



ANNEX C1: Twinning Fiche

Project title: Strengthening the Regulatory Capacity of the National Commission for the State Regulation of Communications and Informatization in the Areas of Market Access and Quality of Service Monitoring System

Beneficiary administration: National Commission for the State Regulation of Communications and Informatization (Ukraine)

Twinning Reference: UA 18 ENI TE 01 19

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EU funded project

TWINNING INSTRUMENT

List of abbreviations

DCFTA – Deep and Comprehensive Free Trade Agreement

ICT - Information and Communications Technology

OJTs – On-the-job training

PAO – Twinning Programme Administration Office

PAR – Public Administration Reform

PSC - Project’s Steering Committee

NCCIR - National Commission for the State Regulation of Communications and Informatization

NRA - National Regulatory Authority of Ukraine

QoS - Quality of Service

1. Basic Information

1.1 Programme: Technical Cooperation Facility 2018 (ENI/ 2018/041-188, direct management)

“For applicants from the United Kingdom: Please be aware that eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible to participate) or be required to leave the project on the basis of Article 12.2 of the General Conditions¹ to the grant agreement.”

1.2 Twinning Sector: Telecommunications (TE)

2. Objectives

2.1 Overall Objective(s)

The project is aimed at improving performance in the areas of market access to, and interconnection of, electronic communications networks and associated facilities and monitoring of the quality of electronic communication services through strengthening the regulatory capacity of the National Commission for the State Regulation of Communications and Informatization (NCCIR), the National Regulatory Authority of Ukraine (NRA).

2.2 Specific objective

- Ensuring equal conditions of market access to, and interconnection of, electronic communications networks and associated facilities for service providers;
- Ensuring proper quality of electronic communication services through establishing a system of monitoring and enabling customer control;
- Harmonising approaches to consumer rights protection.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans

The EU-Ukraine Association Agreement is the strategic document to be considered in the context of this project preparation. Obligations in electronic communications are stipulated in Articles 117 and 124 of Section 5 (Regulatory framework) of Chapter 6 (Establishment, trade in services and electronic commerce) of Title IV “Trade and trade-related matters”, Articles 389 and 392 of Chapter 14 (Information society) of Title V “Economic and sectoral cooperation”, Annex XVII-3) of the EU-Ukraine Association Agreement.

Obligations under the EU-Ukraine Association Agreement stipulate harmonisation of the Ukrainian legislation in the area of electronic communications to provide for incorporation of the following principles stemming from 5 pieces of the EU regulation in the domain: the principle of cancellation of the need to obtain an activity license; transparent and non-discriminatory access to network facilities; financial and structural independence of the national regulator; monitoring the quality of service (QoS); adopting policies ensuring the consistent availability and the effective use of spectrum, taking into account market requirements and the optimal use of resources. The

implementation of the EU regulation provisions is 4 years of the entry into force of the DCFTA, i.e. 2020.

In this context, the *overall objective* of cooperation in the area of electronic communications is to contribute to further development of the comprehensive regulatory framework for electronic communications, including promotion of broadband access, coordination of electronic communication policies, strengthening of the independence and administrative capacity of the national regulator, and allowing improvement of the electronic communications service in Ukraine.

3. Description

3.1 Background and justification

The project under question will be focused on the transposition and the implementation of the provisions of Directive **2002/19/EC** (*Access Directive*) and Directive **2002/22/EC** (*Universal Service Directive*), dealing with the market access issues and the quality of services monitoring system.

In accordance with Directive 2002/22/EC (Universal Service Directive), the Member States shall ensure the provision of services of a defined quality for all end-users within the relevant territory. Thus, the EU Directives require the National Regulatory Authorities (NRAs) to determine QoS parameters and monitor compliance therewith.

Currently, the issues related to the quality of telecommunication services in Ukraine are presented in the Law of Ukraine "*On Telecommunications*" (№ 1280-IV of 18 November 2003 as amended by 18 December 2017) and the *Regulation on the quality of telecommunication services* (ref. 429-10 of 23 June 2010 as amended by 17 March 2015).

In this context, the project is expected:

- to provide analysis of the actual powers and the independence of the NCCIR in the sphere of electronic communication services, while ensuring the approximation of the relevant Ukrainian legislation with the relevant EU legislation (with regard to market access to, and interconnection of, electronic communications networks, services and associated facilities), as well as monitoring of the quality of electronic communication services;
- to deal with the exchange of practices between the experts from the EU Member States and Ukraine concerning the implementation of the respective EU acquis subsidiary legislation into their national legislation.

The experience and knowledge shared during the project implementation will allow reviewing the strategic aspects of the regulatory policy regarding the provision of electronic communication services of proper quality, the functional and organizational tasks of the NCCIR, pricing and relevant practices, market access and market supervision (control) procedures.

The project will study experience of the EU Member States with regard to the implementation of the QoS' monitoring systems, the organization of supervision in the field of electronic communications, as well as the acquisition of practical skills in national legislation (in the field of electronic communication regulation) analysis in accordance with the EU acquis.

The project is expected to provide technical and methodological assistance to the NCCIR employees, performing activities related to the implementation of the real-time quality of electronic communication services and the monitoring system thereof, in order to ensure fair competition in the market of electronic communication services.

3.2 Ongoing reforms

The attempt to start transposition and the implementation of EU legislation stemming from the Association Agreement and further market opening and increased transparency in the sector was done still in 2015. The draft Law of Ukraine "*On Electronic Communications*" (№3549-1, registered in the Parliament of Ukraine on 11 December 2015) would provide incorporation into the national legislation of the major provisions of the EU regulations stipulated in the Association Agreement. The draft law of Ukraine "*On Electronic Communications*" would give the National Regulatory Authority (NRA) powers regarding the implementation of the procedure for quality monitoring of electronic communication services and the publication of relevant results.

Currently, discussion of the bill in the Parliament is postponed and its adoption is pending without indication of any schedule of its possible consideration in the Parliament, though the adoption of the bill has been defined by the President of Ukraine as a priority.

However, despite the fact the draft law of Ukraine "*On Electronic Communications*" (ref. 3549-1) is not adopted, the NCCIR would need further support in the implementation of the EU acquis and their practical national legislative adaptation in these specific areas.

A reform agenda for 2019 would consider the two following important issues:

- Enhancing regulatory convergence across the sector of electronic communications according to the Association Agreement, including moving on with the new draft Law of Ukraine "*On Electronic Communications*" that can be considered as a reform agenda in 2019.
- Tackling the issue of the independence of the Regulator, the NCCIR. The role and mandate of the Regulator is of utmost importance according to the EU practices. Actually, creation of an independent Regulator (as stipulated also in the draft Law of Ukraine "*On Electronic Communications*" (№3549-1) would become the cornerstone of the Association Agreement implementation in this area.

3.3 Linked activities

Currently, there are no bilateral technical assistance projects related to the electronic communications areas proposed by the project.

In January 2019, DG NEAR launched Eastern Partnership regional project (EUR 11 million) called "*Support to the implementation of the EU4Digital Initiative in the Eastern Partnership region*". Building on the work done under the Eastern Partnership Harmonization of Digital Markets Panel and the EU4Digital Networks, the project will implement concrete recommendations and action plans agreed in the key areas of the digital economy and society identified for the Eastern Partnership region. With a specific focus on Telecom rules, digital Trust and Security, eTrade, ICT innovation, eHealth and eSkills, the project will address the necessary legislative and regulatory framework conditions for the development of the digital economy and society, the key enablers for electronic services and the development of cross-border eServices for

businesses and citizens, including communication activities. The coordination between two projects will need to be established. On the other hand, the topics proposed for this bilateral twinning project, as described below, are not overlapping with the topics which will be covered by the EU4Digital project.

In 2012-2013, the NCCIR implemented the twinning project “*Strengthening of regulatory and legal capacity of the National Commission for State Regulation of Communications and Information with regard to regulation of the telecommunications sector*”. This was the first and the only bilateral project in that sector, aimed mainly at the institutional building of the Regulator, the NCCIR. Special care should be taken to build on top of the results of the past twinning project with the NCCIR and avoid recurrent funding of activities which have been addressed by the past twinning project.

The starting point for a comprehensive PAR process in Ukraine has been the adoption of the new law "On civil service" which entered into force on 1 May 2016. A comprehensive PAR strategy for the period 2016-2020 was adopted by the Government in June 2016, and it covers five core PAR reform areas: strategic framework of PAR; strategic planning, policy development and coordination; public service and human resources management; accountability – organisation, transparency, oversight; and administrative service delivery – administrative procedures, reduction of administrative burden, quality of services, e-government. At this point in time, according to PAR Action Plan, eight key ministries, Secretariat of Cabinet of Ministers of Ukraine and two key agencies, are responsible for PAR implementation, but in accordance with the PAR Strategy, in addition to the above-mentioned key ministries and agencies, all ministries and other central executive bodies will be engaged in implementation of the public administration reform. NCCIR will be affected by PAR through the reform of civil service and human resources management. The major ongoing EU funded technical assistance project in PAR area is "Support to Comprehensive Public Administration Reform In Ukraine", planned to last for 4 years until March 2022. The project is working with all PAR related institutions.

3.4 List of applicable *EU acquis*/standards/norms

According to the Association Agreement, Ukraine took obligations on the implementation of the following EU Directives:

- Directive **2002/20/EC** of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (**Authorisation Directive**), stipulating the principle of cancellation of the need to obtain an activity license (*its implementation might be ensured by the entry into force of the Law of Ukraine "On licensing of the types of economic activities" on 1 January 2018*);
- Directive **2002/19/EC** of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (**Access Directive**), providing for transparent and non-discriminatory access to network facilities (*major approaches and principles are stipulated in the draft Law of Ukraine "On Electronic Communications" (ref. 3549-1); discussion of the bill in the Parliament is postponed*);
- Directive **2002/21/EC** of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (**Framework Directive**), providing for financial and structural independence of National Regulatory Authorities (NRAs) (*major approaches and principles are stipulated in the draft Law of Ukraine "On Electronic Communications" (ref. 3549-1); discussion of the bill in the Parliament is postponed*);

- Directive **2002/22/EC** of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (**Universal Service Directive**), stating that the NRAs should be able to monitor the QoS achieved by enterprises, to provide access services to the public telephone network and/ or publicly available fixed telephone service (*major approaches and principles are stipulated in the draft Law of Ukraine "On Electronic Communications" (ref. 3549-1); discussion of the bill in the Parliament is postponed*);
- **Decision No 676/2002/EC** of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (**Radio Spectrum Decision**), adopting policies ensuring the consistent availability and the effective use of spectrum, taking into account market requirements and the optimal use of resources (*provided in the draft Law of Ukraine "On Radio Spectrum Resource" (ref. 5051) that is in the Parliament for consultations*).

The project will be dealing with Directive **2002/19/EC** (**Access Directive**) and Directive **2002/22/EC** (**Universal Service Directive**).

3.5 Results per component

The project will include two components.

Component A: Monitoring of the quality of service (QoS)

This component will be based on legal approximation and implementation of **Universal Service Directive 2002/22/EC**. The main focus will be on:

- harmonization and adaptation of the NCCIR's approaches to the EU practices to ensure the provision of the proper quality of services, while at the same time improving the legislation of Ukraine on the state supervision in the field of electronic communications, including:
 - o amending the draft Law of Ukraine "On Electronic Communications" (ref. 3549-1), if appropriate;
 - o amending the *Regulation on the quality of telecommunication services* (ref. 429-10 of 23 June 2010 as amended by 17 March 2015).
- studying the experience in the development and the implementation of the quality of services' measurement methodology.

Component B: Promotion of the market access and its economic regulation for electronic communication services' providers

This component will be based on legal approximation and implementation of **Access Directive 2001/19/EC**, which provides for transparent and non-discriminatory access to network facilities. The main focus will be on:

- harmonization and adaptation of the NCCIR's approaches to the EU practices to ensure market access to, and interconnection of, electronic communications networks and associated facilities for service providers, including amending the draft Law of Ukraine "On Electronic Communications" (ref. 3549-1), if appropriate;

- any further development and use of market analysis' practices as a regulatory instrument for the provision of transparent and non-discriminatory access to network facilities and fair competition.

Mandatory Result 1 (Component A): Improved monitoring of QoS

The following indicative sub-results will be achieved:

Sub-result 1.1: Proposals for the improvements of the strategic aspects of the regulatory policy on the provision of proper QoS developed in accordance to EU norms and best practices

Sub-Result 1.2: Draft legal amendments to the national legislation on the provision of proper QoS, based on proposals for the improvements of the strategic aspects of the respective regulatory policy, elaborated and proposed for approval

Sub-Result 1.3: Improved QoS's monitoring system further developed and implemented by NCCIR

Sub-Result 1.3: Communication policy on QoS's improved and information made available to the public.

Mandatory Result 2 (Component B): Promoted market access and its economic regulation for electronic communication services' providers

The following indicative sub-results will be achieved:

Sub-result 2.1: Proposals for improvements of the strategic aspects of the regulatory policy on (i) the operational and administrative tasks of the NCCIR, (ii) pricing and relevant practices, (iii) market access and market supervision (control) procedures developed in accordance with the EU norms and best practices

Sub-result 2.2: Draft legal amendments to the national legislation on (i) the operational and administrative tasks of the NCCIR, (ii) pricing and relevant practices, and (iii) market access and market supervision (control) procedures elaborated and proposed for approval

Sub-result 2.3: Market analysis' practices as a regulatory instrument for the provision of transparent and non-discriminatory access to network facilities and fair competition developed and used.

3.6 Means/input from the EU Member State Partner Administration(s)

The implementation of the project requires one Project Leader (PL) with responsibility for the overall coordination of project activities and one Resident Twinning Adviser (RTA) to manage implementation of project activities, Component Leaders (CLs) and pool short-term experts within the limits of the budget.

The interested Member State(s) shall include in their proposal the CVs of the designated PL and the Resident Twinning Advisor, as well as the CVs of the potentially designated CLs.

The Twinning project will be implemented by close co-operation between the partners aiming to achieve the mandatory results in a sustainable manner. The activities will be further developed by the Twinning partners when drafting the initial work plan and successive rolling work plan every three months.

3.6.1 Profile and tasks of the Project Leader (PL)

Qualifications and skills:

- Proven contractual relation to a public administration or mandated body (*see Twinning Manual 4.1.4.2*) responsible for electronic communications sector with necessary telecommunications experience
- University degree in one of the following fields: law, public administration, telecommunications engineering, economics or equivalent professional experience of 8 years in the sector of telecommunications/ electronic communications
- At least 3 years of specific experience in the area of electronic communications management or regulatory approximation/ implementation/ enforcement issues
- Previous experience in project management will be considered as asset
- Previous experience in international co-operation will be considered as asset
- Fluent written and spoken English.

Tasks:

- Conceive, supervise and coordinate the overall Twinning project
- To provide strategic advice on high level regarding reforms supported by the Twinning
- Coordinate and monitor the overall implementation of the project including coordination and direction of the MS TW partner
- Co-ordinate MS experts' work and availability
- Communicate with the beneficiary and EU Delegation
- Ensure the backstopping functions and financial management
- Guarantee from the MS administration side, the successful implementation of the project
- Participate in quarterly meetings of the Project Steering Committee with the BC PL
- Participate in preparation of the initial and subsequent work plans
- Participate in preparation of both interim and final reports.

3.6.2 Profile and tasks of the Resident Twinning Advisor (RTA)

The relevant institution of MS will appoint a long-term Resident Twinning Advisor (RTA).

Qualifications and skills of the Resident Twinning Adviser

- Proven contractual relation to a public administration or mandated body, in charge of electronic communications sector
- University degree in one of the following fields: law, public administration, telecommunications engineering, economics or equivalent professional experience of 8 years in the sector of telecommunications/ electronic communications
- At least 7 years of general professional experience in public administration and project management in a public institutions context
- At least 3 years of experience in the field of electronic communications

- Previous experience in training and mentoring in related areas will be considered as asset
- Fluent written and spoken English.

Tasks:

As to the general responsibility of the day-to-day implementation of the Twinning project in the Beneficiary Country, the Resident Twinning Adviser (RTA) tasks will include:

- Provide technical advice and assistance to the administration or other public sector bodies in the BC in the context of a predetermined work-plan
- Coordination of all project activities and experts inputs in the BC
- Ensuring day-to-day implementation of the Twinning project in the BC
- Ensuring smooth correlation between the activities, deadlines and the envisaged results in the Work Plan
- Preparation of the materials and documentation for regular monitoring and reporting;
- Preparation of side letters
- Together with the Project Leader, to nominate, mobilize and supervise the Short-Term experts.

In addition to the above, an assistant and a full time translator-interpreter shall be appointed to assist the RTA. Allowance for this must be made within the project budget. Furthermore, the assistant and translator will facilitate the training activities. Where necessary (for example, during training activities, translation of project documents/reports and materials) the project will hire an additional translator with costs covered by the project.

3.6.3 Profile and tasks of Component Leaders

Component Leaders will provide general guidance for two Components of in the project.

- University degree in one of the following fields: law, public administration, telecommunications engineering, economics or equivalent professional experience of 8 years in the sector of telecommunications/ electronic communications
- At least 4 years of experience in the fields of telecommunications/ electronic communications management or drafting of legislation, harmonization of external legislation with EU electronic communications acquis in a public institutional context
- Previous experience in training and mentoring in related areas will be considered as asset
- Fluent written and spoken English.

3.6.4 Profile and tasks of other short-term experts

STEs will provide specialised know-how for the individual tasks in the project.

- University degree in one of the following fields: law, public administration, telecommunications engineering, economics or equivalent professional experience of 8 years in the sector of telecommunications/ electronic communications
- At least 4 years of experience in the fields of telecommunications/ electronic communications management or drafting of legislation, harmonization of external legislation with EU electronic communications acquis in a public institutional context
- Previous experience in training and mentoring in related areas will be considered as asset
- Fluent written and spoken English.

4. Budget

Maximum budget available for this twinning project is EUR 1.3 million.

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting

The Delegation of the European Union to Ukraine will manage the procurement, tendering, quality control, reporting and coordination with other donors, the financial and technical cooperation related to the actions described in this project fiche, taking remedial actions if and when needed.

Primary responsibility of the MS Project Leader shall be to ensure that the project produces the required outputs, to the required standards of quality and within the specified constraints of time and cost. PL and other project staff will also address cross-cutting issues. The relevant reports will be issued by the MS Project Leader and BC Project Leader on a quarterly basis.

The Delegation of the European Union to Ukraine together with the Twinning Programme Administration Office (PAO) will control the quality of all twinning documentation, check that the good financial management of the twinning project is in compliance with EC rules, receive and examine all twinning project reports, support all twinning stakeholders, including beneficiary administration and Member States.

Project's Steering Committee (PSC) will be responsible for the overall direction of the project and comprise of the representatives from the Beneficiary Administration, MS Administration, EU Delegation and PAO. At quarterly intervals the Project Leaders, the PSC will assess the project progress, verify the achievements of the outputs and mandatory results and define any actions required.

Monitoring will be performed by the EU Delegation to Ukraine.

The official language of the project will be English. All formal communication regarding the project, including all reports will be produced in English.

The person in charge at the EU Delegation to Ukraine:

Ms Svitlana Didkivska
Project Manager
EU Delegation to Ukraine
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The person in charge at the PAO in Ukraine:

(To be proposed by PAO)
Twinning Coordination Division
Twinning Programme Administration Office (PAO)

15, Prorizna Street., Kyiv, 01601, Ukraine
Tel: +38 044 278 36 44

5.2 Institutional framework

The NCCIR was established by the Decree of the President of Ukraine dated 23 November 2011 (No. 1067/2011)¹ in accordance with the Law of Ukraine "On Telecommunications". The Regulation on the NCCIR was approved by the same Decree.

The activity of the NCCIR as a National Regulatory Authority in the field of communications is aimed at the promotion of ICT market development and the establishment of the competitive environment to meet the demand for high-quality telecommunication services.

One of the issues, subject to the regulation by the NCCIR, is to ensure the efficient implementation of real-time customer monitoring of the telecommunication services' quality indicators in accordance with relevant EU legislation.

5.3 Counterparts in the Beneficiary administration

5.3.1 Contact person:

Ms. Liliia Malon
Head of International Affairs and European Integration Division
National Commission for the State Regulation of Communications and Informatization
Khreshchatyk Str., 22
Kyiv, 01001, Ukraine

5.3.2 PL counterpart

(To be proposed by NCCIR)
National Commission for the State Regulation of Communications and Informatization
Khreshchatyk Str., 22
Kyiv, 01001, Ukraine

5.3.3 RTA counterpart

(To be proposed by NCCIR)
National Commission for the State Regulation of Communications and Informatization
Khreshchatyk Str., 22
Kyiv, 01001, Ukraine

6. Duration of the project

The project's implementation period is 21 months. The legal duration of the project is 24 months.

7. Management and reporting²

¹ <http://zakon1.rada.gov.ua/laws/show/1067/2011>

7.1 Language

The official language of the project is the one used as contract language under the instrument (English / French). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements via-à-vis the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

7.3 Reporting

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements via-à-vis the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

8. Sustainability

The twinning partners will undertake to provide the basic infrastructure necessary for the sustainability of their joint twinning achievements. The sustainability of the results is likely to be achieved if the twinning partners commit themselves to the following:

- absorbing efficiently the contents and understanding of the training materials by the Beneficiary personnel being measured and monitored after each training session that is provided by simple tests;
- making maximum use of the skills and abilities of the beneficiary country administration personnel previously trained by [other] Member States; apply “train the trainers approach” for sustainable capacity building of the beneficiary administration;
- allowing for confirmation of the effect of the twinning project for the beneficiary administration by organising a final seminar that presents achieved results of the twinning activities at the end of the twinning project;
- providing assurance that manuals and procedures developed within the twinning project will be used by the beneficiary beyond the primary contract period.

The success of the project will be based on achieving practical results and the sustainability of the results will be an important measure of success.

9. Crosscutting issues (*equal opportunity, environment, climate etc...*)

All activities under this project will be designed and implemented in accordance with principles of good governance, human rights based approach, gender equality and environmental sustainability. Support to mainstreaming gender issues into the legislative processes under the activities for the implementation of Association Agreement will be provided. All activities will ensure the respect

to key Principles of Public Administration, especially the commitment to inclusive and evidence-based policy and legislative development.

This action will be implemented following a rights-based approach, encompassing all human rights. The five working principles below will be applied at all stages of implementation: legality, universality and indivisibility of human rights; participation and access to the decision-making process; non-discrimination and equal access; accountability and access to the rule of law; transparency and access to information.

By promoting an institutional culture of openness, accountability and transparency, the project will positively impact on the credibility and integrity of concerned Government Departments and Agencies. The project will strive to act as an example of positive administrative reform.

10. Conditionality and sequencing

The underlying assumption for this project is the Ukrainian political will to create efficient balanced and open access to the market of electronic communications in the country that will facilitate its integration with that of the European Union to coordinate actions globally.

Projects to be implemented through Twinning require the full commitment and participation of the senior management of the beneficiary institution. In addition, to provide the Twinning partner with adequate resources to operate effectively, the senior management must be fully involved in the development and implementation of the policies required to deliver the desirable results.

11. Indicators for performance measurement

	Project specific, realistic, verifiable targets and indicators
Overall	
Improving performance in the areas of market access to, and interconnection of, electronic communications networks and associated facilities and monitoring of the quality of electronic communication services through strengthening the regulatory capacity of the NCCIR.	Assistance to the NCCIR in ensuring provision of the proper quality of services and market access to, and interconnection of, electronic communications networks and associated facilities for service providers is provided, while at the same time the relevant legislation of Ukraine in the sector of electronic communications is improved.
Project specific	
<ul style="list-style-type: none"> • Ensuring equal conditions of market access to, and interconnection of, electronic communications networks and associated facilities for service providers; • Ensuring proper quality of electronic 	

<p>communication services through establishing a system of monitoring and enabling customer control;</p> <ul style="list-style-type: none"> • Harmonising approaches to consumer rights protection. 	
<p>Component A: Monitoring of the quality of service (QoS)</p>	
<p><u>Harmonization and adaptation</u> of the NCCIR's approaches to the EU practices to ensure the provision of the <u>proper quality of services</u>, while at the same time improving the legislation of Ukraine on the state supervision in the field of electronic communications.</p> <p>Studying the <u>experience</u> in the development and the implementation of the <u>quality of services' measurement methodology</u>.</p>	<p>A proposal on amending the <i>Regulation on the quality of telecommunication services</i> is drafted and delivered to the NCCIR management for adoption.</p> <p>A proposal relative to the subject matter and amending the draft Law of Ukraine "<i>On Electronic Communications</i>" is submitted to the Parliament (if appropriate).</p> <p><i>Regulation on measurement of telecommunication network parameters for the purpose of state supervision in the field of telecommunications</i> is amended.</p>
<p>Component B: Promotion of the market access and its economic regulation for electronic communications services' providers</p>	
<p><u>Harmonization and adaptation</u> of the NCCIR's approaches to the EU practices to ensure <u>market access to, and interconnection of, electronic communications networks</u> and associated facilities for service providers.</p> <p>Further development and use of <u>market analysis' practices as a regulatory instrument</u> for the provision of transparent and non-discriminatory access to network facilities and fair competition.</p>	<p>A proposal relative to the subject matter and amending the draft Law of Ukraine "<i>On Electronic Communications</i>" is submitted to the Parliament (if appropriate).</p> <p>Recommendations on the use of market analysis's practices as a regulatory instrument are drafted and delivered to the NCCIR management for further use.</p>

12. Facilities available

The following facilities will be made available for hosting the RTA and his/ her assistants: office space, access to meeting rooms, hard and software, facilities available for training, seminars, conferences.

ANNEX 1: Logical Framework Matrix

	Description	Indicators (with relevant baseline and target data)	Sources of Verification	Risks	Assumptions
Overall Objective	Improving performance in the areas of market access to and interconnection of electronic communications networks and associated facilities and monitoring of the quality of electronic communication services through strengthening the regulatory capacity of the NCCIR.	No	No		
Specific (Project) Objective(s)	<ul style="list-style-type: none"> • Ensuring equal conditions of market access to and interconnection of electronic communications networks and associated facilities for service providers; • Ensuring proper quality of electronic communication services through establishing a system of monitoring and enabling customer control; • Harmonising approaches to consumer rights protection. 	<ul style="list-style-type: none"> - Analyses of the legal and regulative documents (including elaborated drafts) and preparation of recommendations, drafts of legislation, rules and procedures based on EU Acquis and standards; - Strengthening the institutional capacity of the Regulator, in particular in supervision functions; - Delivery of know-how and best EU practices. 	<ul style="list-style-type: none"> - Project reports with relevant analysis and recommendations; - Drafts of primary/secondary legislation, rules and procedures. 	<ul style="list-style-type: none"> - Changes in beneficiary government (NCCIR) priorities. 	<ul style="list-style-type: none"> - Continued political stability in Ukraine and the regions; - Continued support of the Ukrainian Government for the development and of the electronic communication sector; - Sufficient political support from high ranking officials in the sector for conducting reforms.
Mandatory results/output s by components	Component A: Monitoring of the quality of service (QoS). This component will be based on the work on <i>Universal Service Directive 2002/22/EC</i> .	<ul style="list-style-type: none"> - Progress in implementation of Universal Service Directive 2002/22/EC; - New legislation or 	<ul style="list-style-type: none"> - Project reports with relevant analysis and recommendations; - Drafts of primary/secondary 	<ul style="list-style-type: none"> - Insufficient dedication, motivation, resources of NCCIR to implement the project. - Insufficient 	<ul style="list-style-type: none"> - Sufficient political support from high ranking officials in the sector for conducting reforms;

	<p>Mandatory Result 1: Improved monitoring of QoS:</p> <p><i>Sub-result 1.1:</i> Proposals for the improvements of the strategic aspects of the regulatory policy on the provision of proper QoS developed in accordance to EU norms and best practices</p> <p><i>Sub-Result 1.2:</i> Draft legal amendments to the national legislation on the provision of proper QoS, based on proposals for the improvements of the strategic aspects of the respective regulatory policy, elaborated and proposed for approval</p> <p><i>Sub-Result 1.3:</i> Improved QoS's monitoring system further developed and implemented by NCCIR</p> <p><i>Sub-Result 1.3:</i> Communication policy on QoS's improved and information made available to the public.</p>	<p>amendments to the legislation on the state supervision of the market access drafted;</p> <ul style="list-style-type: none"> - Quality of services' improved; - No of staff trained. 	<p>legislation, rules and procedures;</p> <ul style="list-style-type: none"> - Quality measurement system - Training or workshops materials. 	<p>cooperation between NCCIR and the industry.</p>	<ul style="list-style-type: none"> - Sustainable implementation of the electronic communication sector reform; - Responsible and competent staff has been made available for joint work with the twinning project; - The NCCIR is ready to assign the staff for the training and guarantee their further employment in the relevant units; - All works are performed by high level experts in coordination with the Beneficiary representatives.
	<p>Component B: Promotion of the market access and its economic regulation for electronic communication services' providers. This component will be based on the work on <i>Access Directive 2001/19/EC</i>, which provides for transparent and non-discriminatory access to network facilities.</p> <p>Mandatory Result 2: Promoted market access and its economic regulation for electronic communication services' providers</p> <p><i>Sub-result 2.1:</i> Proposals for improvements of the strategic aspects of the regulatory policy on (i) the operational and administrative tasks of</p>	<ul style="list-style-type: none"> - Progress on implementation of Access Directive 2001/19/EC - New legislation or amendments to the legislation on the state supervision of the market access drafted; - % of staff using market analysis' practices; - No of staff trained 	<ul style="list-style-type: none"> - Project reports with relevant analysis, methodology, recommendations; - Drafts of primary/secondary legislation, rules and procedures; - Training or workshops materials. 		

	<p>the NCCIR, (ii) pricing and relevant practices, (iii) market access and market supervision (control) procedures developed in accordance with the EU norms and best practices</p> <p>Sub-result 2.2: Draft legal amendments to the national legislation on (i) the operational and administrative tasks of the NCCIR, (ii) pricing and relevant practices, and (iii) market access and market supervision (control) procedures elaborated and proposed for approval</p> <p>Sub-result 2.3: Market analysis' practices as a regulatory instrument for the provision of transparent and non-discriminatory access to network facilities and fair competition developed and used.</p>				
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