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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

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the Council decision establishing the position to be taken on the Union's behalf in the Association Committee in Trade configuration ('the Trade Committee') in connection with the envisaged adoption of a decision to modify 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 Agreement') on regulatory approximation. Based on regular assessments and monitoring pursuant to Appendix XVII-6 and the ongoing assessment under Article 4(2) of Annex XVII to the Agreement, as well as taking into account the impact of the ongoing Russian war of aggression against Ukraine, the proposed modifications aim at (i) clarifying the scope of the Union roaming *acquis*, (ii) allowing Ukraine additional time to fully implement three provisions of Directive (EU) 2018/1972 of the European Parliament and of the Council¹, (iii) providing a new timetable for Ukraine's implementation of Directive (EU) 2018/1972, (iv) providing the application of reciprocity for any new Union average wholesale roaming charge or termination rate set after an eventual decision of granting internal market treatment for roaming to Ukraine, and (v) ensuring the prevalence of Union Regulation texts over the act(s) incorporating them into Ukraine's legal order, in view of textual discrepancies.

2. CONTEXT OF THE PROPOSAL

2.1. The Association Agreement

The Agreement aims to establish conditions for enhanced economic and trade relations leading towards Ukraine's gradual integration in the Internal Market of the Union, including by setting up a Deep and Comprehensive Free Trade Area as stipulated in Title IV (Trade and Trade-related Matters) of the Agreement, and 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. The Agreement entered into force on 1 September 2017. Since then, Ukraine has requested further integration with the roaming sector in the European Union, in particular through internal market treatment for the purpose of roaming services. Granting internal market treatment will require approximation to the Union roaming *acquis* and the full enactment and complete and full implementation thereof in Ukrainian law.

2.2. The Association Committee in Trade configuration

Pursuant to Article 465(4) of the Agreement, all issues related to Title IV (Trade and Trade-related Matters) of the Agreement shall be addressed in the Trade Committee. According to Article 11 of Annex XVII to the Agreement, that Committee can take a decision to modify Annex XVII. Pursuant to Article 465(3), these decisions shall be binding upon the Parties, which shall take appropriate measures to implement them. The Trade Committee shall adopt its decisions by agreement between the Parties.

2.3. The envisaged act of the Association Committee in Trade configuration

The Trade Committee is to adopt a decision to modify Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII on regulatory approximation ('the envisaged act').

¹ 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>).

The purpose of the envisaged act is to modify the aforementioned Appendix of Annex XVII to the Agreement in order: (i) to clarify the scope of the Union roaming *acquis*, (ii) to grant Ukraine additional time to fully implement three provisions of Directive (EU) 2018/1972, part of the Union roaming *acquis*, (iii) to provide a new timetable for Ukraine's implementation of Directive (EU) 2018/1972, (iv) to ensure the application of reciprocity for any new Union average wholesale roaming charge or termination rate set after an eventual decision of granting internal market treatment for roaming to Ukraine, and (v) to ensure the prevalence of Union Regulation texts over the act(s) incorporating them into Ukraine's legal order, in view of textual discrepancies. This conforms to the objective of Ukraine's gradual regulatory approximation to the Union *acquis* as laid down in the preamble to the Agreement and Article 124 of the Agreement, which concerns regulatory approximation in electronic communications specifically.

The envisaged act will become binding on the parties in accordance with Article 11 of the Annex XVII to the Agreement, which provides that: 'The Trade Committee may decide to modify the provisions of this Annex XVII in case it deems necessary'. Furthermore, Article 465(3) of the Agreement provides that: 'The Association Committee shall have the power to adopt decisions in the cases provided for in this Agreement and in areas in which the Association Council has delegated powers to it. These decisions shall be binding upon the Parties, which shall take appropriate measures to implement them. The Association Committee shall adopt its decisions by agreement between the Parties'.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The position to be adopted on the Union's behalf is to support the adoption of the envisaged act by the Trade Committee.

Annex XVII to the Agreement provides for regular approximation between the Parties in several sectors, including telecommunication services. Once the approximation gradually extended to all elements of the Union *acquis* referred to Appendix XVII-3 is fulfilled, approximation may lead to Ukraine's gradual integration in the internal market of the Union, through the reciprocal granting of internal market treatment in accordance with Article 4(3) of Annex XVII to the Agreement. Ukraine requested further integration in the area of roaming. Decision 1/2023 of the EU-Ukraine Association Committee in Trade Configuration had complemented Appendix XVII-3 to the Agreement with the relevant acts relating to roaming. On 7 November 2024, Ukraine notified the Union that the conditions for enacting and implementing the Union *acquis* were met and requested a comprehensive assessment. Based on regular assessments and monitoring and the ongoing assessment under Article 4(2) of Annex XVII to the Agreement and taking into account the impact of the Russia's ongoing aggression against Ukraine, it is appropriate to introduce certain additional specific adaptations to Part A of Appendix XVII-3 and to grant Ukraine additional time to implement certain provisions, 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 to the Agreement, as well as to ensure legal certainty for certain specific provisions and setting a new timetable for the implementation of Directive (EU) 2018/1972.

Against this background, modifying Appendix XVII-3 (Rules applicable to telecommunication services) is necessary to clarify the scope of the Union roaming *acquis*. Certain provisions of the Union acts constituting the Union roaming *acquis*² are not relevant for a decision of granting

² Directive (EU) 2018/1972, 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>), 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>).

internal market treatment for roaming because, for instance, they are roaming-unrelated provisions, or they are setting obligations exclusively for the European Commission. Therefore, these provisions must be excluded from the transposition scope in view of an eventual decision of internal market treatment for roaming. It is important to mention that, due to its general applicability scope beyond the roaming subsector, in view of an eventual decision of internal market treatment for the telecommunications sector the full text of Directive (EU) 2018/1972 remains relevant for transposition.

Due to objective reasons affecting Ukraine's ability to undergo law-adoption processes under normal circumstances, it is necessary to grant Ukraine additional time to fully implement three provisions of Directive (EU) 2018/1972, part of the Union roaming *acquis*. There are Article 7(2), Article 8(1), and Article 30(6) of Directive (EU) 2018/1972. The implementation postponement of these provisions does not undermine the objectives pursued by an eventual decision of internal market treatment for roaming.

It is also necessary to provide a new timetable for Ukraine's implementation of Directive (EU) 2018/1972 since the previous one lapsed on 31 December 2024.

Moreover, it is necessary to ensure the application of reciprocity for any new Union average wholesale roaming charge or termination rate set after an eventual decision of granting internal market treatment for roaming to Ukraine. This is meant to ensure the same level playing field between the Union and Ukraine-based undertakings providing regulated international roaming services.

Finally, the approach adopted by Ukraine in transposing and implementing Union regulations under Part A of Appendix XVII-3 led to certain textual discrepancies between the Union Regulations and the acts incorporating them. It is therefore necessary to ensure the prevalence of Union Regulation texts over the act(s) incorporating them into Ukraine's legal order.

This decision implements the Union's common commercial policy towards an Eastern Partner country and candidate country, based on the provisions of the above-mentioned Association Agreement. It is consistent with the objective of Ukraine's gradual regulatory approximation to the Union *acquis* as laid down in the preamble to the Agreement.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union ('TFEU') provides for decisions establishing 'the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.'

The concept of 'acts having legal effects' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding

lex.europa.eu/eli/reg/2018/1971/oj), 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 (OJ L 344, 17.12.2016, p. 46, ELI: https://eur-lex.europa.eu/eli/reg_impl/2016/2286/oj), and 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).

effect under international law, but that are ‘capable of decisively influencing the content of the legislation adopted by the EU legislature’³.

4.1.2. Application to the present case

The Trade Committee is a body established by the Association Agreement. The decision the Association Committee in trade configuration shall adopt constitutes an act having legal effects. The envisaged act will be binding under international law in accordance with Article 465(3) of the Agreement. The envisaged act does not supplement or amend the institutional framework of the Agreement. Therefore, the procedural legal basis for the proposed Council decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

Article 207 TFEU is the legal basis for the Union's common commercial policy. In particular, the first subparagraph of Article 207(4) TFEU provides the legal basis for trade in services, with the exception of transport services, with regard to third countries including stipulations on the regulatory framework conditions for the supply of such services.

The main objective and content of the envisaged act relates to the Union's common commercial policy because the act concerns trade in telecommunication services with Ukraine. Therefore, the substantive legal basis of the proposed Council decision is Article 207 TFEU.

4.3. Conclusion

The legal basis of the proposed Council decision should be Article 207 TFEU in conjunction with Article 218(9) TFEU.

5. PUBLICATION OF THE ENVISAGED ACT

As the decision of the Association Committee will amend the Agreement, it is appropriate to publish it in the *Official Journal of the European Union* after its adoption.

³ Judgment of the Court of Justice of 7 October 2014, *Germany v Council*, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

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 part¹ ('the Agreement') entered into force on 1 September 2017.
- (2) Pursuant to Article 11 of Annex XVII to the Agreement, the Association Committee in Trade configuration may modify Annex XVII to that Agreement.
- (3) The Association Committee in Trade configuration should adopt the envisaged act on modifying Appendix XVII-3 (Rules applicable to telecommunication services) in the course of 2025.
- (4) As stated in the preamble to the Agreement and in accordance with Article 124 of the Agreement, the parties of the Agreement recognise the importance of the approximation of Ukraine's existing legislation to that of the European Union, meaning that Ukraine is to ensure that existing legislation and future legislation of Ukraine should gradually be made compatible with the Union *acquis*.
- (5) Ukraine has requested further integration with regards to the roaming sector in the European Union, in particular through internal market treatment for the purpose of roaming services.
- (6) Therefore, Part A of Appendix XVII-3 (Rules applicable to telecommunication services) of the Annex XVII to the Agreement should be modified in order to adapt to new circumstances and to ensure legal certainty.
- (7) To ensure legal certainty as regards the scope of the Union roaming *acquis* it should be specified which provisions are relevant for this purpose. In view of the particular difficulties it is facing, as a result of the Russian war of aggression, Ukraine should be granted additional time to fully implement the Union roaming *acquis*, where appropriate. Due to its timetable's expiration of implementing Directive (EU) 2018/1972 of the European

¹ OJ L 161, 29.5.2014, p. 3, ELI: http://data.europa.eu/eli/agree_international/2014/295/oj.

Parliament and of the Council², Ukraine should be provided with a new timetable in this respect. To ensure the application of reciprocity for any new Union's average wholesale roaming charges or termination rates, specific rules should be provided. In view of existing textual discrepancies, it should be ensured the prevalence of Union Regulation texts over the act(s) incorporating them into Ukraine's legal order.

- (8) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Association Committee in Trade configuration, as the envisaged act modifying Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Agreement will be binding upon the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the course of 2025 in the Association Committee in Trade configuration of 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 Part A of Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to that Agreement shall be based on the draft Decision of that Committee attached to this Decision.

Article 2

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President

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>).

LEGISLATIVE FINANCIAL AND DIGITAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Council decision on the position to be taken on the Union's behalf in the Association Committee in Trade configuration ('the Trade Committee') 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 on the modification of Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII of the Agreement.

1.2. Policy area(s) concerned

Common Commercial Policy; telecommunications services.

1.3. Objective(s)

1.3.1. General objective(s)

- Implementation of the Deep and Comprehensive Free Trade Area (DCFTA) 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 ('the Agreement').
- Ukraine's gradual regulatory approximation to the EU acquis.

1.3.2. Specific objective(s)

Specific objective No

- Under the DCFTA and considering the impact of the Russia's war of aggression on Ukraine's ability to undergo law-adoption processes, the initiative is to provide Ukraine additional time to fully implement the Union roaming acquis, where appropriate.
- Moreover, in view of some existing textual discrepancies, it should be ensured that the Union Regulation texts prevail over the act(s) incorporating them into Ukraine's legal order.

1.3.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

Regulatory approximation of Ukraine's law in the roaming area.
Preparation towards Ukraine's integration into the roam-like-at home area.

1.3.4. Indicators of performance

Specify the indicators for monitoring progress and achievements.

The modified Appendix XVII-3 sets the timetable for completing Ukraine's approximation for each listed legislative act, which acts as indicator to monitor progress in accordance with the Agreement.

1.4. The proposal/initiative relates to:

☐ a new action

- ☐ a new action following a pilot project / preparatory action⁶
- ☒ the extension of an existing action
- ☐ a merger or redirection of one or more actions towards another/a new action

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

The Act provides Ukraine additional time to fully implement the Union roaming acquis, where appropriate and as indicated in the proposed modification of Appendix XVII-3 to the Association Agreement.

1.5.2. Added value of EU involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this section 'added value of EU involvement' is the value resulting from EU action, that is additional to the value that would have been otherwise created by Member States alone.

Reasons for action at EU level (ex-ante)

- Implementation of Common Commercial Policy

Expected generated EU added value (ex-post)

- Implementation of Common Commercial Policy

1.5.3. Lessons learned from similar experiences in the past

1.5.4. Compatibility with the multiannual financial framework and possible synergies with other appropriate instruments

The proposed Act has no impact on the multi annual financial framework and the EU budget.

1.5.5. Assessment of the different available financing options, including scope for redeployment

⁶ As referred to in Article 58(2), point (a) or (b) of the Financial Regulation.

1.6. Duration of the proposal/initiative and of its financial impact

☐ limited duration

- ☐ in effect from [DD/MM]YYYY to [DD/MM]YYYY
- ☐ financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

☐ unlimited duration

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

1.7. Method(s) of budget implementation planned⁷

☐ Direct management by the Commission

- ☐ by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies

☐ Shared management with the Member States

☐ Indirect management by entrusting budget implementation tasks to:

- ☐ third countries or the bodies they have designated
- ☐ international organisations and their agencies (to be specified)
- ☐ the European Investment Bank and the European Investment Fund
- ☐ bodies referred to in Articles 70 and 71 of the Financial Regulation
- ☐ public law bodies
- ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees
- ☐ bodies or persons entrusted with the implementation of specific actions in the common foreign and security policy pursuant to Title V of the Treaty on European Union, and identified in the relevant basic act
- ☐ bodies established in a Member State, governed by the private law of a Member State or Union law and eligible to be entrusted, in accordance with sector-specific rules, with the implementation of Union funds or budgetary guarantees, to the extent that such bodies are controlled by public law bodies or by bodies governed by private law with a public service mission, and are provided with adequate financial guarantees in the form of joint and several liability by the controlling bodies or equivalent financial guarantees and which may be, for each action, limited to the maximum amount of the Union support.

⁷ Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: <https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx>.

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

2.2. Management and control system(s)

2.2.1. *Justification of the budget implementation method(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio between the control costs and the value of the related funds managed), and assessment of the expected levels of risk of error (at payment & at closure)*

2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

This initiative has no impact on the EU budget.

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. ⁸	from EFTA countries ⁹	from candidate countries and potential candidates ¹⁰	From other third countries	other assigned revenue
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries and potential candidates	from other third countries	other assigned revenue
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO

⁸ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

⁹ EFTA: European Free Trade Association.

¹⁰ Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of operational appropriations
- ☐ The proposal/initiative requires the use of operational appropriations, as explained below

3.2.1.1. Appropriations from voted budget

EUR million (to three decimal places)

Heading of multiannual financial framework		Number					
DG: <.....>			Year	Year	Year	Year	TOTAL MFF 2021-2027
			2024	2025	2026	2027	
Operational appropriations							
Budget line	Commitments	(1a)					0.000
	Payments	(2a)					0.000
Budget line	Commitments	(1b)					0.000
	Payments	(2b)					0.000
Appropriations of an administrative nature financed from the envelope of specific programmes ¹¹							
Budget line		(3)					0.000
	Commitments	= 1a+ 1b+3	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations for DG <.....>			0.000	0.000	0.000	0.000	0.000
			Year	Year	Year	Year	TOTAL MFF 2021-2027
			2024	2025	2026	2027	
TOTAL operational appropriations	Commitments	(4)	0.000	0.000	0.000	0.000	0.000
	Payments	(5)	0.000	0.000	0.000	0.000	0.000

¹¹

Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations under HEADING <...>			0.000	0.000	0.000	0.000	0.000	0.000
of the multiannual financial framework			0.000	0.000	0.000	0.000	0.000	0.000
• TOTAL operational appropriations (all operational headings)	Commitments	(4)	0.000	0.000	0.000	0.000	0.000	0.000
	Payments	(5)	0.000	0.000	0.000	0.000	0.000	0.000
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations Under Heading 1 to 6 of the multiannual financial framework (Reference amount)	Commitments		0.000	0.000	0.000	0.000	0.000	0.000
	Payments		0.000	0.000	0.000	0.000	0.000	0.000
TOTAL DG <...>			0.000	0.000	0.000	0.000	0.000	0.000

Heading of multiannual financial framework		7	'Administrative expenditure' ¹²				
DG: <.....>			Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021- 2027
• Human resources			0.000	0.000	0.000	0.000	0.000
• Other administrative expenditure			0.000	0.000	0.000	0.000	0.000
TOTAL DG <.....>		Appropriations	0.000	0.000	0.000	0.000	0.000

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The necessary appropriations should be determined using the annual average cost figures available on the appropriate BUDGpedia webpage.

DG: <.....>		Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021- 2027
• Human resources		0.000	0.000	0.000	0.000	0.000
• Other administrative expenditure		0.000	0.000	0.000	0.000	0.000
TOTAL DG <.....>		0.000	0.000	0.000	0.000	0.000
Appropriations						

TOTAL appropriations under HEADING 7 of the multiannual financial framework		(Total commitments = Total payments)	0.000	0.000	0.000	0.000
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EUR million (to three decimal places)

		Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
TOTAL appropriations under HEADINGS 1 to 7		0.000	0.000	0.000	0.000	0.000
of the multiannual financial framework		0.000	0.000	0.000	0.000	0.000

3.2.1.2. Appropriations from external assigned revenues

EUR million (to three decimal places)

Heading of multiannual financial framework	Number
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DG: <.....>		Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
Operational appropriations						
Budget line	Commitments	(1a)				0.000
	Payments	(2a)				0.000
Budget line	Commitments	(1b)				0.000

of the multiannual financial framework		Payments	=5+6	0.000	0.000	0.000	0.000	0.000	0.000
• TOTAL operational appropriations (all operational headings)		Commitments	(4)	0.000	0.000	0.000	0.000	0.000	0.000
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		Payments	(5)	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations under Headings 1 to 6			(6)	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations under Headings 1 to 6		Commitments	=4+6	0.000	0.000	0.000	0.000	0.000	0.000
of the multiannual financial framework (Reference amount)		Payments	=5+6	0.000	0.000	0.000	0.000	0.000	0.000

Heading of multiannual financial framework	7	'Administrative expenditure' ¹⁴
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EUR million (to three decimal places)

DG: <.....>	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
• Human resources	0.000	0.000	0.000	0.000	0.000
• Other administrative expenditure	0.000	0.000	0.000	0.000	0.000
TOTAL DG <.....>	0.000	0.000	0.000	0.000	0.000

DG: <.....>	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
• Human resources	0.000	0.000	0.000	0.000	0.000

¹⁴

The necessary appropriations should be determined using the annual average cost figures available on the appropriate BUDGpedia webpage.

• Other administrative expenditure		0.000	0.000	0.000	0.000	0.000	0.000
TOTAL DG <.....>		Appropriations	0.000	0.000	0.000	0.000	0.000

TOTAL appropriations under HEADING 7 of the multiannual financial framework		(Total commitments = Total payments)	0.000	0.000	0.000	0.000	0.000
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EUR million (to three decimal places)

TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework		Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
		Commitments	0.000	0.000	0.000	0.000
	Payments	0.000	0.000	0.000	0.000	0.000

3.2.2. Estimated output funded from operational appropriations (not to be completed for decentralised agencies)

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs		Year 2024	Year 2025	Year 2026	Year 2027	Enter as many years as necessary to show the duration of the impact (see Section 1.6)						TOTAL
	OUTPUTS											
	Type ¹⁵	Average cost	Cost 0N	Cost 0N	Cost 0N	Cost 0N	Cost 0N	Cost 0N	Cost 0N	Cost 0N	Total No	Total cost
SPECIFIC OBJECTIVE No 1 ¹⁶ ...												
- Output												
- Output												

¹⁵

Outputs are products and services to be supplied (e.g. number of student exchanges financed, number of km of roads built, etc.).

¹⁶

As described in Section 1.3.2. 'Specific objective(s)'

[illegible]

3.2.3. Summary of estimated impact on administrative appropriations

- ☐ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☐ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below

3.2.3.1. Appropriations from voted budget

VOTED APPROPRIATIONS	Year	Year	Year	Year	TOTAL 2021 - 2027
	2024	2025	2026	2027	
HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other administrative expenditure	0.000	0.000	0.000	0.000	0.000
Subtotal HEADING 7	0.000	0.000	0.000	0.000	0.000
Outside HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000
Subtotal outside HEADING 7	0.000	0.000	0.000	0.000	0.000
TOTAL	0.000	0.000	0.000	0.000	0.000

3.2.3.2. Appropriations from external assigned revenues

EXTERNAL ASSIGNED REVENUES	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL 2021 - 2027
HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other administrative expenditure	0.000	0.000	0.000	0.000	0.000
Subtotal HEADING 7	0.000	0.000	0.000	0.000	0.000
Outside HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000
Subtotal outside HEADING 7	0.000	0.000	0.000	0.000	0.000
TOTAL	0.000	0.000	0.000	0.000	0.000

3.2.3.3. Total appropriations

TOTAL VOTED APPROPRIATIONS + EXTERNAL ASSIGNED REVENUES	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL 2021 - 2027
HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other administrative expenditure	0.000	0.000	0.000	0.000	0.000
Subtotal HEADING 7	0.000	0.000	0.000	0.000	0.000
Outside HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000

Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000
Subtotal outside HEADING 7	0.000	0.000	0.000	0.000	0.000
TOTAL	0.000	0.000	0.000	0.000	0.000

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together, if necessary, with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

3.2.4. Estimated requirements of human resources

- ☐ The proposal/initiative does not require the use of human resources
- ☐ The proposal/initiative requires the use of human resources, as explained below

3.2.4.1. Financed from voted budget

Estimate to be expressed in full-time equivalent units (FTEs)¹⁷

VOTED APPROPRIATIONS		Year 2024	Year 2025	Year 2026	Year 2027
• Establishment plan posts (officials and temporary staff)					
20 01 02 01 (Headquarters and Commission's Representation Offices)		0	0	0	0
20 01 02 03 (EU Delegations)		0	0	0	0
01 01 01 01 (Indirect research)		0	0	0	0
01 01 01 11 (Direct research)		0	0	0	0
Other budget lines (specify)		0	0	0	0
• External staff (inFTEs)					
20 02 01 (AC, END from the 'global envelope')		0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0
Admin. Support line [XX.01.YY.YY]	- at Headquarters	0	0	0	0
	- in EU Delegations	0	0	0	0
01 01 01 02 (AC, END - Indirect research)		0	0	0	0
01 01 01 12 (AC, END - Direct research)		0	0	0	0
Other budget lines (specify) - Heading 7		0	0	0	0
Other budget lines (specify) - Outside Heading 7		0	0	0	0
TOTAL		0	0	0	0

3.2.4.2. Financed from external assigned revenues

EXTERNAL ASSIGNED REVENUES		Year 2024	Year 2025	Year 2026	Year 2027
• Establishment plan posts (officials and temporary staff)					
20 01 02 01 (Headquarters and Commission's Representation Offices)		0	0	0	0
20 01 02 03 (EU Delegations)		0	0	0	0
01 01 01 01 (Indirect research)		0	0	0	0

¹⁷ Please specify below the table how many FTEs within the number indicated are already assigned to the management of the action and/or can be redeployed within your DG and what are your net needs.

01 01 01 11 (Direct research)	0	0	0	0
Other budget lines (specify)	0	0	0	0
• External staff (in full time equivalent units)				
20 02 01 (AC, END from the ‘global envelope’)	0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)	0	0	0	0
Admin. Support line [XX.01.YY.YY]	- at Headquarters	0	0	0
	- in EU Delegations	0	0	0
01 01 01 02 (AC, END - Indirect research)	0	0	0	0
01 01 01 12 (AC, END - Direct research)	0	0	0	0
Other budget lines (specify) - Heading 7	0	0	0	0
Other budget lines (specify) - Outside Heading 7	0	0	0	0
TOTAL	0	0	0	0

3.2.4.3. Total requirements of human resources

TOTAL VOTED APPROPRIATIONS + EXTERNAL ASSIGNED REVENUES	Year 2024	Year 2025	Year 2026	Year 2027
• Establishment plan posts (officials and temporary staff)				
20 01 02 01 (Headquarters and Commission’s Representation Offices)	0	0	0	0
20 01 02 03 (EU Delegations)	0	0	0	0
01 01 01 01 (Indirect research)	0	0	0	0
01 01 01 11 (Direct research)	0	0	0	0
Other budget lines (specify)	0	0	0	0
• External staff (in full time equivalent units)				
20 02 01 (AC, END from the ‘global envelope’)	0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)	0	0	0	0
Admin. Support line [XX.01.YY.YY]	- at Headquarters	0	0	0
	- in EU Delegations	0	0	0
01 01 01 02 (AC, END - Indirect research)	0	0	0	0
01 01 01 12 (AC, END - Direct research)	0	0	0	0
Other budget lines (specify) - Heading 7	0	0	0	0
Other budget lines (specify) - Outside Heading 7	0	0	0	0
TOTAL	0	0	0	0

The staff required to implement the proposal (in FTEs):

	To be covered by current staff available in the Commission services	Exceptional additional staff*		
		To be financed under Heading 7 or Research	To be financed from BA line	To be financed from fees

Establishment plan posts			N/A	
External staff (CA, SNEs, INT)				

Description of tasks to be carried out by:

Officials and temporary staff	
External staff	

3.2.5. Overview of estimated impact on digital technology-related investments

Compulsory: the best estimate of the digital technology-related investments entailed by the proposal/initiative should be included in the table below.

Exceptionally, when required for the implementation of the proposal/initiative, the appropriations under Heading 7 should be presented in the designated line.

The appropriations under Headings 1-6 should be reflected as “Policy IT expenditure on operational programmes”. This expenditure refers to the operational budget to be used to re-use/ buy/ develop IT platforms/ tools directly linked to the implementation of the initiative and their associated investments (e.g. licences, studies, data storage etc). The information provided in this table should be consistent with details presented under Section 4 “Digital dimensions”.

TOTAL Digital and IT appropriations	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021 - 2027
HEADING 7					
IT expenditure (corporate)	0.000	0.000	0.000	0.000	0.000
Subtotal HEADING 7	0.000	0.000	0.000	0.000	0.000
Outside HEADING 7					
Policy IT expenditure on operational programmes	0.000	0.000	0.000	0.000	0.000
Subtotal outside HEADING 7	0.000	0.000	0.000	0.000	0.000
TOTAL	0.000	0.000	0.000	0.000	0.000

3.2.6. Compatibility with the current multiannual financial framework

The proposal/initiative:

- ☐ can be fully financed through redeployment within the relevant heading of the multiannual financial framework (MFF)
- ☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation
- ☐ requires a revision of the MFF

3.2.7. Third-party contributions

The proposal/initiative:

- ☐ does not provide for co-financing by third parties
- ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year 2024	Year 2025	Year 2026	Year 2027	Total
Specify the co-financing body					
TOTAL appropriations co-financed					

3.3. Estimated impact on revenue

- ☐ The proposal/initiative has no financial impact on revenue.
- ☐ The proposal/initiative has the following financial impact:
 - ☐ on own resources
 - ☐ on other revenue
 - ☐ please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative ¹⁸			
		Year 2024	Year 2025	Year 2026	Year 2027
Article					

For assigned revenue, specify the budget expenditure line(s) affected.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

4. DIGITAL DIMENSIONS

4.1. Requirements of digital relevance

The proposal does not introduce specific digital requirements, as no digital means are necessary for adopting the Union's position. Consequently, the 'digital by default' principle does not apply, given that the decision does not entail the provision of a public service. While Ukraine's future legislative approximation to that of the Union may involve digital considerations on Ukraine's side, such aspects fall outside the scope of this statement.

4.2. Data

4.3. Digital solutions

¹⁸ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20% for collection costs.

4.4. Interoperability assessment

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4.5. Measures to support digital implementation

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EUROPEAN
COMMISSION

Brussels, 10.2.2025
COM(2025) 49 final

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.

(⁶) 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).
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

<i>Léon DELVAUX</i>	<i>Mariella Cantagalli</i>
	<i>Oleksandra NECHYPORENKO</i>
<i>The Chair</i>	<i>The secretaries</i>

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 subparagraphs 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].