



Council of the  
European Union

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COEST 165  
POLCOM 39  
TELECOM 51

## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within 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

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**COUNCIL DECISION (EU) 2023/**

**of ...**

**on the position to be taken on behalf of the European Union within 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 part<sup>1</sup> ('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 ('the Trade Committee') may modify Annex XVII to that Agreement.
- (3) The Trade Committee should adopt the draft Decision on modifying Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Agreement in the course of 2023.
- (4) As stated in the preamble to the Agreement and in accordance with Article 124 of the Agreement, the Parties recognise the importance of the approximation of Ukraine's existing legislation to that of the European Union, meaning that Ukraine is to ensure that its existing laws and future legislation will be gradually made compatible with the Union acquis.
- (5) Ukraine has requested further integration with regards to the roaming sector in the Union, in particular through internal market treatment of roaming services.

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<sup>1</sup> OJ L 161, 29.5.2014, p. 3.

- (6) Considering that Appendix XVII-3 (Rules applicable to telecommunication services) of Annex XVII to the Agreement should be complemented by the relevant Union acts relating to roaming on public mobile communications networks, it is necessary to modify that Appendix by adding Regulation (EU) 2022/612 of the European Parliament and of the Council<sup>1</sup>, Commission Implementing Regulation (EU) 2016/2286<sup>2</sup>, Commission Delegated Regulation (EU) 2021/654<sup>3</sup> and Regulation (EU) 2018/1971 of the European Parliament and of the Council<sup>4</sup>. Directive (EU) 2018/1972 of the European Parliament and of the Council<sup>5</sup> is already covered by Appendix XVII-3 of Annex XVII to the Agreement.

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<sup>1</sup> Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April on roaming on public mobile communications networks within the Union (OJ L 115, 13.4.2022, p. 1).

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</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).

<sup>5</sup> 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).

- (7) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Trade Committee, as the Decision 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 2023 within 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 shall be based on the draft Decision of that Committee attached to this Decision.

### *Article 2*

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

Done at Brussels,

*For the Council*

*The President*

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