Energy Community Secretariat

Ukraine Energy Market Observatory

Assessment of Changes in National Energy and Utilities Regulatory Commission's Chairmanship in August 2026

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OBJECTIVE AND SCOPE OF ASSESSMENT

The main objective of this observatory is to assess compliance of recent changes in the position of Chairman of the National Energy and Utilities Regulatory Commission (NEURC) in Ukraine with the Energy Community acquis and the relevant best regulatory practices. Where shortcomings are identified, the Energy Community Secretariat formulates recommendations to enhance the corresponding legislative and procedural framework governing NEURC in this area.

This document does not provide a compliance assessment of these changes from the perspective of the Ukrainian legislative framework as this lies beyond the mandate of the Energy Community Secretariat. It is the task of relevant Ukrainian institutions to examine any alleged non-compliance within the Ukrainian legal context in more detail.

BACKGROUND

Following expiry of Mr Yuriy Vlasenko's two-year term as NEURC Chairman, on 5 August 2026 members of NEURC elected Mr Ruslan Slobodian, a standing member of the NEURC Board, as the new NEURC Chairman for the two-year term. Mr Vlasenko continued to serve his mandate as a member of NEURC. In its public statement[1] NEURC stated that members of the National Energy and Utilities Regulatory Commission elected Ruslan Slobodian as the Chairman of the National Energy and Utilities Regulatory Commission during a closed meeting by secret ballot.

Sixteen days later, on 21 August 2026, Mr Slobodian resigned from the NEURC Chairmanship without a stated cause and Mr Vlasenko was re-elected as the NEURC Chairman on the same day. Mr Slobodian continued to serve his mandate as a member of the NEURC Board. NEURC communicated publicly[2] that Mr Vlasenko was elected by secret ballot in accordance with the procedure established by law and Mr Slobodian resigned as Chairman and continues to work as a member of the National Energy and Utilities Regulatory Commission.

Such two changes in NEURC Chairmanship involving the same persons over a brief period in August 2026 raised questions about their compliance with the Energy Community acquis and the Ukrainian legislative framework. Public commentaries[3] also questioned whether these personnel changes reflected a genuine leadership change or a formal interruption to circumvent

[1] https://www.nerc.gov.ua/news/holovoiu-nkrekp-obrano-ruslana-slobodiana
[2] https://www.nerc.gov.ua/news/nkrekp-obrala-holovu-rehuliatora
[3] For example: https://expro.com.ua/novini/yurya-vlasenka-pereobrali-golovoyu-nkrekp
https://epravda.com.ua/power/ruslan-slobodyan-stane-novim-golovoyu-nkrekp-824326/
https://biz.liga.net/ua/energy/news/Vlasenko-povtorno-ocholyv-nkrekp-obiyshovshy-zaboronu-obiymaty-posadu-dva-stroky-pospil
The National Energy and Utilities Regulatory Commission was again headed by Yurii Vlasenko – why the regulator needed personnel reshuffling | RBC-Ukraine

the ban on consecutive Chairmanship terms, indicating public perceptions about credibility and independence of NEURC.

COMPLIANCE ASSESSMENT

The Energy Community acquis, namely Article 57 of Directive (EU) 2019/944 [4] (Electricity Directive) and Article 39 of Directive 2009/73/EC [5] (Gas Directive), as adopted and adapted in the Energy Community, define conditions for appointment, dismissal, and terms for National Regulatory Authority (NRA) board members, or top NRA management if a board is absent. Namely, Article 57(5) of the Electricity Directive states:

5. In order to protect the independence of the regulatory authority, Contracting Parties shall in particular ensure that:

…

(d) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once;

(e) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed based on objective, transparent and published criteria, in an independent and impartial procedure, which ensures that the candidates have the necessary skills and experience for the relevant position in the regulatory authority;

…

(g) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management can be dismissed only based on transparent criteria in place.

In regard to point (d) of the first subparagraph, Contracting Parties shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law.

[4] The Energy Community Legal Framework, 2023, Edition 5.0, Volume II: Electricity, pg. 7: https://www.energy-community.org/dam/jcr:36250c71-d4d3-4caa-9404-7c26f5ccdba0/EnC%20LF%205.0%20VOLUME%202.pdf
[5] The Energy Community Legal Framework, 2023, Edition 5.0, Volume III: Oil and Gas, pg. 23: https://www.energy-community.org/dam/jcr:ab53d985-b7d5-401b-b016-ebeeb01b585b/EnC%20LF%205.0%20VOLUME%203.pdf

In addition, Article 39(5) of the Gas Directive[6] states:

5. In order to protect the independence of the regulatory authority, Contracting Parties shall in particular ensure that:

…

(b) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once.

In regard to point (b) of the first subparagraph, Contracting Parties shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law.

Both directives, as adapted and adopted in the Energy Community, prescribe fixed duration terms, renewable once, appropriate rotation schemes, and strict dismissal criteria. The Electricity Directive also defines conditions for the appointment criteria and procedures. All these conditions apply to members of the NRA board or to NRA top management in the absence of a board.

The "appropriate rotation scheme" mentioned in both Directives refers to staggering of terms of NRA board members, or of NRA top management if a board is absent, to ensure that all NRA board members, or NRA top management if a board is absent, do not end their mandates at the same time[7], endangering the continuity of their regulatory work and decision-making.

The EU Directives say that NRA board member terms are "renewable once," but do not expressly state whether the second mandate must immediately follow the first, i.e., not specific limit on consecutiveness exists. Therefore, the EU Directives do not establish a general EU rule on:

- Whether the renewal must be consecutive;
- Whether a former chair may return after an interruption;
- Whether previous service as an ordinary board member counts towards the chair's limit;
- Whether a person may serve first as a member and then begin a separate full mandate as chair.

[6] Ibid. Directive (EU) 2024/1788 has not yet been adopted and adapted into the Energy Community acquis.
[7] https://circabc.europa.eu/ui/group/8f5f9424-a7ef-4dbf-b914-1af1d12ff5d2/library/1ac1a2bb-8c86-42ad-9f01-fe3faf6498c9/details?open=true

Those issues depend on the wording and purpose of the applicable national law. Where legislation states that a person "may be reappointed once," it may be understood as the person's total membership of the NRA board, not merely consecutive terms or time served specifically as chair.

The Energy Community acquis also does not prescribe any terms and conditions for NRA board chairs specifically. There are no specific conditions prescribed on duration, number, or consecutiveness of terms nor for election, resignation, or dismissal of NRA board chairs, outside of the scope of conditions prescribed for members of the NRA board or to NRA top management in the absence of a board. Therefore, it is up to the national legislation to address these specifics.

It is important to highlight that while no explicit provisions for NRA board chairs are defined in the Electricity and Gas Directives, it is presumed that NRA board chairs are also members of NRA boards and all provisions defined for NRA board members apply to them as well. Consequently, any conditions defined in the national legislation for NRA board chair mandates shall be consistent and shall not interfere with the conditions and terms of NRA board members defined in the Energy Community acquis.

NEURC acts as an NRA in Ukraine under the Ukrainian Law 1540-VIII "On the National Commission for State Regulation of Energy and Public Utilities"[8] (NEURC Law). NEURC has a board of seven members appointed for a term of six years, as defined in Article 8 of the NEURC Law. NEURC thus represents an NRA with a board rather than an NRA with top management (in absence of a board) as defined in the provisions of the Electricity and Gas Directives cited above.

In contrast to the Energy Community acquis, the Ukrainian legislation prescribes detailed terms and conditions for the NEURC Chairman mandate. Article 9 of the NEURC Law defines Chairman's term for two-years and prohibits the same person to be elected as NEURC Chairman for two consecutive terms. The same article also defines that the Chairman is elected by secret ballot by NEURC Board members and his/her Chairmanship mandate can be terminated by voluntary resignation, a Board vote of dismissal, or loss of NEURC Board member position. Taking on the position of NEURC Chairmanship is conditioned on being the member of NEURC Board.

The August 2026 changes in NEURC Chairmanship did not have any impact on the mandates of Mr Slobodian and Mr Vlasenko as NEURC board members. Their board member mandates continued during and after their NEURC Chairmanship and have not been terminated early or limited by their election to or resignation from the NEURC Chairmanship role. Therefore,

[8] https://zakon.rada.gov.ua/laws/show/1540-19#Text

maintaining continuity in their NEURC board member mandates, as publicly communicated by NEURC, was consistent with the Energy Community acquis.

Given the fact that the Energy Community acquis does not prescribe terms and conditions for NRA board chairs, changes in NEURC Chairmanship in August 2026 cannot be directly assessed with respect to the Energy Community acquis. Whether the 16-day gap between Mr Vlasenko's Chairmanship represents potential violation of the limit on consecutiveness of NEURC Chairmanship terms or any other provision of the Ukrainian legislation shall be examined by the relevant Ukrainian institutions.

In general, the legal doctrine and the good regulatory practice require that legal mechanisms be used in line with their underlying purpose. Rules limiting consecutive terms for NRA leadership typically exist to prevent entrenchment, ensure genuine renewal of leadership, and protect the regulator from perceived or actual capture. A short interval between actual NRA leadership terms sits uneasily with these objectives and risks being perceived as a formal reset of the consecutiveness limit rather than a substantive leadership change.

Additionally, transparent, reasoned decision-making on NRA leadership appointments and departures is itself a recognised indicator of regulatory independence. Where an early resignation and subsequent reappointment occur without any disclosed rationale, this can give rise to perceptions of a pre-arranged outcome. Such perceptions, even in the absence of an explicit legal breach, may undermine public and stakeholder confidence in the credibility and independence of the regulator.

NEURC public communication and its Resolution No. 1409 of 21 August 2026[9] indicate that Mr Slobodian resigned voluntarily without providing any specific reason. Consequently, NEURC Board members elected Mr Vlasenko as NEURC Chairman, and no further details were provided. While such a sparse level of detail in communication about NEURC Chairman elections is consistent with the earlier NEURC practice[10], there is a significant transparency gap compared to standard NEURC decision making.

[9] The National Energy and Utilities Regulatory Commission elected the Head of the Regulator | National Energy and Utilities Regulatory Commission
On the election of the Chairman of the National Energy and Utilities Regulatory Commission | National Energy and Utilities Regulatory Commission

[10] For example: Ruslan Slobodian elected Chairman of the National Energy and Utilities Regulatory Commission | National Energy and Utilities Regulatory Commission
On the election of the Chairman of the National Energy and Utilities Regulatory Commission | National Energy and Utilities Regulatory Commission
Yurii Vlasenko was elected Chairman of the National Energy and Utilities Regulatory Commission | National Energy and Utilities Regulatory Commission
On the election of the Chairman of the National Energy and Utilities Regulatory Commission | National Energy and Utilities Regulatory Commission
Valerii Volodymyrovych Tarasiuk was elected Chairman of the National Energy and Utilities Regulatory Commission | National Energy and Utilities Regulatory Commission

NEURC publishes only the outcome of its decisions on NEURC Chairman elections or dismissal, no associated documents, meeting minutes, or vote count are published. On the other hand, NEURC decisions that bear characteristics of a regulatory act (regulated tariffs, investment programmes, etc.) are much more transparent, with meeting agendas, draft decisions, meeting minutes, and video records posted publicly as open data.

Although decisions on NEURC Chairman elections must be made by secret ballot as prescribed by the NEURC Law, neither NEURC Law nor NEURC's internal Rules of Procedure[11] prescribe that the closed meeting regime shall be used in these circumstances. Consequently, there are no explicit exemptions of secret ballot decisions from general transparency standards applicable to NEURC Board decisions, for example as defined in Sections 8.3 and 8.4 of NEURC Rules of Procedures and Article 14 of the NEURC Law. This indicates inconsistency in NEURC's own disclosure practices.

The Secretariat's prior monitoring already flagged that NEURC's rotation and term-limit safeguards were jeopardised. In its 2023 Ukraine Energy Market Observatory 17/2023[12], the Secretariat observed that amendments under Law 394-IX in 2019 had weakened the acquis-mandated safeguards of NEURC Board term limit and rotation architecture.

The Secretariat reviewed personnel changes in the NEURC Chairmanship since November 2016 when the NEURC Law entered into force, defining the two-year mandate and secret ballot elections for the NEURC's Chairman position. In December 2019, the legislative amendments defining prohibition of two consecutive terms and conditions for early termination of NEURC Chairmanship mandate were adopted.

Based on available information from the NEURC's website, there have been frequent and uneven changes in NEURC Chairmanship in this period, effectively last ten years. There were nine personnel changes with average duration of NEURC Chairman's mandate of approximately one year. There were only two occasions where NEURC Chairs served their full two-year mandate as defined in the NEURC Law.

On the other hand, the shortest mandates were 3 and 16 days, both cases involving the same person previously holding the Chairman position to be re-elected after these short periods.

On the election of the Chairman of the National Energy and Utilities Regulatory Commission | National Energy and Utilities Regulatory Commission
Kostyantyn Ushchapovskyi was elected Chairman of the National Energy and Utilities Regulatory Commission | National Energy and Utilities Regulatory Commission
On the election of the Chairman of the National Energy and Utilities Regulatory Commission | National Energy and Utilities Regulatory Commission

[11] https://www.nerc.gov.ua/pro-nkrekp/reglament
[12] https://www.energy-community.org/dam/jcr:8e000d58-753a-483a-87aa-4f52557d153b/Note17_NEURC%2024102023.pdf

Besides the 16-day change in August 2026, a similar short-term change occurred already in August 2021, when the previous Chairman was re-elected after three days.

In addition, one person served three times and another person serves twice as NEURC Chairman. Six personnel changes were done without published explanations from NEURC, besides the fact that a new NEURC Chairman was elected or the incumbents resigned from Chairman's position[13].

The table below provides an overview of these developments:

NEURC Chairman	Election/appointment and official act	Period as NEURC Chairman	NEURC publicly communicated explanation for leaving
Dmytro Vovk	Appointed (not elected) on 29 June 2015 (prior to NEURC Law adoption) Presidential Decree No. 386/2015	29 June 2015 – 26 May 2018	Statutory transitional measure Decree No. 148/2018 of 26 May 2018 Decree No. 78/2017 of 23 March 2017
Oksana Kryvenko	Elected 6 June 2018 NEURC Resolution No. 369 Official announcement.	6 June 2018 – 4 November 2019	No published reasons for ending NEURC chairmanship were stated
Valerii Tarasiuk – first election	Elected 4 November 2019 Resolution No. 2250 Official announcement	4 November 2019 – 2 August 2021	No published reasons for ending NEURC chairmanship were stated
Olha Babii	Elected 2 August 2021 Resolution No. 1229	2 – 5 August 2021	No published reasons for ending NEURC chairmanship were stated
Valerii Tarasiuk – second election	Re-elected 5 August 2021 Resolution No. 1230	5 August 2021 – 22 February 2022	No published reasons for ending NEURC chairmanship were stated

[13] Public news sources indicate that there were effectively two occasions of early resignation from the NEURC Chair position, but only one occasion was communicated by NEURC itself. For example:
https://epravda.com.ua/news/2022/02/22/682607/
https://www.nerc.gov.ua/news/nkrekp-obrala-holovu-rehuliatora

Kostiantyn Ushchapovskyi	Elected 22 February 2022, effective 23 February 2022 Resolution No. 331 Official announcement	23 February 2022 – 22 February 2024	Completion of the two-year NEURC Chairmanship term
Valerii Tarasiuk – third election	Elected 3 March 2024 Resolution No. 387 Official announcement	3 March – 4 August 2024	No published reasons for ending NEURC chairmanship were stated
Yurii Vlasenko – first election	Elected 2 August 2024, effective 5 August 2024, Resolution No. 1411 Official announcement	5 August 2024 – 5 August 2026	Completion of the two-year NEURC Chairmanship term
Ruslan Slobodian	Elected 5 August 2026 Resolution No. 1338 Official announcement	5 – 21 August 2026	Own request to be released from NEURC Chairmanship; no published reasons were stated.
Yurii Vlasenko – second election	Re-elected 21 August 2026 Resolution No. 1409 Official announcement	21 August 2026 – present (as of November 2026)	Still serving as NEURC Chairman

Looking at these developments, it is questionable whether the two year-term and limitation of non-consecutiveness of Chairman terms, as defined in NEURC Law, enable effective and sustainable leadership of NEURC as the regulatory body facilitating benefits for energy consumers and other stakeholders. Although NEURC operates as a collegial body (Board) and substantive regulatory decisions are taken by the NEURC Board, NEURC Chairman has additional key powers[14], such as approving NEURC's draft budget, representing NEURC, chairing meetings and signing resolutions, and distributing responsibilities among NEURC Board members.

Frequent and uneven changes in NRA leadership without clear communication about the reasons for leadership change can lead to a lack of transparency and predictability of the institutional regulatory framework and may endanger institutional continuity. Given the current challenges that are present in the energy sector in Ukraine, such leadership changes may impede adoption

[14] Article 9(2) of the NEURC Law.

of sustainable and effective regulatory policies needed for reconstruction of the energy facilities damaged by Russian aggression and integration of the Ukrainian energy markets into the EU. From the Secretariat's perspective, this situation underlines the case for a corrective legislative action.

RELEVANT NRA PRACTICES IN THE EUROPEAN UNION

Looking at prevailing practice in the EU provides a comparative overview of institutional arrangements involving NRA board chairs in EU Member States (MS). There are no uniform arrangements across EU MS NRAs; some countries favour a single longer, non-renewable mandate to limit incentives to seek reappointment, while others permit one renewal.

NRA chairmanship term duration is typically linked to the length and conditions of NRA board member terms, with term duration of 5–7 years and any renewal limits typically being defined in absolute terms, i.e., non-renewable or renewable once, without the consecutiveness limits. There are several exceptions, such as Cyprus, Estonia, Finland and Slovakia, where the legislation mandates two-consecutive term limits.

An overview of several EU MS NRAs Chair terms is in the following table:

EU Member State – NRA	Chair or president term	Term renewal
Austria – E-Control	Executive Directors (members of the Executive Board), Chair of Regulatory Commission — 5 years.	Renewable once; maximum two terms.
Belgium – CREG	President of the Management Committee — 6 years.	Renewable once; maximum two terms.
Croatia – HERA	President of the Board of Commissioners — 7 years.	Renewable once; maximum two terms.
Cyprus – CERA	Chairman / member of Senior Management — between 5 and 7 years.	Maximum two consecutive terms.
Czechia – ERÚ	Chair of the Board, one of the Board members, whose term is 5 years.	Renewable once; maximum two terms - Board members.
Denmark – Forsyningstilsynet	Director — 5 years.	Renewable once; maximum two terms.
Estonia – Competition Authority	Director General — 5 years. The Competition Authority performs the functions of the energy NRA.	Maximum two consecutive terms.
Finland – Energiavirasto	Director General — 5-7 years.	Maximum two consecutive terms.
France – CRE	President — 6 years.	Non-renewable.

Germany – Bundesnetzagentur	President — 5 years.	Renewable once; maximum two terms.
Greece – RAAEY	President — 5 years.	Renewable once; maximum two terms.
Hungary – MEKH	President — 7 years.	Renewable once; maximum two terms.
Ireland – CRU	Chair — not fixed; Minister appoints the Chair from serving Commissioners whose terms are 5–7 years.	The two-term limit applies to Commission membership.
Italy – ARERA	President — 7 years.	Non-renewable.
Netherlands – ACM	Chair of the Board — 7 years. Other Board members serve 5 years.	Renewable once for an equivalent period.
Poland – URE	President — 5 years.	Renewable once; maximum two terms.
Portugal – ERSE	Chair of the Board of Directors — 6 years.	Non-renewable. Later appointment possible after the six-year interval.
Romania — ANRE	President — 5 years.	Renewable once; maximum two terms.
Slovakia — URSO	Chairman of URSO — 6 years.	Maximum two consecutive terms.
Spain – CNMC	President — 6 years.	Non-renewable.

In contrast to NEURC, members of NRA board do not typically elect or dismiss EU MS NRA Chairs or Presidents. The CEER study[15] on NRA independence found that the appointment of NRA heads (and board members) is typically done by an external institution, such as the government, the parliament, or the head of state. Consequently, dismissal of NRA chair (and board members) is done by the same external institution. At the same time, they may be removed before the end of the mandate only based on the conditions and criteria as prescribed in the EU acquis.

CEER and the European Commission have specifically warned against terminating existing NRA chair and board member mandates before their expiration through legislative changes or legislative restructuring of the NRA[16]. Furthermore, ruling by the Court of Justice of the European Union C-424/15, Ormaetxea Garai and Lorenzo Almendros, judgment of 19 October 2016[17] establish that institutional or legislative restructuring by a Member State is not an admissible legal ground for terminating NRA board mandates before term expiry. Consequently, fixed terms and narrow, transparent dismissal criteria are indispensable safeguards to prevent political interference and ensure that regulatory leadership remains protected during legislative adjustments.

[15] CEER report (2021)
[16] CEER report (2016), European Commission report (2019), CEER report (2025)
[17] EUR-Lex - 62015CJ0424 - EN - EUR-Lex

CONCLUSIONS AND RECOMMENDATIONS

Given the findings of this assessment, the Secretariat recommends to:

- Adopt legislative amendments enhancing NEURC independence reflecting previously communicated recommendations from the Secretariat.
- Within this amendment process, revise NEURC Chairman term conditions defined in the NEURC Law to enhance institutional stability and transparency of NEURC leadership changes. This shall involve primarily defining fixed terms and renewal limitations for the NEURC Chair mandate on an absolute rather than a consecutive basis, e.g., renewable once, in line with the corresponding wording in Article 57(5) of the Electricity Directive and Article 39(5) of the Gas Directive. Consider extending duration of the NEURC Chair mandate to be identical with duration of the NEURC member mandate in order to facilitate institutional continuity. A proper transitional arrangement without compromising existing NEURC member terms shall be defined.
- Update NEURC's Rules of Procedures to enhance transparency of NEURC Board decisions on Chairman elections, with minimum necessary limitations addressing secret ballot voting, confidential information, and public disclosure of the reasons for any early termination of or resignation from the Chairman's mandate, including the minutes of the respective NEURC Board meeting. If needed, draft and adopt necessary amendments to the NEURC Law.

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