equipment whose emission is capable of interference with the distress, emergency and urgency signals or with ensuring safety on international distress and emergency frequencies as laid down in the International Telecommunication Union’s Radio Regulations.

4. Radio frequency assignment for radio equipment of general users shall be performed by the state-owned enterprise on the instruction of the regulatory authority and based on the electromagnetic compatibility calculation or a declaration of ensuring electromagnetic compatibility of radio frequency assignment or notification of commencement of operation of radio equipment by way of entering data in the Register of Radio Frequency Assignments of General Users on the regulatory electronic platform.

A declaration of ensuring electromagnetic compatibility of radio frequency assignment shall be submitted not later that three business days prior to expiry of the respective positive electromagnetic compatibility calculation.

5. Radio frequency assignment for radio equipment of general users, for which there is no need in making the electromagnetic compatibility calculation shall be performed on the basis of a declaration of ensuring electromagnetic compatibility of radio equipment by way of entering data in the Register of Radio Frequency Assignments of General Users.

6. A form of a declaration of ensuring electromagnetic compatibility of radio equipment and of a notification of commencement of operation of radio equipment shall be established by the regulatory authority.

7. Submission of a declaration of ensuring electromagnetic compatibility of radio equipment or a notification of commencement of operation of radio equipment by a radio spectrum user shall be made via an electronic account on the electronic regulatory platform.

8. The Procedure for radio frequency assignments for special purpose radio electronic devices and emitters shall be established by the General Staff of the Armed Forces of Ukraine.

9. Radio frequency assignment shall be performed free of charge.

10. An applicant intending to operate radio equipment and having a positive electromagnetic compatibility calculation shall submit a notification of commencement of operation of radio equipment or emitter via an electronic account on the electronic regulatory platform.

11. For the purpose of radio frequency assignment to radio equipment whose operation does not require making electromagnetic compatibility calculations, a procuring entity shall submit, via an electronic account on the electronic regulatory platform, a declaration of ensuring electromagnetic compatibility of radio equipment with the validity of six months.

12. In the case of improperly executed declaration of ensuring electromagnetic compatibility of radio equipment, the applicant shall, within five business days from the filing date, receive a notice about violations identified and containing remedial recommendations, via an electronic account on the electronic regulatory platform.

13. A declaration of ensuring electromagnetic compatibility of radio equipment shall be deemed unfiled in the case if:

1) a declaration was submitted (signed) by a person not authorised to do so;

2) a declaration was completed in breach of an established form and/or was not completed in full;

3) the data about an undertaking as indicated in the declaration are missing or fail to conform with the data as contained in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations;

4) conditions of the use of radio equipment don’t ensure electromagnetic compatibility;

5) non-conformity of technical characteristics of radio equipment specified in the declaration with the conditions of use as laid down in the register of radio equipment and emitters.

14. In the case of adverse results of field tests or non-conformity of technical characteristics of radio equipment with electromagnetic compatibility calculation, a status of planned radio frequency assignment shall be reflected on the electronic regulatory platform.

15. Upon elimination of the reasons for adverse results of field tests or non-conformity of technical characteristics of radio equipment with electromagnetic compatibility calculation, the procuring entity shall have the right to submit a repeated application via an electronic account on the electronic regulatory platform under the procedure as established by this Article.

16. Within five business days from the date of registration of a declaration of ensuring electromagnetic compatibility of radio equipment, the respective data shall be entered in Register of Radio Frequency Assignments of General Users with the attached status of planned radio frequency assignment.

17. Within three business days from the date of receipt of a notification of commencement of operation of radio equipment, the respective data shall be entered in Register of Radio Frequency Assignments of General Users with the attached status of activated radio frequency assignment.

18. Radio frequency assignment shall be for the validity period of the respective radio spectrum licence, broadcasting licence or licence for providing services for the needs of broadcasting or for the period of use of the respective technology as identified in the Plan for Radio Spectrum Allocation and Use in Ukraine.

*{Article 68(18) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3102)*}*

19. Continued radio frequency assignment shall be performed simultaneously with extension of the respective radio spectrum licence, broadcasting licence or license for the provision of services for broadcasting needs by the regulatory authority.

*{Article 68(19) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3104)*}*

20. The applicant may obtain an extract from the Register of Radio Frequency Assignments of General Users, containing radio frequency assignments as received by him/her/it.

The form of an extract from the Register of Radio Frequency Assignments of General Users shall be established by the regulatory authority.

The amount of data and the format of open access to the Register of Radio Frequency Assignments of General Users shall be established by the regulatory authority.

21. Modifications of radio frequency assignments in the cases of:

change of the name of the legal entity or surname, name and patronymic (if any) of the natural person owning radio equipment;

change of a location of a legal entity or a residential address of a natural person owning radio equipment if their activities do not provide for a radio spectrum licence;

changes in its legal form by way of transformation, -

shall be made based on the relevant changes in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations with the use of the automated exchange of data. Amendments as preconditioned by the respective changes in the licence register shall be entered without an application of the radio spectrum user simultaneously with making respective amendments in the licence register.

**Article 69.**Electromagnetic compatibility calculation

1. Electromagnetic compatibility calculation for general users shall be performed and issued by the state-owned enterprise managed by the regulatory body and authority on a paid basis and under the procedure as established by the regulatory authority, and for the special users — by the General Staff of the Armed Forces of Ukraine.

The procedure for making an electromagnetic compatibility calculation for special users shall be established by the General Staff of the Armed Forces of Ukraine.

2. International Telecommunication Union’s recommendations and recommendations and decisions of the European Conference of Postal and Telecommunications Administrations, international agreements, acts of the European Union acquis as defined by the Plan for Radio Spectrum Allocation and Use in Ukraine shall be used for electromagnetic compatibility calculation of radio equipment or emitters of general users.

Norms of frequency and territorial separation with the view to ensuring electromagnetic compatibility of radio equipment or emitters for the purpose of joint use by various radio technologies and radio services of general and special users shall be approved by the central executive authority in the fields of electronic communications and radio spectrum, in coordination with the national regulatory authority and the General Staff of the Armed Forces of Ukraine.

Coordination of radio frequency assignment in the public radio frequency bands to the radio equipment of general users with the General Staff of the Armed Forces of Ukraine, and to the radio electronic devices of special users — with the state-owned enterprise shall take place where it is necessary for ensuring electromagnetic compatibility between the radio equipment or radio electronic devices of general and special users and in accordance with the Plan for Radio Spectrum Allocation and Use in Ukraine.

Need in international coordination, notification and registration of radio frequency assignments shall be defined in accordance with the International Telecommunication Union’s Radio Regulations and international treaties and with the account taken of the respective recommendations of the European Conference of Postal and Telecommunications Administrations at the stage of electromagnetic compatibility calculation.

3. A form of order for making and issuance of electromagnetic compatibility calculation and a form of electromagnetic compatibility calculation for radio equipment of general users shall be established by the regulatory authority, and for the radio equipment of special users — by the General Staff of the Armed Forces of Ukraine.

4. Electromagnetic compatibility calculation shall determine theoretical results of assessment (calculation) of potential for ensuring electromagnetic compatibility between earlier notified, planned and activated radio frequency assignments for radio equipment, including list of measures necessary for confirmation of compliance with the conditions of ensuring on-site electromagnetic compatibility of the planned radio equipment.

Depending upon the results of electromagnetic compatibility calculation, need in taking one or more of the following measures shall be determined:

1) primary technical control and/or field tests;

2) testing;

3) test run.

5. Electromagnetic compatibility calculation shall not be carried out in the case if:

1) an order for electromagnetic compatibility calculation was submitted (signed) by a person not authorised to do so;

2) radio equipment is not listed in the register of radio equipment and emitters;

3) duration or specific features of the use of a radio technology as defined by the Plan for Radio Spectrum Allocation and Use in Ukraine or the conditions of operation of radio equipment render it impossible to perform radio frequency assignment;

4) an order does not contain parameters and characteristics necessary for making electromagnetic compatibility calculation.

In the case of existence of one or more of above grounds referred to in [points 1 to 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1375) of this Article, if not all documents were submitted or were executed in breach of the established procedure, the applicant shall be notified within five business days from the order entry date via an electronic account on the electronic regulatory platform.

If the reasons for non-performance of the electromagnetic compatibility calculation are remedied, the applicant shall have the right to make a repeated order.

6. The period of time for providing a procuring entity with the electromagnetic compatibility calculation must not exceed 10 business days from the date of entry of an order as submitted in electronic form.

Where an order is received in a written form, the period of time for providing a procuring entity with the electromagnetic compatibility calculation must not exceed 20 calendar days from the date of entry of an order.

Those periods of time are without taking into account the periods of time for coordination with the General Staff of the Armed Forces of Ukraine and international coordination, notification and registration of the radio frequency assignment.

7. Where there is a need in coordination of the radio frequency assignment with the General Staff of the Armed Forces of Ukraine, the period of time for providing the electromagnetic compatibility calculation must not exceed 50 calendar days. Where there is a need in international coordination, the period of time for providing the electromagnetic compatibility calculation shall be extended for the period of time as set by the International Telecommunication Union’s Radio Regulations or by respective international agreements of Ukraine consented by the Verkhovna Rada of Ukraine.

8. The results contained in the electromagnetic compatibility calculation may be positive or negative.

Positive results of the electromagnetic compatibility calculation include:

1) positive ones, without restrictions;

2) positive ones, subject to positive outcomes of field tests, on-site testings and test runs;

3) positive ones, subject to special conditions which take into account the results of coordination with the General Staff of the Armed Forces of Ukraine and international coordination, notification and registration of the use of radio spectrum.

4) positive ones, for a limited period of time.

Results of the electromagnetic compatibility calculation shall be deemed negative in the case of:

1) non-compliance with the conditions of electromagnetic compatibility between activated, planned and notified radio frequency assignments;

2) negative outcomes of coordination as provided for in [paragraph 7](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1384) of this Article;

3) negative outcomes of international coordination.

9. In the case of a positive result of the electromagnetic compatibility calculation, the status of a notified radio frequency assignment shall be substituted with the planned radio frequency assignment in the Register of Radio Frequency Assignments of General Users.

In the case of a negative result of the electromagnetic compatibility calculation, an entry about a notified radio frequency assignment shall be removed the Register of Radio Frequency Assignments of General Users.

10. The electromagnetic compatibility calculation shall be valid for six months, except in case of the calculations for broadcasting radio electronic devices for which a 12-month validity period shall be set.

The period of validity of the electromagnetic compatibility calculation may be extended upon the applicant’s request but for not more than six months.

11. Where radio frequency assignment was not performed within above period of time, an entry about the planned radio frequency assignment shall become an inactivated radio frequency assignment.

12. Electromagnetic compatibility calculation shall be valid throughout the duration of an activated radio frequency assignment for respective radio equipment.

13. An applicant may initiate making amendments to an effective positive electromagnetic compatibility calculation, which do not concern modification of the technical parameters of radio equipment.

Modification of technical parameters and conditions of the electromagnetic compatibility calculation shall be performed under the procedure established for obtaining a fresh electromagnetic compatibility calculation.

14. Making amendments in the cases of:

change of the name of the legal entity or surname, name and patronymic of the natural person owning radio equipment;

change of a location of a legal entity or a residential address of a natural person owning radio equipment if their activities do not provide for a radio spectrum licence;

changes in its legal form by way of transformation, -

shall be made based on the relevant changes in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations with the use of the automated exchange of data. Amendments as preconditioned by the respective changes in the licence register shall be entered without an application of the radio spectrum user simultaneously with making respective amendments in the licence register.

15. Concerning radio frequency assignments for which positive electromagnetic compatibility calculations are received, an applicant may independently exercise on-site primary technical control of the planned radio equipment to verify its conformity with the electromagnetic compatibility calculation.

Where a need in field tests is indicated in the planned radio frequency assignment, the state-owned enterprise shall take part in primary technical control and field tests.

The Procedure for primary technical control and/for field tests of the radio equipment or emitter of a special user installed on the site of operation shall be established with engagement of special users’ radio monitoring means shall be defined by the General Staff of the Armed Forces of Ukraine by approval of regulatory authority.

**Article 70.**Cancellation of radio frequency assignment

1. Cancellation of radio frequency assignments is carried out by way of making the relevant entry in the register of radio frequency assignments.

2. The grounds for cancellation of radio frequency assignment shall be as follows:

1) withdrawal of radio spectrum licence;

2) revocation of the broadcasting license or the license for providing services for the needs of broadcasting;

*{Article 70(2)(2) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3105)*}*

3) a certificate of non-compliance with the requirements of an ordinance of the regulatory authority on elimination of breaches of conditions as indicated in a radio frequency assignment, or conditions applied to the rights of use for radio spectrum in accordance with this Law, including in respect of failure to eliminate radio interferences;

4) a certificate of a radio spectrum user’s repeated unreasoned refusal of check by the regulatory authority for compliance with radio spectrum use legislation.

Unreasoned denial of check shall be deemed to be prevention from conducting a check by authorized officials of the regulatory authority under no grounds provided for such prevention by law (in particular non-provision of documents, information about the object of check upon a written request of officials of the regulatory authority, denying access to them to radio equipment locations, absence at the location and/or actual location of radio spectrum user or person authorized to represent such user during a check without good reason and during the whole period of check);

5) making amendments to the Plan for Radio Spectrum Allocation and Use in Ukraine, which render further use of the assigned radio frequencies impossible, subject to a written warning sent by the regulatory authority to such radio frequency user at least one year in advance;

6) application of a radio spectrum user for cancellation of the radio frequency assignment;

7) information on termination of the legal entity (official registration of cessation of the individual entrepreneur’s business) in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations, except in cases or amendments made to the radio frequency assignment due to reorganisation;

8) a notarised copy of certificate of death of the individual entrepreneur who was a radio spectrum user.

9) non-payment or underpayment of the fee for the use of radio spectrum (radio frequency resource) of Ukraine to the State Budget of Ukraine for three and more months according to information provided by a controlling authority according to the procedure established by the regulatory authority and approved by the central executive authority, which ensures the formation and implementation of the state financial policy.

*{Clause 2 of Article 70 is amended with para 9 by the Law of Ukraine No. 3721-IX as of May 21, 2024}*

3. In the cases as provided for in [points 3 to 5](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1416) of paragraph 2 of this Article, cancellation of radio frequency assignment shall be based on a decision of the regulatory authority. Reviewing of such matters shall be performed with an invitation of a radio spectrum user sent no later than five business days prior to the meeting in question.

4. Within 10 business days from the day on which grounds for cancellation of radio frequency assignment arose:

1) an entry about cancellation of a certain radio frequency assignment shall be made in the register of radio frequency assignments and published;

2) a notice of cancellation of the radio frequency assignment based on a decision of the regulatory authority, stating the reasons of cancellation and containing substantiation thereof shall be sent to the radio spectrum user’s electronic account on the electronic regulatory platform.

**Article 71.**Use of radio equipment under general authorisation

1. Radio frequency assignment is not necessary to perform with the view to using radio equipment entered in a list or radio equipment types whose operation is performed without registration in the Register of Radio Frequency Assignments of General Users and which is defined by the regulatory authority in coordination with the General Staff of the Armed Forces of Ukraine and the central executive authority in the fields of electronic communications and radio spectrum.

2. Compilation of the list as mentioned in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1428) of this Article shall be performed under the procedure as established by the regulatory authority and with the account taken of the following principles:

1) expansion in the number of types of such equipment;

2) ensuring electromagnetic compatibility;

3) conformity of radio equipment with technical regulations;

4) balanced use of radio spectrum;

5) conditions for the use of radio equipment without radio frequency assignment, including maximum capacity;

6) use of radio equipment solely for reception does not require radio frequency assignment.

3. Use of radio equipment or emitters solely for reception of radio signals does not require radio frequencies assignment.

4. Operation of radio equipment and emitters under general authorisation shall be deemed a radio spectrum user’s consent to comply with the requirements of this Law in unlicensed radio range without a need in performing radio frequency assignment.

**Article 72.**Temporary use of radio equipment for tests, trials or experiments relating to a launch of new technologies

1. The regulatory authority may, in coordination with the General Staff of the Armed Forces of Ukraine and on the request of an applicant, agree to temporary (up to 90 days) use of radio equipment or emitters for the purpose of tests, trials or experiments relating with the launch of new radio technologies, provided the applicant has given explanations as regards the goal and schedule of those tests, trials or experiments.

Response containing consent or refusal to coordinate shall be given by the regulatory authority to an applicant within 10 calendar days from receipt of the request, and in the cases as provided for in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1446) of this Article — within 30 calendar days.

2. In the response containing consent to the temporary use of radio equipment or emitters the following information must be indicated:

1) a person/entity to whom/which a consent to the temporary use of radio equipment or emitters (name and location — for a legal entity, and surname, first name and patronymic (if any) and registered residence — for a natural person);

2) radio frequency band;

3) area in which radio frequencies may be used;

4) duration of temporary use of radio equipment or emitters.

3. The matters of temporary use of broadcasting radio equipment shall be coordinated with the General Staff of the Armed Forces of Ukraine and the National Council of Television and Radio Broadcasting of Ukraine which shall notify the regulatory authority of the outcomes of consideration of the above matters within the period of time not exceeding 10 calendar days from receipt of the request to that effect by the regulatory authority.

4. The requirements as indicated in [paragraphs 1–3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1439) of this Article shall also cover the persons licensed in accordance with this Law.

5. Refusal to coordinate temporary use of radio equipment or emitters shall be on the grounds and under the procedure as established in [Article 65](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1284) and [68](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1326) of this Law.

6. Consent to the temporary use of radio equipment or emitters shall be provided free of charge.

7. The General Staff of the Armed Forces of Ukraine may permit special users to temporarily use radio equipment or emitters in special-use radio frequency bands, and subject to coordination with the regulatory authority — in public radio frequency bands.

8. The requirements of this Article shall apply to temporary use of radio equipment (up to nine months) for implementation of regional, national and international measures to ensure coverage and implementation of organisational and technical measures in the area of culture and arts financed form the state budget as well as other regional, national and international measures.

The procedure for temporary use of radio equipment shall be established by the regulatory authority.

**Article 73.**Detection and suppression of sources of radio interferences

1. Works / measures aiming at detection of sources of radio interferences on the initiative and at the expense of the applicants (radio spectrum users) shall be performed/taken on a contractual basis by the state-owned enterprise managed by the regulatory authority or by the undertakings which have obtained, in accordance with law, an accreditation certificate from the national accreditation authority of Ukraine, which attests their competence in carrying out activities aiming at detection of the sources of radio interferences. Undertakings shall, following obtaining of an accreditation certificate which attests their competence in carrying out activities aiming at detection of the sources of radio interferences, provide respective information on such accreditation to the regulatory authority. The list of such undertakings shall be published on the electronic regulatory platform.

The said undertakings must be residents of Ukraine and comply with the requirements to qualifications of the personnel and to technical facilities used for detection of the sources of radio interferences, as established by the Cabinet of Ministers of Ukraine.

The national accreditation authority of Ukraine shall accredit undertakings for activities aiming at detection of the sources of radio interferences in accordance with the requirements established by the Cabinet of Ministers of Ukraine.

2. The Procedure for detection of the sources of radio interferences and documentation thereof at the users’ requests shall be established by the regulatory authority in coordination with the central executive authority in the fields of electronic communications and radio spectrum.

The procedure for detection of radio interferences special users’ radio electronic means and emitters shall be established by the General Staff of the Armed Forces of Ukraine.

3. Based on the results of radio frequency monitoring and measures as provided for in this Article, and also, based on the results of state supervision, the regulatory authority shall ensure taking measures aiming at discontinuation of operation of illicit radio equipment and at elimination of the sources of radio interferences in the public radio frequency bands in accordance with law.

4. Elimination of the sources of radio interferences detected in taking measures as provided for [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1459) of this Article in public radio frequency bands where it concerns radio equipment of special users shall be ensured by the General Staff of the Armed Forces of Ukraine in cooperation with the regulatory authority. The procedure for such cooperation shall be established by joint decision of the above authorities.

5. The owners of radio equipment creating radio interferences to radio equipment operating on the basis of the radio frequency assignment and whose resistance to interference is in conformity with the requirements of legislation, must take all the measures necessary for elimination or containment of radio interferences, in accordance with the directions of the regulatory authority or the General Staff of the Armed Forces of Ukraine.

The owner of the radio equipment creating radio interferences, must, at the request of a radio spectrum user, reimburse the expenses the latter has incurred when eliminating radio interferences and losses suffered, in accordance with law. The methodology of calculation of such losses shall be established by the Cabinet of Ministers of Ukraine.

6. With the view to identification of the owners of radio equipment creating harmful radio interferences, the regulatory authority shall have the right to:

1) receive, from the respective state registers, information on the owners of the immovable property items in or on which the above radio equipment is located;

2) request from the persons/entities who/which are the owners the information on the leaseholders of the immovable property items in or on which the source of the above radio interferences is located. Where the owner of such immovable property item receives a request, the latter must submit information on a leaseholder to the regulatory body and authority within the period of time not exceeding two business days from receipt of the request.

7. The central executive authority in the fields of electronic communications and radio spectrum, the regulatory authority and the General Staff of the Armed Forces of Ukraine shall, without delay, take all measures and arrange for and carry out unscheduled works aiming at detection and elimination of the sources of radio interferences where those concern radio equipment used for ensuring safety of human life, flight safety within Ukraine’s air space, security of the state, public security, operation of nuclear security facilities, operation of emergency response services, government communications and state guard in accordance with [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/160/98-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580) “On State Protection of the Public Authorities and Officials of Ukraine”.

8. Police officers shall be engaged in the implementation of measures aimed at identifying and prosecuting the owners of illicit radio equipment or emitters that create radio interferences by the regulatory authority’s reasoned decision sent to the director of the police territorial body at the location of the relevant measure. The police may refuse to be engaged in implementation of measures aimed at identifying and prosecuting the owners of illicit radio equipment or emitters that create radio interferences only if the personnel of the police territorial body is engaged in ceasing collective breach of public safety and peace or mass riots as well as in elimination of major accidents or other major emergencies.

**Section XI. NUMBERING RESOURCE**

**Article 74.**General principles of allocation of numbering resources

1. The central executive authority in the fields of electronic communications and radio spectrum shall draw up and approve [the national numbering plan](https://zakon.rada.gov.ua/laws/show/z1534-23%252525252523n14) for electronic communications networks and services with the account taken of:

1) current and expected needs of the electronic communications networks and/or services providers and end users, including emergency services as established by the laws;

2) objectives and principles as defined by this Law;

3) provisions of international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine;

4) reservation of numbering capacity (in an amount not exceeding 10 per cent of total number of the numbering resource of a certain type);

5) ensuring rational distribution and use of numbering resource;

6) ensuring access to non-geographic numbers for provision of electronic communications services, including those different from interpersonal communications services;

7) ensuring an opportunity for allocation of numbering resource for provision of certain services by the undertakings other than electronic communications networks and/or services providers;

8) ensuring allocation of network geographic codes for interpersonal electronic communications services with the use of numbering throughout the entire country or over an administrative division not lesser than oblast, cities of Kyiv and Sevastopol;

9) application of a prefix 00 as a standard international call prefix;

10) numbering type used based on individual or general rights of the use of numbering resources;

11) harmonised use of numbering resource in accordance with the requirements of International Telecommunication Union and international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine.

2. The national numbering plan shall be published on the official website of the central executive body and authority in the fields of electronic communications and radio spectrum and on the electronic regulatory platform.

3. Primary allocation of the numbering resource shall be performed by the regulatory authority on the basis of permits and with the account taken of the requirements of the national numbering plan and of this Law.

4. Numbering resource shall be allocated to the undertakings listed in the Register of Electronic Communications Networks and Services Providers, and also, to the other entities in accordance with this Law (numbering resource user) for a period of five years (unless a different period of time is not indicated by the applicant), an where it is used for provision of interpersonal electronic communications with the use of radio frequencies — for the period of time not less than validity period of the respective radio spectrum licence (unless a shorter period of time is not indicated by the applicant).

5. A numbering resource user shall perform a secondary allocation of the numbering resource to the end users of electronic communications services.

6. Where and as provided by the regulatory authority, the numbering resource user shall have the right to transfer or assign the use of its numbering rights to the other undertakings which shall, in accordance with this Law, have the right to obtaining a respective numbering resource subject to notification, and where it concerns network codes, service codes and social short codes — by way of renewal of a respective permit in accordance with [Article 76](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1521) of this Law.

7. The regulatory authority must maintain general accounting of the allocated numbering resources (the register of primary allocation of numbering resources), and also, publish, on the electronic regulatory platform, full and up-to-date information on the allocated and uncommitted numbering resources, the numbering resource notified for primary allocation, a notice of receipt of a request for a numbering code, which must be published not later than on the next day after receipt of such request. Information on availability of uncommitted numbering resource must be in the form and in the amount necessary for its use in filing a request for primary allocation of the numbering resource.

8. Requirements of [Section XI](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1468) of this Law shall not cover allocation and use of the Internet resources, including IP address, autonomous system numbers and domain names.

**Article 75.**Granting rights to the use of the numbering resource

1. The application for authorisation to use the numbering resource shall be submitted by an electronic communications networks and/or services provider via filling of a form established by the regulatory authority, in the user account on electronic regulatory platform by using a qualified electronic signature tool, and it also shall contain the following information:

1) full name of a legal entity or the surname, name and patronymic (if any) of an individual entrepreneur or a natural person;

2) identification code in the Unified State Register of Enterprises and Organisations of Ukraine for legal entities, taxpayer identification number or passport series and number (for persons who refused taxpayer identification number due to their religious beliefs and notified the relevant control body to that effect and have a mark in their passport certifying their right to make payments using their passport series and number) for individual entrepreneurs and natural persons;

3) numbering resource notified and types thereof, type of services planned to be provided by using it;

4) information on the need in the numbering resource notified;

5) where an earlier allocated numbering resource is available in the area where the applicant plans to obtain a numbering resource, then data on the use of the available numbering resource as on the first day of the month in which an application is filed are to be provided.

2. Processing of an application and taking a decision on issuance or denial of authorisation shall be performed by the regulatory authority within the period of time not exceeding 10 business days, unless otherwise is provided for in paragraphs [3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1497) and [4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1498) of this Article.

3. Where an application filed fails to conform with the requirements of [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1490) of this Article, the applicant must be notified of the irregularities found and proposed to remove them within five business days from notification. The period of time as provided for in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1496) of this Article shall be counted anew from the date of filing of a rectified application.

4. As regards the network and service codes and short codes as defined by the regulatory authority (whose number is limited), such numbering resource shall be allocated by the regulatory authority on the competitive basis and under the procedure established by it.

5. Notice of an adopted decision on issuance of the authorisation to use the numbering resource shall be sent to an applicant within three business days from the date of adoption.

Based on such decision, the regulatory authority shall prepare the authorisation to use the numbering resource within three business days from the date of payment for issuance thereof [in the amount and under the procedure](https://zakon.rada.gov.ua/laws/show/608-2022-%2525252525252525D0%2525252525252525BF%252525252523n13) established by the Cabinet of Ministers of Ukraine.

6. The authorisation shall be prepared in the electronic format by way of making an entry in the electronic Register of Primary Allocation of Numbering Resources, and it shall contain conditions for its use of the numbering resource in accordance with legislation, and particularly:

1) types of services for which the numbering resource must be used;

2) validity period of the authorisation and area covered by the numbering resource;

3) compliance with the obligations for the rights to use the numbering resource, as provided for by the terms and conditions of a tender or an auction in the cases as provided for in [paragraph 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1498) of this Article;

4) compliance with the obligations for non-discriminatory access to electronic communications services with the use of the numbering resource as assigned by the other electronic communications networks and/or services provider;

5) a possibility of and conditions for transfer or assigning the use of the rights in respect of the numbering resource as indicated in the authorisation in accordance with [paragraph 6](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1486) of Article 74 of this Law.

7. The regulatory authority shall refuse to issue the authorisation to use the numbering resource in case if:

1) the requested numbering resource is not in line with the national numbering plan;

2) notified uncommitted numbering resource is unavailable;

3) the applicant uses less than 65 per cent of the previously received numbering resource (for number types with similar designation) in the area where the applicant plans to receive the numbering resource;

4) non-receipt of the finalised documents from the applicant within 30 business days from the notification date in accordance with [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1497) of this Article.

8. A decision to deny a request for the authorisation to use the numbering resource, containing substantiation of the grounds for denial, shall be submitted to an applicant within three business days from adoption thereof.

9. The Register of Primary Allocation of Numbering Resources shall be maintained by the regulatory authority.

The procedure for maintenance of the Register of Primary Allocation of Numbering Resources shall be drafted and approved by the regulatory authority.

10. The right of use of the numbering resource shall be provided to the technological users of the numbering resources under the procedure as established by the regulatory authority for the period of five years, unless a shorter period of time is not indicated by the applicant.

Filing an application for obtaining the rights to use the numbering resource, selection of a necessary numbering resource, familiarisation with the conditions for its use, making payment for the authorisation to use the numbering resources and entering data to that effect in the Register of Primary Allocation of Numbering Resources shall be made via an electronic regulatory platform in accordance with [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1490) of this Article.

Interactions between the technological numbering resource users and the electronic communications networks and/or services providers shall take place under the procedure as established by the regulatory authority.

11. In the course of generation of an electronic application in accordance with this paragraph, the electronic regulatory platform shall provide for verification of its completeness and correctness, including by way of automated information exchange with the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations.

Upon payment by the applicant and provision of the rights of use the numbering resource, respective information concerning primary allocation of the numbering resource shall be entered in the Register of Primary Allocation of Numbering Resources, and an electronic extract from the above register shall be sent to the applicant.

Where the applicant fails to pay for the issuance of the authorisation to use the numbering resource, within the time-limits as set by legislation, the regulatory authority shall cancel the respective decision.

**Article 76.**Renewal of the authorisation to use the numbering resource and amending the Register of Primary Allocation of Numbering Resources

1. Grounds for renewal of an authorisation to use the numbering resource shall be as follows:

1) reorganisation of a legal entity holding an authorisation, by way of allocation or unbundling (authorisation shall be renewed for a user’s legal successor in accordance with spin-off balance sheet);

2) change of a format or a structure of the numbering resource or the numbering space in the existing National Numbering Plan;

3) a need arising for a numbering resource user in reducing amount, changing area or assignment of the numbering resource (change of a type and/or the name of services or a service), transition from the analogue numbering fragment to digital one when exchanging parts of the numbering resource (provided for exchange) between the electronic communications networks and/or services providers in equal amounts subject to the authorisations to use the numbering resource held by them;

4) transferring of the numbering resource to the other electronic communications networks and/or services provider (in full or a certain part thereof) in accordance with [Article 74(6)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1486) of this Law.

2. In the case of a change of a name of a legal entity or a surname, name and patronymic (if any) of a natural person, or a location of a legal entity or a residential address of a natural person; reorganisation by way of changing its legal form (transformation), merger or acquisition, division (spin-off), the regulatory authority shall make updates to the Register of Primary Allocation of Numbering Resources, free of charge, based on the relevant changes in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations using the automated exchange of data, without filing an application by the numbering resource user.

3. Where other grounds than those provided for in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1527) of this Article arise, the numbering resource user shall file an application by using a form as established by the regulatory authority by way as stipulated in by [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1490) of Article 75 of this Law.

The application shall be submitted not later than within 20 business days from the time when the grounds for renewal arose, and in the case as provided for in [point 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1526) of paragraph 1 of this Article, it shall be submitted together with notification of the transfer of the numbering resource.

4. The authorisation not renewed within the period of time set shall be deemed invalid, and the respective entry to that effect shall be made in the Register of Primary Allocation of Numbering Resources. The numbering resource concerned shall be deemed uncommitted for the purpose of subsequent primary allocation.

5. Where an application for renewal of the authorisation to use the numbering resource has been executed improperly, an official authorised by the regulatory authority shall, within five business days from receipt thereof, notify the irregularities found to the applicant and proposes to remove those. In this case, the period of time as provided for in [paragraph 6](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1532) of this Article shall be counted anew from the date of filing of rectified documents.

6. The regulatory authority shall adopt a decision on the application for renewal of the authorisation within the period of time not exceeding 15 business days from receipt thereof.

7. An administrative service fee for renewal of the authorisation to use the numbering resource shall be collected [in an amount and under the procedure](https://zakon.rada.gov.ua/laws/show/608-2022-%2525252525252525D0%2525252525252525BF%252525252523n13) as established by the Cabinet of Ministers of Ukraine; the above amount may not exceed self-cost of provision of the administrative service.

8. Where the authorisation to use the numbering resource is renewed, the validity period of the authorisation thus renewed may not exceed the validity period of the authorisation to be renewed.

9. The regulatory authority shall, within three business days from adoption of a decision on renewal of the authorisation to use the numbering resource, renew such authorisation by way of amending the entry in the electronic Register of Primary Allocation of Numbering Resources and notify the applicant to that effect.

10. The grounds for the refusal to renew an authorisation to use the numbering resource shall be as follows:

1) restrictions as to the use of the respective numbering resource contained in the national numbering plan;

2) use the numbering resource (a part thereof) as indicated in the authorisation in breach of the national numbering plan or the conditions of authorisation pertaining to its intended use;

3) unreliability of the data indicated in the application for renewal;

4) refusal to coordinate the transfer of the numbering resource in accordance with the procedure for such coordination as established by the regulatory authority;

5) absence of the grounds for renewal, as provided for in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1522) of this Article.

11. Notice of an adopted decision on renewal of the authorisation to use the numbering resource or denial thereof (with substantiation of the grounds for such denial) shall be sent to an applicant within three business days from the date of adoption.

12. Where the applicant fails to pay for the renewal of the authorisation within the time-limits as set by legislation, the regulatory authority shall cancel the respective decision on renewal of the authorisation.

13. A decision to deny a request for renewal of the authorisation to use the numbering resource, containing substantiation of the grounds for denial, shall be submitted to an applicant within three business days from adoption thereof.

**Article 77.**Extension of authorisation to use the numbering resource

1. Where an undertaking intends to use the numbering resource after expiry of the validity period of the authorisation, it must, not later than a month prior to the expiry date of the authorisation, file to the regulatory authority an application for its extension in accordance with the procedure as laid down in [Article 75](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1489) of this Law.

2. A decision to extend the authorisation to use the numbering resource or to refuse such extension, with the reasons for refusal provided, shall be taken by the regulatory authority and sent to the applicant under the procedure as established by [Article 75](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1489) of this Law.

3. The regulatory authority shall refuse to extend the authorisation to use the numbering resource if:

1) further use of the numbering resource as indicated in the authorisation is not provided for by the national numbering plan;

2) non-receipt of the finalised documents from the applicant within 30 business days from the notification date in accordance with [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1548) of this Article.

4. Notice of extension of the authorisation to use the numbering resource shall be sent to an applicant within three business days from the date of adoption.

Based on such decision, the regulatory authority shall prepare the authorisation to use the numbering resource within three business days from the date of payment for extension thereof [in the amount and under the procedure](https://zakon.rada.gov.ua/laws/show/608-2022-%2525252525252525D0%2525252525252525BF%252525252523n13) established by the Cabinet of Ministers of Ukraine.

The amount of fee for extension of the authorisation to use the numbering resource must not exceed 5 per cent of the fee for issuance of the authorisation to use the numbering resource but may not be less than self-cost of provision of the respective administrative service.

5. Where the applicant fails to pay for the extension of the authorisation within the time-limits as set by legislation, the regulatory authority shall cancel the respective decision on extension of the authorisation.

6. The authorisation not extended within the period of time set shall be deemed invalid, and the respective entry to that effect shall be made in the Register of Primary Allocation of Numbering Resources. The numbering resource concerned shall be deemed uncommitted for the purpose of subsequent primary allocation.

**Article 78.**Withdrawal of the authorisation and termination of rights of use of the numbering resource or a part thereof

1. The grounds for withdrawal of the authorisation and termination of rights of use of the numbering resource (or a part thereof) shall be:

1) changes in the national numbering plan rendering further use of the numbering resource impossible, of which the user was warned not later than two years in advance;

2) application of the numbering resource user;

3) information on termination of the legal entity (state registration of cessation of the individual entrepreneur’s business) contained in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations;

4) a certificate of repeated breach by the numbering resource user of the requirements as provided for by [Article 79](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1572) of this Law. A repeated breach shall be deemed to be a breach of at least one of the requirements specified in an ordinance for correction of breaches issued by the regulatory authority within one year from the date of issue of such an order. Where such breaches do not concern the entire numbering resource as made available for use, or a part thereof, only that part of the numbering resource shall be subject to withdrawal the fact of breaching which was documented in the certificate as referred to in this point, and in respect of the other part thereof an authorisation shall be renewed and updates to the Register of Primary Allocation of Numbering Resources made;

5) a certificate of failure to comply with the ordinance of the national regulatory authority to remove breaches of the conditions of use of the numbering resource in accordance with [Article 79](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1572) of this Law;

6) a certificate of a numbering resource user’s repeated unreasoned refusal of check by the regulatory authority for compliance with numbering resource use legislation.

Prevention of the authorised officials of the regulatory authority from conducting a check on no grounds provided for such prevention by law (in particular non-provision of documents or information about the scope of check upon a written request of officials of the regulatory authority or absence of the numbering resource user or a person authorised to represent such user for a period of a check at the location and/or actual location without good reason throughout entire duration of a check) shall be deemed an unreasoned refusal of a check;

7) termination of activities in the field of electronic communications, which include the use of a numbering resource. In the case of termination of activities in the field of electronic communications, an electronic communications services provider shall be bound to file to regulatory authority an application for withdrawal of the authorisation to use the numbering resource and the data on the numbering resource used by the end users of electronic communications services rendered by such provider. An authorisation to use the numbering resource shall be deemed withdrawn as from the date of termination of activities in the field of electronic communications, including in the case of non-receipt of the application for withdrawal by the regulatory authority;

8) removal of an undertaking from the Register of Electronic Communications Networks and Services Providers during the martial law.

*{Article 78(1) is supplemented with point 8 in accordance with the Law*[No. 2240-IX of 03.05.2022](https://zakon.rada.gov.ua/laws/show/2240-20%252525252523n19)*}*

2. A decision of the regulatory authority in accordance with [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1557) of this Article shall be taken subject to mandatory invitation of an authorised representative of the respective numbering resource user, and also, subject to holding consultations in accordance with [Article 22](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n581) of this Law, except as otherwise provided for in [points 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1559) and [3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1560) of paragraph 1 of this Article.

3. The regulatory authority shall adopt a decision in accordance with [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1557) of this Article within 20 business days from the day on which the reasons for that were determined. A copy of the decision (stating the grounds for withdrawal and substantiating them) shall be sent to the numbering resource user not later than within three business days from adoption thereof.

A decision adopted by the regulatory authority in accordance with [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1557) of this Article shall come into effect within 10 business days from the date of adoption thereof.

4. Authorisation to use the numbering resource shall be withdrawn by the regulatory authority by way of making an entry on a decision adopted in accordance with [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1557) of this Article in the Register of Primary Allocation of Numbering Resources.

5. In case of establishing of the fact of using the numbering resource to which primary allocation as provided for in [Article 75](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1489) of this Law was not applied or in whose respect information on unlawful use of international numbering resource was received, the regulatory authority shall, in accordance with legislation, take measures with the view to discontinuation of the use of such resource and imposition of liability as provided for by law. The regulatory authority shall notify the electronic communications networks and/or services providers of the numbering resource unlawfully assigned and used.

The electronic communications networks and/or services providers must not perform traffic transmission with the use of the numbering resource not entered in the Register of Primary Allocation of Numbering Resources and/or unlawfully used (in breach of the requirements of international and national numbering plans) based on the respective information of the regulatory authority.

**Article 79.**Conditions applied to the rights to the use of the numbering resource

1. Numbering resource users shall be bound to respect the following general authorisation conditions for the use of numbering resource with respect to:

1) the networks, services as identified when granting rights to the use of the numbering resource, for which numbering resource will be used, and the conditions for its use in accordance with the national numbering plan, including the conditions relating to provision of electronic communications services;

2) the obligation for ensuring provision of the service of number porting in accordance with [Article 113](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2060) of this Law;

3) provision of available information on the end user for a publicly available guide, at the latter’s request, under the procedure as established by this Law and subject to its preliminary consent to end users’ personal data processing;

4) granting rights to the use of the numbering resource in accordance with [Article 75](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1489) of this Law with the account taken of the updates in the National numbering plan;

5) the procedure for transfer or assignment for use of the numbering resource on the numbering resource user’s initiative as established by the regulatory authority;

6) obligations taken by the numbering resource user in the process of obtaining rights to the use of the numbering resource under the terms and conditions of a tender or an auction, in accordance with [Article 75(4)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1498) of this Law;

7) obligations relating to the use of the numbering resource under respective international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine;

8) obligations for ensuring compliance with the consumers’ rights and with the other requirements of legislation on electronic communications, relating to the use of the numbering resource;

9) obligations for non-discrimination of the other electronic communications networks and/or services providers as regards the numbering resource used for provision of access to their services.

**Article 80.**Access to numbers and number-based electronic communications services

1. An electronic communications networks and/or services provider must provide the end users with:

1) a possibility to employ services provided by means of the numbering resource under the established procedure;

2) access to all numbers and service codes used in public electronic communications networks, irrespective of a technology or devices used by the electronic communications networks and/or services providers, unless such access is restricted by the service user to own number;

*{Article 80(1)(2) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n575)*}*

3) notification by way of publishing information on the planned changes in numbering for certain segments of an electronic communications network on its official website not later than one year prior to making such changes;

4) notification of the subscribers, including by means of electronic communications, of the planned changes in their numbers for new numbers, and also, free-of-charge notification of the other end users of the planned changes in numbering not later than three months prior to introduction of those changes.

2. The electronic communications networks and/or services providers must, in accordance with law, block, on an individual basis, access to the numbers or services in the case where there is a confirmed in accordance with legislation fact of using them for unauthorised interference with the electronic communications networks or commission of fraud, and also, in such cases and based on the decision of the regulatory authority, refuse respective income from connection or other services derived as a result of unauthorised interference with the electronic communications networks, unlawful assignment, allocation and use of the numbering resource (in accordance with the rules for providing and obtaining electronic services).

**Section XII. ELECTRONIC COMMUNICATIONS MARKET ANALYSIS**

**Article 81.**Procedure for the identification and definition of markets

1. The regulatory authority shall approve the procedure for identification and definition of the markets whose characteristics may justify introduction or regulatory obligations as provided for in this Section irrespective of the markets as established in accordance with legislation on protection of economic competition.

The procedure referred to in [the first indent](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1592) of this paragraph shall be approved with an account taken of international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine, and of relevant recommendations of international organisations.

2. The regulatory authority shall identify and define markets, and particularly, respective commodity and geographic market boundaries in the territory of a country, with the particular account taken of the levels of competition to gain access to physical infrastructure of electronic communications in accordance with the principles of legislation on protection of economic competition, and also, with geographic surveys of deployment of networks carried out in accordance with [Article 21](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n562) of this Law.

3. A decision of the regulatory authority on identification and a decision of market definition in accordance with this Article shall be taken upon consultations carried out in accordance with [Article 22](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n581) of this Law.

**Article 82.**Procedure for market analysis

1. The regulatory authority shall, under the procedure established by it, conduct market analysis and establish whether a certain electronic communications market is the one falling under regulatory obligations as provided for in this Section.

Market analysis shall be conducted by the regulatory authority and (where necessary) in cooperation and consultations with the Antimonopoly Committee of Ukraine, within the latter’s sphere of competence as established by law.

2. Market shall be deemed the one falling under regulatory obligations as provided for in this Section based on a finding by the regulatory body and authority about existence of the following criteria (as taken cumulatively):

1) high and persistent structural, legal or regulatory barriers to market access;

2) existing market structure discourages effective competition during a certain period of time, account taken of the competitive situation depending on physical infrastructure of electronic communications and other factors, other than barriers to access to the market, preconditioning levels of competitions;

3) application of legislation on protection of economic competition alone is not sufficient for addressing the problems identified in the market.

Criteria for imposition of regulatory obligations as provided for in this Section shall be deemed satisfied subject to simultaneous existence of all criteria as stipulated in this paragraph.

3. Market analysis shall include: state of the market assessment and assessment of impact in the case if no regulatory obligations are imposed on such market taking into account the following:

1) tendencies in market development influencing probability of emergence of effective competition in the market in the future;

2) all factors restricting competition on the wholesale and retail levels, irrespective of whether those restrictions are considered to be caused by the factors relating to electronic communications networks or services or to the other types of services or applications (user software) which are similar for an end user, and also, irrespective of whether such factors are part of a certain market;

3) other kinds of regulations or measures put in place and influencing such market or an adjacent market or retail markets of electronic communications during a certain period of time, including obligations on collocation and use of the elements of electronic communications networks, network interconnections and access, as imposed in accordance with this Law;

4) regulation applied in other markets in accordance with this Article.

4. Where the regulatory authority finds that a certain market falls under as provided for in this Section or if the conditions as referred to in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1599) of this Article are not complied with, regulatory obligations shall not be imposed or extended in accordance with [Article 84](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1625) of this Law.

Where regulatory obligations are in place in such cases, the regulatory authority shall cancel regulatory obligations imposed on electronic communications networks and/or services providers in such a market.

The regulatory authority shall set the period of time for entering into force by the decision as referred to in this paragraph, with the view to providing a necessary transition period to undertakings benefiting from imposition of regulatory obligations, and to end users.

When setting such a period of time, the regulatory authority shall take a decision on the conditions and a period of notification of the parties to existing access agreements.

5. Where existence of the grounds for imposition of regulatory obligations in accordance with paragraphs [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1599) and [3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1604) of this Article is discovered, the regulatory authority must:

1) identify the electronic communications networks and/or services providers which individually or jointly exercise significant market power in a certain market in accordance with [Article 83](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1619) of this Law;

2) adopt a decision on imposition of certain regulatory obligations from among those provided for in this Section on the providers as referred to in [point 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1614) of this paragraph, or on maintaining or amending regulatory obligations in place if no effective competition in the interests of end users is ensured in the absence of such obligations.

6. The regulatory authority shall conduct repeated analysis of a certain market within the period of time not exceeding five years from identification of the electronic communications networks and/or services providers with significant market power according to the previous analysis.

In the case of the markets analysed for the first time, the above period of time shall be three years from the date of definition of the market(s) in accordance with [Article 81](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1591) of this Law.

7. A decision of the regulatory authority based on the results of the market analysis, including on imposition, non-imposition or cancellation of regulatory obligations, shall be adopted following consultations in accordance with [Article 22](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n581) of this Law.

**Article 83.**Electronic communications networks and/or services provider with significant market power

1. Where provided for by [Article 82(5)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1613) of this Law, the regulatory authority shall, under the procedure established by it, identify an electronic communications networks provider or an electronic communications services provider as one exercising significant market power, if it, individually or jointly with the other electronic communications networks providers or electronic communications services providers, holds a market position equivalent to a dominance which enables it to act, to a large extent, independently or its competitors and end users.

The regulatory authority shall identify the position equivalent to dominance, taking account of the legislation on protection of economic competition.

2. The procedure as referred to in [the first indent](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1620) of paragraph 1 of this Article must, with the account taken of legislative requirements to economic competition, provide for the criteria used for finding that such provider holds a position equivalent to dominance (a position of economic power) enabling the latter to commit acts (actions or inactivity) to a large extent independently of the competitors and end users.

3. If an electronic communications networks and/or services provider is found to be exercising significant market power in a certain market, it may, under the procedure as established by the regulatory authority, also be found to be exercising significant market power in a closely related (adjacent) market, if the ties between two markets make it possible to use market power in a certain adjacent market with the view to strengthening market power of such electronic communications networks and/or services provider.

In such cases, the regulatory authority shall, under the procedure established by it, impose regulatory obligations in the adjacent markets, aiming at prevention of such influence in accordance with [Articles 85 to 87](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1638) and [90](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1695) of this Law.

**Article 84.**Imposition, amendment and cancellation of regulatory obligations

1. The regulatory authority shall adopt, under the procedure established by it, decisions on imposition of regulatory obligations as provided for by [Articles 85–90](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1638), [92–97](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1736) of this Law on the electronic communications networks and/or services providers with significant market power, and also, on amendment and cancellation thereof.

2. Where such electronic communications networks provider or electronic communications services provider is found to be exercising significant market power in accordance with [Articles 82](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1596) and [83](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1619) of this Law, the regulatory authority shall adopt a decision on imposition on the former of the respective obligations from among those stipulated in [Articles 85 to 90](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1638), [92 to 98](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1736) of this Law.

At the same time, in accordance with the proportionality principle, the regulatory authority must opt for the least burdensome way of addressing the problems surrounding competition in a certain market of electronic communications, which were found as a result of an analysis it conducted.

3. Imposition of the regulatory obligations as referred to in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1627) of this Article by the regulatory authority shall be without prejudice to compliance by an electronic communications networks provider or electronic communications services provider exercising significant market power, with the obligations as provided for in this Law and international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine.

4. Regulatory obligations imposed in accordance with this Article must:

1) derive from the nature of the problem as identified by the regulatory authority in the analysis of a certain market, and aim at preventing and/or addressing it;

2) be proportionate and take account of the cost and benefits (if available) which emerge as a result of imposition thereof;

3) meet the objectives laid down in [Article 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n173) of this Law;

4) be imposed following consultations in accordance with [Article 22](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n581) of this Law.

5. The regulatory authority, on the initiative of its own or at the request of the interested parties shall review, under the procedure established by it, impact of new developments on the competitive situation, including coordination (cooperation) agreements on a certain market the analysis of which was performed in accordance with [Article 82](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1596) of this Law.

In the case where the changes in the market do not give grounds for new analysis, the regulatory authority shall assess a need in revising the regulatory obligations imposed, and where there are such grounds, it shall adopt a decision to amend such obligations, cancel them or impose new obligation in accordance with this Article.

Such decisions shall be adopted following consultations in accordance with [Article 22](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n581) of this Law.

**Article 85.**Transparency obligation

1. The regulatory authority shall adopt a decision on imposition of regulatory obligations for transparency in respect of network interconnection or access, which requires that the electronic communications networks provider with significant market power publish information on:

1) accounting;

2) prices;

3) electronic communications networks’ technical characteristics and expected changes therein;

4) conditions of network interconnections;

5) access, including conditions which modify access to the networks, services or applications (user software) or use thereof;

6) decommissioning of physical infrastructure of electronic communications.

Such information shall be submitted via an electronic cabinet on the electronic regulatory platform in an amount and in the format established by the regulatory authority.

2. Based on a respective decision of the regulatory authority, electronic communications networks providers with significant market power on which non-discrimination obligations in accordance with [Article 86](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1654) of this Law are imposed, must submit standard proposals on network interconnections and access to the regulatory authority with the view to publishing them on the electronic regulatory platform.

A standard proposal must:

1) be sufficiently detailed to warrant that the other electronic communications networks and/or services providers are under no obligation to pay for the facilities and means not necessary for the requested service of network interconnection or access;

2) contain description of certain proposals with a breakdown into components — according to the market needs, — and also, of associated conditions, including prices.

The regulatory authority shall establish minimum requirements to a standard proposal and revise those if there is a need in taking into account changes in technology.

Where a standard proposal is not in conformity with the requirements of this Article, the regulatory authority shall, under the procedure established by it, take measures with the view to amending standard proposals to bring them in line with the requirements of this Article.

3. Electronic communications networks providers with significant market power on which obligations for access to infrastructure of electronic communications in accordance with [Articles 88](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1663) and [89](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1666) of this Law are imposed, must also publish on the electronic regulatory platform the reference proposals in accordance with the minimum criteria and in a format as established by the regulatory authority.

**Article 86.**Non-discrimination obligation

1. The regulatory authority shall adopt a decision on imposition of a regulatory obligation for non-discrimination in respect of network interconnection and/or access, which requires that the electronic communications networks provider with significant market power ensure that:

1) network interconnection and/or access on equal conditions and in equivalent circumstances for the other electronic communications networks and/or services providers;

2) services and information to other electronic communications networks and/or services providers on the same conditions, including in terms of pricing and the same quality as applied to provision of electronic communications services to their own enterprises and their subsidiaries or partners, including by means of the same systems and processes, to ensure equivalent access.

**Article 87.**Obligation for separate accounting

1. The regulatory authority shall adopt a decision on imposition of a regulatory obligation for separate accounting in respect of certain activities on network interconnection and access which binds the electronic communications networks provider with significant market power, which is a vertically integrated enterprise, to ensure transparency of its wholesale prices and internal transfer prices (as regards vertically integrated and associated undertakings), including for the purpose of ensuring compliance with non-discrimination obligations in accordance with [Article 86](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1654) of this Law or, where necessary, for the purpose of prevention of unfair cross-subsidisation.

The regulatory authority shall establish requirements to format and methodology of separate accounting to be applied in the case of imposition of the obligations as provided by this paragraph.

2. With the view to check compliance with the transparency and non-discrimination obligations, the regulatory authority shall have the right to request the electronic communications networks providers with significant market power on which obligations are imposed in accordance with [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1659) of this Article, provision of accounting information, including in respect of income as received from the third parties.

The regulatory authority shall, under the procedure established by it, publish, on the electronic regulatory platform, the information on compliance with the obligations for separate accounting (except for personal data and information with restricted access) in the format and amounts necessary for facilitation of open and competitive market as established by it.

**Article 88.**Obligation for provision of access to physical infrastructure of electronic communications with the view to deployment of electronic communications networks

1. The regulatory authority shall adopt a decision to impose on the electronic communications networks providers with significant market power a regulatory obligation to satisfy reasoned requests for access to and use of the physical (passive) electronic communications infrastructure owned by them, including buildings or entrances to the buildings, cables, antennae, towers and other supporting structures, poles, masts, channels, conduits, inspection devices, manholes and cabinets. Such a decision shall be adopted in the case where based on the results of market analysis, the regulatory authority makes a conclusion that unreasonable denial of such access or provision of access in similar cases will impair effective competition in a certain market and the end users’ interests.

*{Article 88(1) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n576)*}*

2. The regulatory authority shall impose obligations as provided for in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1659) of this Article, irrespective of whether the facilities as referred to in paragraph 1 of this Article in whose respect a regulatory obligation is imposed belong to the market of electronic communications under analysis, and provided that such obligation is proportionate and necessary for meeting the objectives as provided for in [Article 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n173) of this Law.

**Article 89.**Obligation for provision of access to the elements of the electronic communications networks and infrastructure facilities

1. The regulatory authority shall adopt a decision to impose on the electronic communications networks providers with significant market power the obligations to satisfy the reasonable requests for access to and use of particular elements of the electronic communications network and facilities associated therewith, where based on the results of market analysis, the regulatory authority makes a conclusion that unreasonable denial of such access or provision of access in similar cases will impair effective competition in a certain market and the end users’ interests.

2. A decision of the regulatory body and authority as provided for in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1667) of this Article must include one or more of such obligations:

1) to provide to the third parties which are electronic communications networks and/or services providers, access to particular physical elements of the network and the facilities associated therewith, and also, to the use thereof, including full or partial access to local loops;

2) to provide access to certain passive or active network elements and associated services to the electronic communications networks and/or services providers;

3) to negotiate access with electronic communications networks and/or services providers;

4) to refrain from withdrawing access already provided;

5) to provide certain services in a wholesale market to electronic communications networks and/or services providers;

6) to provide access to technical interfaces, protocols and other technologies necessary for provision of electronic communications services, including virtual network services;

7) to ensure collocation and other forms of joint use of associated facilities and elements of active network infrastructure;

8) to provide certain services necessary for ensuring interaction between electronic communications networks with the view to enable provision of end-to-end services to the users, including national roaming services in mobile communications networks;

9) to provide to operational support systems and/or similar software necessary for ensuring competition in provision of electronic communications services;

10) to interconnect electronic communications networks or connect technical means of electronic communications;

11) provide access to associated services such as identification, location and a service of presence detection.

3. When adopting a decision in accordance with this Article, including as regards proportionality assessment and the conditions for imposition of regulatory obligations, the regulatory authority must analyse availability and sufficiency of other forms of access to the elements of electronic communications networks and infrastructure facilities in a certain and an adjacent wholesale markets, which will make it possible to address the problems found by market analysis, in the interests of the end users.

Such assessment must include offering commercial access regulated in accordance with [Article 34](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n771) of this Law, existing or planned access to the other elements of electronic communications networks and infrastructure facilities, in accordance with this Article.

4. When adopting decisions as provided in this Article, the regulatory authority must take account of the following factors:

1) technical and economic efficiency of the use or deployment of similar network elements by the other operators, account taken of the market development rates, character or type of the network interconnection or access, taking into account the efficiency of other special access services, such as access to channels;

2) expected technological evolution affecting design and control of the electronic communications network;

3) need in ensuring technological neutrality which makes it possible for the parties to develop and control the electronic communications networks of their own;

4) feasibility of providing offered access, taking into account available capacity;

5) initial investment of the facility’s owner with the account taken of public investment (if available) and investment-specific risks, and particularly, in relation with the high-capacity networks;

6) need in protection of economic competition in a long-term perspective, including economically efficient competition based on the electronic communications infrastructure and innovative business models in support of sustainable competition based on collective investment in electronic communications networks;

7) in cases provided for by the law, respective rights to intellectual property;

8) provision of cross-border services in accordance with international agreements of Ukraine ratified by the Verkhovna Rada of Ukraine.

5. A decision to impose a regulatory obligation based on [Article 88](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1663) of this Law or on this Article shall be adopted by the regulatory authority with the account taken of the proportionality of such obligations with the aim of encouraging competition in the interests of the end users.

6. When imposing obligations in accordance with this Article, the regulatory authority may, under the procedure established by it, establish technical and operational conditions to be complied with by the party providing access and the party obtaining access where it is necessary for ensuring functioning of the electronic communications network.

Such conditions must ensure access to the network elements and electronic communications infrastructure facilities on an equitable, reasonable and timely basis.

The conditions which provide for compliance with the indicated technical regulations or other normative documents must comply with the requirements of [Articles 36](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n817) and [37](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n820) of this Law.

**Article 90.**Obligation on price regulation and cost accounting in the wholesale markets

1. The regulatory authority shall adopt a decision on imposition on the electronic communications networks and/or services providers with significant market power (in wholesale markets) of regulatory obligations for cost accounting and price control, and particularly, as regards in respect of orienting prices towards self-cost and/or accounting costs incurred in performance of certain types of network interconnection or access.

Such a decision shall be adopted with the view to facilitating effective competition, which will render it impossible for an electronic communications networks and/or services provider with significant market power to set prices at excessively high rates to the detriment of the end users’ interests.

2. Return rate as regards the services in a certain wholesale market on which regulatory obligations have been imposed shall be set by the regulatory authority under the procedure established by it.

3. When taking decisions in accordance with [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1696) of this Article, the regulatory authority shall take account of the following:

1) need in facilitation of competition and long-term interests of the end users, which relate to deployment and use of next-generation electronic communications networks, and particularly, the very high capacity networks;

2) taking into account investment made by an electronic communications networks provider with significant market power on which regulatory obligations are imposed with the view to attraction of investments, including in the next-generation electronic communications networks.

4. When adopting a decision to impose an obligation for orientation of prices towards self-cost, the regulatory authority must:

1) bind the electronic communications networks provider on which such obligation is imposed to apply the return rate as provided for in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1698) of this Article;

2) take into account the benefits of foreseeable and stable prices in ensuring the effective market entry and sufficient incentives for all electronic communications networks providers to build new and develop existing electronic communications networks.

5. The regulatory authority must consider a possibility to refrain from imposition of regulatory obligations as provided for by this Article or release from those imposed where there are regulatory obligations already in place, which ensure effective and non-discriminatory access.

6. The regulatory authority shall establish requirements to the system of cost accounting and orientation of prices towards self-cost for provision of certain types of network interconnections or access, which shall facilitate building of new and development of existing electronic communications networks, effective competition and maximum benefits for end users.

Such requirements must provide for the conditions for taking into account access prices in similar competitive markets.

7. An electronic communications networks and/or services provider on which an obligation for orientation of the prices towards self-cost is imposed must, prior to application thereof, provide the regulatory authority with the rationale for its prices being based on expenses and including a certain return rate, and an audit conclusion on conformity of its cost accounting system with the requirements of [paragraphs 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1698) and [6](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1706) of this Article.

Where the regulatory authority finds non-conformity of the prices with the requirements of this Article, it shall adopt a decision to bind [that entity] to adjust prices within the time-period as set in the decision.

8. Where imposing obligations for the accounting system with the view to supporting price control, the regulatory authority shall establish and publish on the electronic regulatory platform its main parameters, and particularly, categories in which expenses are accounted, and rules applicable to cost allocation, and also, annual auditor opinions on conformity of the cost accounting system with the requirements of this Article.

**Article 91.**Settlement rates of traffic termination

1. The regulatory authority shall set single wholesale settlement rates:

1) for national mobile voice termination services;

2) for national fixed voice termination services.

Settlement rates as referred to in this paragraph shall be binding for all voice communication service providers for mobile and/or fixed electronic communications, respectively.

2. The regulatory authority shall set and modify settlement rates as provided for in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1712) of this Article and calculated in accordance with the procedure established by it, which shall take into account the following requirements:

1) rates set on the basis of the results of cost accounting of the respective services in accordance with the efficient operator model;

2) a termination rate must take into account only difference between the expenses calculated based on the efficient operator model making provision for rendering all traffic transmission services and the expenses calculated based on the same model but subject to absence of termination services rendered to the other providers;

3) a traffic termination rate shall be set for the fixed communications services providers irrespective of a market share, network size and actual expenses incurred.

3. The efficient operator model used for costing settlement rates of traffic termination shall be created by and belong to the regulatory authority.

4. The regulatory authority may involve other undertakings in creation and use of the efficient operator model, provided that those are not providers or associated with the other traffic transmission services providers for which the respective rate is set.

5. The efficient operator model used for costing traffic termination services must meet the following requirements:

1) no possibility of use of the service providers’ available infrastructure may be taken into account;

2) marketing costs shall not be taken into account, except for those which directly relate to provision of traffic transmission services;

3) scope of services and/or a number of end consumers inserted in a calculation must not be less than 20 per cent of total amount of retail services in the market associated with the respective wholesale market for which the rate is set;

4) for the calculation of depreciation of fixed assets inserted in the efficient operator model, a straight line depreciation method shall be used with the account taken of the possibility to use the respective fixed assets;

5) the efficient operator model for mobile communications must not take into account the expenses for radio spectrum fee;

6) the efficient operator model for fixed communications must be based on the packet switching technologies and must not take into account the expenses for creation and maintaining infrastructure of subscriber lines.

Other requirements to the efficient operator model used for costing traffic transmission services shall be established by the regulatory authority;

7) when modelling networks with the view to rate calculation, it is necessary to take into account the latest Internet protocol-based electronic communications network technologies available in Ukraine, and also various technologies which may be used throughout the settlement rate’s validity period.

For the purposes of modelling fixed communications networks, the connections shall be deemed packet switched;

8) only those expenses which could have been avoided in the absence of a traffic termination service in the wholesale markets must be included in extra expenses;

9) only those expenses which relate to network capacity expansion preconditioned by increase in the scope of additional traffic termination services in the wholesale markets must be included in extra expenses;

6. The regulatory authority sets a single maximum mobile voice termination rate, for calls coming from European Union numbers or Ukraine numbers roaming in the EU, and a single maximum fixed voice termination rate, for calls coming from European Union numbers or Ukraine numbers roaming in the EU, to be charged by providers of wholesale voice services for the provision of mobile and fixed voice termination services. These rates are set by the regulatory authority in accordance with the rates determined by the European Union regulatory framework.

The provisions of this paragraph do not apply to calls to toll-free numbers (at the expense of the called subscriber) or premium rate or shared cost services.

7. The regulatory authority shall monitor and ensure compliance with the application of the voice termination rates by providers of voice termination services.

In case the European Commission no longer defines a single maximum mobile and/or fixed voice termination rate, the regulatory authority may conduct market analysis of voice termination markets in accordance with Articles 81-84 of the Law of Ukraine on Electronic Communications to assess whether the imposition of regulatory obligations is necessary. If the regulatory authority imposes, as a result of such analysis, cost-oriented termination rates in a relevant market, it shall follow the principles, criteria and parameters set out in Article 91 paragraph 2-5 of the Law of Ukraine on Electronic Communications. The cost-oriented termination rates imposed in accordance with paragraph 6 of this Article are also applicable to calls originated from numbers included in national numbering plans corresponding to country codes of ITU-T E.164 Recommendation “The international public telecommunication numbering plan” for geographic areas belonging to the territory of the European Union.

**Article 92.**Measures with the view to facilitation of collective investment in the elements of a very high capacity network

1. The electronic communications networks providers with significant market power in one of more particular markets may, in the case of deployment (creation) of a new very high capacity network consisting of optical fibre elements to the end user’s premises or to a base station, offer collective investment to the other electronic communications networks and/or services providers, including by way of acquiring co-ownership or long-term risk sharing through co-financing or through sales agreements resulting in emergence of organisational rights on the part of the other electronic communications networks and/or services providers.

2. Investment proposal as provided for by [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1737) of this Article must meet the following criteria:

1) be open and non-discriminatory for any electronic communications networks and/or services provider for entire duration of operation of the electronic communications network built by means of collective investment.

The proposal may include reasonable conditions for financial capacity of a potential co-investor, and particularly, for confirmation of its capacity to carry out phased funding of building an electronic communications network and adoption of the strategic plan serving a basis for drafting medium-term plans of building such network.

2) be transparent, which provides for:

а) its publishing on the website of an electronic communications networks provider with significant market power;

б) provision, at the potential co-investor’s request, within the period of time not exceeding 20 business days from receipt thereof, of full detailed conditions, including legal form of a co-investment Treaty and period of validity of the co-investment instrument guidelines, and also, information about the phases of co-investment project creation and development.

3) include equitable and non-discriminatory conditions for potential co-investors who facilitate sustainable competition in long-term perspective, and, in particularly, as follows:

а) conditions for participation in the co-investment agreement, including as regards the terms of participation, financial settlements necessary for procuring certain rights, protection of the participants’ interests at the stages of building and operation of networks, including providing permanent rights to use an electronic communications network throughout a fixed period of time, and also, the conditions of termination of a co-investment agreement. Non-discriminatory conditions don’t mean providing equal conditions to all the potential co-investors;

б) ensuring flexibility in the matters of cost and duration of obligations, including with application of an agreed and potentially increasing percentage of total number of end users to certain territories, which makes it possible for lesser participants with fewer resources take part in co-investment at a minimum sufficient level, with subsequent gradual increase of their shares.

When assessing a co-investor’s financial contribution, the highest rates of risks of investment at the earlier phases of building of an electronic communications network must be taken into account;

в) possible increase of costs for obligations taken at the later stages, after the start of the co-investment project, which is preconditioned by reduced risks and incentives for fund raising at the earlier stages of the network deployment;

г) contract-based transfer of the acquired rights to co-invest to the other co-investors or third parties undertaking to comply with all primary obligations of the transferring co-investor under a co-investment agreement should be provided in the co-investment agreements;

ґ) provision of mutual rights of access by the co-investors, under equitable and transparent conditions, to co-invested physical infrastructure of electronic communications networks for the purpose of provision of electronic communications services, including for the service end users, must be provided for;

д) transport electronic communications network created by means of co-investment must ensure access to the network for all co-investors with the view to initiation and termination of connections under equitable and transparent conditions, including financial conditions, and with the account taken of various risk levels accepted by certain co-investors;

4) support must be given to sustainable investment which may meet future needs in electronic communications networks through deployment of new network elements which will substantially facilitate deployment of very high capacity networks

3. The regulatory authority must, under the procedure established by it, assess conformity of the co-investment proposal with the criteria as laid down in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1738) of this Article, and if it conforms, it must adopt a decision making such proposal binding and not imposing other obligations in accordance with [Articles 88](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1663) and [89](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1666) of this Law as regards the elements of a new high-capacity network, if at least one potential co-investor has concluded a co-investment agreement in respect of such network with an electronic communications networks provided with significant market power.

This is without prejudice to market analysis-based imposition of regulatory obligations regarding the matters which do not conform with the conditions as set out in paragraphs [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1738) and [3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1753) of this Article.

4. By way of exception to [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1753) of this Article, the regulatory authority shall, on reasonable grounds and under the procedure established by it, adopt a decision to impose, maintain or amend regulatory obligations as provided for by Articles [88](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1663) and [89](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1666) of this Law as regards new very high capacity networks — where there is a need to address substantial problems concerning competition in certain market whose characteristics render it impossible to overcome such problems in a different way.

5. Electronic communications networks providers with significant market power on which regulatory obligations are imposed in accordance with this Article shall submit regulatory reporting in confirmation of compliance with such obligations to the regulatory authority, in accordance with the form and within the time-limits as established by it.

**Article 93.**Functional unbundling

1. If previous imposition of obligations for access in accordance with this Section has failed to achieve effective competition and to eliminate all its distortions in certain access markets, and there are persistent problems surrounding competition, a regulatory obligation for ensuring activities relating to wholesale provision of respective services of access via an independently acting undertaking may be imposed, as an exceptional measure, on the vertically integrated electronic communications networks provider with significant market power. Such undertaking must provide services of access to all electronic communications networks and/or services providers, including those managed by a parent company, on the same conditions, including as regards the price levels and quality of services and with the use of the same systems and processes.

2. The obligation as provided for in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1758) of this Article shall be imposed by the regulatory authority under the procedure as established by it with the account taken of the requirements of legislation on protection of economic competition as regards mandatory unbundling.

3. A decision as provided for in this Article must contain:

1) evidence in corroboration of the regulatory body and authority’s conclusions as referred to in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1758) of this Article;

2) substantiation of the conclusion concerning absence or low probability of effective and sustainable competition relating the electronic communications networks infrastructure throughout a fixed period of time;

3) assessment of expected regulatory impact on such provider, including on the personnel of a separated undertaking and on the entire electronic communications sector, as well as on the incentives for investment in the sector and on the other interested parties; and expected impact on competition and possible consequences for the consumers;

4) reasons why such obligation will be the most effective regulatory obligation aiming at addressing problems with competition in a respective market(s).

4. No regulatory obligations as provided for [Articles 85–90](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1638) of this Law may be imposed on an electronic communications networks provider already under the regulatory obligations imposed in accordance with this Article, in any market where the latter was identified as one having significant market power.

**Article 94.**Voluntary allocation (unbundling) of the assets of a vertically integrated provider

1. The electronic communications networks providers with significant market power must notify the regulatory authority no later than three months prior to any planned transfer of their assets in the local access networks or a substantial part thereof to the other legal entity, or to establishment of an independent undertaking, with the view to ensuring provision of equivalent access services to all retail service providers, including its own subdivisions providing retail services.

2. Such providers also must:

1) notify the regulatory authority of any change in intent concerning allocation (unbundling) and of any final results thereof;

2) provide, in accordance with the form as established by the regulatory authority, a proposal on the conditions for access to be applied to their electronic communications network throughout a period of allocation or thereafter, with the view to ensuring effective and non-discriminatory access of the third parties (where respective commitments are in place).

3. The regulatory authority must, under the procedure established by it, assess impact of the planned allocation (unbundling) and proposals on the conditions for access submitted in pursuance of regulatory obligations.

Based on the assessment as provided in this paragraph, the regulatory authority shall, under the procedure established by it, adopt a decision on imposition, maintaining or cancellation of the regulatory obligations, and also, on identifying an obligation to comply with the submitted proposals concerning the conditions for access in full or in part.

4. Decisions provided for by this Article, shall be taken on the basis of consultations with the interested parties in accordance with this Law.

**Article 95.**Submission of the proposals on regulatory obligations by an electronic communications networks and/or services provider with significant market power

1. Electronic communications networks providers with significant market power shall have the right to submit to the regulatory authority their proposals on the regulatory obligations for conditions for access and/or co-investment applied to their electronic communications networks, and particularly, on:

1) cooperation mechanism relevant to the assessment of estimates and proportionate obligations pursuant to [Article 84](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1625) of this Law;

2) co-investment in high-capacity networks pursuant to [Article 92](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1736) of this Law;

3) effective and non-discriminatory access of the third parties throughout voluntary allocation conducted by a vertically integrated provider and thereafter, in accordance with [Article 94](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1766) of this Law.

Such proposals must be detailed and include time-limits and scope of implementation thereof to make it possible to the regulatory authority to conduct its assessment in accordance with [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1780) of this Article, and may go beyond the periods set for market analysis as provided for in [Article 82(6)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1616) of this Law.

2. For the purpose of assessment of the proposals as provided for in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1775) of this Article, other than those failing to conform with one or more requirements of [Section XII](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1590) of this Law, the regulatory authority shall conduct consultations with the interested parties in accordance with this Law.

3. The electronic communications networks and/or services providers which are potential co-investors of deployment of networks and/or access seekers may submit to the regulatory authority their proposals on amending proposals concerning the conditions of the regulatory obligation for the conditions for access and/or co-investment.

4. When assessing the proposals on access and/or co-investment submitted by an electronic communications networks provider with significant market power, the regulatory authority must take into account the following:

1) evidence in corroboration or an equitable and lawful character of the proposed conditions for regulatory obligations;

2) openness of regulatory obligations for all electronic communications networks and/or services providers which are the respective market(s) participants;

3) timely provision of access on equitable, lawful and non-discriminatory conditions, including to the high-capacity networks, with the view to provision of respective retail services;

4) general conformity of the proposed conditions for regulatory obligations with the aims of ensuring sustainable competition in the retail markets and facilitating cooperation with the view to development of high-capacity networks in the interests of end users.

5. The regulatory authority shall, within the period of time not exceeding 30 business days from receipt of proposals and with the account taken of the outcomes of consultations, submit to the electronic communications networks providers with significant market power its preliminary conclusions on conformity with submitted proposals on the regulatory obligations with the requirements of this Article.

An electronic communications networks provider with significant market power shall, where necessary, revise its proposal with the account taken of the regulatory authority’s preliminary conclusions, within the period of time not exceeding 20 business days from receipt thereof.

The regulatory authority shall, within the period of time not exceeding 30 business days from approval of the preliminary conclusions, approve a decision on adoption of the regulatory obligations in accordance with the submitted proposals, in full or to the extent not contrary to this Article, and set the duration of the above regulatory obligations.

In the case of the regulatory obligation for co-investment, such duration may be less than seven years.

When adopting a decision on imposition of obligations under this Article, the regulatory authority must assess the consequences of such decision for the development of the market, and feasibility of impositions or non-imposition of the regulatory obligations.

6. The regulatory authority shall supervise compliance with the obligations under this Article and review the matters of their extension in the case of expiry thereof.

**Article 96.**Peculiarities of imposition of the obligations on the provider which provides services only in the wholesale electronic communications markets

1. When identifying, in accordance with [Article 83](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1619) of this Law, a provider with significant market power in a wholesale electronic communications market(s) which doesn’t operate in any retail electronic communications market, the regulatory authority must establish whether the following features exist:

1) a provider, its subdivisions, and also, enterprises under its control, and any shareholder capable of managing such a provider, operates or plans to operate only in the wholesale electronic communications markets and does not operate in any retail electronic communications market;

2) a provider dos not have any agreements in place, which contain exclusive terms and conditions for a single provider in a retail electronic communications market.

2. Under the conditions as provided for by [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1794) of this Article, the regulatory authority may only impose regulatory obligations as provided for in [Articles 86](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1654) and [89](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1666) of this Law or those for fair and reasonable price, where such a need is established by the market analysis, and with the account taken of the forecasting of probable behaviour of a provider with significant market power.

3. The regulatory authority shall have the right to revise, at any time, the regulatory obligations imposed in accordance with this Article, where it is confirmed that the provisions of [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1794) of this Article are no longer complied with, and there is a need in applying provisions laid down in [Articles 81 to 90](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1591) of this Law.

An electronic communications networks provider with significant market power in the wholesale electronic communications market must notify the regulatory authority of the change in circumstances as referred to in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1794) of this Article, within the period of time not exceeding 10 business days from emergence thereof.

4. The regulatory authority shall also revise obligations imposed in accordance with this Article if based on the study of the submitted conditions as proposed by the provider with significant market power to its competitors, the regulatory authority finds there are problems with competition to the detriment of the end users, which require imposition of one or more regulatory obligations in accordance with [Articles 84](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1625), [86](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1654), [87](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1658), [89](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1666) of this Law or amending such obligations imposed in accordance with [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1797) of this Article.

5. Decisions provided for by this Article, shall be taken on the basis of consultations with the interested parties in accordance with this Law.

**Article 97.**Transition from the obsolete infrastructure of electronic communications networks

1. An electronic communications networks provider with significant market power in the respective market(s) shall be bound to notify the regulatory authority, within the time-limits and in the form as established by the latter, of the plan of decommissioning or replacement of the part of its electronic communications network infrastructure, including infrastructure necessary for controlling copper network which falls under the obligations in accordance with [Articles 85–96](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1638) of this Law.

2. The regulatory authority must, under the procedure established by it, make sure that the process of decommissioning or replacement of the obsolete electronic communications networks infrastructure provide for existence of the transparent schedule and conditions, including the time-limits for such replacement, and put in place alternate means ensuring access to renewed network infrastructure which have no worse quality, in the case if it is necessary for protection of competition and rights of end users.

3. The regulatory authority may lift obligations as provided for in [paragraphs 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1803) and [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1804) of this Article where it finds that such electronic communications networks provider has complied with both of the following conditions:

1) it has put in place respective conditions for transition from the obsolete electronic communications networks infrastructure, including as regards provision of alternate means of access of no worse quality than those which were available with the use of the obsolete electronic communications networks infrastructure, and also, with the view of providing them to access seekers, to the same end users;

2) has complied with the conditions and procedures, of which it notified the regulatory authority in accordance with this Article.

Decisions provided for by this paragraph, shall be taken on the basis of consultations with the interested parties in accordance with this Law.

**Article 98.**Regulatory control of retail electronic communications services

1. The regulatory authority shall adopt decisions to impose regulatory obligations on the electronic communications providers with significant market power in a certain retail market, as referred to in [Article 83](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1619) of this Law, subject to simultaneous existence of the following conditions:

1) based on the market analysis conducted, the regulatory authority finds that the certain market of retail services as identified in accordance with [Article 83](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1619) of this Law is not effectively competitive;

2) the regulatory authority makes a conclusion that the obligations imposed in respective wholesale electronic communications markets in accordance with [Articles 84–90](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1625) of this Law have failed to achieve the objectives as provided for by [Article 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n173) of this Law.

2. The regulatory obligations imposed in accordance with [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1810) of this Article must be based on the nature of the problem identified, be proportionate thereto and justified in terms of the objectives as provided for by [Article 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n173) of this Law.

The regulatory authority shall impose regulatory obligations under this Article with the view to prevention of setting artificially high prices (whose setting would have been impossible in effective competitive environment) or curbing the market entry, or restriction of competition by means of setting prices for services below self-cost, which would render competition on the part of the other electronic communications services providers impossible and aim at elimination of other service providers on the market, and/or providing unfair benefits to certain end users, or at technically and/or economically unfeasible (as regards the end users) electronic communications service bundling.

3. The regulatory authority shall, under the procedure established by it, for the purpose of protection of the end users’ interests and effective competition, and provided the conditions as provided for in paragraphs [1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1810) and [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1813) of this Article are in place, adopt a decision to impose on the electronic communications services providers with significant market power in a certain retail market the following regulatory obligations for:

1) setting the maximum threshold retail price;

2) controlling individual tariffs (to be set by the regulatory authority) for electronic communications services;

3) orientation of the tariffs (prices) for electronic communications services towards self-cost;

4) orientation of the tariffs (prices) for electronic communications services towards the prices in similar markets.

4. An electronic communications services provider with significant market power on which the regulatory obligations are imposed in accordance with this Article must apply cost accounting systems in accordance with the requirements (accounting format and methodology) to be set by the regulatory authority.

Compliance with those requirements shall be attested, on the annual basis, by an audit conclusion to be submitted to the regulatory body and authority within the time-limits as set by the latter.

The regulatory authority shall, on the annual basis, publish on the electronic regulatory platform its conclusion on such provider’s conformity of the cost accounting system with the established requirements.

5. The regulatory authority must not apply price control mechanisms as provided for in this Article to geographic or retail markets where effective competition exists.

6. Decisions provided for by this Article shall be taken on the basis of consultations with the interested parties in accordance with [Article 22](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n581) of this Law.

**Section XIII. UNIVERSAL ELECTRONIC COMMUNICATIONS SERVICES**

**Article 99.**Universal electronic communications services

1. Universal electronic communications services shall be:

1) broadband Internet access services at a fixed location that meet the requirements laid down in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1831) of this Article;

2) voice electronic communications service at a fixed location.

A universal electronic communications service shall be provided at a fixed location (at the address of a building, structure indicated by the consumer), regardless of the technology (wired or wireless) of consumer access to electronic communications networks.

2. Universal electronic communications broadband Internet access services at a fixed location shall allow speed that meets the indicators and parameters set by the central executive authority in the fields of electronic communications and radio spectrum. The central executive authority in the fields of electronic communications and radio spectrum shall set indicators at a level sufficient for supporting consumer access to the following services:

1) electronic mail;

2) search engines enabling search of all types of information;

3) basic training and education electronic tools;

4) in the Internet media;

5) electronic commerce;

6) Internet banking;

7) access to electronic governance services (electronic administrative services);

8) social media and Internet messaging services;

9) voice and video communication.

3. All consumers throughout Ukraine shall have the right to obtain universal electronic communications services with the quality indicators set by the central executive authority in the fields of electronic communications and radio spectrum and at affordable price.

4. The Cabinet of Ministers of Ukraine, the central executive authority in the fields of electronic communications and radio spectrum, the regulatory authority, other public authorities and local self-governing bodies, within the scope of their powers and this Law, shall take measures to ensure exercise of consumer rights to access to universal services.

**Article 100.**Provision of affordable universal electronic communications services

1. With the purpose to assess affordability of universal services to consumers throughout Ukraine, the regulatory authority, in cooperation with the central executive authority in the fields of electronic communications and radio spectrum and central public authorities in the field of economic development, trade and statistics, shall annually monitor the level of tariffs (prices) for the services referred to in [Article 99](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1826) of this Law according to the procedure established by the Cabinet of Ministers of Ukraine.

Availability of universal electronic communications services shall be assessed based on the criteria established by the Cabinet of Ministers of Ukraine and their values, taking into account the levels of prices for universal electronic communications services in the territory of the state and the level of consumer incomes.

The results of such monitoring shall be published by the regulatory authority on the electronic regulatory platform and sent to the Cabinet of Ministers of Ukraine for adopting a decision on the necessity to take measures provided for by [Article 101(1)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1855) of this Law.

2. When providing universal electronic communications services, the provider of such services shall:

1) offer and provide universal service (services) to consumers on non-discriminatory terms and conditions;

2) provide universal services that meet the quality indicators set by the central executive authority in the fields of electronic communications and radio spectrum;

3) provide universal services at economically feasible, transparent and non-discriminatory prices, notify consumers of changes in prices for universal services at least 20 calendar days prior to their introduction in a way provided for by the rules of provision and obtaining of electronic communications services;

4) provide universal electronic communications services under a public access agreement to meet the requirements laid down in [Article 103](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1882) of this Law and the rules of provision and obtaining of electronic communications services approved by the Cabinet of Ministers of Ukraine and published on the website of the electronic communications services provider in the form of open data;

5) suspend provision of universal electronic communications services to consumers who belong to vulnerable social groups according to the procedure established by the rules of provision and obtaining of electronic communications services.

3. Facilitation of access of consumers with disabilities to universal electronic communications services and measures ensuring that they have respective terminal equipment and special means improving equivalent access, including, where necessary, speech recognition and synthesis, shall be funded at public expense according to the procedure approved by the Cabinet of Ministers of Ukraine.

**Article 101.**Ensuring availability of universal electronic communications services

1. *{Article 101(1) shall be suspended for 2024 in accordance with the Law*[No. 3460-IX of 09.11.2023](https://zakon.rada.gov.ua/laws/show/3460-20%252525252523n204)*}* If, based on the results of monitoring referred to in [Article 100(1)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1844) of this Law, it is established that prices for universal electronic communications services are not affordable for vulnerable social groups of consumers, such consumers shall have the right to receive special-purpose targeted social assistance for obtaining such services according to the procedure and in the amounts established by the Cabinet of Ministers of Ukraine. Such procedure and amounts shall be reviewed by the Cabinet of Ministers of Ukraine at least once every three years.

2. In the event it is established (based on the results of geographical surveys of networks roll-out) that a certain territory (territories) is (are) not covered by a universal service, provided such service cannot be ensured in this territory (these territories) on a commercial basis, the regulatory authority shall adopt a decision on defining this territory (these territories) as such on which access to universal electronic communications services shall be ensured.

3. If such decision is taken, the following shall be published on the electronic regulatory platform:

1) decision on defining a territory (territories) as such in which access to universal electronic communications services must be ensured;

2) a call to electronic communications services providers to tender in competitive tendering for electronic communications networks roll-out for ensuring that universal electronic communications services are available;

3) information on the terms and conditions of the competitive tendering and compensation of part of the costs in connection therewith of the electronic communications networks roll-out.

4. Competitive tendering shall be held by the central executive authority in the fields of electronic communications and radio spectrum according to the procedure established by the Cabinet of Ministers of Ukraine and subject to the public procurement legislation. The terms and conditions of the competitive tendering may provide for compensation of a part of electronic communications networks roll-out costs for ensuring access to universal electronic communications services under [Article 102](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1876) of this Law.

5. Electronic communications services providers selected in the competitive tendering provided for by paragraph 4 of this Article, with the purpose to roll out electronic communications networks for ensuring availability of universal electronic communications services in a designated territory shall have the right to:

*{The first indent of Article 101(5) as amended in accordance with the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252525252523n106)*}*

1) free access, in a respective territory, according to the procedure established by the Cabinet of Ministers of Ukraine, to infrastructure facilities in state and communal forms of ownership suitable for rolling out (creation) of electronic communications networks, including antennae, poles, pipes, cable duct system, collectors, manholes, supporting constructions, towers, masts, buildings, their respective engineering systems, other engineering structures and means;

2) access, with the purpose to roll out networks for ensuring universal electronic communications services, at tariffs set by the Cabinet of Ministers of Ukraine, to elements of infrastructure of construction, transport, power, electronic communications cable duct system facilities, distribution network of buildings.

6. In the event that no undertaking took part in the competitive tendering, or no electronic communications services provider has been selected in the procurement procedure for electronic communications networks roll-out with the purpose to ensure availability of universal electronic communications services in a designated territory, the regulatory authority shall, according to the procedure established by the Cabinet of Ministers of Ukraine, appoint one or several electronic communications services providers on which an obligation is to be imposed to provide access to universal services in the designated territory, from among those that have higher capacity for provision of such services.

Such a decision shall be adopted taking into account economic and technical capacities of a respective electronic communications services provider, including presence of a respective electronic communications network, covered territory, its share in the market and financial standing.

7. In the event that the state has outstanding compensations of costs of electronic communications networks roll-out and/or maintenance due to a universal electronic communications services provider, such provider shall have the right to refuse from rolling out the network for ensuring availability of universal electronic communications services under the procedure provided for by [paragraph 6](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1865) of this Article. In such case, no new decisions provided for by [paragraph 6](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1865) of this Article in respect of such provider shall be adopted, and adopted decisions shall be cancelled by the regulatory authority.

8. Decisions on compensation of part of costs of electronic communications networks roll-out and/or decisions on imposing an obligation to provide access to universal service in the designated territory, as provided for by this Article, shall be adopted by the regulatory authority provided the state budget for the respective year (years) includes funds for compensation of networks roll-out costs for ensuring access to universal services and within the amount of such funds. In the event there is no funding, such decisions shall be cancelled by the regulatory authority at the request of the appointed provider of universal services.

9. Provider of electronic communications services of which the electronic communications network was rolled out with compensation of part of costs at public expense, shall provide universal services using such network in the respective designated territory.

In the event that such provider intends to provide access to a part or to all of all assets of its local network to a certain legal entity, it shall notify the regulatory authority thereof within the terms set by the latter. The regulatory authority shall assess the impact of the planned agreement on provision of universal services in the designated territory respectively.

In such cases, the regulatory authority may adopt a decision according to the established procedure on imposing, changing or cancelling the obligations provided for by this Article, including imposing an obligation to ensure access to universal services on the electronic communications services provider to which such network was alienated.

10. The Cabinet of Ministers of Ukraine may adopt a decision on applying, according to the established procedure, mechanisms of public-private partnership under [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2404-17) “On Public-Private Partnership” and concessions under [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/155-20) “On Concessions” with the purpose to roll out electronic communications networks for ensuring availability of universal services in a certain designated territory (territories).

11. With the purpose to ensure availability of universal electronic communications services, the central executive authority in the fields of electronic communications and radio spectrum may procure supplies, works and services for performance of works relating to networks roll-out on a competitive basis and subject to the public procurement legislation of Ukraine.

12. Networks roll-out measures for ensuring access to universal services may be funded from local budgets.

13. The regulatory authority shall adopt decisions provided for by this Article according to the procedure established by the Cabinet of Ministers of Ukraine, taking into account the principles of objectivity, transparency, non-discrimination, proportionality, and the need to minimize market distortions, as well as following consultations under [Article 22](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n581) of this Law.

**Article 102.**Conditions of compensation of loss caused by non-fulfilment of obligations to provide universal electronic communications services

1. The Cabinet of Ministers of Ukraine, on the proposal of central executive authority in the fields of electronic communications and radio spectrum, agreed on with the regulatory authority, shall establish the procedure for compensation of losses to electronic communications services providers as provided for by the legislation and arising out of the obligation to roll out electronic communications networks for providing universal services funded from the state budget or other sources not prohibited by the legislation, as provided for by the law on state budget for a respective year.

2. In the event losses were incurred in connection with electronic communications networks roll-out that are subject to compensation, the universal electronic communications services provider shall have the right to request compensation of duly proven and reasoned losses from the regulatory authority.

3. The procedure and methods of calculation and compensation of losses incurred in connection with electronic communications networks roll-out for providing universal electronic communications services shall be established by the Cabinet of Ministers of Ukraine.

4. The regulatory authority, within the term not exceeding two months of the day of receipt of the request provided for by [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1878) of this Article, shall, according to the procedure established by the Cabinet of Ministers of Ukraine, check calculations of losses provided by the requester, and adopt a decision on their compensation and the amount of such compensation.

When adopting such decision, the regulatory authority shall ensure the respect of the principles of objectivity, transparency, non-discrimination, proportionality and application of the consultation mechanism.

**Article 103.**Conditions for provision of universal electronic communications services

1. In the event of provision of universal electronic communications services by an electronic communications services provider appointed under [Article 101](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1854) of this Law, conditions of their provision shall be established by the provider of such services in accordance with this Law and the rules of provision and obtaining of electronic communications services and shall, inter alia, include:

1) billing as provided for by the rules for provision and obtaining of electronic communications services, free itemisation of universal electronic communications services obtained by the consumer for a certain accounting period in respect of which the consumer has certain claims, taking account of technical capability of the electronic communications services provider;

2) selective barring, at the consumer’s request, for outgoing calls and, where technically feasible, certain types or certain numbers, free of charge;

3) compulsory warning of possible disconnection or suspension of services due to unpaid invoices, indicating the term for paying the debt and preserving access to emergency communications for the period provided for by the rules for provision and obtaining of electronic communications services;

*{Article 103(1)(3) as amended by the Law*[No. 2581-IX of 07.09.2022](https://zakon.rada.gov.ua/laws/show/2581-20%252525252523n90)*}*

4) provision, upon consumers’ request, of tariff advice (information) regarding alternative (lower) lower-cost tariffs, if available;

5) control over universal electronic communications services costs by way of sending free notices to consumers in case when the ceiling amount set out in the contract is reached in accordance with the rules for provision and obtaining of electronic communications services;

6) a possibility to deactivate third-party billing by way of prohibition of debiting the cost of services provided by them using electronic communications networks (content, additional third-party services etc.) from the subscriber account to charge for electronic communications services.

**Section XIV. ELECTRONIC COMMUNICATIONS SERVICES AND SERVICE END USERS**

**Article 104.**General principles of the provision of electronic communications services to end users

1. Electronic communications services providers shall not apply any discriminatory terms of the provision of electronic communications services to end users for reasons related to the end user’s citizenship, place of residence or place of service, unless such different treatment (restrictions) is attributed to technical and economic conditions of the provision of electronic communications services or any other objective reasons according to the rules for providing and obtaining electronic communications services.

2. Electronic communications services providers and service end users shall comply with the rules for providing and obtaining electronic communications services as approved by the Cabinet of Ministers of Ukraine on submission of the central executive authority in the fields of electronic communications and radio spectrum.

3. The conditions for providing and obtaining electronic communications services to end users shall include:

1) conclusion of a contract for the provision of electronic communications services according to the rules for providing and obtaining electronic communications services and other legal acts;

2) payment for the electronic communications service ordered by an end user, unless otherwise provided in this Law or in the contract for the provision of electronic communications services.

4. Providers of interpersonal electronic communications services, apart from number-independent services, shall ensure in accordance with this Law and the rules for providing and obtaining electronic communications services:

1) compatibility of electronic communications services provided by them;

2) possibility of connection of end users to the numbers from the National Numbering Plan;

3) compliance with the requirements to protection of rights of electronic communications service end users.

5. An end user shall have the right to obtain a service in anonymized form according to the rules for providing and obtaining electronic communications services and the terms of service provision as established by the electronic communications services provider.

An end user not identified by the electronic communications services provider shall have the right to identification under the procedure established by the regulatory authority, including remote identification using, in accordance with the legislation in the fields of electronic identification and electronic trust services, any means of electronic identification with a medium and high level of trust listed in the said identification procedure.

*{The second indent of Article 104(5) as amended by the Law*[No. 2801-IX of 01.12.2022](https://zakon.rada.gov.ua/laws/show/2801-20%252525252523n1235)*}*

6. Service end users shall have the right to protection of their rights in accordance with the legislation, including in court or by means of addressing, in case of any infringement thereof, the regulatory authority for implementation of state supervision measures and remediation of identified breaches. In addition to that, consumers of electronic communications services shall have the right to out-of-court review of disputes by the regulatory authority at their request according to [Article 123](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2152) of this Law.

7. Electronic communications services providers shall provide free of charge:

voice electronic communications services or text message conveyance services if they are provided to subscribers for the purpose of sending (generating) electronic-communication donation messages;

services related to transfer of money as a charitable donation to a non-for-profit organisation, including a charitable organisation (except for political parties and credit unions), or a territorial community for the purpose of execution of an electronic-communication donation message sent (generated) by the subscriber;

services related to public collection of charitable donations using electronic-communication donation messages under an agreement concluded between the electronic communications services provider and a non-for-profit organisation, including a charitable organisation (except for political parties and credit unions), or a territorial community.

In this case, the subscriber’s advance payment for electronic communications services shall be reduced by the amount transferred by the electronic communications services provider for charitable purposes, which was raised as a result of collection of charitable donations using electronic-communication donation messages. The relevant amount shall be written off the subscriber’s personal account.

*{Article 104(7) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n578)*}*

8. Providing and obtaining electronic communications services for public authorities and local self-government bodies shall be made on a contractual basis in accordance with this Law.

9. In accordance with the legislation on information, copyright and related rights, the regulatory authority, jointly with other competent public authorities, shall promote cooperation between electronic communications services providers and undertakings interested in the promotion of lawful content via electronic communications networks in the area of informing electronic communications service end users about legislative requirements as regards information the promotion of which is deemed to be a breach of law as well as protection of copyright and related rights in the course of use of electronic communications services.

**Article 1041**. General principles of roaming provision in the Ukraine – EU roaming zone

1. Roaming providers in the Ukraine – EU roaming zone shall not levy any surcharge in addition to the domestic retail price on roaming customers in the Ukraine – EU roaming zone for any regulated roaming calls made or received, for any regulated roaming SMS messages sent or for any regulated data roaming services used (access to the Internet), nor shall they levy any general charge to enable the terminal equipment or service to be used abroad in any EU MS, except the surcharges that are subject to paragraphs 5 and 6 of this article.

2. Roaming providers in the Ukraine – EU roaming zone may offer, and roaming customers in the Ukraine – EU roaming zone may deliberately choose, a roaming tariff other than one set in accordance with paragraphs 1, 3, 5 and 6 of this Article, by virtue of which roaming customers in the Ukraine – EU roaming zone benefit from a different tariff for regulated roaming services than they would have been accorded in the absence of such a choice.

Roaming customer in the Ukraine – EU roaming zone may, at any time, request to switch to or from a tariff set in accordance with paragraphs 1, 3, 5 and 6 of this Article, and such switch shall be made within one working day from the moment the request is received, shall be free of charge and shall not entail conditions or restrictions pertaining to provisions of the contract for the provision of electronic communications services other than roaming services in the Ukraine – EU roaming zone.

Roaming providers in the Ukraine – EU roaming zone have the right to delay a switch between tariffs until the previous tariff has been effective for a minimum specified period not exceeding two months.

3. Roaming providers in the Ukraine – EU roaming zone shall not offer regulated retail roaming services under conditions that are less advantageous than those offered domestically, in particular in terms of the quality of service provided for in the contract for the provision of retail electronic communications services, where the same generation of mobile communications networks and technologies are available on the visited network.

4. Mobile communication operators shall avoid unreasonable delays in transition and registration of terminal equipment of roaming customers (handovers) between networks when crossing borders within the Ukraine – EU roaming zone.

5. Roaming providers in the Ukraine – EU roaming zone may apply in accordance with the rules set by the regulatory authority a fair use policy to the consumption of regulated retail roaming services provided at the domestic retail price level, in order to prevent abusive or anomalous usage of regulated retail roaming services by roaming customers in the Ukraine – EU roaming zone, such as the use of such services by roaming customers in a country other than that of their domestic provider for purposes other than periodic travel. Any fair use policy shall enable roaming customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that are consistent with their respective tariff plans.

Roaming providers in the Ukraine – EU roaming zone may apply a surcharge for the consumption of regulated retail roaming services in excess of any limits under any fair use policy as well as in other cases in accordance with the rules of the fair use policy application procedure regarding the consumption of retail regulated roaming services provided at domestic retail prices, in order to prevent abusive or anomalous consumption of retail regulated roaming services by roaming customers in the Ukraine – EU roaming zone and to apply surcharges for the consumption of retail regulated roaming services in excess of any limits under any fair use policy set by the regulatory authority.

Regulatory authority may at any time require the roaming provider in the Ukraine – EU roaming zone to amend or discontinue the surcharge if it does not comply with this paragraph and the rules set by the regulatory authority in accordance with this paragraph.

Regulatory authority shall annually inform the European Commission concerning the application of this paragraph, in particular the application of surcharges.

6. In exceptional circumstances, with a view to ensuring the sustainability of its domestic charging model, where a roaming provider in the Ukraine – EU roaming zone is not able to recover its actual and projected costs of providing regulated roaming services in accordance with paragraphs 1, 3 and 5 of this Article, from its overall actual and projected revenues from the provision of such services, that roaming provider may apply to the regulatory authority for authorisation to apply a surcharge.

Surcharge shall be applied only to the extent necessary to recover the costs of providing regulated retail roaming services, having regard to the applicable maximum wholesale charges. The procedure and the methodology for assessing the sustainability of the provision of retail roaming services at domestic retail prices are set by the regulatory authority.

Regulatory authority may at any time require the roaming provider in the Ukraine – EU roaming zone to amend or discontinue the surcharge if it does not comply with this paragraph and the rules set by the regulatory authority in accordance with this paragraph.

Regulatory authority shall annually inform the European Commission concerning the application of this paragraph, in particular the application of surcharges.

7. Roaming providers in the Ukraine – EU roaming zone shall not apply any surcharge to a regulated roaming SMS message received or to a roaming voicemail message received. This requirement shall not limit the roaming provider in the Ukraine – EU roaming zone in the right to set other charges, in particular, for listening to such messages.

8. Roaming providers and roaming customers in the Ukraine – EU roaming zone must comply with the provisions on roaming in the Ukraine – EU roaming zone stipulated by the legislation in electronic communications sector.

9. Mobile network operators shall meet all reasonable requests for wholesale roaming access in the Ukraine – EU roaming zone, in particular in a manner that allows the roaming provider in the Ukraine – EU roaming zone to replicate the retail mobile services offered domestically where it is technically feasible to do so on the visited network. Mobile network operators shall publish in this respect a reference offer for wholesale roaming access in the Ukraine – EU roaming zone.

10. Mobile network operators may refuse requests for wholesale roaming access in the Ukraine – EU roaming zone only on the basis of objective criteria, such as technical feasibility and network integrity. Commercial consideration shall not be grounds to refuse requests for wholesale roaming access in the Ukraine – EU roaming zone in order to limit the provision of competing roaming services in the Ukraine – EU roaming zone.

11. Wholesale roaming access in the Ukraine – EU roaming zone shall include access to all network elements and associated facilities, services, software and information systems, necessary for the provision of regulated roaming services to customers and shall cover all available network technologies and generations.

12. In order to provide regulated roaming services mobile network operators must comply with the set by the regulatory authority rules for providing retail regulated roaming services, as well as conditions and rules for providing wholesale access (including wholesale charges for regulated roaming services) to public mobile electronic communications networks for providing regulated roaming services.

Visited network operators of the Ukraine – EU roaming zone shall not levy on the roaming provider any wholesale charges related to any type of emergency communications initiated by the roaming customer or to the transmission of caller location information.

Mobile operators may agree between themselves wholesale roaming charges in the Ukraine – EU roaming zone not subject to the caps set by the regulatory authority in accordance with this paragraph, including innovative wholesale pricing schemes which are not directly linked to volumes actually consumed.

13. To alert roaming customers in the Ukraine – EU roaming zone to the fact that they will be subject to roaming charges when consuming roaming services in the Ukraine – EU roaming zone, each roaming provider in the Ukraine – EU roaming zone shall, except when the roaming customers have notified the roaming provider that they do not require this service, provide the customers, by means of an automatic message, without undue delay and free of charge, when they enter a country other than that of their domestic provider, with basic personalised pricing information on the applied roaming charges in the Ukraine – EU roaming zone in national currency, including VAT.

Regulatory authority shall specify obligation on notification which also applies in case of roaming customers of Ukrainian providers roaming in non-EU countries or on non-terrestrial networks.

The requirements of this para do not apply to machine-to-machine communication devices that use mobile data communication.

14. When a roaming customer enters an EU country, the basic personalised pricing information included in paragraph 13 of this Article should be complemented, in particular, with information about any fair use policy, information about any surcharge applied due to sustainability, information on the potential risk of increased charges due to the use of value-added services, information about a free of charge number for obtaining more detailed information etc.

The requirements of this para do not apply to machine-to-machine communication devices that use mobile data communication.

15. The roaming provider in the Ukraine – EU roaming zone shall send a notification to the roaming customer in the Ukraine – EU roaming zone when the applicable fair use volume of regulated roaming services is fully consumed or any usage limit applied is reached.

16. Each roaming provider in the Ukraine – EU roaming zone shall grant to all their roaming customers in the Ukraine – EU roaming zone free of charge and in a timely manner access to information on the accumulated consumption expressed in volume and in the currency in which the roaming customer is billed for regulated data roaming services (access to the Internet) which guarantees that, without the customer’s explicit consent, the accumulated expenditure for regulated data roaming services (access to the Internet) over a specified period of use, excluding multimedia messages (MMS messages) billed on a per-unit basis, does not exceed a specified financial limit. Roaming customers in the Ukraine – EU roaming zone may notify the roaming provider that they do not require access to such an information.

17. Roaming providers in the Ukraine – EU roaming zone shall ensure that their roaming customers are kept adequately informed about the means of access to emergency services in the visited EU Member State.

18. Roaming providers in the Ukraine – EU roaming zone shall provide all customers with full information on applicable roaming charges, when tariff plans are purchased. They shall also provide their roaming customers in the Ukraine – EU roaming zone with updates on applicable roaming charges without undue delay each time there is a change in these charges.

19. The regulatory authority sets detailed rules regarding the application of the provisions of paragraphs 13-18 of this Article.

**Article 105.**Information on the provision of electronic communications services

1. Before the conclusion of a contract for the provision of electronic communications services, irrespective of the type and kind of electronic communications services, the end user shall have the right to receive comprehensive information with description of the terms and conditions of such contract according to the rules for providing and obtaining electronic communications services, which shall, in particular, include:

*{The first indent of Article 105(1) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n580)*}*

1) the main characteristics of each electronic communications service provided;

2) information on the electronic communications services provider, including its name, registered office, telephone number, e-mail and website address;

3) total cost of electronic communications services, including taxes as well as all extra payments related to the provision of the service;

4) any minimum use of the electronic communications service and/or duration required to benefit from promotional terms (special offers);

5) conditions and procedures (in the part concerning the end user) related to number porting, electronic communications services provider switching services and refund to the end user for violation of such conditions, including time limits;

6) information on the right of end users that use pre-paid electronic communications services to a refund, upon request, of any remaining credit in the event of number porting and electronic communications services provider switching;

7) information on fees due on early termination of the contract, including in case of number porting, on the procedure for unlocking terminal equipment and any cost recovery with respect to terminal equipment;

8) arrangements for payment, provision of electronic communications services, deadline for the electronic communications services provider to start proving the service and the procedure for review of complaints relating to their provision;

9) duration of a contract for the provision of electronic communications services or, if it is concluded for an indefinite period, the terms of its extension and termination, including early termination;

10) information referred to in the rules for providing and obtaining electronic communications services as regards means of technical protection of electronic communications networks, used by the electronic communications services provider according to the legislation in the field of cybersecurity;

11) information on the extent to which electronic communications services are designed for consumers with disabilities;

12) information provided in the rules for providing and obtaining electronic communications services and the legislation on consumer protection regarding:

а) refund procedure in case when electronic communications services do not meet the quality parameters provided by the legislation or contract and in case of other breaches of the contract for the provision of electronic communications services;

б) actions to be taken by the electronic communications services provider in response to security and cybersecurity incidents, threats or vulnerabilities of electronic communications services (networks);

в) possibility and procedure for resolution of issues in case of inadequate response to cybersecurity incidents, threats or vulnerabilities of services (networks), breaches of the legislation on personal data protection.

13) information on the terms of retail roaming services provision in the Ukraine – EU roaming zone, according to the rules set by the regulatory authority.

2. In addition to the information referred to in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1912) of this Article, providers of Internet access services and interpersonal electronic communications services shall provide the following information:

1) as part of the main characteristics of each service, the values of the quality parameters for services offered according to [Article 111](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2025) of this Law;

*{Article 105(2)(1) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n581)*}*

2) cost of activating the electronic communications service and any recurring or consumption-related charges, and as part of the information on the price for such service:

а) details of tariff plan (plans) under the contract and, for each such tariff plan, the types of electronic communications services offered and their volumes included per billing period, and the price for additional volumes of electronic communications services;

б) in the case of tariff plan or plans with a pre-set volume of electronic communications services, the consumer’s right to defer any unused volume from the preceding billing period to the following billing period, where this option is included in the contract on the provision of electronic communications services;

в) ways of safeguarding the transparency of the end user’s monitoring of the level of consumption of the electronic communications services and billing;

г) tariff information regarding any numbers or services subject to particular pricing conditions (to be provided immediately prior to connecting or enabling a service) according to the provision rules;

ґ) for bundled services, including both electronic communications services and terminal equipment, the price of the individual elements of the bundle to the extent they are also marketed separately, where it is technically feasible for a specific service;

д) details and conditions, including fees of servicing, maintenance, and service end user assistance;

е) the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;

3) as part of the information on the duration of the contract for bundled electronic communications services and the conditions for renewal and/or termination of the contract, including the conditions of termination of bundled electronic communications services or of elements thereof under the procedure provided for in the contract;

4) personal data to be provided before the performance of electronic communications services, including those to be collected, processed, in the context of the provision of the service, or transferred to third parties;

5) on products and electronic communications services designed for consumers with disabilities and how this information can be obtained and updated;

6) dispute resolution procedures.

3. In addition to the information referred to in paragraphs [1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1912) and [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1928) of this Article, providers of number-based interpersonal electronic communications services shall provide the following information:

1) any constraints on access to emergency services or caller location information due to a lack of technical feasibility insofar as the electronic communications service allows end users to originate calls to a number in a national or international numbering plan;

2) the end user’s right to determine whether to include his/ her personal data in number databases, and the type of personal data concerned.

4. In addition to the information referred to in paragraphs [1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1912) and [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1928) of this Article, providers of Internet access services shall provide the following information:

1) measures applied by the electronic communications services provider, which could affect the quality of the Internet access services, the privacy of end users and the protection of their personal data, and their potential impact;

2) how any volume limitation, speed and other quality parameters may in practice have an impact on Internet access services, and in particular on the use of content, applications and services;

3) the minimum, medium and maximum download and upload speed from/to the Internet in the case of fixed connection, or the estimated maximum download and upload speed of the Internet access services in the case of mobile connection (to own network), and how significant deviations from the respective advertised speeds could impact the exercise of the end users’ rights to obtain the service;

*{Article 105(4)(3) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n582)*}*

4) remedies available to the end user in accordance with the legislation in the event of any continuous or regularly recurring discrepancy between the actual performance of the Internet access service regarding speed and/or other quality parameters and the performance indicated in accordance with [points 1 to 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1946) of this paragraph.

5. The requirements referred to [paragraphs 1 to 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1912) of this Article shall not apply to electronic communications services of the conveyance of signals, including for the purpose of machine-to-machine communication.

6. Electronic communications services providers shall provide the information referred to in [paragraphs 1 to 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1912) of this Article to end users, including on their websites.

The information shall be provided in an accessible and user-friendly manner providing for its unambiguous and clear understanding and access thereto (with unchanged reproduction) within the whole period of the provision of relevant electronic communications services.

The aforementioned information shall, upon request, be provided in an accessible format for consumers with disabilities in accordance with the legislation.

7. The information referred to in paragraphs [1 to 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1912) of this Article shall become an integral part of the contract for the provision of electronic communications services and can be altered in accordance with the procedure set out in [Article 112](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2050) of this Law.

*{Article 105(7) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n583)*}*

8. In order to ensure correct billing of electronic communications services provided, their providers shall:

1) keep accurate records of electronic communications services provided by them;

2) preserve the records on electronic communications services provided during the limitation period established by law;

3) where electronic communications services provided are billed based on the time or volume consumption (time, data volume, number of messages, communication sessions), take into account only relevant full billing units for such services in accordance with the rules for providing and obtaining electronic communications services. The full billing unit for services shall be defined in the rules for providing and obtaining electronic communications services.

If Internet access services or universal electronic communications services are billed on the basis of time or volume consumption, their providers shall offer end users the facility to control the usage of each of those services.

**Article 106.**Pricing and settlements in the field of electronic communications

1. The pricing principles in the field of electronic communications shall include:

1) setting tariffs in a competitive market based on supply and demand;

2) avoiding cross-subsiding of some electronic communications services at the expense of other services;

3) tariff levels shall depend on the quality level of electronic communications services;

2. Settlements for electronic communications services shall be made under the contract for the provision of electronic communications services between the electronic communications services provider and the consumer.

3. In case when an advance payment has not been used during the billing period, the remaining amount shall be deferred to the following billing period, unless otherwise provided by the contract. The consumer’s remaining amount shall not be written off by the electronic communications services provider, including in favour of the latter, except for cases provided in the rules for providing and obtaining electronic communications services.

4. The unused amount on the subscriber’s personal account shall be returned at the end user’s request within the limitation period, or, at the request of an end user obtaining services in anonymised form, within two months following the end of the validity period of the pre-paid service card and/or ID card in case of refusal from pre-paid services and/or expiry of the contract and on conditions of its identification in accordance with the procedure established by the regulatory authority.

*{Article 106(4) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n585)*}*

**Article 107.**Rights, obligations and liability of service end users

1. When ordering and/or obtaining electronic communications services, service end users shall have the right to:

1) protection of their rights by the State;

2) free access to electronic communications services;

3) safety of electronic communications services (under the contract for the provision of electronic communications services);

4) free choice of the electronic communications services provider;

5) free choice of the type and volume of electronic communications services offered by electronic communications services providers, including obtaining a separate electronic communications service (out of the bundle of services);

6) receiving from the electronic communications services provider a free of charge, comprehensive information on the contents, quality, cost and electronic communications services provision procedure, including retail roaming services in the Ukraine – EU roaming zone;

7) receiving electronic communications services, **including retail roaming services in the Ukraine – EU roaming zone**, on contractual terms in timely and quality manner;

8) receiving from the electronic communications services provider the available information on provided electronic communications services, including retail roaming services in the Ukraine – EU roaming zone, under the procedure established by the legislation;

9) reduction of the end user’s access to certain types of electronic communications services by the electronic communications services provider upon its request;

10) return of the unused amount by the electronic communications services provider in the event of refusal from the pre-paid electronic communications services in cases and under the procedure established by the rules for providing and obtaining such services and by the contract for the provision of electronic communications services;

11) refusal from electronic communications services under the procedure established by the contract for the provision of electronic communications services;

12) compensation for losses incurred due to non-performance or improper performance by the electronic communications services provider of obligations provided by the contract for the provision of electronic communications services or by the legislation;

13) appeal against unlawful actions of electronic communications services providers by applying to court or to competent public authorities;

14) refusal to pay for the electronic communications service, **including a retail roaming service in the Ukraine – EU roaming zone**, which was not ordered by them;

15) receiving information on the possibility and the procedure of refusal from the ordered electronic communications service, **including retail roaming services in the Ukraine – EU roaming zone;**

16) receiving bills for provided electronic communications services from the electronic communications services provider free of charge. Upon the end user’s personal request, taking account of technical capacity of the electronic communications network equipment, the amount to be paid for the services provided shall be itemised only for the billing period in respect of which the end user has any claims, indicating the end user’s number called by the end user, the service type, the volume of the services provided, the amount to be paid for each communication session.

Electronic communications services provided in anonymized form shall not be subject to itemisation;

17) number porting;

18) other rights provided in the Ukrainian legislation and the contract for the provision of electronic communications services.

2. In case of loss of the means of electronic identification by the unidentified (anonymous) subscriber (including a SIM card, e-SIM, router settings, etc.), the services shall be resumed on condition of the subscriber identification by the electronic communications services provider and provision of personal data.

Electronic communications services providers shall provide for the identification of end users using the means of electronic identification with a high and medium level of trust under [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2155-19) “On Electronic Trust Services”.

*{The second indent of Article 107(2) as amended by the Law*[No. 2801-IX of 01.12.2022](https://zakon.rada.gov.ua/laws/show/2801-20%252525252523n1236)*}*

**Article 108.**Obligations of end users of electronic communications services

1. End users of electronic communications services shall comply with the rules for providing and obtaining electronic communications services, in particular:

1) pay for electronic communications services ordered and obtained, including the subscriber fee and the cost of service bundles;

2) use terminal equipment with conformity documents;

3) avoid using terminal equipment for illegal actions or actions contrary to the interests of national security, defence and law enforcement;

4) refrain from actions that can pose a threat to safe operation of electronic communications networks, ensuring the integrity and interoperability of electronic communications networks, protection of cybersecurity of electronic communications networks, electromagnetic compatibility of radio equipment as well as make it difficult or impossible to provide services to other end users;

5) refrain from commercial use of terminal equipment and subscriber lines of electronic communications networks for the purpose of provision of electronic communications services to third parties;

6) avoid unauthorised interfering with the operation and/or use of an electronic communications network, which created or may create damages or other threats to the property interests of electronic communications services providers, other end users, third parties;

7) submit their accurate data to the electronic communications services provider’s registration system and perform the contract for the provision of electronic communications services, including timely payment for electronic communications services.

2. End users of electronic communications services shall fulfil other obligations in accordance with the legislation of Ukraine and the contract with the electronic communications networks and/or services provider.

**Article 109.**Liability of end users of electronic communications services

1. End users of electronic communications services shall be liable for violation of the provisions of this Law, the rules for providing and obtaining electronic communications services in accordance with the law and the contract for providing and obtaining electronic communications services.

2. Payment of penalties by end users, lawful termination or limitation of the list of electronic communications services by the electronic communications services provider, obtaining of the number porting service by end users shall not release end users from their obligation to pay in full for electronic communications services provided to them.

3. Where damage to an electronic communications network is identified, including as a result of the use of terminal equipment, which happened at the end user’s fault, all costs incurred by the electronic communications services provider in connection with elimination of the damage as well as the compensation for other losses shall be borne by the end users under a court decision.

The standard methodology for calculation of the compensation for damages shall be approved by the Cabinet of Ministers of Ukraine.

**Article 110.**Transparency and comparison of offers of electronic communications services providers

1. Electronic communications services providers shall determine the conditions of the provision of Internet access services and/or interpersonal Internet access services according to [Articles 104](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1891), [105](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1911) of this Law and publish the information referred to in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2008) of this Article in a clear, comprehensive, machine-readable manner and in an accessible format, including for consumers with disabilities in accordance with the requirements as regards its format as established by the rules for providing and obtaining electronic communications services. Such information shall be updated regularly and shall be accessible via the electronic regulatory platform in the form established by the regulatory authority to create an independent comparison tool for end users to compare the conditions of the provision of electronic communications services.

2. The information to be published according to [paragraph 1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2007) of this Article:

1) contact details of the electronic communications services provider;

2) description of services offered:

а) volume and conditions (territory covered by services, terms of payment) for the services offered and main characteristics of each provided service, including the values of the service quality parameters (if any) to be published and restrictions imposed by the electronic communications services provider on the use of the terminal equipment provided (in case of its provision);

б) information on tariffs, tariff plans for electronic communications services;

3) information on products and electronic communications services, including any functions, practices, policies and procedures and amendments to the procedure for providing and obtaining such services, designed for consumers with disabilities.

3. The regulatory authority shall ensure creation and free access of end users to at least one independent comparison tool which enables them to compare and evaluate different Internet access services and number-based interpersonal electronic communications services, with regard to:

1) prices and tariffs for electronic communications services provided;

2) the quality of electronic communications service performance pursuant to[Article 111](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2025) of this Law.

4. The comparison tool referred to in [paragraph 3](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2014) of this Article shall be implemented via the electronic communications platform and meet the following requirements:

1) be operationally independent from electronic communications services providers thereby ensuring that they are given equal treatment in search results;

2) apply clear and objective criteria on which the comparison of electronic communications services is to be based as established by the regulatory authority in consultation with the central executive authority in the fields of electronic communications and radio spectrum;

3) provide accurate and up-to-date information and state the time of the last update;

4) be open to any provider of Internet access services or interpersonal electronic communications services and include a broad range of offers covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results;

5) provide an effective procedure to report incorrect information;

6) include the possibility to compare prices, tariffs and quality of electronic communications services between offers available to end users.

Third parties shall have the right to use, free of charge and in open data formats, the data published by providers of Internet access services or interpersonal electronic communications services, for the purposes of development of such independent comparison tools.

**Article 111.**Quality of electronic communications services

1. Electronic communications services providers that provide Internet access services and interpersonal electronic communications services shall publish comprehensive, comparable, reliable, user-friendly and up-to-date information for end users:

1) on the quality of electronic communications services provided by them using the electronic communications network either directly or by virtue of a service level Treaty with another electronic communications networks and/or services provider;

2) on measures taken to ensure access for consumers with disabilities.

2. Providers of interpersonal electronic communications services shall inform end users if the quality of their electronic communications services depends on any external factors.

3. The central executive authority in the areas of electronic communications and radio spectrum, in consultation with the regulatory authority, shall set the values of quality indicators for electronic communications services to be calculated based on the parameters referred to in [paragraph 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2032) of this Article, which are subject to testing.

The methods and methodologies for measurement of the quality parameters, calculation of quality indicators for electronic communications services, their assessment and comparison shall be determined by the regulatory authority in accordance with the national and international standards and recommendations.

The list of information on the quality of electronic communications services based on the parameters referred to in [paragraph 4](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2032) of this Article, the form and manner of its publication by electronic communications services providers shall be determined by the regulatory authority.

*{Article 111(3) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n588)*}*

4. The following quality parameters for electronic communications services shall apply:

1) for providers of access to an electronic communications network:

а) supply time for initial connection;

б) fault rate per access line;

в) fault repair time;

2) for electronic communications services providers who use electronic communications networks for the provision of services either directly or by virtue of a service level agreement with another electronic communications networks and/or services provider:

а) call set up time;

б) bill correctness complaints;

в) voice connection quality (on a basis of the calculated value);

г) dropped call ratio;

ґ) unsuccessful call ratio;

д) failure probability;

е) call signalling delays;

3) for providers of Internet access services (via the service provider network):

а) latency (delay);

б) jitter;

в) packet loss.

5. Electronic communications services providers shall provide electronic communications services that meet the quality indicators and their parameters (if any) set by the central executive authority in the fields of electronic communications and radio spectrum under this Article.

Roaming providers in the Ukraine – EU roaming zone shall offer regulated retail roaming services according to paragraph 3 of Article 1041 of this Law.

6. Monitoring of the quality of electronic communications services shall be carried out by the regulatory authority or by a state-owned enterprise under its management in accordance with the procedure established by the regulatory authority.

*{Article 111 is supplemented with paragraph 6 in accordance with the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n592)*}*

7. The regulatory authority shall monitor and collect information on inadvertent roaming in the Ukraine – EU roaming zone and take measures in accordance with the law.

**Article 112.**Conclusion and termination of the contract for the provision of electronic communications services

1. The contract for the provision of electronic communications services shall be concluded in accordance with the rules for providing and obtaining electronic communications services, taking account of the provisions of this Article. The contract may be concluded, in particular, in written or oral form, as a public contract or contract of adhesion under [the Civil Code of Ukraine](https://zakon.rada.gov.ua/laws/show/435-15) as well as a distance contract by means of granting the end user’s consent to its conclusion expressed using the means of electronic identification under [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2155-19) “On Electronic Trust Services”, [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/675-19) “On Electronic Commerce” as well as by means of the end user’s implicative conduct, which definitely confirms its prior consent to concluding the contract and has been recorded by the equipment of the electronic communications services provider. At the end user’s request, the electronic communications services provider shall provide the proof of recorded prior consent.

*{Article 112(1) as amended by the Law*[No. 2801-IX of 01.12.2022](https://zakon.rada.gov.ua/laws/show/2801-20%252525252523n1236)*}*

2. The contract for the provision of electronic communications services shall be concluded on condition that the end user has been provided with all necessary information required by the legislation at the moment of its conclusion and that the end user has received the relevant offer under [Article 105](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1911) of this Law. The requirements to the contents of the contract shall be established by the rules for providing and obtaining electronic communications services in accordance with this Law. The contract shall be deemed concluded provided that the end user has expressed its undoubted and willful consent to its conclusion.

3. The contract for the provision of electronic communications services may be terminated before the end of the contract term by either of the parties in cases expressly provided by the contract, the rules for providing and obtaining electronic communications services, this Law, and in other cases provided in the legislation.

The terms and procedures for termination of the contract for the provision of electronic communications services may not provide for any barriers to the service provider switching under the procedure referred to in [Article 113](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2060) of this Law.

4. The contract for the provision of electronic communications services may provide for automatic prolongation, however, the end users shall have an unconditional right to unilaterally terminate the contract after the prolongation on contractual conditions in accordance with the rules for providing and obtaining electronic communications services.

Before the contract for the provision of electronic communications services is automatically prolonged, the electronic communications services provider shall inform end users, in a written or electronic form and in a prominent and timely manner (no later than one month in advance) of the end of the contractual commitment and of the means by which to terminate the contract.

5. End users shall have the right to terminate their contract for the provision of electronic communications services without incurring any further costs upon notice of changes in the contractual conditions proposed by the provider of interpersonal electronic communications services, apart from cases specified in the rules for providing and obtaining electronic communications services when the proposed changes are exclusively to the benefit of and have no negative effect on the end user, or are directly imposed by the legislation.

Electronic communications services providers shall notify end users at least seven calendar days in advance of any change in the terms and conditions of the contract for the provision of electronic communications services, and shall simultaneously inform them of their right to terminate the contract without incurring any further costs if they do not accept the modified terms and conditions. The right to terminate the contract for the provision of electronic communications services shall be exercisable within 7 calendar days after such notification.

6. Any significant breach of the contract for the provision of electronic communications services or non-compliance with the quality parameters for the services provided based thereon shall be considered to be a basis for triggering the remedies available to the end user in accordance with the legislation, including the right to terminate the contract free of cost.

**Article 113.**Electronic communications services provider switching and provision of number porting services

1. In the case of the service end user switching between providers of Internet access services, the providers concerned shall provide the end user with information (before and during switching process) on the terms of switching and ensure continuity of the Internet access service, unless technically not feasible.

Continuity means the end user’s ability to obtain the Internet access service from the transferring provider (under the contract, including with regard to payment for services) up to the date of actual conclusion of the contract and actual obtaining of the Internet access service from the receiving electronic communications services provider. In such cases, loss of Internet access services shall not exceed one business day, unless technically not feasible.

This provision shall be included in the contract for the provision of relevant electronic communications services.

2. In the event of provision of number-based interpersonal electronic communications services, the electronic communications services provider shall provide the number porting service to its subscribers under the procedure established by the regulatory authority.

In case of termination of the contract with the provider of number-based interpersonal electronic communications services, the end user shall have the right to retain and port its number to another provider of such services under the procedure established by the regulatory authority.

The number porting service shall be provided to end users who receive electronic communications services on the basis of a written contract or are identified by the electronic communications services provider under the procedure established by the regulatory authority. The end user that is not identified by the electronic communications services provider shall have the right to identification in accordance with [Article 104(5)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1901) of this Law.

All end users with numbers from the National Numbering Plan may retain their numbers regardless of the electronic communications services provider that provides the services using:

1) geographic numbers in a certain area (within the area of the geographic numbering zone);

2) non-geographic numbers in any location.

This requirement shall not apply to number porting from networks providing services in a fixed location to mobile networks and vice versa.

3. The porting of numbers and their subsequent activation shall be carried out within the shortest possible time on the date agreed with the end user.

Number porting for mobile communication shall be carried out within one business day following the subscriber’s request. The provision on number porting within one business day shall apply starting from the date established by the regulatory authority, but no later than within one year following the entry into force of this Law.

The provision on number porting for fixed communication shall be carried out with the period starting from the date established by the regulatory authority, but no later than within two years following the entry into force of this Law.

The decisions referred to in this paragraph shall be made in consultation with electronic communications services providers.

The transferring electronic communications services provider that provides the services at the moment of submission of the subscriber’s request shall continue to provide its electronic communications services on the same terms and conditions until the services of the receiving provider are activated.

Settlements between electronic communications services providers, related to traffic transmission from ported numbers shall be made on a contractual basis, taking account of relevant costs.

The number porting service shall be provided to subscribers free of charge.

4. Electronic communications services providers that receive and transfer number porting shall cooperate in good faith, in particular, they shall not delay and not abuse the provider switching and number porting processes, nor shall they port numbers or switch end users without the end users’ prior consent.

The end users’ contracts with the electronic communications services provider that transfers number porting shall be terminated automatically upon conclusion of the provider switching or number porting process.

After the provision of services is terminated in the electronic communications network, to which the number was ported, in case when the end user has not carried out any other number porting, the number shall be returned by the receiving electronic communications services provider to the transferring provider to which the number was allotted during primary allocation.

5. Providers shall refund to the end users, upon request, any credit remaining at the moment of the provider switching or number porting, and the end user shall repay any outstanding debts to the provider.

**Article 114.**Provision of bundles of electronic communications services

1. The electronic communications services provider may offer to service end users bundles of electronic communications services to be made by the provider at its discretion.

However, the end user shall be informed by the electronic communications services provider about all components and elements of the relevant bundle of electronic communications services before its activation and agreement on the terms and conditions of the relevant contract for the provision of electronic communications services.

2. If the electronic communications services provider, in accordance with the legislation or under the contract for the provision of electronic communications services, terminates any element of the bundle before the end of the term or in case of termination of the concluded contract based on other grounds, the end user shall have the right to terminate the contract, under which the bundle of services is provided.

3. Any subscription to additional services or terminal equipment provided or distributed by the same provider of Internet access services or number-based interpersonal electronic communications services shall not exceed the original duration of the contract for the provision of electronic communications services, to which such services or terminal equipment are added, unless the end user expressly agrees otherwise when subscribing to the additional services or terminal equipment.

**Article 115.**Provision of electronic communications services during emergencies, the state of emergency or martial law

1. Electronic communications networks and/or services providers shall take measures in accordance with the legislation to ensure sustainable operation of electronic communications networks used for the provision of electronic communications services during the special period, the state of emergency or martial law.

2. During the state of emergency and martial law, electronic communications networks and/or services providers shall ensure the provision of electronic communications services and participate in public warning under the procedure established by the Cabinet of Ministers of Ukraine.

3. Electronic communications networks and/or services providers shall ensure their readiness to perform their functions during an emergency, the state of emergency and martial law. In emergencies, in the state of emergency or martial law, all electronic communications networks, irrespective of ownership, shall be used to satisfy the needs of national security, defence and law enforcement. Electronic communications services providers shall cooperate with the national centre for operational and technical management of electronic communications networks of Ukraine on issues falling within its competence.

*{Article 115(3) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n594)*}*

4. During an emergency, the state of emergency and martial law, electronic communications networks and/or services providers, for the purpose of warning and providing electronic communications services to participants in the emergency response and remediation, recovery works as well as for the purpose of implementation of relevant measures by the Council of Ministers of the Autonomous Republic of Crimea, oblast, Kyiv City and Sevastopol City state administrations and local self-government bodies, in consultation with the central executive authority in the fields of electronic communications and radio spectrum, may impose temporary restrictions on the provision of electronic communications services to consumers until emergency response and remediation is completed and the state of emergency is lifted.

5. The Council of Ministers of the Autonomous Republic of Crimea, oblast, Kyiv City and Sevastopol City state administrations and local self-governing bodies shall, within their powers, assist electronic communications services providers in elimination of the damage incurred due to a disaster, remediation and purchase of necessary material resources as well as facilitate in providing labour resources, vehicles and other technical means for these purposes.

6. The electronic communications services provider shall not be liable for the state and operability of its electronic communications network if the network was fully or partially taken out of its control or management in pursuance of the provisions of this Article.

7. In order to cease terrorist activity, temporary restrictions may be imposed on the provision of electronic communications services to the consumers located in the specified area of the anti-terrorist operation under the procedure established by law.

**Article 115-1**. The procedure for restricting access to websites used for providing online media services

1. The regulatory authority, within three business days from the day of receipt of the notification from the National Council of Television and Radio Broadcasting of Ukraine with regard to temporary ban on the distribution of online media, ban on the distribution of online media in the manner provided by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2849-20) “On Media”, shall inform the electronic communications services providers via electronic regulatory platform about their obligation to restrict access to websites specified in the notification sent by the National Council of Television and Radio Broadcasting of Ukraine.

2. Electronic communications service providers must, within three working days from the date of receipt of the notice from the regulatory authority, to restrict access to the respective website in the territory of Ukraine.

3. Electronic communications services providers shall not bear responsibility for consequences of restriction of access to websites exercised in accordance with this Article.

*{The Law is supplemented with Article 115***-1***in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3107)*}*

**Article 115-2**. The procedure for restricting access to websites used for providing on-demand media services and services of audiovisual service providers by the aggressor state

1. The Regulator shall, within three working days from the day of receipt from the National Council of Television and Radio Broadcasting of Ukraine of the notice on the duty to restrict access to websites set out in the decision of the National Council of Television and Radio Broadcasting of Ukraine on inclusion of the service in the List of on-demand audiovisual media services and services of audiovisual service providers of the state recognized by the Verkhovna Rada of Ukraine as an aggressor state or the notice on exclusion of the service from the List according to the procedure established by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2849-20) “On the Media”, inform electronic communications services providers via the electronic regulatory platform of the duty to restrict or renew such access.

2. Electronic communications service providers shall, within three working days from the date of receipt of the notice from the Regulator, to restrict or renew access to the respective website in the territory of Ukraine.

3. Electronic communications services providers shall not bear responsibility for consequences of restriction of access to websites exercised in accordance with this Article.

*{The Law is supplemented with Article 115***-2***in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3107)*}*

**Article 116.**Access to electronic communications services for persons with disabilities

1. In accordance with the rules for providing and obtaining electronic communications services, electronic communications services providers shall ensure that consumers with disabilities:

1) have access to electronic communications services, including the related contractual information on volumes and quality provided pursuant to [Article 105](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1911) of this Law, equivalent to that enjoyed by other consumers;

2) make a choice from electronic communications services providers.

2. In order to facilitate access of persons with disabilities to electronic communications services, electronic communications services providers shall ensure their accessibility under the procedure established by the central executive authority in the fields of electronic communications and radio spectrum, in particular, through:

1) providing information on the services which can be obtained using relevant devices and means thereby the information can be accessed:

а) through more than one sensory organ;

б) in text formats which can be used for creation of alternative auxiliary formats that will transmit information to the users in different manners and through more than one sensory organ;

в) using fonts with sufficient sizes and acceptable forms, sufficient contrast and adjustable space between letters, rows and indents;

г) adding an alternative way of display of the non-text content to consumer;

ґ) in appropriate and sufficient manner that ensures perceptibility, effectiveness, clarity and reliability of information;

2) ensuring, in the course of development of their websites, related applications, including mobile ones, their reliability and perceptibility, accessibility and comprehensibility for persons with disabilities;

3) informing about the availability of services for persons with disabilities, their compatibility with assistive technologies in accessible communication formats by the support service (in case of availability of help tools, call centres, customer support, means of speech recognition and synthesis, educational services).

Access to relevant software shall be granted to electronic communications services providers free of charge under the procedure established by the Cabinet of Ministers of Ukraine.

**Article 117.**Number directories

1. Number directories (telephone books) intended for publication, including electronic versions and databases of directory enquiry services, may contain information on the subscriber’s surname, name, patronymic (if any), company name, address and telephone number in case when the contract for the provision of electronic communications services provides for the consumer’s prior consent to publication of such information. During automated processing of the subscriber’s information, the electronic communications services provider shall ensure its protection under the law.

2. Before the consumer’s data are included in number directories (telephone books), the consumer shall be informed free of charge of its intended use and the possibility of use of such data through an electronically available search tool.

3. The consumer shall have the right, at any time and upon its written request, to withdraw its consent to inclusion of its data in number directories issued in an electronic format and its use by directory enquiry services.

In such case, the consumer’s data shall be immediately removed from an electronic directory free of charge.

4. This Article shall apply taking account of the provisions of [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2297-17) “On Personal Data Protection”.

**Article 118.**Access to emergency services and social services

1. Electronic communications services providers shall provide end users, including persons with disabilities, free of charge with the electronic communications service consisting of originating calls and connecting to the Service 112 communication centre on the single number ‘112’ and to the operative dispatching services making emergency communications on the numbers ‘101’, ‘102’, ‘103’ and ‘104’ and shall provide information on those communications to the Service 112 communication centre and the operative dispatching services.

*{Article 118(1) as amended by the Law*[No. 2581-IX of 07.09.2022](https://zakon.rada.gov.ua/laws/show/2581-20%252525252523n91)*}*

2. The Cabinet of Ministers of Ukraine shall take measures to ensure that end users have access, free of charge, to social services that receive messages:

1) on missing children under the number: ‘116000’ (missing children hotline);

2) from children under the number: ‘116111’ (children helpline).

This paragraph shall not apply to the analogue segment of fixed networks until switching to the allocation of geographic numbering codes for the area of an administrative and territorial unit not smaller than oblast is completed.

3. A legal entity that has obtained an authorisation to use the numbers referred to in paragraphs [1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2116) and [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2117) of this Article shall:

1) ensure 24-hour operation of the relevant emergency service and/or social service;

2) ensure connection of its equipment and its interoperability with the existing equipment and network of the provider of electronic communications networks;

3) avoid carrying out the activity related to advertising, entertainment, commercial services, etc. when receiving calls;

4) within three months before termination of its activity, notify the regulatory authority and electronic communications networks and/or services providers of termination of its activity and submit requests for withdrawal of relevant authorisations to use the numbers to ensure their further primary allocation.

4. Electronic communications networks and/or services providers shall inform end users of the existence and the use of services under the numbers referred to in paragraphs [1](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2116) and [2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2117) of this Article.

5. In order to ensure quality and timely processing of emergency communications received by the Service 112 communication centre and the operative dispatching services making emergency communications on the numbers ‘112’, ‘101’, ‘102’, ‘103’ and ‘104’, electronic communications networks and/or services providers shall provide the following information on calls (emergency communications) to the Service 112 communication centre and the operative dispatching services:

for a fixed voice subscriber — the subscriber’s number and surname, name, patronymic (if any), the name and address of location of the subscriber’s terminal equipment and other subscriber’s network identifiers (if any);

for a mobile subscriber — the subscriber’s number and location of the subscriber’s terminal equipment at the time of emergency communication.

*{Article 118(5) as amended by the Law*[No. 2581-IX of 07.09.2022](https://zakon.rada.gov.ua/laws/show/2581-20%252525252523n91)*}*

**Section XV. CONFIDENTIALITY OF ELECTRONIC COMMUNICATIONS SERVICES**

**Article 119.**Protection of information about end user and provided electronic communications service

1. Electronic communications services providers shall ensure and bear responsibility for security of end user data received in the course of entering into an electronic communications services contract and providing electronic communications services, including the following data:

1) consumer personal data;

2) the fact of end user’s receipt of electronic communications services;

3) information transmitted and/or received by end user;

4) amount, content, routes of transmission of information (data), including data processed for the purpose of transmission of information in electronic communications networks or payment for electronic communications services;

5) location data, including any data processed by an electronic communications services provider in the course of providing electronic communications services, including terminal equipment location data; This requirement shall not apply in case of transmission of the location of the subscriber who makes an emergency communication to the Service 112 communication centre and emergency services on ‘112’, ‘101’, ‘102’, ‘103’ and ‘104’ telephone numbers;

*{Article 119(1)(5) as amended by the Law*[No. 2581-IX of 07.09.2022](https://zakon.rada.gov.ua/laws/show/2581-20%252525252523n96)*}*

6) data on attempted calls between a certain termination points of the electronic communications network, including data on failed call attempts (initiated but unanswered) or interrupted connection.

2. Information regarding electronic communications serviced received by the end-user can be provided upon his/her prior consent made in a written or other form which leads to conclusion that there is a fact of provision of such consent, or pursuant to the procedure and requirements [of the Constitution of Ukraine](https://zakon.rada.gov.ua/laws/show/254%2525252525252525D0%2525252525252525BA/96-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580) and laws of Ukraine.

**Article 120.**Anti-spam protection of end users

1. Deliberate sending of electronic, text and/or multimedia messages to a large number of end users without such end user’s consent (order) (spam) to their email addresses or terminal equipment, apart from messages of the electronic communications services provider related to such provider’s provision of electronic communications services and/or information services and apart from end users’ personal messages that are not bulk and that are sent for a non-commercial purpose to electronic communications service end users, shall be prohibited.

2. End users may use telephone numbers or other subscriber’s number network identifiers received in any way in the process of selling goods or providing services, for sending advertisement, with the purpose to sell goods or services only given the consent of the end user, including in an electronic form, and provided the end user gets a possibility to refuse from using his/her data free of charge, at any time, in a simple and understandable form.

**Article 121.**Conditions of providing access to information in cases provided for by law

1. Information about the consumer, the facts of provision of electronic communications services, including to the data processed for the purpose of transmission of such information in electronic communications networks, shall be accessed only by decision of a prosecutor, court, an investigating judge in cases and under the procedure provided for by law.

*{Article 121(1) as amended by the Law*[No. 2137-IX of 15.03.2022](https://zakon.rada.gov.ua/laws/show/2137-20%252525252523n85)*}*

2. Information retrieval from electronic communications networks of electronic communications services providers shall be supported by the single system of technical means used by all bodies authorised by law on conditions of independent access to information under the procedure set out in the legislation.

3. The electronic communications services and/or networks provider shall ensure the possibility of connection of technical means referred to in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2143) of this Article in the point for such access in the electronic communications network specified by the provider of electronic communications networks and/or services.

**Section XVI. PROTECTION OF RIGHTS AND INTERESTS OF SERVICE END USERS**

**Article 122.**Review of appeals (complaints) of consumers of electronic communications services

1. Consumer shall have the right to file appeals (complaints) concerning provision of electronic communications services to the electronic communications services provider, regulatory authority, other public authorities with relevant competence, as well as appeals (complaints) concerning renewal of his/her rights and protection of his/her legitimate interests for their review and proper response in accordance with the legislation.

2. Appeals (complaints) of consumers shall be filed and reviewed and violations of their rights shall be remedied in accordance with this Law, [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/393/96-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580) “On Public Appeals”, the rules of provision and receipt of electronic communications services and other legal and normative acts, including by using an electronic regulatory platform.

Appeals of consumers on resolving a dispute with an electronic communications services provider, ordering, receipt or termination of receipt of electronic communications services shall be reviewed by the regulatory authority in accordance with [Article 123](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2152) of this Law.

3. The regulatory authority shall review, in accordance with the legislation, appeals (complaints) of consumers concerning provision of electronic communications services, for that purpose obtain the necessary documents and information from electronic communications services providers, take measures, within its powers, to protect consumer rights, including, where necessary, public supervision measures, issuing instructions, ordinances on remedying violations, imposing administrative penalties under the law.

4. Appeals (complaints) of consumers of electronic communications services shall be reviewed provided the consumers indicate in their appeal (complaint) the subscriber number under which they receive the electronic communications services and/or details of the contract on provision of such services (unless the issue concerned is denial of electronic communications services).

**Article 123.**Extrajudicial resolution of disputes on consumer appeals

1. Consumer shall have the right to appeal to the regulatory authority to resolve a dispute with an electronic communications services provider arising under this Law and relating to the performance of contracts.

The right provided in paragraph 1 is also applicable to roaming customers as regards disputes related to roaming in the Ukraine – EU roaming zone.

Where disputes in paragraphs 1 or 2 also involve parties in EU Member States, the regulatory authority shall coordinate its measures with competent authorities in these Members States to resolve a dispute.

2. An appeal may be filed within the limitation period established by law for a certain type of claims.

3. Prior to filing an appeal to the regulatory body and authority on out-of-court resolution of disputes, a consumer shall address an appeal (complaint) to the electronic communications services provider. In the event of receipt of such an appeal [Translator’s note: concerning] ordering, receipt or termination of receipt of electronic communications services that has not been earlier addressed to the provider, the regulatory authority shall forward such an appeal to the electronic communications services provider and notify the consumer thereof.

If the electronic communications services provider dismisses the claims laid down in the appeal (complaint) of the consumer or provides no response within 30 calendar days of the day of receipt of the appeal, the consumer shall send the appeal to the regulatory authority, together with copies of the earlier appeals to the provider, for the purpose of out-of-court resolution of the dispute.

4. A dispute shall be resolved by the authorized official of the regulatory authority within a period not exceeding two months. If necessary, this period may be prolonged for a period necessary for taking public supervision or expert examination measures.

5. The procedure for filing consumer appeals and resolution of disputes shall be established by the regulatory authority under this Law and other laws.

6. In the course of resolution of disputes, the regulatory authority shall have the right to:

1) request documents and information from the parties, which are necessary to clear up the matters described in the appeal;

2) take public supervision measures relating to the dispute in case there are grounds provided for by [Article 10(8)](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n345) of this Law;

3) request holding an expert examination on the subject matter of the dispute;

4) engage specialists and experts in the matters concerned;

5) forward materials, if necessary, to public authorities competent to resolve the matters concerned;

6) other rights provided for by law.

7. In the course of resolving a dispute, the authorized official of the regulatory authority shall, in particular:

1) comply with the principles of legality and equality of parties, independence, neutrality and confidentiality of information about consumer;

2) familiarize the electronic communications services provider with the appeal and the claims of the consumer and give it an opportunity to express and reason its position;

3) notify the parties of the provisions of the legislation applicable to the subject matter of the dispute;

4) propose a possibility to resolve the dispute between the parties in an amicable manner;

5) take measures to investigate into the subject matter and resolve the dispute, among other things to file, if necessary, a proposal for the regulator to review matters relating to the dispute under this Law.

8. The parties shall be notified of the results of the dispute resolution and substantiation thereof in writing.

Information about the results of the dispute resolution shall be published on the electronic regulatory platform (excluding personal data and restricted information) in compliance with the requirements set by the regulatory authority.

9. Costs relating to conducting expert examination, engaging specialists and experts shall be borne by the provider provided it was established that the provider violated the legislation and consumer rights, and in other cases — by the party that initiated such expert examination or engagement, in case the payment is required.

**Article 124.**Protection of interests of end users in the event the electronic communications services provider terminates provision of such services

1. Electronic communications services provider that terminates provision of electronic communications services shall notify the end users thereof at least three months prior to such termination of provision of electronic communications services.

**Article 125.**Responsibility for violation of end user rights

1. Electronic communications services provider shall bear the following material responsibility to end user for non-provision or improper provision of electronic communications services:

1) for non-provision of paid electronic communications services or provision of such services in the amount lesser than the paid one —

in the amount of the paid cost of non-provided services and a fine in the amount of 25% of the cost of such services;

2) for groundless disconnection of terminal equipment -

in the amount of subscription fee for the whole period of disconnection;

3) for groundless reduction or change of the list of services -

in the amount of subscription fee for one month;

4) in other cases -

in amounts provided for by the electronic communications services contract;

5) in the event of non-elimination of damage to the electronic communications network within one day of the documented submission of subscriber report of such damage that disabled end user access to the services or decreased quality of the electronic communications services to unacceptable levels, subscription fee for the whole period of damage shall not be charged, and the electronic communications services provider, in case of non-elimination of the damage within five days of the documented submission of the subscriber report, shall pay a fine to the consumer in the amount of 25% of the daily subscription fee for each day above that period, however no more than for three months.

*{Article 125(1)(5) as amended by the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n595)*}*

2. Electronic communications services provider shall not bear material responsibility to end user for non-fulfilment or improper fulfilment of obligations to provide electronic communications services as a result of force majeure (earthquake, flood, hurricane etc.), theft of or damage to line and station structures, used by the electronic communications services provider, by trespassers, or through the fault of end user in cases provided for by this Law.

3. The issue of compensation for losses, pecuniary and moral damage inflicted on the end user due to improper provision of electronic communications services by the provider under the electronic communications services contract shall be resolved in court.

4. Electronic communications services providers shall not bear responsibility for the content of the information transmitted through their networks, except for cases provided for in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/675-19) “On Electronic Commerce”.

**Section XVII. RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION ON ELECTRONIC COMMUNICATIONS**

**Article 126.**Responsibility for violation of the legislation on electronic communications and radio spectrum

1. The regulatory authority shall apply to electronic communications networks and/or services providers, and other undertakings providing associated facilities or associated services in the field of electronic communications, radio spectrum users (except natural persons), the following administrative and economic penalties for violation of the requirements of this Law and the legal and normative acts adopted pursuant to this Law:

1) in the event of:

1.1) carrying out activities in the area of electronic communications without notifying the regulatory body and authority of the commencement of such activities;

1.2) using licensable radio spectrum without a radio spectrum licence;

- seizure of proceeds (other than paid taxes, duties (mandatory payments)) of such illegal activity. In case it is impossible to establish the amount of proceeds of activities referred to in this point, a fine shall be imposed in the amount of 10 thousand non-taxable minimum incomes of citizens;

2) in case of non-fulfilment or improper fulfilment by electronic communications networks and/or services provider with significant market power of its regulatory obligations resulting from a market analysis — a fine in the amount of 0.5%, and in the event of repeated violation within a calendar year — 1% of the proceeds in the market the activity in which was subject to the regulatory obligations;

3) in the event of non-submission or submission of incorrect reports, information about changes in the details registered in the register of electronic communications networks and/or services providers or other information provided for by this Law — a fine in the amount of: 1,000 non-taxable minimum incomes of citizens for micro and small enterprises, 2,000 non-taxable minimum incomes of citizens for medium-sized enterprises and 5,000 non-taxable minimum incomes of citizens for large enterprises.

And in the event of repeated violation referred to in this point within a calendar year a fine in the amount of 2 thousand, 5 thousand and 10 thousand non-taxable minimum incomes of citizens respectively shall apply;

4) in the event of:

4.1) violation of the procedure established by the legislation for routing of number-based interpersonal electronic communications services traffic in public electronic communications network;

4.2) using a numbering resource without a permit provided for by this Law;

— a fine in the amount of 10 thousand non-taxable minimum incomes of citizens;

5) in the event the regulatory authority establishes the fact of violation of the requirements of this Law to provision of electronic communications services to service end users — a fine in the amount of 1 thousand to 5 thousand non-taxable minimum incomes of citizens (according to the method established by the regulatory authority) for each proven violation;

6) in the event of non-execution of an ordinance of the regulatory authority on remedying violations of the requirements of the legislation on electronic communications or radio spectrum, unreasoned denial of check for officials of the regulatory authority, non-provision of documents and information required for public supervision — a fine in the amount of 0.1% to 0.3% of the proceeds of respective electronic communications services for the last reporting year preceding the year in which the fine is imposed (according to the method established by the regulatory authority).

In case it is impossible to establish the amount of proceeds of activities referred to in this point, a fine shall be imposed in the amount of: 3 thousand non-taxable minimum incomes of citizens for micro and small enterprises, 8 thousand non-taxable minimum incomes of citizens for medium-sized enterprises and 10 thousand non-taxable minimum incomes of citizens for large enterprises.

Unreasoned denial of check shall be deemed to be prevention from conducting a check by authorized officials of the regulatory authority under no grounds provided for such prevention by law (in particular non-provision of documents, information about the object of check upon a written request of officials of the regulatory authority, denying access to them to radio equipment locations, absence at the location and/or actual location of radio spectrum user or person authorized to represent such user during a check without good reason and during the whole period of check);

7) in the event of non-compliance with the requirements of officials of the regulatory authority to remove radio interferences under the legislation — a fine in the amount of 2 thousand non-taxable minimum incomes of citizens, and in the event of repeated violation within a calendar year — 4 thousand non-taxable minimum incomes of citizens;

8) in case of violation of the requirements of [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2597) of Article 115**-1** of this Law — a fine in the amount of one thousand non-taxable minimum incomes of citizens, and in case of repeated violation within a calendar year — two thousand non-taxable minimum incomes of citizens;

*{Article 126(1) is supplemented with point 8 in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3116)*}*

9) in case of violation of the requirements of [paragraph 2](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2601) of Article 115**-2** of this Law — a fine in the amount of two thousand non-taxable minimum incomes of citizens, and in case of repeated violation within a calendar year — four thousand non-taxable minimum incomes of citizens;

*{Article 126(1) is supplemented with point 9 in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3116)*}*

10) in case of violation of the provisions on roaming in the Ukraine – EU roaming zone stipulated by legislation in electronic communications sector - a fine in the amount of 1 thousand to 5 thousand non-taxable minimum incomes of citizens (according to the methodology established by the regulatory authority) for each violation.

2. In the event that the electronic communications networks and/or services provider worked for less than one year, the amount of fine shall be calculated based on its proceeds earned for the whole period before the regulatory authority adopted a decision on imposing a fine.

3. Upon request of the regulatory body and authority, competent public authorities, controlling authorities shall provide information about the proceeds with the purpose to impose penalties provided for by this Article.

4. If the radio spectrum user is not an electronic communications networks and/or services provider, a technological user, a user of the radio frequency spectrum for broadcasting purposes, administrative sanctions are applied to him in accordance with [the Code of Ukraine on Administrative Offences](https://zakon.rada.gov.ua/laws/show/80731-10).

**Article 127.**Imposition of administrative and economic penalties

1. The regulatory authority, within five business days of the day of detecting a violation punishable with administrative and economic penalties, shall initiate measures to consider imposing administrative penalties.

2. Prior to imposing administrative and economic penalties, the regulatory authority shall:

1) notify the electronic communications networks and/or services provider, general user of radio spectrum in writing of the subject matter of the violation and intention to impose penalties on him/her;

2) hold a meeting with the authorized representatives of the provider of electronic communications networks and/or services for the purpose to find out all the circumstances of the case; other persons concerned whose rights and legitimate interests have been violated may also take part in such meeting;

3) provide a possibility to it, within the terms set by the regulatory authority for remedying certain types of violations, to present its position, provide necessary reasoned explanations and proofs on the matter concerned and/or remedy the detected violations.

3. Administrative and economic penalties may be imposed on an undertaking within six months of the day when the violation was detected, but no later than in one year following the day when the undertaking violated the legislation on electronic communications and radio spectrum.

4. Amounts of the collected administrative and economic penalties shall be credited into the State Budget of.

5. If an undertaking fails to voluntarily comply with the decision of the regulatory authority on imposition of administrative and economic penalties, the regulatory authority shall file a claim to the court for enforced collection of amounts of the administrative and economic penalties imposed.

6. An undertaking shall have the right to appeal in court against decisions of the regulatory authority on imposing administrative and economic penalties against it.

7. Losses caused to an undertaking due to unlawful imposition of administrative penalties against it shall be compensated according to the procedure established by the law.

**Section XVIII. INTERNATIONAL COOPERATION**

**Article 128.**Purpose and general principles of international cooperation

1. The purpose of international cooperation in the areas of electronic communications and radio spectrum shall be establishing and maintaining liaison with other national and international organisations with the view to integration of electronic communications of Ukraine into global electronic communications, ensuring international legal protection of the radio spectrum necessary to meet the needs of Ukraine, taking into account the political, security and economic interests of Ukraine, as well as to harmonization of national standards, norms and rules with the international standards, recommendations, norms and rules in the above-mentioned areas.

2. International cooperation in the areas of electronic communications and radio spectrum shall ensured through:

1) entering into international agreements;

2) participation in the work of international organisations;

3) participation in implementation of international projects relating to creation of global and regional electronic communications networks, taking into account the national security interests of Ukraine;

4) harmonization of the national standards, norms and rules with international and European standards, recommendations, norms and rules relating to requirement to electronic communications networks, interaction between electronic communications services providers, using radio spectrum and numbering resource, quality and types of electronic communications services;

5) interaction between electronic communications services providers of Ukraine and electronic communications services providers of other countries;

6) notifying the International Telecommunication Union of allocated, assigned numbering resources and changing in the National Numbering Plan;

7) participation in the work of international organisations relating to managing, allocating, assigning international and national numbering resources.

3. International legal protection of radio frequency assignments and frequency and orbital resource of Ukraine shall be ensured through:

1) entering into international agreements and treaties regulating radio spectrum usage in border areas;

2) international coordination of radio frequency assignments to radio equipment, special purpose radio electronic devices and emitters as well as satellite networks and systems of Ukraine;

3) registration in the International Telecommunication Union of radio frequency assignments to radio equipment, special purpose radio electronic devices and emitters as well as satellite networks and systems of Ukraine;

4) participation in the work of international organisations relating to managing and using of radio spectrum;

5) cooperation with the authorized bodies of telecommunication administrations of foreign states and international organisations in reviewing reports on interferences and violations of [the Charter](https://zakon.rada.gov.ua/laws/show/995_099), [Conventions](https://zakon.rada.gov.ua/laws/show/995_100) and administrative regulations of the International Telecommunication Union.

4. International cooperation in the areas of electronic communications and radio spectrum in accordance with [the Charter](https://zakon.rada.gov.ua/laws/show/995_099), [Conventions](https://zakon.rada.gov.ua/laws/show/995_100) and administrative regulations of the International Telecommunication Union, within the powers established by this Law, shall be ensured by the central executive authority in the areas of electronic communications and radio spectrum as well as the regulatory authority with the participation of the General Staff of the Armed Forces of Ukraine, the National Council of Television and Radio Broadcasting of Ukraine and other central executive authorities and the State-owned Enterprise.

The central executive authority in the areas of electronic communications and radio spectrum, in cooperation with the regulatory authority and in accordance with the procedure established by the legislation, shall represent the interests of Ukraine at world, European and regional organisations for electronic communications and in the World Trade Organisation relating to electronic communications and radio spectrum.

*{Article 128(4) as amended by the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n3119)*}*

5. The Central executive authority in the fields of electronic communications and radio spectrum, and the regulatory authority shall monitor the EU regulatory framework on roaming and in accordance with the established procedure, ensure the approximation of the national legislation to the EU regulatory framework on roaming in case of the respective amendments to it.

In this respect the Central executive authority in the fields of electronic communications and radio spectrum, and the regulatory authority shall consult the European Commission, or any other body indicated by the European Commission, based on the results of which they take into account relevant conclusions, guidelines, recommendations and proposals for the further development of draft regulatory legal acts on roaming.

6. The regulatory authority shall notify the European Commission of rules and measures for ensuring the implementation of the provisions on roaming (including administrative and economic sanctions) and of any amendments affecting them.

7. At the request of the European Commission or any other bodies designated by the European Commission, the Central executive authority in the fields of electronic communications and radio spectrum, the regulatory authority shall in timely manner and fully provide documents, statistical and other information necessary for them to perform their tasks and functions.

**Section XIX. FINAL AND TRANSITIONAL PROVISIONS**

1. This Law shall come into force on 1 January 2022, except for the [first to fourteenth indents](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n2412) of subpoint 47 of point 3 of this Section that shall come into force on 1 July 2023.

*{Point 1 of Section* *XIX as amended by the Laws*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n597)*,*[No. 2370-IX of 08.07.2022](https://zakon.rada.gov.ua/laws/show/2370-20%252525252523n5)*}*

2. As of the date of the entry into force of this Law, the following acts shall be no longer valid:

[The Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1280-15) “On Telecommunications” (Bulletin of the Verkhovna Rada of Ukraine, 2004, No. 12, 155, as amended);

[The Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1770-14) “On the Radio Frequency Resource of Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2000, No. 36, 298 as amended).

3. To amend the following legislative acts of Ukraine:

1) in [the Code of Merchant Shipping of Ukraine](https://zakon.rada.gov.ua/laws/show/176/95-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580) (Bulletin of the Verkhovna Rada of Ukraine, 1995, No. 47–52, p. 349):

[the fourteenth](https://zakon.rada.gov.ua/laws/show/176/95-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n197) indent of the first paragraph of Article 35 shall be amended as follows:

“operating documents for the right to use a ship station, a ship log (radio service log) and other documents in accordance with the radio regulations”;

[the fourth paragraph](https://zakon.rada.gov.ua/laws/show/176/95-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n218) of Article 38 shall be amended as follows:

“Operating documents for the right to use a ship station shall be issued by an organisation authorised by the National Commission for the State Regulation of Communications and Informatization”;

in [the first paragraph](https://zakon.rada.gov.ua/laws/show/176/95-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n226) of Article 40 the words “permit for the use of a ship’s radio station” shall be replaced with the words “operating documents for the use of a ship’s station”;

2) in the [Land Code of Ukraine](https://zakon.rada.gov.ua/laws/show/2768-14) (Bulletin of the Verkhovna Rada of Ukraine, 2002, No. 3-4, p. 27):

in [Article 19(1)(ж)](https://zakon.rada.gov.ua/laws/show/2768-14%252525252523n258), the word “communication” shall be replaced with the words “electronic communications”;

in [in the first indent](https://zakon.rada.gov.ua/laws/show/2768-14%252525252523n285) of Article 20(6) the words “power and communications lines” shall be replaced with the words “power and electronic communications networks lines”;

in [Article 23](https://zakon.rada.gov.ua/laws/show/2768-14%252525252523n319):

in the third paragraph the words “power and communications lines” shall be replaced with the words “power and electronic communications networks lines”;

in the forth paragraph the words “power and communications lines” shall be replaced with the words “power and electronic communications networks lines”;

in the title of Chapter 13, the word “communication” shall be replaced with the words “electronic communications”;

in [Article 65](https://zakon.rada.gov.ua/laws/show/2768-14%252525252523n535), the word “communication” shall be replaced with the words “electronic communications”;

[Article 75](https://zakon.rada.gov.ua/laws/show/2768-14%252525252523n584) shall be amended as follows:

“**Article 75.** Electronic communications lands

1. Electronic communications lands mean land parcels allotted in accordance with the procedure established by this Code for ownership or use to individual entrepreneurs and legal entities to arrange electronic communications networks infrastructure.

2. Electronic communications lands may be in public, communal or private ownership.

3. Exclusion zones, and where necessary, cleared strips (protected forest parcels), shall be established along the overhead and underground cable lines of electronic communications networks and electronic communications facilities, including base stations of mobile communications networks, earth stations of satellite communications systems and radio relay lines.

4. The sizes of land parcels, including cleared strips and protected forest parcels allotted to persons referred to in the first paragraph of this Article, shall be determined in accordance with the requirements of allocation of lands of this type and design documents approved under the established procedure.

5. Electronic communications networks and/or services providers that in accordance with the Law of Ukraine “On Electronic Communications” are entered in the State Register of Electronic Communications Networks and/or Services Providers, shall have the right to require land owners or land users to establish easements, including personal easements, for the category of lands for electronic communications defined by this Code to lay underground electronic communications networks and/or to repair their damage.”;

in [Article 112(1)(б)](https://zakon.rada.gov.ua/laws/show/2768-14%252525252523n954) the words “along communications lines” shall be replaced with the words “around electronic communications facilities, including base stations of mobile communications networks, earth stations of satellite communications systems, along lines of electronic communications networks”;

3) [Article 191(2)](https://zakon.rada.gov.ua/laws/show/436-15%252525252523n1369) of the Economic Code of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2003, No. 18–22, p. 144) shall be supplemented with words “and other laws";

4) in [the second indent](https://zakon.rada.gov.ua/laws/show/435-15%252525252523n6172) of Article 639(2) of the Civil Code of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2003, No. 40-44, p. 356) the words “information and telecommunications systems” shall be replaced with the words “information and communications systems”;

5) in [Article 30](https://zakon.rada.gov.ua/laws/show/5403-17%252525252523n551) of the Civil Protection Code of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 34-35, p. 458):

in paragraph 2(2) the words “telecommunications networks” shall be replaced with the words “electronic communications networks”;

in paragraph 4 the words “telecommunications Operators” shall be replaced with the words “electronic communications networks and/or services Providers”;

6) in [the Civil Procedure Code of Ukraine](https://zakon.rada.gov.ua/laws/show/1618-15) (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 48, p. 436):

in [Article 8(3)](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n6093), in [Articles 14](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n6136), [33](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n6255), [62](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n6480), [83](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n6622), [128](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n6892), [212](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n7645), [214](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n7662), [247](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n7831), [259](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n7961), [431](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n9127), [493](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n9586), in [subpoint 15](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n9668) of point 1 of Section XIII “Transitional Provisions” the words “the Single judicial information and telecommunications system” shall be in all cases replaced with the words “the Single judicial information and communications system”;

in [points 3](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n7221) and [7](https://zakon.rada.gov.ua/laws/show/1618-15%252525252523n7225) of Article 161(1) the words “telecommunications services” shall be replaced with the words “electronic communications services”;

7) in [the first indent](https://zakon.rada.gov.ua/laws/show/875-12%252525252523n239) of Article 26 of the Law of Ukraine “On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine” (Bulletin of the Verkhovna Rada of the Ukrainian SSR, 1991, No. 21, p. 252; Bulletin of the Verkhovna Rada of Ukraine, 2012, No. 31, p. 381; 2018, No. 6-7, p. 43) the words “telecommunications operators and providers” shall be replaced with the words “electronic communications services providers, manufacturers of radio equipment and terminal (end-user) equipment”;

8) in [point 9](https://zakon.rada.gov.ua/laws/show/2135-12%252525252523n102) of the first and [third paragraphs](https://zakon.rada.gov.ua/laws/show/2135-12%252525252523n116) of Article 8 of the Law of Ukraine “On Operative Search Activities” (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 22, p. 303; 2013, No. 21, p. 208) the words “from transport telecommunications networks” shall be replaced with the words “from electronic communications networks”;

9) in [the first paragraph](https://zakon.rada.gov.ua/laws/show/3353-12%252525252523n343) of Article 27 of the Law of Ukraine “On Traffic” (Bulletin of the Verkhovna Rada of Ukraine, 1993, No. 31, p. 338; 2009, No. 10-11, p. 137; 2015, No. 39, p. 372; 2016, No. 4, p. 44; 2019, No. 46, p. 295) the words “information and telecommunications” shall be replaced with the words “information and communications”;

*{Subpoint 10 of point 3 of Section XIX ceased to be in force in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n2351)*}*

11) in [the second indent](https://zakon.rada.gov.ua/laws/show/393/96-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n155) of the ninth paragraph of Article 23**-**1 of the Law of Ukraine “On Public Appeals” (Bulletin of the Verkhovna Rada of Ukraine, 1996, No. 47, p. 256; 2015, No. 35, p. 341) the words “information and telecommunications system” shall be replaced with the words “information and communications system”;

12) in [point 20](https://zakon.rada.gov.ua/laws/show/448/96-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n383) of Article 8 of the Law of Ukraine “On State Regulation of Securities Market in Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 1996, No. 51, p. 292; 2013, No. 26, p. 264) the words “information and telecommunications systems” shall be replaced with the words “information and communications systems”;

13) in [the thirteenth indent](https://zakon.rada.gov.ua/laws/show/502/96-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n25) of Article 1 of the Law of Ukraine “On Space Activity” (Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 1, p. 2, as amended), the word “telecommunications” shall be replaced with the words “electronic communications”;

*{Subpoint 14 of point 3 of Section XIX is deleted in accordance with the Law*[No. 1971-IX of 16.12.2021](https://zakon.rada.gov.ua/laws/show/1971-20%252525252523n599)*}*

*{Subpoint 15 of point 3 of Section XIX is deleted in accordance with the Law*[No. 2807-IX of 01.12.2022](https://zakon.rada.gov.ua/laws/show/2807-20%252525252523n191)*}*

16) in [the Concept of the National Informatiztion Program](https://zakon.rada.gov.ua/laws/show/75/98-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n10) as approved by the Law of Ukraine “On the Concept of the National Informatization Program” (Bulletin of the Verkhovna Rada of Ukraine, 1998, No. 27–28, p. 182 as amended):

[the twentieth indent](https://zakon.rada.gov.ua/laws/show/75/98-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n51) of Section III shall be amended as follows:

“The National Commission for the State Regulation of Communications and Informatization that is set up and functions pursuant to the Law Ukraine “On Electronic Communications” and other laws of Ukraine shall act as the state regulatory authority in the area of informatization”;

in the text of [the Concept](https://zakon.rada.gov.ua/laws/show/75/98-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n10):

the words “information and telecommunication network”, “information and telecommunication system”, “system for information and telecommunication support”, “telecommunication” and “telecommunications” in all cases and numbers shall be replaced correspondingly with the words “information and communications network”, “information and communications system”, “system for information and communication support”, “electronic communication” and “electronic communications” in a corresponding case and number;

17) [Article 24](https://zakon.rada.gov.ua/laws/show/137/98-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n177) of the Law of Ukraine “On the Procedure for Settlement of Collective Labour Disputes (Conflicts)” (Bulletin of the Verkhovna Rada of Ukraine, 1998, No. 34, p. 227) shall be supplemented with a new paragraph after the second paragraph to read as follows:

“Staff members of the electronic communications services provider shall be prohibited from participating in strikes if they result in the termination of operation of electronic communications networks, or in the termination of provision of telecommunication services, which creates obstacles to national security, health care, protection of human rights and freedoms.”

Therefore, the third paragraph shall be deemed to be the fourth paragraph;

18) in [Article 21(1)(7)](https://zakon.rada.gov.ua/laws/show/401-14%252525252523n140) of the Law of Ukraine “On the Capital of Ukraine — the Hero-City of Kyiv” (Bulletin of the Verkhovna Rada of Ukraine, 1999, No. 11, p. 79) the word “telecommunications” shall be replaced with the words “electronic communications”;

19) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/32/95-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580) “On Libraries and Librarians” (Bulletin of the Verkhovna Rada of Ukraine, 2000, No. 23, p. 177; 2009, No. 39, p. 557; 2016, No. 5, p. 50, No. 6, p. 61):

in [the third indent](https://zakon.rada.gov.ua/laws/show/32/95-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n39) of the second paragraph of Article 4 the words “telecommunications systems” shall be replaced with the words “electronic communications systems”;

in [the fourth indent](https://zakon.rada.gov.ua/laws/show/32/95-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n165) of the first paragraph of Article 21 the words “telecommunications means” shall be replaced with the words “technical means of electronic communications”;

in [the second paragraph](https://zakon.rada.gov.ua/laws/show/32/95-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n266) of Article 26, the words “telecommunications means” shall be replaced with the words “technical means of electronic communications”;

*{Point 20 of Section XIX ceased to be in force in accordance with the Law*[No. 2524-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2524-20%252525252523n350)*}*

21) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2017-14) “On State Social Standards and State Social Guarantees” (Bulletin of the Verkhovna Rada of Ukraine, 2000, No. 48, p. 409, as amended):

[the third indent](https://zakon.rada.gov.ua/laws/show/2017-14%252525252523n13) of Article 1, after the words “social assistance”, shall be supplemented with the words “privileges prescribed by law”;

[the fourth indent](https://zakon.rada.gov.ua/laws/show/2017-14%252525252523n67) of Article 10 shall be amended as follows:

“social standards of providing the population with communications services, from which the state grants privileges to citizens”;

a new paragraph to read as follows shall be added after paragraph 1 of [Article 21](https://zakon.rada.gov.ua/laws/show/2017-14%252525252523n133):

“The amounts of funds of Ukraine’s state and local budgets shall be fixed separately to cover expenses of households for payments to enterprises, institutions and organisations for socio-cultural, housing and utility and public services (targeted assistance)”.

Therefore paragraphs 2 and 3 shall be deemed as paragraphs 3 and 4 correspondingly;

[Article 22](https://zakon.rada.gov.ua/laws/show/2017-14%252525252523n140) shall be supplemented with the third paragraph to read as follows:

“The procedure for the provision of relevant social guaranties, privileges shall be established by the Cabinet of Ministers of Ukraine.”;

22) in [the second indent](https://zakon.rada.gov.ua/laws/show/2332-14%252525252523n208) of Article 26 of the Law of Ukraine “On Insurance Fund of Documentation of Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 20, p. 101; 2014, No. 5, p. 62) the words “communications and telecommunications systems” shall be replaced with the words “information and communications systems and electronic communications”;

*{Subpoint 23 of point 3 of Section XIX ceased to be in force in accordance with the Law*[No. 1591-IX of 30.06.2021](https://zakon.rada.gov.ua/laws/show/1591-20%252525252523n1249)*}*

24) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2919-14) “On the National Confidential Communication System” (Bulletin of the Verkhovna Rada of Ukraine, 2002, No. 15, p. 103; 2005, No. 26, p. 349; 2014, No. 22, p. 816):

in [Article 1](https://zakon.rada.gov.ua/laws/show/2919-14%252525252523n7):

in paragraph 1:

the second and third indents shall be amended as follows:

“special electronic communications means an electronic communications network designed to exchange information with restricted access;

dual purpose special electronic communications network means a special electronic communications network designed to provide electronic communications in the interests of public authorities and local self-government bodies, with the partial use of its resource to provide services to other consumers”;

in the fourth indent the words “telecommunications systems (networks)” shall be replaced with the words “electronic communications networks”;

the second paragraph shall be amended as follows:

“The terms ‘operator’ and ‘communications network’ in this Law shall mean ‘electronic communications networks and/or services provider’ and ‘electronic communications network’ respectively as defined by the Law of Ukraine “On Electronic Communications”;

in [the first paragraph](https://zakon.rada.gov.ua/laws/show/2919-14%252525252523n22) of Article 3 the words “On the protection of information in automated systems”, “On telecommunications” shall be replaced with the words [“On the protection of information in information and communications systems”](https://zakon.rada.gov.ua/laws/show/80/94-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580), “On electronic communications”;

in [the second paragraph](https://zakon.rada.gov.ua/laws/show/2919-14%252525252523n29) of Article 5 the words “telecommunications systems (networks)” shall be replaced with the words “electronic communications networks”;

in [the fourth paragraph](https://zakon.rada.gov.ua/laws/show/2919-14%252525252523n42) of Article 7 the words “fixed and/or mobile communications services, as well as provision” shall be deleted;

25) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/638-15) “On Combating Terrorism” (Bulletin of the Verkhovna Rada of Ukraine, 2003, No. 25, p. 180 as amended):

in [the first paragraph](https://zakon.rada.gov.ua/laws/show/638-15%252525252523n95) of Article 5 the word “telecommunications” shall be replaced with the words “electronic communications”;

[Article 14](https://zakon.rada.gov.ua/laws/show/638-15%252525252523n187) shall be supplemented with the second paragraph to read as follows:

“A temporary restriction may be imposed on the provision of electronic communications services in the Anti-Terrorist Operation area under the procedure established by the Cabinet of Ministers of Ukraine”;

26) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/851-15) “On Electronic Documents and Electronic Document Flow” (Bulletin of the Verkhovna Rada of Ukraine, 2003, No. 36, p. 275, as amended):

in [the first paragraph](https://zakon.rada.gov.ua/laws/show/851-15%252525252523n19) of Article 3 the words “the Laws of Ukraine “On information”, “On the protection of information in automated systems”, “On state secret”, “On telecommunications” shall be replaced with the words “the Laws of Ukraine [“On information”](https://zakon.rada.gov.ua/laws/show/2657-12), [“On the protection of information in information and communications systems”](https://zakon.rada.gov.ua/laws/show/80/94-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580), [“On state secret”](https://zakon.rada.gov.ua/laws/show/3855-12), “On electronic communications”;

in [the first paragraph](https://zakon.rada.gov.ua/laws/show/851-15%252525252523n62) of Article 10 the words “telecommunications, information and telecommunications systems” shall be replaced with the words “electronic communications, information and communications systems”;

in [the fourth paragraph](https://zakon.rada.gov.ua/laws/show/851-15%252525252523n69) of Article 11 the words “telecommunications, information and telecommunications system” shall be replaced with the words “electronic communications, information and communications system”;

in [the second paragraph](https://zakon.rada.gov.ua/laws/show/851-15%252525252523n88) of Article 15 the words “telecommunications, information and telecommunications systems” shall be replaced with the words “electronic communications, information and communications systems”;

*{Subpoint 27 of point 3 of Section XIX ceased to be in force in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n2352)*}*

28) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/80/94-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580) “On the Protection of Information in Information and Telecommunications Systems” (Bulletin of the Verkhovna Rada of Ukraine, 2005, No. 26, p. 347 as amended):

in the name of the Law the words “information and telecommunications systems” shall be replaced with the words “information and communications systems”;

in [the preamble](https://zakon.rada.gov.ua/laws/show/80/94-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n9), the words “information and telecommunications systems” shall be replaced with the words “electronic communications, information and communications systems”;

in [Article 1](https://zakon.rada.gov.ua/laws/show/80/94-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n10) the words “information and telecommunications system” shall be replaced with the words “information and communication system”, the words “telecommunications system” in all cases and numbers shall be replaced with the words “electronic communications system” in a corresponding case and number, and the words “or reception” shall be replaced with the words “and/or reception”;

in [Article 10](https://zakon.rada.gov.ua/laws/show/80/94-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580%252525252523n10) the words “telecommunications, information and telecommunications systems” shall be replaced with the words “electronic communications, information and communications systems”;

29) [Article 2(3)](https://zakon.rada.gov.ua/laws/show/2806-15%252525252523n42) of the Law of Ukraine “On the Principles of State Regulatory Policy in the Area of Economic Activity” (Bulletin of the Verkhovna Rada of Ukraine, 2005, No. 48, p. 483; 2010, No. 13, p. 128; 2014, No. 23, p. 873; 2015, No. 14, p. 96; 2018, No. 10, p. 53; 2019, No. 28, p. 116) shall be supplemented with the seventh indent to read as follows:

“The issue, renewal, extension and withdrawal of authorisations to use numbering resources, radio frequency assignments, introduction of changes and amendments to them and their withdrawal shall comply with this Law with regard to the specifics as defined by the Law of Ukraine “On Electronic Communications”;

*{Subpoint 30 of point 3 of Section I ceased to be in force in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252525252523n2350)*}*

31) in [Article 11-1](https://zakon.rada.gov.ua/laws/show/185-16%252525252523n384) of the Law of Ukraine “On Management of State Property Assets” (Bulletin of the Verkhovna Rada of Ukraine, 2006, No. 46, p. 456, as amended):

in paragraph 1 the words “of the Law of Ukraine “On Scientific and Scientific and Technical Progress” shall belong to scientific institutions and scientific and technical complexes founded on state property” shall be supplemented with the words “the state-owned enterprise “Ukrainian State Radio Frequencies Centre”;

in the forth indent of the second paragraph the words “of the Law of Ukraine “On Scientific and Scientific and Technical Progress” shall belong to scientific institutions and scientific and technical complexes founded on state property” shall be supplemented with the words “the state-owned enterprise “Ukrainian State Radio Frequencies Centre”;

32) in [the forth indent](https://zakon.rada.gov.ua/laws/show/307-16%252525252523n26) of the second paragraph of Article 5 of the Law of Ukraine “On the Functioning of the Fuel and Energy Complex in the Special Period” (Bulletin of the Verkhovna Rada of Ukraine, 2006, No. 52, p. 526; 2014, No. 2-3, p. 41) the words “telecommunications operators” shall be replaced with the words “electronic communications networks and/or services providers”;

33) in [the fourth indent](https://zakon.rada.gov.ua/laws/show/2297-17%252525252523n15) of Article 2 of the Law of Ukraine “On Protection of Personal Data” (Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 34, p. 481, as amended) the words “information and telecommunications systems” shall be replaced with the words “information and communications systems”;

34) [the first paragraph](https://zakon.rada.gov.ua/laws/show/2404-17%252525252523n45) of Article 4 of the Law of Ukraine “On Public-Private Partnership” (Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 40, p. 524; 2016, No. 10, p. 97; 2019, No. 48, p. 325) shall be supplemented with the eighteenth indent to read as follows:

“electronic communications”;

35) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/698-16) “On the State Register of Voters” (Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 5, p. 34, as amended):

in [Article 11](https://zakon.rada.gov.ua/laws/show/698-16%252525252523n121):

in the first indent of paragraph 1 the words “and Laws of Ukraine “On the protection of information in information and telecommunications systems” shall be replaced with the words “and Laws of Ukraine [“On the protection of information in information and communications systems”](https://zakon.rada.gov.ua/laws/show/80/94-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580);

in paragraph 2 the words “telecommunications channels” shall be replaced with the words “electronic communications channels”;

in the text of [the Law](https://zakon.rada.gov.ua/laws/show/698-16), the words “information and telecommunication system” in all cases shall be replaced with the words “information and communication system” in a corresponding case;

36) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2735-17) “On State Market Surveillance and Control of Non-Food Products” (Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 21, p. 144, as amended):

indent 7 of [Article 1(1)](https://zakon.rada.gov.ua/laws/show/2735-17%252525252523n22) shall be supplemented with the words “state collective authority” after the words “within the scope of its responsibilities”;

in [Article 23(5)](https://zakon.rada.gov.ua/laws/show/2735-17%252525252523n272):

the first sentence shall be supplemented with the word “(decisions)” after the words “on a basis of instructions”;

the second sentence shall be supplemented with the word “(decisions)” after the words “respective instructions”;

in [Article 27](https://zakon.rada.gov.ua/laws/show/2735-17%252525252523n353):

paragraph 2 shall be supplemented with the words “(of the Head and members or of the authorised person of the state collective authority)”;

the first indent of paragraph 5 shall be supplemented with the words “(the Head and members or the authorised person of the state collective authority)” after the words “his Deputy”;

[Article 33(4)](https://zakon.rada.gov.ua/laws/show/2735-17%252525252523n437) shall be supplemented with the word “(the Head and members or the authorised person of the state collective authority)” after the word “Deputies”;

in [Article 44(6)](https://zakon.rada.gov.ua/laws/show/2735-17%252525252523n771):

indent 2 shall be supplemented with the words “(the Head and members or the authorised official of the state collective authority)” after the words “Heads or Deputy Heads of market surveillance authorities”;

indent 6 shall be supplemented with the words “(the Head and a member or the authorised official of the state collective authority)” after the words “an official of the market surveillance authority”;

indent 8 shall be supplemented with the words “(the Head and members or the authorised official of the state collective authority)” after the words “Deputy Head of the market surveillance authority”;

37) [in Article 12(2)](https://zakon.rada.gov.ua/laws/show/2657-12%252525252523n92) of the Law of Ukraine “On Information” (Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 32, p. 313) the words “information and telecommunications systems” shall be replaced with the words “information and communications systems”;

38) in [the List of permits in the sphere of business activity](https://zakon.rada.gov.ua/laws/show/3392-17%252525252523n26), as approved by the Law of Ukraine “On the List of Permits in the Sphere of Business Activity” (Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 47, p. 532, as amended):

point 13 shall be deleted;

points 24 and 34 shall read as follows:

“24. “Import permit for special purpose radio electronic devices and emitters — the Law of Ukraine “On Electronic Communications”;

“34. Authorisation to use a numbering resource — the Law of Ukraine “On Electronic Communications”;

point 39 shall be deleted;

39) in [Article 74(12)](https://zakon.rada.gov.ua/laws/show/4061-17%252525252523n848) of the Law of Ukraine “On Elections of Member of Parliament of Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2012, No. 10–11, p. 73) the words “telecommunications operator” shall be replaced with the words “electronic communications services providers”;

40) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/4499-17) “On the Single Emergency Number 112” (Bulletin of the Verkhovna Rada of Ukraine, 2012, No. 49, p. 560; 2015, No. 52, p. 482):

in [Article 2(1)](https://zakon.rada.gov.ua/laws/show/4499-17%252525252523n13) the words “the Laws of Ukraine “On Information”, “On Telecommunications”, “On the Protection of Information in Information and Telecommunications Systems” shall be replaced with the words “the Laws of Ukraine “On Information”, “On Electronic Communications”, “On the Protection of Information in Information and Communications Systems”;

in [Article 3(2)](https://zakon.rada.gov.ua/laws/show/4499-17%252525252523n17) the words “telecommunications networks” shall be replaced with the words “electronic communications networks”;

in [Article 6](https://zakon.rada.gov.ua/laws/show/4499-17%252525252523n43):

paragraph 4 shall be amended as follows:

“4. To handle emergency calls, 112 operators may use the information contained in databases of electronic communications networks and/or services providers, including:

for a fixed voice subscriber — the subscriber’s number and surname, name, patronymic, name and address of location of terminal (end-user) equipment;

for a mobile subscriber — the subscriber’s name and location at the time of emergency call”;

in the seventh paragraph the words “the central executive authority in the area of communications” shall be replaced with the words “the central executive authority in the area of electronic communications and radio spectrum”;

41) in [Article 18(1)(1)](https://zakon.rada.gov.ua/laws/show/4618-17%252525252523n129) of the Law of Ukraine “On the Development and State Support of Small and Medium-Sized Entrepreneurship in Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 3, p. 23), the words “information and telecommunications networks” shall be replaced with the words “information and communications networks”;

42) in [Article 1(1)(3)](https://zakon.rada.gov.ua/laws/show/5018-17%252525252523n10) of the Law of Ukraine “On Industrial Parks” (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 22, p. 212; 2016, No. 2, p. 16) the word “telecommunications” shall be replaced with the words “electronic communications”;

43) in [Article 7(1)](https://zakon.rada.gov.ua/laws/show/5073-17%252525252523n67) of the Law of Ukraine “On Charity and Charitable Organisations” (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 25, p. 252; 2016, No. 47, p. 798) the words “electronic communication or telecommunication” shall be replaced with the words “electronic communications”, and the words “charitable telecommunications message” shall be replaced with the words “charitable electronic communications message”;

44) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/5081-17) “On Emergency Medical Care” (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 30, p. 340):

in [the eighth indent](https://zakon.rada.gov.ua/laws/show/5081-17%252525252523n63) of Article 6(1) the words “telecommunications resources” shall be replaced with the words “resources of electronic communications networks”;

in [Article 8](https://zakon.rada.gov.ua/laws/show/5081-17%252525252523n112):

in the first paragraph the words “telecommunications networks” shall be replaced with the words “electronic communications networks”;

in the fifth paragraph the words “the central executive authority that formulates and implements a state communications policy” shall be replaced with the words “the central executive authority for electronic communications and radio spectrum”;

45) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/5203-17) “On Administration Services” (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 32, p. 409, as amended):

in [Article 6(2)(4)](https://zakon.rada.gov.ua/laws/show/5203-17%252525252523n58) the words “telecommunications means” shall be replaced with the words “technical means of electronic communications”;

in the text of [the Law](https://zakon.rada.gov.ua/laws/show/5203-17) the words “means of telecommunications” shall be replaced with the words “technical means of electronic communications”;

46) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/5492-17) “On the Unified State Demographic Register and Documents Confirming Citizenship of Ukraine, Identifying a Person or Certifying a Special Status” (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 51, p. 716; 2016, No. 34, Article 593):

in [Article 3(2)](https://zakon.rada.gov.ua/laws/show/5492-17%252525252523n28) the words “in the Laws of Ukraine “On the Protection of Personal Data”, “On Information”, “On the Protection of Information in Information and Telecommunications Systems” shall be replaced with the words “in the Laws of Ukraine [“On the Protection of Personal Data”](https://zakon.rada.gov.ua/laws/show/2297-17), [“On Information”](https://zakon.rada.gov.ua/laws/show/2657-12), [“On the Protection of Information in Information and Communications Systems”](https://zakon.rada.gov.ua/laws/show/80/94-%2525252525252525D0%2525252525252525B2%2525252525252525D1%252525252525252580);

in [Article 4(1)](https://zakon.rada.gov.ua/laws/show/5492-17%252525252523n31) the words “information and telecommunications system” shall be replaced with the words “information and communications system”;

47) in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/3475-15) “On the State Service for Special Communication and Information Protection of Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 25, p. 890 as amended):

in [Article 7(1)](https://zakon.rada.gov.ua/laws/show/3475-15%252525252523n62) the words “the central executive authority in the area of communications (except for the rights and duties relating to the exercise of functions in the area of provision of public postal services)” shall be deleted;

in [Article 14(1)](https://zakon.rada.gov.ua/laws/show/3475-15%252525252523n126):

in point 1 the words “as well as in the area of telecommunications, the use of the radio frequency resource of Ukraine” shall be deleted;

points 3 and 6 shall be deleted;

in point 10 the words “the radio frequency resource of Ukraine” shall be replaced with the words “radio spectrum of Ukraine”;

the third and fourth indent of point 18 shall be deleted;

points 20 and 22 shall be deleted;

the fourth indent of point 44 shall be deleted;

point 50 shall read as follows:

“50) determination of:

technical requirements for electronic communications networks, systems and complexes, special communications means and facilities;

procedure for and examination of electronic communications infrastructure of projects on construction, reconstruction and modernisation of electronic communications networks, facilities and special communication means”;

points 51-53, 55, 56, 62, 64, 65, 74, 76 shall be deleted;

in [Article 15(1)(10)](https://zakon.rada.gov.ua/laws/show/3475-15%252525252523n256), the words “the radio frequency resource” shall be replaced with the words “radio spectrum”;

in the text of [the Law](https://zakon.rada.gov.ua/laws/show/3475-15):

the words “telecommunications and the use of the radio frequency resource of Ukraine” and “telecommunications, the use of the radio frequency resource of Ukraine” (except for [Article 14(1)(10)](https://zakon.rada.gov.ua/laws/show/3475-15%252525252523n136)) shall be deleted;

the words “telecommunications”, “telecommunication”, “telecommunications network”, “information and telecommunication system” in all cases and numbers shall be replaced correspondingly with the words “electronic communications”, “electronic communication”, “electronic communications network”, “information and communication system” in a corresponding case and number;

48) in [Article 3(1)(7)](https://zakon.rada.gov.ua/laws/show/1314-18%252525252523n47) of the Law of Ukraine “On Metrology and Metrological Activity” (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 30, p. 1008) the words “telecommunications services” shall be replaced with the words “electronic communications services”;

49) [the second paragraph](https://zakon.rada.gov.ua/laws/show/1315-18%252525252523n184) of Article17 of the Law of Ukraine “On Standardization” (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 31, p. 1058) shall be supplemented with the sixth indent to read as follows:

“The national standardization authority shall be obliged to adopt national standards of electronic communications and radio spectrum identical to those of the European Institute of Telecommunications Standards and used to provide a presumption of compliance with technical regulations for radio equipment exclusively by means of translation into the state language.”;

50) in [Article 67(2)(3)](https://zakon.rada.gov.ua/laws/show/1556-18%252525252523n1036) of the Law of Ukraine “On Higher Education” (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 37–38, p. 2004) the words “information and telecommunications networks” shall be replaced with the words “electronic communications networks”;

51) [Article 4(1)(9)](https://zakon.rada.gov.ua/laws/show/1644-18%252525252523n34) of the Law of Ukraine “On Sanctions” (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 40, p. 2018) shall be amended as follows:

“9) restrictions or the termination of the provision of electronic communications services and the use of electronic communications networks”;

52) in [Article 5(1)(5)](https://zakon.rada.gov.ua/laws/show/141-19%252525252523n96) of the Law of Ukraine “On Military-Civilian Administrations” (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 13, p. 87) the words “telecommunications enterprises” shall be replaced with the words “electronic communications networks and/or services providers”;

53) in [Article 20(2)](https://zakon.rada.gov.ua/laws/show/287-19%252525252523n168) of the Law of Ukraine “On Animal By-Products Not Intended for Human Consumption” (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 24, p. 171) the words “telecommunications and electronic means” shall be replaced with the words “electronic communications means”;

54) in [Article 2(1)(4)](https://zakon.rada.gov.ua/laws/show/316-19%252525252523n27) of the Law of Ukraine “On Access to the Archives of Repressive Bodies of the Totalitarian Communist of in 1917–1991” (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 26, p. in 218) the words “telecommunications networks” shall be replaced with the words “electronic communications networks”;

55) in [Article 8(1)](https://zakon.rada.gov.ua/laws/show/389-19%252525252523n48) of the Law of Ukraine “On the Legal Regime of Martial Law” (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 28, p. 250):

in point 11 the words “telecommunications enterprises” shall be replaced with the words “electronic communications networks and/or services providers”;

in point 12 the words “telecommunications equipment” shall be replaced with the words “electronic communications equipment”;

56) [the first paragraph](https://zakon.rada.gov.ua/laws/show/580-19%252525252523n163) of Article 23 of the Law of Ukraine “On the National Police" (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 40-41, p. 379 as amended) shall be supplemented with point 32 to read as follows:

“32) ensure the conduct, in conjunction with the regulatory authority, of actions in the area of electronic communications and radio spectrum for establishing and holding liable the owners of radio equipment intended for any purpose, the operation of which is prohibited in Ukraine or where it has been established that it has been used without radio frequency assignment provided by the legislation, the cessation of violations of legislation on electronic communications and radio spectrum on a basis of cooperation approved by joint legal and normative acts.”;

57) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/675-19) “On E-Commerce” (Bulletin of the Verkhovna Rada of Ukraine, 2015, No. 45, p. 410 as amended):

in [Article 2(1)](https://zakon.rada.gov.ua/laws/show/675-19%252525252523n19), the words “On Telecommunications” shall be replaced with the words “On Electronic Communications”;

in [Article 3(1)(11)](https://zakon.rada.gov.ua/laws/show/675-19%252525252523n37) the words “information and telecommunications networks” shall be replaced with the words “electronic communications networks”;

in [Article 6(2)](https://zakon.rada.gov.ua/laws/show/675-19%252525252523n75) the words “telecommunications operators (providers)” shall be replaced with the words “electronic communications services providers”;

in the text of [the Law](https://zakon.rada.gov.ua/laws/show/675-19), the words “information and telecommunications system” in all cases and numbers shall be replaced with the words “information and communication system” in corresponding case and number;

58) in [the first paragraph](https://zakon.rada.gov.ua/laws/show/755-15%252525252523n433) of Article 13 of the Law of Ukraine “On State Registration of Legal Entities, Individual Entrepreneurs and Civil Society Associations” (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 2, p. 17, as amended), the words “information and telecommunications means” shall be replaced with the words “by means of electronic communications”;

59) [Article 4](https://zakon.rada.gov.ua/laws/show/1834-19%252525252523n34) of the Law of Ukraine “On Access to Construction, Transport, Electricity Facilities to Develop Telecommunications Networks” (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 11, p. 101) shall be supplemented with the second paragraph to read as follows:

“2. Public authorities, local self-governing bodies that possess, according to their mandate, the information on physical infrastructure of electronic communications prescribed by this Law shall provide this information and publish it in accordance with the Law of Ukraine on their official websites and on a single point of access to information on physical infrastructure of electronic communications established under [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2939-17) “On Electronic Communications”;

60) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2155-19) “On Electronic Trust Services” (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 45, p. 400):

in [point 1](https://zakon.rada.gov.ua/laws/show/2155-19%252525252523n9), [11](https://zakon.rada.gov.ua/laws/show/2155-19%252525252523n19) of the first, [the second paragraphs](https://zakon.rada.gov.ua/laws/show/2155-19%252525252523n53) of Article 1, in [the first paragraph](https://zakon.rada.gov.ua/laws/show/2155-19%252525252523n58) of Article 3, [the third paragraph](https://zakon.rada.gov.ua/laws/show/2155-19%252525252523n128) of Article 7, [the third paragraph](https://zakon.rada.gov.ua/laws/show/2155-19%252525252523n330) of Article 24, the fifth paragraph of Article 33, [the third paragraph](https://zakon.rada.gov.ua/laws/show/2155-19%252525252523n531) of Article 38, in [point 3](https://zakon.rada.gov.ua/laws/show/2155-19%252525252523n535) of Section “Final and Transitional Provisions” the words “information and telecommunications system” in all cases and numbers shall be replaced with the words “information and communications system” in a corresponding case and number;

in [the nineteenth indent](https://zakon.rada.gov.ua/laws/show/2155-19%252525252523n122) of Article 7(2) and in [the sixth indent](https://zakon.rada.gov.ua/laws/show/2155-19%252525252523n198) of Article 13(2) the words “public telecommunications networks” shall be replaced with the words “electronic communications networks”;

61) in [Article 44(1)(1)](https://zakon.rada.gov.ua/laws/show/2449-19%252525252523n367) of the Law of Ukraine “On Diplomatic Service” (Bulletin of the Verkhovna Rada of Ukraine, 2018, No. 26, p. 219), the words “telecommunications network” shall be replaced with the words “electronic communications network”;

62) [Article 35](https://zakon.rada.gov.ua/laws/show/2704-19%252525252523n274) of the Law of Ukraine “On Ensuring the Functioning of Ukrainian as the State Language” (Bulletin of the Verkhovna Rada of Ukraine, 2019, No. 21, p. 81) shall be amended to read as follows:

“**Article 35.** The state language in the area of electronic communications and postal service

1. The state language shall be the language of communication in the area of electronic communications and postal service.

2. The addresses of the sender and the receiver of postal items and messages forwarded and transmitted within Ukraine shall be written in the state language.

3. International postal items and messages forwarded and transmitted via public electronic communications networks shall be handled in the languages specified in international agreements ratified by the Verkhovna Rada of Ukraine”;

63) in [Article 1(1)(5)](https://zakon.rada.gov.ua/laws/show/155-20%252525252523n12) of the Law of Ukraine “On Concession” (Bulletin of the Verkhovna Rada of Ukraine, 2019, No. 48, p. 325) the words “information and telecommunications system” shall be replaced with the words “information and communications system”;

64) in [Article 9(3)(4)](https://zakon.rada.gov.ua/laws/show/361-20%252525252523n280) of the Law of Ukraine “On Prevention of and Counteraction to Legalization (Laundering) of the Proceeds of Crime, Terrorist Financing, and Financing Proliferation of Weapons of Mass Destruction” (Bulletin of the Verkhovna Rada of Ukraine, 2020, No. 25, p. 171) the words “telecommunications means” shall be replaced with the words “technical means of electronic communications”;

65) in [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2269-19) “On Privatization of State and Communal Property” (Bulletin of the Verkhovna Rada of Ukraine, 2020, No. 28, p. 188);

[Article 4(2)](https://zakon.rada.gov.ua/laws/show/2269-19%252525252523n60) shall be supplemented with the forty-sixth indent to read as follows:

“property of the state-owned enterprise “Ukrainian State Radio Frequencies Centre (USRFC)”.

4. Licences for the use of the radio frequency resource of Ukraine, valid as of the date of the entry into force of this Law as well as terms and condition of such licences, shall continue to apply until the date of renewal of such license in accordance with the Plan for Radio Spectrum Allocation and Use in Ukraine, including, if necessary, the extension of such licences.

*{The first indent of point 4 of Section XIX as amended by the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252525252523n108)*}*

Licensees shall have the right to renew, free of charge, licences for the use of the radio frequency resource of Ukraine for radio spectrum licences within one year from the date of entry into force of the Plan for Radio Spectrum Allocation and Use in Ukraine, unless otherwise provided by this Plan.

A licence for the use of the radio frequency resource of Ukraine that was not renewed under the established procedure shall be deemed invalid.

A licence for the use of the radio frequency resource of Ukraine shall be extended in accordance with [Article 51](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1044) of this Law as a radio spectrum licence. The requirements of the Plan for Radio Spectrum Allocation and Use in Ukraine shall apply to such licences upon the date of entry into force of this Plan.

A licensee shall have the right to apply any radio technology specified in [the Plan for the Use of the Radio Frequency Resource of Ukraine](https://zakon.rada.gov.ua/laws/show/815-2006-%2525252525252525D0%2525252525252525BF%252525252523n82) or in the Plan for Radio Spectrum Allocation and Use in Ukraine to licences issued before the entry into force of this Law as a result of contests for the provision of the third and fourth generation of mobile communications services (within the frequency range of 1800 MHz, 2100 MHz, 2600 MHz) as well as to licences within 900 MHz range.

5. Permits to operate radio electronic devices issued prior to the date of entry into force of this Law as well as the terms and conditions of these permits shall acquire the radio frequency assignment status. The duration of such radio frequency assignments shall be extended in accordance with this Law.

The conclusions on electromagnetic compatibility of radio electronic devices issued prior to the date of entry into force of this Law shall be deemed as electromagnetic compatibility calculations and shall be taken into account in radio frequency assignment within the duration of these conclusions.

6. Authorisations to use the numbering resource valid as of the date of the entry into force of this Law shall continue to be applied as authorisations to use the numbering resource. The duration of such authorisations shall be extended in accordance with this Law.

7. Undertakings, the information on which is entered in the Register of Operators, Telecommunication Providers as of the date of entry into force of this Law, shall be deemed to have submitted notifications of the commencement of activity in the field of electronic communications in this Law. In the event of non-compliance of the information available in the Register with the requirements listed in [Article 16](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n456) of this Law, undertakings shall, within six months as of the date of the entry into force of this Law, make appropriate changes to such information in the manner prescribed by [Article 16](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n456) of this Law.

8. Prior to the start of the operation of the electronic platform, appeals, other documents shall be filed with the regulatory authority and responses shall be received in the following manner:

1) in an electronic form via electronic communications networks in compliance with the provisions of legislation on electronic documents;

2) by mail;

3) by courier (at the location of the relevant structural subdivision of the regulatory authority).

8**-1**. It shall be established that:

1) the term of valid radio spectrum licences shall be automatically extended for the period of the martial law in Ukraine imposed by the Decree of the President of Ukraine of 24 February 2022 [No. 64/2022](https://zakon.rada.gov.ua/laws/show/64/2022) “On Imposing Martial Law in Ukraine” as approved by the Law of Ukraine of 24 February 2022 [No. 2102-IX](https://zakon.rada.gov.ua/laws/show/2102-20) “On Approval of the Decree of the President of Ukraine “On Imposing Martial Law in Ukraine”, and for six months following the date of its termination or cancellation, without complying with the requirements of [Article 51](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1044) of this Law;

2) the term of valid authorisations to use the numbering resource shall be automatically extended for the period of the martial law in Ukraine imposed by the Decree of the President of Ukraine of 24 February 2022 [No. 64/2022](https://zakon.rada.gov.ua/laws/show/64/2022) “On Imposing Martial Law in Ukraine” as approved by the Law of Ukraine of 24 February 2022 [No. 2102-IX](https://zakon.rada.gov.ua/laws/show/2102-20) “On Approval of the Decree of the President of Ukraine “On Imposing Martial Law in Ukraine”, and for six months following the date of its termination or cancellation, without complying with the requirements of [Article 77](https://zakon.rada.gov.ua/laws/show/1089-20%252525252523n1545) of this Law;

*{Section XIX is supplemented with point 8***-1***in accordance with the Law* [No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252525252523n109)*; as amended by the Law*[No. 3245-IX of 13.07.2023](https://zakon.rada.gov.ua/laws/show/3245-20%252525252523n10)*}*

8**-2**. During the martial law in Ukraine imposed by the Decree of the President of Ukraine of 24 February 2022 [No. 64/2022](https://zakon.rada.gov.ua/laws/show/64/2022) “On Imposing Martial Law in Ukraine” as approved by the Law of Ukraine of 24 February 2022 [No. 2102-IX](https://zakon.rada.gov.ua/laws/show/2102-20) “On Approval of the Decree of the President of Ukraine “On Imposing Martial Law in Ukraine”, and for six months following the date of its termination or lifting, the radio spectrum users’ performance of the terms of radio spectrum licences shall be postponed.

No later than one month before the end of the six-month period following the date of termination or lifting of the martial law in Ukraine as imposed by the Decree of the President of Ukraine of 24 February 2022 [No. 64/2022](https://zakon.rada.gov.ua/laws/show/64/2022) “On Imposing Martial Law in Ukraine” as approved by the Law of Ukraine of 24 February 2022 [No. 2102-IX](https://zakon.rada.gov.ua/laws/show/2102-20) “On Approval of the Decree of the President of Ukraine “On Imposing Martial Law in Ukraine”, the regulatory authority shall assess, in accordance with the procedure established by it, the ability of radio spectrum users to comply with the terms of licences.

Based on the results of this assessment, the regulatory authority shall decide on the need for additional postponing of the performance by radio spectrum users of the terms of licences or on the absence of the need for such additional postponing. This decision must be preceded by the consultation with radio spectrum users.

Additional postponing shall be set for the same period for all licensees possessing licences with the same terms, but no more than for two years.

*{Section XIX is supplemented with point 8***-2***in accordance with the Law* [No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252525252523n109)*; as amended by the Law*[No. 3245-IX of 13.07.2023](https://zakon.rada.gov.ua/laws/show/3245-20%252525252523n10)*}*

9. Within six months from the date of publication of this Law the Cabinet of Ministers of Ukraine shall:

bring its legal and normative acts in line with this Law;

adopt legal and normative acts provided for by this Law;

ensure that ministries and other central executive authorities bring their legal and normative acts in line with this Law.

10. The Cabinet of Ministers of Ukraine shall, annually since 2022, inform the Verkhovna Rada of Ukraine of the progress of implementation of this Law.

**President of Ukraine V. ZELENSKYY**

**Kyiv**

**16 December 2020**

**No. 1089-IX**