



European Media Platform

Integrating Ukraine into the European Digital Single Market: transforming impediments into the windows of opportunity”

Integrating Ukraine into the European Digital Single Market (DSM) is one of high-priority and feasible tasks. In order to accomplish this goal Ukraine must implement a range of documents listed in the Association Agreement between Ukraine and the EU into its regulatory framework. The European MPs have done 50% of Ukraine’s “homework” by replacing half a dozen documents, adopted in 2002 and partially reviewed in 2009, with a single Electronic Communications Code.

On June 7, 2019 the Diplomatic Academy of Ukraine hosted the presentation of “Integrating Ukraine into the European Digital Single Market: transforming impediments into the windows of opportunity” project outcomes. The event was attended by the representatives of Government Office for European and Euro-Atlantic Integration, the National Commission for the State Regulation of Communications and Informatization, the Ministry of Foreign Affairs, the State Agency on E-Governance, the Ukrainian Consumers’ Union, biggest mobile carriers and internet providers, as well as experts and civic activists. A resolution was adopted based on the roundtable discussion.

Resolution

based on the round table discussion

**“Integrating Ukraine into the European Digital Single Market:
transforming impediments into the windows of opportunity”**

(7 June 2019)

In December 2018 the European Union approved the Electronic Communications Code, thereby opening up for Ukraine an unprecedented set of opportunities to integrate into the Digital Single Market – DSM. Yet, much consolidated effort is required to take advantage of those opportunities.

To consolidate this effort the following points must be made clear:

1. To implement the European Electronic Communications Code into Ukrainian legislation in a timely and adequate manner the following documents must be brought together and assessed: the conclusion of the European experts on whether Ukrainian draft laws meet the European electronic communications standards (2015), the conclusions of the DG Connect expert mission (June 2019); telecommunications component outputs for EU4Digital (end of June 2019). Submitting an official Ukrainian translation of this Code for the consideration of the Ukrainian Parliament as a draft law must not be the way to implement this Code. There is a need for further consultations on the Code implementation in Ukraine with the experts, consumers and the wider public. The overarching goal of these consultations shall be bridging the gap as fast as possible between the European and Ukrainian electronic communications legal frameworks, as long as “the rules of the game” do not change.

2. The draft laws introduced in the Ukrainian Parliament must align with the European and Euro-Atlantic agenda of Ukraine, as enshrined in the Ukrainian Constitution, as well as the strategic goal to become a full EU Member. They must ensure that the Government is implementing its international obligations. Electronic communications draft laws must pass the Electronic Communications Code compliance assessment.

3. The domain of electronic communications needs a balanced and adequate regulator that enjoys economic and institutional independence. The regulator shall seek to boost electronic communications development, its activities predictable and understandable both for the electronic communications market players and for the consumers and other regulators. Furthermore, there must be distinct boundaries between the mandates of the electronic communications regulators, and the regulators shall be accountable for their decisions (as of now the members of collegial bodies bear no personal responsibility for the decisions they take).

4. There is also a need to address the issue of electronic communications management and information society development in general. In this regard, experience of other countries could be helpful. For instance, in the early 2000s in France a post named “the French Ambassador to the Information Society” was established, with a specific information society deputy minister in each of the Ministries. This model is successfully implemented in Ukraine for European and Euro-Atlantic integration.

5. EU acts translation into Ukrainian and the reverse translation of Ukrainian acts into English must be addressed on an interstate level. The best option would be adding Ukraine to EuroLEX, an intermediate option could be creating a Ukrainian version of EuroLEX. Should an interactive glossary of this kind not be available, there would be further inconsistencies in the translations of some EU and Council of Europe Acts, as well as in the translations of current or draft Ukrainian legislation.

6. Due to lack of reliable and credible official data on information society development indicators in Ukraine, it is impossible to neither make an impartial assessment of the state of play, nor to chart any further steps. One of the solutions to the statistical data problem (i.e. lack of data on internet penetration rate in Ukraine and on other information society development indicators) would be implementing a transparent reporting in Ukraine, including the regional reporting, as well as joining the DESI.

7. The consumers must become indispensable when it comes to the development of electronic communications policies. Due to Ukrainian consumers' awareness of their rights and duties hinges on the adequate terminology and translation of the EU documents into Ukrainian.

8. Some Ukrainian companies (Hostmaster is a case in point) have already turned to the alternative dispute resolution system. This case and other instances of extrajudicial dispute resolution must be studied in order to scale it out into other fields of information society.

9. EU technical and financial assistance is crucial for successfully integrating Ukraine into the European Digital Single Market. First and foremost, it must be used to ensure the due quality of translation (both of the EU acts into Ukrainian and the Ukrainian laws or draft laws into English), to ensure the alignment of Ukrainian and the EU information society development indicators, and to implement the European regulatory fitness and performance (REFIT) programme in Ukraine.

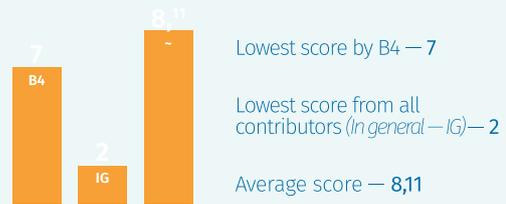
10. Globally there is a host of platforms for discussing the critical issues of information society development in Europe and worldwide, such as EuroDIG, WSIS, IGF, ICANN, ITU etc. So far Ukraine does not have a mechanism of working out its take to be presented on these platforms; nor is there a mechanism to align the Ukrainian take with that of the EU. EuroDig is a platform for informal discussion, where anyone can speak their mind and participate in the discussion. Hosting one of these events in Ukraine — EuroDIG, IGF, ICANN conference etc — as well as greater involvement of the government agencies in the Ukrainian Internet Governance Forum (IGF-UA) could significantly improve this situation.

How Ukrainian businesses feel about integration into the DSM

Integrating Ukraine into the DSM and implementing the provisions of the Code into Ukrainian legislation meets the interests of Ukrainian electronic communications market. This statement is corroborated by the responses from the representatives of the following companies: Kyivstar, Vodafone Ukraine, Lifecell (representing 97.5% of mobile communications and mobile internet market), as well as Ukrtelecom which, together with Kyivstar, are the biggest fixed-line internet providers in Ukraine.

Nevertheless, many experts have a much less enthusiastic view of European integration of Ukraine, including the integration into DSM, specifically because “the Ukrainian businesses are not ready for this”.

Whether the integration of Ukraine into the DSM meets the interests of my organisation



Consequences of possible integration of Ukraine into the DSM (10 — extremely positive)



Project team

Oksana Prykhodko – Director, European Media Platform iNGO, co-founder of the Ukrainian Internet Governance Forum, attended all European dialogue on Internet governance (EuroDIG) meetings, member of ICANN At-Large Community (EURALO), member of NRIs, project lead.

sana@eump.org



Oleksiuk Lilia – PhD in public administration, Master of Public Administration, Lawyer; member of the EU-Ukraine Civil Society Platform and the head of the public organization «Information Security and Information Technologies», senior lecturer of the KNUTE, expert in the field of personal data protection and building a general governance automated systems.

lylyaol7@gmail.com



Olha Bolshakova – graduated with distinction from Law School of Taras Shevchenko University of Kyiv, barrister, Ph.D. in Law, assistant professor at Department for Audit, Kyiv National University for Trade and Economics. Since 2007 she has been the Head of the Advocacy and Lobbying Center of the Independent Broadcasters Association. She monitors broadcasting legislative framework.

bolshakova@nam.com.ua



Valerie Dubytska – expert, internship curator at iNGO European Media Platform, Youth IGF-UA 2018 moderator, produced numerous translations. Graduated from Kyiv National University for Culture and Arts, did a Master`s programme in International relations, public communication and regional studies. Her Master`s dissertation was on cybersecurity, titled “Integrating Ukraine into European web security systems”.

vsd2007@gmail.com



Volodymyr Nochvai – Senior Researcher of the Institute of Mathematical Machines and Systems Problems of the National Academy of Sciences of Ukraine. Ph.D. in technical science. Head of technology transfer laboratory at the Kyiv Academic University. Expert in High-Tech Office Ukraine and NGO ‘Centre for Innovations Development’. Participated in drafting the Roadmap for Ukraine’s integration into the European Research Area. Moderator of a working group at the Coordination Council for development of the digital economy and society in Ukraine.

nochvai@gmail.com



Maryna Hovorukhina – strategic communications and branding officer. Has been working in this field for 9 years. Founder of the “Piranha” club. Author of the book “Communications in civil society organisations”.

nerd.marina@gmail.com

<https://www.facebook.com/European-Media-Platform-288743257832686/>
<https://fb.com/612123555900557>

Point of contact:

Oksana Prykhodko

Director, European Media Platform iNGO

sana@eump.org

More details in Ukrainian