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| *[https://zakon.rada.gov.ua/laws/show/1971-20#Text](https://zakon.rada.gov.ua/laws/show/1971-20%23Text)* <https://zakon.rada.gov.ua/laws/show/1971-20/ed30000101#Text>  |
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| ***LAW OF UKRAINE*** |

**On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services**

{As amended by the Laws
[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252523n117)
[No. 2710-IX of 03.11.2022](https://zakon.rada.gov.ua/laws/show/2710-20%252523n156)
[No. 2722-IX of 03.11.2022](https://zakon.rada.gov.ua/laws/show/2722-20%252523n311)
[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252523n3296)
[No. 3460-IX of 09.11.2023](https://zakon.rada.gov.ua/laws/show/3460-20%252523n192)
[No. 3727-IX of 22.05.2024](https://zakon.rada.gov.ua/laws/show/3727-20#n124)
[No. 4345-IX of 15.04.2025](https://zakon.rada.gov.ua/laws/show/4345-20#Text)}

*{In 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%252523n3301)*}*

This Law sets forth the legal status of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services, its objectives, functions, powers and the procedure for exercising them.

**Section I. GENERAL PROVISIONS**

**Article 1.** Status of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services

1. The National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services (hereinafter referred to as the “Regulatory Authority”) is a central executive authority with a special status constituted by the Cabinet of Ministers of Ukraine.

2. The specific features of the Regulatory Authority’s special status stem from its tasks and powers that are defined by this Law and the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20) and [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14), and relate, in particular, to the peculiarities of organization and the procedures of the Regulatory Authority’s activities, special procedure of appointment and dismissal of members of the Regulatory Authority, special procedural framework of the Regulatory Authority’s activities and the guarantee of its independence in making decisions within the limits of the power established by law, establishing the terms of remuneration of the Regulatory Authority’s members and staff.

3. The Regulatory Authority a collegial body, has seven members, including the Chairperson of the regulatory authority, and may exercise its powers as soon as more than half of the total number of its members is appointed.

4. The Regulatory Authority is a legal person under public law, has separate property owned by the State, accounts with treasury authorities, a seal bearing the Coat of Arms of Ukraine and its name.

5. The Regulatory Authority may hold under its control a state-owned commercial unitary enterprise for the purposes of performing administrative and technical functions, providing technical and technological assistance, establishing and supporting the work in the areas of electronic communications, radio spectrum and postal services.

6. The regulatory authority has adequate technical, financial and human resources to carry out the tasks assigned to it in accordance with this Law and other laws of Ukraine.

**Article 2.** Scope of activities of the Regulatory Authority

1. The Regulatory Authority exercises state regulation as well as state supervision (control) with the view to detection and prevention of violations of legislation by the economic operators and serving the public interest in the following areas:

1) electronic communications;

2) radio spectrum;

3) provision of postal services.

2. The Regulatory Authority abides by the [Constitution of Ukraine](https://zakon.rada.gov.ua/laws/show/254%25252525D0%25252525BA/96-%25252525D0%25252525B2%25252525D1%2525252580), this Law, the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20), [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14), [“On Access to Construction, Transport, Electricity Facilities to Develop Electronic Communications Networks”](https://zakon.rada.gov.ua/laws/show/1834-19), [“On Fundamental Principles of State Supervision (Control) in the Area of Economic Activity”](https://zakon.rada.gov.ua/laws/show/877-16) and other legal acts that regulate relations in the relevant areas.

3. The Regulatory Authority takes measures to align (harmonise) the Ukrainian legislation concerning electronic communications, radio spectrum and postal services with the European Union *acquis*.

**Article 3.** Basic operating principles of the Regulatory Authority

1. The basic operating principles of the Regulatory Authority are:

1) lawfulness and rule of law;

2) autonomy and independence within the limits established by this Law;

3) competence;

4) efficiency;

5) justice;

6) predictability and timeliness of decision-making;

7) targeted regulation;

8) impartiality and objectivity in decision-making, in particular as regards internal organisational issues and appointment of the staff of the Regulatory Authority;

9) openness, transparency and publicity of the state regulation process;

10) non-discrimination;

11) responsibility for decisions made.

**Article 4.** Objective, main tasks, functions and powers of the Regulatory Authority

1. The Regulatory Authority exercises state regulation, state supervision (control) in order to achieve a balance of interests of users, the State and economic operators engaged in electronic communications, radio spectrum and postal services, and to ensure the security of electronic communications, competition development and integration of relevant Ukrainian markets into the European Union markets.

2. The main tasks of the Regulatory Authority include:

1) creating conditions for effective functioning and development of electronic communications, radio spectrum and postal services;

2) promoting the opening of markets in the areas of electronic communications, radio spectrum and postal services for all consumers and suppliers and ensuring non-discriminatory access of users to electronic communications services and postal services;

3) promoting mutually beneficial integration of the markets of electronic communications and postal services of Ukraine with the relevant markets of other states, in particular under the [Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part](https://zakon.rada.gov.ua/laws/show/984_011);

4) ensuring the protection of consumers’ rights to receive services of appropriate quality in accordance with the legislation;

5) ensuring the investment attractiveness of the development of infrastructure, markets in the areas of electronic communications and postal services;

6) promoting competition development in electronic communications and postal services markets;

7) ensuring compliance with the principles of radio spectrum management;

8) other tasks as provided for in the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20), [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14), [“On Access to Construction, Transport, Electricity Facilities to Develop Electronic Communications Networks”](https://zakon.rada.gov.ua/laws/show/1834-19), [“On Fundamental Principles of State Supervision (Control) in the Area of Economic Activity”](https://zakon.rada.gov.ua/laws/show/877-16) and other legislative acts that regulate relations in the relevant areas.

3. The Regulatory Authority performs its functions through the following:

1) statutory regulation within the powers entrusted by the law;

2) licensing, granting permits provided for in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications” and other laws of Ukraine;

3) regulating service prices (tariffs) in the areas of electronic communications (including regulated roaming services), radio spectrum and postal services in cases and under the procedure established by the law;

4) providing official summarised clarifications and individual advice in the areas of electronic communications, radio spectrum and postal services; Summarised clarifications are published on the Regulatory Authority’s official website. Individual advice shall be provided (sent) within 30 calendar days following the receipt of the service provider’s request;

5) ensuring radio frequency monitoring, quality monitoring of electronic communications services, postal services, monitoring of the level of tariffs (prices) for universal services and their accessibility to consumers, monitoring of the provisions application on roaming in the Ukraine – EU roaming zone;

6) conducting unscheduled audits and analysing regulatory reports submitted by electronic communications networks and/or services providers and radio spectrum users;

7) conducting scheduled and unscheduled audits of postal service operators for their compliance with the legislation in the area of postal services;

8) implementing and applying measures provided for in the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20), [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14), [“On Access to Construction, Transport, Electricity Facilities to Develop Electronic Communications Networks”](https://zakon.rada.gov.ua/laws/show/1834-19), [“On Fundamental Principles of State Supervision (Control) in the Area of Economic Activity”](https://zakon.rada.gov.ua/laws/show/877-16) and other legislative acts that regulate relations in the relevant areas.

4. The powers of the Regulatory Authority shall include:

1) developing and approving the rules of procedure of the Regulatory Authority and legal and normative acts, including those provided for in the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20), [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14), [“On Access to Construction, Transport, Electricity Facilities to Develop Electronic Communications Networks”](https://zakon.rada.gov.ua/laws/show/1834-19), including, but not limited to the following:

*{The first indent of Article 4(4)(1) as amended by the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252523n119)*}*

*{Subpoint “a” of Article 4(4)(1) is deleted in accordance with the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252523n120)*}*

б) the procedure for temporary use of radio equipment;

в) the procedure for the identification and definition of electronic communications markets;

г) the procedure for provision of access to physical electronic communications infrastructure with the view to deployment of high-speed networks;

ґ) the procedure for monitoring of the quality of electronic communications services;

д) the procedure for organisation and participation in a contest or auction for radio spectrum licences;

е) the procedure for performance of works related to detection, elimination and/or suppression of sources of radio interferences, procedure for interaction with special users and law enforcement authorities, undertakings during the performance of works;

є) the radio frequency monitoring procedure;

ж) the procedure for maintaining the Register of Primary Allocation of Numbering Resources

з) the procedure for preparation and issuance of international and regional operating documents for ship stations or radio amateur stations and the requirements for the qualification of radio amateurs and operators of such stations;

и) the terms of shared use of radio equipment, radio frequency bands (values);

і) the procedure for approval of the assignment of rights of use for radio spectrum;

ї) the Rules of Amateur Radio Communication of Ukraine;

й) maximum tariffs for provision of the cable duct system of electronic communications networks;

к) the rules for providing and obtaining access to cable duct system of electronic communications networks;

л) the rules for provision of the cable duct system of electronic communications networks;

м) the procedure for providing information, exercising control over compliance with the requirements for appropriate risk management to ensure cyber security, cyber protection of facilities in the areas of electronic communications, radio spectrum and postal services;

н) the procedure for multilateral consultations with market participants, other interested parties;

о) the regulation on the electronic regulatory platform;

п) the procedure for maintaining the Register of Radio Spectrum Licences;

р) the procedure for maintaining the Register of Radio Frequency Assignments of General Users;

2) submitting proposals to the central executive authorities for electronic communications, radio spectrum and postal services and to other public authorities with regard to developing the state policy, draft laws and other legal and normative acts in the areas of electronic communications, radio spectrum and postal services;

3) making decisions to be binding on electronic communications networks and/or services providers, radio spectrum users, numbering resource users and postal service operators and users;

4) ensuring the operation of the electronic regulatory platform;

5) defining wholesale markets of certain electronic communications services (hereinafter referred to as the “wholesale markets”) and retail markets of certain electronic communications services (hereinafter referred to as the “retail markets”), analysing them, identifying electronic communications networks and/or services providers with significant market influence as well as imposing, modifying and lifting regulatory obligations for the purpose of ex ante market regulation;

The Regulatory Authority has no right to impose regulatory obligations with regard to provision of access to physical infrastructure of electronic communications with the view to deployment of electronic communications networks as well as with regard to provision of access to the elements of electronic communications networks and infrastructure facilities for collocation and joint use of infrastructure elements if:

imposition of those obligations would threaten economic or financial viability of deployment of a new network, especially in rural areas;

imposition of those obligations would threaten the economic operator’s economic or financial capacity for deployment of a new network, in particular that of a micro, small or medium business and with a limited coverage;

6) out-of-court settlement of disputes between electronic communications networks and/or services providers and of disputes related to the access to the infrastructure of the access object in cases and under the procedure provided for in the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20), [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14), [“On Access to Construction, Transport, Electricity Facilities to Develop Electronic Communications Networks”](https://zakon.rada.gov.ua/laws/show/1834-19), [“On Fundamental Principles of State Supervision (Control) in the Area of Economic Activity”](https://zakon.rada.gov.ua/laws/show/877-16) and other legislative acts that regulate relations in the relevant areas;

7) regulating the use of radio spectrum within public bands, including:

а) defining radio equipment parameters compliance with which makes it unnecessary to calculate electromagnetic compatibility;

б) drafting the list of radio equipment to be operated based on radio frequency assignments;

в) defining technical specifications and operational conditions for radio equipment and emitters based on the principle of general authorisation;

г) issuing legal and normative acts as provided by this Law and the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20) and [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14);

ґ) licensing the use of radio spectrum by general users under the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications”;

д) establishing the terms of radio spectrum licences and controlling compliance therewith;

е) taking measures to ensure electromagnetic compatibility;

є) ensuring radio frequency monitoring, detecting sources of radio interferences within public radio frequency bands as well as taking measures to eliminate them;

ж) ensuring the assignment of radio frequencies within public bands;

з) arranging for and taking measures to resolve issues related to cross-border radio interferences within public radio frequency bands;

и) approving shared use, transfer and granting the use of radio spectrum under the procedure established by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications”;

і) setting the criteria for classification of radio equipment as prohibited for import and use in Ukraine, making decisions on classification of relevant categories or types of radio equipment as prohibited for import and use in Ukraine;

ї) participating in the identification of the need to release radio spectrum or limit its use;

й) submitting proposals for setting the criteria of efficient use of radio spectrum for specific radio technologies within relevant radio frequency bands to the central executive authority for electronic communications and radio spectrum;

к) performing the functions of a state market surveillance body in the field of marketing of radio equipment in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2735-17) “On State Market Surveillance and Control of Non-Food Products”;

л) submitting proposals to the central executive authority that ensures the development of and implements state policy in the areas of electronic communications and radio spectrum, participating in the development of and approving draft plans for radio spectrum allocation and use in Ukraine and radio spectrum conversion plans as required by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications”;

м) preparing and submitting proposals concerning the fees for the issuance, renewal and extension of radio spectrum licences for approval to the Cabinet of Ministers of Ukraine;

н) ensuring radio spectrum conversion within the scope of its competence;

о) establishing, jointly with the General Staff of the Armed Forces of Ukraine, the procedure for assigning radio frequencies to radio electronic devices and emitters used by special users within public radio frequency bands;

п) drafting and submitting for approval to the Cabinet of Ministers of Ukraine the procedure for radio spectrum use by diplomatic missions and consular offices of foreign states, missions of international organisations in Ukraine and military forces of foreign states that are temporarily located in the territory of Ukraine as well as by foreign television and radio broadcasters in the course of coverage of sports, cultural and other events in Ukraine;

р) determining certain public bands and radio technologies for which the rights to use radio spectrum (or any part thereof) are transferred in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications”;

с) participating in drafting and approving the procedure for radio spectrum use during a special period and the state of emergency or martial law;

8) making decisions as laid down in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications” and providing information about electronic communications markets, including as regards the rights to use radio spectrum, upon request of the Antimonopoly Committee of Ukraine as well as obtaining information and opinions in this regard from the Antimonopoly Committee of Ukraine;

9) regulating the use of the numbering resource, including:

а) carrying out the primary allocation and keeping record of numbering resources through issuance, renewal, extension and revocation of authorisations to use the numbering resource;

б) establishing, in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications”, the procedure for providing the number porting service, designating an entity operating as an administrator of the central database of ported numbers as well as setting tariffs for the services of the administrator of the central database of ported numbers;

в) submitting proposals to the Cabinet of Ministers of Ukraine concerning the fees for the issuance, renewal and extension of authorisations to use the numbering resource;

г) keeping the Register of Primary Allocation of Numbering Resources;

10) regulating the interaction between providers of electronic communications networks and/or services (operators) in the course of access and network interconnection (for number-based interpersonal electronic communications services) in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications”, including:

а) setting, for national traffic, uniform wholesale domestic traffic termination (connection termination) settlement rates for mobile voice communication and uniform domestic traffic termination settlement rates for fixed voice communication as well as the settlement procedure with application of such rates;

б) setting cap tariffs for provision of the cable duct system, rules for providing access to the cable duct system and rules for providing its use;

в) developing and approving the rules for interconnection of electronic communications networks and main requirements for agreements on interconnection of electronic communications networks;

г) taking measures set out in the laws for the purpose of regulation of the access to the elements of electronic communications networks and to the electronic communications infrastructure facilities;

ґ) establishing the traffic routing procedure for number-based interpersonal electronic communications services;

101) ensuring measures, in accordance with the Law of Ukraine “On Electronic Communications”, regulating relations related to roaming in a common Ukraine and European Union roaming zone (Ukraine – EU roaming zone), in accordance with the EU roaming regulation, and when providing roaming services in the Ukraine – EU roaming zone to roaming customer, including:

a) implementation of the state supervision (control) of compliance by providers of electronic communication networks and/or services with the general principles of wholesale roaming access within the Ukraine – EU roaming zone stipulated by the Law of Ukraine "On Electronic Communications" and taking measures in accordance with the law;

б) monitoring and collecting information on inadvertent roaming in the Ukraine – EU roaming zone, as well as taking other measures in accordance with the law, including by alerting roaming customers in the Ukraine – EU roaming zone through any available mean about the risk of inadvertent roaming in the border regions of Ukraine;

в) monitoring traffic-steering techniques in the Ukraine – EU roaming zone to assess whether they are used to the disadvantage of roaming customers in the Ukraine – EU roaming zone and taking measures in accordance with the law;

г) monitoring tariffs for regulated roaming services;

ґ) monitoring and control of compliance by providers of electronic communication networks and/or services with the fair use policy on regulated retail roaming services consumption and the sustainability mechanism of their domestic pricing model;

д) development and approval of rules for providing regulated retail roaming services in accordance with Article 104-1 of the Law of Ukraine “On Electronic Communications”;

е) setting 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 in accordance with the rates established by the EU regulatory framework;

є) drafting and approval of conditions/rules for wholesale access (including wholesale charges for regulated roaming services) to public mobile electronic communication networks for the provision of regulated roaming services;

ж) drafting and approval of the rules for the application of the fair use policy for the consumption of regulated retail roaming services provided at the domestic retail prices in order to prevent abusive or anomalous use of regulated retail roaming services by roaming customer in the Ukraine – EU roaming zone and setting surcharges for the consumption of retail regulated roaming services that exceed any limits under any fair use policy;

з) establishment of procedure and methodology for assessing the sustainability of the provision of retail roaming services in the Ukraine – EU roaming zone at domestic retail prices.

102) monitoring and ensuring compliance with the application of the voice termination rates by providers of such services set by the regulatory authority in accordance with para 6 Article 91 of the Law of Ukraine “On Electronic Communications”, as well as require, at any time, a provider of voice termination services to amend the rate it charges to other undertakings if it does not comply with set termination rates.

103) annually reporting to the European Commission and the Body of European Regulators for Electronic Communications with regard to the application of the termination rates set by the regulatory authority in accordance with para 6 of Article 91 of the Law of Ukraine “On Electronic Communications”.

104) regulating the interaction between providers of electronic communications networks and/or services (operators) in the course of network access and interconnection through imposing, by its decision, obligations related to network access and obligations related to interconnection as well as obligation related to ensurance of the interoperability of services according to the Law of Ukraine “On Electronic Communications”.

11) conducting geographical surveys of broadband access network deployment (both fixed and mobile communication) and of availability of universal electronic communications services (hereinafter referred to as the “universal service”);

12) taking measures, in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications”, to ensure universal services, including in relation to:

а) calculation of and compensation for losses incurred due to fulfilment of network deployment obligations aimed at providing the universal service;

б) monitoring the level of tariffs (prices) for universal services and their accessibility to consumers;

13) ensuring (if necessary, jointly with other public authorities and within the scope of their powers), implementation of consumer rights protection measures as provided by the law, including:

a) out-of-court settlement of disputes between electronic communications services providers and consumers with regard to performance of electronic communications service agreements; out-of-court settlement of disputes related to the access to the infrastructure of access objects to deploy technical means of electronic communications for the purpose of provision of electronic communications services and shared use of the electronic communications networks infrastructure;

б) arranging for exercise, in accordance with the procedure established by it, of monitoring of the quality of electronic communications services or commissioning that work from the state-owned enterprise under its control, and of control over the compliance of electronic communications services providers with the requirements for publication of information on the quality of services provided by them;

в) ensuring establishment and granting of free (free of charge) end user access to an independent electronic information resource to compare the terms and the quality of Internet access services and number-based interpersonal electronic communication services provided by different electronic communications services providers;

г) reviewing, analysing and summarising consumer appeals and proposals relating to matters falling within its competence and implementing response measures based on the results of their review;

14) approving, in cases provided in the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20) and [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14), regulatory reporting forms for electronic communications networks and services providers, general users of radio spectrum, postal service operators and guidelines for filling them out, time limits and procedure for their submission as well as summarising and analysing submitted reports;

15) exercising state supervision (control) over legal compliance in the areas of electronic communications, radio spectrum and postal services;

16) organising of implementation of measures, in collaboration and within its competence, jointly with the National Police of Ukraine for the purpose of identifying and prosecuting owners of illicit radio equipment/ emitters that create radio interferences;

17) considering, in accordance with the law, cases involving breaches of the legislation on electronic communications, radio spectrum and postal services and imposing, within its competence, administrative fines in accordance with the [Code of Ukraine on Administrative Offences](https://zakon.rada.gov.ua/laws/show/80731-10) as well as administrative and economic penalties set out in the law;

18) notifying the Antimonopoly Committee of Ukraine of alleged breaches of the legislation on protection of economic competition in the electronic communications and postal services markets;

19) applying to court in cases laid down by the law in the case of breaches of the legislation on electronic communications, radio spectrum and postal services by economic operators operating in the electronic communications and postal services markets;

20) making public of information on legal requirements for the activity in the areas of electronic communications, radio spectrum and postal services and of other information required for the development and operation of open and competitive electronic communications and postal services markets;

21) ensuring international coordination and international protection of Ukrainian radio frequency assignments in relation to general users, participating in the activities of the International Telecommunication Union and other international organisations with regard to matters falling within the regulatory authority’s competence, organising, of implementation of their decisions and participating in drafting relevant international treaties of Ukraine;

22) participating in ensuring international protection of numbering resource assignments;

23) exercising state regulation in the area of postal services, including:

а) maintaining the Unified State Register of Postal Service Operators, establishing the procedure and the form of its maintenance, ensuring the operation of the mechanism for notification of entry of information into the Unified State Register of Postal Service Operators;

б) regulating prices (tariffs) for universal postal services;

в) monitoring the quality of postal services in accordance with the established quality standards;

24) supporting cooperation with regard to regulation in the areas of electronic communications, radio spectrum and postal services with the Body of European Regulators for Electronic Communications (BEREC) and other relevant European Union institutions, national regulatory authorities of other states and other foreign and international organisations;

25) submitting proposals concerning the draft Law on the State Budget of Ukraine in relation to financing its functions provided in this Law and the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20) and [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14);

26) maintaining the register of radio equipment and emitters, establishing the procedure and the form of its maintenance, ensuring the operation of the mechanism for notification of the types of radio equipment and emitters which have low level of compliance with essential requirements;

27) maintaining the Register of Radio Spectrum Licences;

28) maintaining the Register of Radio Frequency Assignments of General Users;

28**-**1) maintaining the Register of Electronic Communications Networks and Services Providers

*{Article 4(4) is supplemented with point 28***-1***in accordance with the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252523n121)*}*

28**-2**) handling petitions submitted by the national centre for operational and technical management of electronic communications networks of Ukraine, during the state of emergency or martial law, as regards the operational and technical control of electronic communications;

*{Article 4(4) is supplemented with point 28***-2***in accordance with the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252523n121)*}*

28**-3**) approving the procedure for assessment of radio spectrum users’ compliance with the terms of licences;

*{Article 4(4) is supplemented with point 28***-3***in accordance with the Law*[No. 2529-IX of 16.08.2022](https://zakon.rada.gov.ua/laws/show/2529-20%252523n121)*}*

28**-4**) notifying, in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2849-20) “On the Media”, electronic communications services providers 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, control of the exercise by electronic communications services providers of restriction of such access;

*{Article 4(4) is supplemented with point 28***-4***in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252523n3297)*}*

28**-5**) notifying, in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2849-20) “On the Media”, electronic communications services providers on the duty to restrict or restore access to websites specified in the decision of the National Council of Television and Radio Broadcasting of Ukraine on inclusion or removal of a service to/from the List of on-demand audiovisual media and services of audiovisual service providers of the aggressor state, control of the exercise by electronic communications services providers of restriction or restoration of such access;

*{Article 4(4) is supplemented with point 28***-5***in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252523n3297)*}*

28**-6**) providing, upon the request of the National Council of Television and Radio Broadcasting of Ukraine the as regards the compliance of service tariffs of electronic communications services providers for broadcasting needs with the use of radio spectrum with the principles of economic rationale, objectivity, non-discrimination and with the principles of electronic communications pricing principles laid down by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications”, approving the procedure for development and approval of those tariffs, including determining the marginal rate of profitability and the list of admissible direct costs to be taken into account during the calculation of that rate;

287) consulting with BEREC on disputes between providers of electronic communication networks and/or services of Ukraine and the European Union, as well as taking measures to resolve disputes after the relevant BEREC’s opinion adoption, according to Article 211 (4) of this Law;

288) providing necessary information and relevant updates to the BEREC about value-added services and means of access to emergency services, which will be used in relevant BEREC databases, by electronic means without undue delay;

*{Article 4(4) is supplemented with point 28***-6***in accordance with the Law*[No. 2849-IX of 13.12.2022](https://zakon.rada.gov.ua/laws/show/2849-20%252523n3297)*}*

29) other powers as set out in this Law and the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20), [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14) and [“On Access to Construction, Transport, Electricity Facilities to Develop Electronic Communications Networks”](https://zakon.rada.gov.ua/laws/show/1834-19).

5. To exercise their powers under the law, the Regulatory Authority and authorized officials of the Office of the Regulatory Authority may:

1) obtain, free of charge, documents, materials, general and forward plans of populated areas and statistical and other information as required for exercising the powers set out in this Law from central and local executive authorities, authorities of the Autonomous Republic of Crimea and local self-government bodies;

2) obtain, free of charge, in accordance with this Law and other laws of Ukraine, from providers of electronic communications networks and services, radio spectrum users, numbering resource users and postal service operators:

а) reports provided by law, in the form and under the procedure as determined by the Regulatory Authority;

б) information necessary for exercising its powers, including that containing financial and economic indicators and restricted information while ensuring its protection as required by the legislation;

3) request and obtain information, including financial information, for statistical and other reports, such as the Digital Economy and Society Index (DESI), from electronic communications networks and services providers, radio spectrum users, numbering resource users and postal service operators as well as from executive authorities, with the right to provide such information to relevant European Union institutions and other foreign and international organisations, national regulatory authorities of foreign states;

4) engage scientists, experts, professionals (subject to their consent) as well as representatives of central and local executive authorities, enterprises, institutions and organisations (subject to the approval of their management), for scientific and methodological, and information and analytical support for its functions as provided by the law;

5) establish working groups, both standing and ad hoc consultative and other advisory bodies, and approve regulations thereon;

6) approve rates for works/ services of a state-owned enterprise under the management of the Regulatory Authority;

7) engage technical means and personnel of a state-owned enterprise under the management of the Regulatory Authority for the purposes of carrying out trials and other technical procedures during unscheduled audits;

8) enter into cooperation agreements in relation to its powers with Ukrainian, foreign and international bodies, including the relevant European Union institutions, and organisations and their associations, including with national regulatory authorities of other states;

9) enjoy other rights provided by the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20), [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14), [“On Access to Construction, Transport, Electricity Facilities to Develop Electronic Communications Networks”](https://zakon.rada.gov.ua/laws/show/1834-19) and other laws.

**Section II. ORGANISATION OF THE REGULATORY AUTHORITY’S ACTIVITIES**

**Article 5.** Guarantees of the Regulatory Authority’s independence

1. When exercising its powers, the Regulatory Authority acts at its own discretion within the limits established by law.

2. Any illegal interference with the activities of the Regulatory Authority on the part of public authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, their officials and officers, political parties, civil society associations, enterprises, institutions, organisations and establishments is prohibited.

3. The Regulatory Authority’s legal and normative acts are issued in the form of resolutions.

The Regulatory Authority’s legal and normative acts must not contradict the [Constitution](https://zakon.rada.gov.ua/laws/show/254%25252525D0%25252525BA/96-%25252525D0%25252525B2%25252525D1%2525252580) and the laws of Ukraine, superior legal and normative acts or international treaties of Ukraine consented by the Verkhovna Rada of Ukraine.

The Regulatory Authority’s legal and normative acts are subject to state registration with the Ministry of Justice of Ukraine.

The ground for refusal of registration of the Regulatory Authority’s legal and normative acts may be only their inconsistency with the [Constitution](https://zakon.rada.gov.ua/laws/show/254%25252525D0%25252525BA/96-%25252525D0%25252525B2%25252525D1%2525252580) and the laws of Ukraine, superior legal and normative acts or international treaties of Ukraine consented by the Verkhovna Rada of Ukraine.

4. The Regulatory Authority distributes and manages budget funds allocated thereto for a respective year at its own discretion.

5. The members of the Regulatory Authority, other officials of the Regulatory Authority may not hold, directly or indirectly, interests in any economic operators engaged in the areas of electronic communications, radio spectrum and postal services, in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption”.

The Regulatory Authority’s activity is legally separated from any activities related to state ownership or control of economic operators that provide electronic communications services or postal services.

**Article 6.** Relations between the Regulatory Authority and other public authorities

1. Each year, before the 1st of April of the year following the reporting one, the Regulatory Authority submits a report on its activities referred to in [Article 16](https://zakon.rada.gov.ua/laws/show/1971-20%252523n385) of this Law to the Cabinet of Ministers of Ukraine and publishes it on its official website no later than on the 1st of April of the year following the reporting one.

2. The Regulatory Authority interacts with public authorities and local self-government bodies as regards issues falling within its competence.

3. The Regulatory Authority develops and submits to the Cabinet of Ministers of Ukraine draft acts of the Cabinet of Ministers of Ukraine on matters falling within its competence, summarizes and analyses information about their enforcement, makes proposals on improving thereof.

4. The Regulatory Authority interacts with the Antimonopoly Committee of Ukraine and financial control bodies in the monitoring process and during any investigations conducted by the Antimonopoly Committee of Ukraine in the electronic communications, radio spectrum and postal services markets. Where any signs of violation of the legislation on protection of economic competition are identified, the Regulatory Authority submits a proposal to the Antimonopoly Committee of Ukraine for making a relevant decision.

5. The Regulatory Authority interacts with the central executive authority that implements the state policy in the area of state control of compliance with consumer protection legislation as well as with other public authorities in cases and under the procedure provided by the law.

6. The Regulatory Authority provides documents, statistical and other information upon request of the Cabinet of Ministers of Ukraine, other public authorities that are necessary for the latter to exercise their powers.

7. The interaction with the bodies referred to in this Article is implemented through:

1) exchange of information necessary for the exercise of their powers in the areas of electronic communications, radio spectrum and postal services;

2) provision of information necessary for the performance of its functions provided by law upon the Regulatory Authority’s request;

3) consultations;

4) signing memoranda of cooperation;

5) implementation of other measures provided by the law.

**Article 7.** Requirements to the member of the Regulatory Authority

1. A candidate member of the Regulatory Authority must speak the official language, have the qualification and experience, in particular in the area of electronic communications, radio spectrum and postal services as are necessary for him or her to perform duties and exercise powers of a member of the Regulatory Authority, namely he or she must:

1) have a specialist’s or master’s degree;

2) have at least five years of experience in the areas of electronic communications, radio spectrum and postal services, including at least three years in management positions;

3) speak a foreign language being one of the official languages of the Council of Europe;

2. A candidate may not be appointed as a member of the Regulatory Authority if he or she:

1) is not a citizen of Ukraine;

2) has been rendered legally incapable or having limited civil competence by a final court decision;

3) has failed to submit a declaration of a person authorized to perform the functions of the State or local self-government for the previous year or has failed to pass a special check in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption”;

4) has a legally unexpunged or unspent conviction for a criminal offence or has been held liable for a corruption-related administrative offence within three years before the date of application to participate in an open competition;

5) has a proven conflict of interest in the area regulated by the Regulatory Authority;

6) refused to sign the commitment not to hold managerial positions with regulatory entities within one year of the dismissal;

7) signed the commitment and held senior positions with regulatory entities for one year after the dismissal;

8) directly or indirectly holds an interest in any economic operator or enterprises or is an individual entrepreneur engaged in the areas of electronic communications, radio spectrum and postal services regulated by the Regulatory Authority in accordance with this Law, and/or the owners of such interest are his or her close persons in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption”, as well as receives from those entities financial or material remuneration or assistance and/or holds any position, including on a voluntary basis;

9) has a representative mandate or participates in the activities of a political party;

10) in accordance with a court verdict, is deprived of the right to engage in activities related to the performance of state functions or hold relevant positions;

11) is a close person of another member of the Regulatory Authority in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption”;

12) is a member of a political party or, for at least three months within one year before the submission of the application to participate in an open competition, was a member of the governing body of a political party or was in an employment or other contractual relationship with a political party;

13) is subject to the prohibition set out in [Article 1(3)](https://zakon.rada.gov.ua/laws/show/1682-18%252523n13) or [(4)](https://zakon.rada.gov.ua/laws/show/1682-18%252523n14) of the Law of Ukraine “On the Purge of Power”.

3. A candidate for the position of a member of the Regulatory Authority is appointed based on the results of an open competition.

4. If a person who has a representative mandate, such person must give up his/her representative mandate within one month following the date of appointment as a member of the Regulatory Authority and may start performing the duties as a member of the Regulatory Authority only upon termination of the representative mandate.

**Article 8.** Organisation of the competition for the appointment of members of the Regulatory Authority

1. An open competition is organised by the competition commission the for the recruiting of candidates for the position of members of the Regulatory Authority (hereinafter referred to as the “Competition Commission”) which must be established and must operate in accordance with this Law.

2. The procedure and conditions for conducting the open competition are approved by the Cabinet of Ministers of Ukraine.

The procedure and conditions for conducting the open competition must cover, in particular, the requirements for:

1) the criteria and methods for evaluating the professional competence of candidates, based on which the Competition Commission ranks the candidates for the position of a member of the Regulatory Authority;

2) ensuring transparency of the competition;

3) storing the competition records during the term of office of a member of the Regulatory Authority.

3. The composition of the Competition Commission shall be approved by the Cabinet of Ministers of Ukraine. The Competition Commission is composed of seven persons:

1) three persons nominated by the President of Ukraine;

2) one person nominated by a central executive authority that ensures development and implements state policy in the areas of electronic communications and radio spectrum;

3) one person nominated by a central executive authority that ensures development and implements state policy in the area of postal services;

4) two persons nominated by the Committees of the Verkhovna Rada of Ukraine that are in charge of electronic communications, radio spectrum and postal services.

4. The Competition Commission is deemed competent if at least five persons have been approved as its members.

5. Persons who have higher education, professional experience and expertise in the areas of electronic communications, radio spectrum and postal services, impeccable track record, high professional competence and integrity and public credibility are eligible to be members of the Competition Commission.

Persons being members of management bodies of economic operators engaged in the areas of electronic communications, radio spectrum and postal services may not be members of the Competition Commission.

6. A member of the Competition Commission may not participate in the competition for the position of a member of the Regulatory Authority.

7. The term of office of a member of the Competition Commission is three years.

8. The members of the Competition Commission perform their functions on a voluntary basis.

9. The Competition Commission elects the Chairperson of the Competition Commission from among its members.

10. The Competition Commission holds its meetings in the form of open hearings. Representatives of associations of citizens, the media, Members of Parliament of Ukraine, representatives of the Expert Council on Digitalization under the, representatives of the European Commission, the International Telecommunication Union, the Universal Postal Union, the Body of European Regulators for Electronic Communications and other international organisations that cooperate with Ukraine in the areas of electronic communications, radio spectrum and postal services may attend meetings of the Competition Commission as observers.

11. The minutes of the Competition Commission’s meetings are published on the official website of the Cabinet of Ministers of Ukraine within two business days of the date of respective meeting.

12. Video and audio recording, and live broadcasts of the Competition Commission’s meetings are ensured on the official website of the Cabinet of Ministers of Ukraine.

13. Information on the time and venue of the Competition Commission’s meeting is published on the official website of the Cabinet of Ministers of Ukraine at least two business days prior to the date of meeting.

14. Organisational and other support for the activity of the Competition Commission is provided by the Secretariat of the Cabinet of Ministers of Ukraine.

15. The Competition Commission announces the reception of applications to participate in an open competition:

1) upon expiration of the term of office of the Regulatory Authority’s member as specified in this Law — six months before the expiration date of the term of office;

2) upon early termination of office of the Regulatory Authority’s member in accordance with this Law — within 10 business days of the date of such termination.

16. Applications to participate in an open competition are accepted during 30 calendar days of the competition announcement date.

17. An applicant submits the following documents to the Competition Commission:

1) an application for the participation in the competition with motivation for taking a position of the Regulatory Authority’s member and information on the potential competitioner’s compliance with the requirements provided in [Article 7](https://zakon.rada.gov.ua/laws/show/1971-20%252523n182) of this Law, with the attached CV in an arbitrary form;

2) a consent to conducting a special check under the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption”;

3) an autobiography specifying: surname, name and patronymic (if any), date, month and year of birth, citizenship, information on education, professional background, position (occupation), place of employment, social activity (including as an elected official), membership in political parties, employment or any other contractual relationships with a political party during a two-year period preceding the submission of the application (regardless of its duration), contact phone number and email, and criminal record (if any);

4) a staff record card;

5) a copy of a passport of a citizen of Ukraine;

6) copies of documents confirming education, academic titles and degrees;

7) a medical certificate in the form approved by the central executive authority responsible for the development and implementation of the state healthcare policy indicating whether or not the applicant is registered with any psychoneurological or narcological establishments;

8) a copy of military service card or military ID card (for military men and persons liable for military service);

9) a copy of a declaration of a person authorized to perform the functions of the state or local self-government for the year preceding the year in which the announcement of the competition was published, in the form established by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption”.

18. The information contained in the documents submitted pursuant to [paragraph 17](https://zakon.rada.gov.ua/laws/show/1971-20%252523n231) of this Article is published within two business days of the expiration of the period for applying for the participation in the open competition on the official website of the Cabinet of Ministers of Ukraine, except for restricted information (information referred to in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption” and information on the state of health, contact phone number and email of the potential competitioner).

19. The Competition Commission shall, within 30 calendar days of the last day of accepting applications for the participation in the open competition, conduct the necessary procedures prescribed by the open competition procedure, prepare the rating of candidates for the position of the Regulatory Authority’s member based on the voting results and publish it on the official website of the Cabinet of Ministers of Ukraine. During the aforementioned period the candidates shall also be subject to a special check provided for by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On prevention of corruption”.

20. The Competition Commission’s decisions are adopted by a simple majority of votes of its members. In the event of a tie vote, the Chairperson of the Competition Commission has the casting vote.

21. The Competition Commission submits a general list of proposed candidates who have the highest rating and successfully passed the check as provided by this Law for consideration to the Cabinet of Ministers of Ukraine as follows: two persons per position of a member of the Regulatory Authority. For each of the areas of regulation specified in [Article 2(1)](https://zakon.rada.gov.ua/laws/show/1971-20%252523n13) of this Law, at least two nominations must be submitted for consideration.

22. The Competition Commission publishes the information on candidates who have the highest rating and are to be considered by the Cabinet of Ministers of Ukraine.

23. The Cabinet of Ministers of Ukraine appoints the member of the Regulatory Authority from the candidates selected by the Competition Commission within 10 business days of the date of the respective proposal made by the Competition Commission.

The Regulatory Authority’s member is appointed to the position by the ordinance of the Cabinet of Ministers of Ukraine.

**Article 9.** Appointment, termination of office and legal status of members of the Regulatory Authority

1. The term of office of the Regulatory Authority’s members is six years. The same person may not be the Regulatory Authority’s member for more than two terms in a row.

2. The powers of a member of the Regulatory Authority are terminated early only on the following grounds:

1) he/she refuses to perform his or her duties by submitting an application for resignation;

2) a judgement of conviction against him/her takes effect;

3) a violation of occupational restrictions;

4) inability to perform his or her duties for health reasons;

5) his/her death;

6) termination of the Ukrainian citizenship or leaving Ukraine for permanent residence abroad;

7) entry into force of a court decision declaring him/her as missing or dead;

8) submission of an application for resignation based on strong disapproval of the Regulatory Authority’s decision;

9) failure to meet the requirements for the members of the Regulatory Authority as listed in [Article 7](https://zakon.rada.gov.ua/laws/show/1971-20%252523n182) of this Law.

10) entry into force of a court decision on recognizing his/her assets or assets acquired by other persons upon his/her instruction as ungrounded under [Article 291](https://zakon.rada.gov.ua/laws/show/1618-15%252523n8240) of the Civil Procedure Code of Ukraine;

11) establishing, based on the outcome of the internal investigation provided for in [Article 17](https://zakon.rada.gov.ua/laws/show/1971-20%252523n398) of this Law, that he/she violated the requirements of the laws regulating the activity in the areas of electronic communications, radio spectrum or postal services and/or failed to comply with the obligations laid down in [Article 12(2)](https://zakon.rada.gov.ua/laws/show/1971-20%252523n298) of this Law, which prejudiced the rights and legitimate interests of economic operators engaged in the areas concerned, end users or the State.

3. The Cabinet of Ministers of Ukraine decides on dismissal of a member of the Regulatory Authority before the expiration of that member’s term of office solely on the grounds provided for in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1971-20%252523n250) of this Article.

Resignation of the Cabinet of Ministers of Ukraine before a newly elected Verkhovna Rada of Ukraine, resignation of the Cabinet of Ministers of Ukraine approved by the Verkhovna Rada of Ukraine or constitution of a new composition of the Cabinet of Ministers of Ukraine does not constitute a reason for early dismissal of the Regulatory Authority’s member.

All members of the Regulatory Authority may be dismissed by the decision of the Cabinet of Ministers of Ukraine in case when the Regulatory Authority is not been able to hold a meeting due to the absence of quorum for more than 60 calendar days in a row. A submission for dismissal provided for in this indent is made by the Chairperson of by a member of the Regulatory Authority.

4. The Regulatory Authority’s member assumes or resigns his/her office from the effective date of the ordinance of the Cabinet of Ministers of Ukraine on his/her appointment or dismissal.

The member of the Regulatory Authority is not considered to be a civil servant.

5. A decision on the dismissal of a member of the Regulatory Authority is published on the official website of the Cabinet of Ministers of Ukraine and must indicate the ground for dismissal as set out in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1971-20%252523n250) or [3](https://zakon.rada.gov.ua/laws/show/1971-20%252523n262) of this Article.

6. A person whose powers as a member of the Regulatory Authority have been terminated must submit, in the year following the termination, a declaration of a person authorized to perform the functions of the state or local self-government for the previous year, in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption”.

**Article 10.** Chairperson of the Regulatory Authority

1. The Chairperson of the Regulatory Authority is elected by the members of the Regulatory Authority from among them by ballot voting within 10 days from the effective date of the ordinance of the Cabinet of Ministers of Ukraine on their appointment. Information on the election of the Chairperson of the Regulatory Authority is published on the official websites of the Regulatory Authority and of the Cabinet of Ministers of Ukraine.

2. The Chairperson of the Regulatory Authority is re-elected every three years after the date of the approval of the first composition of the Regulatory Authority in accordance with this Law. In the case of early termination of the powers of the Chairperson of the Regulatory Authority and three years after the date of the election of the Chairperson of the Regulatory Authority, the members of the Regulatory Authority elect, within 10 days, a member of the Regulatory Authority acting as Chairperson until the appointment of a new member of the Regulatory Authority or until the election of the Chairperson of the Regulatory Authority.

3. The Chairperson of the Regulatory Authority:

1) is the head of the Regulatory Authority and directs its operation;

2) convenes meetings of the Regulatory Authority and presides at them and signs resolutions, decisions and ordinances on behalf of the Regulatory Authority;

3) signs orders based on the Regulatory Authority’s decision on allocation of responsibilities between the members of the Regulatory Authority in accordance with the rules of procedure of the Regulatory Authority;

4) represents the Regulatory Authority before public authorities, local self-government bodies, enterprises, institutions and organisations, individuals, civil society associations and international institutions and organisations;

5) participates in the meetings of the Cabinet of Ministers of Ukraine in accordance with the procedure laid down by the law;

6) appoints a member of the Regulatory Authority authorized to exercise the functions and powers of the Chairperson in his or her absence;

7) issues orders on appointment and dismissal of the Head of the Office of the Regulatory Authority in accordance with the Regulatory Authority’s decision;

8) exercises other powers established by this Law and other laws of Ukraine.

**Article 11.** Office of the Regulatory Authority

1. The Office of the Regulatory Authority is an organisationally coherent group of structural subdivisions, territorial bodies and positions that support the activity of the Regulatory Authority and exercise of powers entrusted thereto.

The Regulatory Authority may establish, by its decision and within the limits of funds allocated for its establishment, its territorial bodies as unincorporated structural subdivisions.

The territorial bodies act on the basis of the regulations approved by decision of the Regulatory Authority.

2. The employees of the Office of the Regulatory Authority are civil servants, except for employees performing auxiliary functions and employees of the executive support service.

3. The Office of the Regulatory Authority is chaired by the Head of the Office to be appointed and dismissed by the order of the Chairperson of the Regulatory Authority upon the Regulatory Authority’s decision.

4. The Head of the Office is directly accountable and subordinated to the Chairperson of the Regulatory Authority. In the absence of the Head of the Office for valid reasons, his duties are performed by one of heads of separate structural subdivisions of the Office of the Regulatory Authority to be appointed by the order of the Chairperson of the Regulatory Authority.

5. The Head of the Office acts as the head of civil service in the Regulatory Authority. The duties and powers of the Head of the Office are set out in this Law and in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/889-19) “On Civil Service”.

6. The maximum number of staff of the Office of the Regulatory Authority is approved by the Cabinet of Ministers of Ukraine. The Chairperson of the Regulatory Authority approves the manning table of the Office of the Regulatory Authority.

7. The structure of the Regulatory Authority is approved by the Chairperson of the Regulatory Authority upon the Regulatory Authority’s decision within the limits of the expenditure provided in the State Budget of Ukraine.

8. Regulations on separate structural subdivisions of the Office of the Regulatory Authority, regulations on structural subdivisions within separate structural subdivisions of the Office of the Regulatory Authority, job descriptions for the employees of the Office of the Regulatory Authority are approved by the Head of the Office.

**Article 12.** Rights and obligations of the members of the Regulatory Authority

1. The members of the Regulatory Authority have the right to:

1) review the documents received by the Regulatory authority and documents being drafted and processed by the Regulatory Authority and its Office;

2) put forward proposals concerning the organisation of work, agenda of meetings of the Regulatory Authority and draft decisions of the Regulatory Authority;

3) speak at the meetings of the Regulatory Authority, participate in discussing the issues under consideration and make proposals concerning them in accordance with the rules of procedure of the Regulatory Authority;

4) participate in the work of advisory bodies and working groups established by the Regulatory Authority and in all activities implemented by the Regulatory Authority.

2. The Chairperson and members of the Regulatory Authority are obliged to:

1) participate in all meetings of the Regulatory Authority (except for absence for legal grounds);

2) prepare issues for consideration by the Regulatory Authority subject to the allocation of responsibilities;

3) participate in voting on all issues to be decided by the Regulatory Authority;

4) avoid disclosing restricted information that became known to them due to the exercise of their powers;

5) comply with this Law and the rules of procedure of the Regulatory Authority.

3. If the Chairperson or a member of the Regulatory Authority has a conflict of interest when exercising his or her powers, he/she must immediately notify the Cabinet of Ministers of Ukraine to take all necessary measures to prevent or eliminate the conflict of interest.

4. The Regulatory Authority approves the rules of professional conduct applicable to the members of the Regulatory Authority and the employees of the Office of the Regulatory Authority. The rules of professional conduct must, in particular, set forth:

1) the requirements for the procedure to be observed by the members of the Regulatory Authority in holding meetings with representatives of entities engaged in electronic communications, radio spectrum and postal services and/or entities that have a control relationship with them with regard to any business activities conducted by such entities with the participation of at least two other members of the Regulatory Authority or heads of structural subdivisions of the Office of the Regulatory Authority, or in the case of meetings held by employees of the Office of the Regulatory Authority, with the participation of at least two other employees;

2) the procedure for notification by the member of the Regulatory Authority and the employee of the Office of the Regulatory Authority of the existence of a conflict of interest in the course of performance of their duties.

**Article 13.** Restrictions and responsibility of the members of the Regulatory Authority and employees of the Office of the Regulatory Authority

1. A person may not be appointed as an employee of the Office of the Regulatory Authority, except for employees performing auxiliary functions and employees of the executive support service if he/she:

1) fails to meet the requirements established by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/889-19) “On Civil Service”;

2) has a legally unexpunged or unspent conviction for a criminal offence or has been held liable for a corruption-related administrative offence within one year before the date of appointment;

3) in accordance with a court verdict, is deprived of the right to engage in activities related to the performance of state functions or hold relevant positions;

4) is not a citizen of Ukraine;

5) has failed to submit a declaration of a person authorized to perform the functions of the State or local self-government for the previous year or has failed to pass a special check in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption”.

6) directly or indirectly, is a member of management bodies of and/or owns enterprises or interests in any economic operators engaged in the areas of electronic communications, radio spectrum and postal services, or members of whose family as defined by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption” are the owners of such enterprises or interests and/or are members of the management bodies of such economic operators.

7) is subject to the prohibition set out in [Article 1(3)](https://zakon.rada.gov.ua/laws/show/1682-18%252523n13) or [(4)](https://zakon.rada.gov.ua/laws/show/1682-18%252523n14) of the Law of Ukraine “On the Purge of Power”.

2. The members of the Regulatory Authority and the employees of the Office may not:

1) represent third parties in any matters of the Regulatory Authority;

2) use the official position of the employees of the Office and other officials and the property of the Regulatory Authority for the benefit of a political party or their personal benefit.

3. In addition to the restrictions laid down in this Article, other restrictions and requirements established by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption” apply to the members of the Regulatory Authority and employees of the Office, except for employees performing auxiliary functions and employees of the executive support service.

4. Persons who are guilty of violation of the requirements of this Law are liable in accordance with the law.

5. Damage caused by illegal decisions, actions or omissions of the members of the Regulatory Authority and officials of the Office during the exercise of their powers is reimbursed from the state funds in the manner prescribed by the Law.

6. The State has the right of recourse against the members and officials of the Office who caused damage, in the amount and manner prescribed by the legislation.

**Article 14.** Operating procedure of the Regulatory Authority, decision-making and formalisation of decisions

1. A meeting of the Regulatory Authority is the main form of its work as a collective authority. The operating procedure of the Regulatory Authority, in particular the procedure for holding its meetings, is set out in the rules of procedure of the Regulatory Authority as approved by it, which is published on its official website.

2. The Regulatory Authority holds its meetings in the form of open hearings. All matters falling within the scope of competence of the Regulatory Authority, except for any matters involving restricted information, are considered at open hearings.

If the Regulatory Authority considers a matter involving restricted information, the procedure for accessing which is regulated by law, the Regulatory Authority decides on considering such a matter at a closed hearing and on the access of persons who may attend such hearings.

3. Meetings of the Regulatory Authority are valid if a majority of all the members of the Regulatory Authority is present at a meeting. Representatives of economic operators engaged in the areas of electronic communications, radio spectrum and postal services, public authorities and local self-government bodies, organisations representing interests of consumers and persons with disabilities, civic associations, the media and other interested persons have the right to participate in open hearings.

4. At its meetings, the Regulatory Authority considers and takes decisions as regards issues falling within its competence.

The list of issues put before the Regulatory Authority is published no later than two business days before the day of the meeting on the official website of the Regulatory Authority.

Together with the list of issues put before the Regulatory Authority, draft decisions of the Regulatory Authority, relevant annexes and substantiation thereof (except for draft decisions or any parts thereof containing restricted information), comments and proposals received as well as a reasoned opinion of the Office of the Regulatory Authority regarding the received comments and proposals are published on the official website of the Regulatory Authority.

5. The Regulatory Authority’s members vote at the Regulatory Authority’s meetings in person.

If necessary, meetings may be held remotely, in accordance with the requirements of the legislation and the rules of procedure of the Regulatory Authority.

The Regulatory Authority’s decisions are adopted by a majority of votes of all of its members. Each member of the Regulatory Authority has one vote.

A member of the Regulatory Authority who disagrees with an adopted decision may express in writing his or her dissenting opinion to be attached to the decision.

Decisions of the Regulatory Authority are issued in the form of a resolution, except for decisions on elimination of violations revealed during supervision (control) measures, which are issued in the form of orders. The decision of the Regulatory Authority is signed by the Chairperson of the Regulatory Authority.

The results of a meeting of the Regulatory Authority are recorded in minutes. Minutes of a meeting of the Regulatory Authority are published on its official website within five business days of the date of the meeting. Where a dissenting opinion of a member of the Regulatory Authority was attached to a decision of the Regulatory Authority, it shall be made public as an integral part of the minutes.

The Regulatory Authority ensures online broadcasting of meetings held in the form of open hearings on its official website. The Regulatory Authority ensures that recordings of such broadcastings are stored and can be freely accessed on its official website during at least one year following the date of a meeting.

6. The Regulatory Authority adopts legal and normative acts in cases provided for by law.

The decisions of the Regulatory Authority that are legal and normative acts are issued in the form of resolutions and are subject to state registration with the Ministry of Justice of Ukraine and are included in the Unified State Register of Legal and Normative Acts. Those legal and normative acts, upon their state registration, enter into force on the day of their official publication, unless otherwise provided therein, but no earlier than on the day of their official publication.

7. The Regulatory Authority and officials of the Office, within the scope of their competence, issue organisational and executive acts or individual acts that are not legal and normative acts, namely decisions, prescriptive orders and ordinances. Administrative acts are published and enter into force on the day following the day of their publication on the official website of the Regulatory Authority, unless a later deadline is otherwise specified in the decision, but no earlier than on the day of publication of the decision.

Each individual act of the Regulatory Authority must contain its rationale indicating at least the following data: references to the provision of a current law of Ukraine that entrusts the Regulator with the powers to adopt the individual act, circumstances to the occurrence of which the laws of Ukraine link the emergence of the Regulatory Authority’s powers to adopt the relevant individual act, and references to the evidence that confirm the occurrence of those circumstances.

8. The Regulatory Authority, in accordance with the procedure approved by it, maintains a register of all decisions made and ensures free access to them on its official website.

9. The decisions of the Regulatory Authority, except for those parts of decisions that contain restricted information, are published on the official website of the Regulatory Authority within five business days of the date of their issuance. The scope of restricted information that may not be disclosed is determined by the Regulatory Authority upon request of concerned persons subject to the requirements of the Laws of Ukraine [“On Access to Public Information”](https://zakon.rada.gov.ua/laws/show/2939-17), [“On Information”](https://zakon.rada.gov.ua/laws/show/2657-12), ["On Public Appeals"](https://zakon.rada.gov.ua/laws/show/393/96-%25252525D0%25252525B2%25252525D1%2525252580) and [“On Personal Data Protection”](https://zakon.rada.gov.ua/laws/show/2297-17).

10. The decisions of the Regulatory Authority are binding on economic operators engaged in the areas of electronic communications, radio spectrum and postal services.

11. The Regulatory Authority’s decisions may be challenged in court. Appealing the decisions of the regulatory authority does not stop their implementation unless the court decision provides otherwise.

**Article 15.** Transparency of the Regulatory Authority’s activity

1. The Regulatory Authority ensures the openness of its activity by:

1) making decisions at meetings held in the form of open hearings and by enabling representatives of natural and legal persons, their associations and other interested persons to have free access to such meetings;

2) informing the public of the plans and outcomes of its work;

3) creating conditions for the public to participate in the development of draft legal and normative acts;

4) compliance with the procedure for making draft legal and normative acts public and holding consultations as provided for in [paragraph 2](https://zakon.rada.gov.ua/laws/show/1971-20%252523n370) of this Article;

5) holding public consultations and public hearings;

6) involving public representatives in the preparation of annual and financial reports and public discussion of these reports before submitting them to the Cabinet of Ministers of Ukraine;

7) ensuring access to information and providing information upon request in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2939-17) “On Access to Public Information”;

8) publishing information on its official website in the form of open data, including the following:

а) the agenda of a meeting of the Regulatory Authority;

б) draft decisions of the Regulatory Authority as accompanied by annexes thereto and rationale;

в) decisions adopted by the Regulatory Authority as accompanied by annexes thereto;

г) monitoring results;

ґ) results of the analysis of electronic communications markets;

д) reports on inspection of economic operators and any comments, explanations and substantiations provided by economic operators;

е) the draft and approved budget of the Regulatory Authority (or changes thereto);

є) the annual report on the activity of the Regulatory Authority;

ж) the report on the execution of the budget of the Regulatory Authority;

9) publishing, on the Unified State Web Portal of Open Data, public information in the form of open data obtained for the purpose of monitoring of the level of tariffs (prices) for universal services and their availability to consumers;

10) ensuring the possibility of viewing on its official website the online broadcasting of meetings of the Regulatory Authority that are held in the form of open hearings and of accessing the archive of their records;

11) being obligated to invite in writing an economic operator’s authorised representative to participate in considering matters concerning individual acts related to its activities;

12) taking other measures as provided by the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20), [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14) and [“On Access to Public Information”](https://zakon.rada.gov.ua/laws/show/2939-17).

2. Each draft legal and normative act of the Regulatory Authority having the features of a regulatory act as accompanied by the materials substantiating the need for its adoption and the regulatory impact analysis is published on the official website of the Regulatory Authority for the purpose of holding consultations, obtaining comments and proposals from natural and legal persons, associations thereof and other interested persons.

The notice of publication of a draft act must contain:

the contents of the draft act;

mailing address and e-mail of the developer of the draft act and of other bodies to which comments and proposals are sent on the developer’s initiative;

information on the mode of making the draft regulatory act and the relevant regulatory impact analysis public (URL address of the webpage where the draft regulatory act and the regulatory impact analysis are published or placed);

information on the deadline for submission of comments and proposals to the draft regulatory act;

information on the mode of submission of comments and proposals to the draft act.

The Regulatory Authority holds consultations on draft regulatory acts developed by it with public authorities and local self-government bodies as regards the issues falling within their competence as well as with other stakeholders. In this regard, the Regulatory Authority submits a written request to the relevant body as accompanied with the draft legal and normative act and the regulatory impact analysis. Proposals and comments to the draft act are sent by public authorities, local self-government bodies and other stakeholders within 30 calendar days following the date of receipt of the request from the Regulatory Authority.

The publication of the draft legal and normative act of the Regulatory Authority for the purpose of obtaining comments and proposals is not an obstacle to holding public hearings and any other forms of open discussion of this draft.

The deadline for submission of comments and proposals to the draft act is set by the Regulatory Authority and cannot be less than one month and greater than three months following the day of publication of the draft act and the relevant regulatory impact analysis.

Comments and proposals to the draft act received before the specified deadline are published by the Regulatory Authority on the official website no later than within one day following the date of their receipt.

All comments and proposals to the draft act and the relevant regulatory impact analysis, received before the specified deadline, are subject to mandatory consideration by the Regulatory Authority. Based on the results of the consideration, the Regulatory Authority takes into account, in whole or in part, the received comments and proposals or reasonably rejects them, with written notification of the motivation for rejection of the comments and proposals. If necessary, the Regulatory Authority arranges for meetings to discuss and explain the grounds for rejection of the submitted comments and proposals, involving persons who submitted them.

The Regulatory Authority’s failure to take into account comments and proposals to its draft acts as received during the consultation process as well as the failure of the relevant public authorities and local self-government bodies to provide a response within the specified period is not an obstacle to adopting the legal and normative act by the Regulatory Authority.

In case when substantial changes are introduced into the draft act, i.e. changes that substantially modify the draft act as compared to its initial version, the Regulatory Authority implements the procedure of making the draft legal and normative act public, collecting and considering comments and proposals thereto.

Based on the results of consultations, the Regulatory Authority prepares and publishes on its official website information on the consultations held containing the list of persons who participated in the discussion of the draft act as well as the results of consideration of all comments and proposals submitted by public authorities, natural and legal persons, associations thereof and other interested persons, with substantiation of their acceptance or rejection. The information is made public no later than five business days prior to the adoption of the decision on approval of the relevant legal and normative act by the Regulatory Authority to inform everyone who participated in the consultation of the results of consideration of their comments and proposals.

**Article 16.** Annual activity report of the Regulatory Authority

1. Annual activity report of the Regulatory Authority must contain information, in particular in respect of the following:

1) the state of development of electronic communications and postal services markets;

2) the analysis of electronic communications and postal services markets;

3) the provision of users and consumers with universal and maintenance services;

4) the state of development of networks and introduction of new technologies and electronic communications services and postal services;

5) the use of electronic communications resources and radio spectrum;

6) the state of provision of consumers with electronic communications services and postal services;

7) the analysis of consumer complaints;

8) the regulatory activity of the Regulatory Authority in relation to the performance by it of the tasks and the exercise of the powers as set out in this Law and other laws;

9) the status of state supervision (control), analysis of supervision (control) results, results of monitoring conducted;

10) information on the annual audit of the implementation of the budget of the Regulatory Authority;

11) the Regulatory Authority’s capacity to perform the tasks and exercise the powers stipulated by this Law and the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20), [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14) and [“On Access to Construction, Transport, Electricity Facilities to Develop Electronic Communications Networks”](https://zakon.rada.gov.ua/laws/show/1834-19), including the provision with human and financial resources.

**Article 17.** Internal investigation in respect of the member of the Regulatory Authority

1. In case when it is necessary to verify if there is a ground for early termination of office of the member of the Regulatory Authority as provided for in [point 11](https://zakon.rada.gov.ua/laws/show/1971-20%252523n261) of Article 9(2) of this Law, the Cabinet of Ministers of Ukraine makes a decision on conducting an internal investigation that indicates the chairperson and other members of the internal investigation board, the grounds, the scope, the start date and the end date of the internal investigation.

2. The chairperson and the members of the board are appointed from among persons having a considerable professional experience in the areas of electronic communications, radio spectrum and postal services, necessary knowledge and skills for such investigation and impeccable business reputation.

3. The internal investigation is conducted in accordance with this Article and under the procedure established by the Cabinet of Ministers of Ukraine. The members of the internal investigation board act independently and impartially.

4. The internal investigation report is submitted for the consideration of the Cabinet of Ministers of Ukraine. The decision made based on the outcome of the internal investigation is published in compliance with the requirements of the legislation on protection of restricted information.

**Article 18.** Financing of the Regulatory Authority’s activities

1. The activities of the Regulatory Authority and its Office are financed from the state budget.

2. The Regulatory Authority approves, no later than the 1st of July of the current year, the draft budget of the Regulatory Authority for the next year.

Upon the approval, the Regulatory Authority submits the draft budget together with a budget request to the central executive authority that ensures the development of the state budgetary policy for it to be included in the draft State Budget of Ukraine for a respective year.

The Regulatory Authority approves the budget after the entry into force of the Law of Ukraine “On the State Budget of Ukraine” for a respective year and publishes it on its official website.

The central executive authority that ensures the development of the state budgetary policy, upon submission of the Regulatory Authority, introduces amendments to the budget and the plan of the special fund of the budget (except for own revenues of budget-funded institutions and relevant expenditure) of the Regulatory Authority and introduces relevant amendments to the breakdown of the State Budget.

3. Control over the proper use of the Regulatory Authority’s funds is exercised in accordance with the law.

4. The report on execution of the Regulatory Authority’s budget, after it is considered and approved, is sent by the Regulatory Authority to the Cabinet of Ministers of Ukraine and is published on the official website of the Regulatory Authority no later than on the 1st of April of the year following the reporting one.

**Article 19.***{Article 19 is suspended for 2024 in accordance with the Law*[No. 3460-IX of 09.11.2023](https://zakon.rada.gov.ua/laws/show/3460-20%252523n192)*}* *{Article 19 is suspended for 2023 in accordance with the Law*[No. 2710-IX of 03.11.2022](https://zakon.rada.gov.ua/laws/show/2710-20%252523n156)*}* Remuneration of members of the Regulatory Authority and of employees of the Office of the Regulatory Authority

1. Remuneration of members of the Regulatory Authority and of employees of the Office of the Regulatory Authority must ensure adequate material conditions for their independent performance of official duties and encourage conscientious work.

2. The terms of remuneration, granting leaves, social protection of members of the Regulatory Authority are made equivalent to the terms set out in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/889-19) “On Civil Service” for category “A” civil servants, taking account of the peculiarities laid down in this Law.

3. The terms of remuneration, granting leaves, social protection of employees of the Office of the Regulatory Authority are defined by the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/504/96-%25252525D0%25252525B2%25252525D1%2525252580) “On Civil Service”, [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/889-19) “On Leaves” and other legal and normative acts, taking account of the peculiarities laid down in this Law.

4. Basic salary scheme for the employees of the Office is determined by the Chairperson of the Regulatory Authority. The following basic salaries are set for the members of the Regulatory Authority and the employees of the Office based on the subsistence level for able-bodied persons as determined by the Law on the State Budget of Ukraine for the relevant year:

1) the Chairperson of the Regulatory Authority — 40;

2) a member of the Regulatory Authority — 30;

3) head and deputy head of a stand-alone structural subdivision of the Office of the Regulatory Authority and other employees of the Office — from 10 to 25.

5. The following bonuses may be set for the Chairman and a member of the Regulatory Authority:

1) a monthly or quarterly bonus for excellent performance of official duties;

2) for performing certain particularly important tasks.

A decision to set bonuses for the members and the Chairman of the Regulatory Authority is made at its meeting in accordance with the Regulation on Bonuses approved by the Regulatory Authority and subject to the personal contribution of the Chairman or a member of the Regulatory Authority to the overall output. The total amount of bonuses that may be granted to the Chairman or a member of the Regulatory Authority during one year may not exceed 50% of the salary bill for relevant positions per year.

**Article 20.** Scientific and methodical and information support for the Regulatory Authority, its interaction with the public

1. The Regulatory Authority may establish consultative and other advisory bodies to perform the tasks assigned to it.

Regulations on such bodies are approved by the Regulatory Authority.

2. For the purposes of scientific and methodical, and informational support for its activities, including balancing of economic operators’ and consumers’ interests in the areas of electronic communications, radio spectrum and postal service, economic operators and consumers, the Regulatory Authority may engage scientists, experts, professionals (subject to their consent) as well as specialists of central and local public authorities, enterprises, institutions and organisations regardless of their ownership (upon agreement with their management).

3. Any persons may apply to the Regulatory Authority with regard to issues falling within its competence. The Regulatory Authority considers such applications and responds to applicants in the manner prescribed by the legislation.

4. The Public Council is functioning within the Regulatory Authority as a consultative and advisory body established for the purpose of engaging citizens in the implementation of state policy with regard to regulation of the activity of economic operators in the areas of electronic communications, radio spectrum and postal services. The Regulation on the Public Council and any amendments thereto are agreed by the Regulatory Authority and approved by the Public Council of the Regulatory Authority.

The procedure for the establishment and operation of the Public Council is established by the legislation.

**Article 21.** Cooperation with competent authorities of other states and the European Union institutions

1. The Regulatory Authority maintains cooperation on regulatory issues in the areas referred to in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1971-20%252523n13) of Article 2 of this Law with national regulatory authorities, other competent authorities of foreign states, institutions of the European Union, other global, European and regional organisations in relevant areas.

2. The Regulatory Authority may, in accordance with international agreements, provide the competent authorities of foreign states, institutions of the European Union and receive from them information on state regulation and supervision (control) necessary to perform the tasks assigned to it by the law in the areas referred to in [paragraph 1](https://zakon.rada.gov.ua/laws/show/1971-20%252523n13) of Article 2 of this Law.

3. The funding for the activities of the Communications regulatory authority must provide the resources for such cooperation.

**Article 211.** Cooperation with the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office)

1. The regulatory authority in accordance with the European Union legal framework, which regulates the creation and functioning of BEREC and the Agency for Support for BEREC (hereinafter - BEREC Office), ensures cooperation on regulatory issues in the field of electronic communications with BEREC and the BEREC Office, and participation in the activities of BEREC at the appropriate level of representation, taking into account the organizational structure of BEREC and the BEREC Office and the requirements for the organization of their work, and pays financial contributions in a timely manner.

Members, including the Chairperson, and employees of the regulatory authority when cooperating with BEREC and the BEREC Office must comply with confidentiality, independence and objectivity requirements established by BEREC.

2. When developing its decisions or approving draft normative legal acts developed by other state authorities, the regulatory authority shall take the utmost account of the relevant opinions, guidelines, recommendations, common position, best practices, and methodologies adopted by BEREC.

Where the regulatory authority deviates from the guidelines issued by BEREC in accordance with the EU framework on roaming, it shall provide the reasons therefor in its decision.

3. At the request of BEREC and/or the BEREC Office the regulatory authority shall provide documents, statistical and other information, in a timely and accurate manner, necessary for carrying out their tasks, as well as assists in the collection of information on requests from BEREC or the BEREC Office to other subjects.

The regulatory authority based on the request of BEREC and/or the BEREC Office may require within its powers from central and local executive authorities, authorities of the Autonomous Republic of Crimea, local authorities, providers of electronic communication networks and/or services, undertakings providing associated facilities or associated services in the field of electronic communications, users of the radio frequency spectrum, as well as other undertakings regardless of the form of ownership, operating in the field of electronic communications or closely related sectors, a provision of relevant documents, statistical and other information in written and/or electronic form.

Central and local executive authorities, authorities of the Autonomous Republic of Crimea, local authorities, providers of electronic communication networks and/or services, undertakings providing associated facilities or associated services in the field of electronic communications, users of the radio frequency spectrum, as well as other undertakings regardless of the form of ownership, operating in the field of electronic communications or closely related sectors, must provide the requested by the regulatory authority documents, statistical and other information, including with limited access (except proprietary information and state secret), within the timeframe specified in the request.

4. The Regulatory authority:

1) shall notify BEREC of any dispute that affects trade between Ukraine and EU MS in the field of electronic communications in order to ensure the resolution of such a dispute;

2) shall await BEREC's opinion (expected in the shortest possible timeframe, but in any case within four months except in exceptional circumstances) before taking any action to resolve the dispute or refraining from action;

3) in exceptional circumstances, where there is an urgent need to act, in order to safeguard competition or protect the interests of end-users, the regulatory authority may, either at the request of the parties or on its own initiative, adopt interim measures.

5. Any obligations imposed on an undertaking by the regulatory authority as part of the dispute resolution shall comply with this Law and take the utmost account of the BEREC’s opinion. The regulatory authority adopts a decision on imposition of such obligations within one month after receiving BEREC’s opinion.

Undertakings are obliged to implement the decision of the regulatory authority to impose mandatory obligations on them within the timeframe determined by the mentioned authority.

Electronic communications networks and/or services providers from any EU Member State have the right to ask the regulatory authority to resolve their disputes with electronic communications networks and/or services providers from Ukraine.

When resolving such disputes, the regulatory authority shall cooperate with competent authorities from any concerned EU Member States, if needed.

**Section III. FINAL AND TRANSITIONAL PROVISIONS**

1. This Law shall enter into force on the day following the date of its publication.

2. To amend the following laws of Ukraine:

1) in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/280/97-%25252525D0%25252525B2%25252525D1%2525252580) “On Local Self-Government in Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 24, p. 170, as amended):

[Article 26(1)(57)](https://zakon.rada.gov.ua/laws/show/280/97-%25252525D0%25252525B2%25252525D1%2525252580%252523n1334) shall be replaced by the following:

“57) setting the fees for access to communally owned construction, infrastructure, transport, electric power facilities, electronic communications cable-duct systems and house distribution networks in accordance with the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1834-19) “On Access to Construction, Transport, Electricity Facilities to Develop Electronic Communications Networks”;

in [Article 30(1)](https://zakon.rada.gov.ua/laws/show/280/97-%25252525D0%25252525B2%25252525D1%2525252580%252523n316):

subpoint 18 of point “a” shall be replaced by the following:

“18) arranging for a non-discriminatory access of electronic communications networks and/or services providers, their authorised persons to the infrastructure of communally owned construction, transport electric power facilities, electronic communications cable duct systems and house distribution networks on a basis of contracts with enterprises on the books of which this infrastructure is recorded”;

subpoint 13 of point “б” shall be replaced by the following:

“13) exercising control over the compliance of communally owned enterprises with the requirements of the legislation with regard to ensuring, on a contractual basis, an unimpeded access of electronic communications networks and/or services providers, their authorised persons to the infrastructure of construction, transport electric power facilities, electronic communications cable duct systems and house distribution networks on their books, and over the accuracy of calculation of the access fees. Executive bodies of village, settlement and city councils shall be prohibited from delegating these control powers to economic operators”;

[subpoint 12](https://zakon.rada.gov.ua/laws/show/280/97-%25252525D0%25252525B2%25252525D1%2525252580%252523n1340) of point “a” of Article 31(1) shall be replaced by the following:

“12) organisation of the development of infrastructure of communally owned construction and transport facilities for the purpose of installation of technical means of electronic communications to satisfy public needs for electronic communications services”;

2) in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/400/97-%25252525D0%25252525B2%25252525D1%2525252580) “On Mandatory State Pension Insurance Duty” (Bulletin of the Verkhovna Rada of Ukraine, 1997, No. 37, p. 237, as amended):

in [Article 1](https://zakon.rada.gov.ua/laws/show/400/97-%25252525D0%25252525B2%25252525D1%2525252580%252523n12):

in point 10 of the first paragraph:

in the first indent:

the first sentence shall be replaced by the following:

“10) enterprises, institutions, organisations, natural persons that use mobile communication services and do not provide electronic communications service (hereinafter referred to as “service end users”) as well as electronic communications services providers that provide mobile communication services to service end users free of charge”;

in the second sentence, the words “cellular communication” shall be replaced with the words “mobile communication”;

the second to fifth indents shall be replaced by the following:

“The mandatory state pension insurance duty shall not be paid by service end users in case of sending (generating) a charity electronic communication message.

For the purposes of this Law, mobile communication services shall include electronic communications services which are initiated and provided to the service end user with the use of his/her mobile terminal equipment that is radio equipment, may be freely relocated within all termination points of an electronic communications network and is connected to them with the use of radio communication.

‘Radio communication’ means electronic communications made using radio spectrum.

‘Roaming’ means a mobile communication service that enables service end users of one electronic communications services provider receive, with or without filing any previous request, a service in the area of coverage of another electronic communications services provider, both in the territory of Ukraine (national roaming) and abroad”;

in the second paragraph, the words “cellular mobile communication” shall be replaced with the words “mobile communication”;

paragraph 3 shall be added to read as follows:

“The terms [‘electronic communications service’](https://zakon.rada.gov.ua/laws/show/1089-20%252523n40), [‘public electronic communications network’](https://zakon.rada.gov.ua/laws/show/1089-20%252523n39), [‘electronic communications operator’](https://zakon.rada.gov.ua/laws/show/1089-20%252523n85), [‘electronic communications services provider’](https://zakon.rada.gov.ua/laws/show/1089-20%252523n102), [‘traffic transmission’](https://zakon.rada.gov.ua/laws/show/1089-20%252523n107) shall be used in this Law as defined in the Law of Ukraine “On Electronic Communications”;

in [point 9](https://zakon.rada.gov.ua/laws/show/400/97-%25252525D0%25252525B2%25252525D1%2525252580%252523n61) of Article 2:

the first indent shall be replaced by the following:

“9) for duty payers set out in point 10 of Article 1 of this Law, the value of any mobile communication services paid by end-users of those services to the electronic communications services provider that provides them, including the value of incoming and outgoing telephone calls, the subscription fee, the roaming rate, the amount of the insurance deposit, the advance referred to in the mobile communication bill”;

in the second indent, the words “cellular mobile communication” shall be replaced with the words “mobile communication” and the words “by the electronic communications services provider” shall be added;

the third and fourth indents shall be replaced by the following:

«If the electronic communications services provider provides mobile communication services to the service end user free of charge, the taxable item shall be the value of those services calculated based on the regular rates (tariffs) of that electronic communications services provider, except in case of sending (generating) a charity electronic communication message.

If the electronic communications operator lets technical means of electronic communications, electronic communications facilities or an electronic communications network out for lease (financial lease) or transfers those facilities for other uses to the electronic communications services provider that provides mobile communication services to service end users, the taxable item shall be only mobile communication services provided by that provider to those service end users”;

in the seventh indent, the words “communications network” shall be replaced with the words “electronic communications network”;

the ninth to eleventh indents shall be replaced by the following:

“the amounts paid by one electronic communications services provider to another provider, including a foreign one, in particular, as a compensation for the value of roaming services (or coverage of negative roaming settlement balance), as a fee for traffic transmission, access to an electronic communications network, infrastructure, means and/or services for the purpose of using them for providing services to service end users or other electronic communications services providers;

the value of services related to sending (generating) a charity electronic communication message.

In case of receipt of a charity electronic communication message, the amounts of the mandatory state pension insurance duty, based on the amount transferred by the electronic communications services provider that provides mobile communication services to a non-profit organisation, including a charity (apart from political parties and credit unions), or to a territorial community, shall be set by that electronic communications services provider against a decrease in current duty payments during the current reporting period”;

the twelfth indent shall be added to read as follows:

“The duty amounts paid to the state budget from a part of advance payments for mobile communication services, which were returned to service end users or used by them for payment for goods or services that are not mobile communication services, shall be set against a decrease in current mandatory state pension insurance duty payments during the current reporting period”;

3) [Article 6(3)](https://zakon.rada.gov.ua/laws/show/2365-14%252523n47) of the Law of Ukraine “On Political Parties in Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 23, p. 118, as amended) shall be supplemented with point 13 to read as follows:

“13) members of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”;

4) [the fourth indent](https://zakon.rada.gov.ua/laws/show/2346-14%252523n68) of point 1.24 of Article 1 of the Law of Ukraine “On Payment Systems and Money Transfer in Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 29, p. 137; 2016, No. 47, p. 798) shall be replaced by the following:

“This Law shall not apply to transaction of electronic communications services providers related to a transfer of money for charitable purposes which were collected through public collection of charitable donations using electronic communication charity messages and charitable collection under an agreement concluded between the electronic communications services provider and a non-for-profit organisation, including a charity (except for political parties and credit unions), or a territorial community”;

*{Subpoint 5 of point 2 of Section III ceased to be in force in accordance with the Law*[No. 2722-IX of 03.11.2022](https://zakon.rada.gov.ua/laws/show/2722-20%252523n311)*}*

6) [Article 3(2)](https://zakon.rada.gov.ua/laws/show/1160-15%252523n28) 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, 2004, No. 9, p. 79, as amended) shall be supplemented with the seventeenth indent to read as follows:

“acts of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”;

7) [Article 18](https://zakon.rada.gov.ua/laws/show/116/95-%25252525D0%25252525B2%25252525D1%2525252580%252523n152) of the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2006, No. 17, p. 146, as amended) shall be supplemented with paragraph 11 to read as follows:

“11. The committee responsible for the issues of electronic communications, radio spectrum and postal services sectors submits for consideration to the Cabinet of Ministers of Ukraine the nominated members of the Competition Commission for recruiting of candidates for the positions of members of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services, in accordance with Article 8 of the Law of Ukraine “On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”;

8) [Article 2](https://zakon.rada.gov.ua/laws/show/877-16%252523n30) of the Law of Ukraine “On the Fundamental Principles of State Supervision (Control) in the Sphere of Economic Activity” (Bulletin of the Verkhovna Rada of Ukraine, 2007, No. 29, p. 389, as amended) shall be supplemented with paragraph 12:

“State supervision (control) of legal compliance in the areas of electronic communications, radio spectrum and postal services shall be exercised in accordance with the procedure laid down in this Law taking account of peculiarities set out in the Laws of Ukraine [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20) and [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14);

9) the second sentence of [Article 6(5)](https://zakon.rada.gov.ua/laws/show/2297-17%252523n47) of the Law of Ukraine “On Protection of Personal Data” (Bulletin of the Verkhovna Rada of Ukraine, 2010, No. 34, p. 481, as amended by the Law of Ukraine of 18 November 2021 No. 1907-IX) shall be deleted;

10) in [Article 24](https://zakon.rada.gov.ua/laws/show/3166-17%252523n353) of the Law of Ukraine “On Central Executive Authorities” (Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 38, p. 385, as amended):

the title and the first indent of paragraph 1, after the words “State Committee for Television and Radio Broadcasting of Ukraine”, shall be supplemented with the words “National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”;

paragraph 2 shall be supplemented with the fifth indent:

“the members of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services shall be appointed and dismissed in accordance with the procedure laid down in the Law of Ukraine “On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”;

11) in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/5073-17) “On Charity and Charitable Organisations” (Bulletin of the Verkhovna Rada of Ukraine, 2013, No. 25, p. 252, as amended):

in [point 4-1](https://zakon.rada.gov.ua/laws/show/5073-17%252523n235) of Article 1(1), the words “charity telecommunication message”, “telecommunications operator”, “telecommunications service” in all grammatical cases and numbers shall be replaced with the words “charity electronic communication message”, “electronic communications services provider”, “electronic communications service”, respectively, in the relevant grammatical case and number;

in [Article 7(1)](https://zakon.rada.gov.ua/laws/show/5073-17%252523n67), the words “telecommunication”, “charity telecommunication message” shall be replaced with the words “electronic communication”, “charity electronic communication message”, respectively;

in [Article 7-1](https://zakon.rada.gov.ua/laws/show/5073-17%252523n238), the words “charity telecommunication message”, “telecommunications operator”, “operator, “telecommunications service” in all grammatical cases and numbers shall be replaced with the words “charity electronic communication message”, “electronic communications services provider”, “provider”, “electronic communications service”, respectively, in the relevant grammatical case and number;

12) in [Article 21](https://zakon.rada.gov.ua/laws/show/794-18%252523n217) of the Law of Ukraine “On the Cabinet of Ministers of Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 13, p. 222, as amended):

paragraph 4 shall be supplemented with the second indent to read as follows:

“This paragraph shall not apply to the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”;

in the second indent of paragraph 6, the words “as well as of legal persons that own equity rights in those economic operators” shall be replaced with the words “of legal persons that own equity rights in those economic operators as well as the decisions of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”;

paragraph 7, after the fourth indent, shall be supplemented with a new indent to read as follows:

“The Cabinet of Ministers of Ukraine shall appoint and dismiss the members of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services in accordance with the procedure laid down in the Law of Ukraine “On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”.

Therefore, the fifth indent shall be deemed to be the sixth indent;

paragraph 8 shall be supplemented with the fourth indent to read as follows:

The specifics of the relations between the Cabinet of Ministers of Ukraine and the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services shall be governed by the Laws of Ukraine “On the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”, [“On Electronic Communications”](https://zakon.rada.gov.ua/laws/show/1089-20) and [“On Postal Service”](https://zakon.rada.gov.ua/laws/show/2759-14).

13) in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1700-18) “On Prevention of Corruption” (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 49, p. 2056, as amended):

[the note](https://zakon.rada.gov.ua/laws/show/1700-18%252523n1741) to Article 51**-3**, after the words “National Securities and Stock Market Commission”, shall be supplemented with the words “National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”;

[the note](https://zakon.rada.gov.ua/laws/show/1700-18%252523n573) to Article 56, after the words “National Energy and Utilities Regulatory Commission”, shall be supplemented with the words “National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services”;

14) in the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1834-19) “On Access to Construction, Transport, Electricity Facilities to Develop Telecommunications Networks” (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 11, p. 101, as amended): 101, as amended):

in the title of the [Law](https://zakon.rada.gov.ua/laws/show/1834-19), the words “Telecommunications Networks” shall be replaced with the words “Electronic Communications Networks”;

the title and the [first indent](https://zakon.rada.gov.ua/laws/show/1834-19%252523n71) of Article 10(1) shall be replaced by the following:

“**Article 10**. Powers of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services relating to the access to the infrastructure of the access object

1. The National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services shall exercise the following powers relating to the access to the infrastructure of the access object”;

in the text of the [Law](https://zakon.rada.gov.ua/laws/show/1834-19), the words “telecommunication network” in all grammatical cases and numbers shall be replaced with the words “electronic communications network” in the relevant grammatical case and number;

15) in the Law of Ukraine “On Electronic Communications” of 16 December 2020 [No. 1089-IX](https://zakon.rada.gov.ua/laws/show/1089-20):

[points 61](https://zakon.rada.gov.ua/laws/show/1089-20%252523n76) and [104](https://zakon.rada.gov.ua/laws/show/1089-20%252523n121) of Article 2(1) shall be replaced by the following:

“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”;

“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 6(1)(15)](https://zakon.rada.gov.ua/laws/show/1089-20%252523n234) shall be replaced by the following:

“15) establishing, if necessary, quality indicators for electronic communications services and their parameters in accordance with Article 111(4) of this Law”;

in [Article 10](https://zakon.rada.gov.ua/laws/show/1089-20%252523n330):

paragraph 5 shall be replaced by the following:

“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.

in paragraph 8:

the third indent of point 1 shall be replaced by the following:

“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”;

in point 9, the words “monitoring and detection of radio interferences” shall be replaced with the words “monitoring, works/ measures related to detection of sources of radio interferences or monitoring of the quality of electronic communications services”;

[the sixth indent](https://zakon.rada.gov.ua/laws/show/1089-20%252523n561) of Article 20(3) shall be replaced by the following:

“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”;

[point 3](https://zakon.rada.gov.ua/laws/show/1089-20%252523n852) of Article 41(2) shall be replaced by the following:

“3) ensuring quality indicators for electronic communications services”;

in [Article 45](https://zakon.rada.gov.ua/laws/show/1089-20%252523n918):

the heading shall be replaced by the following:

“**Article 45.** Activities of the state-owned enterprise managed by the regulatory authority

in paragraph 1:

the first indent shall be replaced by the following:

“1. The state-owned enterprise managed by the regulatory authority shall have the right to perform the following activities:

point 2**-1** shall be added:

“2**-1**) monitor the quality of electronic communications services in accordance with the procedure set out by the regulatory authority”;

paragraph 5 shall be added to read as follows:

“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”;

in [point 3](https://zakon.rada.gov.ua/laws/show/1089-20%252523n943) of Article 46(2), the words “parameters” shall be replaced with the word “indicators”;

in [Article 51](https://zakon.rada.gov.ua/laws/show/1089-20%252523n1044):

in the fifth indent of paragraph 3, the words “within two months before” shall be replaced with the words “within six months before” and the words “as accompanied by the assessment provided for in paragraph 2 of this Article”;

paragraph 4 shall be supplemented with the second indent to read as follows:

“In case when the Regulatory Authority fails to conduct an assessment referred to in paragraph 2 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”;

in [Article 56(3)](https://zakon.rada.gov.ua/laws/show/1089-20%252523n1156), the words “within two years” shall be replaced with the words “no later than two years before”;

in [point 4](https://zakon.rada.gov.ua/laws/show/1089-20%252523n1177) of Article 57(4), the word and digits “Article 59” shall be replaced with the words and digit “Article 56”;

in the [sixth indent](https://zakon.rada.gov.ua/laws/show/1089-20%252523n1186) of Article 58(2), the words and digits “Article 48(3)” shall be replaced with the words and digits “Article 48(2)”;

[point 2](https://zakon.rada.gov.ua/laws/show/1089-20%252523n1586) of Article 80(1) shall be supplemented with the words “except when such access to the own number is limited by the service user”;

in [Article 88(1)](https://zakon.rada.gov.ua/laws/show/1089-20%252523n1664), the words “construction facilities” shall be replaced with the words “physical (passive) electronic communications infrastructure”;

[Article 91(6)](https://zakon.rada.gov.ua/laws/show/1089-20%252523n1734), after the word “established”, shall be supplemented with the words “in accordance with this Law”;

in [Article 104(7)](https://zakon.rada.gov.ua/laws/show/1089-20%252523n1904), the words “charity telecommunication message” shall be replaced with the words “charity electronic communication message”;

in [Article 105](https://zakon.rada.gov.ua/laws/show/1089-20%252523n1911):

in the first indent of paragraph 1, the words “and during the provision of services” shall be deleted;

in point 1 of paragraph 2, the words “measures of the values of the parameters” shall be replaced with the words “values of the parameters”;

in point 3 of paragraph 4, the words “reception and” and the word “own” shall be deleted;

paragraph 7 shall be replaced by the following:

“7. The information referred to in paragraphs 1 to 4 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 of this Law”;

Article 106(4) shall be replaced by the following:

“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”;

in [Article 111](https://zakon.rada.gov.ua/laws/show/1089-20%252523n2025):

paragraph 3 shall be replaced by the following:

“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 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 of this Article, the form and manner of its publication by electronic communications services providers shall be determined by the Regulatory Authority.

paragraph 6 shall be added:

“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.

the second sentence of [Article 115(3)](https://zakon.rada.gov.ua/laws/show/1089-20%252523n2090) shall be replaced by the following: “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”;

in [point 5](https://zakon.rada.gov.ua/laws/show/1089-20%252523n2187) of Article 125(1), the word “indicators” shall be replaced with the words “parameters of indicators”;

in [Section XIX](https://zakon.rada.gov.ua/laws/show/1089-20%252523n2243) “Final and Transitional Provisions”:

[point 1](https://zakon.rada.gov.ua/laws/show/1089-20%252523n2244) shall be supplemented with words “virtual In figures”;

“except for the first to fourteenth indents of subpoint 47 of point 3 of this Section that shall come into force on 1 July 2022”;

[subpoint 14](https://zakon.rada.gov.ua/laws/show/1089-20%252523n2286) of point 3 shall be deleted;

3. Until the legislation of Ukraine is aligned with this Law and the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20) “On Electronic Communications”, other laws and regulations shall apply insofar as they do not conflict with this Law and the [Law of Ukraine](https://zakon.rada.gov.ua/laws/show/1089-20%252523n3) “On Electronic Communications”.

4. It shall be established that, from the effective date of this Law, the National Regulatory Commission for Communications and Informatization shall acquire the status of a central executive authority with a special status, the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services, which shall neither require implementation of any procedures related to liquidation and reorganisation of public authorities nor require transfer, dislocation, taking any other actions or making any other decisions in respect of the employment relations with the employees of the National Regulatory Commission for Communications and Informatization, who, as of the effective date of this Law, hold positions in the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services.

5. Persons holding positions of the Chairpersons and members of the state collegial body, the National Regulatory Commission for Communications and Informatization, as of the effective date of this Law, shall continue exercising their powers during the period that is equal to the difference between six years and their tenure until the effective date of this Law.

6. The National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services shall be a legal successor of the National Regulatory Commission for Communications and Informatization.

7. The activity of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services in 2022 shall be supported within the limits of expenditure allocated to the National Regulatory Commission for Communications and Informatization.

8. The Cabinet of Ministers of Ukraine shall:

approve the composition of the Competition Commission for recruiting of candidates for the position of a member of the National Regulatory Commission for Electronic Communications, Radio Spectrum and Postal Services, and publish it on its official website:

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;

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 2021**

**No. 1971-IX**