

Integrated environmental permit: the key to Ukraine's eco-modernisation

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On 8 August 2025, the Law of Ukraine 'On Integrated Prevention and Control of Industrial Pollution', also known as the Law on Ecological Modernisation in Ukraine (hereinafter referred to as the Law), comes into force. The Law establishes the legal and organisational framework for the pollution prevention, reduction and control arising from certain types of activities in Ukraine.

The Law aims to ensure a high level of environmental protection and constitutional rights to a safe environment for life and health in Ukraine, which will be achieved through an integrated approach to pollution regulation and the implementation of the best available technologies and management methods in accordance with Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) of 24 November 2010.

1. General conditions for obtaining the Permit

1.1. Requirement to obtain the Permit

An Integrated Environmental Permit (hereinafter referred to as the Permit) is an

environmental permit issued by a permitting authority in Ukraine and entitling the operator to carry out activities related to the operation of facilities, namely the activities specified by the Law, under the conditions stipulated in the Permit to be obtained by facilities operators of before starting their operation.

The operators of facilities already commissioned at the time of the Law's entry into force are given 4 years to obtain the Permit in place of other types of permits (for emissions of pollutants into the atmosphere from stationary sources, for special water use and for waste treatment operations) which will remain valid during the specified transition period. Operators of facilities carrying out the activities specified in the Law shall apply for the Permit within 3 years from the Law's entry into force.

The Law also provides for amendments to the Permit in case of changes in the nature or operation of the installation or in case of its expansion and in case of revision and updating of its conditions, in some cases – amendments under a simplified procedure.

1.2. Permit scope

The Permit is issued for one or more facilities located at one industrial site and operated by one facility operator.

A facility operator is a business entity that carries out or intends to carry out technical operation of a facility that is in its ownership, trust, operational management, economic management or use.

If the Permit is issued for 2 or more facilities, it defines the requirements to ensure compliance with the Law by all facilities.

1.3. Conclusions for the Permit issuance

The Permit is issued based on the conclusions on the best available technology and management practices (hereinafter – the Conclusions).

If the conditions of the Permit are determined based on the best available technologies and management practices that are not described in any Conclusions related to the operation of the facility, these technologies and management practices must meet the criteria set out in the Law, and the maximum allowable emissions must be in compliance with the standards specified in the relevant Conclusions.

In the absence of Conclusions that include the type of activity or type of production process used at the facility, the Permit shall be issued in accordance with the best available technologies and management methods determined on the basis of the criteria specified by the Law and in line with environmental standards.

For a facility that is being put into operation for the first time, where activities will be carried out or that belongs to the facilities subject to environmental impact assessment under the Law of Ukraine 'On Environmental Impact Assessment' (for the latter, also in case of change in the nature or operation of the facility or its expansion), the Permit shall be issued after obtaining an environmental impact assessment conclusion that determines whether the planned activities are

permissible.

1.4. Permit validity period

The validity period of the Permit is unlimited.

1.5. Permit issuance fee

The fee for issuance of the Permit (amendments thereto) equals to 30 subsistence minimums for able-bodied persons established by law as of 1 January of the calendar year (in 2025 – it is UAH 90,840, approx. USD 2,165) when the relevant application for the Permit (amendments thereto) is submitted to the permitting authority.

The fee is not charged for amending the Permit under the simplified procedure, as well as in case of revision and updating the terms of such Permit.

1.6. Unified State Register of Permits

All information on Permits in electronic form is contained in the Unified State Register of Integrated Environmental Permits.

The Unified State Register of Integrated Environmental Permits (hereinafter – the Register) is a public electronic register that ensures the creation, collection, accumulation, storage, accounting, protection, display, processing, provision and publication of information and documents, as well as electronic interaction between facility operators, the permitting authority, competent authorities, other state authorities, local self-government bodies, and the public in order to prevent, reduce and control pollution arising from the activities, specified by the Law.

2. Types of activities requiring the Permit

The Law requires Permits for the following types of activities in Ukraine (often subject to achieving a certain level of performance or using certain methods):

- energy, in particular, oil and gas processing, coke production, gasification or liquefaction of coal and other fuels;
- production and processing of metals, in particular, roasting or agglomeration of metal ores, production of cast iron or steel, processing of ferrous and non-ferrous metals;
- mineral processing industry, in particular, production of cement, lime and magnesium oxide, glass, mineral substances and ceramic products;
- chemical industry, namely the production of organic and inorganic chemicals;
- waste management, including the disposal or recovery of hazardous and non-hazardous waste;
- other activities, including the production and processing of pulp from wood; pre-treatment of textile dyeing; operation of slaughterhouses, milk treatment and processing, etc.

3. Permit issuance procedure

The procedure for issuing the Permit includes the following steps:

- 1) submission of an Application for the Permit (amendments thereto);
- 2) preliminary review of the Application;
- 3) public discussion in the process of issuing (amending) the Permit;
- 4) consideration of the Application for the Permit (amendments thereto);
- 5) cross-border consultations (in cases provided for by law);
- 6) issuance of the Permit or the Decision to decline its issuance;
- 7) informing about the issuance of the Permit.

4. Main responsibilities of facility operators

The Law defines the main obligations of a facility operator in Ukraine to ensure compliance with the terms of the Permit, namely to:

- take measures to prevent pollution;
- apply the best available technologies and management methods;
- not to cause pollution that will result in violation of environmental, state health and safety standards and state health and safety regulations;
- prevent waste generation;
- in the event of waste generation, prioritise its preparation for reuse, recycling or recovery, and if technically and economically impossible – for its disposal, while avoiding or reducing any negative impact on the environment;
- use energy rationally;
- take measures to prevent accidents and minimise their consequences;
- in case of termination of facility operation and/or use of an industrial site or part thereof, take measures to avoid the risk of pollution and return the industrial site to a condition that meets the requirements of the Law.

In order to implement the requirements of the Law, facility operators shall establish an environmental protection unit and define its functions.

5. Supervision of facility operators

5.1. Inspections based on the list of facilities

The permitting authority reviews, approves and sends to the supervisory authority on a quarterly basis through the Register the list of facilities to be inspected for compliance with the terms of the Permit. The frequency of inspections is determined based on a systematic assessment of environmental risks and does not exceed:

- 1 year – for facilities with the highest risk level;
- 3 years – for facilities with the lowest risk level.

5.2. Inspections at the request of third parties

Inspections of facilities are also carried out on the basis of applications by:

- the public;
- Members of Parliament of Ukraine;
- local self-government bodies of territorial communities that may be affected by the facility's activities, as well as
- regional, Kyiv and Sevastopol city state administrations, the executive authority of the Autonomous Republic of Crimea on ecology and natural resources at the location of the facility regarding violation of environmental legislation as a result of the facility's activities or in other cases provided for by the Law.

Within its competence, the controlling authority shall take measures to ensure that the facility operator complies with the terms of the Permit and implements the measures specified in the documents drawn up by the controlling authority based on the results of the inspection in a timely manner. If grounds for revocation of the Permit are identified, the supervisory authority shall contact the permitting authority.

6. Permit revocation

The Permit may be revoked at the facility operator's or permitting authority's initiative in line with the Law of Ukraine 'On Administrative Procedure', taking into account the specifics defined by this Law, in the following cases:

- 1) at the request of the facility operator;
- 2) due to termination of the facility operation provided that the requirements of the Law are met;
- 3) 2 or more unlawful obstructions to the inspection of the controlling authority within 1 year, established by a court decision that has entered into force;
- 4) failure of the facility operator to comply with the requirement of the permitting authority to amend the Permit in case of its revision and an update of its conditions;
- 5) changes in the nature or operation of the facility or its expansion that require amendments to the Permit, until such changes, identified during the inspection of the controlling authority or based on the results of the review of the facility operator's reports by the permitting authority, are made;
- 6) application of special economic and other restrictive measures (sanctions) to the facility owner, facility operator or persons under their control under the Law of Ukraine 'On Sanctions';
- 7) the activities for which the Permit was obtained have not been commenced within 4 years from the date specified in the Permit, and if no such date had been specified, within 2 years from the date of the facility commissioning;
- 8) violation of the Permit or its conditions by the facility operator, for the elimination of which an order, instruction or other administrative document with a deadline was issued.

The permitting authority shall decide to initiate administrative proceedings for

revocation of the Permit:

- on its own initiative – within 20 working days from the date of a relevant appeal from a competent authority, other executive or local self-government authorities or the public;
- on the facility operator's initiative – no later than the next business day after receipt of the relevant application.

Within 10 working days from the date of publication of the decision to initiate administrative proceedings for the Permit revocation through the Register, the facility operator has the right to submit objections, explanations and any additional information to the permitting authority, as well as to request a conciliation meeting.

The permitting authority shall make a decision:

- to revoke the Permit or
- to close the administrative proceedings on the Permit revocation within 10 working days from the date of receipt of objections, explanations and any additional information from the facility operator, or within 5 working days from the date of the conciliation meeting, and to notify the facility operator through the Register.

The decision shall be published through the means of the Register and shall be substantiated.