

Public hearings for the issuance of integrated environmental permits in Ukraine

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On 8 August 2025, the Procedure for organising and conducting public hearings in the process of issuing (amending) an integrated environmental permit, approved by the Resolution of the Government of Ukraine dated 21 February 2025 (hereinafter referred to as the Procedure), shall enter into force in Ukraine.

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

The Procedure shall enter into force simultaneously with the Law of Ukraine 'On Integrated Prevention and Control of Industrial Pollution' (hereinafter referred to as the Law), for the implementation of which it was adopted.

The Procedure establishes the process for organising and holding public hearings (hereinafter referred to as public hearings) during the process of issuing an integrated environmental permit (hereinafter referred to as IEP) in accordance with the Law.

1. A notice of the start of public hearings

The Ministry of Environmental Protection of Ukraine prepares and publishes, through the Unified State Register of Integrated Environmental Permits (hereinafter referred to as the Register), a notice of the start of public hearings in the process of issuing (amending) an IEP (hereinafter referred to as the notice) to inform:

- the facility operator;
- 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;
- the local self-government bodies of territorial communities that may be affected by the facility's activities.

2. Content of the notice of the start of public hearings

The notice of the Ministry of Environmental Protection and Natural Resources of Ukraine shall contain the following information:

- administrative-territorial units where public hearings are planned;
- conditions under which they are held;
- procedure for registration through the Register for participation.

3. Registration to participate in public hearings

Registration to participate in public hearings shall be carried out through the Register within 5 working days from the day following the day of publication of the notice.

On the next working day after the expiry of the 5-day period, the Ministry of Environmental Protection and Natural Resources of Ukraine shall inform the bodies conducting public hearings, through the Register, on the number of persons registered for the public hearings and the

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need to hold public hearings.

4. Organising public hearings

The body conducting the public hearings shall, no later than on the second working day after receiving information from the Ministry of Environmental Protection:

- determine the conditions, place, date and time of the public hearings;
- enter this information into the Register;
- publish it on its official website and through the Register;
- send it to persons who have registered to participate in public hearings.

The venue for public hearings shall be determined by the body conducting the public hearings, taking into account the number of persons who have registered to participate in the public hearings. The format of the hearings shall be as follows:

- in the premises determined by the body conducting the public hearings;
- mixed format: online and in a designated room;
- video conference format (during the period of martial law in Ukraine).

The public hearings shall be held no earlier than on the 5th working day after the publication of information about the conditions, place, date and time of the public hearings through the Register.

5. Powers of the body conducting the hearings

The body conducting public hearings shall ensure:

- registration of participants in public hearings in the register of participants;
- registration of speeches by participants in public hearings in the register of speeches;
- audio and/or video recording of public hearings;
- chairing of public hearings;
- conduct of public hearings in accordance with the Procedure;
- preparation of the minutes of public hearings, an integral part of which is an audio and/or video recording.

6. Powers of the chairperson of public hearings

In accordance with Ukrainian legislation, the chairperson of public hearings is an authorised representative of the body conducting the public hearings.

At a public hearing, the chairperson:

- opens the public hearing (introduces the facility operator, provides information about the IEP being the subject of the public hearing);
- determines the procedure for the public hearing;
- announces the public hearing agenda and procedure;
- informs about the audio and/or video recording of the public hearing, the procedure for keeping the minutes of the public hearing, and the submission of oral and written comments and proposals during the public hearing;
- gives the facility operator the opportunity to present basic information about the facility and the provisions of the application for obtaining (amending) the IEP;
- gives members of the public the opportunity to ask questions to the facility operator, experts and specialists present and to express their opinions;
- ensures that the discussion is conducted and that comments and proposals from the public are submitted in accordance with the procedure;
- closes the public hearing and informs the participants on how the comments and proposals of the public will be taken into account.

7. Procedure for conducting public hearings

7.1. Chairperson's report

A public hearing shall begin with a report by the chairperson, who shall briefly inform those present about the subject matter of the issues under discussion, the composition of the participants, and the order and procedure of the public hearing. The chairperson shall convey to those present the information provided by the facility operator regarding the publication of the notice, as well as the location and availability of the documentation required by law.

7.2. Facility operator's report

The facility operator's report shall contain information on:

- the facility;

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- the nature and quantity of expected emissions, discharges and waste from the facility;
- the proposed technology and technical solutions for the prevention and reduction of emissions and waste generated by the facility;
- measures for monitoring emissions;
- the baseline report, derogation justification and assessment (if submitted);
- other information on the installation determined by the facility operator.

7.3. Participants' speeches in public hearings

After the facility operators report , the chairperson shall give participants in the public hearing an opportunity to ask questions to the speaker.

The facility operator shall ensure that questions from the public are answered:

1) orally during the public hearings and included in the minutes of the public hearings; or2) in writing within 5 working days of the public hearings and relayed to:

- the person having asked the question, as indicated in the register of participants;
- the body having conducted the public hearing for inclusion in the minutes.

All participants in public hearings shall be provided with equal opportunities to exercise their rights:

- to express their opinion;
- to submit comments and proposals;
- to make audio- or video-recordings or webcasts of the public hearing.

8. Documenting public hearings in Ukraine

8.1. Registration in the speech log

In order to ensure the proper conduct of public hearings, participants in public hearings shall be registered in the speech log. However, the procedure also provides for the possibility of speeches by participants in public hearings who are not registered in the speech log.

8.2. Recording comments and suggestions

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All oral comments and proposals shall be recorded in the minutes of a public hearing. The absence of comments and proposals from the public shall be recorded in the relevant section of the minutes.

Written comments and suggestions submitted during public hearings shall be recorded in a log (record) of written comments and suggestions and attached to the minutes of the public hearing (except in cases where public hearings are held in the form of a video conference).

8.3. Submitting the minutes to the Ministry of Environmental Protection of Ukraine

The signed minutes of a public hearing with all attachments or an act of non-attendance of the facility operator's representative shall be submitted to the Register no later than the last day of the public hearing in the process of issuing (amending) an IEP to the Ministry of Environmental Protection of Ukraine by the body that conducted the public hearing.

9. Legal consequences of failure to attend public hearings in Ukraine

The legal consequences of non-attendance at public hearings in the process of issuing (amending) an IEP depend on the entity that failed to attend.

In particular, in case of failure to appear:

- by representatives of the public – a report on the failure of representatives of the public to appear shall be drawn up, and the public hearings shall be deemed to have taken place;
- by a representative of the facility operator – a report on the failure of the representative of the facility operator to appear shall be drawn up, and the public hearing shall be deemed not to have taken place;
- by an authorised representative of the body conducting the public hearings – the hearings shall be deemed not to have taken place.

If the public hearing is deemed to have not taken place, a repeat public hearing shall be held. Information about the repeat public hearing shall be published in the Register and on the official website of the body conducting the public hearing.

Repeat public hearings shall be held no earlier than 5 working days after the official publication and no more than once.

Failure of the facility operator's representative to attend the repeat public hearings shall be grounds for refusing to issue (amend) the IEP.

10. Practical significance of the Procedure

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The new Procedure for organising and conducting public hearings in the process of issuing (amending) IEPs provides a clear, regulated and technologically sound mechanism for public participation in decision-making on the activities of industrial installations.

This is another step towards transparency, environmental safety and democratic governance in Ukraine. It is important for businesses, communities and authorities to familiarise themselves with the new requirements now in order to implement them effectively from 8 August 2025.