

To: **Mr Oleksandr Zhyvotovsky**

**Chairman
The National Commission for State
Regulation of Electronic
Communications, Radio Frequency
Spectrum and the Provision of Postal
Services (NCEC)**

email: alexander.zhyvotovsky@nkrzi.gov.ua

Subject: Revision of the working arrangements concerning participation of National Regulatory Authority of Ukraine in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC

Dear Mr Zhyvotovsky,

Attached you will find a proposal for a revised draft Working arrangements concerning participation of National Regulatory Authority of Ukraine in the Body of European Regulators for Electronic Communications and the Agency for Support for BEREC (BEREC Office) for your consideration.

Taking this opportunity, I would like to highlight a couple of important points:

1. 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 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 secondment of staff to the BEREC Office.
2. Those working arrangements are not to be considered as an international agreement (treaty) within the meaning of the 1969 Vienna Convention on the Law of Treaties¹.
3. Proposed Working arrangements follow a model used for all NRAs of the third countries. As for now, this model has been used for the Western Balkans NRAs participating in the work of BEREC and BEREC Office.

¹ The Vienna Convention on the Law of Treaties signed in Vienna on 23 May 1969.

4. BEREC and BEREC Office can only operate within the framework determined by the BEREC Regulation², which provides in its Article 35(1) that working arrangements shall not create legal obligations.

I kindly ask you to take into account above points in your considerations of the proposed draft Working arrangements.

Should you have any questions concerning the revision of the Working arrangements please do not hesitate to contact BEREC Office services, especially Mr Lukasz Morawski – lukasz.morawski@berec.europa.eu who is coordinating this work on the BEREC Office side.

I look forward to our fruitful cooperation in the future and hope that these Working arrangements will help you to achieve your goals toward high-quality regulation of electronic communications markets.

Faithfully yours,

László IGNÉCZI

Director of the BEREC Office

² 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).