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PAPER

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# NEGOTIATING CHAPTER “FINANCIAL SERVICES” WHAT NEEDS TO BE DONE TO BRING UKRAINE’S ACCESSION TO THE EU CLOSER



INTERNATIONAL  
RENAISSANCE  
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# 1. SUMMARY

“Financial services” is the 9th out of 36 negotiated chapters for Ukraine's accession to the EU. Harmonising standards and requirements in the financial services sector should facilitate the free movement of capital, which is one of the key principles of the EU internal market. The approximation of Ukrainian legislation to the European one will require changes in the regulatory environment and the implementation of fundamentally new approaches to regulation.

This paper focuses on a comparative analysis of European and Ukrainian legislation to identify key areas for reform. We analyse the most urgent reforms from the point of view of the European Commission and assess the implementation of the recommendations of the latest Enlargement Report. More importantly, the paper provides a comparative analysis of European and Ukrainian financial services legislation: we identify the main differences and formulate relevant recommendations. The Acquis in the financial services sector is notably dynamic and comprehensive, including prudential requirements, securities market regulation, cybersecurity, etc. Therefore, we rely on a list of key areas of financial acquis based on the European Commission's explanatory sessions and the experience of other candidate countries.

Hence, the study focuses on the following questions:

- What are the main differences between European and Ukrainian legislation in the financial services sector?
- What changes to Ukrainian legislation are most urgent and essential for Ukraine's accession to the EU?

## 2. SUMMARY OF FINANCIAL SERVICES REGULATION IN THE EU

Financial services regulation in the EU covers a wide range of financial institutions (including banks, insurance companies, investment firms and payment service providers), financial markets (such as stock exchanges and trading venues), and financial instruments (such as securities and derivatives). EU values - in particular, equality and stability - are also reflected in financial legislation, which prioritises prudential requirements, consumer protection and transparency<sup>1</sup>.

The financial crisis of 2007-2008 had a significant impact on the regulatory environment in the EU; since then, the body of the acquis has been significantly expanded to prevent future crises<sup>2</sup>. One of the innovations was the creation of ESMA (European Securities and Markets Authority). This key EU regulatory body implements policies to protect investors and promote the stability and orderliness of financial markets. ESMA's responsibilities include:

- **establishing a single rulebook:** ESMA is responsible for developing technical standards, guidelines and recommendations that ensure consistent regulation across the EU;
- **supervision:** although supervision is mainly carried out by national regulators, ESMA has direct supervisory powers over specific entities, such as credit rating agencies and trade repositories;
- **investor protection:** ESMA works to protect the interests of investors by creating a framework for fair, transparent and efficient markets;

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<sup>1</sup> Wymeersch, E. (2019). Financial Regulation: Its Objectives and Their Implementation in the European Union. *Comparative Political Economy: Regulation eJournal*. <https://doi.org/10.2139/ssrn.3360540>.

<sup>2</sup> Marjosola, H. (2015). Regulating financial markets under uncertainty: the EU approach. *European Law Review*, 39, 338-361.

- **markets stability:** ESMA assesses the risks to financial stability in the EU, working closely with other European and international bodies to monitor the overall condition of the financial system and respond to potential systemic risks;
- **financial innovation:** ESMA also monitors emerging trends and technical innovations to mitigate potential risks.

Despite numerous legislative initiatives, individual Member States still show significant differences in the regulatory environment for financial services. As a result, new regulations are typically regulations rather than directives (or directives accompanied by regulations), a trend that should be expected to continue<sup>3</sup>.

## 3. URGENT RECOMMENDATIONS OF THE EUROPEAN COMMISSION

According to the latest available report of the European Commission dated 08.11.2023<sup>4</sup>, Ukraine has some level of preparation for accession<sup>5</sup> in the context of the 9th negotiating chapter “Financial Services”.

Recommendations for 2024 include:

- to prepare an asset quality assessment of the banking sector;
- to strengthen the regulatory powers of the National Securities and Stock Market Commission under the principles of the International Organisation of Securities Commissions (IOSCO);
- to continue work on approximating Ukrainian legislation to EU legislation related to the regulation of the banking and insurance sectors (including bank insolvency resolution and the bank deposit guarantee system) and the regulation of securities markets, investment funds and investment services.

A detailed analysis of each recommendation follows in this section.

### 3.1. ASSESSMENT OF THE QUALITY OF BANK SECTOR ASSETS

The asset quality assessment in the banking sector ensures the stability and efficiency of the financial system, which is fundamental to economic growth, investment and employment. Poor asset quality can lead to banking crises, restrict access to credit for businesses and consumers, and lead to economic downturns in the long run.

Ukraine’s key financial stability indicators are largely comparable to those of EU countries<sup>6</sup>. However, the share of non-performing loans in the Ukrainian banking sector is significantly higher than in the EU candidate and EU member states (see Figure 1). Moreover, according to the IMF<sup>7</sup>, Ukraine is among the five countries with the highest share of NPLs in 2023.

Loans accounted for 35% of total bank assets in Ukraine as of February 2024. At the same time, NPLs accounted for 98.4% of total NPLs<sup>8</sup>. Therefore, in the context of “non-performing assets” in Ukraine, it is reasonable to focus on “non-performing loans”.

<sup>3</sup> Busch, D. (2021). The Future of EU Financial Law. SSRN Electronic Journal. <https://doi.org/10.2139/SSRN.3841349>.

<sup>4</sup> [Ukraine Report 2023 - European Commission \(europa.eu\)](https://ec.europa.eu/economy_finance/ukraine-report-2023)

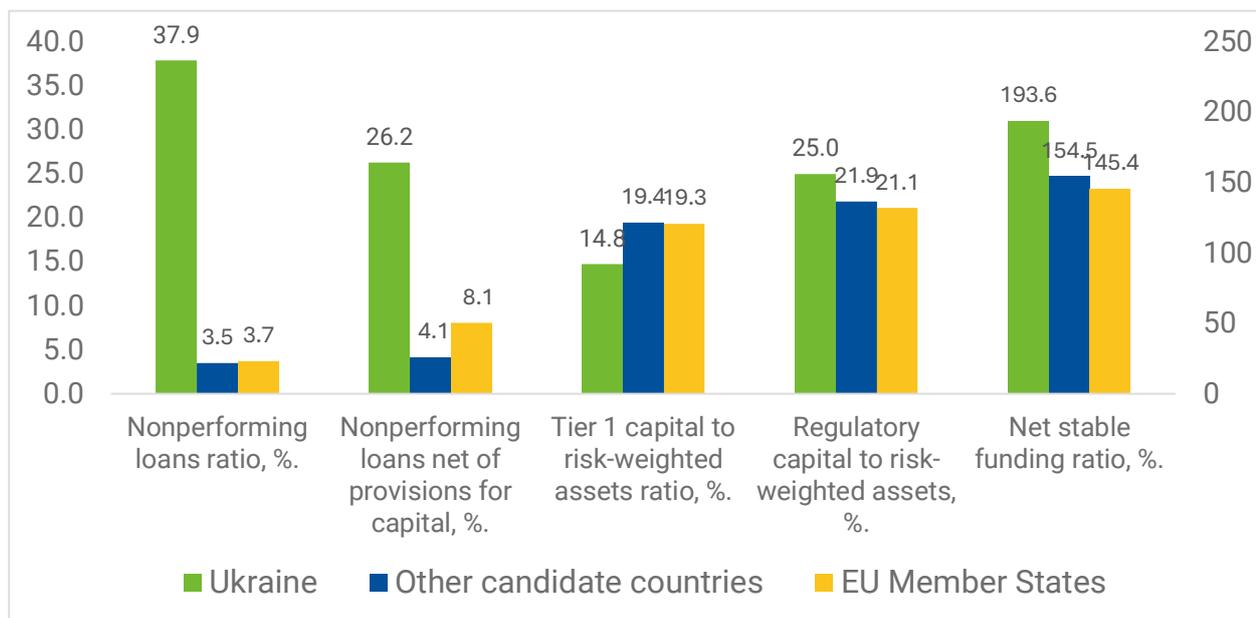
<sup>5</sup> The EC uses an ordinal scale to assess the level of preparedness: early stage, some level of preparation, moderately prepared, good level of preparation, and well advanced.

<sup>6</sup> See all indicators at [Financial Soundness Indicators - Query - IMF Data](https://www.imf.org/external/data/FSI/Query.aspx)

<sup>7</sup> [Financial Soundness Indicators - Query - IMF Data](https://www.imf.org/external/data/FSI/Query.aspx)

<sup>8</sup> CES calculation based on NBU data [NPL AO 2024-02-01.xlsx \(live.com\)](https://www.nbu.gov.ua/en/press-releases/2024/02/01/npl-ao-2024-02-01.xlsx)

Figure 1. Comparison of banking sector asset quality by key indicators in Ukraine, EU candidate countries, and EU member states at the end of 2023



Source: CES visualisation based on IMF [Financial Soundness Indicators - Query - IMF Data](#)

Note: Each country used the latest quarterly data from 2023. Given the partial availability of data, the sample for each indicator may vary slightly.

The non-performing loans ratio (%) is a financial indicator used by banks and financial institutions to measure the share of loans that are in default or close to default compared to the total loans outstanding.

Non-performing loans net of provisions to capital, % (non-performing loans net of provisions to capital, %) - a ratio measuring the amount of non-performing loans (defaulted or near defaulted) remaining after deducting loan loss provisions in proportion to the bank's capital base.

The Tier 1 capital to risk-weighted assets ratio, %, measures the bank's core capital, consisting primarily of common equity Tier 1 and additional Tier 1 capital, concerning its total risk-weighted assets.

Regulatory capital to risk-weighted assets, % - a financial indicator measuring the amount of a bank's capital about its risk exposure, ensuring that the bank has a sufficient margin of safety to absorb losses without becoming insolvent.

Net stable funding ratio, % - is a financial indicator calculated as the ratio of available stable funding (the amount of the bank's capital and liabilities that are expected to be secure for one year) to required stable funding (the value of the bank's assets weighted by the potential liquidity risk for one year).

The three most notable episodes of NPL growth are 2009-2010, 2016-2017, and 2022 (see Figure D1.1 in Appendix 1). The first episode is caused by the effects of the global financial crisis and economic recession, while the rise in 2016-2017 can be explained by the nationalisation of PrivatBank (and thus the disclosure of the actual quality of loan assets), the implementation of a more conservative definition of NPLs<sup>9</sup>, and, last but not least, the occupation of Crimea and parts of Donetsk and Luhansk regions by Russia. The large-scale invasion drove the 9.5 percentage point increase in the NPL ratio between February 2022 and February 2024. The highest share of NPLs falls on the wholesale and retail trade, transport and warehousing, temporary accommodation, and catering sectors. Moreover, since the start of the full-scale invasion, the shares of

<sup>9</sup> [Про затвердження Положення про визначення банками України розміру кредитного ризику за активними банківськими операціями від 30.06.2016 № 351 \(rada.gov.ua\)](#)

agriculture, mining, and real estate transactions have increased (see Figure D1.2). Medium-sized enterprises accumulated the largest NPL balances in early 2024 (see Figure D1.3). Historically, state-owned banks have the highest percentage of NPLs, and Ukrainian state-owned banks are no exception, while private and foreign banks have the healthiest loan portfolios (see Figure D1.1).

Therefore, the EC's requirement is not to define the amount of NPLs but rather to define them according to the EU guidelines. While the NBU and the European Central Bank use a payment delay of more than 90 days as the main criterion for NPLs, additional soft criteria differ somewhat.

Currently, the large proportion of NPLs has not compromised the financial stability of Ukraine's banking system. However, it is necessary to consider the NBU's rather conservative policy during martial law and the significant amounts of assistance from international partners. Although European legislation does not set any requirements for a maximum NPL ratio, a high NPL ratio could become an obstacle to Ukraine's accession to the EU in terms of the so-called “economic criteria” as (under different scenarios) it could either threaten financial stability or restrict access to credit for businesses and households.

According to the Ukraine Facility Plan<sup>10</sup>, by the second quarter of 2025, the NBU is set to develop a strategy for resolving NPLs, including stricter prudential requirements and improved information sharing on NPLs between financial institutions. The Lending Development Strategy<sup>11</sup> approved by the Financial Stability Council in June 2024 includes several measures to improve bank portfolios and prevent the growth of NPLs in the future:

- Strengthening and restoring requirements for the assessment of credit risk and disclosure of data by banks;
- Improving the Code of Ukraine on bankruptcy procedures;
- Enhancing legislative regulation of financial restructuring and write-offs (tax aspects, rules for forgiveness and write-offs);
- Improving regulations on debt collection and collateral enforcement;
- Creating incentives for the development of the NPL market infrastructure;
- Improving legislation on valuation and appraisal.

### 3.2. AUTHORITY OF THE NATIONAL SECURITIES AND STOCK MARKET COMMISSION

The National Securities and Stock Market Commission (NSSMC) is the body authorised to supervise and regulate Ukraine's securities and stock market. Its activities aim to ensure the stability and integrity of financial markets, protect investors, and facilitate fair and efficient market practices.

However, the scope and depth of the NSSMC's authority do not fully comply with IOSCO<sup>12</sup>. Standards. Trading in securities (especially equities) in Ukraine is far less intensive not only compared to EU member states but also to the vast majority of developing countries<sup>13</sup>; thus, even a regulatory body with limited powers can

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<sup>10</sup> Ukraine Facility Plan

<sup>11</sup> [Strategy for lending development](#)

<sup>12</sup> [IOSCO Objectives and Principles of Securities Regulation](#)

<sup>13</sup> See, for example, [Stocks traded, total value \(% of GDP\) - Ukraine | Data \(worldbank.org\)](#).

effectively prevent systemic risks. Still, with further development of the securities market, the current powers and regulatory policy of the NSSMC may not be sufficient.

The Law on Amendments to the Law of Ukraine “On State Regulation of Capital Markets and Organised Commodity Markets” and Some Other Legislative Acts of Ukraine on Improving State Regulation and Supervision of Capital Markets and Organised Commodity Markets<sup>14</sup>, which came into force on 27 April 2024, significantly expands the powers of the NSSMC. The main differences between the provisions on the powers of the NSSMC in the updated and previous editions<sup>15</sup> include:

- **Determining mechanisms for adapting to new challenges:** The new edition of the NSSMC sets out the authority to determine the procedure for operating markets under martial law or during a special period.
- **Recognition of international standards and the importance of international cooperation:** The previous version of the law contained certain provisions on international cooperation, mainly in information exchange. In contrast, the new version of the Law provides that the NSSMC initiates and participates in developing international agreements, ensures the implementation of international corporate governance standards in Ukraine; and maintains cooperation with ESMA.
- **Consideration of technological development and digitalisation of markets:** In the new edition, the NSSMC establishes the procedure for operating CIS (corporate information systems).
- **Strengthening of the regulatory function:** now, the NSSMC will determine the requirements for members of the supervisory boards of corporate investment funds and the requirements for members of the boards of non-state pension funds. In addition, the new version contains additional provisions on operational and systemic risk management. The law is also amended to include a provision on the Commission's review of cases of violations of relevant legislation.

Thus, the new law significantly expands the NSSMC's powers, in line with the EC's recommendation. However, the NSSMC will need to develop additional regulations to implement the new legislative framework.

### 3.3. IMPLEMENTATION OF THE EUROPEAN FINANCIAL ACQUIS

Acquis regulating financial services is one of European law's most complex and dynamic sections. Some progress in the harmonisation of Ukrainian legislation with European law in this area has been made in the framework of the Association Agreement<sup>16</sup> (Annex XVII); however, EU membership will require much more fundamental changes than envisaged by the Agreement.

Overall, Ukraine has made some progress in implementing European law; partly as a result, the financial sector has remained stable even during the war. However, Ukraine's securities and financial services market is rather underdeveloped; otherwise, the current regulatory framework would be insufficient.

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<sup>14</sup> [On Amendments to the Law of Ukraine “On State Regulation of Capital Markets and Organised Commodity Markets’ and Certain Other Legislative Acts of Ukraine on Improving State Regulation and Supervision of Capital Markets and Organised Commodity Markets](#)

<sup>15</sup> This refers to the wording of the Law “On State Regulation of Capital Markets and Organised Commodity Markets” This refers to the wording of the Law “On State Regulation of Capital Markets and Organised Commodity Markets” dated 30 October 1996 ([\(On State Regulation of the... | No. 448/96-BP \(rada.gov.ua\) dated 30 October 1996\)](#)) as of 01 January 2024.

<sup>16</sup> [ASSOCIATION AGREEMENT between the European Union and its Member States, of the one part, and Ukraine, of the other part](#)

Given the complexity of the topic, we will analyse each of the key sections of the financial services acquis separately in the next chapter.

Before moving on to a more detailed discussion of the status of the implementation of the European acquis in Ukraine, we will review a few key concepts that we address in the next section. First, European legislation includes two types of regulations:

- **Directives subject to transposition into national law:** directives set out the general policy direction, and the Member States are free to determine how to transpose them into national law (e.g., by adopting a new regulation, codifying existing legislation, or incorporating the provisions of the directive into numerous regulations in national law);
- **Regulations not requiring transposition:** Regulations are usually more detailed and define technical aspects of European policy. They are automatically obliging for all Member States and do not require transposition into national law.

Given the above, a question about the feasibility of implementing the regulations may arise, as they will come into force in Ukraine from the first day of EU membership. However, the financial services sector is quite regulated. For example, let's envision that Ukrainian financial institutions did not switch to the European benchmarking system before Ukraine acceded to the EU. In such a scenario, most Ukrainian institutions would breach European law from the first day of membership. Hopefully, this hypothetical example demonstrates the feasibility of systematically approximating Ukrainian legislation to European law.

Secondly, Ukrainian legislation should be harmonised with European legislation not only in terms of results but also in terms of the basic principles of regulation.

- **Adaptation or harmonisation (alignment)** involves adopting a significant part of the EU acquis, i.e. the accumulated legislation, legal acts and court decisions that form the body of European Union law. Adaptation ensures that the legal systems of potential member states or partner countries are compatible with the EU's legal systems, facilitating cooperation and integration.
- **Equivalence**, on the other hand, is the acceptance that the regulatory framework of a non-EU country is as effective as the EU's, even if the regulatory approaches are different. This concept is often applied, in particular, in financial services legislation. When the EU considers that a third country's laws, regulations and enforcement mechanisms are equivalent to its own, entities from that country may be allowed to operate in the EU or provide services to EU entities under certain conditions. Equivalence does not require the third country to adopt EU laws but recognises that the foreign regulatory regime achieves similar results.

As discussed in the next chapter, Ukrainian financial services legislation is, in many aspects, equivalent to the EU acquis. However, Ukraine's accession to the EU will require harmonisation of legislation.

## 4. ANALYSIS OF THE EUROPEAN ACQUIS AND UKRAINIAN LEGISLATION

This chapter is dedicated to a detailed analysis of the main differences between European and Ukrainian financial services legislation in terms of the following key aspects

- prudential requirements for the banking sector;
- resolution of bank insolvency;
- payment services;
- regulation of central counterparties and clearing;
- general framework for regulating the financial instruments market;

- rules on the development and presentation of securities emission prospectus;
- use of benchmarks;
- credit rating agency assessments;
- regulation of investment funds;
- requirements for insurance companies;
- digital operational resilience;
- and regulation of the virtual asset market.

Each subchapter contains the main provisions of the European legislation, a description of the Ukrainian regulatory framework covering the relevant area, and a comparative analysis of the above.

## 4.1. PRUDENTIAL REQUIREMENTS FOR THE BANKING SECTOR

Basel III is a comprehensive set of international regulatory standards for banks developed by the Basel Committee on Banking Supervision. Introduced in response to the financial crisis of 2007-2009, Basel III promotes the banking sector's resilience to economic and financial stress, improved risk management and corporate governance, and transparency of banking operations.

The application of the Basel III standards in the EU was agreed in 2010, and their phased implementation began on 1 January 2013. Full implementation has been postponed several times, most recently due to the COVID-19 pandemic, and the final date for implementing some Basel III standards in the EU has been postponed to 1 January 2025.

The main novelties of Basel III include:

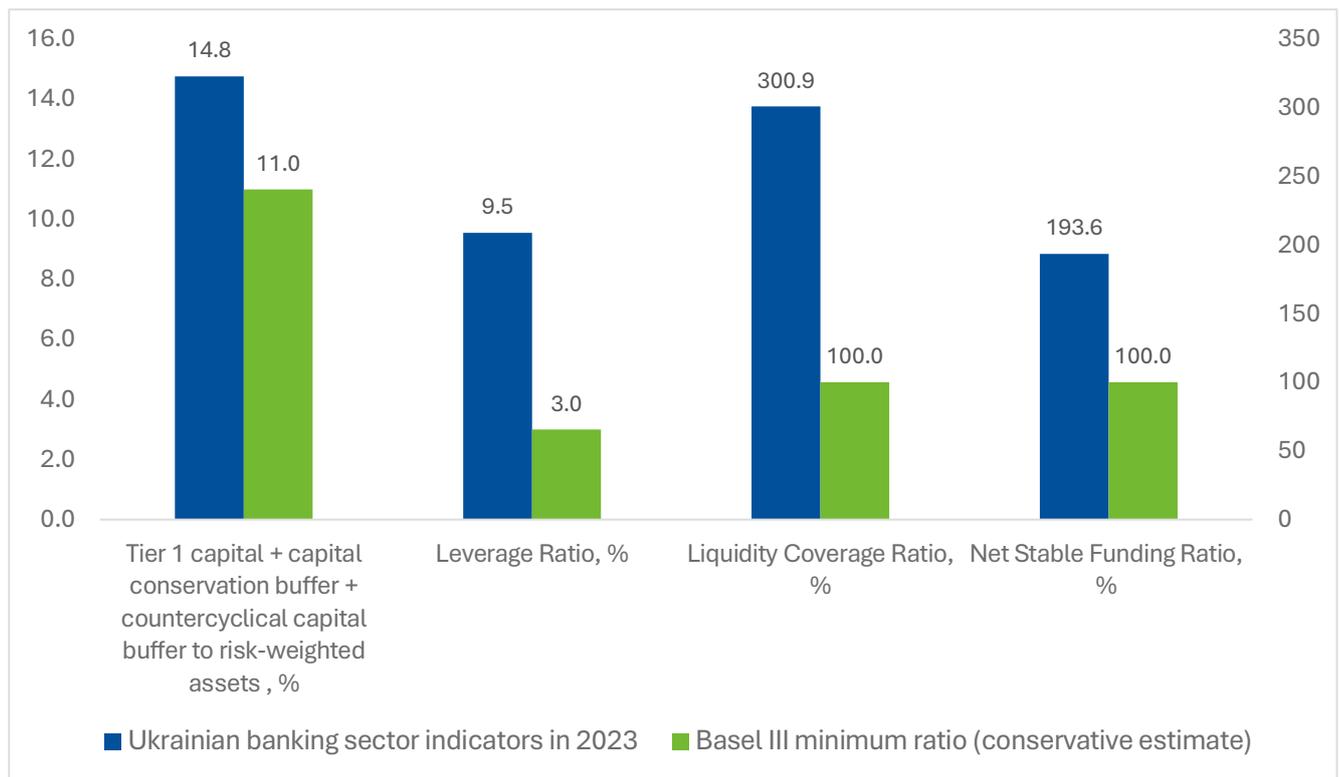
- **Increased minimum capital requirements:** Basel III increases the quantity and quality of capital requirements for banks. The minimum ratio of Tier 1 capital<sup>17</sup> to risk-weighted assets is 6%; the capital conservation buffer must be at least 2.5% of risk-weighted assets.
- **Introduction of the leverage ratio:** the non-risk-based leverage ratio was introduced as a complementary measure to the risk-based capital requirements. The minimum leverage ratio was 3% of Tier 1 capital to total credit risk exposure.
- **Standardised approach to credit risk assessment:** The new standards primarily relate to assigning differentiated “risk weights” to different assets depending on the counterparty's creditworthiness and the collateral value.
- **Liquidity standards:** Basel III introduced the liquidity coverage ratio, which requires banks to hold sufficient high-quality liquid assets to cover total net cash outflows for 30 days, and the net stable funding ratio, which requires banks to maintain a stable funding profile in line with their asset structure and off-balance activities for one year.
- **Counter-cyclical measures:** introducing mechanisms, such as a counter-cyclical capital buffer (intended to accumulate additional capital during periods of high economic growth and release it during recessions), which should mitigate cyclical fluctuations of banking sector stability indicators.

Generally, the Ukrainian banking system meets the Basel III requirements (see Figure 2). However, it should be considered that we analyse aggregate indicators for the banking system as a whole, while the level of financial stability of individual banks may vary.

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<sup>17</sup> Tier 1 capital is a measure of a bank's financial stability, comprising liquid balance sheet elements that can be readily used to cover losses. This includes paid-in share capital (common stock), retained earnings, surplus reserves, and income-generating instruments that can be cancelled or converted into a common share

Figure 2. Comparison of key financial stability indicators under Basel III with the value of similar indicators in Ukraine at the end of 2023



Source: CES calculations and visualisation based on IMF [Financial Soundness Indicators - Query - IMF Data](#)

Note: (Tier 1 capital + capital conservation buffer + countercyclical capital buffer) to risk-weighted assets, % – a composite indicator that defines the overall ratio of Tier 1 capital to risk-weighted assets. According to Basel III requirements, the ratio of Tier 1 capital to risk-weighted assets must not be less than 6%. In addition, requirements are set for the capital conservation buffer (the ratio of Tier 1 capital to risk-weighted assets must be at least 2.5%) and the countercyclical capital buffer (the ratio of Tier 1 capital to risk-weighted assets must range from 0% to 2.5%). Thus, under the most conservative central bank scenario, the overall ratio of Tier 1 capital to risk-weighted assets should be no less than 11%.

Leverage ratio, % – the ratio of a bank's core capital to its total assets without weighting for risk.

Liquidity coverage ratio, % – the coverage of net cash outflows under a 30-day stress scenario with high-quality liquid assets.

Net stable funding ratio, % – a financial indicator calculated as the ratio of available stable funding (the sum of a bank's capital and liabilities expected to remain reliable for one year) to required stable funding (the value of the bank's assets weighted for potential liquidity risk over one year).

The key pillars of banking sector stability in the EU are based on the Basel III framework and are regulated by two key sets of legislation:

We will start with a detailed analysis of Directive 2013/36. In addition to enshrining the Basel III standards in EU law, it includes specific requirements adapted to the EU legal context, in particular:

- Directive 2013/36<sup>18</sup> (Capital Requirements Directive IV) mandates that EU member states achieve specific outcomes in financial stability while allowing them discretion in the form and implementation methods. The Directive establishes a supervisory framework for bank governance and risk management, covering requirements for governance structures, enhanced risk management

<sup>18</sup> [Directive - 2013/36 - EN - Capital Requirements Directive - EUR-Lex \(europa.eu\)](#) – amended by [Directive - 2019/878 - EN - CRD V - EUR-Lex \(europa.eu\)](#)

provisions, supervisory measures and authorities. It introduces rules on capital buffers, including a capital conservation buffer, a countercyclical buffer, and buffers for systemically important banks.

- Regulation (EU) No. 575/2013<sup>19</sup> complements this by detailing capital, leverage, liquidity, and funding requirements.

We will start with a detailed analysis of Directive 2013/36. In addition to enshrining the Basel III standards in EU law, it includes specific requirements adapted to the EU legal context, in particular:

- **Detailed governance principles:** Key aspects include the composition, roles, and functioning of management bodies, ensuring they possess appropriate knowledge and skills, and promoting diversity. There is a focus on risk management procedures, internal control mechanisms, and transparency and accountability in decision-making processes.
- **Remuneration policy:** Compensation in banks and other financial institutions should discourage excessive risk-taking and align with the institution's long-term interests. Key elements include the structure of bonus payments, a significant portion of which is deferred and subject to adjustment based on financial performance, and the requirement to pay a substantial part of variable remuneration in instruments linked to the bank's performance.
- **Supervisory mechanisms:** Establishing requirements for supervisory mechanisms to effectively oversee financial institutions. The Directive outlines a framework enabling competent authorities to conduct regular and comprehensive assessments of banks and investment firms, focusing on their risk profiles, governance structures, and compliance with prudential standards. The framework includes the Supervisory Review and Evaluation Process (SREP), which assesses institutional risks and determines the need for additional capital or liquidity requirements.
- Additionally, Directive 2019/878<sup>20</sup> (CRD V) introduced further **environmental, social, and governance (ESG) criteria**. Financial institutions must now integrate environmental risks, particularly those related to climate change and resource depletion, into their risk management systems. This involves assessing the potential impact of environmental risks on their balance sheets and adjusting risk profiles accordingly. In terms of the social component, institutions must engage with stakeholders (employees, clients, and communities) following principles of diversity, inclusion, and respect for human rights. Furthermore, to ensure gender equality, each institution must have and consistently implement a gender diversity policy. Overall, CRD V complements and elaborates on CRD IV by emphasising “non-financial” risks.

As of April 2024, all EU member states have fully transposed CRD IV and CRD V into national legislation<sup>21</sup>. In most cases, this required supplementing or amending existing laws.

The Ukrainian model of transposition of European prudential legislation is quite similar. The Law "On Banks and Banking"<sup>22</sup> and the Law “On the National Bank of Ukraine”<sup>23</sup> have been supplemented with provisions establishing the key role of the core principles of effective banking supervision of the Basel Committee (see details in Appendix 2). In addition, EU-specific regulations corresponding to Regulation 575/2013 have been introduced; in particular, this concerns the organisation of a unified procedure and methodology for the Supervisory Review and Evaluation Process (SREP)<sup>24</sup> (see a more detailed description in Appendix 2).

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<sup>19</sup> [Regulation - 575/2013 - EN - Capital Requirements Regulation - EUR-Lex \(europa.eu\)](#)

<sup>20</sup> [Directive - 2019/878 - EN - CRD V - EUR-Lex \(europa.eu\)](#)

<sup>21</sup> [Monitoring of banking and finance directives - European Commission \(europa.eu\)](#)

<sup>22</sup> [On banks and banking](#)

<sup>23</sup> [On banks and banking](#)

<sup>24</sup> See details in [On Amending the Regulation on the Organization and Conduct of Inspections](#)

Considering that the National Bank of Ukraine has achieved high levels of financial stability, the regulatory environment in terms of prudential standards can be regarded as equivalent to and largely adapted to the European framework.

EU financial legislation is quite dynamic; to expedite Ukraine's accession to the EU, it is also necessary to consider anticipated changes in the regulatory framework. In particular, the provisions of Regulation 575/2013 are deemed inadequate in minimizing banking risks, according to the European Central Bank<sup>25</sup>. Recommendations include<sup>26</sup>:

- Improve the credit risk assessment model by introducing new methods for evaluating risk-weighted assets<sup>27</sup>.
- Introduction of mechanisms to mitigate risks arising from changes in credit ratings.
- Implementation of a standardized model for operational risk assessment.
- Development of more advanced models for market risk assessment.
- Establishment of a so-called “capital floor”: the minimum capital level calculated using banks’ internal ratings-based<sup>28</sup> approaches must be at least 72.5% of the minimum capital level calculated using the standardized Basel III approach<sup>29</sup>.

The National Bank of Ukraine has already implemented some of the planned EU legislative measures listed above (see details in Appendix 2).

## 4.2. RESOLUTION OF BANK INSOLVENCY

Directive 2014/59<sup>30</sup> establishes a framework for recovering and resolving bank insolvency. It requires banks to develop their recovery plans in case of insolvency, while authorities are tasked with developing, implementing, and applying the necessary intervention tools to prevent the destabilization of the financial system due to a bank’s bankruptcy.

The directive also requires “bail-in” mechanisms, which ensure that bank shareholders and creditors (rather than taxpayers) bear the costs associated with bankruptcy. The bail-in mechanism is a multi-stage process in which the regulator determines whether a bank is insolvent. A thorough assessment of the bank’s obligations is conducted to evaluate the extent of losses and determine the necessary recapitalization. If the bank is deemed insolvent, its obligations are written down and may be converted into capital. This allows for the redistribution of the financial burden from taxpayers to shareholders and unsecured creditors, as well as the stabilization of the bank through the internal generation of the required capital. Thus, Directive 2014/59

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<sup>25</sup> [Opinion of the European Central Bank of 24 March 2022 on a proposal for amendments to Regulation \(EU\) No 575/2013](#)

<sup>26</sup> Despite the fact that the above recommendations have not yet been fully implemented in the EU, the implementation of these recommendations in Ukraine was nevertheless named as a condition for Ukraine's accession to the Single Euro Payment Area (SEPA).

<sup>27</sup> This means, primarily, establishing more detailed weightings for assets of the same class (e.g., mortgages differ significantly in risk depending on the loan-to-value ratio)

<sup>28</sup> The internal estimates approach allows banks to use their internal models to estimate some or all of the risk components required to calculate risk-weighted assets.

<sup>29</sup> The standardised approach is a method whereby risk weights are attributed to assets and off-balance sheet positions based on predefined categories. Each category has a specific risk weight that reflects the expected credit risk of the position.

<sup>30</sup> [Directive - 2014/59 - EN - brrd - EUR-Lex \(europa.eu\)](#)

primarily concerns measures for the recovery of insolvent banks but also contains provisions regarding the liquidation of such institutions.

The Law of Ukraine “On Banks and Banking”<sup>31</sup> entrusts the Deposit Guarantee Fund with the responsibility of managing insolvent banks (as determined by the NBU) and liquidating them; details are set out in the Law “On the Deposit Guarantee System”. An insolvent bank that fails to meet the NBU's stabilisation requirements is subject to liquidation. Such a bank is placed under the management of the Deposit Guarantee Fund. The DGF receives funds from sources specified by law (including initial fees from the DGF members, regular fees from the DGF members, a special fee to the DGF, and, among others, funds from the state budget). As a result, the DGF can fully reimburse funds on bank accounts and bank deposits.

Generally, the European legal framework focuses on preventing bank failures and maintaining the smooth operation of the banking system with minimal use of public funds. Meanwhile, Ukrainian legislation is primarily aimed at guaranteeing retail deposits and ensuring financial stability. To bring Ukrainian law in line with European law, developing and implementing a mechanism for preventing and resolving bank insolvency without resorting to liquidation is necessary.

### 4.3. PAYMENT SERVICES

EU Directive 2015/2366<sup>32</sup>, or the Revised Payment Services Directive (PSD2), was a complement to CRD IV and

- **extended the EU regulatory framework to third-party payment service providers** (under the so-called “open banking” concept), obliging them to implement secure and efficient interfaces;
- **included all payment service providers in the list of institutions subject to regulatory supervision** (previously, only banks were subject to regulation);
- **strengthened requirements for transparency of information provided to users** (in particular, information on transaction payments);
- **introduced requirements for user authentication** and certain provisions that should facilitate the development of new technical solutions and competition in the banking sector.

The Law of Ukraine “On Payment Services”<sup>33</sup> introduced a similar regulatory framework in Ukraine. Together with a set of regulations issued by the NBU<sup>34</sup>, the above-mentioned law complies with the main provisions of Directive 2015/2366 and its implementing regulations<sup>35</sup>.

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<sup>31</sup> [On banks and banking](#)

<sup>32</sup> [Directive - 2015/2366 - EN - Payment Services Directive - EUR-Lex \(europa.eu\)](#)

<sup>33</sup> [On payment services](#)

<sup>34</sup> [Regulation on the Procedure for Authorising Financial Payment Service Providers and Limited Payment Services; Regulation on the Procedure for Issuing and Acquiring Payment Instruments; Regulation on Engaging Commercial Agents to Provide Financial Payment Services; Regulation on the Procedure for Disclosure of Information by Non-Bank Payment Service Providers; Regulation on the NBU's application of enforcement actions for violations of the legislation regulating activities in the payment market; Regulation on the Electronic Money Issue and Payment Transactions with Electronic Money; Regulation on Additional Requirements to Payment Service Agreements Concluded by Non-Bank Payment Service Providers with Consumers; On establishing requirements for the provision of limited payment services; Instruction on Performing Interbank Payment Transactions in Ukraine in the National Currency; Regulation on the Procedure for Issuing Licences for Currency Transactions; Regulation on Inspections of Non-Bank Payment Service Providers and Limited Payment Service Providers; Regulation on Authentication and Application of Enhanced Authentication in the Payment Market; Rules for Keeping, Protecting, Using and Disclosing Payment Service Provider Confidentiality.](#)

<sup>35</sup> [Implementing regulation - 2018/1624 - EN - EUR-Lex \(europa.eu\); Delegated regulation - 2018/389 - EN - EUR-Lex \(europa.eu\).](#)

## 4.4. CENTRAL COUNTERPARTIES AND CLEARING

A central counterparty (CCP) is an intermediary between the parties to a financial transaction. To reduce the counterparty default risk, it becomes a “buyer for every seller and a seller for every buyer”.

CCPs play a key role in the infrastructure of financial markets,

- **increasing market transparency and efficiency** by centralising the collection and management of transaction data.
- **reducing counterparty risk:** through the clearing and settlement process, CCPs reduce the risk of default.
- **facilitating trade and liquidity** by providing a safer and more efficient trading mechanism.

In the EU, the activities of central counterparties are regulated by Regulation 648/2012<sup>36</sup> (also known as EMIR - European Market Infrastructure Regulation) and Regulation 2021/23<sup>37</sup>. Regulation 648/2012 was developed primarily to control the purchase and sale of over-the-counter derivatives (OTCs)<sup>38</sup> in response to the 2007-2008 financial crisis. However, EMIR also covers other financial instruments, such as spot FX transactions. According to the regulation, the main requirements for central counterparties include:

- **risk management requirements:** central counterparties are required to implement effective risk management practices; counterparty capacity is assessed based on stress testing and adequacy of financial resources;
- **margin requirements:** central counterparties are required to collect initial and variation margins from clearing members to mitigate counterparty credit risk; the appropriate margins are determined based on the volatility and risk of the cleared products and market conditions;
- **default management:** EMIR requires central counterparties to have effective default management procedures in place, including pre-defined processes for dealing with a default by a clearing member;
- **reporting obligations:** central counterparties are required to provide certain quantitative data to trade repositories, such as details of the derivatives contracts that they service, transaction volumes, and open positions.

EMIR also imposes several obligations on financial (banks, investment and insurance companies, pension funds, and alternative investment funds) and non-financial institutions involved in derivatives trading, among others:

- **to carry out clearing of certain classes of OTC derivatives through a central counterparty** (this applies to all financial institutions and non-financial institutions whose derivatives trading volumes exceed the value established by law);
- **apply risk mitigation methods for OTC derivative contracts that are not cleared through a central counterparty** by timely confirming the terms of OTC derivative contracts, compressing and matching portfolios, establishing dispute resolution mechanisms and exchanging collateral to effectively manage counterparty credit risk;
- **report on transactions;**

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<sup>36</sup> [Regulation - 648/2012 - EN - emir regulation - EUR-Lex \(europa.eu\)](#)

<sup>37</sup> [Regulation - 2021/23 - EN - EUR-Lex \(europa.eu\)](#)

<sup>38</sup> Over-the-counter (OTC) derivatives are financial contracts that are traded directly between two parties outside of a formal exchange or regulated market. These derivatives are customised agreements concluded between the parties, allowing them to tailor the terms and conditions to their specific needs and preferences.

- **exchange both initial and variation margin for OTC derivatives that are not cleared through a central counterparty** (this applies to all financial institutions and non-financial institutions whose derivatives trading volumes exceed the statutory value);
- **ensure submission of reports to a trade repository** registered or recognised by ESMA (European Securities and Markets Authority).

Additionally, Regulation 2021/23 sets out the principles of sustainable funding, requiring financial market participants to integrate sustainability considerations into their decision-making processes and to disclose relevant information to investors, in particular:

- **requirements for assessing sustainability risks**, primarily related to ESG criteria;
- **information disclosure requirements**, including reporting on greenhouse gas emissions, energy consumption and other ESG indicators;
- **requirements for integrating sustainability factors**: central counterparties must integrate them into their risk management systems and decision-making processes.

The basic principles of central counterparties in Ukraine are set out in the Law of Ukraine “On Capital Markets and Organised Commodity Markets”<sup>39</sup>. The Regulation of the National Securities and Stock Market Commission “On Prudential Standards of Professional Activity in the Stock Market and Requirements to the Risk Management System”<sup>40</sup> contains quantitative risk assessment indicators for clearing institutions (including regulatory capital, financial stability ratio, total liquidity ratio, and absolute liquidity ratio); however, the scope of the law is broader than EMIR. In addition, the updated version of the Law “On State Regulation of Capital Markets and Organised Commodity Markets” sets out additional requirements for the central counterparty, control measures for the central counterparty, and conditions for mandatory clearing<sup>41</sup>. In general, the requirements of the EU legislation relate primarily to procedures and practices (e.g., the obligation to develop risk mitigation strategies, principles of stakeholder engagement, etc.). In contrast, the Ukrainian legislation focuses mainly on quantifiable financial risks. In addition, Regulation 2021/23 sets out a framework for developing resolution plans for central counterparties, while Ukraine lacks a similarly clear and comprehensive framework (see Appendix 2 for details).

There are also some structural issues - in particular, the transfer of a significant part of the powers of national regulators to ESMA cannot be regulated by Ukrainian law; discussions on this matter are ongoing<sup>42</sup>.

## 4.5. GENERAL FRAMEWORK FOR REGULATING THE MARKET OF FINANCIAL INSTRUMENTS

The Markets in Financial Instruments Directive (MiFID II)<sup>43</sup> and the Markets in Financial Instruments Regulation (MiFIR)<sup>44</sup> provide a comprehensive legal framework for the operation of financial markets in the European Union. They aim to improve financial markets' efficiency, transparency, and integrity and protect

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<sup>39</sup> [On capital markets and organised commodity markets](#)

<sup>40</sup> [Regulations on prudential standards for professional activities in the stock market and requirements for the risk management system](#)

<sup>41</sup> See details in [The Law of Ukraine On Amendments to the Law of Ukraine On State Regulation of Capital Markets and Organised Commodity Markets and Certain Other Legislative Acts of Ukraine on Improving State Regulation and Supervision of Capital Markets and Organised Commodity Markets](#)

<sup>42</sup> [Report on the results of the initial assessment of the state of implementation of the EU acquis](#)

<sup>43</sup> [Directive - 2014/65 - EN - mifid ii - EUR-Lex \(europa.eu\)](#)

<sup>44</sup> [Regulation - 600/2014 - EN - mifir - EUR-Lex \(europa.eu\)](#)

investors. MiFID II came into force on 3 January 2018, replacing the previous MiFID<sup>45</sup> directive implemented in 2007.

The main provisions of MiFID II include:

- **Market structure:** MiFID II introduces new categories of trading venues, including organized trading facilities, and imposes stricter rules on all trading platforms to create a level playing field for all market participants
- **Transparency:** The directive extends transaction transparency requirements (ex-ante and ex-post) to a wider range of financial instruments, including shares, bonds, and derivatives.
- **Investor protection measures:** MiFID II includes provisions on product governance, conflict of interest prevention, and enhanced disclosure requirements. It also obliges investment firms to conduct suitability and appropriateness assessments for their clients.
- **Reporting requirements:** Firms must provide regulators with detailed transaction information to improve market supervision. MiFID II also mandates the recording of communications related to trading activities.
- **Commodity derivatives:** MiFID II introduces position limits and reporting obligations for commodity derivatives to prevent market manipulation and support orderly pricing and settlement conditions.
- **Independent advice:** The directive distinguishes between independent and non-independent financial advice and establishes stricter rules for those offering independent advice.

MiFIR ensures the application of the MiFID II framework across the EU, detailing it and establishing uniform rules.

There are differences between the regulation models of the financial instruments market in Ukraine and the EU. Ukrainian legislation is more fragmented than EU legislation: a set of laws and regulations govern individual segments of the financial market, while there is no comprehensive regulatory framework equivalent to MiFID II and MiFIR<sup>46</sup>. More importantly, the Ukrainian regulatory framework is narrower than the European one, which is reflected, in particular, in the following aspects:

- **Regulatory intervention measures in the financial instruments market:** The regulators' powers under MiFIR are broader than Ukraine's National Securities and Stock Market Commission (NSSMC). In particular, the European Securities and Markets Authority (ESMA) and/or national regulators can suspend or restrict the marketing, distribution, or sale of certain financial instruments if there are significant investor protection concerns and set leverage limits and requirements for margin levels or stop-outs. In contrast, the NSSMC has the authority to issue warnings, impose fines, or suspend the activities of financial market participants that violate legislation<sup>47</sup> (this includes measures against misleading advertising or fraudulent actions). However, despite recent changes, preventive prohibitions or restrictions for specific products without prior evidence of misconduct are less developed than MiFIR.

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<sup>45</sup> [Directive - 2004/39 - EN - mifid - EUR-Lex \(europa.eu\)](#)

<sup>46</sup> However, this is the case in many EU countries, where MiFID transposition has been carried out by amending or introducing numerous national laws and regulations - [Directive - 2014/65 - EN - mifid ii - EUR-Lex \(europa.eu\)](#). In other words, transposition through comprehensive amendments to regulations, which is likely to occur in Ukraine, does not contradict European practices.

<sup>47</sup> The Law [“On Financial Services and Financial Companies”](#) defines “early intervention measures”, and the Law [“On Amendments to the Law of Ukraine on State Regulation of Capital Markets and Organised Commodity Markets and Certain Other Legislative Acts of Ukraine on Improving State Regulation and Supervision of Capital Markets and Organised Commodity Markets”](#) details the application of such measures (“early intervention measures are carried out by the Commission in the form of requests for measures”).

- **Transparency and reporting requirements:** MiFIR introduces detailed transparency and reporting requirements, obliging real-time trade reporting, public disclosure of trade data, and transaction reporting to regulators. The Law “On State Regulation of Capital Markets and Organized Commodity Markets”<sup>48</sup> obliges the NSSMC to monitor the financial reporting of market participants. The requirements for information related to the audit or review of financial statements of capital markets and organized commodity markets participants, supervised by the National Securities and Stock Market Commission<sup>49</sup> provide additional details.
- **Non-discriminatory access to trading venues and central counterparties:** MiFIR ensures non-discriminatory access to trading venues and central counterparties to promote competition and efficiency in EU financial markets. The NSSMC only plans to implement similar regulatory mechanisms<sup>50</sup>.
- **Position reporting and limits on commodity derivatives:** MiFIR contains specific provisions regarding the reporting of investment firms and trading venues and establishes position limits for commodity derivatives to prevent market abuse and support market integrity. The Law “On Capital Markets and Organized Commodity Market” assigns the responsibility of setting limits on derivative positions to the NSSMC, the National Bank of Ukraine approves the specification of money market derivative contracts<sup>51</sup>.
- **Combating market abuse:** Regulation 596/2014<sup>52</sup> complements the MiFID II and MiFIR framework with provisions on market abuse, focusing on unfair practices specific to financial markets, such as insider dealing, unlawful disclosure of inside information, and market manipulation. In Ukraine, the legal framework for preventing market abuse is provided by the Law “On Capital Markets and Organized Commodity Markets”<sup>53</sup>, which describes abusive practices similar to those outlined in Regulation 596/2014. In its updated version, the Law “On State Regulation of Capital Markets and Organized Commodity Markets”<sup>54</sup> details measures to counter market abuse and expands the powers of the NSSMC in this area.

The NSSMC's regulation “On Conducting Professional Activities on the Organization of Trading in Financial Instruments”<sup>55</sup> details the rules for the functioning of securities markets, similar to MiFID II and MiFIR. The regulation “On the Form and Content of Ownership Structure”<sup>56</sup> establishes additional requirements for

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<sup>48</sup> [On State Regulation of Capital Markets and Organised Commodity Markets](#)

<sup>49</sup> [On Approval of the Requirements for Information Concerning the Audit or Review of Financial Statements of Participants in Capital Markets and Organised Commodity Markets Supervised by the National Securities and Stock Market Commission](#)

<sup>50</sup> [Concept of Capital Markets Infrastructure Reform in Ukraine - NSSMC | NATIONAL SECURITIES AND STOCK MARKET COMMISSION \(nssmc.gov.ua\)](#)

<sup>51</sup> [Regulation on the Procedure for Approval of Specifications of Money Market Derivative Contracts by the National Bank of Ukraine](#)

<sup>52</sup> [Regulation - 596/2014 - EN - mar regulation - EUR-Lex \(europa.eu\)](#)

<sup>53</sup> [On Capital Markets and Organised Commodity Markets](#); the version of the Law [on State Regulation of Capital Markets and Organised Commodity Markets](#) in force since 27.04.2024 contains even more detailed provisions on market abuse and its consequences.

<sup>54</sup> See details in the Law of Ukraine [“On Amendments to the Law of Ukraine “On State Regulation of Capital Markets and Organised Commodity Markets”](#) and certain other legislative acts of Ukraine on Improving State Regulation and Supervision of Capital Markets and Organised Commodity Markets

<sup>55</sup> [Regulations on the performance of professional activities in the organisation of trade of financial instruments](#)

<sup>56</sup> [Regulations on the form and content of the ownership structure](#)

reporting and internal control<sup>57</sup>. However, both regulations will only come into force after the end of martial law.

## 4.6. REGULATION OF THE SECURITIES EMISSION PROSPECTUS

The EU Prospectus Regulation on securities<sup>58</sup> aims to harmonise the rules and requirements for prospectuses for all possible issuers (joint stock companies, investment funds, etc.). The main provisions of the regulation include:

- thresholds for issue volumes to require a prospectus;
- a universal registration document, which simplifies the registration procedure for issuers frequently issuing securities by allowing them to submit a single document to the national regulator;
- a simplified information disclosure regime for secondary issues;
- specific requirements for the presentation of risk factors;
- the possibility of publishing prospectuses in electronic form;
- mutual recognition of prospectuses issued in different EU member states

Ukrainian legislation also requires the issuer to submit the prospectus to the national regulator (the NSSMC). The Law “On Capital Markets and Organised Commodity Markets”<sup>59</sup> defines a prospectus and sets out the main conditions for its approval and the cases to which the requirements for preparing and publishing a prospectus do not apply. The Law also contains provisions on the content and form of the prospectus (details are set out in the NSSMC's regulations). The concept of a “basic prospectus” - a standardised document that simplifies procedures for multiple issuers (similar to EU regulations) - is also defined in this law.

The Law “On Joint Stock Companies”<sup>60</sup> contains clarifying provisions on the need to provide a prospectus when transforming a private joint stock company into a public one but does not clearly define the requirements for the prospectus. The Law on “Collective Investment Institutions”<sup>61</sup> requires corporate investment funds and mutual funds to provide a prospectus and sets out certain requirements for their prospectuses.

Prospectus requirements in Ukraine are far less consolidated than in Europe, for example:

- the form and content of the bond issue prospectus is regulated by the NSSMC Regulation “On the Procedure for Issuing Corporate Bonds, Bonds of International Financial Institutions and Their Circulation”<sup>62</sup>;
- the prospectus for the issue of bonds of international financial organisations and their circulation is regulated by the Regulation of the NSSMC “On the Procedure for the Issue of Bonds of International Financial Organisations and Their Circulation”<sup>63</sup>;

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<sup>57</sup> Although the main aspect of the regulation is the requirement for a transparent ownership structure, which should prevent money laundering, [similar to the AML Directive](#).

<sup>58</sup> [Regulation - 2017/1129 - EN - Prospectus Regulation - EUR-Lex \(europa.eu\)](#)

<sup>59</sup> [On capital markets and organised commodity markets](#)

<sup>60</sup> [On joint stock companies](#)

<sup>61</sup> [On collective investment institutions](#)

<sup>62</sup> [Regulations on the procedure for the issue of corporate bonds, bonds of international financial organisations and their circulation](#)

<sup>63</sup> [Regulations on the Procedure for Issuing Bonds of International Financial Institutions and their circulation](#)

- the prospectus for the issue and issue of shares of a corporate investment fund is regulated by the NSSMC Regulation “On the Procedure for Registration of the Prospectus for the Issue and Issue of Shares of a Corporate Investment Fund”<sup>64</sup>;
- The prospectus for the issue of shares of joint stock companies is regulated by the “Procedure for the issue and registration of the issue of shares of joint stock companies created by merger, division, spin-off or transformation or to which a merger is carried out”<sup>65</sup> and the regulation “On the procedure for the issue of shares, registration and cancellation of registration of the issue of shares”<sup>66</sup>;
- the prospectus for the emission and issue of shares of a corporate investment fund is regulated by the NSSMC Regulation “On the Procedure for Registration of the Prospectus for the Emission and Issue of Shares of a Corporate Investment Fund”<sup>67</sup> (unlike the above, the latter does not contain an appendix with a sample prospectus).

In addition, there are other significant discrepancies concerning, in particular:

- **Cases where a prospectus is not required for a public offering of securities.** The Law on Capital Markets and Organised Commodity Markets contains a list of cases where registration and publication of a prospectus are not required for a public offering, similar to Regulation 2017/1129. However, unlike European legislation, Ukrainian law does not set specific monetary limits (e.g., in the EU, issues worth below EUR 1 million - or EUR 8 million as decided by the national regulator - do not require registration and publication of a prospectus). In addition, Ukrainian legislation contains exemptions for certain types of offerings or circumstances not expressly covered by the EU Prospectus Regulation (e.g., offerings in the course of a merger or demerger, offerings to specific investors exceeding certain amounts, or offerings involving government securities).
- **Requirements to describe the issuer's risks.** Issuers are required to disclose risks in the prospectus under both European and Ukrainian legislation. However, the key difference between Ukrainian and European law in this section is that the latter is far more specific in its requirements for issuer risks. In particular, Delegated Regulation 2019/980<sup>68</sup> defines the types of risks, requires them to be described in a language understandable to investors, and describes the structure and presentation of risks. The NSSMC's regulatory framework is less detailed and comprehensive.
- **Requirements on key financial information.** According to the NSSMC's regulations, the prospectus must contain financial statements, and issuers must submit an auditor's opinion to the NSSMC to register the prospectus (see Appendix 2). However, delegated regulation 2019/979<sup>69</sup> contains a detailed description of the financial statements to be included in the prospectus - there is no full equivalent in Ukrainian legislation

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<sup>64</sup> [Regulation on the procedure for registration of the prospectus and issue of shares of a corporate investment fund](#)

<sup>65</sup> [Procedure for emitting and registering the issue of shares of joint stock companies established by merger, division, spin-off or transformation or to which accession is carried out](#)

<sup>66</sup> [Regulations on the procedure for issuing shares, registering and cancelling the registration of a share issue](#)

<sup>67</sup> [Regulation on the procedure for registration of the prospectus and issue of shares of a corporate investment fund](#)

<sup>68</sup> [Delegated regulation - 2019/980 - EN - EUR-Lex \(europa.eu\)](#)

<sup>69</sup> [Regulation - 2019/979 - EN - EUR-Lex \(europa.eu\)](#)

## 4.7. THE USE OF BENCHMARKS

A benchmark is a financial reference point or indicator used to measure the performance or value of financial instruments, contracts or investments<sup>70</sup>. In the EU, the use of benchmarks is regulated by the relevant regulation (BMR - Benchmark regulation)<sup>71</sup>, which

- defines the procedure for authorisation of benchmark administrators;
- obliges benchmark administrators to be accountable and transparent;
- defines critically important benchmarks;
- defines the procedure for recognising benchmarks of non-EU countries;
- defines sanctions for non-compliance with the regulations;
- defines the procedure for excluding low-quality benchmarks;
- guarantees access to benchmarks for all stakeholders.

In general, BMR's main objective is to facilitate investors' development of coherent and reasonable expectations, prevent the use of unreliable indicators, and thus control the level of systemic risk.

In 2023, the EC suggested narrowing the scope of BMR<sup>72</sup> to include only so-called significant benchmarks (benchmarks used in transactions worth more than EUR 50 billion), climate benchmarks, and critical benchmarks.

Financial institutions are required to rely on benchmarks authorised by the EU. While Ukrainian regulators use certain benchmarks (e.g., UONIA - Ukrainian Overnight Index Average), BMR-regulated indexes are limited. The updated law “On State Regulation of Capital Markets and Organised Commodity Markets”<sup>73</sup> defines benchmarks, recognises manipulation of benchmarks as unlawful, and gives the NSSMC the power to counteract it.

Given that the BMR, as a non-transposable legal instrument, will oblige Ukraine from day one in the EU, it would be advisable to expand the legal framework for using EU benchmarks in Ukraine. This would require the adoption and development of relevant regulations by the NSSMC as part of the new provisions of the Law on State Regulation of Capital Markets and Organised Commodity Markets.

## 4.8. CREDIT RATING

The Credit Rating Agency Regulation (CRAR)<sup>74</sup> governs the operation of credit rating agencies in the EU. It defines

- the obligation to register credit rating agencies with ESMA;
- rules on organisation and operation, including independence and objectivity;
- the procedure for monitoring agencies;
- the procedure for interaction between agencies and institutions that are subject to assessment;

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<sup>70</sup> For example, among the indexes authorised in the EU, [iTraxx](#) tracks credit default swap spreads of European investment-grade corporate entities (and thus serves as a risk-adjusted indicator); [VDAX-NEW](#) is a volatility indicator of the German DAX; [FTSE EPRA/NAREIT Global Real Estate Index](#) tracks the performance of publicly traded real estate companies worldwide; [Euro short-term rate \(€STR\)](#) is a benchmark for interest rates in the Eurozone.

<sup>71</sup> [Regulation - 2016/1011 - EN - Benchmark Regulation - EUR-Lex \(europa.eu\)](#)

<sup>72</sup> [EUR-Lex - 52018PC0355 - EN - EUR-Lex \(europa.eu\)](#)

<sup>73</sup> See details in [On Amendments to the Law of Ukraine “On State Regulation of Capital Markets and Organised Commodity Markets” and some other legislative acts of Ukraine on Improvement of State Regulation and Supervision of Capital Markets and Organised Commodity Markets](#)

<sup>74</sup> [Regulation - 1060/2009 - EN - EUR-Lex \(europa.eu\)](#)

- the obligation of agencies to avoid conflicts of interest.

The Law of Ukraine, “On State Regulation of Capital Markets and Organised Commodity Markets,”<sup>75</sup> requires authorisation for credit rating agencies, the rules<sup>76</sup> of which are set by the NSSMC. These rules are not fully compliant with the CRAR as they do not describe the criteria for credit rating agencies' transparency, objectivity and impartiality. In addition, the national scale defined by the NSSMC is slightly different from the standard international scale used in EU countries.

The “Law on Credit Rating”<sup>77</sup> (adopted in 2024) establishes a similar framework to the CRAR. In particular, the law establishes a national rating scale, details its criteria, and obliges authorised rating agencies to use it in credit assessments. The fines stipulated by the law are far less onerous than the ones prescribed by the European regulation but are to be increased gradually.

## 4.9. INVESTMENT FUNDS REGULATION

UCITSD V (Undertakings for Collective Investment in Transferable Securities Directive)<sup>78</sup> regulates mutual funds that provide **services to the general investing public** by

- establishing detailed requirements for depositaries, including the obligation to operate with integrity, ensure proper transaction execution, ensure compliance with all rules, and protect the assets of the file funds (depositaries are liable for losses unless it can be proven that external events beyond their control caused such losses);
- supervision of management companies, which should establish reasonable remuneration and portfolio diversification policies that promote effective risk management;
- protection of investors: UCITSD V provides a high level of investor protection by requiring daily asset valuation, transparency of expenses, and clear information on investment policies.

The AIFMD (Alternative Investment Fund Managers Directive)<sup>79</sup> regulates the activities of managers of alternative investment funds (AIF), including hedge funds, private equity funds, real estate funds and other types of institutional funds that typically provide **services to professional and institutional investors**. The main provisions include:

- regulatory restrictions: The AIFMD focuses not as much on the funds themselves as on the regulation of the managers; they are required to manage risks appropriately and have sufficient capital (the rules are more flexible in terms of investment strategies, leverage, and liquidity provision than UCITS);
- marketing: AIF may be marketed in EU member states subject to AIFMD requirements, but sales to retail investors are highly restricted and often require additional national approvals;
- transparency: The AIFMD requires disclosure not only of fund transactions but also detailed reporting of leverage and fund manager remuneration to protect investors' interests and control risks;

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<sup>75</sup> [On state regulation of capital markets and organised commodity market](#)

<sup>76</sup> [The Regulation on the procedure for conducting a tender to determine authorised rating agencies and the procedure for maintaining the State Register of Authorised Rating Agencies](#) describes the procedure for authorising rating agencies (however, it does not detail the characteristics of the agency that should be a prerequisite for authorisation, limiting itself to a description of the tender procedure); [the Rules for determining the rating grade by an authorised rating agency according to the National Rating Scale and the Procedure for submitting information by authorised rating agencies](#) and regulate the work of rating agencies.

<sup>77</sup> [Draft Law on Credit Rating](#)

<sup>78</sup> [Directive - 2014/91 - EN - UCITS V - EUR-Lex \(europa.eu\)](#)

<sup>79</sup> [Directive - 2011/61 - EN - aifmd - EUR-Lex \(europa.eu\)](#)

- operational structure: AIFs managed by the AIFMD may employ strategies that are generally more complex and risk-oriented than those permitted under UCITS, including significant use of leverage and illiquid investments.

Regulation (EU) 2015/760<sup>80</sup> regulates European Long-Term Investment Funds (ELTIFs). ELTIFs are specifically designed to encourage long-term investments in the real sector of the economy (such as unlisted infrastructure projects, which typically involve long-term investments). Unfortunately, Ukraine does not have a specific legal framework to regulate the activities of funds that make long-term investments in socially important infrastructure facilities (which would be highly appropriate given the need for ongoing reconstruction in a time of war).

UCITS, AIFs and ELTIFs are national funds that, having fulfilled all the requirements of the relevant directives and regulations, are eligible for a passport to attract investors from all EU member states. Such funds may have different forms, in particular, similar to **corporate investment funds and mutual investment funds** defined by the Law of Ukraine “On Joint Investment Institutions”<sup>81</sup>.

In the EU, corporate investment funds can have variable or fixed capital; in the first case, they are called SICAVs (Société d'Investissement à Capital Variable); in the second case, SICAFs (Société d'Investissement à Capital Fixe). Collective investment schemes that do not have the status of a legal entity and are usually managed by an investment company (FCP - Fonds Commun de Placement) are similar to mutual funds defined by Ukrainian law. If a corporate or mutual investment fund provides services exclusively in the country of origin, its activities are regulated by national legislation (except as provided by European legislation).

Thus, the implementation of the financial acquis in the field of investment funds regulation will mean, on the one hand, full and automatic recognition of UCITS, AIF and ELTIF authorised in any EU country, and, on the other hand, the possibility for Ukrainian investment funds to provide services in all EU member states. Thus, the transposition of the UCITSD V and AIFMD Directives may be achieved by amending the Law on Collective Investment Institutions or adopting a new regulatory act that would define the requirements for Ukrainian funds wishing to provide services throughout the EU and would entrench the right of UCITS and AIFMs to provide services in Ukraine without the need for authorisation<sup>82</sup>. The implementation of the UCITS and ELTIF Regulations will require the adoption of a separate legal regulation.

Notably, UCITSD V and AIFMD regulate risk management by harmonising the long-term interests of investors and managers, while the Ukrainian regulatory framework is more focused on funds' operational limitations. Thus, approximating Ukrainian legislation in the field of investment funds regulation will require a rather fundamental change in the approach to risk management.

## 4.10 REQUIREMENTS FOR INSURANCE COMPANIES

Directive Solvency II<sup>83</sup> guarantees that insurance companies are appropriately capitalised and maintain sufficient reserves to cover insurance risks. The Directive introduced new rules in the following areas:

- **risk management and assessment:** insurers are required to conduct regular internal risk assessments; the management system must be transparent, and the responsibilities of each department must be defined;

<sup>80</sup> [Regulation - 2015/760 - EN - ELTIF Regulation - EUR-Lex \(europa.eu\)](#)

<sup>81</sup> [On collective investment institutions](#)

<sup>82</sup> As of now, such authorisation is still required.

<sup>83</sup> [Directive - 2009/138 - EN - EUR-Lex \(europa.eu\)](#)

- **quantitative solvency indicators:** The solvency capital requirement (SCR) stipulates that insurers must calculate their capital to cover all liabilities within 12 months with a 99.5% probability; the minimum capital requirement (MCR) is a capital limit that ranges from 25% to 45% of the SCR;
- **transparency and reporting:** insurers must regularly publish reports on their solvency and other key financial indicators;
- **group supervision:** insurance and reinsurance companies belonging to a group are subject to supervision to prevent “toxic asset contamination” within the group.

Directive 2016/97<sup>84</sup> regulates the way insurers and intermediaries design and market products, establishing.

- **requirements for the qualifications of insurers and intermediaries,** including regular professional development;
- **requirements for business practices:** sellers of insurance products must provide customers with complete information about the products in a standardised manner; it is the responsibility of the seller to ensure that the insurance products are suitable for the customer;
- **product quality:** insurers are required to follow a procedure for testing and approving each new insurance product;
- **distribution of insurance products in a bundle:** if different insurance products are sold together, detailed information must be provided on each component, including the cost of the bundle;
- **requirements for insurance-based investment products:** additional requirements are imposed on such products, including the need for suitability assessment and disclosure.

The Law “On Financial Services and Finance Companies”<sup>85</sup> establishes a general framework for providing insurance services. The recently developed and adopted Law “On Insurance”<sup>86</sup> regulates the insurance industry in Ukraine. Similar to Directive 2009/138, this law sets quantitative solvency ratios for insurance companies; however, there are differences. The SCR applies to all insurance companies; the aforementioned indicator is calculated on a standardised basis<sup>87</sup>. The Law “On Insurance” defines a simplified and basic approach to solvency assessment; the methodology for calculating the quantitative solvency ratio<sup>88</sup> also differs significantly from that prescribed by Regulation 34/2015 (the latter is more comprehensive).

In contrast to Directive 2016/97, the Law on Insurance contains only general provisions on the conditions for conducting insurance activities and authorisation of insurance service providers - the details are set out in a separate NBU regulation.

In contrast to Directive 2016/97, the Law “On Insurance” contains only general provisions on the conditions for conducting insurance business and authorisation of insurance service providers - the details are set out in a separate NBU regulation<sup>89</sup>. The above regulation also contains requirements for the approval of insurance policies and requirements for insurers' operational activities, which is partially in line with Directive 2016/97. The NBU Regulation “On Peculiarities of Conclusion of Insurance Contracts with Consumers” significantly expands the rights of consumers. The recently approved NBU regulation on insurer disclosures largely aligns with the implementing regulation 2017/1469<sup>90</sup> (see Appendix 2 for details). In addition, the Law on Insurance,

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<sup>84</sup> [Directive - 2016/97 - EN - IDD - EUR-Lex \(europa.eu\)](#)

<sup>85</sup> [On financial services and financial companies](#)

<sup>86</sup> [On insurance](#)

<sup>87</sup> Details are described in [Delegated regulation - 35/2015 - EN - EUR-Lex \(europa.eu\)](#)

<sup>88</sup> [Regulation on the establishment of requirements for insurer solvency and investment activities](#)

<sup>89</sup> [Regulation on the authorisation of financial service providers and the conditions for their financial services activities](#)

<sup>90</sup> [Implementing regulation - 2017/1469 - EN - EUR-Lex \(europa.eu\)](#)

similar to Directive 2016/97, sets out requirements for insurance product sellers' qualifications (and regular qualification development) and creates a new framework for supervising insurance intermediaries.

## 4.11. DIGITAL OPERATIONAL RESILIENCE

The Digital Operational Resilience Act (DORA)<sup>91</sup> was adopted in 2022 to strengthen the financial sector's operational resilience to cyber threats and information and communication systems disruptions. The DORA provisions directly apply to various financial institutions, including credit institutions, payment institutions, investment companies, crypto asset service providers, insurance and reinsurance companies, etc. The main aspects of the regulation include

- **Requirements for managing risks associated with the use of telecommunications technologies.** Financial institutions subject to the DORA must develop, document and maintain a robust risk management framework that addresses the full range of risks (including protection, detection, response and recovery).
- **Reporting of cybersecurity incidents.** Financial institutions should implement procedures for responding to cybersecurity breaches, including immediately reporting serious incidents to competent authorities, to maintain the sector's awareness and resilience.
- **Resilience testing:** The DORA requires regular testing of digital operational resilience (including testing of various cybersecurity breach scenarios).
- **Third-party risk management:** Given financial institutions' reliance on third-party service providers, DORA requires them to ensure that providers are vetted and audited.

The Law “On the basic principles of ensuring the cybersecurity of Ukraine”<sup>92</sup> establishes a framework for combating cyber risks, particularly in financial services. The NBU Regulation “On Qualified providers of electronic trust services included in the Trust List upon submission of the certification centre”<sup>93</sup> sets out certain rules for cooperation between financial institutions and ICT service providers. Additional security rules are set out in the regulations “On Control over Banks” Compliance with Legislative Requirements on Information Security, Cyber Security and Electronic Trust Services<sup>94</sup> and “On Authentication and Application of Enhanced Authentication in the Payment Market”.

In general, Ukrainian legislation in the banking sector regarding financial cybersecurity is more fragmented and less detailed than European legislation but is generally equivalent to it. However, the regulatory framework regarding cybersecurity is underdeveloped in terms of securities and financial instruments markets.

## 4.12. REGULATION OF THE VIRTUAL ASSET MARKET

Regulation 2023/1114<sup>95</sup> (also known as the MiCA Regulation—Market in Crypto-assets) establishes common requirements for the issuance and servicing of crypto-assets and transactions on the crypto-asset market. The

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<sup>91</sup> [Regulation - 2022/2554 - EN - DORA - EUR-Lex \(europa.eu\)](#)

<sup>92</sup> [On the basic principles of ensuring cybersecurity of Ukraine](#)

<sup>93</sup> [Regulation on Qualified Providers of Electronic Trust Services Included in the Trust List Upon Submission of the Certification Authority](#)

<sup>94</sup> [Regulation on control of banks' compliance with the requirements of the legislation on information security, cyber security and electronic trust services](#)

<sup>95</sup> [EUR-Lex - 02023R1114-20240109 - EN - EUR-Lex \(europa.eu\)](#)

Regulation applies to all entities engaged in the issuance or trading of crypto assets in the EU; however, its provisions do not cover regulatory authorities.

The Law of Ukraine “On Virtual Assets” was adopted back in March 2022<sup>96</sup>, which de facto meant the legalisation of crypto assets in Ukraine. However, it never came into force, requiring changes to the Tax Code. As of the end of April 2024, work on an updated version of the law is still ongoing. According to the latest version as of 01.01.2024<sup>97</sup>, the NBU will regulate crypto assets backed by currency values. At the same time, the NSSMC will be responsible for virtual assets backed by securities or derivative financial instruments. Below, we analyse the main similarities and differences between the MiCA regulation and the draft law “On Virtual Assets” in the latest available edition:

- **National regulator.** In the EU, crypto asset service providers (CASP) are regulated by national securities commissions, while in Ukraine, the NBU is also involved.
- **Protection of the rights of crypto-asset market participants.** Both Ukrainian and European legislation contains provisions to protect the rights of all crypto-asset market participants. However, the provisions of the MiCA Regulation are more detailed. Therefore, to ensure that the level of regulation is in line with the European one, the NBU and the NSSMC will have to develop and adopt several relevant regulations.
- **Counteracting abuse in the crypto asset market and maintaining financial stability.** The MiCA Regulation provides a detailed framework for combating abuse in the crypto asset market. In contrast, the draft law on virtual assets contains rather limited provisions to extend the scope of state regulation to combating abuse and to designate regulators responsible for this function. In addition, the MiCA regulation defines the maintenance of financial stability as one of the main tasks of the regulator (which implies a wider range of powers and a higher degree of proactivity of the regulator). At the same time, the Ukrainian draft law does not contain similar provisions.
- **Requirements for service providers.** The MiCA Regulation authorises service providers in the crypto market based on the requirements for authorised capital, organisational structure, and internal regulations to prevent conflicts of interest and promote efficient operations and risk management. The Ukrainian draft law contains only provisions on impeccable business reputation and minimum share capital.

## 5. CONCLUSIONS AND RECOMMENDATIONS

The financial services market in the EU is highly regulated, which is explained, on the one hand, by the need to ensure a high level of capital mobility without increasing financial risks and, on the other hand, by the core values of EU public policy: stability, fairness, and equality. The EU's regulatory approach can be proactive, i.e., to identify possible threats and act preventively. Thus, all market participants are obligated to manage risks effectively, and regulators have the right to intervene significantly, even in the absence of evidence of misconduct. In contrast, the Ukrainian regulatory framework is narrower; however, recent changes to the respective legislation provide an opportunity for its expansion (see below).

Below is a summary of the compliance of Ukrainian legislation with the European acquis in ten key areas:

- **Prudential requirements for banks.** The NBU maintains high standards of prudential policy. Ukraine is ahead of some EU member states regarding the quantitative indicators defined by Basel III. At the same time, the NBU has also implemented most of the provisions of EU legislation relating

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<sup>96</sup> [Official portal of the Verkhovna Rada of Ukraine \(rada.gov.ua\)](https://rada.gov.ua/)

<sup>97</sup> [On virtual assets | dated 17.02.2022 No. 2074-IX \(rada.gov.ua\)](https://rada.gov.ua/)

to methods and principles of prudential supervision (in particular, a single standard for monitoring and assessing risks in financial institutions, remuneration policy, etc., and the development of a sustainable finance policy). To facilitate further integration in other areas (in particular, to join SEPA), the NBU should complete the process of officially implementing the updated CRD V standards.

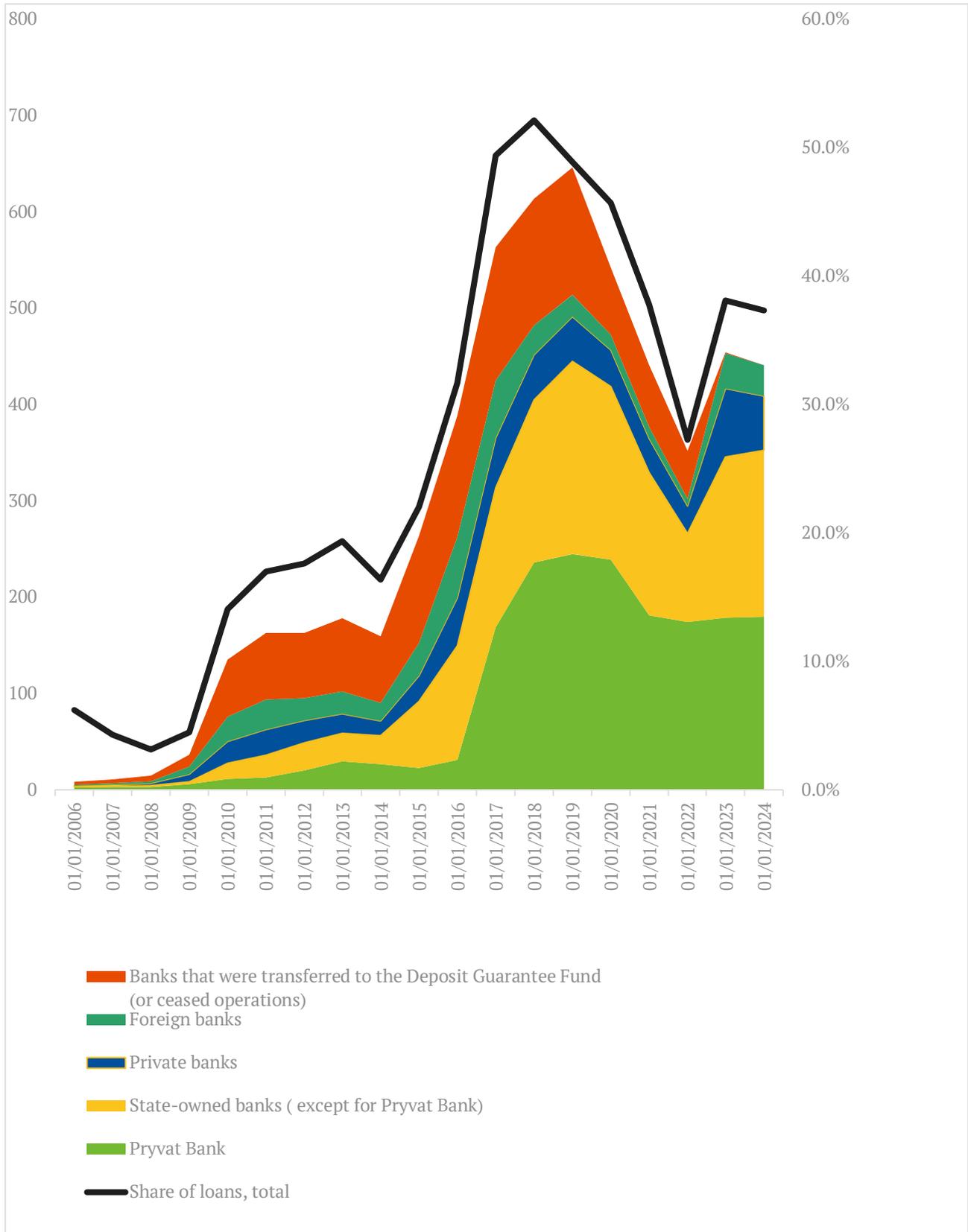
- **Bank insolvency resolution.** Ukraine has an effective mechanism for liquidating insolvent banks, but European legislation provides a wider range of resolution tools. To harmonise Ukrainian law with European law, developing and implementing a mechanism for preventing and resolving bank insolvency is crucial.
- **Payment services.** Numerous NBU regulations supplemented the Law on Payment Services. In this area, Ukrainian legislation is largely harmonised with the EU acquis.
- **Activities of central counterparties and clearing.** Several provisions of the National Securities and Stock Market Commission regulate the clearing process and requirements for central counterparties, but these regulations cover not only derivatives markets. The NBU establishes the principles for maintaining a sufficient level of central counterparty liquidity. The updated version of the Law “On State Regulation of Capital Markets and Organised Commodity Markets” sets out more detailed requirements for a central counterparty, conditions for mandatory clearing, and measures to control the activities of a central counterparty; it also contains provisions specific to the derivatives market. Although the new provisions of the law significantly expand the powers of the NSSMC, the Commission is to adopt additional regulations that will determine, among other things, the procedure for resolving the insolvency of central counterparties, etc.
- **Regulation of the financial instruments market.** The updated version of the Law “On State Regulation of Capital Markets and Organised Commodity Markets” contains provisions that comply with the MiFID/MiFIR framework. However, there is still considerable room for further improvement. The above-mentioned law provides for “early intervention measures” and other types of intervention by the National Securities and Exchange Commission; however, these measures are limited compared to the regulator's powers under MiFIR. Some of the new provisions of the NSSMC (in particular, “On the Implementation of Professional Activities in the Organisation of Trade in Financial Instruments”), approximating Ukrainian legislation to the European one, will come into force only after the end of martial law. Amendments to the Law “On State Regulation of Capital Markets and Organised Commodity Markets” should allow the National Securities and Stock Market Commission to more effectively prevent market abuse. However, this will require adopting numerous regulations (including provisions and instructions).
- **Regulation of the securities emission prospectus.** The general legal framework in Ukraine is quite different from that in Europe (in particular, this applies to cases where the publication of a prospectus is not required for the issue). The rules for developing prospectuses are extremely fragmented (the prospectus is regulated by separate provisions for almost every type of securities, and the Law “On State Regulation of Capital Markets and Organised Commodity Markets” does not contain universal and detailed provisions). In addition, Ukrainian legislation does not provide as detailed rules for describing risks as European legislation; the requirements for disclosure of financial information also differ (in the EU, the form of financial statements is set out in a separate regulation, while Ukrainian legislation is limited to basic reports).
- **Benchmarks.** The updated version of the Law “On State Regulation of Capital Markets and Organised Commodity Markets” gives the NSSMC the authority to determine key benchmarks (and imposes an obligation to prevent market manipulation through benchmarks). However, the NSSMC will also have

to adopt new regulations to properly regulate the use of benchmarks in Ukraine (and to adopt the benchmarks used in the EU).

- **Credit ratings.** The NSSMC has the power to authorise credit rating agencies; however, the authorisation procedure differs from the EU (the relevant regulation is rather detailed in describing the requirements for rating agencies). In addition, Ukraine should adopt the international rating scale used in the EU.
- **Investment funds' activities.** Funds operating within the country are regulated by national legislation, while international funds (UCITS, AIF, ELTIF) are subject to passporting based on fund-specific criteria, which are decided by the national competent authority. After becoming a member of the EU, the NSSMC will have to develop a framework for authorising UCITS, AIFs, and ELTIF.
- **Requirements for insurance companies.** The Law on Insurance adopted in 2023 generally complies with the provisions of the Solvency II Directive (except for the methodology for calculating insurer solvency criteria). The NBU (as the national regulator of the insurance market) has supplemented the law with numerous bylaws. Thus, the Ukrainian legal framework is broadly in line with the EU one, despite the differences in quantitative indicators.
- **Digital operational resilience.** The Law of Ukraine “On the Basic Principles of Ensuring Cybersecurity of Ukraine” was supplemented by the NBU's regulations to ensure digital operational resilience in the banking sector. However, the above law did not contribute to expanding the regulatory framework in other areas of DORA, such as the securities and financial instruments market. Therefore, the NSSMC will have to develop and adopt several regulations to implement the DORA principles effectively into Ukrainian law. These acts will define, in particular, the obligation and procedure for operational resilience testing, the protocol for reporting cybersecurity incidents, the procedure for interacting with service providers, etc.
- **Regulation of the virtual asset market.** The law “On Virtual Assets” has not yet been finalised. However, the most recent version available indicates some differences between the Ukrainian and European regulatory models. In particular, the latter is more proactive and focused on comprehensive measures to prevent market abuse and maintain financial stability.

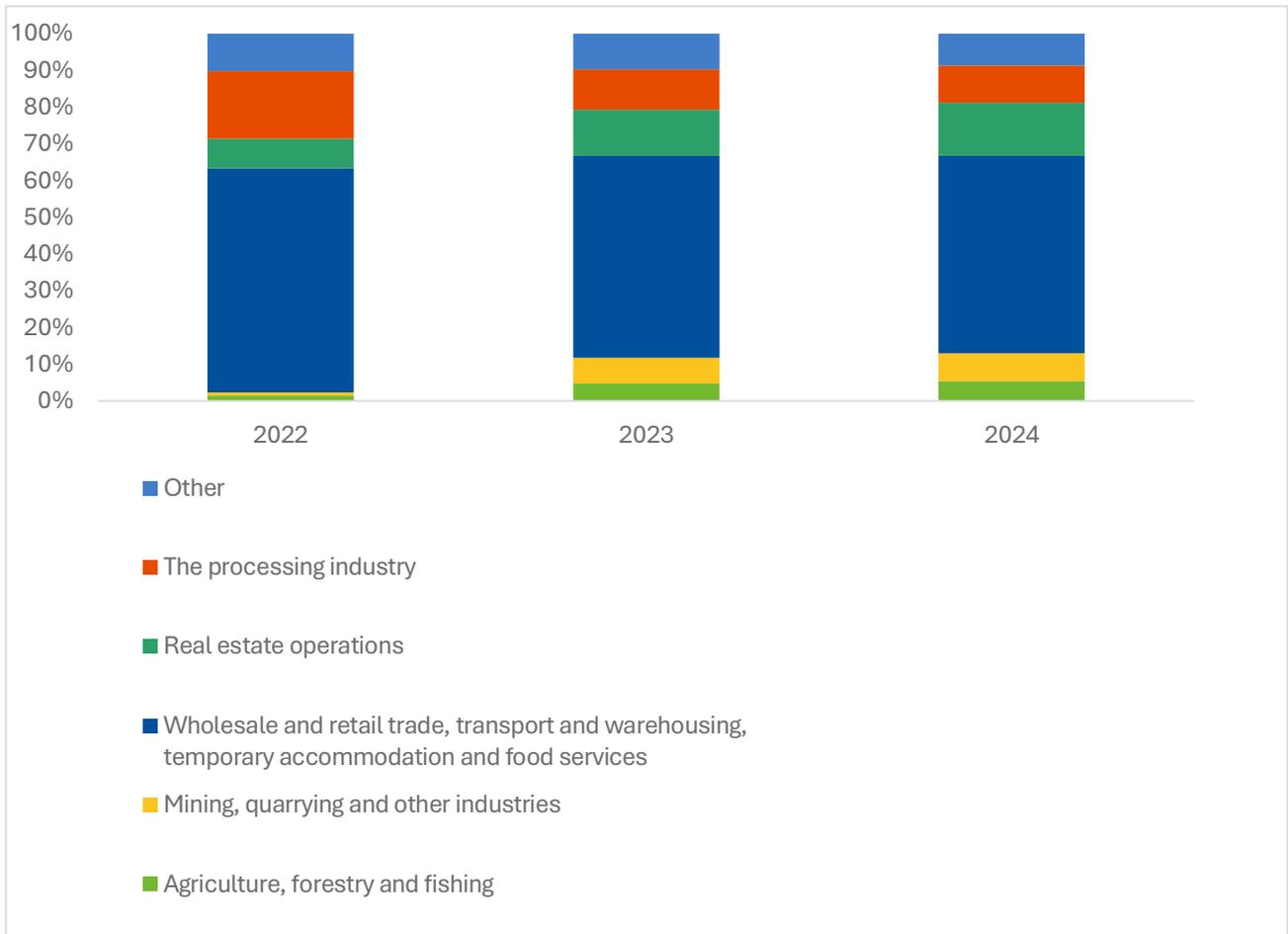
## APPENDIX 1. ADDITIONAL MATERIALS

Chart A1.1. Dynamics of NPLs (UAH billion) by group in Ukraine in 2006-2024



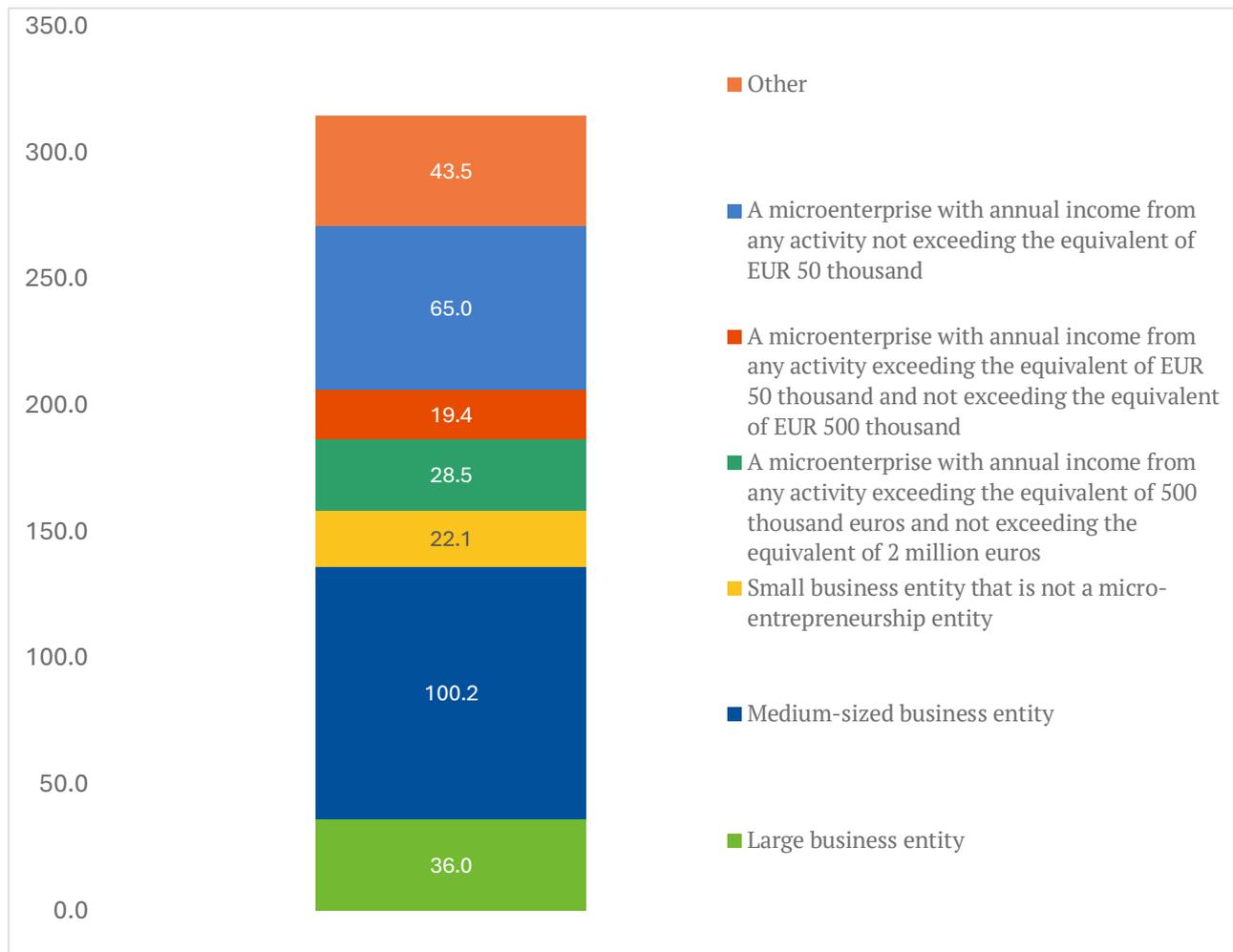
Source: CES calculations and visualisation based on NBU data [Loan Portfolio Quality \(NPLs\) \(bank.gov.ua\)](https://bank.gov.ua/en/press-center/statistics/loan-portfolio-quality-npls)

Chart A1.2. Distribution of NPL balances as of January 2022, January 2023, and February 2024 by industry



Source: CES calculations and visualisation based on NBU data [Supervisory Data \(bank.gov.ua\)](https://bank.gov.ua/en/Supervisory-Data)

Chart A1.3. Distribution of NPL balances in January 2024 by enterprise size, UAH billion



Source: CES calculations and visualisation based on NBU data [Supervisory Data \(bank.gov.ua\)](https://bank.gov.ua/SUPERSUPVISORYDATA)

## APPENDIX 2. STATUS OF IMPLEMENTATION OF KEY COMPONENTS OF THE EUROPEAN ACQUIS IN THE FINANCIAL SERVICES SECTOR IN UKRAINE

| European legislation act(s)   | Brief description   | Ukrainian legislation act(s)  |
|---|---|---|
| <p><b>Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC</b><br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0036">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0036</a></p> <p>Additionally:<br/>           Commission Delegated Regulation (EU) No 530/2014 of 12 March 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards further defining material exposures and thresholds for internal approaches to specific risk in the trading book<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0530">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0530</a></p> <p>Commission Delegated Regulation (EU) No 524/2014 of 12 March 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the information that competent authorities of the home and host Member States supply to one another<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0524">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0524</a></p> <p>Commission Implementing Regulation (EU) 2017/461 of 16 March 2017 laying down implementing technical standards with regard to common procedures, forms and templates for the consultation process between the relevant competent authorities for proposed acquisitions of qualifying holdings in credit institutions as referred to in Article 24 of Directive 2013/36/EU of the European Parliament and of the Council<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0461">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0461</a></p> <p>Commission Implementing Regulation (EU) 2016/2070 of 14 September 2016 laying down implementing technical standards for templates,</p> | <p>Enhancing the stability and resilience of the European banking sector through the implementation of Basel III standards in the EU. The key areas include capital requirements, risk management, governance and supervision of banks and investment firms, promotion of financial stability, and investor protection. Additionally, Directives 2019/878 and 575/2013 aim to increase the stability of the banking system by addressing so-called "non-financial" risks.</p> | <p>LAW OF UKRAINE ON BANKS AND BANKING<br/> <a href="https://zakon.rada.gov.ua/laws/show/2121-14#Text">https://zakon.rada.gov.ua/laws/show/2121-14#Text</a>) was supplemented by provisions that establish the key role of the Basel Committee on Banking Supervision's Core Principles for Effective Banking Supervision.<br/>           In addition, a number of NBU resolutions contain provisions that partially correspond to the provisions of Regulation 575/2013:</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Instruction on the Procedure for Regulation of Banks in Ukraine<br/> <a href="https://zakon.rada.gov.ua/laws/show/z0841-01#n25">https://zakon.rada.gov.ua/laws/show/z0841-01#n25</a></p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Determining the Amount of Credit Risk for Active Banking Operations by Ukrainian Banks<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0351500-16#Text">https://zakon.rada.gov.ua/laws/show/v0351500-16#Text</a> (the updated regulation defines a standardised approach to credit risk assessment, which largely coincides with the provisions of Basel III)</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Amendments to the Regulation on Organisation and Conduct of Inspections<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0047500-18#Text">https://zakon.rada.gov.ua/laws/show/v0047500-18#Text</a> (implementation of the SREP methodology)</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on the Procedure for Determining the</p> |

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| <p>definitions, and IT solutions to be used by institutions when reporting to the European Banking Authority and to competent authorities in accordance with Article 78(2) of Directive 2013/36/EU of the European Parliament and of the Council<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R2070">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R2070</a></p> <p>Commission Implementing Regulation (EU) 2016/99 of 16 October 2015 laying down implementing technical standards with regard to determining the operational functioning of the colleges of supervisors according to Directive 2013/36/EU of the European Parliament and of the Council<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0099">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0099</a></p> <p>Commission Implementing Regulation (EU) No 926/2014 of 27 August 2014 laying down implementing technical standards with regard to standard forms, templates and procedures for notifications relating to the exercise of the right of establishment and the freedom to provide services according to Directive 2013/36/EU of the European Parliament and of the Council<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0926">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0926</a></p> <p>Commission Implementing Regulation (EU) No 710/2014 of 23 June 2014 laying down implementing technical standards with regard to conditions of application of the joint decision process for institution-specific prudential requirements according to Directive 2013/36/EU of the European Parliament and of the Council<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0710">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0710</a></p> <p>Commission Implementing Regulation (EU) No 650/2014 of 4 June 2014 laying down implementing technical standards with regard to the format, structure, contents list and annual publication date of the information to be disclosed by competent authorities in accordance with Directive 2013/36/EU of the European Parliament and of the Council<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0650">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0650</a></p> <p>Commission Implementing Regulation (EU) No 620/2014 of 4 June 2014 laying down implementing technical standards with regard to</p> |  | <p>Minimum Operational Risk by Ukrainian Banks<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0156500-19#Text">https://zakon.rada.gov.ua/laws/show/v0156500-19#Text</a> (contains certain provisions that coincide with the European Central Bank's proposal, in particular, regarding the use of an internal loss multiplier)</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on the Procedure for Determining the Minimum Market Risk by Ukrainian Banks<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0162500-21#Text">https://zakon.rada.gov.ua/laws/show/v0162500-21#Text</a></p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on the Procedure for Determining the Amount of Regulatory Capital by Ukrainian Banks<br/> <a href="https://bank.gov.ua/ua/legislation/Resolution_28122023_196">https://bank.gov.ua/ua/legislation/Resolution_28122023_196</a></p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Amendments to the Regulation on Establishing Prudential Standards Mandatory for Non-Bank Payment Service Providers and Determining the Methodology for Their Calculation<br/> <a href="https://bank.gov.ua/ua/legislation/Resolution_28122023_196">https://bank.gov.ua/ua/legislation/Resolution_28122023_196</a> (prudential standards do not fully comply with EU standards)</p> <p>DECISION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Methodology for Calculating the Net Stable Funding Ratio (NSFR)<br/> <a href="https://zakon.rada.gov.ua/laws/show/v1001500-19#n11">https://zakon.rada.gov.ua/laws/show/v1001500-19#n11</a> (at the same time, prudential standards do not fully comply with EU standards).</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE on Approval of the Regulation on Organisation of Risk Management System in Ukrainian Banks and Banking Groups</p> |
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| <p>information exchange between competent authorities of the home and host Member States, according to Directive 2013/36/EU of the European Parliament and of the Council.<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0620">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0620</a></p> <p>Commission Delegated Regulation (EU) 2022/2580 of 17 June 2022 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the information to be provided in the application for the authorisation as a credit institution and specifying the obstacles which may prevent the effective exercise of supervisory functions of competent authorities.<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2580">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2580</a></p> <p>Commission Delegated Regulation (EU) 2022/2579 of 10 June 2022 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the information to be provided by an undertaking in the application for authorisation in accordance with Article 8a of that Directive<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2579">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2579</a></p> <p>Commission Delegated Regulation (EU) 2021/923 of 25 March 2021 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards setting out the criteria to define managerial responsibility, control functions, material business units and a significant impact on a material business unit's risk profile, and setting out criteria for identifying staff members or categories of staff whose professional activities have an impact on the institution's risk profile that is comparably as material as that of staff members or categories of staff referred to in Article 92(3) of that Directive<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32021R0923">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32021R0923</a></p> <p>Commission Delegated Regulation (EU) 2017/180 of 24 October 2016 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for benchmarking portfolio assessment standards and assessment-sharing procedures</p> |  | <p><a href="https://zakon.rada.gov.ua/laws/show/v0064500-18#Text">https://zakon.rada.gov.ua/laws/show/v0064500-18#Text</a> (obliged banks to carry out systematic risk management activities in accordance with the European methodology).</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE on Approval of the Regulation on the Procedure for Determining the Minimum Market Risk by Ukrainian Banks<br/> <a href="https://bank.gov.ua/ua/legislation/Resolution_30122021_162">https://bank.gov.ua/ua/legislation/Resolution_30122021_162</a></p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Determining the Amount of Credit Risk for Active Banking Operations by Ukrainian Banks<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0351500-16#Text">https://zakon.rada.gov.ua/laws/show/v0351500-16#Text</a></p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Instruction on the Procedure for Preparation and Disclosure of Financial Statements of Ukrainian Banks<br/> <a href="https://zakon.rada.gov.ua/laws/show/z1288-11#Text">https://zakon.rada.gov.ua/laws/show/z1288-11#Text</a></p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Remuneration Policy in the Bank<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0153500-20#Text">https://zakon.rada.gov.ua/laws/show/v0153500-20#Text</a></p> <p>The NBU has also introduced a Policy for the Development of Sustainable Finance until 2025 (<a href="https://bank.gov.ua/ua/news/all/natsionalniy-bank-prezentuvav-politiku-schodo-rozvitku-stalogo-finansuvannya-na-period-do-2025-roku">https://bank.gov.ua/ua/news/all/natsionalniy-bank-prezentuvav-politiku-schodo-rozvitku-stalogo-finansuvannya-na-period-do-2025-roku</a>)</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Remuneration Policy in the Bank<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0153500-20#Text">https://zakon.rada.gov.ua/laws/show/v0153500-20#Text</a></p> |
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| <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0180">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0180</a></p> <p>Commission Delegated Regulation (EU) No 1222/2014 of 8 October 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for the specification of the methodology for the identification of global systemically important institutions and for the definition of subcategories of global systemically important institutions</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R1222">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R1222</a></p> <p>Commission Delegated Regulation (EU) No 1152/2014 of 4 June 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the identification of the geographical location of the relevant credit exposures for calculating institution-specific countercyclical capital buffer rates</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R1152">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R1152</a></p> <p>Commission Delegated Regulation (EU) No 1151/2014 of 4 June 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the information to be notified when exercising the right of establishment and the freedom to provide services</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R1151">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R1151</a></p> <p>Commission Delegated Regulation (EU) No 527/2014 of 12 March 2014 supplementing Directive (EU) No 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the classes of instruments that adequately reflect the credit quality of an institution as a going concern and are appropriate to be used for the purposes of variable remuneration</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0527">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0527</a></p> <p><b>Directive (EU) 2019/878 of the European Parliament and of the Council of 20 May 2019 amending Directive 2013/36/EU as regards exempted entities, financial holding</b></p> |  |  |
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| <p>companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L0878">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L0878</a></p> <p>Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0575">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0575</a></p> <p>(for changes to be expected in the near future, see the opinion of the European Central Bank of 24 March 2022 on a proposal for amendments to Regulation (EU) No 575/2013 of the European Parliament and of the Council as regards requirements for credit risk, credit valuation adjustment risk, operational risk, market risk and the output floor (CON/2022/11) 2022/C 233/02</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?home=ecb&amp;uri=CELEX%3A52022AB0011">https://eur-lex.europa.eu/legal-content/EN/TXT/?home=ecb&amp;uri=CELEX%3A52022AB0011</a>)</p> |                                       |  |
| <p>Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council.</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0059">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0059</a></p> <p>Additionally</p> <p>Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0806">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0806</a></p> <p>Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014</p>       | <p>Regulation of bank insolvency.</p> | <p>LAW OF UKRAINE On the Individual Deposit Guarantee System</p> <p><a href="https://zakon.rada.gov.ua/laws/show/4452-17#n9">https://zakon.rada.gov.ua/laws/show/4452-17#n9</a> (withdrawal of insolvent banks from the market)</p> <p>DECISION OF THE EXECUTIVE DIRECTORATE OF THE DIVIDEND GUARANTEE FUND ON APPROVAL of Amendments to the Regulation on the Procedure for Compiling and Maintaining the Register of Accepted Creditors' Claims and Satisfaction of Creditors' Claims of Liquidated Banks</p> <p><a href="https://zakon.rada.gov.ua/laws/show/z0360-24#Text">https://zakon.rada.gov.ua/laws/show/z0360-24#Text</a></p> <p>DECISION OF THE EXECUTIVE DIRECTORATE OF THE DIVIDEND GUARANTEE FUND On Approval of the Regulation on Provision of Financial Support by the Deposit Guarantee Fund to the Receiving or Transition Bank, Amendments to the Regulation on Removal of Insolvent Bank from the Market and Invalidation of Certain Decisions of the Executive Directorate of the Deposit Guarantee Fund</p> |

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| <p>establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0806">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0806</a></p>  |   | <p><a href="https://zakon.rada.gov.ua/laws/show/z2282-23#Text">https://zakon.rada.gov.ua/laws/show/z2282-23#Text</a></p> <p>DECISION OF THE EXECUTIVE DIRECTORATE OF THE DIVIDEND GUARANTEE FUND On Approval of the Regulation on Determination by the Deposit Guarantee Fund of Banks, Temporary Administration or Liquidation Procedure of Which is Carried Out by it, which are Critical for the Functioning of the Economy and Ensuring the Life of the Population in a Special Period</p> <p><a href="https://zakon.rada.gov.ua/laws/show/z0980-23#Text">https://zakon.rada.gov.ua/laws/show/z0980-23#Text</a></p> <p>DECISION OF THE EXECUTIVE DIRECTORATE OF THE DIVIDEND GUARANTEE FUND On approval of the Regulation on the implementation by the Deposit Guarantee Fund of the automated system of payment of court decisions in favour of depositors on recovery of the guaranteed amount of compensation for deposits, placed in a bank to whose depositors payments have been terminated or completed, and/or other amounts related to such recovery, and Amendments to the Instruction on the Procedure for Financing the Process of Paying the Guaranteed Deposit Compensation by Agent Banks</p> <p><a href="https://zakon.rada.gov.ua/laws/show/z0253-22#Text">https://zakon.rada.gov.ua/laws/show/z0253-22#Text</a></p> <p>DECISION OF THE EXECUTIVE DIRECTORATE OF THE DIVIDEND GUARANTEE FUND On Approval of the Regulation on the Procedure for Reimbursement of Deposits by the Deposit Guarantee Fund</p> <p><a href="https://zakon.rada.gov.ua/laws/show/z1548-12#n14">https://zakon.rada.gov.ua/laws/show/z1548-12#n14</a></p> |
| <p><b>Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC</b></p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0596">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0596</a></p> | <p>Preventing illegal and unfair transactions in the financial markets.</p> | <p>LAW OF UKRAINE ON CAPITAL MARKETS AND ORGANISED COMMODITY MARKETS</p> <p><a href="https://zakon.rada.gov.ua/laws/show/3480-15#Text">https://zakon.rada.gov.ua/laws/show/3480-15#Text</a> (defines types of abuse in capital markets and organised commodity markets)</p> <p>The new version of the Law of Ukraine On State Regulation of Capital Markets</p>   |

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| <p>Additionally:<br/>Commission Delegated Regulation (EU) 2016/1052 of 8 March 2016 supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the conditions applicable to buy-back programmes and stabilisation measures<br/><a href="https://eur-lex.europa.eu/eli/reg_del/2016/1052/oj">https://eur-lex.europa.eu/eli/reg_del/2016/1052/oj</a></p> <p>Commission Delegated Regulation (EU) 2016/522 of 17 December 2015 supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council as regards an exemption for certain third countries public bodies and central banks, the indicators of market manipulation, the disclosure thresholds, the competent authority for notifications of delays, the permission for trading during closed periods and types of notifiable managers' transactions<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0522">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0522</a></p> <p>Commission Delegated Regulation (EU) 2016/908 of 26 February 2016 supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council laying down regulatory technical standards on the criteria, the procedure and the requirements for establishing an accepted market practice and the requirements for maintaining it, terminating it or modifying the conditions for its acceptance<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0908">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0908</a></p> <p>Commission Delegated Regulation (EU) 2016/958 of 9 March 2016 supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the technical arrangements for objective presentation of investment recommendations or other information recommending or suggesting an investment strategy and for disclosure of particular interests or indications of conflicts of interest<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.160.01.0015.01.ENG">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.160.01.0015.01.ENG</a></p> <p>Commission Delegated Regulation (EU) 2016/960 of 17 May 2016 supplementing Regulation (EU) No 596/2014 of the European</p> |  | <p>and Organised Commodity Markets <a href="https://zakon.rada.gov.ua/laws/show/3585-20#n395">https://zakon.rada.gov.ua/laws/show/3585-20#n395</a> (specifies the provisions on abuse of power and sets out the powers of the National Securities and Stock Market Commission to counteract abuse)</p> <p>Requires further implementation in the form of additional regulations by the National Securities and Stock Market Commission.</p> |
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| <p>Parliament and of the Council with regard to regulatory technical standards for the appropriate arrangements, systems and procedures for disclosing market participants conducting market soundings</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0960">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0960</a></p>  |  |   |
| <p><b>Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC</b></p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L2366">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L2366</a></p> <p>Additionally:</p> <p>Commission Delegated Regulation (EU) 2018/389 of 27 November 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for strong customer authentication and common and secure open standards of communication</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R0389">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R0389</a></p> <p>Commission Implementing Regulation (EU) 2018/1624 of 23 October 2018 laying down implementing technical standards with regard to procedures and standard forms and templates for the provision of information for the purposes of resolution plans for credit institutions and investment firms pursuant to Directive 2014/59/EU of the European Parliament and of the Council, and repealing Commission Implementing Regulation (EU) 2016/1066</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R1624">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R1624</a></p> | <p>Strengthening consumer protection, promoting innovation and enhancing the security of payment services in the European Union by regulating payment service providers and promoting open banking. The scope of the directive includes a requirement for banks to provide third-party providers with access to account information and payment initiation services, thereby promoting competition and technological development in the financial services sector.</p> | <p>LAW OF UKRAINE ON PAYMENT SERVICES</p> <p><a href="https://zakon.rada.gov.ua/laws/show/1591-20#Text">https://zakon.rada.gov.ua/laws/show/1591-20#Text</a> (defines the concept and general procedure for payment transactions in Ukraine)</p> <p>RESOLUTION OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on the Procedure for Authorisation of Financial Payment Services and Limited Payment Services Providers</p> <p><a href="https://zakon.rada.gov.ua/laws/show/v0217500-22#Text">https://zakon.rada.gov.ua/laws/show/v0217500-22#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Regulation on the Procedure for Issuing and Acquiring Payment Instruments</p> <p><a href="https://zakon.rada.gov.ua/laws/show/v0164500-22#Text">https://zakon.rada.gov.ua/laws/show/v0164500-22#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Regulation on Engaging Commercial Agents to Provide Financial Payment Services</p> <p><a href="https://zakon.rada.gov.ua/laws/show/v0168500-22#Text">https://zakon.rada.gov.ua/laws/show/v0168500-22#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE Resolution on Approval of the Regulation on the Procedure for Oversight of Payment Infrastructure in Ukraine</p> <p><a href="https://zakon.rada.gov.ua/laws/show/v0187500-22#Text">https://zakon.rada.gov.ua/laws/show/v0187500-22#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Regulation on the Procedure for Disclosure of Information by Non-Bank Payment Service Providers</p> <p><a href="https://zakon.rada.gov.ua/laws/show/v0181500-22#Text">https://zakon.rada.gov.ua/laws/show/v0181500-22#Text</a></p> |

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|  |  | <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Regulation on the Application by the National Bank of Ukraine of Penalties for Violation of the Legislation Regulating Activities in the Payment Market<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0206500-22#Text">https://zakon.rada.gov.ua/laws/show/v0206500-22#Text</a></p> <p>BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Regulation on Issuance of Electronic Money and Payment Transactions with It<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0210500-22#Text">https://zakon.rada.gov.ua/laws/show/v0210500-22#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Regulation on Additional Requirements to Payment Service Agreements Concluded by Non-Bank Payment Service Providers with Consumers<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0233500-22#Text">https://zakon.rada.gov.ua/laws/show/v0233500-22#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On establishing requirements for the provision of limited payment services<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0249500-22#Text">https://zakon.rada.gov.ua/laws/show/v0249500-22#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Instruction on Execution of Interbank Payment Transactions in Ukraine in the National Currency<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0016500-23#Text">https://zakon.rada.gov.ua/laws/show/v0016500-23#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Regulation on the Procedure for Issuing Licences for Currency Transactions<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0043500-23#Text">https://zakon.rada.gov.ua/laws/show/v0043500-23#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On</p> |
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|   |   | <p>Approval of the Regulation on Inspections of Non-Bank Payment Service Providers and Limited Payment Service Providers<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0047500-23#Text">https://zakon.rada.gov.ua/laws/show/v0047500-23#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Regulation on Authentication and Application of Enhanced Authentication in the Payment Market<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0058500-23#Text">https://zakon.rada.gov.ua/laws/show/v0058500-23#Text</a></p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Amendments to the Rules for Storing, Protecting, Using and Disclosing Payment Service Provider Information<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0159500-23#Text">https://zakon.rada.gov.ua/laws/show/v0159500-23#Text</a></p>   |
| <p><b>Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories</b><br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0648">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0648</a></p> <p>Additionally:</p> <p>Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012R1247">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012R1247</a><br/>         (establishes technical standards for the format and frequency of submission of trade reports to trade repositories; details the data to be submitted for different types of derivatives contracts).</p> <p>Commission Delegated Regulation (EU) No 149/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation,</p> | <p>Principles of operation and requirements for central counterparties.</p> | <p>LAW OF UKRAINE ON CAPITAL MARKETS AND ORGANISED COMMODITY MARKETS<br/> <a href="https://zakon.rada.gov.ua/laws/show/3480-15#n1723">https://zakon.rada.gov.ua/laws/show/3480-15#n1723</a> provides the definition and basic principles of the functioning of central counterparties.</p> <p>An updated version of the Law "On State Regulation of Capital Markets and Organised Commodity Markets." (<a href="https://zakon.rada.gov.ua/laws/show/3585-20#Text">https://zakon.rada.gov.ua/laws/show/3585-20#Text</a>) prescribes additional requirements for the central counterparty, conditions for mandatory clearing, and measures to control the activities of the central counterparty.</p> <p>DECISION OF THE NATIONAL SECURITIES AND STOCK MARKET COMMISSION on Approval of Regulations on Prudential Standards of Professional Activity in the Stock Market and Requirements to Risk Management System<br/> <a href="https://zakon.rada.gov.ua/laws/show/z1311-15#Text">https://zakon.rada.gov.ua/laws/show/z1311-15#Text</a> defines the principles of risk assessment, including the role of central counterparties. In addition, it defines risk assessment principles for central counterparties (see VII.1).</p> |

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| <p>the public register, access to a trading venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0149">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0149</a><br/>(includes regulatory technical standards for OTC derivatives, central counterparties and trade repositories; details requirements for risk mitigation techniques for OTC derivatives contracts that are not cleared through a central counterparty).</p> <p>Commission Implementing Regulation (EU) No 1248/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of applications for registration of trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012R1248">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012R1248</a><br/>(defines the procedures to be followed for registration and supervision of trade repositories).</p> <p><b>Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132</b><br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0023">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0023</a></p> |  | <p>BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Regulation on Maintaining Liquidity of a Central Counterparty<br/><a href="https://zakon.rada.gov.ua/laws/show/v0069500-21#Text">https://zakon.rada.gov.ua/laws/show/v0069500-21#Text</a> (creates a framework for maintaining a sufficient level of liquidity for central counterparties, including through the NBU's intervention).</p> <p>THE BOARD OF THE NATIONAL BANK OF UKRAINE RESOLUTION On Approval of the Regulation on the Procedure for Oversight of Entities Performing the Functions of a Central Securities Depository, Central Counterparty, Trade Repository and Securities Settlement System in Ukraine<br/><a href="https://zakon.rada.gov.ua/laws/show/v0157500-23#Text">https://zakon.rada.gov.ua/laws/show/v0157500-23#Text</a> (establishes additional requirements for supervision of central counterparties).</p> <p>DECISION OF THE NATIONAL SECURITIES AND STOCK MARKET COMMISSION ON APPROVAL of the Procedure for Submission of Information on Derivative Contracts to the Trade Repository and Disclosure of Information on Derivative Contracts by the Trade Repository<br/><a href="https://zakon.rada.gov.ua/laws/show/z1652-21#Text">https://zakon.rada.gov.ua/laws/show/z1652-21#Text</a></p> |
| <p><b>Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast)</b><br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0065">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0065</a></p> <p>Additionally:<br/>Directive (EU) 2022/2556 of the European Parliament and of the Council of 14 December 2022 amending Directives 2009/65/EC, 2009/138/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU, 2014/65/EU, (EU) 2015/2366 and</p>   | <p>Regulation of the financial instruments market.</p> | <p>Key regulations:</p> <p>LAW OF UKRAINE ON CAPITAL MARKETS AND ORGANISED COMMODITY MARKETS<br/><a href="https://zakon.rada.gov.ua/laws/show/3480-15#n1723">https://zakon.rada.gov.ua/laws/show/3480-15#n1723</a> (establishes the legal framework for the functioning and regulation of the securities market, defines the rights and obligations of market participants, as well as the procedure for issuing and circulating securities)</p>   |

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| <p>(EU) 2016/2341 as regards digital operational resilience for the financial sector<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022L2556">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022L2556</a></p> <p>Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2554">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2554</a></p> <p>Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32020R1503">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32020R1503</a></p> <p>Commission Delegated Directive (EU) 2017/593 of 7 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to safeguarding financial instruments and funds belonging to clients, product governance obligations and the rules applicable to the provision or reception of fees, commissions or any monetary or non-monetary benefits<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017L0593">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017L0593</a></p> <p>Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0565">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0565</a></p> <p>Commission Implementing Regulation (EU) 2016/824 of 25 May 2016 laying down implementing technical standards with regard to the content and format of the description of the functioning of multilateral trading facilities and organised trading facilities and the notification to the European Securities and Markets Authority according to Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments</p> |  | <p>LAW OF UKRAINE On the Depository System of Ukraine<br/> <a href="https://zakon.rada.gov.ua/laws/show/5178-17#Text">https://zakon.rada.gov.ua/laws/show/5178-17#Text</a> (regulates relations arising in the course of depository activities, including the circulation of securities in electronic form, and establishes the basis for the establishment and functioning of the depository system of Ukraine)</p> <p>LAW OF UKRAINE ON STATE REGULATION OF CAPITAL MARKETS AND ORGANISED COMMODITY MARKETS<br/> <a href="https://zakon.rada.gov.ua/laws/show/448/96-%D0%B2%D1%80#Text">https://zakon.rada.gov.ua/laws/show/448/96-%D0%B2%D1%80#Text</a> (the updated version contains provisions to promote transparency of transactions and prevent market monopolisation, which is partially in line with European legislation)</p> <p>LAW OF UKRAINE ON JOINT INVESTMENT INSTITUTIONS<br/> <a href="https://zakon.rada.gov.ua/laws/show/5080-17#Text">https://zakon.rada.gov.ua/laws/show/5080-17#Text</a> (the legal basis for the establishment and operation of collective investment institutions - for example, investment funds - requirements for their structure and operation, as well as protection of investors' rights)</p> <p>LAW OF UKRAINE ON FINANCIAL SERVICES AND FINANCIAL COMPANIES<br/> <a href="https://zakon.rada.gov.ua/laws/show/1953-20#Text">https://zakon.rada.gov.ua/laws/show/1953-20#Text</a> (updated version, establishes the rules for the provision of financial services, the rights and obligations of financial service providers and consumers, as well as the mechanisms of state regulation and supervision of financial markets)</p> <p>LAW OF UKRAINE ON JOINT STOCK COMPANIES<br/> <a href="https://zakon.rada.gov.ua/laws/show/2465-20#Text">https://zakon.rada.gov.ua/laws/show/2465-20#Text</a> (regulates relations related to the establishment, operation and management of joint stock companies, including the rights and obligations of shareholders)</p> |
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| <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32016R0824">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32016R0824</a></p> <p>Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC.<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32010R1095">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32010R1095</a></p> <p><b>Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012</b><br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0600">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0600</a></p> <p>Additionally:</p> <p>Commission Delegated Regulation (EU) 2016/2020 of 26 May 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on criteria for determining whether derivatives subject to the clearing obligation should be subject to the trading obligation<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R2020">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R2020</a></p> <p>Commission Delegated Regulation (EU) 2016/2021 of 2 June 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on access in respect of benchmarks<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R2021">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R2021</a></p> <p>Commission Delegated Regulation (EU) 2016/2022 of 14 July 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards concerning the information for registration of third-country firms and the format of information to be provided to the clients<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R2022">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R2022</a></p> |  | <p>In addition, there are regulations of the National Securities and Stock Market Commission. These acts include various regulatory documents that regulate in detail specific aspects of the securities market, including licensing, reporting, performance standards, etc. (see <a href="#">Documents - National Securities and Stock Market Commission (nssmc.gov.ua)</a>), in particular:</p> <p>REGULATIONS OF THE NATIONAL SECURITIES AND STOCK MARKET COMMISSION on Financial Monitoring by Primary Financial Monitoring Entities, State Regulation and Supervision of Activities of Which is Carried Out by the National Securities and Stock Market Commission<br/><a href="https://zakon.rada.gov.ua/laws/show/z0532-21#Text">https://zakon.rada.gov.ua/laws/show/z0532-21#Text</a></p> <p>REGULATION OF THE NATIONAL SECURITIES AND STOCK MARKET COMMISSION On Approval of the Procedure for Maintaining Registers of Participants in Capital Markets and Organised Commodity Markets<br/><a href="https://zakon.rada.gov.ua/laws/show/z1385-21#Text">https://zakon.rada.gov.ua/laws/show/z1385-21#Text</a></p> <p>REGULATION OF THE NATIONAL SECURITIES AND STOCK MARKET COMMISSION On Approval of Requirements to the Test Environment of Organised Market Operators<br/><a href="https://zakon.rada.gov.ua/laws/show/z1059-21#Text">https://zakon.rada.gov.ua/laws/show/z1059-21#Text</a></p> |
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| <p>Commission Delegated Regulation (EU) 2017/572 of 2 June 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards on the specification of the offering of pre-and post-trade data and the level of disaggregation of data<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0572">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0572</a></p>   |  |  |
| <p>Commission Delegated Regulation (EU) 2017/583 of 14 July 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on transparency requirements for trading venues and investment firms in respect of bonds, structured finance products, emission allowances and derivatives<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0583">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0583</a></p> |  |  |
| <p>Commission Delegated Regulation (EU) 2017/590 of 28 July 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the reporting of transactions to competent authorities<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0590">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0590</a></p>   |  |  |
| <p>Commission Delegated Regulation (EU) 2017/582 of 29 June 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards specifying the obligation to clear derivatives traded on regulated markets and timing of acceptance for clearing.<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0582">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0582</a></p>  |  |  |
| <p>Commission Delegated Regulation (EU) 2017/579 of 13 June 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on the direct, substantial and foreseeable effect of derivative contracts within the Union and the prevention of the evasion of rules and obligations<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0579">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0579</a></p>      |  |  |

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| <p>Commission Delegated Regulation (EU) 2017/587 of 14 July 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on transparency requirements for trading venues and investment firms in respect of shares, depositary receipts, exchange-traded funds, certificates and other similar financial instruments and on transaction execution obligations in respect of certain shares on a trading venue or by a systematic internaliser<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0587">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0587</a></p> <p>Commission Delegated Regulation (EU) 2017/577 of 13 June 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on the volume cap mechanism and the provision of information for the purposes of transparency and other calculations<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0577">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0577</a></p> <p>Commission Delegated Regulation (EU) 2017/580 of 24 June 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the maintenance of relevant data relating to orders in financial instruments<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0580">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0580</a></p> <p>Commission Delegated Regulation (EU) 2017/585 of 14 July 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the data standards and formats for financial instrument reference data and technical measures in relation to arrangements to be made by the European Securities and Markets Authority and competent authorities<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0585">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0585</a></p> <p>Commission Delegated Regulation (EU) 2017/581 of 24 June 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards on clearing access</p> |  |  |
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| <p>in respect of trading venues and central counterparties</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0581">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R0581</a></p> <p>Commission Delegated Regulation (EU) 2017/2154 of 22 September 2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R2154">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R2154</a></p> <p>Commission Delegated Regulation (EU) 2017/2417 of 17 November 2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on the trading obligation for certain derivatives</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R2417">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R2417</a></p> <p>Commission Delegated Regulation (EU) 2017/567 of 18 May 2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to definitions, transparency, portfolio compression and supervisory measures on product intervention and positions</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32017R0567">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32017R0567</a></p> <p>Commission Delegated Regulation (EU) 2022/466 of 17 December 2021 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council by specifying criteria for derogation of the principle that approved publication arrangements and approved reporting mechanisms are supervised by the European Securities Markets Authority</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R0466">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R0466</a></p> <p>Commission Delegated Regulation (EU) 2022/803 of 16 February 2022 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council by specifying rules of procedure for the exercise of the power to impose fines or periodic penalty payments by the European Securities Markets Authority regarding data reporting service providers</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R0803">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R0803</a></p> |  |  |
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| <p>Commission Delegated Regulation (EU) 2022/930 of 10 March 2022 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council by specifying fees relating to the supervision by the European Securities Markets Authority of data reporting service providers<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R0930">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R0930</a></p> <p>Commission Delegated Regulation (EU) 2017/1799 of 12 June 2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council as regards the exemption of certain third countries central banks in their performance of monetary, foreign exchange and financial stability policies from pre-and post-trade transparency requirements<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32017R1799">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32017R1799</a></p> <p>Commission Delegated Regulation (EU) 2017/2194 of 14 August 2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to package orders<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32017R2194">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32017R2194</a></p> |  |  |
| <p><b>Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC</b><br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R1129">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R1129</a></p> <p>Additionally:<br/>Commission Delegated Regulation (EU) 2019/980 of 14 March 2019 supplementing Regulation (EU) 2017/1129 of the European Parliament and of the Council as regards the format, content, scrutiny and approval of the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market and repealing Commission Regulation (EC) No 809/2004<br/><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R0980">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R0980</a><br/>(contains detailed technical standards on various aspects of the preparation, publication and classification of prospectuses)</p>  | <p>Establishing universal rules for securities prospectuses.</p> | <p>LAW OF UKRAINE ON CAPITAL MARKETS AND ORGANISED COMMODITY MARKETS<br/><a href="https://zakon.rada.gov.ua/laws/show/3480-15#n1801">https://zakon.rada.gov.ua/laws/show/3480-15#n1801</a> defines a securities prospectus and determines the cases in which its preparation and disclosure is required and contains the main provisions on the elements of the prospectus.</p> <p>The following regulations of the National Securities and Stock Market Commission set out the rules for developing a prospectus for certain securities:</p> <ul style="list-style-type: none"> <li>• REGULATIONS on the procedure for issuing corporate bonds, bonds of international financial organisations and their circulation <a href="https://zakon.rada.gov.ua/laws/show/z0171-14#n945">https://zakon.rada.gov.ua/laws/show/z0171-14#n945</a></li> <li>• REGULATIONS on the procedure for issuing bonds</li> </ul> |

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| <p>Commission Delegated Regulation (EU) 2019/979 of 14 March 2019 supplementing Regulation (EU) 2017/1129 of the European Parliament and of the Council with regard to regulatory technical standards on key financial information in the summary of a prospectus, the publication and classification of prospectuses, advertisements for securities, supplements to a prospectus, and the notification portal, and repealing Commission Delegated Regulation (EU) No 382/2014 and Commission Delegated Regulation (EU) 2016/301<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R0979">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R0979</a> (its scope includes key financial information in the prospectus, publication and classification of prospectuses, securities advertising, prospectus supplements, and the notification portal)</p> |   | <p>of international financial organisations and their circulation <a href="https://zakon.rada.gov.ua/laws/show/z0291-20#Text">https://zakon.rada.gov.ua/laws/show/z0291-20#Text</a></p> <ul style="list-style-type: none"> <li>REGULATIONS on the Procedure for Registration of the Prospectus and Issue of Shares of a Corporate Investment Fund <a href="https://zakon.rada.gov.ua/laws/show/z1187-13#Text">https://zakon.rada.gov.ua/laws/show/z1187-13#Text</a></li> <li>REGULATIONS on the Procedure for Registration of the Prospectus and Issue of Shares of a Corporate Investment Fund <a href="https://zakon.rada.gov.ua/laws/show/z1187-13#Text">https://zakon.rada.gov.ua/laws/show/z1187-13#Text</a></li> </ul> <p>REQUIREMENTS TO THE AUDITOR'S REPORT TO BE SUBMITTED TO THE NATIONAL SECURITIES AND STOCK MARKET COMMISSION as part of the documents for registration of issue, issue and prospectus of certain types of securities, report on the results of the placement of shares (except for securities of collective investment institutions)<br/> <a href="https://www.nssmc.gov.ua/documents/vimogi-do-auditorsykogo-visnovku-shto-podatysya-do-natsionalyno-koms-z-tsnnih-paperv-ta-fondovogo-rinku-u-sklad-dokument/">https://www.nssmc.gov.ua/documents/vimogi-do-auditorsykogo-visnovku-shto-podatysya-do-natsionalyno-koms-z-tsnnih-paperv-ta-fondovogo-rinku-u-sklad-dokument/</a> (the document stipulates the need to submit the conclusions of a qualitative audit for the registration of the prospectus)</p> |
| <p>Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R1011">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R1011</a></p>   | <p>A comprehensive framework for the regulation of benchmarks used in EU financial markets.</p> | <p>There are no close equivalents in Ukrainian legislation.</p>   |

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| <p>Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32009R1060">https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32009R1060</a></p>   | <p>Regulates credit rating agencies in the EU.</p>  | <p>LAW OF UKRAINE On State Regulation of Capital Markets and Organised Commodity Markets<br/> <a href="https://zakon.rada.gov.ua/laws/show/448/96-%D0%B2%D1%80#n110">https://zakon.rada.gov.ua/laws/show/448/96-%D0%B2%D1%80#n110</a>) requires authorisation of rating agencies in accordance with the rules established by the National Securities and Stock Market Commission:</p> <p>Regulations on the procedure for holding a tender for authorised rating agencies and the procedure for maintaining the State Register of Authorised Rating Agencies (<a href="https://zakon.rada.gov.ua/laws/show/z1112-17#Text">https://zakon.rada.gov.ua/laws/show/z1112-17#Text</a>) regulates the process of selecting rating agencies, but does not provide clear selection criteria.</p> <p>RULES for determining the rating grade by the authorised rating agency according to the National Rating Scale (<a href="https://zakon.rada.gov.ua/laws/show/z0182-16#Text">https://zakon.rada.gov.ua/laws/show/z0182-16#Text</a>) do not contain the same clear rules and requirements as CRAR.</p> <p>The procedure for submission of information by authorised rating agencies (<a href="https://zakon.rada.gov.ua/laws/show/z0025-13#Text">https://zakon.rada.gov.ua/laws/show/z0025-13#Text</a>) contains reporting requirements for rating agencies.</p> <p>In addition, the national rating scale does not correspond to the standard international scale used in the EU:<br/> RESOLUTION OF THE CABINET OF MINISTERS OF UKRAINE ON APPROVAL OF THE NATIONAL RATING SCALE<br/> <a href="https://zakon.rada.gov.ua/laws/show/665-2007-%D0%BF#Text">https://zakon.rada.gov.ua/laws/show/665-2007-%D0%BF#Text</a></p> |
| <p>Directive 2014/91/EU of the European Parliament and of the Council of 23 July 2014 amending Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards depositary functions, remuneration policies and sanctions</p> | <p>Rules for the operation of investment funds.</p> | <p>LAW OF UKRAINE ON JOINT INVESTMENT INSTITUTIONS<br/> <a href="https://zakon.rada.gov.ua/laws/show/5080-17#n617">https://zakon.rada.gov.ua/laws/show/5080-17#n617</a></p>   |

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0091>

Additionally:

Commission Directive 2010/43/EU of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards organisational requirements, conflicts of interest, conduct of business, risk management and content of the agreement between a depositary and a management company

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010L0043>

(sets out implementation measures for mutual fund management companies; covers organisational requirements, conflicts of interest, business conduct, risk management and the content of the agreement between the depositary and the management company).

Commission Regulation (EU) No 583/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards key investor information and conditions to be met when providing key investor information or the prospectus in a durable medium other than paper or by means of a website

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32010R0583>

(establishes detailed rules for standard forms, templates and procedures for notification of UCITS and their investment changes; ensures the effective operation of the UCITS passporting system, which facilitates the sale of UCITS funds in EU member states without additional authorisation).

**Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010**

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011L0061>

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Additionally:

Commission Delegated Regulation (EU) No 231/2013 of 19 December 2012 supplementing Directive 2011/61/EU of the European

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| <p>Parliament and of the Council with regard to exemptions, general operating conditions, depositaries, leverage, transparency and supervision</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0231">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0231</a><br/>(Supplements Directive 2011/61/EU by providing detailed rules on exemptions, general conditions of operation, depositaries, leverage, transparency and supervision; clarifies operational aspects of AIFMD, including the specifics of how managers should assess leverage or the duties and responsibilities of depositaries).</p> <p>Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02015R0760-20240110">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02015R0760-20240110</a></p>   |   |   |
| <p><b>Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking up and pursuit of the business of Insurance and Reinsurance (Solvency II)</b></p> <p><a href="https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32009L0138">https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32009L0138</a></p> <p>Additionally:</p> <p>Commission Delegated Regulation (EU) 2015/35 of 10 October 2014 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking up and pursuit of the business of Insurance and Reinsurance (Solvency II)</p> <p><a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R0035">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R0035</a><br/>(establishes detailed rules for calculating the solvency ratio of insurance companies)</p> <p>Commission Implementing Regulation (EU) 2023/894 of 4 April 2023 laying down implementing technical standards for the application of Directive 2009/138/EC of the European Parliament and the Council with regard to the templates for the submission by insurance and reinsurance undertakings to their supervisory authorities of information necessary for their supervision and repealing Implementing Regulation (EU) 2015/2450</p> <p><a href="https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32023R0894">https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32023R0894</a><br/>(sets out detailed technical standards that define the information and format that institutions must provide to resolution authorities for the purpose</p> | <p>A framework for insurance and reinsurance operations in the EU, focusing on the amount of capital that EU insurance companies must hold to reduce the risk of insolvency and more general rules for the marketing of insurance products.</p> | <p>LAW OF UKRAINE ON FINANCIAL SERVICES AND FINANCIAL COMPANIES</p> <p><a href="https://zakon.rada.gov.ua/laws/show/1953-20#Text">https://zakon.rada.gov.ua/laws/show/1953-20#Text</a> establishes a framework for ensuring the solvency of insurers.</p> <p>LAW OF UKRAINE ON INSURANCE</p> <p><a href="https://zakon.rada.gov.ua/laws/show/1909-20#Text">https://zakon.rada.gov.ua/laws/show/1909-20#Text</a> establishes the principles of insurance activities.</p> <p>Additionally:</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Authorisation of Persons entitled to Carry Out Actuarial Activities in the Insurance Sector and Persons Who May Perform the Duties of a Responsible Actuary</p> <p><a href="https://zakon.rada.gov.ua/laws/show/v0187500-23#Text">https://zakon.rada.gov.ua/laws/show/v0187500-23#Text</a></p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Authorisation of Financial Service Providers and Conditions for Carrying Out Financial Services Activities</p> <p><a href="https://zakon.rada.gov.ua/laws/show/v0199500-23#Text">https://zakon.rada.gov.ua/laws/show/v0199500-23#Text</a> (establishes conditions for provision of insurance services and authorisation of insurers).</p> |

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| <p>of developing and implementing resolution plans).</p> <p><b>Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast)</b><br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016L0097">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016L0097</a></p> <p>Additionally:</p> <p>Commission Delegated Regulation (EU) 2017/2358 of 21 September 2017 supplementing Directive (EU) 2016/97 of the European Parliament and of the Council with regard to product oversight and governance requirements for insurance undertakings and insurance distributors<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R2358">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R2358</a><br/> (defines the product supervision and governance requirements for insurance companies and insurance distributors, guaranteeing that insurance products are designed, marketed and sold in a manner that meets the needs and interests of target customer groups).</p> <p>Commission Delegated Regulation (EU) 2017/2359 of 21 September 2017 supplementing Directive (EU) 2016/97 of the European Parliament and of the Council with regard to information requirements and conduct of business rules applicable to the distribution of insurance-based investment products<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R2359">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R2359</a><br/> (contains requirements for information and standards of conduct for the distribution of insurance-based investment products, with a focus on strengthening customer protection by ensuring proper advice and product transparency).</p> <p>Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document<br/> <a href="https://eur-lex.europa.eu/eli/reg_impl/2017/1469/oj">https://eur-lex.europa.eu/eli/reg_impl/2017/1469/oj</a><br/> (establishes a standardised format for the presentation of the Insurance Product Information Document to be provided to customers to clearly communicate key</p> |  | <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Disclosure of Information and Placement of Information Document on Standard Insurance Product on the Websites of Insurers and Insurance Intermediaries<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0174500-23#Text">https://zakon.rada.gov.ua/laws/show/v0174500-23#Text</a> (to a certain extent, it is in line with the European principles of consumer protection).</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE ON APPROVAL OF THE REGULATION ON ESTABLISHMENT OF REQUIREMENTS FOR SECURITY AND INVESTMENT ACTIVITIES OF INSURERS<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0201500-23#Text">https://zakon.rada.gov.ua/laws/show/v0201500-23#Text</a> (detailed instructions for calculation of quantitative solvency indicators).</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Peculiarities of Conclusion of Insurance Contracts with Consumers<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0175500-23#Text">https://zakon.rada.gov.ua/laws/show/v0175500-23#Text</a> (expands the rights of consumers of insurance services).</p> |
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| <p>information about non-life insurance products prior to their purchase).</p>  |   |   |
| <p>Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011<br/> <a href="https://eur-lex.europa.eu/eli/reg/2022/2554/oj">https://eur-lex.europa.eu/eli/reg/2022/2554/oj</a></p>  | <p>Regulation of cyber risks.</p>             | <p>LAW OF UKRAINE On the Basic Principles of Ensuring Cybersecurity of Ukraine<br/> <a href="https://zakon.rada.gov.ua/laws/show/2163-19#Text">https://zakon.rada.gov.ua/laws/show/2163-19#Text</a></p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Qualified Providers of Electronic Trust Services Included in the Trust List upon Submission of the Certification Authority<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0116500-19#Text">https://zakon.rada.gov.ua/laws/show/v0116500-19#Text</a> (contains certain provisions on cooperation between financial institutions and cyber service providers)</p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Defining Critical Infrastructure Objects in the Banking System of Ukraine<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0151500-20#Text">https://zakon.rada.gov.ua/laws/show/v0151500-20#Text</a></p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Control over Banks' Compliance with Legislative Requirements on Information Security, Cyber Security and Electronic Trust Services<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0004500-21#Text">https://zakon.rada.gov.ua/laws/show/v0004500-21#Text</a></p> <p>RESOLUTION OF THE BOARD OF THE NATIONAL BANK OF UKRAINE On Approval of the Regulation on Authentication and Application of Enhanced Authentication in the Payment Market<br/> <a href="https://zakon.rada.gov.ua/laws/show/v0058500-23#Text">https://zakon.rada.gov.ua/laws/show/v0058500-23#Text</a></p> |
| <p>Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (Text with EEA relevance)<br/> <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02023R1114-20240109">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02023R1114-20240109</a></p> | <p>Regulation of the crypto-asset market.</p> | <p>Draft law on virtual assets<br/> <a href="https://zakon.rada.gov.ua/laws/show/2074-20#Text">https://zakon.rada.gov.ua/laws/show/2074-20#Text</a></p>   |

