

Yuliya Vashchenko

Taras Shevchenko National University of Kyiv

THE LEGAL STATUS OF THE ENERGY REGULATOR IN UKRAINE IN THE CONTEXT OF RECENT LEGISLATIVE CHANGES AND EUROPEAN INTEGRATION

Energy sector is a strategic industry of each state. Sustainable, reliable, safe, acceptable and affordable energy supply is an essential condition for the adequate functioning of other fields of economy. Access to modern energy services is crucial for efficient participation of people in social and economic life, enjoyment of human rights and freedoms. Energy security is a vital element of national security.

The energy industry is one of the most important regulated fields at the EU level and a crucial direction of cooperation between the EU and Ukraine. In accordance with the Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine¹, energy is one of the priority areas of approximation of laws of Ukraine to Community legislation (Article 51) and a key arena of economic cooperation between Ukraine and the Community (Article 52). Ukraine, as a full-fledged member of the Energy Community, and obliged by the EU-Ukraine Association Agreement² ratified by the Law of Ukraine No. 1678-VII of 16 September 2014, shall institute laws and regulations necessary for the implementation of EU energy legislation requirements.

Efficiency of state regulation in certain fields of the economy in general and in the field of energy in particular depends on there being an adequate institutional framework. New approaches to the understanding of the role of the state as an economic regulator resulted in a brand new model of independent regulatory authorities that aims to conduct state regulation of the activity of economic entities on the basis of a balance of interests of different stakeholders: economic actors, consumers, society and the state. Adequate performance of functions by

¹ Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine [1998] Official Journal of the European Union, L 49/3.

² Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. [2014] Official Journal of the European Union, L 161.

the independent regulatory authority is supported by legislation developed by reference to scientifically proven recommendations.

The energy regulator in Ukraine is the National Energy and Communal Services Regulatory Commission. In recent years, Ukrainian public authorities have undertaken steps to develop and approve a legal framework in order to implement the requirements of EU energy legislation, in particular those related to the legal status of the national regulatory authority. The approval of the Law of Ukraine on the National Energy and Communal Services Regulatory Commission³ in 2016 has become one of the critical achievements in this direction. However, additional legislative initiatives need to be introduced in order to achieve correspondence of the Ukrainian legal framework for the energy regulator with the respective requirements of EU legislation, on the one hand, and with the provisions of the Constitution of Ukraine, on the other hand.

It should be noticed that certain legal issues surrounding the energy regulatory authority in Ukraine have been discussed by Y. Vashchenko⁴, O. Y. Bytyak⁵, V. V. Korobkin⁶, O. V. Serdyuchenko⁷, and N. I. Skoreiko⁸. However, legal research in this field needs to be intensified in order to establish an adequate theoretical basis for further refinements of the legal status of the energy regulator in Ukraine.

This paper aims to analyze the problems of the legal status of the energy regulator in Ukraine in the light of recent legislative developments in Ukraine and European integration, and to provide scientifically proven solutions.

Ukraine has recently developed and approved several laws in order to implement the requirements of EU legislation on economic regulation in the sectors of electricity and natural gas. First of all, the Law of Ukraine on the National Energy and Utilities Regulatory Commission (hereinafter – the Law on the

³ Zakon Ukrainy “Pro Natsionalnu Komisiyu shcho zdiisnyuye dergavne reguluvannya u sferakh energetyky ta komunalnykh poslug” [Law of Ukraine on National Energy and Communal Services Regulatory Commission]. Vidomosti Verkhovnoyi Rady Ukrainy. 2016, No 51.

⁴ Vashchenko Y. *Energy Regulator in Ukraine: Legal Aspects of the Independence in the Light of the EU Requirements* / Y. Vashchenko // Jurisprudence. – 2014. – Vol. 21 (1). – P. 185–203.

⁵ Битяк О. Ю. Удосконалення компетенції НКРЕ як суб'єкта організаційно-господарських повноважень / О. Ю. Битяк // Вісник Національного університету “Юридична академія України імені Ярослава Мудрого”. 2014. – Сер.: Економічна теорія та право. – № 2. – С. 163–172.

⁶ Коробкін В. В. *Адміністративно-правове регулювання енергопостачання в Україні* : автореф. дис. на здоб. наук. ступ. канд. юрид. наук : 12.00.07 / В. В. Коробкін. – Запоріжжя, 2015. – 18 с.

⁷ Сердюченко О. В. *Адміністративно-правові засади забезпечення енергетичної безпеки України* : дис. на здоб. наук. ступ. кандидата юридичних наук : 12.00.07 / О. В. Сердюченко. – К., 2009. – 212 с.

⁸ Скорейко Н. І. *Державний контроль в галузі електроенергетики: адміністративно-правові засади* : автореф. дис. на здоб. наук. ступ. канд. юрид. наук : 12.00.07 / Н. І. Скорейко. – Ірпінь, 2014. – 19 с.

NKREKP) was approved in 2016. It was a significant step towards institutional encouragement of economic regulation in the energy sector in Ukraine since the energy regulator has obtained a stable legal footing provided by an act of supreme legal force. However, the new Law has not solved the problem of the constitutional legal status of the energy regulator that has existed since 2010 when the Law of Ukraine of 7 October 2010 on Amending Certain Acts and Putting Them into Accordance with the Constitution of Ukraine⁹ entered into force. According to this Law, the status of natural monopolies regulatory commissions, including the energy regulator, was shifted from central bodies of executive power with a special status to state collegial bodies. Previously, natural monopolies regulatory commissions were excluded from the system of central bodies of executive power by Presidential Decree No. 1085/2010 of 9 December 2010 on the Optimization of the System of Bodies of Executive Power¹⁰. This approach has also been reflected also in later legislative developments in Ukraine.

However, such provisions as those above contradict the Constitution of Ukraine to the extent that they distinguish the category of special state collegial bodies. This problem has been analysed by the author of this paper in previous publications on this matter¹¹. However, it needs to be explored further in the light of recent changes in Ukrainian legislation, namely the approval of the Law on the NKREKP.

Currently, the legal status of the NKREKP is regulated by the Law on the NKREKP. The explanatory note to the Law on the NKREKP stipulates that this Law was developed in order to perform the obligations of Ukraine as part of the Treaty on Establishing the Energy Community. EU legislation, primarily directives and regulations from the Third Energy Package, prescribe requirements in respect of the legal status of national regulatory authorities in the fields of energy and natural gas. Ukraine, as a full-fledged member of the Energy Community, as well as in line with the EU-Ukraine Association Agreement, shall enter into force laws and regulations necessary for the implementation of those requirements. In particular, Directive 2009/72/EC of the European Parliament and the Council of 13 July 2009 concerning common rules for the internal market in electricity and

⁹ Zakon Ukrainy "Pro vnesennya zmin do deyakyh zakonodavchyh aktiv Ukrainy shchodo pryvedennya ih u vidpovidnist iz Konstytutsiyeyu Ukrainy" [On amendments to certain legal acts of Ukraine on putting them into accordance with the Constitution of Ukraine]. 2010. Ofitsiyni visnyk Ukrainy, No 79.

¹⁰ Ukaz Prezydenta Ukrainy "Pro optymizatsiyu systemy tsentralnyh organiv vykonavchoi vlady" [Decree of the President of Ukraine "On optimization of the system of bodies of executive power"] N 1085/2010 of 9 December 2010. 2010. Ofitsiyni visnyk Ukrainy, No 94.

¹¹ Vashchenko Y., *Energy Regulator in Ukraine: Legal Aspects of the Independence in the Light of the EU Requirements* / Y. Vashchenko // Jurisprudence. – 2014. – Vol. 21 (1). – P. 185–203.

repealing Directive 2003/54/EC¹² and Directive 2009/73/EC of the European Parliament and the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC¹³ stipulate requirements pertaining to the independence of national regulatory authorities from other state authorities during the exercise of their regulatory powers. The European Commission in the Interpretative Note on Directive 2009/72/EC concerning common rules for the internal market in electricity and Directive 2009/73/EC concerning common rules for the internal market in natural gas explained the new requirements on the legal status of energy regulators prescribed by the Directives. In particular, the European Commission stated that in accordance with the national constitution the government can be authorized to determine the policy framework within which national regulatory authorities must operate, e.g. concerning security of supply, renewables or energy efficiency targets. However, general energy policy guidelines issued by the government must not encroach on the national regulatory authority's independence and autonomy.

In accordance with this Law (Article 1(part 1)), the NKREKP (hereinafter – the Regulator) is a permanent independent state collegial body. The Law (Article 5) guarantees the independence of the Regulator during the performance of its functions and powers from other bodies of power, public authorities, local self-government bodies, as well as their officials. The members of the Regulator and other public officials of the Regulator shall act independently. Any written or oral instructions, orders or mandates of a body of power, other state body, self-government body and their public officials related to the functions and powers performed by the members of the Regulator or its public officials shall be considered illegal influence. Interventions of bodies of power, self-government bodies and their public officials in the regulatory procedures in the fields of energy and communal services are prohibited.

A special procedure governing the structure of the Regulator is prescribed by the Law on the NKREKP. Thus, the Regulator consists of seven members including the head of the Regulator. Members of the Regulator are elected for terms of six years. In accordance with the Law (Article 8 (part 6)), early termination of the tenure of the members of the Regulator is a power of the President of Ukraine. The head of the Regulator is elected by the members of the Regulator by secret vote (Article 9 (part 1)).

Periodical rotation of the members of the Regulator shall be encouraged (Article 8 of the Law). It should be noticed that under the Law on the NKREKP (Section

¹² Directive 2009/72/EC of the European Parliament and the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC. [2009] Official Journal of the European Union, L 211/55.

¹³ Directive 2009/73/EC of the European Parliament and the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC. [2009] Official Journal of the European Union, L 211/94.

“Final and transitional provisions”) rotation of the head and the members of the Regulator who perform their duties by the day when the Law of the NKREKP has entered into the force (26 November 2016) shall be implemented by the President of Ukraine according to the following procedure: three members shall be removed from office not later than after 6 months from the day when the Law entered into force (before 27 May 2017); two members – within 12 months from the day when the Law entered into force; and two members within 18 months from the day when the Law entered into force. The rotation plan with a list of names shall be approved by the President of Ukraine, which took place by means of the Presidential Decree No 78/2017 of 23 March 2017¹⁴. It should be stressed that by this Decree the President of Ukraine merely approved the rotation plan. In order to remove a member of the Regulator from office in line with the rotation plan a separate Presidential Decree shall be approved. However, appointment of new members of the Regulator shall be conducted on the basis of an open competition organized and conducted by a competition commission. Such a competition commission consists of two persons nominated by the President of Ukraine, two persons selected by the Verkhovna Rada of Ukraine, and one person delegated by the Government of Ukraine upon a request of the Ministry for Energy and Coal Industry. A member (members) of the Regulator shall be appointed by a decree of the President of Ukraine from candidates selected by the competition commission. Under Article 8 of the Law on the NKREKP, in case of completion of the term of office of a member (members) of the Regulator, the competition commission shall call for applications within three months before the day of the completion of the term of office. As mentioned above, the first rotation shall be implemented before 27 May 2017. However, the competition commission has not been established yet.

Thus, the Law on the NKREKP regulates an appointment and dismissal procedure for the members of the Regulator that includes only one decision-maker – the President of Ukraine. Considering the EU legislative requirement of independence of the energy regulator it seems more reasonable to define more than one authority responsible for the appointment and dismissal of its members – for instance, the President of Ukraine and the Verkhovna Rada of Ukraine. A similar procedure is prescribed by the Constitution of Ukraine for the members of the Council of the National Bank of Ukraine.

As to the place of the Regulator in the system of public authorities, the following provisions of Ukrainian legislation should be considered. According to Article 92 (point 12 of part 1) of the Constitution of Ukraine, organization and activity

¹⁴ Ukaz Prezydenta Ukrainy “Pro zatverdzhennya planu rotatsii Golovy ta chleniv Nacionalnoi komisii, shcho zdiisnyuye derganve reguluvannya u sferah enerhyetyky ta komunalnyh poslug” [Decree of the President of Ukraine “On approval of the Rotation Plan of the Head and the members of the National Energy and Utility Regulatory Commission”] No 78/2017 of 23 March 2017. 2017. Ofitsiynyi visnyk Prezydenta Ukrainy, No 8.

of bodies of executive power are defined exclusively by the laws of Ukraine. However, the Law on the NKREKP does not define the Regulator as a body of executive power. There are no permanent independent collegial bodies in the system of central bodies of executive power defined by the Law of Ukraine of 17 March 2011 on Central Bodies of Executive Power¹⁵, nor in the scheme of direction and coordination of the activity of central bodies of executive power by the Cabinet of Ministers of Ukraine via certain members of the Cabinet of Ministers of Ukraine approved by the Decree of the Cabinet of Ministers of Ukraine of 10 September 2014 No 442¹⁶. The establishment procedure of the Regulator and its relations with other state authorities are different from the establishment procedure and managerial relations of bodies of executive power. Under Article 116 (point 9¹) of the Constitution of Ukraine, establishment, reorganization and liquidation of ministries and other central bodies of executive power in accordance with the law refer to the powers of the Cabinet of Ministers of Ukraine. In accordance with Article 116 (point 9) of the Constitution of Ukraine, the Government of Ukraine also directs and coordinates the work of the ministries and other bodies of executive power. Article 116 (point 9²) prescribes that the Cabinet of Ministers of Ukraine appoints and dismisses, upon a request of the Prime Minister of Ukraine, the heads of central bodies of executive power who are not members of the Cabinet of Ministers of Ukraine.

Therefore, the provisions of the Law on the NKREKP, in particular those regarding the appointment procedure for the members of the Regulator, the guaranties of its independence, relations of the Regulator with the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and other bodies of power defined in Article 6 of this Law testify to the intention of the legislator to define a special place for the Regulator in the system of state bodies. However, as mentioned above, these provisions of the Law on the NKREKP are not in line with the Constitution.

Another important issue is the legal framework for the activity of the Regulator in the light of recent legislative changes. In accordance with Article 2 (part 2) of the Law on the NKREKP, the Regulator performs regulatory functions under the provisions of this Law, the Laws of Ukraine on Natural Monopolies, on Electricity, on the Framework for the Functioning of the Electricity Market, on the Natural Gas Market, on Pipeline Transport, on the Combined Production of Heat and Electricity Energy (Cogeneration) and West Energy Potential Use, on State Regulation in the Field of Communal Services, on Heat Supply, on Drinking

¹⁵ Закон України “Про центральні органи виконавчої влади” [Law of Ukraine “On Central Bodies of Executive Power”] No 3166-VI of 17 March 2011. 2011. *Ofitsiyni visnyk Ukrainy*, No 27.

¹⁶ Постанова Кабінету Міністрів України “Про оптимізацію системи центральних органів виконавчої влади” [Decree of the Cabinet of Ministers of Ukraine “On optimization of the system of central bodies of executive power”] No 442 of 10 September 2014. 2014. *Uryadovi Kuryer*, No 169.

Water and Drinking Water Supply, as well as other legislative acts that regulate relations in certain fields. It should be considered that in accordance with Section IV of the Law on the NKREKP entitled “Final and Transitional Provisions” the provisions of Section III of the Law of Ukraine on Natural Monopolies¹⁷ that regulate the legal status of national natural monopolies regulatory commissions do not cover the NKREKP. Section III includes Article 11 that, in particular, prescribes the powers of the President of Ukraine in respect of the establishment and liquidation of state collegial bodies, appointment and dismissal of their heads and members, legal regulation of the activity of such bodies. Thus, the provisions of the Law of Ukraine on Natural Monopolies regarding the establishment, liquidation and legal regulation of the activity of national natural monopolies regulatory commissions by the President of Ukraine do not apply to national natural monopolies regulatory commissions to the extent that the Law on the NKREKP has entered into force. Under the Regulation on the Development and Submission Procedure of the Acts of the President of Ukraine approved by Decree of the President of Ukraine of 15 December 2006 No 970/2006¹⁸, decisions of the President of Ukraine, approved on the basis and for the implementation of the Constitution and laws of Ukraine, are valid until repealed by a new presidential decree. Decrees of the President of Ukraine of 27 August 2014 on the National Energy and Utilities Regulatory Commission No 694/2014¹⁹, and of 10 September 2014 on the Approval of the Regulation on the National Energy and Utilities Regulatory Commission No 715/2014²⁰ have not been cancelled by a decree of the President of Ukraine. However, considering that a legal act of supreme force – the Law on the NKREKP – has entered into force, the Presidential Decrees on the NKREKP mentioned above should not be considered as part of the legal framework for the Regulator’s activity.

One of the most important issues with regard to the legal status of the Regulator is the powers of the President of Ukraine and the Verkhovna Rada of Ukraine concerning this body. It should be noticed that the Constitution of Ukraine does

¹⁷ Zakon Ukrainy “Pro pryrodni monopolii” [Law of Ukraine “On Natural Monopolies”] No 1682-III of 20 April 2000. 2000. Vidomosti Verkhovnoi Rady Ukrainy, No 30.

¹⁸ Ukaz Prezydenta Ukrainy “Pro Pologennya pro porjadok pidgotovky ta vnesennya proektiv aktiv Prezydenta Ukrainy” [Decree of the President of Ukraine “On the Regulation on the Development and Submission Procedure of the Acts of the President of Ukraine”] No 970/2006 of 15 November 2006. 2006. Uryadovi Kuryer, No 220.

¹⁹ Ukaz Prezydenta Ukrainy “Pro Natsionalnu komisiyu, shcho zdiysnyuye dergavne reguluvannya u sferah enerhetyky ta komunalnyh poslug” [Decree of the President of Ukraine of 27 August 2014 “On National Energy and Communal Services Regulatory Commission”] No 694/2014 of 27 August 2014. 2014. Ofitsiynyi Visnyk Ukrainy, No 71.

²⁰ Ukaz Prezydenta Ukrainy “Pro zatverdghennya Pologennya pro Natsionalnu Komisiyu, shcho zdiysnyuye dergavne reguluvannya u sferah enerhetyky ta komunalnyh poslug” [Decree of the President of Ukraine of 10 September 2014 on the Approval of the Regulation on National Energy and Utilities Regulatory Commission, No. 715/2014]. 2014. Ofitsiynyi Visnyk Ukrainy, No 74.

not define such a type of state bodies as permanent independent state collegial bodies. Also, the Constitution does not stipulate the powers of the President of Ukraine and the Verkhovna Rada of Ukraine regarding such bodies. At the same time, the Constitution of Ukraine provides an exhaustive list of the powers of the President of Ukraine. The Constitutional Court of Ukraine, in its judgment on a constitutional complaint brought by 60 People's Deputies of Ukraine regarding the constitutionality of certain provisions of Article 11 of the Law of Ukraine of 8 July 2008 on Natural Monopolies (the national natural monopolies regulatory commissions' case)²¹, stated that, in accordance with the provisions of paragraph 31 of the first part of Article 106 of the Constitution of Ukraine, the powers of the President of Ukraine shall be defined only by the Constitution. In accordance with Article 85 of the Constitution of Ukraine, the Verkhovna Rada of Ukraine performs only the powers defined in the document.

It should be stressed that two cases related to the constitutionality of some legislative acts on Ukraine regarding the status of the NKREKP are currently under consideration by the Constitutional Court of Ukraine. The first case was opened on 23 March 2017 upon a constitutional submission of 46 People's Deputies and is devoted to the constitutionality of certain provisions of the Law on the NKREKP; in particular, regarding the definition of the Regulator as a permanent independent collegial state body, its independence and establishment procedure. The second case was opened upon a constitutional submission of the Supreme Court of Ukraine and is related, in particular, to the legal status of the NKREKP defined by the legislation that had been in force prior to the Law on the NKREKP²². The cases are pending. Different arguments appear in those constitutional submissions, however, both of them are connected with the problem of the constitutional legal status of such a special state authority.

In sum, the approval of the Law of Ukraine on the National Energy and Communal Services Regulatory Commission should be considered an important step towards the adaptation of Ukrainian energy legislation to EU energy standards. However, the legal framework for the Energy Regulator needs to be improved in order to fulfil, on the one hand, the requirements of EU legislation, in particular those regarding the independence of the energy regulator, and, on the other hand, the provisions of the Constitution of Ukraine. Currently, the Constitution of Ukraine does not define such a type of state authorities as permanent inde-

²¹ Rishennya Konstytutsiynogo Sudu Ukrainy u spravi za konstytutsiynym podanniam 60 narodnyh deputativ shchodo vidpovidnosti Konstytutsii Ukrainy (konstytutsiynosti) pologen' abzatsiv pershogo, drugogo chastyny pershoi, chastyny drugoi statii 11 Zakonu Ukrainy "Pro pryrodni monopolii" (sprava pro natsionalni komisii reguluvannya pryrodnyh monopoliiy) [Decision of the Constitutional Court in the case on national natural monopolies regulatory commissions] No 14- pp/2008 of 8 July 2008. 2008. Ofitsiynyi Visnyk Ukrainy, No 52.

²² Na rozglyadi v Konstytutsiynomu Sudi Ukrainy. Konstytutsiyni podannya [Under consideration of the Constitutional Court of Ukraine. Constitutional Submissions], <http://ccu.gov.ua:8080/uk/publish/article/330210> (accessed 10 May 2017).

pendent state collegial bodies (as prescribed by the Law on the NKREKP). Also, the Constitution provides an exhaustive list of powers of the President and the Verkhovna Rada and it contains no mention of any powers related to permanent independent state collegial bodies. Therefore, the Law of Ukraine on the National Energy and Communal Services Regulatory Commission cannot solve the problem of the constitutional legal status of the regulator. Thus, the Constitution's provisions specifying the powers of the President of Ukraine and the Verkhovna Rada of Ukraine as against permanent independent regulatory authorities (e.g., pertaining to the establishment, appointment and dismissal of members, accountability) shall be amended in order to bolster the principle of independence of national regulatory authorities in the energy sector as prescribed by EU legislation.

THE LEGAL STATUS OF THE ENERGY REGULATOR IN UKRAINE IN THE CONTEXT OF RECENT LEGISLATIVE CHANGES AND EUROPEAN INTEGRATION

Summary

The energy sector is a strategic industry of each state. Energy industry is one of the most important regulated fields at the EU level and a crucial direction of cooperation between the EU and Ukraine. EU legislation, primarily directives and regulations from the Third Energy Package, prescribe requirements in respect of the legal status of national regulatory authorities in the fields of energy and natural gas. Ukraine, as a full-fledged member of the Energy Community, as well as in line with the EU–Ukraine Association Agreement, shall institute laws and regulations necessary for the implementation of those requirements. In particular, EU legislation stipulates requirements with regard to the independence of national regulatory authorities from other state authorities during the exercise of their regulatory powers. In recent years, Ukrainian public authorities have undertaken steps to develop and approve a legal framework in order to implement the requirements of EU energy legislation, in particular those related to the legal status of national regulatory authorities. The approval of the Law of Ukraine on the National Energy and Communal Services Regulatory Commission in 2016 was one of the critical achievements in this direction. However, the new Law has not solved the problem of the constitutional legal status of the energy regulator. The Constitution of Ukraine's provisions specifying the powers of the President of Ukraine and the Verkhovna Rada of Ukraine as against permanent independent regulatory authorities (e.g., pertaining to the establishment, appointment and dismissal of members, accountability) shall be amended in order to bolster the principle of independence of national regulatory authorities in the energy sector as prescribed by EU legislation.

BIBLIOGRAPHY

- Vashchenko Y., *Energy Regulator in Ukraine: Legal Aspects of the Independence in the Light of the EU Requirements* / Y. Vashchenko // Jurisprudence. – 2014. – Vol. 21 (1)
- Zakon Ukrainy “Pro Natsionalnu Komisiyu shcho zdiisnyuye dergavne reguluvannya u sferakh energetyky ta komunalnykh poslug” [Law of Ukraine on National Energy and Communal Services Regulatory Commission]. Vidomosti Verkhovnoyi Rady Ukrainy. 2016. No 51
- Zakon Ukrainy “Pro pryrodni monopolii” [Law of Ukraine “On Natural Monopolies”] No 1682-III of 20 April 2000. 2000. Vidomosti Verkhovnoi Rady Ukrainy, No 30
- Zakon Ukrainy “Pro tsentralni organy vykonavchoi vlady” [Law of Ukraine “On Central Bodies of Executive Power”] No 3166-VI of 17 March 2011. 2011. Ofitsiyni visnyk Ukrainy, No 27
- Zakon Ukrainy “Pro vnesennya zmin do deyakyh zakonodavchyh aktiv Ukrainy shcho do pryvedennya ih u vidpovidnist iz Konstytutsiyeyu Ukrainy” [On amendments to certain legal acts of Ukraine on putting them into accordance with the Constitution of Ukraine]. 2010. Ofitsiyni visnyk Ukrainy, No 79
- Постанова Кабінету Міністрів України “Про оптимізацію системи центральних органів виконавчої влади” [Decree of the Cabinet of Ministers of Ukraine “On optimization of the system of central bodies of executive power”] No 442 of 10 September 2014. 2014. Uryadovyi Kuryer, No 169
- Битяк О. Ю. *Удосконалення компетенції НКРЕ як суб’єкта організаційно-господарських повноважень* / О. Ю. Битяк // Вісник Національного університету “Юридична академія України імені Ярослава Мудрого”. 2014. – Сер.: Економічна теорія та право. – № 2
- Коробкін В. В. *Адміністративно-правове регулювання енергопостачання в Україні* : автореф. дис. на здоб. наук. ступ. канд. юрид. наук: 12.00.07 / В. В. Коробкін. – Запоріжжя, 2015
- Сердюченко О. В., *Адміністративно-правові засади забезпечення енергетичної безпеки України* : дис. на здоб. наук. ступ. кандидата юридичних наук: 12.00.07 / О. В. Сердюченко. – К., 2009
- Скорейко Н. І. *Державний контроль в галузі електроенергетики: адміністративно-правові засади* : автореф. дис. на здоб. наук. ступ. канд. юрид. наук: 12.00.07 / Н. І. Скорейко. – Ірпінь, 2014

KEYWORDS

economic regulation, independent regulatory authorities, energy regulation, energy regulator in Ukraine

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regulacja sektora ekonomicznego, niezalezny organ regulacyjny, regulacja sektora energetycznego, regulator sektora energetycznego na Ukrainie