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### LEGAL AND MANAGERIAL ASPECTS OF UKRAINE'S STATE REGULATORY POLICY ON UNIVERSAL POSTAL SERVICES IN THE CONTEXT OF EUROPEAN INTEGRATION

**Statement of the Problem.** One of the essential means of maintaining proper livelihood for citizens in different regions of Ukraine during a full-scale war is universal postal services. The state's ability to provide citizens and businesses with equal access to these services is a key indicator of its social capacity to ensure normal living conditions in regions with unequal economic development. Additionally, the dynamic development of the information sphere of society [1] imposes somewhat different tasks on universal postal services compared to traditional ones.

In this context, Ukraine faces the challenge of creating favorable conditions for the provision of universal postal services, which is a focus of the state regulatory policy. Besides the significant social and economic responsibilities, this policy direction is also influenced by Ukraine's international obligations to the European Union (EU) concerning the adaptation of national legislation and its application to European legal standards.

However, several problems related to the provision of universal postal services remain inadequately addressed in national legislation. These include developing universal criteria for assessing the quality of these services, clarifying the competence of the authorities responsible for implementing state regulatory policy in this area, and aligning the procedures for providing relevant communication services with EU legislation.

**Analysis of the Latest Research and Publications.** The issues discussed in this article have garnered the attention of numerous scholars and practitioners from various fields, including public administration, communications, law, and economics.

For instance, O. A. Knyazeva, L. K. Bugeda, and A. P. Kuyemzhi in their studies primarily analyze the state of demand and income from the provision of universal postal services, as well as foreign experiences in forming their lists. The authors highlight

changes in consumer priorities and trends in the communication services market, along with related markets. They propose an updated list of universal services that aligns with both global trends and the modern realities of the country. Additionally, they present proposals for developing a mechanism for financially supporting operators providing universal postal services [2].

In his works, Yashchuk O. M. addresses the implementation challenges of Directive 97/67/EC of the European Parliament and the Council on common rules for developing the internal market for postal services and improving service quality. He examines issues related to introducing European criteria for assessing the quality of universal postal services in Ukraine. These include affordability, determining the list and values of SCP quality indicators, methods for measuring these indicators, and implementing SCP quality standards along with a continuous monitoring and control system. Specific solutions are proposed, including reorganizing the designated postal operator's structure and replacing the existing control system with a continuous monitoring system for UPP quality standards and compliance [3].

M. Lisovyi's research delves into the legal nature of postal services, courier services, and special communication, determining the features of legal regulation for each service type [4]. Other researchers have shown that in the modern economy, no business entity can operate independently. They study the growing postal services market, driven by the development of e-commerce, quarantine restrictions, marketing, and innovations. The need for delivery of goods based on optimal criteria such as speed, convenience, and accessibility is determined. To assess these criteria, they analyze the number of branches and delivery times of major postal operators. Strategic directions for enhancing competitiveness levels are also identified [5].

**Highlighting previously unresolved parts of the general problem.** The problem of providing high-quality and prompt universal postal services is central to the state regulatory policy in this area, the relevance of which is growing both in connection with Ukraine's acquisition of the status of a candidate for EU membership, the deepening of the degree of implementation of the provisions of the Association Agreement between Ukraine and the EU and its Member States and the transition to the start of negotiations on Ukraine's accession to the EU. Requirements for Ukraine's entry into the «digital European market», as well as in connection with the global transformation processes in the field of postal services, the growth of their social, economic and political importance for Ukraine in the conditions of war with the Russian Federation. Its solution involves both the implementation of European criteria for the quality of universal postal services, and the development (improvement) of effective state mechanisms for monitoring the quality of universal postal services and state supervision (control) in this area of legal regulation.

**The aim of the article** is to study the legal and managerial features of the State regulatory policy in the sphere of provision of universal postal services, to formulate on this basis individual recommendations for bringing this direction of the State policy in line with EU standards.

**Findings.** Among the range of postal and courier services provided by postal operators, universal services hold a special place and significance. These services are socially oriented and must be provided consistently across the entire territory of the country to any user at an acceptable (affordable) price. Their importance increases significantly in the conditions of martial law and the war unleashed by the Russian Federation against Ukraine, as well as in relation to its relevant international obligations to join the EU [6; 7] and to the Universal Postal Union (UPU). Thus, the implementation of these international documents into the national legislation in Ukraine involves, among other things, the introduction of European norms regarding: financing of universal postal services; compliance with tariff principles and transparency of settlements for their provision; establishment of quality standards and implementation of a system for ensuring continuous monitoring and control over compliance with quality standards for the provision of universal postal services.

Therefore, the provision of high-quality and prompt universal postal services is one of the main priorities of the national state policy of postal services and its inclusion in conceptual, strategic and program documents for the development of this area [8; 9; 10; 11].

According to the Law of Ukraine «On Postal Services» [12], developed on the basis of Directive 97/67/EC» [7], the main principles of activity in the field of provision of postal services are to ensure access and continuity of provision of universal postal services. At the same time, state regulation of activities in the field of provision of postal services should be carried out, inter alia:

- formation of a list of quality indicators of universal postal services and establishment of their level;
- regulation of marginal prices (tariffs) for postal services for the forwarding of domestic simple and registered letters without declared value (recommended) weighing up to 50 grams and postal cards.

The legislation of Ukraine on postal services [12; 13; 14] the main subjects of state regulatory policy in this area include: the central executive body that provides for the formation and implements state policy in the field of postal services (Ministry of Infrastructure of Ukraine), the regulatory body (National Commission for the State Regulation of Electronic Communications, Radio Frequency Spectrum and Service Provision Designated Operator (JSC «UKRPOSHTA»), local executive authorities and local self-government bodies.

In our opinion, the extension of the Regulatory Authority's function to monitor the quality of universal services to all postal services does not comply with international documents, primarily Directive 97/67/EC and the Statute of the Universal Postal Union, as well as the principles, essence and objectives of state regulation formulated in the same law and therefore requires appropriate legislative changes.

In addition, the rights and obligations of the Regulatory Authority in this area are also determined by the Law of Ukraine [13], which in this part are fully consistent with its similar powers in the Law «On Postal Services».

Local bodies of executive power and bodies of local self-government, within the limits of their powers:

- provide assistance to postal operators, including the designated operator, in the placement of postal facilities in the relevant territories;
- assist the designated postal operator in the delivery of postal items to remote settlements;
- notify the designated postal operator about changes in the names of settlements and the boundaries of their territories, street names, as well as the assignment of addresses to real estate objects.

The designated operator of postal services (JSC «Ukrposhta») provides universal services and is determined by the central executive body that ensures the formation and implementation of state policy in the field of postal services (Ministry of

Infrastructure). To meet state needs, the designated postal operator has the right to carry out activities related to the delivery of pensions, state aid, compensations, subsidies and other types on a contractual basis social payment in cash, to provide other services in accordance with the legislation.

The Law of Ukraine «On Postal Communication» [11] defines a universal postal service as «a set of postal services of a set level of quality, which are provided to users throughout Ukraine at affordable prices on an ongoing basis».

This definition of universal postal service corresponds to the concept of «universal service» used in the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand (Association Agreement) [6], in Directive 97/67/EC [7] and in the Universal Postal Convention [15] and is the result of their generalization.

In contrast to the previous version of the above-mentioned Law of Ukraine, its new version [11] excluded from this definition such a previously mandatory feature (criterion) of «universal service» as its provision at tariffs regulated by the state (tariffs for any universal service had to be regulated by the state), which became, among other things, a terminological justification for a signif-

icant reduction in the range of universal services regulated by the Regulatory Authority in Ukraine.

Table 1 illustrates the changes over the past 5 years (2018–2023) in the line of universal services that have taken place in Ukraine after the adoption and entry into force in 2023 of the new Law of Ukraine «On Postal Services».

Table 1 demonstrates how to reduce the number of components of the line of universal services with **13 to 5**, and reducing among them the number of tariff-regulated universal services with **13 to 3** from May 2023. At the same time, the question remains of the validity of such a reduction in universal services in terms of ensuring the interests of end users and maintaining the level of accessibility and satisfaction of users to these services, which requires a separate study, especially with regard to the exclusion of international postal items from the list of universal services in the conditions of war with the Russian Federation, when about 5.14 million Ukrainians received temporary protection status in European countries at the beginning of June 2023.

Figure 1 shows the downward dynamics of changes in the share of revenues from universal postal services in the revenue structure of JSC Ukrposhta: from 45.2% in 2018 to 19.9% for 9 months of 2023. This share is projected to

Table 1

**Changes in the List of Universal Services in Ukraine from 2018 to 2023**

Period	List of Universal Services	Tariff Regulation of Universal Postal Services
2018 – 25.05.2023	According to paragraph 9 of the Rules for the Provision of Postal Services, approved by the resolution of the Cabinet of Ministers of Ukraine dated 05.03.2009 No. 270, universal postal services included the following services for the transmission of: <ul style="list-style-type: none"> <li>• Postal cards, letters, parcels, items for the blind – simple and registered;</li> <li>• Parcels without declared value weighing up to 10 kilograms.</li> </ul> Total: 6 domestic + 7 international services	In accordance with the powers specified in Articles 8 and 9 of the previous Law of Ukraine "On Postal Communications", NKRZ and NKRZI carried out tariff regulation in the field of providing postal services, namely all universal postal services.  Total: All 6 domestic + 7 international services are regulated + a separate tariff for conscripts.
25.05.2023 – present	According to Article 16 of the new Law of Ukraine "On Postal Communications", universal postal services include forwarding services: <ul style="list-style-type: none"> <li>• ordinary postal items, registered letters, including those with a declared value, weighing up to 2 kilograms;</li> <li>• parcels without declared value weighing up to 10 kilograms;</li> <li>• shipments for the blind weighing up to 7 kilograms.</li> </ul> Total: 5 services	In accordance with Article 8 of the new Law of Ukraine "On Postal Communications", NKEK sets the maximum prices (tariffs) for postal forwarding services: <ul style="list-style-type: none"> <li>• internal ordinary and registered letters without declared value (recommended) weighing up to 50 grams and postal cards.</li> </ul> Total: All 6 domestic + 7 international services are regulated + a separate tariff for conscripts.

decrease significantly in 2024, as it will no longer include income from international shipments. The share of regulated universal services in the total structure of revenues from universal services will also significantly decrease.

Fig. 1–Fig. 4 shows the dynamics of changes in tariffs that the regulatory authority set for the relevant universal services. This dynamic of changes confirms the social nature of the above-mentioned universal services and their affordability, which was formed taking into account the basic principles defined by the previous and new editions of the laws “On Postal Services” [12] and Directive 97/67/EC [7].

By its purpose, in our opinion, tariff regulation in the field of provision of postal services should stimulate the introduction of the latest technologies by operators, improve the quality of services, increase the volume and expansion of the range of services.

According to Directive 97/67/EC [6], the list of universal services is established by the state in order to provide full-scale access to information resources for the population and business structures and should at least include the following services:

- collection, sorting, transportation and delivery of postal items weighing up to 2 kg;
- collection, sorting, transportation and delivery of parcels weighing up to 10 kg;
- services of registered items and items with declared value.

However, this list of services and the conditions for obtaining them are not constant, but should constantly change along with changes in the needs of users and operators, their capabilities are satisfied in each country, the increase in the cost of universal services, the development of scientific and technological progress, etc.



Fig. 1. The share of revenues from universal postal services in the revenue structure of JSC «Ukrposhta»



Fig. 2. Change in tariffs for the regulated universal service for forwarding domestic simple letters weighing up to 50 g



Fig. 3. Change in tariffs for the regulated universal service for forwarding internal registered letters without declared value (recommended) weighing up to 50 g



Fig. 4. Change in tariffs for the universal unregulated universal service for sending parcels without a declared value weighing up to 10 kilograms from May 2023

For example, due to the COVID-19 pandemic, the role of postal services in parcel delivery, in particular in the field of e-commerce, has increased, while the role of postal services as a means of communication or information exchange is gradually decreasing due to electronic substitution [15]. An example is the new law [11], in which, as noted above, the list of universal services was significantly reduced compared to the previous law by removing from the list of universal services all 7 international services and bandera services, although in accordance with Article 3 of Directive 97/67/EC [6]: “General services, as defined in this Article, include both national, and international services.”

Despite the fact that the legislation of Ukraine defines certain categories of services that are subject to state regulation, outside of legal regulation, at the same time, there are still questions about the harmonization of quality criteria with prices for such services.

Currently, the amount of income from services, the tariffs for which are regulated by the NCEC, is less than 10% of the income from the activities carried out by the designated operator. That is, the principles of transparency, non-discrimination, accessibility of the price level (tariffs) to all users throughout Ukraine; The formation of prices (tariffs) for postal services on the basis of taking into account the costs of the designated postal operator, etc., applies only to services subject to state regulation of prices (tariffs), while the pricing of the rest of the universal services for the designated operator is free.

At the same time, the provisions of Directive 97/67/EC [6] apply to all universal services, and it is also stated that Member States shall take the measures necessary to ensure that the accounting of universal service suppliers is carried out in accordance with the provisions of Article 14 of this Directive.

In addition, as regulated by Article 15 of Directive 97/67/EC [7], the financial statements of all universal service providers must be prepared, submitted for audit to an independent auditor and published in accordance with applicable law.

Therefore, the selective implementation of EU law in the field of postal services to ensure the provision of universal postal services does not fully guarantee their accessibility and therefore requires appropriate legislative changes.

The priority of providing high-quality, prompt, accessible universal services according to uniform social standards is defined in a number of strategic international documents. For example, in the ERGP Medium-Term Strategy for 2023–2025 [15]. It is emphasized that universal service commitments must be continuously reformed without restricting their important social/economic role. The sustainability of universal service should be seen as the fulfillment of the revised roles required by society, coupled with an appropriate compensation mechanism aimed at providing an effective, user-centric universal service. This document, within the framework of the strategic direction “Empowering End Users and Providing a User-Oriented One-Stop Service” for 2023–2025, defines the following priorities of the ERGP Group of European Postal Regulators [15]:

- continue to assess the changing conditions in the postal market in the era of e-commerce, taking into account the issues of digitalization and sustainable development and their impact on users, as well as the protection of user rights;
- promote choice, accessibility of information, high quality of services, transparent, simple and cost-effective procedures and innovations for end-users;
- assess the feasibility of universal service commitments, taking into account the changing needs of users (behavior and demand), numerous technological changes, the decline of letter correspondence and the rapid growth of e-commerce;
- monitor changes in user behaviour and needs resulting from the digitalisation of the postal sector and ensure user empowerment;
- improve user protection by gradually transitioning from the traditional “sender-oriented” to “recipient-oriented” email market.

The document also notes that some member states have had to limit the characteristics and scope of their obligations to universal services in recent years, mainly due to changing user needs and postal service operators and the growth of their value.

At the heart of all UPU strategies (previous, the current Abidjan Postal Strategy 2021–2025 [18] and the future postal strategy Dubai Postal Strategy 2026–2029 [17] is the purpose of the Universal Postal Union, which is enshrined in its Charter [19]

and which is to “stimulate the long-term development of high-quality, efficient and affordable universal postal services in order to facilitate communication between the inhabitants of the world.

Thus, the Abidjan Postal Strategy of the Universal Postal Union for the period 2021–2025 [18] states, in particular: “Governments should promote the creation of an enabling environment and ensure the provision of universal postal services, while postal operators around the world should adapt to new conditions and meet the changing needs of society and the market through structural transformations, innovative services and continuous modernization.”

At the same time, the successful implementation of the state regulatory policy in the field of postal services largely depends on the effectiveness of the mechanism for monitoring the quality of universal postal services, which provides, first of all, for the legislative definition of the list of universal postal services, indicators of their quality and level.

In contrast to the reduction of the list of universal services in the new Law, scientists, on the contrary, substantiate the need to expand the range of universal services in Ukraine by additional inclusion in the list of universal services “services sourced from state institutions. These include the services “Payment of pensions and financial assistance (source – Pension Fund), as well as Administrative services (source – State administrations of all levels)”, as well as a mechanism for compensating the costs of the designated operator for universal services. The authors prove that among the totality of such well-known compensation mechanisms as:

- creation of the Universal Services Fund at the expense of operators that do not provide universal services to compensate losses to operators providing such services;
- cross-subsidization within one operator;
- indirect subsidies (reservation exclusively for a certain operator in the field of universal services in the so-called “protected segment”);
- direct subsidies (compensation for the losses of a particular operator at the expense of the local or state budget),
- but none of them should be used in Ukraine, since all of them have significant disadvantages.

Today, the designated operator, JSC Ukrposhta, provides universal services using a combination of cross-subsidization and indirect subsidization compensation mechanisms, and does not apply direct state subsidies.

In order to meet state needs, the designated postal operator has the right to carry out and carries out activities related to the delivery of pensions, state aid, compensations, subsidies and other types of social payments in monetary form, and to provide other services in accordance with the law [12].

The Law of Ukraine «On Postal Services» [12] defines the principles of providing universal postal services, primarily the basic principles of providing universal postal services.

In our opinion, these principles should be reflected in by-laws, first of all, those that determine the list of criteria and levels of quality of universal services and procedures for their monitoring, taking into account international experience and legislation to which Ukraine has acceded. They also update the tasks of the Ministry of Infrastructure to form a new/updated list of quality criteria for the provision of universal services and the development (implementation) of a system for monitoring the quality of universal services by the NCEC as part of the electronic regulatory platform. Thus, according to these principles, a set of quality criteria for the provision of universal postal services should include criteria for ensuring continuity, price and geographical accessibility, standards and regulatory terms for sending postal items (state social standards for the provision of universal postal services), etc.

It should be noted that guarantees for the provision of universal services are also part of the obligations undertaken by Ukraine in connection with membership in the World Trade Organization and accession to the General Agreement on Trade in Services (GATS) [20].

Directive 97/67/EC [2] defines the criteria for the quality of the provision of universal postal services (UPP), which only partially meet similar criteria in the national legislation of Ukraine [7; 21–24], namely: territorial accessibility of UPP; temporal accessibility of UPP; tariff (price) accessibility of UPP; terms of sending postal items; minimum number of days of work of postal operators; the minimum number of retrievals of correspondence from mailboxes; minimum number of postal items delivered to recipients; continuity of universal postal services; regularity of AMR; reliability of universal postal services.

The main criterion for the quality of the provision of universal postal services both in Ukraine and in the EU countries is the terms of sending postal items, which in Ukraine are determined by the Order of the Ministry of Infrastructure «On Approval of Standards and Regulatory Terms for Sending Postal Items» [22] These terms are:

- local – D+2, priority – D+1;
- within the region and between the regional centers of Ukraine D+3, priority – D+2;
- between district centers of different regions of Ukraine – D+4, priority – D+3;
- between other settlements of different regions of Ukraine – D+5, priority – D+4, where D is the day of submission of the postal item.

When sending registered written correspondence, the normative terms of forwarding specified

in paragraph 1 of this section shall be increased by one day. When sending parcels without a declared value weighing up to 10 kilograms, the standard terms of shipment specified in paragraph 1 of this section shall be increased by two days. Shipment of international postal items (letters, cards, parcels, secograms) on the territory of Ukraine is carried out within the standard terms established for domestic postal items.

The Orders of the Ministry of Transport and Communications [23; 24] determined the Methodology for assessing the quality indicators of the provision of postal services and their control and the quarterly form of departmental reporting N 17-P communication (quality), as well as the list of indicators of the quality of the provision of postal services for the Ukrainian State Enterprise of Postal Services «Ukrposhta»:

- fulfillment of the quality standard for sending written correspondence between regional centers of Ukraine;
- fulfillment of the quality standard for sending written correspondence between district centers of Ukraine;
- the number of losses or shortages of a part of the contents of postal items due to the fault of the enterprise;
- the number of applications and complaints due to the fault of the company.

At the same time, for the Ukrainian State Enterprise of Postal Service «Ukrposhta», the following standards for the quality of sending written correspondence were established: between regional centers of Ukraine – D + 3 = 92% and district centers of Ukraine – D + 4 = 90%.

These standards are outdated, have not been applied in the mechanisms of state supervision (control) in this area for more than 10 years, are not resourced, organizationally and technically supported, do not meet similar criteria for universal postal services of the EU countries, which are defined in Annex 2 of Directive 97/67/EC [7]:

Time limit	Purpose
D + 3	85% correspondence
D + 5	97% correspondence

According to these standards, the European designated operator, regardless of the location of the sender of the postal message, must ensure its delivery within the standard time frame (3 or 5 days) with the appropriate standard quality (guarantee) – the percentage of the number of letters delivered within the established regulatory terms is 85% or 97%. And these State social standards for the provision of universal postal services (normative deadlines supplemented by a quality standard) must be complied with not only for the entire

volume of mail within the Community, but also for each bilateral flow between two Member States. Today, it is problematic to ensure such European quality standards in Ukraine. One of the constraining factors is the multi-level hierarchical structure of the postal service of the State Enterprise «Ukrposhta» [3], which significantly slows down the delivery of postal items, as well as the technical, economic, organizational capabilities of the designated operator, significant losses incurred by it as a result of the war in Ukraine.

According to paragraph 4 of the Action Plan for the Implementation of the Strategy for the Implementation of the Provisions of the European Union Directives in the Field of Postal and Courier Services (Roadmap) [10], the Ministry of Infrastructure is entrusted with the task of developing proposals for amendments or a new version of the Order of the Ministry of Infrastructure No. 958 [22], the purpose of which is to establish quality standards for the provision of universal postal services and to implement a system to ensure compliance with these standards in accordance with the requirements of Annex II of Directive 97/67/EC [7].

According to the law, the territorial accessibility of the UPP should be determined taking into account the provision by the designated operator of free access to postal networks to all users throughout Ukraine in accordance with the standards for the development and location in cities, towns and villages of the network of postal facilities of the designated postal operator, which are approved by the central executive body that provides for the formation and implements state policy in the in the field of provision of postal services. The current standard approved by the Order of the Ministry of Infrastructure «Standards for the Development and Placement in Cities and Rural Areas of the Network of Postal Facilities and Mailboxes of the National Postal Operator» [21], as well as the previous standard, has lost its relevance, as it does not comply with the new law [12] and Directive 97/67/EC [7], needs to clarify both terminology and content, because «the territorial accessibility of SCP is determined not directly in the form of normative distances between the places of residence or stay of UPP users and the locations of the nearest postal operators providing the relevant SCP, but indirectly, through non-transparent and inadequate intermediate indicators of the population served by one OPP, or the radii and service areas of the OPP, does not take into account the significant demographic changes that have taken place in Ukraine over the past 10 years, including as a result of the war with the Russian Federation, the results of the administrative reform, the widespread introduction of e-commerce technologies and the use of mobile post offices, as well as the growth of its social sig-

nificance, especially for the liberated territories, etc. Article 3 of Directive 97/67/EC states: «Member States shall do their utmost to enable users to enjoy the right to a universal postal service, which includes the provision of a postal service of a certain quality on a permanent basis, throughout the territory at affordable prices for users. To this end, Member States should take measures to ensure that the density of contact points and access points is determined by the needs of users.»

There is a need for scientific substantiation of the ability of the designated operator to ensure other European criteria for the quality of universal services [2,6], their formalization in the national legislation and their practical implementation by the designated operator, namely ensuring: guarantee of receiving a universal postal service for at least five working days a week; frequency of removal of written correspondence from mailboxes and delivery of postal items to recipients at least One Take-Out and One Delivery at home address for each individual or legal entity, i.e. 5 pick-ups and 5 deliveries per week; tariff (price) accessibility minimum volume of services (universal services) of a certain quality for all users, regardless of the geographical location of the latter; continuity, regularity and reliability universal services. The possibility of providing most of the above European criteria by a designated operator in today's economic, social, military-political, technological, etc. conditions of Ukraine is problematic. Their introduction requires stages, gradual organization and planning of the implementation process, its consistency with the timing of the transition to the start of negotiations on Ukraine's accession to the EU, as well as the development and practical implementation of the mechanism of state supervision (control) and its component – monitoring the quality of universal services. Article 9 of the Law of Ukraine «On Postal Communication» [12] It is noted that state supervision (control) over the market of postal services is carried out in accordance with the Law of Ukraine «On the Basic Principles of State Supervision (Control) in the Field of Economic Activity» [24] taking into account the specifics determined by the Law of Ukraine «On Postal Communication».

According to the law, monitoring of the quality of universal services is the collection, processing, storage, analysis of data on quality indicators of universal postal services carried out by the national regulator. This regulatory mechanism is mandatory, must comply with the requirements of Article 22 of the Universal Postal Convention [15] and Directive 97/67/EC [7], provides, first of all, for the control of the implementation of the state social standard for the provision of universal postal services (standards and regulatory terms



for sending postal items) by the designated operator on the basis of the collected data with their subsequent comparison with the established regulatory terms and quality standards determined by the Ministry of Infrastructure.

At the same time, the collection of objective, relevant, accurate and up-to-date data is one of the main problems of the practical implementation of the mechanism for monitoring the quality of universal services, which in a simplified version may include [24]:

- fulfillment of the quality standard for sending written correspondence between regional centers;
- fulfillment of the quality standard for sending written correspondence between district centers;
- the number of losses or shortages of a part of the contents of postal items due to the fault of the enterprise;
- the number of applications and complaints due to the fault of the company, or in an extended version to assess the quality of SCP provision according to the European system of quality indicators [3]:
  - data on the cancellation of postal routes;
  - data on delays in the dispatch of postal routes;
  - data on the delay in the receipt of postal routes;
  - data on the cancellation of delivery of postal items;
  - data on the delay in the delivery of postal items;
  - data on the cancellation of the removal of written correspondence from mailboxes;
  - data on the delay in the removal of written correspondence from mailboxes;
  - data on the volume of postal items, the shipment of which was completed within the established time frame;
  - data on the volume of postal items, the shipment of which was carried out in violation of the established deadlines;
  - data on the safety of postal items and their enclosures;
  - data on the presence of public complaints about the work of the designated operator and the results of their consideration.

The traditional source of the share of such data for the above two options is user complaints and appeals, which the regulatory authority receives directly from users and other authorities, upon request for information from the designated operator or lawyers, from social networks, for example, from the «User Ratings and Reviews» section of the <https://vidstzhyty.com.ua/couriers/ukrposhta/reviews> web resource. But at the same time, it is necessary to solve a number of issues: separation of complaints and appeals of users regarding the quality of universal services from all other postal services provided by the designated

operator, to formalize within the framework of the by-law the unification and categorization of the main complaints of users with which they apply to the authorities and to the designated operator, to automate the processes of processing and analyzing complaints and appeals of citizens, to provide in the legislation for the possibility of submitting complaints and appeals from legal entities, etc.

Other main sources of information on the fulfillment by the designated operator of the established regulatory deadlines and quality standards for the provision of universal services are still the results of sending control sheets by the regulatory authority to specially designated users (the «end-to-end» method), followed by an analysis of the reasons for poor quality of written correspondence forwarding by the designated operator or/and the data of the result of self-control of the diagnostic control system appointed by the operator (Automated system «Registration, processing and control of mail passage within Ukraine» of the designated operator [26]). At the same time, various methods can be used to control the quality of written correspondence (scheduled and targeted inspections, sending letters to service consumers, sending test sheets).

The main stages of monitoring the quality of unified postal services are [23]: development of quality indicators; development of normative terms and norms (standards) of quality; control of normative terms and norms (standards) of quality; comparison of the control results with the established regulatory terms and norms (standards) of quality. At the same time, the first two stages of this process are the area of responsibility of the Ministry of Infrastructure, the last two are the National Commission for the State Regulation of Electronic Communications, Radio Frequency Spectrum and the provision of postal services.

But, as noted above, the existing mechanism for monitoring the quality of unified postal services in Ukraine today does not fully comply with European legislation, primarily regarding the list of quality indicators and their quantitative values, is largely declarative, since the resource, organizational, regulatory is not provided, requires the improvement of informational, analytical and scientific-methodological support, the implementation of measures for the digitalization of basic procedures, including including through the use of the electronic regulatory platform of the National Commission for the State Regulation of Electronic Communications, Radio Frequency Spectrum and Provision of Postal Services, the introduction of the best European and world experience, etc.

It should be noted the significant success of the joint-stock company «Ukrposhta» in the introduction of international mechanisms for monitoring the quality of international postal

items, which, although not used in the interests of monitoring the quality of universal services, play an important role in the formation of a positive image of both the directly specified business entity and Ukraine as a whole.

Thus, according to JSC «Ukrposhta»:

1. Within the framework of the project of the International Bureau of the Universal Postal Union (IB “Global Monitoring System”) for all member countries of the Universal Postal Union, the quality of sending international plain letters was measured according to international standards. In measuring the quality of sending international plain letters, diagnostic equipment and control sheets with transponders sent from different countries were used. The analysis of the monitoring results was carried out with using the GMS STAR system (access and passwords were provided by the Universal Postal Union. Also, JSC “Ukrposhta” took part in quality monitoring “from end to end” by sending and receiving simple international checklists with transponders.

In 2021, Ukrposhta fulfilled the target set by the Universal Postal Union (84%) for the quality of the international postal service by 89.1%, and in January 2022 – by 92.3%. Due to the military aggression of the Russian Federation since February 2022, monitoring has become impossible.

2. Monitoring of the quality of shipment of registered items is carried out as part of the assessment of the Integrated Postal Development Index of Designated Operators of the Member States of the Universal Postal Union in four key blocks: reliability, coverage, compliance and sustainability. Measurements within the framework of the «reliability» Block are quality monitoring for the delivery of registered items, as the speed and predictability of incoming mail delivery in all segments of physical postal services are assessed (letter-post correspondence, parcels, EMS), the ability to deliver mail within an acceptable average period and the rejection rate. The results of the last measurement in 2022 are lower, even during the war, thanks to the work of Ukrposhta, Ukraine received 82.6% points, while the world average in this category is 32.2%.

3. Monitoring of the quality of EMS (express mail service) services is carried out by one of the key audit companies in the world PricewaterhouseCoopers. At the end of 2021, according to an independent audit rating, JSC Ukrposhta received a silver level certificate, taking the 8th place in the quality of the provision of services for the forwarding of international items EMS, which primarily provides for the timely delivery of postal items within Ukraine received from abroad, which Ukrposhta provided at the demanded level, which is 98%, and only 2% were delivered late. At the end of 2022, Ukrposhta, which stopped its postal

operations for only one day from the beginning of the war, was awarded an award for high-quality partnership work with designated operators to process appeals received from consumers. In 2023, it is in the TOP 10, handing over EMS shipments received from partners in a timely manner at the level of 99% within Ukraine and delivering 95% of shipments abroad on time.

Thus, to date, the state regulatory policy of Ukraine in the field of universal postal services is actively moving towards the application of EU legal standards. These standards are mainly in the focus of normative clarification of the composition of universal postal services, the definition of criteria for assessing their quality and general procedures for their provision.

**Conclusions.** The study of the legal and managerial aspects of Ukraine’s state regulatory policy in the provision of universal postal services leads to the following conclusions:

1. Current Developments: Ukraine’s state regulatory policy in universal postal services is evolving with a shift towards e-standards for quality assessment, service provision conditions, and provider requirements.

2. Service Reduction: There is a gradual reduction in the number of universal postal services offered in Ukraine. In response to this trend, specific legislative amendments are proposed to enhance the social and economic importance of these services.

3. Trends in Service Provision by JSC «Ukrposhta»:

The number of universal service components has decreased from 13 to 5, with tariff-regulated services reducing from 13 to 3 as of May 2023. This reduction raises concerns about maintaining accessibility and user satisfaction, particularly with the exclusion of international postal items from universal services during the ongoing conflict with Russia. Additionally, excluding services classified as universal but not regulated by the designated operator contradicts the basic tariff-setting principles outlined in Directive 97/67/EC, which include transparency, non-discrimination, and price accessibility across Ukraine.

There is a noticeable decline in the share of revenues from universal postal services within the revenue structure of JSC «Ukrposhta,» from 45.2% in 2018 to 19.9% in the first nine months of 2023, and a projected 10% for the full year.

The social nature and affordability of universal services are generally upheld, aligning with the principles set forth in both the previous and current editions of the laws «On Postal Services» and Directive 97/67/EC.

There is a need to introduce an independent auditor for the financial statements of all universal service providers in Ukraine, as per Article 15 of Directive 97/67/EC.

4. International Quality Monitoring: JSC «Ukrposhta» has been actively involved in international quality monitoring mechanisms for international postal items. Although these mechanisms are not directly tied to the quality monitoring of universal services, they play a crucial role in enhancing the image of both JSC «Ukrposhta» and Ukraine. This is evidenced by high ratings in various international projects, such as the Global Monitoring System by the International Bureau of the Universal Postal Union (IB UPU), end-to-end quality monitoring, and assessments within the Integrated Postal Development Index.

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### Summary

**Semenchenko A. I., Zaiarnyi O. A. Legal and managerial aspects of Ukraine's state regulatory policy on universal postal services in the context of European integration. – Article.**

The article analyzes the state of the state regulatory policy of Ukraine on the provision of universal postal services and the mechanisms of its implementation in Ukraine, its compliance with the requirements of the legislation of the European Union. The authors define the concept of «universal postal services», propose their classification taking into account the requirements of the legislation of Ukraine and the European Union. The legal criteria for assessing the quality of the provision of universal postal services are characterized, and separate recommendations for improving the mechanism of their application in the conditions of war and post-war reconstruction of Ukraine.

At the same time, the publication examines the main means of implementing the state regulatory policy of Ukraine in the field of universal postal services, characterizes the requirements of the legislation of the European Union in this area of legal regulation. Separately, the authors identified and analyzed the features of the legal status of the subjects of the state regulatory policy in the field of universal postal services, proposed some recommendations for improving legal regulation in the relevant area.

Separately, the article analyzes the means of legal and economic incentives for the provision of universal postal services. On this basis, the authors investigate the content of Ukraine's international obligations in this area of legal regulation, determine the tasks of the national postal operator. In addition, the publication provides generalized indicators of the development of the sphere of universal postal services, identifies the main directions of state monitoring in this area of public administration.

In the conclusions, based on the results of the study, the main directions of adaptation of the legislation of Ukraine on universal postal services to the legislation of the European Union are determined, proposals for improving the mechanism of the state regulatory policy in this area of legal regulation are developed.

**Key words:** state regulatory policy, European Union, national regulator of postal services, postal service, universal postal services.

### Анотація

**Семенченко А. І., Заярний О. А. Деякі правові та управлінські особливості державної регуляторної політики України у сфері надання універсальних поштових послуг в умовах євроінтеграційних процесів. – Стаття.**

В статті проаналізовано стан державної регуляторної політики України щодо надання універсальних поштових послуг та механізмів її реалізації в Україні, її відповідність вимогам законодавства Європейського Союзу. Авторами визначено поняття «універсальних послуг поштового зв'язку», запропоновано їх класифікацію з урахуванням вимог законодавства України та Європейського Союзу. Охарактеризовано правові критерії оцінки якості надання універсальних послуг поштового зв'язку, запропоновано окремі рекомендації щодо удосконалення механізму їх застосування в умовах війни та післявоєнного відновлення України.

Поряд з цим, в роботі досліджено основні засоби реалізації державної регуляторної політики України у сфері універсальних послуг поштового зв'язку, охарактеризовано вимоги законодавства Європейського Союзу у цій сфері правового регулювання. Окремо авторами виявлено та проаналізовано особливості правового статусу суб'єктів державної регуляторної політики у сфері універсальних послуг поштового зв'язку, запропоновано окремі рекомендації з удосконалення правового регулювання у відповідній сфері.

Окремо, в статті проаналізовано засоби правового і економічного стимулювання надання універсальних послуг поштового зв'язку. На цій основі, авторами досліджено зміст міжнародних зобов'язань України у цій сфері правового регулювання, визначено завдання національного оператора поштового зв'язку. Крім цього, в роботі наведені узагальнені показники розвитку сфери універсальних послуг поштового зв'язку, визначені основні напрями здійснення державного моніторингу у цьому напрямі публічного адміністрування.

У висновках, за результатами проведеного дослідження визначено основні напрями адаптації законодавства України про універсальні послуги поштового зв'язку до законодавства Європейського Союзу, розроблено пропозиції з удосконалення механізму державної регуляторної політики у цій сфері правового регулювання.

**Ключові слова:** державна регуляторна політика, Європейський Союз, національний регулятор послуг поштового зв'язку, поштовий зв'язок, універсальні послуги поштового зв'язку.