



## NATIONAL ENERGY AND UTILITIES REGULATORY COMMISSION

### RESOLUTION

of 27 December 2023 No. 2613

### **On Approval of the Procedure for Granting, Suspending and Terminating the Status of a Data Transfer Administrator**

Under the Laws of Ukraine “[On the National Energy and Utilities Regulatory Commission](#),” “[On the Electricity Market](#)” and “[On the Natural Gas Market](#),” the National Energy and Utilities Regulatory Commission hereby **RESOLVES** that

1. The [Procedure for granting, suspending and terminating the status of a data transfer administrator](#) attached hereto is approved.

2. This Resolution shall enter into force from 1 January 2024, but not earlier than the day following the day of its publication on the official website of the National Energy and Utilities Regulatory Commission.

**NEURC Chair**

**K. Ushchapovskyi**

**PROCEDURE**  
**for granting, suspending and terminating the status of a data**  
**transfer administrator**

**I. General Provisions**

1.1. This Procedure sets out the technical and operational requirements for the submission of information by data transfer administrators to the National Energy and Utilities Regulatory Commission (hereinafter referred to as NEURC, the Regulator) and the procedure for granting, suspending and terminating the status of a data transfer administrator.

1.2. This Procedure applies to data transfer administrators and persons with the intent to act as such.

1.3. For the purposes of this Procedure, the terms listed below shall have the following meaning:

“data transfer administrator” (hereinafter referred to as DTA) shall mean a wholesale energy market participant or a legal entity that, based on a data transfer agreement with a wholesale energy market participant, is responsible for collecting, aggregating, and submitting to the Regulator the information on commercial operations performed by the wholesale energy market participant with wholesale energy products;

“applicant” shall mean an energy wholesale market participant or legal entity seeking to obtain DTA status;

“Register of Data Transfer Administrators” (hereinafter referred to as the Register) shall mean the system for collecting, accumulating, and recording data on DTAs.

Other terms shall have the meanings given in the Laws of Ukraine “[On the National Energy and Utilities Regulatory Commission](#),” “[On the Electricity Market](#),” “[On the Natural Gas Market](#)” and other laws and regulations governing relations in the energy sector.

1.4. NEURC shall establish and maintain the Register with information therefrom being published on the NEURC’s website, indicating, in particular, the name of the DTA, its EDRPOU/RNOKPP, legal address and website, the date when the DTA status was granted, the date when the DTA status was suspended, and the date when the DTA status was terminated.

**II. Procedure for granting the status of a data transfer administrator**

2.1. The applicant, in order to be granted the DTA status, shall submit an application (registration form) to the NEURC in the form provided in the [Annex](#) to this Procedure.

The application shall be submitted in Ukrainian and English in electronic form by filling out the form on the NEURC website.

The Ukrainian text shall prevail in the event of any discrepancy between the Ukrainian and English texts.

Applicants bound by relationships of control within the meaning of [Article 1](#) of the Law of Ukraine “On Protection of Economic Competition” with residents of states engaged in the armed aggression against Ukraine within the meaning of [Article 1](#) of the Law of Ukraine “On Defence of Ukraine” shall not be entitled to submit an application.

The applicant shall be responsible for the accuracy of information provided in the application form.

2.2. If the application is incomplete and/or incorrect, the NEURC shall notify the applicant in writing within 10 (ten) business days from the date of receiving the application that the identified deficiencies must be addressed. The applicant must address the deficiencies by resubmitting the application no later than ten business days after receiving the notification from the Regulator.

2.3. The applicant shall be deemed to have refused to obtain the DTA status if, within ten working days from the date of receiving the notification from the Regulator referred to in clause 2.2 of this Chapter, it did not address the deficiencies identified by the NEURC by resubmitting the application.

A refusal to obtain a DTA status does not deprive the Applicant of the right to re-apply to NEURC to be granted a DTA status.

2.4. The NEURC shall terminate the procedure for granting DTA status and notify the applicant thereof in writing no later than five business days from the date of receiving the resubmitted application if the identified deficiencies have not been addressed in the resubmitted application.

2.5. After the requirements of clauses 2.1-2.4 of this Chapter have been fulfilled and upon the development of the Technical Specifications, the NEURC shall send a copy of the Technical Specifications for Data Transfer Administrators to the applicant no later than 30 business days.

This document describes in detail the technical specification of data exchange interfaces, as well as the relevant processes for data submission, including additional details of information security measures to be observed by DTAs.

Technical Specifications for Data Transfer Administrators are classified as restricted information.

The applicant shall be required not to disclose the contents of the Technical Specifications for Data Administrators to other persons, including authorities, companies, institutions, and organizations of all forms of ownership and subordination, without the Regulator’s consent, except as provided by law.

2.6. The Applicant shall provide the Regulator with documentation supporting its compliance with the requirements of this Procedure and the Technical Specifications for Data Transfer Administrators within 90 days of receiving a copy of these Technical Specifications.

2.7. No later than 15 business days after receiving the information as specified in clause 2.6 of this Chapter, the Regulator may request additional information based on the scope of information provided, the number and variety of data sources, and other factors. The Applicant shall respond to the Regulator’s request within ten business days after receiving it.

2.8. Should the Regulator not receive the documents supporting compliance with the requirements established by the present Procedure within the time limits specified in clauses 2.6 and/or 2.7 of this Chapter, it shall be deemed that the Applicant has refused to obtain the status of a DTA.

2.9. Should the documents submitted under clauses 2.6 and 2.7 of this Chapter not confirm the Applicant’s compliance with the requirements established by this Procedure and the Technical Specifications for Data Transfer Administrators, the NEURC shall terminate the procedure for granting a DTA status to the applicant and notify the latter thereof in writing no later than 15 business days after receiving the relevant documents.

2.10. Should the applicant's compliance with the requirements outlined in this Procedure and the Technical Specifications for Data Transfer Administrators be confirmed, the applicant will be allowed to test the software for at least 14 calendar days.

2.11. The detailed test description and criteria for successful testing shall be included in the Technical Specifications for Data Transfer Administrators.

2.12. If the applicant fails to pass the test, the NEURC shall terminate the procedure for granting it the DTA status and notify the applicant thereof in writing within five business days from the date of completing the test.

2.13. The NEURC shall make a decision to grant DTA status to the applicant within 20 business days from the date of successful completion of testing by the applicant.

2.14. The NEURC, upon deciding to grant DTA status to the applicant, shall generate DTA credentials and enter information about the DTA into the Register.

2.15. The NEURC shall not be liable for any damage caused by the failure of the DTA systems and related processes and procedures.

2.16. Applicants are obliged to notify the NEURC of any changes in the information provided in the process of being granted DTA status and to submit updated information no later than ten business days after such changes occur.

### **III. Technical and organisational requirements**

3.1. For the purpose of ensuring efficient, effective, and secure exchange and processing of information, DTAs shall comply with the following technical and organisational requirements for data submission:

they should provide the security, confidentiality, and integrity of the information;

it should be possible to detect and correct errors in the reporting data;

authentication of the source of information should be made possible; and

uninterrupted data transfer should be provided.

3.2. A DPA shall take measures and perform the procedures of physical and electronic security aimed at:

making a refusal from authorship and obtaining information impossible;

protecting its information systems from misuse or unauthorized access;

preventing the unauthorized disclosure of confidential information; and

ensuring data security and integrity.

In the event of a breach of the physical and/or electronic security measures, the DPA shall, no later than on the next business day, notify in writing the following entities:

the NEURC, with an incident report detailing the nature of the incident, measures taken to remedy it and actions taken to prevent similar incidents from recurring; and

wholesale energy market participants, for which it serves as a DTA and which suffered from the security breach.

3.3. The DTA shall use systems and facilities that are adequate and sufficiently reliable to ensure timely, uninterrupted and regular data transmission, and in particular

1) have adequate action plans in place to ensure the timely transmission of data (the DTA shall provide the participants of the wholesale energy market, for which it serves as the DTA, with an opportunity to report information within the established timeframe).

2) apply tools to secure the uninterrupted performance of the DTA's functions, including appropriate resources and backup facilities that guarantee:

duplicating hardware components to enable switching to backup infrastructure, including connecting to networking and communications channels;

backup of data critical to the business and up-to-date information on the necessary contacts, and ensuring communication between the DTA and wholesale market participants and the NEURC;

procedures for transferring data from the backup infrastructure to data reporting services and interacting with them;

training of personnel in the operation of systems securing uninterrupted operations, the roles of individuals, including security personnel, who are prepared to respond immediately to system failures.

The DTA shall provide information on its website (and, on the same day, inform the NEURC and the wholesale energy market participants for which it serves as the DTA) on any service or data transmission interruptions, as well as the expected deadline for data transmission resumption.

The DTA shall submit a report to the Regulator on the reasons for the interruption and the measures taken to prevent a recurrence of such interruptions no later than 15 business days after the date when the data transmission was resumed. In addition, the DTA shall ensure that all data that was not transferred to the NEURC during such interruption is transferred no later than the next business day after the day of resumption of data transmission.

The DTA shall store the information transmitted to the NEURC for five years from the date of data transmission.

3.4. The DTA shall have verification and control systems (means) in place to ensure the following:

1) the reliability of sources of information that the DTA generates or collects. The DTA shall identify the authorised person of the wholesale energy market participant or the person submitting the information on behalf of the wholesale energy market participant when it submits information other than its own data;

2) that individuals who submit information on behalf of the wholesale energy market participant are duly authorised to do so;

3) the accuracy and completeness of the information transferred. The DTA shall identify missing mandatory information and errors, as well as request and/or initiate the resubmission of corrected reporting data;

4) no risk of information damage during transmission; and

5) provision of information to the NEURC within the timeframe, format, and scope established by the Regulator.

3.5. The DTA shall adopt and support appropriate measures to detect data that are incomplete or contain errors made by wholesale energy market participants. Should the DTA detect an error or omission made by a wholesale energy market participant prior to submitting the reporting data, it shall not submit such reporting data and shall inform the wholesale energy market participant in detail of the error or omission as soon as possible, but no later than one business day from the date of detecting an error/omission, so that the wholesale energy market participant can submit a corrected and complete set of information.

Any correction of errors and omissions made by the wholesale energy market participant shall be done on the basis of the corrected information submitted by such wholesale energy market participant.

3.6. The DTA shall adopt and support appropriate measures to detect reporting data containing errors and omissions made by the DTA itself and correct them. Should the DTA become aware of errors and omissions made by the DTA itself, it shall submit a correct and complete report as soon as possible, but no later than the next business day after the date of their detection.

The DTA shall inform the wholesale energy market participant as soon as possible of the details of such error or omission and provide it with updated reported data. The DTA shall also inform the NEURC of the errors and omissions as soon as possible.

3.7. DTAs shall have a mechanism in place to ensure that notifications from the Regulator are properly processed, detailing what data has been reported and the results of the reporting, and that there are appropriate procedures for the correction and re-submission of invalid reported data.

DTAs submitting data other than their own must have a mechanism to ensure that the wholesale energy market participants for which they serve as the DTA can have access to the data submitted by the DTA to NEURC, as well as to NEURC's notifications with the detailed information on the data submitted and the reporting results. In addition, the DTAs should have appropriate channels of communication with wholesale energy market participants to ensure that they are notified of the data identified by the NEURC as invalid and of the manner in which it should be corrected and resubmitted to the DTA for its further resubmission to the Regulator.

3.8. At the request of the NEURC, the DTA shall perform periodic reconciliation between the information it has received from the wholesale energy market participant for which it serves as the DTA or generated on behalf of the wholesale energy market participant for which it serves as the DTA for transaction reporting purposes and the information provided to the NEURC.

3.9. DTAs shall maintain a structure that ensures compliance with the requirements set out in this Procedure and the availability of systems of internal control, risk management, and prevention of conflicts of interest, in particular:

- human and technical resources required for performing DTA functions;

- person(s) responsible for implementing these systems with relevant experience and knowledge required for the proper performance of their duties;

- systems for monitoring and ensuring compliance with the requirements of this Procedure;

- systems for assessing the risks to which the DTA may be exposed and the policy for their minimisation, control, and avoidance; and

- systems for avoiding conflicts of interest with the wholesale energy market participants for which it serves as a DTA. Such measures shall include policies and procedures for the identification, management, and disclosure of existing and potential conflicts of interest.

Where the DTA outsources any of its activities, it shall enter into an appropriate agreement with them and ensure that such agreement guarantees compliance with the requirements set out in this Procedure.

3.10. The DTA shall respond to requests made by the Regulator within the time limit specified in the request and shall provide the NEURC with all data and documents reasonably required by the NEURC for the performance of its functions.

3.11. DTAs must be in continuous compliance with the requirements of this Procedure.

3.12. At the request of the Regulator, within the period specified in the NEURC's request, the DTA shall submit a compliance report containing information on the measures taken by the DTA to ensure uninterrupted service provision and compliance with the requirements set out in this Procedure.

#### **IV. Suspension and termination of the data transfer administrator status**

4.1. In the event that the NEURC detects violations of the procedure, scope, and frequency of information submission established by the NEURC, non-compliance with the requirements established by this Procedure, the NEURC shall notify the DPA in writing that the identified violations must be eliminated.

If the specified violations are not remedied within ten business days, the NEURC shall consider the suspension of a DTA status.

4.2. The NEURC shall decide on whether to renew the DTA's functions after the elimination of the discrepancies due to which the DTA's functions were suspended.

4.3. The NEURC shall decide to terminate the status of a DTA (except for the DTAs referred to by the Laws of Ukraine "On the Electricity Market" and "On the Natural Gas Market") for the following reasons:

based on the DTA's application;

if the Unified State Register of Legal Entities, Individual Entrepreneurs, and Public Organizations contains information on state registration of termination of a legal entity (state registration of termination of entrepreneurial activity of an individual entrepreneur) of the DTA;

if there is information about the control relationships within the meaning of [Article 1](#) of the Law of Ukraine "On Protection of Economic Competition," with residents of states that carry out armed aggression against Ukraine within the meaning of [Article 1](#) of the Law of Ukraine "On Defence of Ukraine;" and

if the discrepancies that formed the basis for the suspension of the performance of the DTA functions are not remedied within 30 business days from the date of NEURC's decision on such suspension.

4.4. The Regulator shall publish on its website, at least one month before the relevant issue is included in the agenda of the NEURC's meeting, information on the fact that the DTA was found to be non-compliant with the requirements established by this Procedure, or in breach of the procedure, scope, and frequency of the submission of information and that it will consider whether to suspend/terminate the status of a DTA that reports data other than their own.

4.5. A DTA, in respect of which the Regulator has decided to terminate its DTA status, may reapply for the DTA status no earlier than 90 days after the date when its DTA status was terminated.

**Director of the  
Energy Market Department**

**I. Sidorov**

Annex  
to the Procedure for Granting,  
Suspending, and Terminating the Status  
of a Data Transfer Administrator

**APPLICATION FORM**  
**for obtaining the status of the data transfer administrator**



On Approval of the Procedure for Granting, Suspending and  
Terminating the Status of a Data Transfer Administrator  
NEURC Resolution of 27 December 2023 No. 2613  
Adopted on **27 December 2023**  
*Permanent link:*  
<https://zakon.rada.gov.ua/go/v2613874-23>

**Legislation of Ukraine**  
as of 8 October 2024  
**in force**



## Documents and files

- Reference document: [f532029n107.xlsx](#) of 4 January 2024 17:15, 31 kb

## Publications of the document

- **Publication on the official websites of the state authorities of Ukraine** on 29 December 2023