



ANNEX C1: Twinning Fiche¹

Project title: Reforming Audiovisual Media Regulation in Ukraine in line with EU standards and international best practices

Beneficiary administration: National Council of Television and Radio Broadcasting of Ukraine

Twining Reference: UA 23 NDICI TE 01 24

Publication notice reference: EuropeAid/180678/DD/ACT/UA

EU funded project

TWINNING TOOL

¹ In case of different language versions of the Twinning Fiche it must be clearly indicated which language version prevails.

List of abbreviations

AA	EU–Ukraine Association Agreement
AVMSD	Audiovisual Media Services Directive
BC	Beneficiary Country
DCA	Digital Services Act
DCFTA	Deep and Comprehensive Free Trade Area
DMA	Digital Markets Act
EU	European Union
EUD	EU Delegation
LTE	Long-Term Evolution
MTBP	Medium-Term Business Planning
MS	Member State (of the EU)
National Council	National Council of Television and Radio Broadcasting of Ukraine
NRA	National Regulatory Authority of Ukraine
OTT	Over-the-top
PL	Project Leader
PSC	Project Steering Committee
RTA	Regional Twinning Assistant
SDGs	Sustainable Development Goals
UA	Ukraine
VOD	Video-on-demand
VSP	Video-Sharing Platform

1. Basic Information

1.1 Programme: C(2023)4022 AAP Ukraine 2023, EU Support to Recovery and Reforms, direct management (OPSYS reference: NDICI-GEO-NEAR/2023/ACT-61605)

1.2 Twinning Sector: Telecommunications

1.3 EU funded budget: EUR 1 500 000.00

1.4 Sustainable Development Goals (SDGs): SDG 16 (*Peace, Justice and Strong Institutions: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*)

2. Objectives

2.1 Overall Objective(s):

The overall objective of the project is to increase efficiency, transparency and consistency of the media policy in Ukraine on the basis of closer alignment with the EU media framework and to strengthen the independence of the National Council through enhancing legal, regulatory and administrative capacity to take appropriate regulatory measures as required by the legal framework of Ukraine and EU.

2.2 Specific objective:

The specific objective of the project is to improve the institutional capacity of National Council to efficiently regulate media activities to ensure the right to freedom of expression, to stimulate a competitive environment, equality and independence of the media.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans

- Chapter 15 "Audiovisual Policy" of Title V "Economic and Sectoral Cooperation" of the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their Member States, as well as Annex XXXVI to this Agreement;
- Law of Ukraine on Media No. 2849-IX dated 13.12.2022 (entered into force on 31 March 2023);
- Information Security Strategy adopted by the Decision of the National Security and Defense Council of Ukraine dated October 15, 2021 and implemented by the Decree of the President of Ukraine dated December 28, 2021 No. 685/2021;
- Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union;
- Commission Decision 2010/267 of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union;
- Commission Implementing Decision (EU) 2016/687 of 28 April 2016 on the harmonisation of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services and for flexible national use in the Union;
- Decree of the President of Ukraine No. 497 "On some measures to improve access to the mobile Internet" dated 08.07.2019;
- Action Plan for the release of radio frequency bands in the bands 790 - 862 MHz, 694 - 790 MHz from radio electronic facilities of the radio broadcasting service (television) for LTE implementation, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1457-r dated 18.11.2020.

3. Description

3.1 Background and justification:

The National Council of Ukraine on Television and Radio Broadcasting, in accordance with the powers defined in the current legislation of Ukraine, regulated the field of television and radio broadcasting during 1993-2023. After the adoption of the Law on Media in December 2022, the field of regulation spreads to online and printed press, as well as VSP and VOD platforms. At the same time, Ukrainian legislation has been synchronized with EU legislation in the field of audiovisual media services regulation; it is extremely important to strengthen the legal, regulatory and administrative capacity of the National Council to regulate all media sectors.

It is undoubtedly important for the implementation of this project to provide Ukrainian specialists with the knowledge and skills to ensure the activities of the regulatory body based on the best European practices and to develop a regulatory framework in accordance with the *acquis communautaire* in the field of audiovisual sector regulation.

The adoption of the law represents the fulfillment by Ukraine of Ukraine's obligation under the Audiovisual Policy Section of the EU-Ukraine Association Agreement: one out of the seven requirements of the European Commission for confirmation of Ukraine's EU candidacy. This Law was developed based on the requirements of the reviewed EU Directive on Audiovisual Media Services, as well as the standards of the Council of Europe in the media area.

The law is aimed at ensuring:

- implementation of the right to freedom of expression;
- the right to receive comprehensive, reliable and prompt information;
- plurality of opinions;
- free dissemination of information;
- protection of the national interests of Ukraine;
- protection of the rights of users of audiovisual media services;
- regulation of activities in the media area;
- principles of transparency, fairness, and impartiality;
- promotion of competitive environment;
- media equality and independence;
- legal status, procedures for the formation, activities and remit of the National Council of Television and Radio Broadcasting of Ukraine (the Media NRA of Ukraine).

Institutional framework

The National Council of Ukraine on Television and Radio Broadcasting acts as an independent **media regulator** in Ukraine. It consists of eight people appointed for 5 years by the Verkhovna Rada of Ukraine and the President of Ukraine and 330 employees working on a permanent/contract basis. Members of the National Council are officials and work on a permanent basis. During the performance of their official duties, they cannot hold any other positions, including on public grounds, in state and non-state bodies, organisations, institutions and enterprises, engage in other paid or entrepreneurial activities. A member of the National Council cannot hold a representative mandate and be a member of a political party.

The selection and appointment of candidates for the post of member(s) of the National Council takes place on a competitive basis. The National Council is financed exclusively from the state budget

According to Article 90 of the Law on Media the National Council performs the following duties and responsibilities:

- 1) participates in the development and implementation of state policy in the field of media;
- 2) develops and approves the Strategy of the National Council, makes changes to it;
- 3) develops and approves the Plan of Implementation of the Strategy of the National Council, makes changes to it;
- 4) analyses the state of development of the media sphere, conducts (orders) research on the needs of users for information and media services, other research necessary for the preparation of the Strategy or amendments to it, as well as the Strategy Implementation Plan;
- 5) in accordance with the Strategy Implementation Plan, make decisions on the necessity of creating broadcasting channels and multichannel electronic communication networks involving the use of radio frequency spectrum, determine the terms and conditions of licenses and hold tenders for licenses in cases stipulated by this Law;
- 6) participates in the development and approval of the draft Plan for the Allocation and Use of Radio Frequency Spectrum in Ukraine;
- 7) decides on the change of standards (radio technologies), which do not reduce the number of broadcasting channels and/or resources of the multichannel electronic communication network and do not require the revocation of the current licensees' licenses;
- 8) pursuant to the decisions of the authorised bodies on the termination of the use of analog television broadcasting standard (radio technology), makes decisions on the termination of the use of such standard (radio technology) by licensees;
- 9) carries out licensing in the field of media, including establishing the form and procedure for submitting an application for participation in the tender, an application for prolongation of the license, an application for amendments to the Register of licensees;
- 10) develops and approves the methodology for calculating the license fee and fee for making changes to the Register, the methodology for accounting the number of users of media services of audiovisual service providers and the procedure for submitting this information to the National Council;
- 11) considers the issue of violation of legislation and/or license conditions and apply response measures provided for by this Law;
- 12) in case of violation of the legislation of Ukraine in the programs of radio channels, television channels, catalogues of programs originating from the countries that are parties to the European Convention on Transfrontier Television or the member states of the European Union, as well as in case of a dispute over jurisdiction, shall take measures provided for by the European Convention on Transfrontier Television, other international treaties of Ukraine and this Law.
- 13) establishes advisory bodies and working groups of the National Council, determines their personal composition, functions, powers, procedure of activity and ensures their work;
- 14) within the limits of its powers, initiates and carries out cooperation with relevant international and regional organisations, media regulatory authorities of foreign countries, foreign institutions and organisations, including the institutions of the European Union, within the framework of ensuring the process of European integration;
- 15) takes part in the preparation of draft international treaties of Ukraine in accordance with the established procedure, concludes international treaties of interagency nature in accordance with the law;
- 16) adopts, within its competence, normative legal and other acts;
- 17) provides clarifications on the application of its own regulatory legal acts;
- 18) maintains and systematically updates the official website of the National Council;
- 19) publishes information (documents) provided for by law, including in the form of open data, as well as provides information on requests in the manner prescribed by the Law of Ukraine "On Access to Public Information";

- 20) considers complaints, proposals and other appeals of persons in accordance with the procedure established by law, makes decisions on the results of consideration of appeals within the limits of its powers under this Law;
- 21) approves the Procedure for holding conferences of public associations and associations, election of members of the Supervisory Board of the Joint Stock Company "National Public Television and Radio Broadcasting Company of Ukraine" and termination of their powers; develops and approves the Procedure for holding conferences of public associations and election of members of supervisory boards of enterprises engaged in municipal public broadcasting, the Model Charter of the entity in the field of local public audiovisual media and the Model Employment Contract with the head of the entity in the field of local public audiovisual media
- 22) transmits, in accordance with the procedure established by law, to the relevant state bodies materials on the revealed facts of violation of the legislation;
- 23) jointly with the joint regulatory body develops and approves the rules of broadcasting on the days of remembrance;
- 24) together with the joint regulatory authority develops and approves an action plan to ensure accessibility of services for persons with disabilities;
- 25) together with the joint regulatory authority determines the criteria for classifying advertising information (commercial messages) as such that may be considered harmful in accordance with the requirements of the legislation on advertising;
- 26) determines the period necessary for the restoration of the media sphere and decides on the reduction of the volume of the national product established by Article 38 of this Law during such period, as well as during martial law or state of emergency;
- 27) approves regulations on peculiarities of licensing and registration in the field of media during martial law or state of emergency;
- 28) approves regulations on the peculiarities of the procedure for applying to media entities during martial law or a state of emergency response measures for gross violations of the law;
- 29) develops and approves the methodology for calculating the license fee and fee for making changes to the Register, the methodology for accounting the number of users of media services of audiovisual service providers and the procedure for submitting this information to the National Council;
- 30) defines the types of linear audiovisual media formats;
- 31) creates on its official website an effective mechanism for sending appeals regarding the accessibility for persons with disabilities of services provided by entities in the field of audiovisual media;
- 32) independently or in cooperation with the central executive body that ensures the formation and implementation of the state policy in the field of media, other state bodies, local self-government bodies, educational institutions, public associations, develop and implement projects, exhibitions, printed and electronic publications, websites, audiovisual products, games and other activities to improve media literacy;
- 33) jointly with the joint regulatory body defines the tools and mechanisms for implementing the requirements set forth in Article 23 of this Law to providers of video sharing platforms;
- 34) jointly with the joint regulatory authority, sets the requirements for the volume of the European product for TV channels of national and regional categories that have an insignificant audience share;
- 35) jointly with the joint regulatory authority develops recommendations for the implementation of the requirements for the European product established by this Law;
- 36) takes measures to include Ukrainian linear audiovisual media in the packages of audiovisual service providers of other countries within the framework of promoting Ukraine's integration into the world information space;

37) exercises other powers provided by the laws of Ukraine.

Furthermore, National Council is involved (Ministry of Digital Transformation is a chief performer of digital dividend activities in Ukraine) in the process of I and II (790 - 862 MHz, 694 - 790 MHz) digital dividend release to be implemented under Decision 2017/899/EU on the use of the 470-790 MHz frequency band in the Union.

With regard to the organisational structure of the National Council, see Annex 1.

The main difficulties consist in implementation of new statutory functions of the National Council and lack of experience in:

- registration and monitoring of new media services (online, printed, VSP, etc.);
- preparation of strategic documents;
- co-regulation;
- media literacy activities.

Moreover, National Council's current operation is carried out in terms of under-budgeting and understaffing.

3.2 Ongoing reforms:

Within the framework of reformation process, it is necessary to note that the Law of Ukraine on Media provides **key aspects:**

Independence of the Media NRA (p.33), Section 1, Art.1)

The procedures for the NRA formation have been detailed, the principles of financial independence have been introduced, and the remit has been extended regarding the powers for an effective response to violations of consumers' rights in the media area.

Scope of application

The Law regulates the activities for the following media entities:

- entities in the field of audiovisual media (TV broadcasting, radio broadcasting, on-demand audio media service, on-demand audiovisual media service)
- entities in the field of the print media
- entities in the field of the online media
- providers of audiovisual services
- providers of video sharing platform
- providers of electronic communications services for broadcasting needs using the radio frequency spectrum (e.g. DVB-T/T2 platform providers)

Key tasks of the Media Law

Strategy preparation (Art.8)

National Council is obliged to elaborate the Strategy of the National Council as a fundamental document defining the goals and directions of the National Council's activities. The Strategy should be based on ensuring pluralism of opinions, satisfaction and ensuring information rights of citizens, creation of favourable business environment, development of civil society, protection of rights of certain ethnic and social groups. The Strategy should ensure its main powers defined by this Law, as well as the provisions of international agreements and state programs in the field of information policy, media, culture and arts, electronic communications, and other areas of public life that have an impact on the media.

Licensing and registration (Art.50, Art.63)

Licensing is foreseen only for those media utilising the radio frequency resource (linear audio and audiovisual media services, as well as providers of electronic communications services (DVB-T/T2). Registration is foreseen for entities that do not operate the radio frequency resource. Voluntary registration is foreseen for the online media and print media.

Monitoring and inspections (Art.97)

Official monitoring is a set of measures aimed at recording and analysing information disseminated by media entities, which is carried out on the basis of recording, viewing (listening) such information. The National Council shall have the right to conduct scheduled, unscheduled and additional inspections in accordance with the requirements of this Law and in accordance with the procedure determined by it. Inspections may be on-site or off-site.

Co-regulation (Art.93-96)

A co-regulation mechanism in the media area has been enshrined in the new Law. The aim of co-regulation is to determine and set requirements for the dissemination of the content, which according to the Law is to be (co-)regulated by adopting codes (rules). At the same time, media entities voluntarily undertake the obligation to comply with these requirements, and the National Council recognises that these requirements are sufficient to ensure public interests. The list of issues for co-regulation is exhaustive.

Liability

The Law (Art.110-115) provides for the gradation of all violations into three clusters: minor, significant, and serious.

Sanctions for serious violations: linear services - a fine of 25% of the license fee or 10-75 minimum wages; print and online media - a fine of 10-15 minimum wages.

Sanctions for significant violations: linear services - a fine of 10% of the license fee or 5-50 minimum wages; print and online media - a fine of 5-10 minimum wages.

Sanctions for minor violations: linear services - a fine of 5% of the license fee or 1-25 minimum wages; print and online media - a fine of 1-5 minimum wages.

Wartime regulation

Section IX of the Law (Art.118-126) provides for the aspects of legal regulation of media activity in conditions of armed aggression. The validity period of the legislative provisions is in effect for the following 5 years after the abolition of the status of the aggressor state. The approaches to ban certain types of content have been enshrined. The procedures for blocking OTT services and audiovisual service providers of the aggressor state, as well as the content of linear media of the aggressor state on video sharing platforms, have been introduced. The list of persons who pose a threat to the national security has to be compiled by the relevant ministry in the area of culture and arts, on the basis of justified appeals of state authorities (the Council of National Security and Defence of Ukraine, Security Service of Ukraine and the National Council of Television and Radio Broadcasting of Ukraine).

Media literacy

The Law (p.29), Section 1, Art.1 and p.58), Art.90) introduces a definition of media literacy.

The formation and implementation of the state policy on media literacy is entrusted to the relevant ministry.

The main tasks in the area of media literacy are to be reflected, as required by the Law, in the Strategy of the National Council - a fundamental public document that defines the goals and directions of the National Council.

Moreover, the Law transposes the definitions provided for in the AVMSD, covers European criteria for audio visual media, establishes obligations regarding the quotas for European products, provides for the right to reply, etc.

3.3 Linked activities:

During 2018-2022 years, the National Council participated in “EU and Council of Europe working together to support freedom of media in Ukraine” as one of three components of the Joint Project of the European Union and the Council of Europe “EU and Council of Europe working together to strengthening protection of the human rights in Ukraine”.

The Project is a continuation of the support to the ongoing reforms in the field of media after the completion of the Council of Europe Project “Strengthening Freedom of the Media, Access to Information and Reinforcing a Public Broadcasting System in Ukraine”, implemented within the period of 01 July 2018 – 31 August 2019 in the framework of the Council of Europe Action Plan for Ukraine 2018-2022.

The objective of the Project is to enhance the role of media, its freedom and safety, and the public broadcaster as an instrument for consensus building in the Ukrainian society according to the priorities included in the Council of Europe Action Plan for Ukraine 2018-2021, as well as EU-Ukraine Association Agreement, ratified in September 2014.

Components of the Project covered:

- reinforcement of the Public Broadcasting system in Ukraine;
- safety of journalists and countering impunity of crimes against freedom of expression, in particular creation of the rapid response mechanism to ensure safety of journalists;
- adoption of audiovisual legislation and strengthen capacities of the National TV and Radio Broadcasting Council of Ukraine improved access to public information for media and society;
- balanced and professional media coverage of elections, fighting propaganda and information disorder and providing information security of Ukraine in line with the European standards.

Recently the National Council was included in the project “Protecting freedom of thought and freedom of the media” within the framework of the Council of Europe Action Plan for Ukraine for 2023-2026 "Resilience, Recovery and Rebuilding". The main objective of the is to promote a pluralistic media environment in Ukraine through the harmonisation of the legal and policy framework in line with European standards. One of the component of this program is support to the National Council of Television and Radio Broadcasting of Ukraine and the National Public Broadcasting Company of Ukraine (UA:NSTU) and self-regulatory bodies and media.

3.4 List of applicable *Union acquis*/standards/norms:

- Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities;
- EU Human Rights Guidelines on Freedom of Expression Online and Offline
- EU Action Plan against Disinformation
- EU Action Plan on Human Rights and Democracy 2020-2024

Relevant legislation in Ukraine:

- Law on Media
- Law on State Support of the Media, Guarantees of Professional Activity and Social Protection of Journalists
- Law on Advertising
- Law on Public Media in Ukraine
- Law on State Support of Cinematography in Ukraine
- Law on Ensuring the Functioning of the Ukrainian Language as the State Language
- Law on Electronic Communications
- Law on All-Ukrainian Referendum

3.5 Components and results per component

The Twinning project is organised around two components. The objectives of the Twinning project should be achieved by implementing the activities within the two components and results associated with each component. The specific activities within the two components are not settled at this stage but are to be refined during negotiation of the contract and work plan, although an indicative framework is outlined below.

Component A. Strengthening the legal and regulatory capacity of the National Council

While the Law of Ukraine on Media has been largely harmonised with the AVMSD, it should be noted that there are still inconsistencies between the current legal framework of Ukraine and the EU acquis (including DSA and DMA) that need to be aligned. In this regard, it is crucial to have a clear understanding what further steps should be undertaken.

NOTE: Considering the issue of approximation of Ukrainian legislation to DSA/DMA and other EU acts within the framework of Twinning it could be useful for National Council to get practical experience of implementing EU acts into the national legislation of EU countries.

Mandatory result 1 (Component A): Analysis of the existing legal and regulatory framework in Ukraine in view of EU regulations / directives (gaps – inconsistencies).

Mandatory result 2 (Component A): Action plan with the prioritised timed sequence of actions to address the remaining inconsistencies through legal and sub-legal acts and internal guiding documents.

Mandatory result 3 (Component A): Draft legal documents (primary and secondary), proposals/recommendations addressing principal inconsistencies of current Ukrainian media legislation.

Component B. Strengthening the administrative capacity of the National Council.

Every structure needs a capacity-building tool covering human and financial resources, organisational structure, proposals for future development and other components.

Mandatory result 4 (Component B): Strategy and implementation roadmap (timed and costed) for overall organisational development of the regulator, with prioritised sequence of actions – based on a business process and gap analysis.

Mandatory result 5 (Component B): Proposals/recommendations/best practices with regard to internal processes and digitalisation.

3.6 Means/input from the EU Member State Partner Administration(s)*:

The project will be implemented in the form of a Twinning Contract between the Beneficiary Country and the EU Member State(s). The implementation of the project requires one Project Leader (PL) with responsibility for the overall coordination of project activities and one Resident Twinning Adviser (RTA) to manage implementation of project activities, Component Leaders (CL) and a pool of short-term experts (STE) within the limits of the budget. It is essential that the team has sufficiently broad expertise to cover all areas included in the project description.

Proposals submitted by Member State(s) shall be concise and focused on the strategy and methodology and an indicative timetable underpinning this, the administrative model suggested, the quality of the expertise to be mobilised and show clearly the administrative structure and capacity of the Member State entity/ies. Proposals shall be detailed enough to respond adequately to the Twinning Fiche but are not expected to contain a fully elaborated project. They shall contain enough detail about the strategy and methodology and indicate the sequencing and mention key activities during the implementation of the project to ensure the achievement of overall and specific objectives and expected results/outputs.

The interested Member State(s) shall include in their proposal the CVs of the designated Project Leader (PL) and the Resident Twinning Adviser (RTA), as well as the CVs of the potentially designated Component Leaders (CLs).

The Twinning project will be implemented by close cooperation between the partners aiming to achieve the Expected results in a sustainable manner.

The set of proposed activities and indicators will be further developed with the Twinning partners when drafting the initial work plan and successive rolling work plan every three months, keeping in mind that the final list of activities will be decided in cooperation with the Twinning partners.

Due to security reasons the project is expected to be implemented in a 'hybrid' mode (combining online and offline events and means of collaboration). In line with the flexibility arrangements for the implementation of Twinning projects in Ukraine, RTA and short-term experts may be allowed to work from their home country(ies) using the videoconferencing facilities. The decision on the format of implementation of the twinning project is to be taken by the implementing partners according to security situation in the country and security policies, rules and procedures of the implementing partners and work plan agreed which will contribute to the successful implementation of the project. If the security situation changes after the conclusion of the contract, the project format may be changed to a standard offline implementation arrangement.

3.6.1 Profile and tasks of the PL:

Qualifications and skills:

- Proven contractual relation to a public administration or mandated body (see Twinning Manual 4.1.4.2) responsible for media or law;
- University degree in one of the following fields: law, economics, business administration, public administration, or other relevant field; or equivalent professional experience of 5 years above the general professional experience specified below;
- At least 3 years of general experience in the field of media or law;
- At least 3 years of specific experience in a management role at a regulator;
- Experience in project management and institutional capacity-building;
- Experience in development of national media frameworks according to European requirements; such experience in a new MS or EU accession country will be considered an asset;
- Fluent written and spoken English;
- A spoken capability in Ukrainian or Russian will be considered an asset.

Tasks

- Conceive, supervise and coordinate the overall Twinning project;
- Provide high level strategic advice regarding reforms supported by the Twinning project;
- Coordinate and monitor the overall implementation of the project including coordination and direction of the MS Twinning partner;
- Coordinate MS experts' work and availability;
- Communicate with the beneficiary and EUD;
- Ensure the backstopping functions and financial management;
- Guarantee the successful implementation of the project from the MS administration side;
- Participate in quarterly meetings of the Project Steering Committee with the BC PL;
- Participate in preparation of the initial and subsequent work plans, as well as interim and final reports.

3.6.2 Profile and tasks of the RTA:

Qualifications and skills:

- Proven contractual relation to a public administration or mandated body (see Twinning Manual 4.1.4.2) responsible for media or law;
- University degree in one of the following fields: law, economics, business administration, public administration or other relevant field; or equivalent professional experience of 5 years above the general professional experience specified below;
- Minimum 3 years of general experience in the field of media or law;
- At least 3 years of specific experience in the field of case-handling or procedures in the field of media or law;
- Experience of strengthening an institutional capacity of a national media authority; such experience in a new MS or EU accession country will be considered as asset;
- Experience in project management; such experience in Twinning or Technical Assistance programmes managing a team of EU and local experts will be considered an asset;
- Strong interpersonal and team-working skills in intercultural environment (to the extent possible, to be evidenced by references);
- Fluent written and spoken English;
- A spoken capability in Ukrainian or Russian will be considered an asset.

Tasks

As to the general responsibility of the day-to-day implementation of the Twinning project in the Beneficiary Country, the Resident Twinning Adviser (RTA) tasks will include:

- Provide technical advice and assistance to the administration or other public sector bodies in the BC in the context of a predetermined work-plan;
- Coordination of all project activities and experts inputs in the BC;
- Ensuring day-to-day implementation of the Twinning project in the BC;
- Ensuring smooth correlation between the activities, deadlines and the envisaged results in the Work Plan;
- Preparation of the materials and documentation for regular monitoring and reporting;
- Preparation of side letters;
- Together with the Project Leader, to nominate, mobilise and supervise the Short-Term experts.

In addition to the above, an assistant and a full-time translator-interpreter shall be appointed to assist the RTA. Allowance for this must be made within the project budget. Furthermore, the assistant and translator will facilitate the training activities. Where necessary (for example, during training activities, translation of project documents/reports and materials) the project will hire an additional translator with costs covered by the project.

3.6.3 Profile and tasks of Component Leaders:**Profile**

- University degree in one of the following fields: law, economics, business administration, public administration, or other relevant field, or equivalent professional experience of minimum 5 years above the general professional experience specified below;
- Officer from the Member State with minimum 3 years' general experience in the field of media;
- Experience in implementation of the EU/national audio-visual legislation and/or strengthening an institutional capacity of a national media authority; such experience in a new MS or EU accession country will be considered an asset;
- Experience in project management; such an experience in a team composed of EU and local experts will be considered an asset;
- Fluent written and spoken English;
- A spoken capability in Ukrainian or Russian will be considered an asset.

Tasks

- Support the RTA in planning of project activities and expert inputs per component;
- Ensure timely mobilisation of experts and delivery of project missions, focusing on continuity of expertise-sharing and effective follow-up among experts in-between missions.

3.6.4 Profile and tasks of other short-term experts:

The RTA and Component leaders will be assisted by short-term experts. Short-term experts will be indicatively required for the following areas:

- Legal drafting of primary and secondary media legislation aimed at further approximation of the national media legislation with the EU rules
- Media analysis and assessment of the regulatory impact on media
- Business processes analysis

- IT tools in media bodies
- Public communications, outreach and advocacy
- Systematic risk-management market monitoring tools.

Short-term expert profiles should correspond to the following requirements:

- University degree in one of the following fields: media, law, economics, business administration, public administration or other relevant field; or equivalent professional experience of minimum 5 years above the general professional experience specified below;
- Minimum 3 years of professional experience in the field of media law;
- Previous experience in consulting, training and mentoring in related areas will be considered as asset;
- Fluent written and spoken English;
- Language skills in Ukrainian or Russian will be considered an asset.

4. Budget

EUR 1 500 000.00

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCU/PAO/European Union Delegation/Office):

The Delegation of the European Union to Ukraine together with the Twinning Programme Administration Office (PAO) will control the quality of all Twinning documentation, check that the good financial management of the Twinning project is in compliance with EU rules, receive and examine all Twinning project reports, support all Twinning stakeholders including beneficiary administration and Member States.

Monitoring will be performed by the EU Delegation to Ukraine.

The person in charge at the EU Delegation to Ukraine:

Ms Kateryna Kononiuk-Mandziuk
Project Manager
Delegation of the European Union to Ukraine
101, Volodymyrska Street, Kyiv, Ukraine, 01033

The person in charge at the PAO in Ukraine:

Twining Programme Administration Office
National Agency of Ukraine on Civil Service
15, Prorizna Str., Kyiv 01033

5.2 Institutional framework

The beneficiary administration is the National Council of Television and Radio Broadcasting of Ukraine. It was founded on December 21, 1993 through adoption of the Law of Ukraine on Television and Radio Broadcasting.

5.3 Counterparts in the Beneficiary administration:

The PL and RTA counterparts will be staff of the Beneficiary administration and will be actively involved in the management and coordination of the project.

5.3.1 Contact person:

Ms. Oksana Krekota
Head of the International Cooperation Division
Strategic Planning, International Cooperation and Communications Department

National Council of Television and Radio Broadcasting of Ukraine
2, Prorizna Str., 01601 Kyiv

5.3.2 PL counterpart

To be proposed by
National Council of Television and Radio Broadcasting of Ukraine
2, Prorizna Str., 01601 Kyiv

5.3.3 RTA counterpart

To be proposed by
National Council of Television and Radio Broadcasting of Ukraine
2, Prorizna Str., 01601 Kyiv

6. Duration of the project

The project's implementation period is 18 months.

7. Management and reporting

7.1 Language

The official language of the project is the one used as contract language under the instrument (English). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements *via-à-vis* the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

7.3 Reporting

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twining: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements *via-à-vis* the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

8. Sustainability

All Twinning activities will be implemented jointly by the MS and Beneficiary administrations, and the relevant coordination mechanisms will be put in place to ensure smooth and open exchange of information and expertise. The Beneficiary administration will be encouraged to involve a wide pool of experts into the project ensuring robust ownership of the activities and results.

In addition to increasing the pool of human resources, benefitting from the project learning, efforts will be made to fit the new practices and procedures into the available financial means and budgetary allocations of the Beneficiary administration, thus increasing the prospects of their sustainability.

9. Crosscutting issues (*equal opportunity, environment, climate etc...*)

The project will promote non-discrimination and gender equality by providing equal opportunities for decision-making, participation, and realisation of human rights.

Environmental aspects will be addressed by promoting electronic communication tools and e-based systems, to reduce the consumption of paper and benefit the environment. Video-conferencing and other remote communication means will be encouraged, where possible, to minimise the use of emissions associated with road and air travels.

The project will promote an institutional culture of openness, accountability and transparency, thus strengthening the values of a service-oriented administration based on standard operating procedures and ethical norms and standards, as well as inclusive and evidence-based approaches to creating policies and adopting legislative acts.

10. Conditionality and sequencing

The underlying assumption for this project is the Ukrainian political will to create efficient balanced and open access to the market of electronic communications in the country that will facilitate its integration with that of the European Union to coordinate actions globally.

Projects to be implemented through Twinning require the full commitment and participation of the senior management of the beneficiary institution. In addition, to provide the Twinning partner with adequate resources to operate effectively, the senior management must be fully involved in the development and implementation of the policies required to deliver the desirable results.

11. Indicators for performance measurement

	Project specific, realistic, verifiable targets and indicators
Component A: Strengthening the legal and regulatory capacity of the National Council	
Key issues: - Inconsistencies between current legal framework of Ukraine and the EU <i>acquis communautaire</i> (including DSA and DMA) to be aligned.	- Proposals/recommendations/roadmap with regard to preparation of legal acts to align inconsistencies are provided. - Guidelines, approaches, best practices for implementation of DSA and DMA into national legislation are provided. - Action plan with the prioritised timed sequence of actions is elaborated.
Component B: Strengthening the administrative capacity of the National Council	
Key issue: - Increasing capacity-building tool	- Strategy and implementation roadmap (timed and costed) for overall organisational development of the regulator is elaborated. - Proposals/recommendations/best practices with regard to internal processes and digitalisation are provided.

12. Facilities available

The RTA and his/her assistants will have the necessary office space, access to meeting rooms, telephones, hardware and software, internet access. Additional facilities will be provided on request for visiting expert missions and undertaking training and conferencing events.

ANNEXES TO PROJECT FICHE

Annex 1: Structure

Annex 2: Logical Framework Matrix

Annex 1: Structure

of the National Council of Television and Radio Broadcasting of Ukraine for 2023

1	Chairperson of the National Council	1
2	First Deputy Chairman	1
3	Deputy Chairman	1
4	Responsible Secretary	1
5	Member of the National Council	4
	<i>TOTAL</i>	8
1	Patronage Service	
	Sector of organisational support for the work of the chairperson of the National Council	2
	Assistant-consultant to a member of the National Council	8
	<i>TOTAL</i>	10
STAFF		
National Council of Television and Radio Broadcasting of Ukraine		
2	Head of Staff (CEO)	1
3	Personnel sector	5
4	Strategic Planning, International Cooperation and Communications Department	20
	Division of strategic initiatives	5
	Division of international cooperation	5
	Division of communications and media relations	6
	Sector of European integration	3
5	Frequency Regulation and Technical Control Department	12
	Division of interdepartmental coordination of the frequency spectrum	5
	Division of technical control	6
6	Licensing and Registration Department	28
	Licensing division	7
	Registration division	8
	Division of maintenance of the Register for subjects in the field of media	7
	Division of the electronic cabinet operation	5
7	Control and Analytical Department	37
	Division of control in the media field	6
	Monitoring division	10
	Division of supervision for compliance with legislation by subjects in the field of media	6
	Division of ensuring the conduct of inspections	6
	Division of program content analysis, conducting researches in the field of media	8
8	Department of Representatives of the National Council	103
	Division for organising the work of representatives of the National Council and representatives' secretariats	7
	Regional Representatives of the National Council (25 regions)	96
9	Legal Department	26
	Division of representation in courts and court proceedings support	8

	Division of normative legal regulation	9
	Division of legal support for the activities of the National Council	4
	Sector of reviewing information on the ownership structure of entities in the field of media	4
10	Organisational and Documentary Support Department	26
	Division of document flow control	10
	Division of protocol and organisational work	8
	Sector of consideration of citizens' appeals and access to public information	4
	Sector of work with public associations, co-regulatory bodies and public broadcaster	3
11	Financial and Accounting Service Department	19
	Accounting division	7
	Division of calculation and control of payment of license fees	5
	Division of planning and financing of expenditures of budget programs	4
	Sector of financial reporting from audio visual media and providers of electronic communication services	2
12	Resource Provision, IT & Information Protection Department	33
	Division of transport, material and technical support	7
	Division of operation and maintenance	13
	Division of IT and information protection	6
	Sector of information systems development and support	3
	Sector of public procurement and contractual work	3
13	Chief internal audit specialist	1
14	Chief anticorruption specialist	1
	<i>TOTAL Employees</i>	330

Annex 2: Logical Framework Matrix

	Description	Indicators (with relevant baseline and target data)	Sources of verification	Risks	Assumptions (external to project)
Overall Objective	To increase efficiency, transparency and consistency of the media policy in Ukraine on the basis of closer alignment with the EU media framework and to strengthen the independence of the National Council through enhancing legal, regulatory and administrative capacity to take appropriate regulatory measures as required by the legal framework of Ukraine and EU.	<ul style="list-style-type: none"> - Number of positive assessments of the Agency's performance in the EC's Country Reports and other assessments reflecting improved efficiency, transparency, and consistency of the media policy in Ukraine, as well as progress in aligning with the EU media framework - analyses of the legal and regulative documents of the EU conducted - number of recommendations, drafts of legislation, rules and procedures prepared, assessed as aligning with EU Acquis and standards; - institutional capacity of the Regulator strengthened; - know-how and best EU practices delivered by the Council. 	<ul style="list-style-type: none"> - Project reports with relevant analysis and recommendations; - Drafts of primary/secondary legislation, rules and procedures. - External evaluation report (stakeholders' feedback on the regulator's improved capacity) 	Act of war in Ukraine	<ul style="list-style-type: none"> - Continued support of Ukraine for the stable operation and development of media sector; - Sufficient political support from high-ranking officials.
Specific (Project) Objective(s)	To improve the institutional capacity of National Council to efficiently regulate media activities to ensure the right to freedom of expression, to stimulate a	<ul style="list-style-type: none"> - Assistance in implementation of plans for institutional capacity that will result in efficiently 	Project reports with relevant analysis and recommendations;	Act of war in Ukraine	<ul style="list-style-type: none"> - Sufficient political support from high-ranking officials;

	competitive environment, equality and independence of the media.	performing powers enshrined in Law on Media provided	Independent evaluation report Training or workshops materials.		<ul style="list-style-type: none"> - Media regulator is ready to assign the staff for the training. - All works are performed by high level experts in coordination with the Beneficiary representatives.
Mandatory results/outputs by components	<p>Component A. Strengthening the legal the regulatory capacity of the National Council</p> <p><u>Results to be achieved:</u></p> <ul style="list-style-type: none"> - Proposals/recommendations/roadmap with regard to preparation of legal acts to align inconsistencies are provided. - Guidelines, approaches, best practices for implementation of DSA and DMA into national legislation are provided. - Action plan with the prioritised timed sequence of actions is elaborated. 	<p>Drafted action plan with the prioritised sequence of actions</p> <ul style="list-style-type: none"> - Support to improve the legislation of Ukraine on media on the basis of EU acquis provided; - Targeted support and training in implementation tools provided - Assistance and training in improving legislation of Ukraine on media in view of EU acquis provided - job shadowing training sessions, study tours and workshops conducted. 	<p>Drafts of primary/secondary legislation, rules and procedures;</p> <p>Training or workshops materials.</p>	Act of war in Ukraine	All works are performed by high level experts in coordination with the Beneficiary representatives.
	<p>Component B. Strengthening the administrative capacity of the National Council.</p> <p><u>Results to be achieved:</u></p> <ul style="list-style-type: none"> - Strategy and implementation roadmap (timed and costed) for overall organisational development of the regulator is elaborated. - Proposals/recommendations/best practices with regard to internal processes and digitalisation are provided. 	<ul style="list-style-type: none"> - outreach and advocacy activities with regard to internal processes and digitalisation organised 	Training or workshops materials.		