

## Obtaining integrated environmental permit in Ukraine

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Pursuant to the Law of Ukraine "On Integrated Pollution Prevention and Control" (hereinafter referred to as the Law), which will come into force on 8 August 2025, within the framework of the implementation of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), manufacturing enterprises in a number of industries will be required to obtain an integrated environmental permit.

The procedure for obtaining the Permit under the Law is discussed below.

#### 1. Submitting an Application to obtain (amend) the Permit

##### 1.1. Application form

The facility operator submits an application for obtaining (amending) the Permit (hereinafter referred to as the Application) to the permitting authority (the Ministry of Environmental Protection and Natural Resources of Ukraine) in

electronic form through the Unified State Register of Integrated Environmental Permits (hereinafter referred to as the Register).

## 1.2. Application content

The application contains information about:

- 1) the facility operator and documents confirming the authority to carry out technical operation of the facility;
- 2) the facility and its activities (main and auxiliary activities), geographical coordinates of the industrial site
- 3) raw materials and auxiliary materials, other substances and types of energy used at the facility or generated by it;
- 4) sources of emissions from the facility and sources of their formation;
- 5) conditions and climatic characteristics of the area where the installation is located;
- 6) condition of the industrial site;
- 7) nature and amount of emissions from the facility, impact of emissions on the environment;
- 8) types and volumes of waste generated;
- 9) justification of water demand with monthly standardised calculation of water use and discharge;
- 10) description and diagram of water intake and wastewater discharge sites;
- 11) technology and other technical solutions, including, inter alia, the conditions of the technological process used to prevent, and if this is not possible, to reduce emissions from the facility;
- 12) measures to prevent and reduce the production of waste at the facility and to prepare it for treatment;
- 13) measures to ensure the fulfilment of the main duties of the facility operator in line with the Law;
- 14) measures to monitor emissions, land and groundwater pollution in accordance with the requirements of the Law;
- 15) the main alternatives to the proposed technology, technical solutions and measures indicated in paragraphs 11-14, which were studied by the facility operator.

The Application shall also include an assessment of compliance with the best

available technology and management practices, and a non-technical summary of the information provided above for a general audience.

### **1.3. Information and documents to be attached to the Application**

Together with the Application, the facility operator shall submit (in cases prescribed by the Law):

- 1) a baseline report;
- 2) a deviation assessment;
- 3) a statement on the obligation to decommission the facility with justification and grounds for determining its final lifetime;
- 4) results of the environmental impact assessment;
- 5) a list of sites where the application can be reviewed during the public discussion and their addresses, as well as a list of territorial communities with indication of administrative-territorial units that may be affected by the facility's operation;
- 6) a document confirming payment of the fee for the Permit issuance (amendments thereto);
- 7) information confirming the fact and date of publication, posting or other way of announcing the start of public discussion in the process of the Permit issuance (amendment).

The latter 2 documents shall be submitted within 15 business days from the date of receipt of the decision (conclusion) on the acceptability of the Application based on the results of the preliminary review.

The Application may be accompanied by other data determined by the facility operator that substantiate the information specified in the Application.

## **2. Preliminary consideration of the Application**

Within 3 working days from the date of the Application receipt, the permitting authority shall publish the Application and attached documents through the Register.

Within 30 working days from the date of receipt of the Application and attached documents, the permitting authority shall conduct a preliminary review for compliance with the requirements of form and content specified by the Law and provide the facility operator with a decision (conclusion) through the Register:

- on the necessity to eliminate deficiencies and bring the Application and attached documents in compliance with the requirements of the Law. In the decision (conclusion), the permitting authority shall indicate an exhaustive and substantiated list of deficiencies to be eliminated within 30 days, or
- the Application acceptance.

At the same time, the facility operator is issued an announcement of the start of public discussion in the process of the Permit issuance (amendment) for its publication.

### **3. Public discussion regarding the Permit issuance (amendments thereto)**

#### **3.1. Announcement of a public discussion**

To receive and take into consideration the proposals and comments of the public, the permitting authority shall publish an announcement on the start of public discussion in the process of issuing (amending) the Permit (hereinafter referred to as the Announcement) through the means of the Register, including by targeted delivery.

In addition, the announcement shall be posted (the posting shall be ensured during the entire period of public discussion):

- on the official websites of the relevant executive authorities at the facility location and on the websites and notice boards of local self-government bodies of territorial communities that may be affected by the facility's activities – no later than the next day after receipt;
- by the facility operator at its premises and at least 3 public spaces in all settlements that may be affected by the facility's activities, as well as in the administrative-territorial unit at the facility location – within 15 working days from the date of receipt of the decision (conclusion) on the acceptability of the Application.

The Application and attached documents submitted by the facility operator shall be open and made available to the public by the permitting authority, local self-government authorities and the facility operator.

#### **3.2. Public discussion procedure and deadlines**

The permitting authority shall ensure public discussion in the process of the Permit issuance (amendment). The term of public discussion is 30 working days from the date of announcement publication.

Public hearings in the process of the Permit issuance (amendment) shall be held during the public discussion, but not earlier than on the 10th business day after the announcement is published, provided that at least 5 persons are registered to participate in them.

Based on the results of the public discussion, the permitting authority shall prepare a report on the public discussion, summarising the received comments and suggestions of the public and indicating how those comments and suggestions of the public submitted in accordance with this article were taken into account, partially taken into account or reasonably rejected in the Permit terms.

### **4. Consideration of the Application for obtaining (amending) the Permit**

#### **4.1. Conclusions, comments and proposals on the Permit issuance**

The permitting authority shall simultaneously with the publication of the

Application and the documents attached thereto, send them through the Register:

- to the competent authorities;
- other executive authorities with competence related to the Permit terms;
- local self-government bodies of territorial communities that may be affected by the facility's activities.

Within 5 working days from the date of completion of the public discussion in the process of the Permit issuance, the competent authorities within their competence shall provide the permitting authority with conclusions on the Permit issuance (amendments thereto) containing the following:

- proposals to the Permit terms and conditions;
- proposals for consideration, partial consideration or justified rejection of public comments and proposals.

Regional, Kyiv and Sevastopol City State Administrations, executive authorities on ecology and natural resources of the respective administrative-territorial units that may be affected by the facility's operation shall:

- publish information on the time, date, place and address of public hearings on their official websites at the facility location;
- hold public hearings within the respective administrative-territorial units; and
- submit the conclusion on the Permit and minutes of public hearings to the permitting authority.

The State Ecological Inspection of Ukraine, as the controlling authority, based on the information received from the permitting authority shall:

- inspect the facility, examine the facility and the industrial site to ensure that the information contained in the Application and the documents attached thereto reflect the actual state of the facility;
- draws up an act based on the results of a scheduled (unscheduled) state supervision (control) measure and submits it to the permitting authority through the Register.

Other executive authorities and local self-government bodies may submit comments and suggestions to the permitting authority on the Application and the documents attached thereto.

The licensing authority shall publish through the Register the conclusions and proposals of the competent authorities, acts drawn up as a result of the scheduled (unscheduled) state supervision (control) measure, as well as comments and proposals of other executive authorities, local self-government bodies within 3 working days from the date of their receipt.

## **4.2. Convening the conciliation meeting**

The permitting authority shall convene a conciliation meeting, in particular:

- to coordinate the positions of the competent authorities regarding the Permit issuance (amendments thereto) and its conditions;

- to consider the issue of granting a deviation;
- at the request of the facility operator submitted before the end of the review period;
- if necessary, at its own initiative.

The conciliation meeting shall be attended by representatives of the permitting authority, competent authorities and the facility operator, as well as representatives of other executive authorities, local self-government bodies and the public who submitted comments and proposals under the Law.

The conciliation meeting shall be convened after the expiry of the period for the Application review by the competent authorities and shall be held no later than 10 business days before the expiry of the period for the Permit issuance (amendment) or denial to issue (amend) it. Prior to convening the conciliation meeting, the permitting authority shall prepare a draft of the Permit and provide access to it through the Register. Decisions made as a result of the conciliation meeting shall be recorded in the minutes.

#### **4.3. Facility operator's consent to the Permit terms**

The permitting authority shall publish the minutes of the conciliation meeting through the Register no later than 3 working days after the date of its holding.

Within 3 working days from the date of publication of the conciliation meeting minutes, the facility operator shall submit to the permitting authority through the Register a written consent of the facility operator to the Permit terms and conditions.

#### **5. Cross-border consultations**

If the permitting authority believes that the installation may cause significant adverse environmental impacts in foreign countries, or if a request is received from a foreign country that may be affected, the permitting authority shall send to such country the information contained in the announcement of the start of public discussion in the process of the Permit issuance (amendment) and at the same time provide it with access to the Application and the documents attached thereto.

This information is the basis for any cross-border consultations with a foreign country. The permitting authority shall agree with the foreign country on the procedure for providing the foreign public with the opportunity to submit comments and proposals to the Application and attached documents on the Permit issuance (amendments) and its conditions during the period of cross-border consultations.

The results of the cross-border consultations shall be taken into account when issuing (amending) the Permit or when making a decision to deny its issuance (amendment). For this purpose, the permitting authority may convene a conciliation meeting.

The permitting authority shall inform the foreign country with which the cross-border consultations were held about the Permit issuance (amendments) or denial.

## **6. Permit issuance or decision to deny it**

The permitting authority shall issue (amend) the Permit or decide to deny issuance (amendment) based on the results of consideration or taking into account:

- the Application and attached documents submitted by the facility operator;
- conclusions and proposals of the competent authorities, as well as comments and proposals of other executive authorities and local self-government bodies (if submitted);
- minutes of the conciliation meeting (if held);
- results of public discussion;
- results of cross-border consultations (if any);
- results of the environmental impact assessment (in cases stipulated by the Law).

The permit or decision to refuse to issue it shall be issued:

- within 30 working days from the date of consideration of the Application and the documents attached thereto by the competent authorities;
- in the case of consideration of granting a derogation – within 45 working days;
- in the case of cross-border consultations – within 25 working days from the date of their completion.

## **7. Notification on Permit issuance or denial**

The permitting authority informs the facility operator about the Permit issuance through the Register and simultaneously publishes it in the same way:

- the issued Permit and any amendments made to it;
- minutes of the conciliation meeting (with the written consent of the facility operator to the terms of the Permit, if granted);
- report on public discussion;
- decision to deny issuance (amendment) of the Permit – if any.

The permitting authority shall deny issuance (amendment) of the Permit if:

- the facility operator has submitted an incomplete package of documents as required by the Law;
- the submitted Application and the documents attached thereto do not meet the requirements for form and content specified by the legislation;
- the facility operator has not provided written consent to the Permit terms and conditions in cases stipulated by the Law;
- the Application and attached documents submitted by the facility operator contain inaccurate information;
- the facility operation does not meet the requirements of the Law;
- special economic and other restrictive measures (sanctions) have been applied to the facility owner, facility operator or persons under their control in accordance with the Law of Ukraine 'On Sanctions';
- the facility operator has violated the procedure for obtaining the Permit.