

РОЗДІЛ 8. МАТЕМАТИЧНІ МЕТОДИ, МОДЕЛІ
ТА ІНФОРМАЦІЙНІ ТЕХНОЛОГІЇ В ЕКОНОМІЦІLATEST TRENDS OF STATE REGULATION
IN TELECOMMUNICATIONSНОВІТНІ ТЕНДЕНЦІЇ ДЕРЖАВНОГО РЕГУЛЮВАННЯ
У СФЕРІ ТЕЛЕКОМУНІКАЦІЙ

The article is devoted to outlining the current problems and prospects of state regulation in the domestic tariff area of telecommunications. An imperfection and reasonable regulatory support tariff system of state regulation of the telecommunications sector, the main disadvantages of this process and the consequences to which they lead in the national economy.

Key words: government regulation, national economy, telecommunications, telecommunications operators, tariff.

Стаття присвячена окресленню сучасних проблем та перспектив державного регулювання тарифоутворення у вітчизняній сфері телекомунікацій. Наведено та обґрунтовано недосконалість нормативно-правового забезпечення тарифоутворення в системі державного регулювання розвитку сфери телекомунікацій, визначено основні недоліки цього процесу та

наслідки, до яких вони призводять в національній економіці.

Ключові слова: державне регулювання, національна економіка, сфера телекомунікацій, оператори телекомунікацій, тарифоутворення.

Стаття посвящена описанию современных проблем и перспектив государственного регулирования тарифообразования в отечественной сфере телекоммуникаций. Приведено и обосновано несовершенство нормативно-правового обеспечения тарифообразования в системе государственного регулирования развития сферы телекоммуникаций, определены основные недостатки этого процесса и последствия, к которым они приводят в национальной экономике.

Ключевые слова: государственное регулирование, национальная экономика, сфера телекоммуникаций, операторы телекоммуникаций, тарифообразование.

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Shaposhnykov K.S.

Doctor of Economics, Professor,
Head of Black Sea Research
Institute of Economy and Innovation
(Odessa)

State regulation of the telecommunications sector is an integral system of state regulation of the national economy. Under Article 16 of the Law of Ukraine «On Telecommunications» «The purpose of government regulation in telecommunications is the maximum satisfaction of consumer demand for telecommunications services, creating favorable institutional and economic conditions to attract investment, increase services and improve their quality of development and modernization of telecommunication networks taking into account the interests of national security» [1].

Logically, the state regulation of tariff in the telecommunications sector should be carried out according to the nature, forms and methods of state regulation of the national economy.

Analysis of recent research and publications. The problems of tariff regulation in the telecommunications sector in particular and features of state regulation of the telecommunications sector in general are discussed in scientific publications of local scientists, as D. Oliynyk [4], V. Orlov [5], K. Tanaschuk [6], M. Filon [7], L. Shostak [9] and others.

However important is the study of modern problems and prospects of tariff regulation in the telecommunications sector of the national economy.

Setting objectives. The aim of our research is outlining current issues and prospects of state regulation in the domestic tariff area of telecommunications.

The main material research. Consider the basic regulations governing tariff in the telecommunications sector.

During the 2005-2014 years Ukraine in the telecommunications sector experienced significant changes. So-called framework (similar to the EU) in Ukraine have become the Law of Ukraine «On Telecommunications» to «On the National Commission for State Regulation of Communications and Informatization of Ukraine (NCSRCIU)» license conditions of the operator of the rules of providing and telecommunication services, markets for telecommunications services, market analysis procedure telecommunication services, laws on regulatory policy, prices and pricing, economic competition, etc. [1; 2].

Promoting open and fair competitive telecommunications market based on balancing the interests of the state, operators, telecommunications providers and consumers of telecommunications services is the main task of the National Commission for State Regulation of Communications and Informatization (hereinafter – NCSRCIU) as the organ of state regulation. However, today the law Ukraine insufficiently regulated relations in the field of telecommunications in the introduction of modern principles of government regulation.

It should be noted that the powers of the NCSRCIU by the Law «On Telecommunications» [1], are not sufficient to ensure market competition and protection of consumers of telecommunications services, which in turn will definitely affect the tariff. M. Filon identifies imperfections such signs of this trend of state regulation [7]:

1. Gaps in the regulatory and methodological framework for the analysis of the telecommunications market.

2. Identified telecommunications market Ukraine is not aligned to seven telecommunications market that encourages EU.

3. EU Guidelines define such markets services crossing traffic: traffic termination services markets for fixed-line networks; services markets termination traffic to mobile networks (mobile) communication; traffic transit services market for fixed and mobile networks (mobile) communication. However, the list of approved markets NCSRCIU them not.

4. NCSRCIU of missing documents on the analysis of competition on types of mar-

kets telecommunications services in the list of approved markets.

5. Declarative most items Procedure analysis kinds of small particles telecommunications market results in narrowing the analysis to calculate the share of revenues of operators that significantly limits the information content and quality component analysis.

6. The same way the analysis of markets, given the current scientific requirements and the latest revision of this trend, in our view, lacks many modern items.

7. Insufficient reflected in the legislation of Ukraine NCRC and mechanisms of interaction of the Antimonopoly Committee in the regulation of the telecommunications market, which is inconsistent with Directive 21/EU.

8. One of the most significant inconsistencies in the legislation on telecommunications Ukraine and the EU is also the lack of Ukrainian legislation mechanisms to ensure provision of public telecommunications services specified quality and price throughout the territory of Ukraine, which does not comply with all the above Directives.

9. Requires also view a list of public services, taking into account the principle of technological neutrality.

10. Law of Ukraine «On Telecommunications» provides for the licensing of most types of telecommunications services, which is inconsistent with Directive 77/EU. Legislation on the radio of Ukraine does not provide for the transfer of radio frequencies to other businesses and NCCIR procedures for the transfer, which is inconsistent with Directive 21/EU on a common regulatory framework.

11. Under Article 38 of the Law «On Telecommunications», the operator has the right to connect telecommunication networks is its ownership or use, with the networks of other operators, but in law mechanisms to ensure this right is not sufficient and does not allow for performance this norm.

12. Also not reflected in the Ukrainian legislation the issue of sharing network infrastructure operators (equipment and facilities, areas for its location, etc.). In particular, the Law «On Telecommunications» NCCIR no authority and appropriate mechanisms for the adoption of regulatory decisions and resolv-

ing disputes specified matters not consistent with Directive 21/EU.

13. There are a number of issues regarding the regulation of economic components of the operators (providers) telecommunications.

14. Article 31 of the Law «On Telecommunications» entitles customers building networks of telecommunications lines lay across bridges, tunnels, sewers, streets, roads, buildings, forests and water use Power lines based on agreements with their owners procedure. However, procedures for dealing with these issues are not determined by the competent authorities, which is inconsistent with Directive 21/EU.

15. There are a number of discrepancies Ukrainian legislation with the above directives on issues related to consumer protection.

16. Terminology Ukrainian legislation on telecommunications also requires revision.

The comparative analysis of these EU directives and Ukrainian legislation on telecommunications demonstrates the need for systemic changes and additions to the Law «On Telecommunications». In addition, there is a need to develop new and amending existing regulations, including the development of legislation to determine the procedures for dealing with applications for rights to install telecommunications equipment on, over or under state and municipal property, changes to the Rules of interconnection of telecommunications networks (Directive 19/EU), the Rules provide and obtain telecommunication services (Directive 22/EU) and other regulations.

In addition, D. Oliynyk in 2004 noted [4] that the impact of competition prompts the operator to increase productivity, and after taking into account the cost of production services – to the distribution of income among consumers by reducing tariffs. Formula maximum tariffs aimed at achieving the same effect.

Adjust the maximum tariffs (RGO) is a means of regulation of tariffs for a certain period of time and the difference between annual inflation and the level of performance.

The formula determines how much can be raised tariffs on the entry level, which are usually set by the regulatory body on the basis of calculating the costs and the likely income from increased productivity. Alternatively, the regulator may introduce a transitional period, at the end of which the operator must achieve the planned level or range. Formula maximum tariffs allows the operator to annually increase its tariffs by an amount equal to the inflation rate, excluding an amount equal to the intended level of productivity. That is, when the annual inflation rate to 5% and increase productivity of 3% operator is allowed to raise rates by 2%. Years passed, but the principles are still not changed.

So, in theoretical and applied and the legal plane today can recognize the inadequacy of scientific basis, methodological and legal support and methods of determination procedures and analysis of the entire range of telecommunications markets, concepts, criteria and mechanisms for determining operators with significant market power, and it is natural means problems with state regulation of tariff setting.

Conclusions and prospects for further research. Lack of efficiency of state regulation of tariff in the telecommunications sector and the development of competition on it adversely affects the business entities operating in the telecommunications sector and consumers of telecommunications services. All this leads to the need to develop scientifically-based mechanism of state regulation of competition in the telecommunications market, which would allow to improve the methods and tools of state regulation of the telecommunications sector and to take into account the peculiarities of this sphere and social value services.

Determine that you first need to improve the existing system of analyzing telecommunications market as methodological and statistical basis for regulating the telecommunications market. For this it is necessary to develop a new method of market analysis, to be consistent with good practice and EU regulatory framework.

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