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ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in the Association Committee in Trade configuration established by 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 as regards the modification of Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to that Agreement

ATTACHMENT

DRAFT
DECISION No X/2025
OF THE EU-UKRAINE ASSOCIATION COMMITTEE
IN TRADE CONFIGURATION

of xxx 2025

modifying Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to 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

THE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION (hereafter referred to as the "Trade Committee"),

Having regard to 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, and in particular Article 465(3) thereof and Article 11 of Annex XVII thereto,

Whereas:

(1) 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 (the 'Agreement') entered into force on 1 September 2017.

(2) Article 1(2), point (d), of the Agreement provides that the aim of the Agreement is, *inter alia*, to support Ukrainian efforts to complete the transition into a functioning market economy by means of, *inter alia*, the progressive approximation of its legislation to that of the Union.

(3) In Article 124 of the Agreement, the Parties recognise the importance of the approximation of Ukraine's existing legislation to that of the Union in the telecommunication services sector. Ukraine committed to ensure that its existing laws and future legislation are made compatible with the Union *acquis*. Such approximation is foreseen to gradually extend to all the elements of the Union *acquis* referred to in Appendices XVII-2 to XVII-5 of Annex XVII to the Agreement and should, once the conditions for it have been fulfilled, lead to Ukraine's gradual integration in the internal market of the Union, notably through the reciprocal granting of internal market treatment in accordance with Article 4(3) of Annex XVII to the Agreement.

(4) Ukraine requested further integration with regard to roaming on public mobile communications networks in the Union, in particular internal market treatment for the purpose of roaming on public mobile communications networks.

(5) In order to enable Ukraine's gradual transition to full enactment and complete and full implementation of the applicable provisions for the telecommunications sector, in particular those on roaming on public mobile communications networks, Decision

1/2023 of the EU-Ukraine Association Committee in Trade Configuration([1]) complemented Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Agreement with the relevant Union acts relating to roaming on public mobile communications networks.

(6) Pursuant to Article 4(2) of Annex XVII to the Agreement, on 7 November 2024 Ukraine notified the Union that it considered that the conditions for enacting and implementing the Union *acquis* were met and requested the Union to carry out a comprehensive assessment in the sector of roaming on public mobile communications networks.

(7) Based on the regular assessments and monitoring pursuant to Appendix XVII-6 and the ongoing assessment under Article 4(2) of Annex XVII and taking into account the impact of the ongoing Russian war of aggression against Ukraine, it is appropriate to introduce certain additional specific adaptations to Part A of Appendix XVII-3.

(8) In view of the particular difficulties faced by Ukraine, as a result of the Russian war of aggression, it is appropriate to grant Ukraine additional time to fully implement Article 7(2), Article 8(1), and Article 30(6) of Directive (EU) 2018/1972 of the European Parliament and of the Council([2]),without postponing the possibility of an eventual decision by the Trade Committee to grant internal market treatment for roaming pursuant to Article 4(3) of Annex XVII.

(9) The adaptations to Article 7(2), Article 8(1), and Article 30(6) of Directive (EU) 2018/1972 provide a specific deadline within which Ukraine needs to take further action in view of fully satisfying its obligations on regulatory approximation. It should be clarified that in the event of granting internal market treatment pursuant to Article 4(3) of Annex XVII to the Agreement for roaming on public mobile communication networks, Article 5(4) to (6) of Annex XVII to the Agreement applies *mutatis mutandis* to the specific adaptations to Article 7(2), Article 8(1), and Article 30(6) of Directive (EU) 2018/1972.

(10) Certain provisions of Directive (EU) 2018/1972, Regulation (EU) 2022/612 of the European Parliament and of the Council([3]), Regulation (EU) 2018/1971 of the European Parliament and of the Council([4]), Commission Implementing Regulation (EU) 2016/2286([5]) and Commission Delegated Regulation (EU) 2021/654([6]) are not

([1]) Decision 1/2023 of the EU-Ukraine Association Committee in trade configuration of 24 April 2023 modifying Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to 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 [2023/930] (OJ L 123 of 8.5.2023, p. 38, ELI: https://eur-lex.europa.eu/eli/dec/2023/930/oj).

([2]) Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, ELI: http://data.europa.eu/eli/dir/2018/1972/oj).

([3]) Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union (OJ L 115, 13.4.2022, p. 1, ELI: https://eur-lex.europa.eu/eli/reg/2022/612/oj).

([4]) Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009 (OJ L 321, 17.12.2018, p. 1, ELI: https://eur-lex.europa.eu/eli/reg/2018/1971/oj).

([5]) Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for

relevant for the purpose of Ukraine's obligations on regulatory approximation in the roaming service subsector. To ensure legal certainty, it is appropriate to specify which provisions are relevant in Appendix XVII-3. This is done without prejudice to Ukraine's obligation to implement Directive (EU) 2018/1972 fully and completely for the purpose of an eventual decision by the Trade Committee to grant internal market treatment for telecommunication services pursuant to Article 4(3) of Annex XVII.

(11) The due date for Ukraine's implementation of Directive (EU) 2018/1972 has lapsed on 31 December 2024. It is therefore necessary to set a new timetable in view of Ukraine's specific circumstances.

(12) After a granting of internal market treatment for roaming, the average wholesale roaming charges set out in Regulation (EU) 2022/612 and the termination rates set out in Commission Delegated Regulation (EU) 2021/654 may be subject to amendments. To ensure reciprocity with respect to the level of average wholesale roaming charges or termination rates applicable between undertakings during the period necessary for Ukraine to transpose and implement any amendments into its domestic legal system, it is necessary to provide specific rules for the date of applicability of the rules for amended average wholesale roaming charges or termination rates.

(13) The approach adopted by Ukraine in transposing and implementing the Union regulations referred to in Part A of Appendix XVII-3, has led to certain textual discrepancies between the the Union Regulations and the acts incorporating them in the Ukrainian legal order. It is thus necessary to provide that, in the event of a conflict, the text of the Union Regulations prevails over the text of the act(s) incorporating them in the Ukrainian legal order.

HAS ADOPTED THIS DECISION:

Article 1

Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Agreement is hereby modified as set out in the Annex to this Decision.

Article 2

This Decision has been established in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each text being equally authentic.

Article 3

This Decision shall enter into force on the date of its adoption.

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the purposes of that assessment (OJ L 344, 17.12.2016, p. 46, ELI: https://eur-lex.europa.eu/eli/reg_impl/2016/2286/oj).

([6]) Commission Delegated Regulation (EU) 2021/654 of 18 December 2020 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate (OJ L 137, 22.4.2021, p. 1, ELI: https://eur-lex.europa.eu/eli/reg_del/2021/654/oj).

Done at Brussels, [date]

For the Association Committee in Trade configuration

Léon DELVAUX	*Mariella Cantagalli*
	Oleksandra NECHYPORENKO
The Chair	*The secretaries*

ANNEX

Part A of Appendix XVII-3 is replaced with the following text:

A. Overall European electronic communications policy

Directive (EU) 2018/1972 of the European Parliament and of the Council([7]).

– take appropriate and proportionate legislative, technical and organisational measures, taking into account the framework of measures presented in the 'Cybersecurity of 5G networks EU Toolbox of risk mitigating measures' published following Commission Recommendation (EU) 2019/534([8]), when it comes to appropriately managing the risks posed to the security of networks and services.

Without prejudice to Ukraine's obligation to implement Directive (EU) 2018/1972 fully and completely for the purpose of an eventual decision by the Trade Committee to grant internal market treatment for telecommunication services pursuant to Article 4(3) of Annex XVII, for the purpose of an eventual decision by the Trade Committee to grant internal market treatment for roaming pursuant to Article 4(3) of Annex XVII:

– as regards the political independence and accountability of the national regulatory authority of Ukraine, Article 8(1) shall be fully implemented within 5 years from the date specified in an eventual decision by the Trade Committee for the granting of internal market treatment for roaming pursuant to Article 4(3) of Annex XVII. In particular, measures aimed at abolishing the obligation for regulatory legal acts of the national regulatory authority of Ukraine to undergo the procedure of state registration by the Ministry of Justice of Ukraine shall be adopted. This adaptation is without prejudice to Ukraine's obligation to implement all other requirements set out in Article 8(1).

– as regards the termination conditions of the mandate of the college members of the national regulatory authority of Ukraine, Article 7(2) shall be fully implemented within 5 years from the date specified in an eventual decision by the Trade Committee for the granting of internal market treatment for roaming pursuant to Article 4(3) of Annex XVII.

– as regards the power of the national regulatory authority of Ukraine to take urgent interim measures to remedy the situation in advance of reaching a final decision, where it has evidence of a breach of the conditions of the general authorisation, Article 30(6) shall be fully implemented within 5 years from the date specified in an eventual decision by the Trade Committee for the granting of internal market treatment for roaming pursuant to Article 4(3) of Annex XVII. This adaptation is without prejudice to Ukraine's obligation to implement all other requirements set out in Article 30(6).

In the event the reciprocal granting of internal market treatment pursuant to Article 4(3) of Annex XVII to the Agreement for roaming on public mobile communication networks

([7]) Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36, ELI: https://eur-lex.europa.eu/eli/dir/2018/1972/oj).

([8]) Commission Recommendation (EU) 2019/534 of 26 March 2019 Cybersecurity of 5G networks (C/2019/2335) (OJ L 88, 29.3.2019, p. 42, ELI: https://eur-lex.europa.eu/eli/reco/2019/534/oj).

precedes the expiry of the deadlines set out in points 1 to 3 above, Article 5(4) to (6) applies *mutatis mutandis*.

Without prejudice to Ukraine's obligation to implement Directive (EU) 2018/1972 fully and completely for the purpose of an eventual decision by the Trade Committee to grant internal market treatment for telecommunication services pursuant to Article 4(3) of Annex XVII, for the purpose of an eventual decision by the Trade Committee to grant internal market treatment for roaming pursuant to Article 4(3) of Annex XVII the following provisions of Directive (EU) 2018/1972 need to be implemented:

- Article 1 - Subject matter, scope and aims,
- Article 2 - Definitions, points (1) and (2), (4) to (11), (13) to (16), (22), (27) to (34), (36), and (38) to (40),
- Article 3 - General objectives,
- Article 5 - National regulatory and other competent authorities,
- Article 6 - Independence of national regulatory and other competent authorities,
- Article 7 - Appointment and dismissal of members of national regulatory authorities,
- Article 8 - Political independence and accountability of the national regulatory authorities,
- Article 9 - Regulatory capacity of national regulatory authorities,
- Article 10 - Participation of national regulatory authorities in BEREC,
- Article 11 - Cooperation with national authorities,
- Article 12 - General authorisation of electronic communications networks and services
- Article 13 - Conditions attached to the general authorisation and to the rights of use for radio spectrum and numbering resources, and specific obligations, except all mentions to the rights of use for radio spectrum and numbering resources and the cross references to Article 45, Article 51, Article 62, Article 68, Article 83, and Article 94,
- Article 14 - Declarations to facilitate the exercise of rights to install facilities and rights of interconnection,
- Article 15 - Minimum list of rights derived from the general authorisation,
- Article 16 – Administrative charges,
- Article 17 - Accounting separation and financial reports,
- Article 18 - Amendment of rights and obligations, except all mentions to the rights of use for radio spectrum, numbering resources and to install facilities,
- Article 19 - Restriction or withdrawal of rights, except all mentions to the rights of use for radio spectrum, numbering resources and to install facilities,
- Article 20 - Information request to undertakings,
- Article 21 - Information required with regard to the general authorisation, rights of use and specific obligations, except all mentions to rights of use and specific

obligations and the cross references to Article 13(2), Article 22, and Annex I, parts D and E,

- Article 23 - Consultation and transparency mechanism, except (2) and the cross references to Article 32(10), and Article 45(4) and (5),
- Article 24 - Consultation of interested parties,
- Article 25 - Out-of-court dispute resolution,
- Article 26 - Dispute resolution between undertakings,
- Article 27 - Resolution of cross-border disputes, (1) and (2), and (4) to (6),
- Article 29 - Penalties, (1),
- Article 30 - Compliance with the conditions of the general authorisation or of rights of use for radio spectrum and for numbering resources and compliance with specific obligations, except all mentions to the rights of use for radio spectrum and numbering resources and the cross references to Article 4, Article 13(2), Article 45(1), Article 47, Article 67, and Article 69,
- Article 31 - Right of appeal,
- Article 59 - General framework for access and interconnection,
- Article 60 - Rights and obligations of undertakings, (1) and (2)
- Article 61 - Powers and responsibilities of the national regulatory and other competent authorities with regard to access and interconnection, (1), (2) points (a) to (c), (3), (5), and (6),
- Article 75 - Termination rates, (2) and (3),
- Article 93 - Numbering resources, the first subparagraph of (5),
- Article 97 - Access to numbers and services,
- Article 99 - Non-discrimination,
- Article 100 - Fundamental rights safeguard,
- Article 108 - Availability of services,
- Article 111 - Equivalent access and choice for end-users with disabilities,
- Article 120 - Publication of information,
- Article 122 - Review procedures, the second and third subparagraphs of (1),
- Annex I - List of conditions which may be attached to general authorisations, rights of use for radio spectrum and rights of use for numbering resources, parts A to C,
- Annex III - Criteria for the determination of wholesale voice termination rates.

Timetable: without prejudice to the specific deadlines related to provisions relevant for internal market treatment for roaming, the provisions of Directive (EU) 2018/1972 shall be implemented by 31 December 2028.

Regulation (EU) 2015/2120 of the European Parliament and of the Council([9]).

– implement Articles 2 to 6 of Regulation (EU) 2015/2120.

Timetable: the provisions of Regulation (EU) 2015/2120 shall be implemented by 31 December 2025.

Commission Directive 2002/77/EC([10]).

– monitor fair competition in the electronic communications markets, in particular concerning cost oriented prices for services.

Directive 98/84/EC of the European Parliament and of the Council([11]).

Timetable: the provisions of the above acts shall be implemented within 2 years of the entry into force of this Agreement.

Directive 2000/31/EC of the European Parliament and of the Council([12]).

Directive 2000/31/EC covers all information society services, both business to business and business to consumer, i.e. any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of a service.

Timetable: the provisions of Directive 2000/31/EC shall be implemented within 3 years of the entry into force of this Agreement.

Directive 2014/61/EU of the European Parliament and of the Council([13]).

([9]) Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1, ELI: https://eur-lex.europa.eu/eli/reg/2015/2120/oj).

([10]) Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17/09/2002, p. 21, ELI: https://eur-lex.europa.eu/eli/dir/2002/77/oj).

([11]) Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access (OJ L 320, 28.11.1998, p. 54, ELI: https://eur-lex.europa.eu/eli/dir/1998/84/oj).

([12]) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1, ELI: https://eur-lex.europa.eu/eli/dir/2000/31/oj).

([13]) Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks (OJ L 155, 23.5.2014, p. 1, ELI: http://data.europa.eu/eli/dir/2014/61/oj).

Timetable: the provisions of Directive 2014/61/EU shall be implemented by 31 December 2021.

Regulation (EU) 2022/612 of the European Parliament and of the Council([14]).

The provisions of the Regulation (EU) 2022/612 shall, for the purposes of this Agreement, be read with the following adaptation: Article 1(4) refers to reference exchange rates published by the European Central Bank in the Official Journal of the European Union. For as long as the European Central Bank does not publish exchange rates for the Ukrainian hryvnia, exchange rates between the euro and the Ukrainian hryvnia published by the National Bank of Ukraine shall be used for the purposes of applying Article 1(4). The reference periods and conditions laid down in Article 1(4) remain unchanged.

Implement all provisions with the exception of:

– Article 1 - Subject matter and scope, (5),
– Article 3 - Wholesale roaming access, (8),
– Article 4 - Provision of regulated retail roaming services, (3),
– Article 7 - Implementation of fair use policy and of sustainability mechanism, (1) to (3) and (5). The exception regarding Article 7(1) to (3) is without prejudice to Ukraine's obligation to implement the Implementing Acts on the application of fair use policies, the methodology for assessing sustainability of the provision of retail roaming services at domestic prices and the application to be submitted by a roaming provider for the purpose of the assessment of the sustainability,
– Article 8 - Exceptional application of retail surcharges for the consumption of regulated retail roaming services and provision of alternative tariffs, (6),
– The first and third subparagrphs of Article 16 – Database of numbering ranges for value-added services and means of access to emergency services,
– Article 20 - Committee procedure,
– Article 21 - Review,
– Article 23 - Repeal.

In case any of the average wholesale charge set out in Article 9(1), Article 10(1), or Article 11(1) of the Regulation (EU) 2022/612 is amended after an eventual decision by the Trade Committee to grant internal market treatment for roaming pursuant to Article 4(3) of Annex XVII, its compulsory application for the purposes of this Agreement starts on the same date for both Parties. This is either the date of the entry into force of the Regulation (EU) 2022/612 amendment(s) or the date of entry into force of the fully compliant Ukraine's legislation implementing the Regulation (EU) 2022/612 amendment(s), following its confirmation by the assessment pursuant to Article 5(4) of Annex XVII, whichever date is last, or other date of

([14]) Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union (recast) (OJ L 115, 13.4.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/612/oj).

entry into force agreed by both Parties to avoid the retroactive application effect. Until the mentioned date, the previously regulated charges remain applicable for the purposes of this Agreement.

Without prejudice to Article 2(1) and Article 2(2) of Annex XVII, in the event of discrepancies between the text of the Regulation (EU) 2022/612 and the act(s) incorporating it in the Ukrainian legal order, the text of the Regulation (EU) 2022/612 shall prevail.

Timetable: the provisions of Regulation (EU) 2022/612 shall be implemented within 12 months after the date of entry into force of Decision [1/2023].

Commission Implementing Regulation (EU) 2016/2286([15]).

Implement all provisions with the exception of:

- Article 12 - Review.

Without prejudice to Article 2(1) and Article 2(2) of Annex XVII, in the event of discrepancies between the text of the Implementing Regulation (EU) 2016/2286 and the act(s) incorporating it in the Ukrainian legal order, the text of the Implementing Regulation (EU) 2016/2286 shall prevail.

Timetable: the provisions of Implementing Regulation (EU) 2016/2286 shall be implemented within 12 months after the date of entry into force of Decision [1/2023].

Commission Delegated Regulation (EU) 2021/654([16]).

The provisions of the Delegated Regulation (EU) 2021/654 shall, for the purposes of this Agreement, be read with the following adaptations: Article 3(2) and (3) refer to reference exchange rates published by the European Central Bank in the Official Journal of the European Union. For as long as the European Central Bank does not publish exchange rates for the Ukrainian hryvnia, exchange rates between the euro and the Ukrainian hryvnia published by the National Bank of Ukraine shall be used for the purposes of applying Article 3(2) and (3). The reference periods and conditions laid down in Article 3(2) and (3) remain unchanged.

([15]) Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (C/2016/8784) (OJ L 344, 17.12.2016, p. 46, ELI: http://data.europa.eu/eli/reg_impl/2016/2286/oj).

([16]) Commission Delegated Regulation (EU) 2021/654 of 18 December 2020 supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate (C/2020/8703) (OJ L 137, 22.4.2021, p. 1, ELI: http://data.europa.eu/eli/reg_del/2021/654/oj).

In case any of the termination rate set out in Article 4(1) or Article 5(1) of the Delegated Regulation (EU) 2021/654 is amended after an eventual decision by the Trade Committee to grant internal market treatment for roaming pursuant to Article 4(3) of Annex XVII, its compulsory application for the purposes of this Agreement starts on the same date for both Parties. This is either the date of the entry into force of the Delegated Regulation (EU) 2021/654 amendment(s) or the date of entry into force of the fully compliant Ukraine's legislation implementing the Delegated Regulation (EU) 2021/654 amendment(s), following its confirmation by the assessment pursuant to Article 5(4) of Annex XVII, whichever date is last, or other date of entry into force agreed by both Parties to avoid the retroactive application effect. Until the mentioned date, the previously regulated termination rates remain applicable for the purposes of this Agreement.

Without prejudice to Article 2(1) and Article 2(2) of Annex XVII, in the event of discrepancies between the text of the Delegated Regulation (EU) 2021/654 and the act(s) incorporating it in the Ukrainian legal order, the text of the Delegated Regulation (EU) 2021/654 shall prevail.

Timetable: the provisions of Delegated Regulation (EU) 2021/654 shall be implemented before those of Regulation (EU) 2022/612 and within 11 months after the date of entry into force of Decision [1/2023], with the following exceptions:

– Article 1(2),

– With regard to national calls originated from and terminated to Ukrainian numbers in Ukraine, Article 1(3) shall become applicable within 3 years from the date specified in an eventual decision by the Trade Committee to grant internal market treatment for roaming pursuant to Article 4(3) of Annex XVII,

– Article 1(4) shall be implemented before an eventual decision by the Trade Committee to grant internal market treatment for telecommunications services pursuant to Article 4(3) of Annex XVII,

– Article 4(2) to (5),

– Article 5(2).

Regulation (EU) 2018/1971 of the European Parliament and of the Council([17]).

Implement the following provisions:

– Article 3 - Objectives of BEREC, (5),

– Article 4 - Regulatory tasks of BEREC, (4),

– Article 7 - Composition of the Board of Regulators, (1) to (3),

([17]) Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009 (OJ L 321, 17.12.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1971/oj).

– Article 8 - Independence of the Board of Regulators,
– Article 11 - Meetings of the Board of Regulators, (5),
– Article 12 - Voting rules of the Board of Regulators, (2),
– Article 15 - Composition of the Management Board, (1) to (3),
– Article 18 - Meetings of the Management Board, (5),
– Article 38 - Confidentiality, (2),
– Article 40 - Exchange of information, (1), (2), (4), and (5),
– Article 42 - Declarations of interests, (1) and (2).

The national regulatory authority of Ukraine with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services shall participate fully in the work of the Board of Regulators of BEREC, the working groups of BEREC and the Management Board of the BEREC Office. The national regulatory authority of Ukraine shall have the same rights and obligations as the national regulatory authorities of the EU Member States, except for the right to vote and for the Chairmanship of the Board of Regulators and of the Management Board.

In light thereof, the national regulatory authority of Ukraine shall be represented at an appropriate level in accordance with the provisions of the Regulation (EU) 2018/1971. In accordance with the relevant rules of the EU regulations mentioned above, BEREC and the BEREC Office shall, as the case may be, assist the national regulatory authority of Ukraine in the performance of its tasks.

The national regulatory authority of Ukraine shall take the utmost account of any guideline, opinion, recommendation, common position and best practices adopted by BEREC with the aim of ensuring the consistent implementation of the regulatory framework for electronic communications. For the purpose of internal market treatment for roaming pursuant to Article 4(3) of Annex XVII, the national regulatory authority of Ukraine shall take the utmost account of any guideline adopted by BEREC with the aim of ensuring the consistent implementation of the regulatory framework on roaming and shall provide reasons when deviating from such guideline.

Without prejudice to Article 2(1) and Article 2(2) of Annex XVII, in the event of discrepancies between the text of the Regulation (EU) 2018/1971 and the act(s) incorporating it in the Ukrainian legal order, the text of the Regulation (EU) 2018/1971 shall prevail.

Timetable: the provisions of Regulation (EU) 2018/1971 shall be implemented within 12 months after the date of entry into force of Decision [1/2023].