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The Law of Ukraine *On Access to Construction, Transport and Power Engineering Facilities for the Development of Telecommunication Network* (Draft No. 4159) has been adopted by Parliament. According to the Law, state agencies determine the methodology for determining access fees to infrastructure as well as access rules and requirements for arrangement of technical means of telecommunications on infrastructure units. What impact will this Law have on the activities of telecom providers?



Borys KARAS,
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Ukraine's telecom sector has great business potential and takes a prominent position among the most attractive segments of market. However, a complicated legal system creates many obstacles that exacerbate the development of the IT industry. In recent years, the local and international business community has been requiring the Ukrainian Parliament to take radical steps aimed at establishing uniform standards of business conduct.

On 7 February 2017, the Verkhovna Rada adopted the Law *On Access to Construction, Transport and Power Engineering Facilities for the Development of the Telecommunication Network*. The Law has been designed to simplify the procedure for obtaining access for operators and providers to the civil and transport infrastructure.

The key elements of the Law are as follows:

- sets out the powers of state bodies with respect to establishing a model of

fees calculation for access to the telecom infrastructure facilities as well as types of payment for such access;

- specifies the rights and obligations of individuals and legal entities owning infrastructure facilities;

- determines the essential terms of an infrastructure access agreement.

If the Law is signed by President Poroshenko and comes into force, telecom market players will not have to pay unreasonable sums to infrastructure owners. They will also enjoy other benefits provided by the Law, particularly prohibition of groundless refusal to conclude an agreement for access to infrastructure facilities. Adoption of the Law brings Ukraine closer to successful implementation of EU Directives.

Although some provisions duplicate effective legislation, players on the telecom market welcome Parliament's decision to adopt the Law.

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Parliament adopted Draft Law No. 5271 *On Amendments to the Civil Procedure Code of Ukraine (regarding consideration of cases with a jury)*. How can these changes affect judicial proceedings?



Daria KOROTCHENKO,
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Amendments to the *Civil Procedure Code* regarding trials with the participation of jurors will get a chance to change the procedures related to certain categories of cases. Such amendments, caused by the necessity to bring legislation in line with the Constitution, namely, Part 1 of Article 127, which provides jury participation in cases of certain categories, such as: renewal capacity, adoption, the provision of psychiatric care via compulsory order, etc., and not as it was before, by lay judges.

Planned amendments are a forced and desperate measure and it is not surprising that the above-mentioned law will apply to the proceedings that were opened before its entry into force, as for

today, the courts have no ability to examine cases relating to the restriction, renewal capacity, adoption, the provision of mental health assistance under compulsion, etc., and strike out the proceedings due to non-compliance of the court composition requirements stated in the Constitution.

However, the issue is not only to prescribe the need for jury participation in certain types of cases, but also to develop an effective mechanism for their work, because the primary function of lay judges is fundamentally different from jury service and, in my opinion, legislator did not just come to the conclusion of the advisability of replacing a popular jury.