

Instruction for foreign partners on access to the electricity market of Ukraine

1. TO REGISTER A LEGAL ENTITY IN UKRAINE

Making a decision on the establishment of a company with information on:

- the purpose and the subject of activity;
- name of the legal entity;
- location;
- the amount of authorized capital and its distribution among the founders (if necessary);
- administrative bodies, the procedure for their convening, their decision-making, the exclusive competence and the limitation of the powers of such bodies;
- approval of the constituent document (Charter or founding agreement);
- election or appointment of the person who will be the head or the chairman of its executive body.

State registration. Submission by the founder or authorized person to the state registrar of such documents as:

- an application for state registration of the establishment of a legal entity;
- a copy of the original (notarized copy) of the decision to establish a legal entity;
- the constituent document;
- a document confirming the registration of a foreign person in the country of its location (if the founder is a foreign person).

Post-registration procedures:

- registration in the State Fiscal Service (automatically through the state registrar);
- registration as VAT payer and / or a single tax payer;
- registration as a single social contribution payer (automatically through the state registrar).

2. TO OBTAIN A LICENSE FROM THE NEURC ON THE RIGHT TO CARRY OUT ECONOMIC ACTIVITY ON SUPPLY OF ELECTRICITY TO THE CONSUMER OR TO CARRY OUT ECONOMIC ACTIVITY ON RESALE OF ELECTRICITY (TRADING ACTIVITY).

License to conduct trading activity

Submission to the National Energy and Utilities Regulatory Commission of an application for obtaining a license under the form according to [Appendix 1](#) to the Licensing conditions for carry out economic activity on resale of electricity (trading activity) (hereinafter – [Licensing conditions of trader](#)).

Attached to the application:

- a copy of the passport of the head of the license seeker (or trustee) with the mark of the State Tax Service body about notification of the refusal due to their religious beliefs to accept the registration number of the taxpayer's account card (is submitted only by individual entrepreneurs who, on the basis of their religious beliefs, refuse to accept the registration number of taxpayer's account card and have so informed the relevant body of the State Tax Service);

- statement on the means for carry out economic activity on resale of electricity (trading activity) ([Appendix 2](#) to the Licensing conditions of trader);
- information on the confirmation of the absence of control over the activity of the economic entity in the sense given in [Article 1](#) of the Law of Ukraine "On the Protection of Economic Competition" by residents of the states engaged in armed aggression against Ukraine in the meaning listed in [Article 1](#) of the Law of Ukraine "On Defense of Ukraine" ([Appendix 3](#) to the Licensing conditions of trader).

The documents to the application shall be attached in accordance with the description made in duplicate on the form in accordance with [Appendix 4](#) to the Licensing conditions of trader.

License to carry out economic activity on supply of electricity to the consumer

Submission to the National Energy and Utilities Regulatory Commission of an application for obtaining a license under the form according to [Appendix 1](#) to the Licensing conditions to carry out economic activity on supply of electricity to the consumer (hereinafter - [Licensing conditions of supplier](#)).

Attached to the application:

- a copy of the passport of the head of the license seeker (or trustee) with the mark of the State Tax Service body about notification of the refusal due to their religious beliefs to accept the registration number of the taxpayer's account card (is submitted only by individual entrepreneurs who, on the basis of their religious beliefs, refuse to accept the registration number of taxpayer's account card and have so informed the relevant body of the State Tax Service);
- statement on the means for carry out economic activity on supply of electricity to the consumer ([Appendix 2](#) to the Licensing conditions of supplier);
- information on the confirmation of the absence of control over the activity of the economic entity in the sense given in [Article 1](#) of the Law of Ukraine "On the Protection of Economic Competition" by residents of the states engaged in armed aggression against Ukraine in the meaning listed in [Article 1](#) of the Law of Ukraine "On Defense of Ukraine" ([Appendix 3](#) to the Licensing conditions of supplier)

The documents to the application shall be attached in accordance with the description made in duplicate on the form in accordance with [Appendix 4](#) to the Licensing conditions of supplier.

3. TO RECEIVE QES/AES QUALIFIED PROVIDER OF ELECTRONIC TRUST SERVICES "ACSK OF THE ELECTRICITY MARKET"

The granting of QES/AES is carried out on the basis of an Accession agreement, which is concluded by the applicant's accession to the Agreement as a whole by signing an application to join the Agreement, and the applicant shall not be able to offer its conditions to this Agreement.

List of documents required to generate an electronic key:

- a letter on the validity of Certificates;
- completed and signed Registration card (for a legal entity) of the established sample with consent to the processing of personal data of the Signatory, in two copies;
- an Appendix to the Registration card (in case of simultaneous receipt of qualified electronic trust services for more than one person), in two copies;

- copies of documents confirming the affiliation of the Signatory (except for the head) to a legal entity - member of the EEM and his authority (order of appointment or employment contract, certified by the signature of the head and sealed);
- a copy of the work permit of foreigners and stateless persons or official card (if any);
- the original of the Signatory's passport;
- a black-and-white copy of the Signatory's passport (copies of 1-2 pages (3-6 if marked) and a page with a mark of registration of residence) or a passport of the citizen of Ukraine for departure abroad with a mark of permanent residence in a foreign country, certified by the owner;
- a copy of the certificate of permanent (temporary) residence or passport of a citizen of another country with notarized translation into Ukrainian (for foreign citizens);
- a copy of the document on change of the Signatory's surname, issued by the relevant state body (if there is a discrepancy of surname in the submitted documents);
- a copy of the Signatory's taxpayer card certified by the owner.
- If an individual has refused the registration number of the taxpayer's account card due to religious beliefs, a copy of the passport page with a note about such refusal is additionally submitted.
- QES/AES for the legal entity participating in the EEM are generated free of charge.
- Document forms can be downloaded at the link: https://acsk.oree.com.ua/Doc_jur_os.zip.

After the key and the Certificate generation procedure are completed, the subscriber is provided:

- the Key generated by the Signatory on the Signatory's media;
- download links from the electronic information resource (web-page) of the Client Software Installation Package Provider;
- Certificate in paper form.

4. TO OPEN A CURRENT ACCOUNT WITH A SPECIAL MODE OF USE IN A BANK

To open a current account with a special mode of use, it is necessary to submit the following list of documents:

- an application for opening a current account with a special mode of use in the form established by the Bank or by the Instruction on the procedure for opening, using and closing accounts in national and foreign currencies, approved by the NBU Board Resolution dated 12.11.2003 №492 (with amendments and additions);
- bank Account Agreement / Bank Service Agreement in the form established by the Bank in two copies, with the signatures of the Client's authorized persons and seals (at will);
- customer Questionnaire according to the form established by the Bank;
- card with signature samples;
- certified copy of the passport or other documents certifying the persons indicated in the card of samples and the person who opens the account;
- certified copy of the documents confirming the authority of the persons indicated in the card of signature samples and seal imprint, as well as the person who opens the account;
- copies of certificates on the assignment of taxpayer identification number issued by the controlling body certifying the registration of persons specified in the card of signature samples and seal imprint, and the person who opens the account - if such persons are residents of Ukraine - in the State register of Individuals – taxpayers;

- notarized copy or certified copy of the constituent documents not published on the website of the online service for obtaining information from the Unified State Register of the Ministry of Justice, except for legal entities under public law, acting on the basis of laws, and legal entities established and/or operating on the basis of model statutes approved by the Cabinet of Ministers of Ukraine; constituent document (charter/founding agreement/ constituent act/regulation);
- a copy (certified by the Client) of the constituent documents published on the website of the online service for obtaining information from the USR of the Ministry of Justice and for legal entities that have not provided the current constituent documents in paper form - a copy of the description of documents, according to which the valid constituent document of the client was accepted by the state registrar for his registration in the Unified State register (such a description must contain the access code to the results of the provision of administrative services in the field of state registration);
- for legal entities whose constituent documents are published on the website of the online service for obtaining information from the USR of the Ministry of Justice and which did not provide the current constituent documents in paper form, received from the state registrar of the subject of state registration - a copy of the valid constituent document of the client, obtained from the USR according to the access code given in the description specified in paragraph 13;
- An extract from the USR, received by the client in the form of electronic information generated by the USR software, or information on the number and date of such a request (this extract should be formed no later than 10 working days before the date of its submission to the Bank) OR client's certificate signed by an authorized person and stamped (if any) to confirm, in particular, the following facts:
 - validity of the constituent document obtained from the USR, as well as the lack of further changes to such a constituent document;
 - whether the copy of the description of the documents submitted to the Bank institution corresponds to the description according to which the current constituent document of the legal entity was accepted by the state registrar for its registration in the USR (indicating the access code for the provision of administrative services in the field of state registration contained in such a description);

If an extract from the USR about a legal entity or separate subdivisions is received by the client in the form of electronic information - an extract from the USR formed with the help of the service "Get the Document" on the website of the Ministry of Justice of Ukraine (<https://usr.minjust.gov.ua/ua/extractsearch>).

If a legal entity is established and/or operates on the basis of a model charter approved by the Cabinet of Ministers of Ukraine - a decision to establish or carry out activity on the basis of a model charter signed by all founders.

5. TO CONCLUDE AN AGREEMENT ON THE SETTLEMENT OF ELECTRICITY IMBALANCES WITH NPC UKRENERGO

How to register as a participant in the electricity market?

Step 1

Fill in the [Application for accession](#) and the [Application for registration](#), print and accept properly - by the signature of the head (director), certify the company's seal (if any) in accordance with the public information of the Unified State Register of Legal Entities, Individual-entrepreneurs and Public Associations. If the Application for accession is signed by an authorized person acting on the basis of a power of attorney or other document and having the right of signature, the relevant documents must be attached to the Application for accession. Also, the Application for accession can be accepted with the help of a Qualified electronic signature (hereinafter - QES). Note that QES is overlaid with the signatory's private key without live signature and seal.

The documents are submitted in person - by an authorized person, by mail to the address of NPC UKRENERGO: 25 Symona Petliury str., Kyiv, Ukraine, 01032, in the case of using QES - to the e-mail address of the office of NPC UKRENERGO: nec-kanc@ua.energy.

Step 2

NPC UKRENERGO registers and reviews applications, verifies the submitted documents within two working days..

Step 3

If necessary, within two working days from the beginning of the application registration procedure, NPC UKRENERGO requests additional information or supporting documents for data that cannot be verified by open sources or for which there is a need to clarify information.

Step 4

After submitting additional data, NPC UKRENERGO enters information about the participant and informs the effective date of registration to the e-mail address specified in the application.

Warning! The Application for accession and the Application for registration of a market participant can be rejected only in such cases:

- submission of incomplete data;
- submission of unreliable data.

Economic entities wishing to register as a participant in the electricity market should provide the Transmission System Operator (hereinafter - TSO) an Application for accession to the Agreement on the settlement of electricity imbalances (hereinafter - the Application), and have a valid Agreement on the provision of electric energy transmission services and the Agreement on the provision of services for dispatching (operational and technological) management.

The Application specifies the name of economic entity, the authorized person acting on the basis of the relevant document on behalf of the economic entity or the person entitled to sign and act by power

of attorney or other document (relevant documents for the right to sign must be attached to the application), valid license and Energy [Identification Code](#) (EIC) type X.

The type of activity of the candidate is indicated in accordance with the Resolution of the NEURC on issuing a license for carrying out economic activity in the electricity market.

The date and number of the current agreement shall be indicated in the information on the concluded Agreement on the provision of electric energy transmission services and the Agreement on the provision of services for dispatching (operational and technological) management.

Information about a legal entity shall be filled out in accordance with the Unified State Register of Legal Entities, Individual-entrepreneurs and Public Associations.

After receiving the relevant Application, the TSO verifies the completeness and correctness of its completion and, if there are no grounds for its rejection, within 2 working days enters the candidate in the register of market participants and assigns to him the corresponding identifier of the market participant agreement and the date of acceptance of the Application, which is reported to the market participant.

In case of rejection of the Application, the OSP within 2 working days notifies the candidate with the appropriate justification, in accordance with paragraph 1.3.7 of the Market Rules, approved by the [resolution of the NEURC dated 14.03.2018 № 307](#) (with amendments and additions).

6. TO CONCLUDE AN AGREEMENT ON PARTICIPATION IN CROSS-BORDER CAPACITY ALLOCATION WITH NPC UKRENERGO

Fill in the [Application for registration and joining the agreement on participation in cross-border capacity allocation](#), print and accept properly - by the signature of the head (director), certify the company's seal (if any) in accordance with the public information of the Unified State Register of Legal Entities, Individual-entrepreneurs and Public Associations.

7. TO CONCLUDE AN AGREEMENT ON PARTICIPATION IN THE DAY-AHEAD MARKET AND THE INTRADAY MARKET WITH JSC MARKET OPERATOR

To become a participant of the DAM/IDM it is necessary:

Submit an [application for participation in the DAM and the IDM](#) to the Market Operator;

The application for participation in the DAM and the IDM includes:

- appendices with information about the company, head and authorized persons;
- certified copy of the constituent document;
- certified copy of the decision to appoint the head;
- a copy of Extract and/or Extract from the USR of Legal Entities, Individual-entrepreneurs and Public Associations;
- a copy of extract from the Register of Value Added Tax payers;
- copies of bank statements on opening of current account and current account with a special mode of use;
- originals or certified copies of powers of attorney;
- copy of the letter confirming the status of a market participant with the indication of the information about EIC-code of a market participant.

Within two working days after receiving the application for participation in the DAM/IDM, the Market Operator shall verify the completeness and relevance of the information provided by the applicant. If the completeness and relevance of the applicant's information is confirmed, the Market Operator prepares and provides the applicant with a draft Agreement on participation in the DAM and the IDM for signature in two copies.

After receiving two copies of the Agreement on participation in the DAM and the IDM signed by the applicant, the Market Operator signs and registers the agreement within 2 working days.

8. TO OPEN AN ESCROW ACCOUNT IN THE AUTHORIZED BANK OF JSC OSCHADBANK

The participant must provide the following list of documents to open an escrow account with an authorized bank:

- an application for opening a conditional storage account (escrow) in the form established by the Bank or by the Instruction on the procedure for opening, using and closing accounts in national and foreign currencies, approved by the NBU Board Resolution dated 12.11.2003 № 492 (with amendments and additions);
- an Agreement on conditional storage account (escrow) in the form established by the Bank in two copies, with the signatures of the Client's authorized persons and seals (at will);
- customer Questionnaire according to the form established by the Bank;
- certified copy of the passport or other documents that certify the persons that open the conditional storage account (escrow) on behalf of the Client, or the persons that open the account;
- certified copy of the documents confirming the authority of the persons that open the conditional storage account (escrow) on behalf of the Client;
- copies of the documents issued by the relevant controlling body certifying the registration in the State register of Individuals – taxpayers of the persons that open the conditional storage account (escrow) on behalf of the Client, or the persons that open the account;
- notarized copy or certified copy of the constituent documents not published on the website of the online service for obtaining information from the Unified State Register of the Ministry of Justice, except for legal entities under public law, acting on the basis of laws, and legal entities established and/or operating on the basis of model statutes approved by the Cabinet of Ministers of Ukraine; constituent document (charter/ founding agreement/ constituent act/ regulation);
- a copy (certified by the Client) of the constituent documents published on the website of the online service for obtaining information from the USR of the Ministry of Justice and for legal entities that have not provided the current constituent documents in paper form - a copy of the description of documents, according to which the valid constituent document of the client was accepted by the state registrar for his registration in the Unified State register (such a description must contain the access code to the results of the provision of administrative services in the field of state registration);
- information from the USR certified by the Bank on the constituent documents, which are published on the website of the online service for obtaining information from the USR of the Ministry of Justice and which have not provided the current constituent documents in paper form, received from the state registrar of the subject of state registration - a copy of the valid constituent document of the client, obtained from the USR according to the access code given in the description specified in paragraph 8;

- information from the USR certified by the Bank on the legal entity that contained in the USR in the form of open access on the website of the online service for obtaining information from the USR of the Ministry of Justice;
- an extract from the USR, received by the client in the form of electronic information generated by the USR software, or information on the number and date of such a request (this extract should be formed no later than 10 working days before the date of its submission to the Bank) OR client's certificate signed by an authorized person and stamped (if any) to confirm, in particular, the following facts:
 - validity of the constituent document obtained from the USR, as well as the lack of further changes to such a constituent document;
 - whether the copy of the description of the documents submitted to the Bank institution corresponds to the description according to which the current constituent document of the legal entity was accepted by the state registrar for its registration in the USR (indicating the access code for the provision of administrative services in the field of state registration contained in such a description);
- if an extract from the USR about a legal entity or separate subdivisions is received by the client in the form of electronic information - an extract from the USR formed with the help of the service "Get the Document" on the website of the Ministry of Justice of Ukraine (<https://usr.minjust.gov.ua/ua/extractsearch>);
- if a legal entity is established and/or operates on the basis of a model charter approved by the Cabinet of Ministers of Ukraine - a decision to establish or carry out activity on the basis of a model charter signed by all founders.

9. TO CONCLUDE AGREEMENTS ON PURCHASE AND SALE OF ELECTRICITY ON THE DAY-AHEAD MARKET AND THE INTRADAY MARKET WITH JSC MARKET OPERATOR.

Agreements on purchase and sale of electricity on the Day-Ahead Market and the Intraday Market are concluded in electronic form at the software of the market operator XMtrade®/PXS.

An explanation of the procedure for concluding agreements can be found [at the link](#).