

## Conciliation meeting on integrated environmental permits in Ukraine

1. When is the conciliation meeting held?
2. Deadlines for convening a conciliation meeting
3. Participation in a conciliation meeting
4. Procedural powers of the Ministry of Environmental Protection of Ukraine
5. Minutes of the conciliation meeting
6. Significance of the conciliation meeting

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On 8 August 2025, the Procedure for holding a conciliation meeting on the issuance of an integrated environmental permit (hereinafter referred to as the IEP), approved by the Resolution of the Ukrainian Government dated 28 January 2025 (hereinafter referred to as the Procedure), will come into force in Ukraine. This by-law comes into force simultaneously with the Law of Ukraine 'On Integrated Prevention and Control of Industrial Pollution', which it is intended to implement.

Related article: Obtaining integrated environmental permit in Ukraine

The Procedure establishes a process for holding a conciliation meeting on issuing (amending) an IEP and on an administrative procedure for its revocation, as well as requirements for the form and content of the conciliation meeting minutes. Thus, the Procedure introduces an important mechanism for coordinating the terms of the IEP between businesses, the state, and the public.

### 1. When is a conciliation meeting held

A conciliation meeting is a regulated mechanism for communication between the Ministry of Environmental Protection and Natural Resources of Ukraine (hereinafter referred to as the Ministry of Environmental Protection), enterprises, competent authorities and the public. The Ministry of Environmental Protection convenes a conciliation meeting in the following cases:

- 1) to coordinate the positions of relevant authorities on the issuance (amendment) of an IEP and its conditions;
- 2) to consider the issue of granting a derogation from the best available technologies and management methods;
- 3) at the request of a facility operator submitted before the expiry of the deadline for consideration of an application for the issuance (amendment) of an IEP by the relevant authorities;
- 4) to determine the IEP conditions if the activity or type of production process applied at the facility is not included in any conclusions on the best available technologies and management methods or if such conclusions do not cover all potential impacts of the activity or production process on the environment;
- 5) if necessary – to take into account the results of cross-border consultations during the issuance (amendment) of the IEP or when deciding to refuse to issue (amend) it;
- 6) at the request of a facility operator submitted within 10 working days from the date of publication of the decision to initiate administrative proceedings for the revocation of the IEP;
- 7) if necessary – on its own initiative.

A request by a facility operator to hold a conciliation meeting shall be submitted through the Unified State Register of Integrated Environmental Permits in a free form, setting out the essence of the issues raised.

## **2. Deadlines for convening a conciliation meeting**

In accordance with the Procedure, the Ministry of Environmental Protection shall, no later than 5 working days before the date of the conciliation meeting:

- notify the participants of the conciliation meeting of its convening and
- publish a notice of the convening of the conciliation meeting on the official website of the Ministry of Environmental Protection and through the Register.

If it is not possible for the representatives of the meeting participants to attend it, they shall notify the Ministry of Environmental Protection

no later than 3 working days before the date of the conciliation meeting. In such a case, no later than the next working day after receiving a notification of inability to participate, the Ministry of Environmental Protection shall inform the relevant representatives of the participants on another date for the conciliation meeting. The conciliation meeting may be postponed only once.

### **3. Participation in the conciliation meeting**

The conciliation meeting shall be held in a mixed format: online and in person at the premises of the Ministry of Environmental Protection of Ukraine. The conciliation meeting shall be chaired by a representative of the Ministry of Environmental Protection, who shall announce the reason for convening the conciliation meeting and the list of issues to be discussed.

The conciliation meeting shall be attended by representatives of:

- the Ministry of Environmental Protection of Ukraine;
- the facility operator;
- competent authorities;
- executive authorities;
- local self-government bodies;
- the public.

### **4. Procedural powers of the Ministry of Environmental Protection of Ukraine**

The Ministry of Environmental Protection is authorised to:

1) convene a conciliation meeting:

- as part of the procedure for issuing (amending) an IEP – after the deadline for consideration of the application for obtaining (amending) an IEP by the competent authorities has expired;
- in administrative proceedings for the revocation of an IEP – within 10 working days from the date of receipt of a request from the facility operator to hold a conciliation meeting or the expiry of the deadline for the facility operator to submit such a request (if a conciliation meeting is convened on the initiative of the Ministry of Environmental Protection);

2) notify the facility operator, competent authorities, as well as representatives of other executive authorities, local self-government bodies and the public who:

- submitted comments and proposals as part of the procedure for issuing (amending) the IEP or
  - applied to the Ministry of Environmental Protection for the initiation of administrative proceedings for the revocation of the IEP;
- 3) prepare a draft IEP and publish it through the Register as part of the procedure for issuing (amending) the IEP;
- 4) publish a notice of the convening of a conciliation meeting;
- 5) hold a conciliation meeting:
- no later than 10 working days before the expiry of the deadline for issuing (amending) the IEP or rejecting it;
  - within 10 working days from the date of receipt of the request from the facility operator or from the date of expiry of the deadline for the facility operator to submit objections, explanations or information (if a conciliation meeting is convened at the initiative of the Ministry of Environmental Protection);
- 6) draw up and publish the minutes of the conciliation meeting.

## 5. Minutes of the conciliation meeting

Based on the results of the conciliation meeting, minutes shall be drawn up by the Ministry of Environmental Protection. The minutes shall include:

- the date of the meeting;
- the meeting chairperson and participants;
- the agenda;
- the content of the discussion of the agenda items, decisions taken as a result of the discussion;
- the opinions of the competent authorities, other executive bodies, local self-government bodies and the public;
- the opinions or explanations and/or objections of the facility operator.

The minutes shall also include:

- the opinions of the Ministry of Environmental Protection on the issues submitted to the conciliation meeting;
- the position of the Ministry of Environmental Protection on issues on which the participants of the conciliation meeting did not reach agreement and which are determined by its decision;

- decisions adopted following the conciliation meeting on each of the issues submitted for discussion and coordination.

The minutes of the conciliation meeting may be in paper or electronic form. They shall be signed by the chairperson. The Ministry of Environmental Protection of Ukraine shall publish the minutes through the Register no later than 3 working days after the date of the meeting.

## 6. Significance of the conciliation meeting

The conciliation meeting is a critically important stage in the procedure for obtaining or changing an IEP. If an enterprise fails to participate, unrealistic standards, expensive technological requirements or shortened modernisation deadlines may be set. The conciliation meeting gives the enterprise an opportunity to influence the final terms of the permit before it is issued.

If administrative proceedings are initiated to revoke an already issued IEP, the conciliation meeting is the last chance to defend its preservation. If the enterprise doesn't participate, the decision will be made without considering its arguments.

Therefore, a conciliation meeting is not a formality, but a functional tool for protecting businesses in the new environmental regulation system. Active and legally sound participation in this procedure helps reduce regulatory risks, avoid unjustified costs and ensure sustainable economic activity in accordance with the principles of environmental responsibility.

To make the most of the conciliation meeting, it is worth bringing in experts like technologists, lawyers, and environmentalists, and getting the enterprise's stance sorted out ahead of time.