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INSTITUTIONAL COMMUNICATION BY THE SECURITIES AUTHORITY WITH THE ENERGY MARKET PARTICIPANTS

Introduction. Effective communication is essential for regulatory governance, especially in the dynamic commodity markets. For years, reviewers have contended that organizational communication research has been overly focused on microphenomena while neglecting macrophenomena, which have largely remained unspecified.

As the National Securities and Stock Market Commission, Ukrainian capital markets and organized commodity markets authority (NSSMC) aims to oversee and develop the commodity, in particular, energy market [1], transparent and unbiased communication channels are crucial. Inadequate communication with market participants can create regulatory uncertainty, inhibit investment, and stifle market growth. Issues such as informal views contradicting official policy, unequal access to information, and sudden regulatory reversals highlight the need for a robust communication framework. Furthermore, the deliberate withholding of regulatory interpretations increases uncertainty, emphasizing the importance of clear and consistent communication. This article examines the recommended communication framework between the NSSMC and market participants, identifying areas for improvement and proposing strategies for better engagement.

Research background and objectives. An institutional theory of organizational communication was proposed to address this gap and had been widely used to enable sustainability of the institutions [2]. The authors particularly established several propositions to strengthen institutional structure within the organizations and across the markets, those are being “communication sustains institutions”; “communication aligns organizations with institutions”, “institutions operate in organizing through formal communication” and “institutional hierarchy is manifested in organizing” [3]. The challenges outlined above can be overcome through a multi-faceted approach for NSSMC’s communication practices that can be drawn by insights from the EU supranational and the member-states national supervisory bodies’ practices, with the goal to develop a framework that aligns with Ukrainian law, enhances regulatory clarity, and fosters constructive dialogue with market stakeholders. EU frameworks provide valuable references, offering insights into diverse communication channels, information dissemination mechanisms, and stakeholder engagement strategies.

NSSMC can explore the communication protocols of the EU supervisory agencies such as Bundesanstalt für Finanzdienstleistungsaufsicht



(BaFin) [4], Germany, Financial Services and Markets Authority (FSMA), Belgium [5] and the Dutch Authority for the Financial Markets (AFM), The Netherlands [6], united, of course, by ESMA (European Securities and Markets Authority) [7]. Like NSSMC, the above authorities are responsible for the markets in financial instruments, which include, since MiFID [8], all the futures as well as the forward contracts for the supply of energy, except for the wholesale energy products, thanks to REMIT carve-out [9]. The author has researched communication channels by the EU and some of its Member States authorities, specifically, ESMA, AFM, BaFin and FSMA in a series of articles. This article is a closing paper that examines the recommended communication framework between the NSSMC and market participants, identifying areas for improvement and proposing strategies for better engagement.

Findings. The securities authorities in the EU effectively establish boundaries for the wholesale energy products, such as thresholds and triggers that make such products financial instruments. Therefore, albeit through negative definition, the wholesale energy products fall within the scope of supervision of the NSSMC as well as said authorities. AFM, BaFin, FSMA and NSSMC are all members of the international bodies that coordinate supervision at a global level, such as the International Organization of Securities Commissions (IOSCO) and the International Organization of Pension Supervisors (IOPS). In addition, they also meet through the operation of the European Securities and Markets Authority (ESMA) and of the European Insurance and Occupational Pensions Authority (EIOPA), within the framework of the Ukraine – EU Association Agreement [10].

Effective communication strategies emphasize proactive engagement, standardized channels, and ongoing dialogue with market participants to ensure

regulatory coherence and foster trust in the supervisory process. The protocols include stakeholder consultations, and transparency initiatives in Ukraine. By addressing identified gaps and leveraging best practices from EU institutional communication paradigm, the NSSMC can create a communication ecosystem that empowers market participants, enhances regulatory compliance, and drives sustainable market development.

Validation of the communication policies by the NSSMC. The NSSMC has established twelve informal advisory groups with market participants. Despite being referred to as ‘committees,’ these bodies lack publicly recognized leadership selection, stable membership, and voting processes. They do not have a binding effect on the NSSMC’s major regulatory and oversight activities, and the process for amending, canceling, or reforming these groups is not publicly disclosed. None of the twelve committees directly addresses commodity markets comprehensively. However, there are committees for (a) derivative contracts, chaired by the Commissioner Yaroslav Shliakhov [11], and (b) organized commodity trading venues, chaired by the Commissioner Arsen Ilyin [11]. Committees focused on trading and post-trading infrastructure deal only with capital markets. Other related committees, such as those for strategy and corporate governance under Maksym Libanov, are also present but do not holistically cover commodity markets [11]. The NSSMC is authorized by its founding document to create working groups, advisory and consulting boards, and other ancillary bodies. It also publishes draft regulations on its website, inviting industry comments and amendments according to internally set procedures.

Since 2000, the NSSMC has published **annual reports**, typically less than 100 pages in length. There is no explicit legal requirement for these reports or specific content requirements



in the NSSMC Law or the constituent President's Decree on NSSMC. Notably, the 2021 and 2022 annual reports did not include specialized sections on commodity trading, infrastructure, reporting, or oversight, despite new laws on organized commodity markets being in effect during these years.

The NSSMC is exempt from oversight by the State Regulatory Service and the general 'good regulatory practices code' enacted in the Law of Ukraine "On Fundamentals of the State Regulatory Policies Concerning Business Activities." This exemption suggests that the capital and organized commodity markets require a more sophisticated or tailored approach to develop and maintain adequate policy instruments. But this is not the case, in fact, NSSMC has a wider discretion in the communications and transparency policies compared to the framework law. Recent recast of the statute on NSSMC powers was made without regard to the regulatory policies law but was rather based on the MIFID II and MIFIR, which sets NSSMC apart from and may cause regulatory arbitrage and grey areas of competence and relevant miscommunications with the industry and among the regulators.

Recast of Law on NSSMC Authority

Act 3585-IX voted into law on February 22, 2024 is expected to modernize the NSSMC's composition, internal structure, and authority to comply with IOSCO and MiFID II [12] benchmarks [13]. On its face and pending application data, as at the time of this article, Act 3585-IX enhanced oversight and investigative powers of the NSSMC. It took approximately nine years to harmonize the regulator's competence with European Union law. Although the EU has advanced further, the Law of Ukraine "On Amendments to the Law of Ukraine 'On State Regulation of Capital Markets and Organized Commodity Markets' and Some Other Legislative Acts of Ukraine on Improving

State Regulation and Supervision in Capital Markets and Organized Commodity Markets" No. 3585-IX dated February 22, 2024 (the "Law"), marks a significant leap forward for Ukraine's legal system [13].

As part of Ukraine's EU integration framework, the Law introduced new capabilities for international cooperation of NSSMC, which is now authorized to enter into interagency international agreements on behalf of Ukraine. Under the "Multilateral Memorandum of Understanding concerning Consultation and Cooperation and the Exchange of Information" of the International Organization of Securities Commissions (IOSCO), NSSMC can exchange information on legislative violations. Additionally, NSSMC cooperates with the European Securities and Markets Authority (ESMA), other relevant EU institutions, national regulatory bodies of other countries, and other foreign and international organizations.

Historically, a lack of independence has been a major barrier to the NSSMC's effort of international cooperation. Despite a statutory mandate to work with specific international organizations, NSSMC was not very successful in the mutual recognition of the supervisory powers (oversight equivalency), the circumstance that hindered cross-border activities by the reputed market participants. It is only mitigated by the high tolerance to the cross-border ('reach in' and 'fly in') services as well as rare cases of persecuting offshore violators [14]. The changes introduced by the Law are designed to provide the regulator with effective independence and institutional capacity. Appointments to the position of chair or member of the NSSMC will now be based on the results of an open competitive selection process. The composition of the Nomination Board, consisting of at least five members, will be approved by the President of Ukraine, and the meetings will be held as public hearings, ensuring transparency.



The Law granted the NSSMC new powers to investigate, counteract, and hold accountable those responsible for abuses and manipulations in the capital markets. The regulator's list of powers has doubled, enabling it to: (a) conduct inspections, (b) continue reviewing cases of capital market legislation violations, (c) undertake enforcement activities, including corrective, early intervention, and impact measures, (d) conduct investigations starting January 2026, including within international cooperation frameworks or independently identified violations.

Following 2019 Law No. 738-IX that restated the statute on capital and organized commodity markets, NSSMC has been exercising prudential supervision and oversight of market participants' conduct. Now, it will also conduct inspections to ensure compliance with relevant legislation. NSSMC can now even inspect the National Bank of Ukraine (NBU) regarding its activities in managing institutional investors' assets and the depository activities of depository institutions, as well as the custody of pension funds' assets. As a part of an investigation, NSSMC can access premises, collect evidence, request information, conduct audio, photo, and/or video recordings, and demand access to telephone and video conversations and billing data.

Law No. 3585-IX also mandates that following a violation review, NSSMC must either (a) enter into a settlement with the market participant for the alleged [consequences of] the violation, (b) forward materials to relevant state and/or law-enforcement authority, so that the criminal investigations can be concurrent to administrative enquiry by NSSMC themselves, (c) share materials with the foreign authority in the capital and/or organized commodity markets as a part of international cooperation; (d) intervene – apply economic penalties such as fines, license revocations, operation prohibitions, or directives to remedy violations, or (d)

instruct the market participant for the corrective actions based on inspection results or prudential supervision to mitigate risks.

NSSMC can apply material fines as of January 2026, non-compliance with the NSSMC instructions may result in fines of up to 81 million Hryvnias or up to 10 percent of the total annual turnover. Similar fines may apply for obstructing investigations, with a phased introduction from 2026 to 2029, increasing by 0.2 each year from 0.2 in 2026 to 0.8 in 2029.

Law 3585-IX established, under Article 13 that the committees become permanent bodies with public hearings on draft regulations; each committee should have a webpage to publish the agenda and related materials. Article 17 of the Law also requires the establishment of an independent Consulting and Expert Board (former Public Advisory Council in Bill 5685 [15]) to represent the industry's voice in drafting regulations, monitoring their state and status at all stages, conducting public hearings and anti-corruption reviews, and serving as an informal channel for public proposals to amend regulations.

Ukraine's legislature has, thus, materially revised the oversight and investigative powers of the NSSMC in respect to the capital markets and organized commodity markets, significantly expanding and strengthening those powers. Ukrainian securities regulator is expected to adopt new regulatory acts to align with the provisions of the new law within nine months. However, the limited term of office for NSSMC members and rotation among them could cause delays in adopting these additional regulatory acts. At the same time much of the communications strategies and operations remained at the NSSMC discretion, a matter of a changing policy rather than fundamentally important practice that should be coherent and persistent.

Aligning NSSMC Communications with European Practices.



Given Ukraine’s aspirations for European Union membership, we recommend that the NSSMC align its practices with established European standards. For commodity strategies, collaborating with licensed energy exchanges (e.g., UEEX – Ukrainian energy exchange) is advised, as these exchanges have effective communication channels with market participants. We suggest that the NSSMC adopt a similar communications strategy across all relevant exchanges, involving other stakeholders such as state authorities, including those relevant for energy market - National Energy and Utilities Regulation Commission (NEURC), National Bank of Ukraine, the Ministry of Energy of Ukraine (in particular, auction committee for electricity) [16], future commodity clearing house within the energy trading ecosystem.

Regular Publications (Normative Channels of Communications).

The NSSMC should issue formal circulars (“notices”) offering recommendations or interpretations of statutory provisions. These circulars can help clarify the application of laws and regulations. Additionally, Q&As could be used to help market participants understand the scope of the laws. Adopting interpretation tools from ESMA and Agency for the Cooperation of Energy Regulators (ACER) into Ukrainian legal practice could provide quick fixes for aligning with EU standards.

A noteworthy development under Law 3585-IX is the regulator’s ability to classify financial instruments and objects of civil rights as securities, enhancing counteraction against investor fraud and further developing virtual assets regulation [13]. To improve market participants’ understanding of regulatory requirements and the application of legal provisions, the NSSMC, following the example of ESMA, is now authorized to issue advisory opinions in the form of clarifications and Q&As. Previously, the NSSMC could clarify capital market laws but restrained itself

based on advice from the Ministry of Justice of Ukraine. It was and still is a controversial decision, as the specialized statute in Article 7.1(5) [13] has been allowing NSSMC to interpret and clarify laws for the capital markets and organized commodity markets even prior to 2019 and 2024 restatements. Arguably, public opinions of the NSSMC could be legally characterized as official clarification, even where they were communicated as a letter with disclaimer on the lack of interpretation powers by NSSMC.

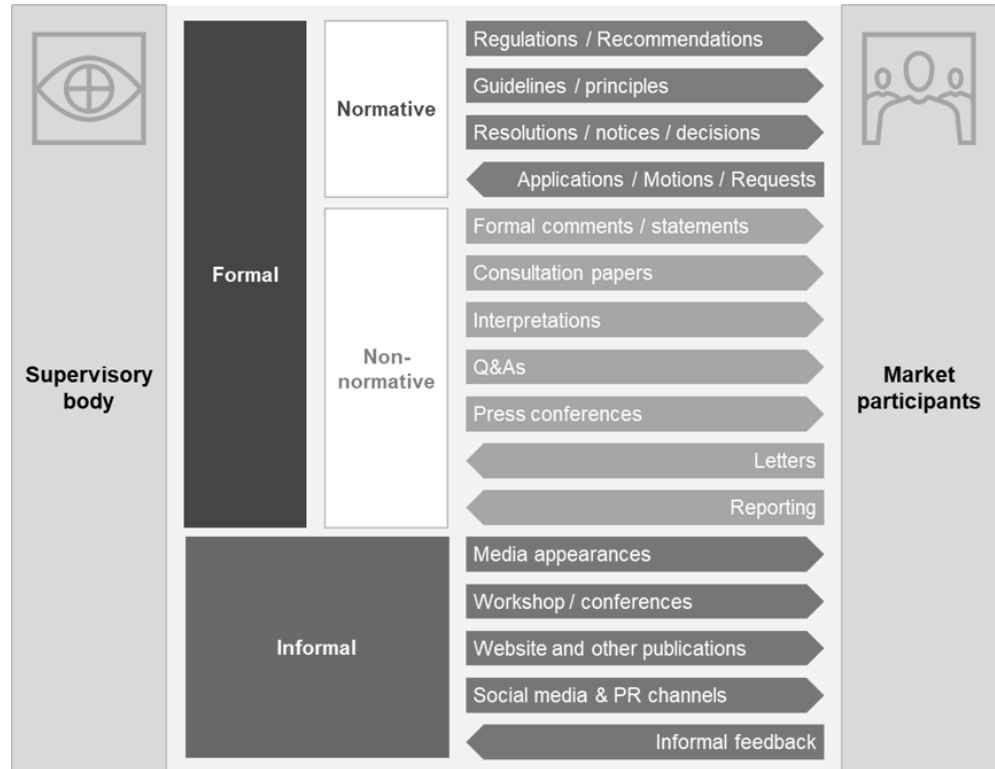
As a general guideline, the NSSMC should follow the statutory timeline for public consultations: one to three months for comments on proposed regulations. The NSSMC should specify that commenters are entitled to a response or, at the very least, an acknowledgment of their comments. Stakeholders should also be able to appeal within the NSSMC if procedures are not followed.

The NSSMC should also conduct regular reviews of regulations, identifying and addressing any gaps. The terms for such reviews should be established within each regulation, following timelines set by EU primary acquis, ESMA, and ACER documents. Where the EU acquis does not provide benchmarks, the NSSMC should use the statutory default term of one to two years from the regulation’s effective date.

We believe the mandatory consideration of the Public Advisory Council (PAC) opinion, as per Bill 5865 (Article 30.5) [15], was discriminatory and contradictory to EU practices. The PAC’s opinions were supposed to be mandatory for consideration by the NSSMC, whereas NSSMC owed no obligation with respect to other stakeholders’ comments. This created an imbalance and the resulting provisions of the statute, Article 17.4 is still imperfect as it delegates to NSSMC a discretionary authority to grant a privileged access to the member (members) of the Consulting and Expert Board [13], which, if exercised by NSSMC,



Table 1
Communications channels for NSSMC aligned with best EU practices [17]



will distort the boundary-spanning communications by the regulator with the market along with the competition that will be affected after unequal access to information is created.

Consultations Generally. The NSSMC should conduct market consultations to gather views on strategy from market participants. These consultations can provide valuable market intelligence and guide future strategy decisions. The NSSMC should publish the terms of references on each committee on NSSMC website, including membership criteria, decision-making procedures, leadership contact information, agendas, and schedules. This transparency will help industry actors and agents plan their involvement.

Working Group on Organized Commodity Markets. The NSSMC should create a panel of experts and

advisors to identify regulatory needs for commodity pre-trading, trading, and post-trading infrastructure. This panel should include major producers, traders, licensed trading venue operators, and reporting mechanisms and be recruited for each standing committee with the NSSMC pursuant to specific terms of reference. They can also serve as a sounding board for NSSMC initiatives before wider discussions with committees and, therefore, do not even have to be salaried, even though the terms of reference must offer some remuneration as a starting point for a ‘Dutch auction’ type of tender. Product groups can be created to address various commodities, such as oil, car fuels, natural gas, electricity etc. they can further be supported by inter-institutional cooperation and communication with the commodity line regulators and



the infrastructure regulator – the subject to be explored in more detail in other article.

Direct Communication with Market Participants. The preeminence of the PAC as the sole public consultation body, as was outlined in Bill 5865, is problematic [15]. This approach, likely influenced by russian legislative practices, would have created a facade of public participation while fostering intransparency. Maintaining fair representation in a competitive industry is challenging, and there are no mechanisms to recall Consulting and Expert Board members under Law 3585-IX (or PAC members under Bill 5865 [15]) or hold them accountable to the public [13]. The statute, unfortunately, retained an unpaid nature of Consulting and Expert Board (CEB) members engagement in Article 17.8 [13]; we believe that unpaid involvement is prone to negative selection of the members, either reducing the quality of input or luring the members that are paid by the third party. This is exacerbated by CEB’s unlimited discretion to involve any third party to its work without any vetting by the NSSMC, whereas CEB has authority to receive any and all information needed for its purposes – not only from NSSMC, but also from other government agencies.

The CEB’s lack of reporting obligations to NSSMC or to the public could lead to collusion with NSSMC staff, undermining independence for the lack of checks and balances in the organization. On the other hand, the initial composition of the CEB can be easily manipulated by the NSSMC through qualification requirements and nomination procedures. In summary, we believe that the CEB represents an example of unfair competition and this platform of ‘universal advice’ should be replaced with the project-oriented advice procurement, which is limited in time and in scope.

Further engagement of the stakeholders and public can be accomplished

through consultations, annual report and other informal communications channels as detailed below.

Annual Report. The NSSMC should extend consultations to its annual report, allowing market participants to comment on past events and future outlooks in the industry. This feedback can provide valuable insights. The annual report should include a chapter for commodity market participants, saving time and providing clarity for both market participants and central government authorities. A separate report for non-financial instruments overseen by the NSSMC may also be beneficial, as these markets significantly impact the economy. Bill 5865 mandates an annual report to the Verkhovna Rada, the President, and the Cabinet of Ministers, which should include information on organized commodity markets. This makes it feasible to allocate separate chapters to derivatives that do not constitute financial instruments, potentially combined with other physically delivered assets.

Informal Communication Channels. Every country has traditional communication networks for informal communication. For example, BaFin uses multiple networks (LinkedIn, its own website, and various industry web forums). The NSSMC uses its website for external communication and has social media presence on Facebook, LinkedIn, Twitter, Instagram, and Telegram, all in Ukrainian. As the NSSMC’s oversight scope expands, groups on related services like Messenger, WhatsApp, and Signal can be used for specialized topics/committees. General channels are good for strategic developments, while specialized content and sophisticated hashtag systems are essential. Specialized email lists for committees can be supplemented by social network chats and specialized web pages on the NSSMC portal. Over 80% of electronic information is consumed on mobile devices, making mobile-friendly formats crucial. Tel-



egram and Viber, on the other hand, just like any other networks with close business and ownership ties with Russia and Belarus should be avoided. If used to reach out to the specific target audience, the channel should not be marked as official, in any event.

NSSMC should make conscious effort and maintain organizational processes to straighten boundary-spanning institutional communications and avoid the institutional communication failure. An examples of communication failures by the regulator include: (a) informal (private) opinions by regulator employees during workshops/working groups that contradict official policy, (b) different scopes of information revealed to different market participants during individual meetings/direct correspondence, (c) publication of non-binding information that is not reflected in subsequent regulatory practice (e.g., Q&As on the website later ignored by decision-makers), (d) unequal access to information resulting in a competitive advantage for some market participants, (e) failure to establish, extend, or keep deadlines for feedback, (f) discrepancies between opinions stated in different channels, (g) unclear or limited recommendations for market participants, and/or (h) unexpected reversals of opinions (e.g., positions in consultation papers made more restrictive in official guidelines without prior notice).

To avoid communication failures, the NSSMC should publish information about commodity markets on a dedicated part of its website. Regulatory uncertainty on the interpretation of laws or guidelines can negatively impact market practices, generating further uncertainty. Market practice developed without regulatory guidance tends to be conservative in order to limit legal risk) and utilitarian in order to avoid substantial harm to business or excessive implementation costs. The NSSMC should ensure that all market participants receive the same informa-

tion about market regulations simultaneously. Each participant should know the timeline, scope, and certainty level of the information. The information should be as detailed as possible to ensure clarity on the supervisory approach. For each new regulatory package, a communication strategy defining types of communication and relevant timelines should be developed.

This framework should include several components. First, orientation: the NSSMC should publish and maintain (a) a list of all planned (allowed) communication channels, (b) rules for an allowed content, (c) verification procedures, and (d) collection of published documents in force. Second, the regulator should execute: publish, via each allowed channel, relevant information on NSSMC's decisions, regulations and actions; an alternative should be provided (e.g., press-briefings, video statement) when information is yet unavailable due to long deliberation or delays by other state agencies involved. Third, the strategy should reveal the rules for handling incoming communications, including definitions of specialized communication channels (e.g., for whistle-blowers). Fourth, NSSMC should issue and update codes of conduct for their officers and employees in respect of external communications, both incoming and outgoing; the codes should have specific rules for various situations – interviews, legislative opinions, investigations and fines, comments on market situation etc. Finally, fifth, NSSMC should have bylaws on access for interview, media monitoring, content approval that is published by the NSSMC on its media resources, e.g., website, social media channels.

A general news channel in English would be beneficial for foreign traders to follow developments – currently, only part of the materials is translated, which is, on the other hand, a significant progress compared to many other state agencies, including those involved in the state regulation of the energy



market. Newsfeed in other EU working languages will also be handy: the prioritization can be made based on the participation in the Ukraine's energy market, that is, the target audiences are likely to be in Hungary, Poland, Romania and Slovakia.

NSSMC Academy. Creating an educational forum, the "NSSMC Academy," can help in building a transparent regulatory ecosystem. The forum would educate market participants about NSSMC regulations, enforcement methods, and general regulatory knowledge. The academy will be a nursery for the market participants as well as for the officers in the regulators, who need to catch up with legislative developments in the EU acquis and the national markets in the EU Member States while Ukraine has been lagging behind grasping centralized energy market and then electricity pool market. While a big chunk of the primary EU acquis has been transposed into Ukrainian law since 2014, it has necessarily been made through a lead of the few, whereas the rest of the industry, educational system and government are caught with inertia of the foregoing intellectual and behavioral paradigms.

An educational platform should, therefore, provide an open communication channel for the NSSMC to express expectations and gather live feedback in a non-binding, informal way. In the course of live interaction, it would be possible to identify misunderstandings and key issues between the regulator and market participants. The Academy could host thematic workshops/seminars conducted by NSSMC officials responsible for the discussed issues. Participants would include low- and mid-level management, subject matter experts, and compliance officers of market participants. This setup allows for technical, in-depth discussions benefiting both sides. Workshops should have well-defined agendas and be relatively short and frequent. While heavily involving NSSMC staff, part of the program

or its organization could be outsourced to certified training centers. Besides, quite a number of basic trainings could be made through online education platforms, which will also systematize the input data from the participants on the most pressing topics and most common gaps in the knowledge.

Retail Investor Literacy Program. NSSMC web portal used to have word-by-word explanation of the capital markets and the organized commodity markets phenomena, in a language accessible to a student. These web articles were, apparently migrated to the legal aid network administered by the Ministry of Justice [18] and reduced, on NSSMC site, to the smaller investor protection section [19]. Building on its "wiki" experience, however, NSSMC could create a chapter with definitions and explanations in layman language for the general public, including journalists, pupils and aspiring retail investors. This chapter, whether placed on the specialized portal, on WikiLegalAid etc. would cover organized commodity markets, with subchapters on the energy products (financial instruments and other derivative contracts), agricultural derivatives, metal derivatives etc. with major players, investment strategies, the NSSMC's and other regulators' role, and responsibilities of trade venue operators and intermediaries. The content can be reproduced and cross-referenced on NSSMC portal, other financial regulators portals, commodity regulators portals, social network channels, radio and television and to reach broader audiences of age and wealth.

As a part of NSSMC's future investor literacy strategy, the NSSMC should host an annual workshop, potentially mid-year, to present the annual report on the commodity market and a forward outlook for the next 5 to 10 years. The workshop should include academics, donor program experts, and speakers from NSSMC counterparts in other regions. Key NSSMC members should



be speakers, and a broad representation of the back and front offices should be present for open discussions. Part of the event could be invitation-only, using team building as an incentive for staff to attend other panels.

Whistleblowers Hotline. NSSMC had established a communication channel for the whistleblowers on corruption and placed a banner on the starting page of its website [20]. The whistleblowing on the market abuse, however, is more complicated and does not provide the informant with the same level of protection. The NSSMC should train hotline operators to handle reports of banned market practices and document alleged abuses in organized commodity markets. A dedicated voice menu chapter for commodity trading-related calls should be created. Additionally, the NSSMC could establish a web portal for confidential electronic submissions about market abuse.

Conclusions and implications. NSSMC can establish effective communication protocols based on the best practices of EU supervisory agencies as a part of its capacity building during the exercise of harmonization with the primary EU acquis under the framework of the EU-Ukraine Association Agreement and in lieu of the transposition and direct implementation on the path to full EU membership status. The NSSMC, like its peers in the EU, will include commodity derivatives and, necessarily, will regulate not only the financial institutions, but also the utilities, energy traders and many more. Consistency and transparency of communications through media: website, well-reputed (moderated) social media should be aligned with the objectives and stakeholder groups along the products and the markets. Substantive discussions should be arranged along the consultations, working groups (committees), workshops and webinars. The strategic communication can be centered about the vision in the annual report, targeted meetings with the key

players and the CEB, provided, however, that the latter has clear terms of reference, working plan and no preferred access to the NSSMC; participation in CEB is solicited in the competitive manner – some changes to the statute may be required. Importantly, date, time, participants and issues discussed should be transparent to general public. Finally, informal channels to report irregularities of the market should be established as well as formal regular updates on the precedents and application of the legal rules in the industry. Further research of this theme should involve developing of the codes of conduct, terms of reference for the standing groups and the task force, evaluation and self-evaluation methodic for the efficacy of NSSMC communications. A separate direction is the experience of the peer regulators, where priority should be given to the markets with developed infrastructure, corporate and retail sector, supply and demand comparable or exceeding that in Ukraine.

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The article proposes that effective communication is essential for regulatory governance, particularly in dynamic commodity markets. As the NSSMC is mandated, since 2021 to oversee and develop the organized commodity market, forward energy contracts and future energy contracts, transparent and unbiased communication channels are crucial. The recommendations for communications between the NSSMC and market participants, include formal and informal channels that nevertheless align with transparency and consistency princi-



ples. Strategies for better engagement and communications improvement are identified and proposed. While inadequate communications with market participants create regulatory uncertainty, inhibit investment, and stifle market growth, boundary-spanning institutional communications is vital for operation of the markets. Not only the stakeholders require views on application of laws and prospects of regulatory activities regarding energy products, but NSSMC and line commodity products regulators need to learn about the visions and plans by the key players, have input of common wisdom from all strata of the market participants. Issues such as informal views contradicting official policy, unequal access to information, and sudden regulatory reversals highlight the need for a robust communication framework. The working groups, annual reports and task forces, hotlines will help to ensure equal access to information. Furthermore, the deliberate withholding of regulatory interpretations increases uncertainty, emphasizing the importance of clear and consistent communication. Publication of the official calendars, social media channels on the moderated platforms will keep the market participants aware of the clarifications, Q&As, other opinions issued, trends and biases dealt with by the regulators. A multi-faceted approach for defining NSSMC's communication practices is proposed after drawing insights from EU supervisory bodies that were analyzed as part of the series of publications, of which this one is closing. The goal is to develop a framework that aligns with Ukrainian law, enhances regulatory clarity, and fosters constructive dialogue with market stakeholders. By leveraging best practices from EU communication paradigms, the NSSMC can establish effective communication protocols, such as stakeholder consultations, and transparency initiatives to create a communication ecosystem that empow-

ers market participants, enhances regulatory compliance, and drives sustainable market development.

Key words: regulatory communication, market governance, energy markets, wholesale energy product, National Securities and Stock Market Commission (NSSMC).

Загнітко О. Інституційна комунікація регулятора ринків капіталу та організованих товарних ринків з учасниками енергетичного ринку

Стаття розвиває твердження, що ефективна комунікація є важливою для регулятивного управління, особливо на динамічних товарних ринках. Оскільки НКЦПФР має повноваження, починаючи з 2021 року наглядати та розвивати організовані товарні ринки, форвардні та ф'ючерсні енергетичні контракти, остільки прозорі та неупереджені комунікації отримують вирішальне значення. Рекомендації щодо комунікації між НКЦПФР та учасниками ринку включають формальні та неформальні канали прямого та зворотного зв'язку, які, водночас, підпадають принципам прозорості та послідовності. Визначено та запропоновано стратегії для кращої залученості учасників ринку до співпраці та для покращення комунікації із ними. Тоді як неадекватна комунікація з учасниками ринку створює регуляторну невизначеність, гальмує інвестиції та стримує зростання ринків, інституційний доступ до інформації регулятора з боку зацікавлених осіб є життєво важливою функцією ринків. Не лише зацікавлені учасники господарсько-виробничих відносин мають дізнатися погляди НКЦПФР на застосування законодавства та перспективи регуляторної діяльності на енергетичних ринках, але й НКЦПФР та галузеві (секторальні) регулятори товарної продукції мають знати про місію та плани ключових грав-



ців ринку, повинні усвідомлювати, яким є «середнє знання» серед усіх прошарків учасників ринку. Такі невдалі випадки комунікації, як неофіційні погляди, що суперечать офіційній політиці, нерівний доступ до інформації та раптові регуляторні зміни підкреслюють потребу в системі комунікації, яка була б надійною. Забезпечити рівний доступ до інформації допоможуть робочі групи НКЦПФР, обговорення щорічних звітів НКЦПФР, робочі групи та гарячі лінії регулятора. Крім того, навмисне приховування офіційного тлумачень законодавства через приватне листування збільшує невизначеність на ринку, також наголошуючи на важливості чіткої та послідовної комунікації. Оприлюднення офіційних календарів членів та посадових осіб НКЦПФР, ведення каналів у модернованих соціальних мережах дозволить інформувати учасників ринку про роз'яснення змісту законодавства про організовані товарні ринки, запитання та відповіді, інші офіційні висновки, тенденції та упередження, якими займаються регуляторні органи на ринках енергетичних продуктів, у тому числі НКЦПФР. В цій статті запропоновано багатовимірний підхід до визначення комунікаційних практик НКЦПФР на основі практик наглядових органів ЄС, які було проаналізовано в рамках серії статей. За мету було поставлено окреслити канали комунікації та комунікаційні практики, які узгоджуються з українським законодавством, покращать правову (регуляторну) визначеність і сприятимуть конструктивному діалогу із зацікавленими учасниками ринку. Використовуючи найкращі комунікаційні парадигми ЄС, НКЦПФР може розробити ефективні комунікаційні протоколи, такі як консультації із зацікавленими сторонами, ініціативи щодо прозорості для створення комунікаційної екосистеми, яка розширить можли-

вості учасників ринку з доступу до інформації, посилить правову визначеність і культуру правозастосування, що стимулюватиме сталий розвиток ринку.

Ключові слова: комунікація регуляторів, урядування ринків, енергетичні ринки, оптовий енергетичний продукт, Національна комісія з цінних паперів та фондового ринку (НКЦПФР).

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