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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Draft DECISION OF THE EU-UKRAINE ASSOCIATION COMMITTEE IN
TRADE CONFIGURATION on the European Union and Ukraine granting
each other internal market treatment with respect to the sector of roaming
on public mobile communications networks

DRAFT

**DECISION No .../2025
OF THE EU-UKRAINE ASSOCIATION COMMITTEE
IN TRADE CONFIGURATION**

of ...

**on the European Union and Ukraine granting each other internal market treatment
with respect to the sector of roaming on public mobile communications networks**

THE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION (hereinafter 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 4(3) 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 part¹ (the ‘Agreement’) entered into force on 1 September 2017.
- (2) The preamble to the Agreement recognises Ukraine’s commitment to gradually approximate its legislation with that of the Union, along the lines set out in the Agreement, and to effectively implement it, thus contributing to the gradual economic integration and deepening of political association of Ukraine with the Union.
- (3) Article 1(2)(d) of the Agreement provides that the aims of the Agreement include supporting Ukraine’s 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.
- (4) Pursuant to Article 124 of the Agreement, the Parties recognise the importance of the approximating 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*. Ukraine is expected to gradually extend its legislation approximation to all elements of the Union *acquis* referred to in Appendices XVII-2 to XVII-5 of Annex XVII to the Agreement. Once the conditions for it have been fulfilled, it should lead to Ukraine’s gradual integration into 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.

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

- (5) Ukraine has requested further integration with regard to roaming on public mobile communications networks in the Union. In particular, Ukraine requested internal market treatment for the purpose of roaming on public mobile communications networks.
- (6) 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 No 1/2023 of the EU-Ukraine Association Committee in Trade configuration² 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.
- (7) 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* in the sector of roaming on public mobile communications networks were met and requested the Union to carry out a comprehensive assessment. On 6 June 2025, Ukraine supplemented its initial notification after signing into law its last remaining transposition measure.

² Decision No 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 (OJ EU L 123, 8.5.2023, p. 38, ELI: <https://eur-lex.europa.eu/eli/dec/2023/930/oj>).

- (8) Based on the regular assessments and monitoring pursuant to Appendix XVII-6 of Annex XVII to the Agreement and Article 4(2) of Annex XVII to the Agreement and taking into account the impact of Russia's ongoing war of aggression against Ukraine, Decision 1/2025 of the EU-Ukraine Association Committee in Trade configuration³ introduced certain additional specific adaptations to Part A of Appendix XVII-3 of Annex XVII to the Agreement. In particular, that Decision granted Ukraine additional time to fully implement certain provisions of Directive (EU) 2018/1972 of the European Parliament and of the Council⁴, part of the Union *acquis* in the sector of roaming on public mobile communications networks, without postponing a possible decision by the Trade Committee to grant internal market treatment for roaming pursuant to Article 4(3) of Annex XVII to the Agreement.
- (9) Pursuant to Article 4(2) of Annex XVII to the Agreement, the European Union carried out a comprehensive assessment, determined on its basis that the conditions are fulfilled, informed the Trade Committee accordingly and proposed that the Trade Committee decides that the Parties grant each other internal market treatment with respect to the sector of roaming on public mobile communications networks.

³ Decision No 1/2025 of the EU-Ukraine Association Committee in Trade configuration of 13 March 2025 modifying Part A of 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 (Not yet published in the *Official Journal of the European Union*).

⁴ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ EU L 321, 17.12.2018, p. 36, ELI: <http://data.europa.eu/eli/dir/2018/1972/oj>).

- (10) Once this decision becomes applicable, the roaming *acquis* concerned, as specified in Appendix XVII-3 of Annex XVII to the Agreement, will need to be applied in accordance with points 1 to 6 of Appendix XVII-1 of Annex XVII to the Agreement, unless otherwise provided in Appendix XVII-3 of Annex XVII to the Agreement. This implies that the Union roaming *acquis* as defined in Appendix XVII-3 of Annex XVII to the Agreement should be read in line with the adaptations contained in Appendix XVII-1 of Annex XVII to the Agreement and hence all rights and obligations roaming service providers and operators in the Union are bound to apply between each other, will have to be extended in relation to roaming service providers and operators in Ukraine. Likewise, roaming service providers and operators in Ukraine will be bound to apply the same rights and obligations in relation to roaming service providers and operators in the Union. End users of Ukraine and the Union will also henceforth benefit, subject to certain exceptional limitations, from regulated roaming services at their domestic retail prices.
- (11) To allow undertakings providing roaming on public communications networks in the Union and in Ukraine the necessary time to implement all technical and legal requirements resulting from the Trade Committee's decision, an application date is set,

HAS ADOPTED THIS DECISION:

Article 1

The European Union and Ukraine grant each other internal market treatment with respect to the sector of roaming on public mobile communications networks.

Article 2

This Decision has been drawn up 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. It shall apply from 1 January 2026.

Done at ..., ...

*For the Association Committee
in Trade configuration*

The Chair

The secretaries