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Treskov A., *PhD of Public Administration, National Aerospace University
"Kharkiv Aviation Institute," Kharkiv
ORCID: 0000-0001-9495-4806*

Тресков А., *кандидат наук з державного управління, докторант
Національний аерокосмічний університет «Харківський авіаційний
інститут», м. Харків*

**STATE POLICY OF ADAPTATION OF UKRAINIAN LEGISLATION IN THE
ENERGY SPHERE TO THE EUROPEAN UNION LAW (EU ACQUIS):
MECHANISMS, TOOLS, DIRECTIONS OF IMPLEMENTATION**

**ДЕРЖАВНА ПОЛІТИКА АДАПТАЦІЇ ЗАКОНОДАВСТВА УКРАЇНИ У
СФЕРІ ЕНЕРГЕТИКИ ДО ПРАВА ЄВРОПЕЙСЬКОГО СОЮЗУ (ACQUIS ЕС):
МЕХАНІЗМИ, ІНСТРУМЕНТИ, НАПРЯМИ РЕАЛІЗАЦІЇ**

The article examines the features of the formation and implementation of state policy in the context of the adaptation of Ukrainian legislation in the energy sector to the law of the European Union (the EU acquis). The research methodology is based on a systematic and comprehensive approach, analysis of regulatory legal acts, as well as a generalization of modern scientific approaches to the issues of the features of the formation and implementation of state policy in the energy sector. The results of the study identify key problems, risks and prospects for improving state policy in the context of the adaptation of Ukrainian legislation in the energy sector to the law of the European Union (the EU acquis). It is determined that in modern conditions in the energy sector there are such problems as an insufficient level of coordination between state policy entities, limited resource provision, imperfect regulatory framework, and an insufficient level of national energy security. It is outlined that modern challenges create the prerequisites for accelerated reform of state policy in the energy sector, in

particular through the implementation of European approaches, the need to strengthen institutional capacity and the integration of European standards. The features of the gradual harmonization of national legislation with European standards are described, however, the need to introduce more flexible, adaptive and innovative approaches to the formation and implementation of state policy in the context of adapting Ukrainian legislation in the energy sector to the European Union law (EU acquis) is emphasized. It is noted that the further development of state policy in the energy sector should be focused on ensuring a high level of protection of energy facilities and critical infrastructure, as well as the implementation of best European practices and standards. The directions of further transformation of state policy in the context of adapting Ukrainian legislation in the energy sector to the European Union law (EU acquis) are substantiated in order to increase its effectiveness.

Keywords: *public management and administration, public administration, public policy, energy, mechanisms, tools, directions of implementation of state policy in the energy sector, European Union law (EU acquis), Single Energy Market, electricity, oil and petroleum reserves, gas and hydrogen market, nuclear energy, renewable energy sources, energy efficiency, fight against corruption.*

У статті досліджено особливості формування та реалізації державної політики адаптації законодавства України у сфері енергетики до права Європейського Союзу (acquis ЄС). Методологія дослідження базується на системному та комплексному підходах, аналізі нормативно-правових актів, а також узагальненні сучасних наукових підходів до проблематики особливостей формування та реалізації державної політики у сфері енергетики. За результатами дослідження визначено ключові проблеми, ризики та перспективи вдосконалення державної політики адаптації законодавства України у сфері енергетики до права Європейського Союзу (acquis ЄС). Визначено, що в сучасних умовах у сфері енергетики наявні такі проблеми як недостатній рівень координації між суб'єктами державної політики, обмеженість ресурсного забезпечення, недосконалість нормативно-правової бази, недостатній рівень національної енергетичної безпеки. Окреслено, що сучасні виклики

створюють передумови для прискореного реформування державної політики у сфері енергетики, зокрема через впровадження європейських підходів, необхідність посилення інституційної спроможності та інтеграцію європейських стандартів. Охарактеризовано особливості поступової гармонізації національного законодавства із європейськими стандартами та підкреслюється необхідність впровадження більш гнучких, адаптивних та інноваційних підходів до формування і реалізації державної політики адаптації законодавства України у сфері енергетики до права Європейського Союзу (acquis ЕС). Зазначено, що подальший розвиток державної політики у сфері енергетики має бути орієнтований на забезпечення високого рівня захисту об'єктів енергетики та критичної інфраструктури, а також імплементацію найкращих європейських практик і стандартів. Обґрунтовано напрями подальшої трансформації державної політики адаптації законодавства України у сфері енергетики до права Європейського Союзу (acquis ЕС) з метою підвищення її результативності.

Ключові слова: *публічне управління та адміністрування, державне управління, державна політика, енергетика, механізми, інструменти, напрями реалізації державної політики у сфері енергетики, право Європейського Союзу (acquis ЕС), Єдиний енергетичний ринок, електроенергетика, запаси нафти і нафтопродуктів, ринок газу і водню, атомна енергетика, відновлювані джерела енергії, енергетична ефективність, боротьба з корупцією.*

Problem statement. Taking into account its obligations within the Energy Community and in the context of the implementation of the Association Agreement with the EU, Ukraine is consistently harmonizing national legislation with European standards, which involves not only the formal approximation of legal norms, but also a deep transformation of market mechanisms and the system of state regulation. One of the key directions of the state policy of European integration and a strategic factor in the modernization of the national economy is the adaptation of Ukrainian legislation in the energy sector to the law of the European Union (the EU acquis).

After all, it is the energy sector that is of particular importance for the state, as it determines the level of energy security, social stability, competitiveness of the economy and the proper functioning of critical infrastructure, which makes the issue of increasing the effectiveness and efficiency of state policy in the energy sector relevant.

In this context, the study of the issues of the effectiveness and efficiency of the state policy of adapting Ukrainian legislation in the energy sector to the law of the European Union (the EU acquis), as well as the possibilities of its further improvement in the conditions of European integration, is of particular importance.

Analysis of recent research and publications. Such scientists as Antypov I., Maistro S., Moskalyuk S., Riabchyn O., Shulga I., Shynkaruk N., Shytyi S., Trypolska G. and others have devoted their publications to the consideration of the features of the formation and implementation of state policy in the energy sector [3; 13; 14; 15].

However, many issues regarding the determination of ways to transform the state policy of adapting Ukrainian legislation in the energy sector to the law of the European Union (EU acquis) remain insufficiently researched.

Research objectives. The purpose of the study is to determine ways to transform the state policy of adapting Ukrainian legislation in the energy sector to the law of the European Union (EU acquis).

Presentation of the main material. The state policy of adapting national legislation to EU law, including in the energy sector, is implemented through a system of interconnected mechanisms, among which the central place is occupied by the legal mechanism of implementation, which consists in adopting new laws and amending existing legislation in order to reproduce the norms of EU law in the national legal system [3].

It should be noted that energy policy is one of the key elements of the European Union's integration efforts aimed at forming a single internal energy market. Such integration contributes to the free movement of energy resources, reducing dependence on external suppliers and unifying climate goals aimed at reducing greenhouse gas emissions. The European Union consistently coordinates energy and climate policies, directing efforts to deep

decarbonization of the energy sector as the basis for achieving climate neutrality and ensuring a just transition. The regulatory foundation of this model is defined by Article 194 TFEU, which stipulates that the EU energy policy is based on the principles of solidarity and is aimed at ensuring the functioning of the energy market, strengthening the security of energy supply, promoting energy efficiency and energy saving, developing new and renewable energy sources, and deepening cross-border connections [7].

Ukraine fully shares this approach to energy policy, for which the alignment of legislation with the European Union energy law (EU acquis) is one of the key components of the accession process.

The integration of Ukraine's energy markets into the EU internal market strengthens energy security in the face of the destruction of energy infrastructure, allows for the diversification of energy supply routes, supports the green recovery of the energy system, a just energy transition, and increases the resilience of the energy sector to crisis situations [13].

An important role in the process of adapting Ukrainian legislation in the energy sector to the law of the European Union (EU acquis) is played by the institutional mechanism that ensures the functioning of state authorities responsible for regulating the energy sector, in particular the Ministry of Energy of Ukraine and the National Commission for State Regulation in the Energy and Utilities Sectors. It is these institutions that ensure the practical implementation of European rules and control over their compliance [14].

No less important is the monitoring and control mechanism, which allows assessing the degree of fulfillment of Ukraine's obligations to the EU and the Energy Community, which is complemented by a judicial and legal mechanism that ensures the protection of the rights of market participants and the maintenance of a competitive environment through the activities of judicial and antimonopoly bodies. Taken together, these mechanisms form a comprehensive system of legal and organizational support for adaptation. The implementation of state policy is also based on the use of various instruments, among which the harmonization of legislation, strategic planning and regulatory activities are of particular importance. Harmonization is manifested in the adoption of new market codes and laws that implement European

approaches to the functioning of energy markets. An important tool is strategic documents, in particular the Energy Strategy of Ukraine [2], as well as national plans for energy efficiency and renewable energy development, which determine long-term priorities for the development of the industry. A significant role is played by regulatory acts adopted by the National Commission for the Regulation of Energy and Power Generation (NKREKP) that detail the mechanisms of access to networks, tariff formation and market functioning in accordance with European standards. It is worth noting the role of international technical assistance from the EU, which contributes to the implementation of reforms through financial support, expert advice and institutional strengthening [14].

The legal basis for the adaptation of Ukrainian legislation in the energy sector to the law of the European Union (the EU acquis) is the provisions of the Association Agreement [12], which establishes obligations to implement the EU acquis in the energy sector, as well as the Energy Community Treaty [1], which effectively integrates Ukraine into the EU internal energy market. The EU acquis in the energy sector covers a wide range of norms, including rules for the functioning of the electricity and natural gas markets, energy efficiency requirements, the development of renewable energy sources, environmental safety standards and mechanisms for ensuring the stability of energy supply. In this context, Ukrainian legislation is gradually being transformed in accordance with European directives and regulations, which has already been manifested in the reform of the electricity and gas markets, as well as in the introduction of new rules regulating energy relations.

It should be noted that the National Program for the Adaptation of Ukrainian Legislation to the Law of the European Union (EU acquis) (Resolution of the Cabinet of Ministers of Ukraine dated 01.04.2026 No. 438), under the section "Energy" 44 objectives are defined, of which: 40 are of a transposition nature and provide for the implementation of 57 acts of European Union law (EU acquis), 4 are of an institutional nature [7].

Thus, in the context of the compliance of Ukrainian legislation with EU law on the Single Energy Market, Ukraine has achieved a significant level of alignment with Regulation (EU) No. 1227/2011 of the European Parliament and

of the Council of 25 October 2011 on wholesale energy market integrity and transparency (REMIT), adapted for the Energy Community, thanks to the adoption of the Law of Ukraine "On Amendments to Certain Laws of Ukraine on Preventing Abuse in Wholesale Energy Markets" and regulatory legal acts of the National Commission for the Regulation of the Energy Community of Ukraine. Ukraine has also started transposing Regulation (EU) 2024/1106 of the European Parliament and of the Council of 11 April 2024 amending Regulations (EC) No 1227/2011 and (EU) 2019/942 on enhancing Union protection against market manipulation in the wholesale energy market (REMIT II). Certain provisions of REMIT will be applied subject to security restrictions, in particular with regard to the publication of information relating to critical infrastructure [7].

Ukrainian legislation is also partially aligned with Directive 2019/944/EU of the European Parliament and of the Council of 5 June 2019 concerning common rules for the internal market in electricity and amending Directive 2012/27/EU and Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market in electricity [5; 10].

The electricity market operates in accordance with key EU norms, namely: the day-ahead and intraday markets operate within the single price zone of Ukraine, although not integrated with the markets of the European Union; Ukraine has developed a regulatory framework for the explicit allocation of capacity at cross-border intersections with neighboring countries. To complete the harmonisation of legislation, it is necessary to adopt a draft law on the integration of the electricity market and relevant regulatory acts, strengthen the independence of the regulator, and align network service tariffs with EU principles. Market integration is expected to be implemented from 2028. To this end, Ukraine should develop a roadmap for market liberalisation, providing for the gradual termination of the mechanism of imposition of special obligations (PSO) and strengthening the protection of vulnerable consumers. A methodology for calculating the capacity of cross-border intersections should also be developed and implemented [7].

As regards the natural gas and hydrogen market, Ukrainian legislation is partially in line with Directive (EU) 2024/1788 of the European Parliament and

of the Council of 13 June 2024 concerning common rules for the internal markets in renewable gas, natural gas and hydrogen. Since the adoption of the Law of Ukraine “On the Natural Gas Market”, key provisions of the previous European Union law (EU acquis) on the natural gas market have been transposed [11].

In order to comply with the updated EU acquis, Ukraine needs to transpose into national law provisions on hydrogen, renewable and low-carbon gases. Further implementation requires the adoption of secondary legislation, in particular the National Commission for the Regulation of Energy and Power Generation and Energy Efficiency. Current challenges stem from the martial law regime in Ukraine and include the temporary application of special obligations (SEOs), the need to support vulnerable consumers, export restrictions, incomplete metering, insufficient readiness for smart metering, limited funding and temporary non-compliance with certain transparency requirements for cybersecurity reasons. Ukraine plans to implement a roadmap for market liberalization after the end or lifting of martial law in Ukraine, which will cover the issue of ending special obligations (SEOs) while ensuring adequate protection for vulnerable consumers. It is also planned to consider alternatives to temporary export restrictions, ensure full metering, conduct a cost-benefit analysis of the implementation of smart meters, and complete the formation of a national data platform [7].

Regarding natural gas storage, Ukraine has partially transposed Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations 2017/1938 and No. 715/2009 on gas storage into the provisions of the Law of Ukraine “On the Natural Gas Market” [11].

The Ministry of Energy of Ukraine, in cooperation with stakeholders, has developed gas storage filling trajectories and submitted them for consultation to the Energy Community Secretariat. A draft law is being prepared to fully ensure compliance with Regulation 2022/1032, in particular regarding mandatory gas storage filling targets.

In addition, Council Directive 2009/119/EC of 14 September 2009, which imposes obligations on Member States to maintain minimum stocks of crude

oil and/or petroleum products, has been partially transposed by the Law of Ukraine “On Minimum Stocks of Oil and Petroleum Products” [9] and the acts adopted for its implementation. The legislation establishes a phased eight-year plan for the formation of the necessary volumes of minimum stocks provided for by the Directive, starting from 2025. At the same time, certain provisions, in particular regarding the procedure for reporting on actual stocks and their verification by the Energy Community Secretariat, remain untransposed due to the martial law in Ukraine. Full compliance with the requirements of the Directive will be ensured after the security situation improves. Ukraine needs additional time to meet its stockpiling obligations given the risks of damage to stocks and storage infrastructure, significant investment needs and limited availability of storage capacity in neighbouring Member States [7].

Ukraine has also partially transposed Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC by introducing relevant provisions into the Law of Ukraine “On the Electricity Market” [10] and the Rules on Security of Electricity Supply approved by the Ministry of Energy. The adoption of the draft Law of Ukraine “On Amendments to Certain Laws of Ukraine on the Implementation of European Law on the Integration of Energy Markets, Improving Security of Supply and Competitiveness in the Energy Sector” will ensure the transposition of the remaining provisions of the Regulation.

Full alignment with Regulation (EU) 2019/941 will occur after the approval of the risk-preparedness plan and the relevant legislative amendments. Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on energy emergencies and restoration establishing a network code on energy emergencies and restoration has been partially transposed, full transposition will be ensured after the adoption of the above-mentioned draft law on the integration of the Ukrainian electricity market and relevant regulatory legal acts. Ukrainian legislation is also partially aligned with Delegated Regulation (EU) 2024/1366 of 11 March 2024 supplementing Regulation (EU) 2019/943 by establishing a network code on sectoral rules for cybersecurity aspects of cross-border electricity flows [7].

It should be noted that Ukrainian legislation has a high level of compliance with the European Union law (EU acquis) in the field of nuclear energy. The Treaty establishing the European Atomic Energy Community, signed as part of accession, will have higher legal force after its ratification, while Ukraine will ensure the fulfillment of all obligations stipulated by the Treaty. Ukraine is gradually joining the ECURIE early warning system in accordance with Council Decision 87/600/Euratom, and it is planned to complete the preparation of the Agreement for signing. The legislation of Ukraine partially complies with Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations, as amended by Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations, certain requirements for licensees of other nuclear installations other than nuclear power plants, as well as requirements for the involvement of international peer review in the event of an accident at a nuclear installation are subject to further transposition [7].

An important direction is also the stimulation of the development of renewable energy sources, which is consistent with the pan-European course on decarbonization of the economy and reduction of greenhouse gas emissions [15].

Thus, the national legislation partially transposes Directive 2018/2001 of the European Parliament and of the Council (EU) of 11 December 2018 on the promotion of the use of energy from renewable sources. The national target for the share of renewable energy sources in gross final consumption is set at 27.1%. Support schemes for renewable energy sources have also been introduced, and the register of guarantees of origin for biomethane has been legally established and is awaiting technical launch. Only the provisions on accelerated renewable energy development zones remain unregulated [7].

To complete the transposition of Directive (EU) 2023/2413, the Ministry of Energy has prepared a draft Law "On Amendments to Certain Laws of Ukraine on the Implementation of European Union Legislation in the Field of Renewable Energy Sources", the adoption of which is expected in 2026, and the regulatory legal acts should be developed by the end of 2027. Ukraine has

demonstrated significant progress in harmonizing its legislation with Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency and plans to ensure full compliance with Directive 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955. This involves amending the Law of Ukraine "On Energy Efficiency" [6], introducing an energy efficiency obligation scheme, implementing the "energy efficiency first" principle and applying energy efficiency criteria in public procurement. It is also planned to create new financial mechanisms together with international organizations.

Progress is hampered by insufficient funding, limited administrative capacity and a lack of trained specialists at the local level. The biggest challenges are related to the requirements for reducing energy consumption in the state and municipal sectors, increasing the energy consumption reduction rate, mandatory implementation of energy management systems and energy audits, as well as requirements for decarbonization of the heating sector [15].

An important area of adaptation of Ukrainian legislation to the law of the European Union (EU acquis) is the fight against corruption. Ukraine has formed a comprehensive legislative and institutional system for preventing corruption in the energy sector, which was further strengthened by the Resolution of the Cabinet of Ministers of March 4, 2023 No. 220 on the State Anti-Corruption Program for 2023-2025 [8].

In conditions of martial law, corruption risks are increasing, however, Ukraine continues to implement measures to combat corruption through the activities of anti-corruption institutions, conducting audits of state-owned enterprises and improving corporate governance in energy companies. These steps are important for maintaining public trust, restoring energy infrastructure and attracting international investment. The draft Anti-Corruption Strategy for 2026-2030 contains a separate section dedicated to the energy sector. The Ministry of Energy of Ukraine has adopted an anti-corruption program for 2025-2027, the measures of which include enhanced procurement control, conflict of interest regulation, implementation of internal risk management

systems, as well as disciplinary and training mechanisms. Further priorities include ensuring proper implementation of the regulatory framework, expanding requirements for anti-corruption programs, strengthening the role of supervisory boards, and minimizing corruption risks in energy restoration projects through effective internal audit and risk management. It should be noted that the National Program for the Adaptation of Ukrainian Legislation to the Law of the European Union (the EU acquis) will be constantly updated, and an online platform will be created to ensure transparent monitoring of the progress of its implementation [7].

That is, based on the above, it can be concluded that, despite significant progress, the process of adapting Ukrainian legislation in the energy sector to the EU acquis is accompanied by a number of challenges, including the incomplete implementation of certain norms of European law, institutional instability of regulatory bodies, the influence of monopolized structures on the market, as well as difficult conditions associated with martial law and the destruction of energy infrastructure. An additional problem remains the insufficient level of investment in the modernization of the energy sector, which slows down the pace of reforms.

Thus, despite the ongoing war in the country, our state is steadily and successfully continuing its irreversible movement towards the European Union, implementing important transformations of state policy, including in the energy sector. The main areas of adaptation of legislation in the energy sector include market liberalization, increasing the level of energy security, developing energy efficiency and renewable energy, as well as the environmental transformation of the industry. Liberalization involves the formation of a competitive environment, the separation of energy activities and ensuring equal access to infrastructure, while energy security is strengthened through the diversification of supply sources and the implementation of European crisis response mechanisms. In parallel, energy efficiency policies are actively developing, aimed at reducing energy consumption in industry, the residential sector and transport.

Conclusions. Thus, the state policy of adapting the legislation of Ukraine

in the field of energy to the EU acquis is a complex and multi-level process that encompasses legal, institutional and economic transformations, the implementation of which contributes to the integration of Ukraine into the European energy space, increasing energy security and forming a modern competitive market for various types of energy. Despite the fact that the implementation of the National Program for Adapting the Legislation of Ukraine to the Law of the European Union is complicated by the conditions of a full-scale Russian invasion and limited financial resources, Ukraine confirms its readiness to ensure full compliance with European legislation in the field of energy. Further transformation of the state policy in the field of energy, the success of this process largely depends on the consistency of reforms, the efficiency of public administration and the ability of the national legal system to fully integrate European standards in this area.

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