



NATIONAL COMMISSION  
FOR THE STATE REGULATION  
OF ELECTRONIC COMMUNICATIONS,  
RADIOFREQUENCY SPECTRUM  
AND PROVISION OF POSTAL SERVICES

## Working arrangements concerning participation of the NRA from Ukraine in the work of BEREC and the BEREC Office

These Working Arrangements ("WA") concern the participation of

National Commission for the state regulation of electronic communications, radio frequency spectrum and provision of postal services (NCEC) ("the Participant NRA")

in the work of

The Body of European Regulators for Electronic Communications ("BEREC") and the Agency for Support for BEREC ("BEREC Office")

### 1. Introduction

The Body of European Regulators for Electronic Communications (BEREC) and the BEREC Office facilitate the consistent application of the electronic communications framework throughout the European Union in accordance with Regulation (EU) 2018/1971<sup>1</sup> ("the BEREC Regulation").

The Participant NRA is the regulatory authority of Ukraine with primary responsibility in the field of electronic communications.

Pursuant to Article 35(2) of the BEREC Regulation, the Board of Regulators, the Working Groups and the Management Board are to be open to the participation of regulatory authorities of third countries with primary responsibility in the field of electronic communications, where those third countries have entered into agreements with the Union to that effect. The Union and Ukraine have entered into an agreement within the meaning of Article 35(2) of the BEREC Regulation ("the Association Agreement").

Article 35(2) of the BEREC Regulation provides that working arrangements shall be developed specifying, in particular, the nature, extent and manner in which the

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<sup>1</sup> 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. 1–35).

regulatory authorities of third countries participate without the right to vote in the work of BEREC and of the BEREC Office, including provisions relating to participation in the initiatives carried out by BEREC, financial contributions and staff to the BEREC Office.

Binding terms of reference of working arrangements for the participation of the Participant NRA in BEREC and the BEREC Office have been established by a Decision of the European Commission dated 7 June 2022.

## **2. Purpose**

Through these working arrangements (hereinafter - WA), the sides thereto intend to strengthen cooperation, in particular, in the area of electronic communications networks and electronic communications services, in order to further extend the consistent implementation of the regulatory framework for electronic communications.

The present WA complements the Association Agreement, the BEREC Regulation, the Commission Decision, the respective Rules of Procedure of the BEREC Board of Regulators and the BEREC Office Management Board. Terms in this WA have the same meaning as given to them by the BEREC Regulation. This WA does not create any legally binding or financial obligations, and shall not be interpreted as having such intention or effect.

## **3. Participation in the work of BEREC and BEREC Office**

The Participant NRA should be able to participate, and intends to participate, in the works of the BEREC Board of Regulators, the Contact Network and the Working Groups, and the BEREC Office Management Board, in accordance with the relevant provisions of the BEREC Regulation, the Commission Decision, and the Rules of Procedure of the Board of Regulators and the BEREC Office Management Board.

The BEREC Rules of Procedure and the Rules of Procedure of the Management Board set out in greater detail the methods of participation.

The Participant NRA should have access to the BEREC internal website (intranet) for the electronic exchange of documents.

Except as provided below, the nature, extent and manner of the participation by the Participant NRA in the work of BEREC, the BEREC Working Groups and the BEREC Office (including the Management Board) and in initiatives carried out by BEREC should be the same as the nature, manner and extent of the participation by the Members of BEREC:

- a. The participant NRA should not cast any vote in the BEREC Board of Regulators or BEREC Office Management Board (whether the vote is taken at a meeting or by electronic means or otherwise);

- b. While the participant NRA should not provide a candidate for Chair or Vice-Chair of the BEREC Board of Regulators, it should be able to participate in the selection of the Mini Board member representing third-country NRAs in accordance with the rules of procedures of the Board of Regulators, and, upon decision of the Board of Regulators, to speak and act on behalf of BEREC;
- c. The participant NRA should not participate in any manner which is reserved to Members of BEREC by the BEREC Regulation or any Rules of Procedure or Decision adopted by the BEREC Board of Regulators or the BEREC Office Management Board;

The Participant NRA should be able to provide staff to the BEREC Office in the same way as Members of BEREC may do so.

Operational arrangements related to the determination and collection of financial contributions for participation in BEREC and the BEREC Office in accordance with the Commission Decision of 7 June 2022 should be established by a Decision of the BEREC Office Management Board, and the Participant NRA intends to pay such financial contribution.

When participating in the work of BEREC and the BEREC Office, the representatives of the participant NRA should neither seek nor take instructions from any government, institution, person or other body.

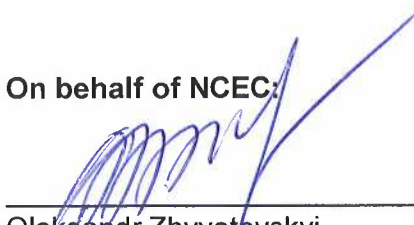
#### **4. Effective period**

The working arrangements are to come into operation on the day that they are adopted by BEREC and the BEREC Office Management Board.

BEREC, the BEREC Office and the Participant NRA may discontinue these working arrangements at any time and intend to inform thereof the Chair of the Board and the Management Board or the Chair of the Participant NRA in writing, as applicable. The BEREC Office Director and the Commission should be informed of this notice by the BEREC Chair. These Working Arrangements would be discontinued if the Commission gives notice to the sides of this WA that there is no longer any agreement between the EU and Ukraine within the meaning of Article 35(2) of the BEREC Regulation.

Done in:

On behalf of NCEC:



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Oleksandr Zhyvotovskyi  
Chairman of the NCEC

Date: 9. Dec. 2022

On behalf of BEREC:



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Annemarie Sipkes  
Chair, Body of European Regulators for  
Electronic Communications (BEREC)

Date: 9 Dec. 2022

On behalf of BEREC Office:



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László Ignéczi  
Director of the Office of the Body of  
European Regulators for Electronic  
Communications (BEREC Office)

Date: 9 Dec. 2022