

The Integrated Permit in Ukraine: key conditions

Introduction

1. Permit conditions

2. Criteria for determining the best available technology and management practices

3. Maximum permissible emissions

4. Derogations from maximum permissible emissions

4.1. Conditions for granting a derogation

4.2. Derogation period

5. Peculiarities of monitoring emissions, land and groundwater pollution

6. Compliance with the Permit conditions

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The Integrated Environmental Permit (hereinafter – the Permit) is an environmental permitting document, which, in accordance with the Law of Ukraine 'On Integrated Industrial Pollution Prevention and Control' (hereinafter – the Law), will become an important mechanism for regulating the environmental impact of industrial enterprises from 8 August 2025. The Permit will be issued by the permitting authority in Ukraine and will grant the right to operate facilities, namely, to carry out the activities specified in the Law, under the conditions set out in the Permit.

1. Permit conditions

Under the Ukrainian legislation, the Permit conditions include:

- 1) maximum permissible emissions;
- 2) limits of water intake and use, pollutant discharge, other characteristics and conditions of water use;
- 3) requirements and measures set out in water legislation, legislation on air protection, waste management, prevention and elimination of the consequences of emergencies, energy saving and land protection, public health and sanitary and epidemiological safety of the population;
- 4) requirements to ensure protection of land and groundwater, as well as measures to account for and manage waste generated by the facility;
- 5) requirements for monitoring emissions, land and groundwater pollution;
- 6) the obligation to regularly (within the timeframe specified by the permitting

authority) submit a report of the facility operator on compliance with the Permit conditions;

7) in cases provided for by law, the obligation to conduct environmental and energy audits;

8) requirements to ensure regular implementation and evaluation of the effectiveness of measures taken to prevent emissions to land and groundwater, and requirements to monitor land and groundwater pollution;

9) requirements for measures in connection with circumstances other than normal operation of the facility (launch, shutdown, leakage, malfunction, short-term downtime, shutdown of the facility);

10) provisions for minimising long-distance or cross-border pollution;

11) requirements for the facility operator to monitor compliance with the maximum permissible emissions or references to the relevant legal requirements for such monitoring;

12) requirements for shutdown of the facility and/or use of the industrial site or part thereof.

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The permitting authority shall set the Permit conditions in accordance with the conclusions on the best available technologies and management methods (hereinafter – the Conclusions) or in accordance with the Law, if they are not described in the Conclusions, and may apply additional measures or stricter Permit conditions to ensure environmental standards.

2. Criteria for determining the best available technologies and management practices

For the purpose of assessing compliance of technologies and management practices specified in the application for the Permit (amendments thereto) with the best available technologies and management practices, facility operators and the permitting authority in Ukraine shall be guided by the following criteria:

1) application of low-waste technologies;

2) use of less hazardous substances;

3) recovery and recycling of substances generated and used in the production process and waste treatment;

4) comparable processes, technical means and methods of operation successfully tested on an industrial scale;

5) technological advances and changes in scientific knowledge and understanding;

- 6) emissions nature, impact and volumes;
- 7) date of facility commissioning;
- 8) implementation period for the best available technology and management practices;
- 9) consumption and nature of raw materials (including water) used in the production process as well as energy efficiency;
- 10) the need to prevent or minimise the overall impact of emissions on the environment and the risks, in particular to human life and health, associated with such impact;
- 11) the need to prevent accidents and minimise their consequences for the environment and public health;
- 12) information published by international intergovernmental organisations.

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The same criteria are established for determining the Permit conditions in the absence of approved Conclusions or for determining the Permit conditions based on the best available technology not described in any Conclusions related to the facility's operation.

3. Maximum permissible emissions

Emission is a direct or indirect release, in particular discharge, of substances, vibrations, heat, noise or other physical and biological agents from the facility into the air, water, land or subsoil.

The permitting authority shall determine the maximum permissible emissions for substances, vibration, heat, noise, and other physical and biological agents that will be released as a result of the facility's operation in the Permit conditions:

- in accordance with the Conclusions on the best available technologies and management methods;
- in accordance with environmental standards (for emissions not included in such Conclusions, as well as in the absence of approved Conclusions).

In some cases, maximum permissible emissions may be supplemented or replaced by other parameters or technical measures that ensure an equivalent level of environmental protection.

4. Derogations from maximum permissible emissions

Pursuant to the Ukrainian legislation, the permitting authority may determine less stringent maximum permissible emissions for a particular facility compared to the standards set out in the Conclusions (hereinafter referred to as the Derogation).

4.1. Conditions for granting a derogation

A derogation is granted under the following conditions:

- 1) valid Conclusions for the relevant type of activity carried out at the facility are available;
- 2) the installation is already in operation (in case of obtaining the Permit for the first time or in case of updating the Permit conditions);

Note! No derogation shall be granted for installations being put into operation for the first time.

3) disproportionately high cost of complying with the maximum permissible emissions standards compared to the environmental benefits due to the facility's geographical location, local environmental conditions or technical characteristics, which increase the cost of complying with the maximum permissible emissions set out in the Conclusions, compared to other facilities with the same type of activity or technological process.

Note! No derogation shall be granted if the permitting authority is unable to ensure compliance with environmental, state health standards and state health regulations approved in accordance with the legislation in case of a derogation.

4.2. Derogation term

1) Maximum term

According to the Ukrainian legislation, a derogation is granted for the period of implementation of concrete measures specified in the Permit conditions and may not exceed 7 years from the date of application of the Conclusions on the best available technologies and management methods for which the derogation is granted. Note! The term of a derogation is not subject to extension.

2) Temporary derogations

The permitting authority grants temporary (up to 9 months) derogations from certain requirements of the Law to facility operators for testing, application of the latest technologies and management practices specified in the Best Available Technology and Management Practices (BREFs) reference documents, provided that:

- the technology is discontinued after the specified period or
- the technology results in maximum permissible emissions are at least in line with the maximum permissible emission standards specified in the Conclusions for the relevant activity carried out at the facility.

5. Peculiarities of monitoring emissions, land and groundwater pollution

The Permit for each individual facility, in accordance with the Conclusions and environmental standards, determines, in particular:

- measurement frequency and requirements for emissions monitoring;
- requirements for the installation and operation of automated equipment for emissions monitoring (in the manner and cases stipulated in the Conclusions and environmental standards);

- location of sampling and measurement points for monitoring purposes.

Automated emission monitoring equipment is subject to:

- control over its installation and operation;
- annual inspection in line with the requirements of the legislation on metrology and metrological activities;
- control by means of parallel measurements using control methods at least once a year.

The results of emission monitoring obtained using automated measurement systems are transmitted to the permitting and regulatory authorities in real time.

In accordance with the requirements of the Conclusions, pollution is monitored periodically for:

- groundwater – at least once every 5 years;
- land – at least once every 10 years,

unless it is based on the principle of systematic pollution risk assessment.

The facility operator shall record, process and present the results of monitoring emissions, land and groundwater pollution in such a way as to enable the supervisory authority to verify their accuracy and control compliance with the Permit conditions.

The results of monitoring of emissions, land and groundwater pollution:

- are stored for the entire period of a facility's operation and until its decommissioning;
- are submitted to the permitting and controlling authorities in accordance with the requirements of the Law.

6. Compliance with the Permit conditions

Facility operators shall ensure compliance with the terms of the Permit and submit to the permitting authority through the Unified State Register of Integrated Environmental Permits its report on the compliance with the Permit terms (hereinafter referred to as the Report). The form and content requirements of the Report are approved by the Ministry of Environmental Protection and Natural Resources of Ukraine. The information used to compile the Report shall be kept for the entire period of the facility's operation and until its decommissioning.

Frequency of Report submission:

- once a year, no later than 31 March of the year following the reporting year;
- in case of granting a derogation, the permitting authority may establish an obligation to submit the Report more often than once a year.

In case of violation of the Permit conditions, the facility operator shall:

- 1) inform the permitting and controlling authorities within 24 hours;

2) take measures to ensure the compliance with the Permit conditions as soon as possible;

3) take measures deemed necessary by the permitting or controlling authority to restore compliance with the Permit conditions within the period determined by the authority.

If a violation of the Permit conditions poses an immediate danger to human life and health or creates a threat of environmental damage, the facility operator shall temporarily cease operation until the above measures are taken and compliance with the Permit conditions is restored.