

# THE LAW OF UKRAINE<sup>1</sup>

## On the National Pollutant Release and Transfer Register

This Law defines the legal and organizational principles for the creation and operation of the National Pollutant Release and Transfer Register in order to ensure public access to complete, consistent and reliable data on releases and transfer of pollutants and waste.

### CHAPTER I. GENERAL PROVISIONS

#### Article 1. Definition of terms

1. In this Law, the subsequent terms are used in the following meaning:

1) release - introduction of pollutants into the environment as a result of human activity, in particular, releases, exceeding the normative limit values, accidental releases, including spillage, injection, disposal, including landfilling, deposition of extractive industries waste in heaps, discharge into water bodies or discharge through sewage systems without final return (wastewaters) waters treatment;

2) source of releases - a physical object from which pollutants can be released into air, water or land;

3) diffuse sources - small or scattered sources of releases, including mobile sources, from which pollutants can be released to air, water or land, which combined have a significant impact on the environment and for which it is impractical to compile and submit reports on the source;

4) report on diffuse sources - a document containing the data necessary to determine the amount of releases from diffuse sources in the reporting year;

5) permitted methods - methods of measuring or calculating the amount of pollutants and waste in releases and transfer of pollutants and waste, defined by normative legal acts or normative documents, to which there are relevant references in normative legal acts, used by operators during the preparation of the operator's report and by a competent authority - to determine the volume of releases from diffuse sources;

6) pollutant - a polluting substance or a group of substances that, due to their properties, can have a negative impact on the environment or human health as a result of their introduction into the environment;

7) accident release - a release foreseen by the production process, which quantitatively and qualitatively exceeds two or more times the values of releases established during the normal operation of the production process, and the duration of which corresponds to the norms stipulated by the documents regulating the corresponding production process;

8) the involved authority - the authority of the executive power, which in accordance with this Law is obliged to compile and submit to the competent authority a report on diffuse sources;

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<sup>1</sup> Unofficial translation

- 9) the report of the competent authority - the report on releases and transfer of pollutants and waste in the reporting year, compiled and published by the competent authority;
- 10) operator's report - a report on releases and transfer of pollutants and waste in the reporting year, which is compiled and submitted to the competent authority by the operator for the relevant facility in the cases provided for by this Law;
- 11) reporting year - calendar year for which data on releases and transfer of pollutants and waste must be collected;
- 12) controlling authority - the central authority of the executive power, which implements the state policy of state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources;
- 13) The National pollutant release and transfer register (hereinafter - the Register) is a single state information and communication data system that ensures the creation, collection, accumulation, protection, accounting, display, processing and provision of data on releases and transfer of pollutants and waste;
- 14) unorganized stationary source of release - a source of release from which pollutants enter the environment in the form of non-directed flows and which is not equipped with special equipment for the discharge of releases;
- 15) facility - one or more installations, where one or more types of activities are carried out in accordance with the list of types of activities defined by Annex 1 to this Law, located on one industrial site and operated by one operator;
- 16) operator - a business entity that carries out technical operation of an object that belongs to it by the right of ownership or other property right;
- 17) a list of types of activities - types of activities with an indication of the threshold values of their capacities, which are covered by this Law and which are defined by Annex 1 to this Law;
- 18) list of pollutants - a list of pollutants and threshold volumes of releases of such substances, in case of exceeding which as a result of conducting one or more types of activities at the facility, defined by the list of types of activities, the operator is obliged to draw up and submit an operator's report. The list of pollutants is defined in Annex 2 to this Law;
- 19) transfer of pollutants and waste - movement outside the industrial site of pollutants contained in return waters (wastewaters), intended for treatment and waste intended for recovery or disposal;
- 20) mobile source - a vehicle, the movement of which is accompanied by releases;
- 21) supporting documentation - documents that contain or from which the data included in the operator's report were obtained;
- 22) industrial site - a part of the earth's surface with a defined location (geographic coordinates), on which the object is located;
- 23) registration action - state registration of the object in the Register, making changes to the entries in the Register, canceling the state registration of the object in the Register;
- 24) competent authority - the central authority of the executive power, which ensures the formation and implementation of state policy in the field of environmental protection;
- 25) installation - a stationary technical unit that carries out one or more types of activities specified in the list of types of activities and other directly related types of activities within the

same industrial site that have a technical connection with the activities specified in the list of types of activities, and could affect releases and transfer of pollutants and waste.

2. The term "public" is used in this Law in the sense given in the Law of Ukraine "On Environmental Impact Assessment".

The terms "waste", "hazardous waste", "waste disposal", "waste recovery" are used in this Law in the meanings given in the Law of Ukraine "On Waste Management".

The terms "register administrator", "register holder", "register information user", "public registrar", "register information", "register data", "register information creator" are used in this Law in the meanings given in the Law of Ukraine "On public electronic registers".

The terms "water", "wastewaters", "return waters" are used in this Law in the meanings given in the Water Code of Ukraine.

The term "parent companies" is used in this Law in the sense given in the Tax Code of Ukraine.

## **Article 2. Scope of the Law**

1. This Law regulates relations on the creation and functioning of the Register, registration of objects, compilation and submission to the competent authority of operator's reports, reports on diffuse sources, entering data on releases and transfer of pollutants and waste to the Register in relation to objects, diffuse sources located in Ukraine (further - registration of releases and transfer of pollutants and waste).

2. This Law does not apply to the releases and transfer of radioactive materials and to the transfer of radioactive waste.

## **Article 3. Legislation in the field of registration of releases and transfer of pollutants and waste**

1. Relations arising in the field of registration of releases and transfer of pollutants and waste are regulated by the Constitution of Ukraine, this Law, other normative legal acts regulating relations in the specified sphere, and international treaties of Ukraine, consent to the binding of which has been granted by the Verkhovna Rada of Ukraine.

2. If an international treaty of Ukraine, whose binding consent has been given by the Verkhovna Rada of Ukraine, establishes other rules than those provided for by this Law, the norms of the relevant international treaty shall be applied.

## **Article 4. Basic principles of registration of releases and transfer of pollutants and waste, as well as basic principles of functioning of the Register**

1. The main principles of activity related to the registration of releases and the transfer of pollutants and waste, as well as the functioning of the Register, are:

1) legality;

2) use of information that ensures completeness, accuracy, comparability, consistency and reliability of data to be included in operator's reports, reports on diffuse sources and entered in the Register;

3) integration of the Register with other information, information and communication systems, databases in the field of environmental protection;

4) constant improvement of the process of registration of releases and transfer of pollutants and waste and the process of functioning of the Register;

5) ensuring public participation in the processes of creating and improving the functioning of the Register, as well as free public access to the Register, reports of operators, reports on diffuse sources, reports of the competent authority.

## **CHAPTER II. STATE ADMINISTRATION IN THE FIELD OF REGISTRATION OF RELEASES AND TRANSFER OF POLLUTANTS AND WASTE**

### **Article 5. Entities that carry out state management in the field of registration of releases and transfer of pollutants and waste**

1. The state administration in the field of registration of releases and transfer of pollutants and waste carries out:

- 1) Cabinet of Ministers of Ukraine;
- 2) competent authority;
- 3) control authority.

### **Article 6. Powers of the Cabinet of Ministers of Ukraine in the field of registration of releases and transfer of pollutants and waste**

1. The powers of the Cabinet of Ministers of Ukraine in the field of registration of releases and transfer of pollutants and waste include:

- 1) approval of the requirements for the report of the competent authority, the procedure for drawing up and publishing such a report;
- 2) approval of the procedure for maintaining the Register;
- 3) exercising other powers defined by law.

### **Article 7. Powers of the competent authority in the field of registration of releases and transfer of pollutants and waste**

1. The powers of the competent authority in the field of registration of releases and transfer of pollutants and waste include:

- 1) ensuring the formation and implementation of state policy in the field of registration of releases and transfer of pollutants and waste;
- 2) generalization of the practice of application of legislation, development and submission of proposals for the improvement of legislative acts in the field of registration of releases and transfer of pollutants and waste, in particular:
  - a) requirements for the report of the competent authority, the procedure for drawing up and publishing such a report;
  - b) procedure for maintaining the Register;
- 3) approval of the operator's report form;

- 4 ) approval of the form of a report on diffuse sources, the procedure for drawing up and submitting such reports to the competent authority ;
- 5) approval of the form of the protocol on the violation by the operator of the requirements of legislation in the field of registration of releases and transfer of pollutants and waste;
- 6) publication of the list of permitted methods;
- 7) acceptance of applications for object registration, reports of operators for their entry into the Register;
- 8) carrying out a preliminary assessment of data contained in operator's reports, reports on diffuse sources, for their completeness, consistency and reliability;
- 9) appeals to operators, involved authorities with a request to provide detailed data contained in operator's reports submitted by them, reports on diffuse sources;
- 10) preparation, publication of the report of the competent authority, as well as submission of such a report to the competent bodies of the European Union or its member states, to other countries - parties to the Protocol on Pollutant Release and Transfer Registers, as well as to international organizations within the framework of international cooperation on issues of registration of releases and transfer of pollutants and waste;
- 11) ensuring the maintenance of the Register, performing the functions of the Register holder in accordance with the requirements of this Law;
- 12) performance of the functions of the competent authority determined by Ukraine regarding the management of the Register in accordance with the Protocol on Pollutant Release and Transfer Registers;
- 13) implementation of measures to inform and provide explanations regarding the implementation of state policy in the field of registration of releases and transfer of pollutants and waste;
- 14) implementation of organizational and methodical guidance and coordination of work related to registration of releases and transfer of pollutants and waste, in particular approval of methodological recommendations in the field of registration of releases and transfer of pollutants and waste in accordance with Article 23 of this Law;
- 15) exchange of information and coordination of actions with the controlling authority, involved authorities, the specially competent central authority of the executive power implementing the state policy in the field of statistics, the central authority of the executive power implementing the state tax policy, the state policy on the administration of a single contribution to general mandatory state social insurance;
- 16) participation in international cooperation on issues of registration of releases and transfer of pollutants and waste, study, generalization and dissemination of international experience in the specified field;
- 17) ensuring public participation in the formation of state policy in the field of registration of releases and transfer of pollutants and waste;
- 18 ) appeal to involved authorities, other state authorities, local self-government authorities, legal entities with a request to provide data necessary to determine the volume of pollutant releases carried out by diffuse sources and to maintain the Register of such releases;
- 19) determination of the technical administrator of the Register and conclusion of an agreement with him;

20) assigning data to information with limited access on the grounds specified in Part Twelve of Article 14 of this Law;

21) exercising other powers in the field of registration of releases and transfer of pollutants and waste in accordance with the law.

### **Article 8. Powers of the controlling authority in the field of registration of releases and transfer of pollutants and waste**

1. In accordance with the tasks assigned to it, the controlling authority carries out state supervision (control) of compliance by operators with the requirements of legislation in the field of registration of releases and transfer of pollutants and waste (hereinafter referred to as state supervision (control) in the field of registration of releases and transfer of pollutants and waste).

## **CHAPTER III. SUBJECTS OF LEGAL RELATIONS IN THE FIELD OF REGISTRATION OF RELEASES AND TRANSFER OF POLLUTANTS AND WASTE**

### **Article 9. Subjects of legal relations in the field of registration of releases and transfer of pollutants and waste**

1. Subjects of legal relations in the field of registration of releases and transfer of pollutants and waste are:

- 1) entities that carry out state management in the field of registration of releases and transfer of pollutants and waste;
- 2) operators;
- 3) involved authorities;
- 4) the public.

### **Article 10. Operator**

1. The operator, in accordance with the procedure for maintaining the Register, submits an application and general information necessary for the state registration of an object in the Register, and provides the competent authority with data on releases and transfer of pollutants and waste for each object it operates.

2. The rights and obligations of the operator are:

- 1) submission of an application and information, determined by the procedure for maintaining the Register, necessary for state registration, cancellation of state registration of objects operated by him, as well as making changes to the Register's entries;
- 2) collection of data necessary for drawing up and submitting the operator's report;
- 3) ensuring the quality of the provided data on releases and transfer of pollutants and waste (completeness, consistency and reliability);
- 4) timely preparation and submission to the competent authority of the operator's report;
- 5) providing, at the request of the competent authority, detailed data and relevant supporting documentation to the operator's report;

6) record keeping and storage of supporting documentation, specifying the methodology used for data collection;

7) publishing on its website (if available) the operator's report, as well as submitting it at the request of any person;

8) submission to the competent authority of the operator's updated report in the event that the operator or the controlling authority discovers incompleteness, inconsistency or inaccuracy of the data in the submitted operator's report during the state supervision (control) measure in the field of registration of releases and transfer of pollutants and waste;

9) performance of other duties stipulated by legislation in the field of registration of releases and transfer of pollutants and waste.

3. In the case of operation of the facility in accordance with the agreement on joint activity, the party responsible for the performance of the operator's duties in relation to the relevant facility shall be determined by the contract.

#### **Article 11. The involved authority**

1. The involved authority, in accordance with the procedure provided by the legislation in the field of registration of releases and transfer of pollutants and waste, submits to the competent authority a report on diffuse sources, which contains the data necessary for the competent authority to determine the volume of pollutant releases carried out by diffuse sources and to maintain the Register in terms of such releases.

2. The involved authorities include:

1) the central authority of the executive power, which ensures the formation of state policy in the sphere of ensuring the protection of human rights and freedoms, the interests of society and the state, combating crime, maintaining public safety and order, as well as providing police services, - regarding mobile sources (motor vehicles);

2) the central authority of executive power, which implements state policy in the spheres of road, railway, sea and river transport, the provision of postal services, and also implements state policy in the sphere of air transport and the use of airspace of Ukraine, - regarding mobile sources (railway transport vehicles, ships and other floating vessels, civil aircraft, as well as urban electric transport vehicles);

3) the central authority of the executive power, which implements the state policy in the field of registration and accounting of machines in the agro-industrial complex, - regarding mobile sources (tractors, self-propelled chassis, self-propelled agricultural, road construction and reclamation machines, agricultural machinery, other mechanisms);

4) the central authority of the executive power, which implements the state policy in the spheres of industrial safety, labor protection, labor hygiene, handling of industrial explosive materials, - regarding mobile sources (heavy-duty vehicles and other technological vehicles);

5) the central authority of the executive power, which implements the state agrarian policy, the state policy in the spheres of agriculture and the issues of food security of the state, - regarding diffuse sources in the sphere of agriculture;

6) the central authority of executive power, which implements the state housing policy and the policy in the field of improvement of settlements, the state policy in the field of housing and communal services, the state policy in the field of providing household waste management

services, the state policy in the field of construction, urban planning, and spatial planning territories and architecture, state policy in the field of technical regulation in construction, - regarding dumpsites and landfills of solid household waste, including unauthorized landfills (their number, area and estimated volume of solid waste generation), as well as the number of single-family houses of the private sector and the number apartments (detached houses) equipped with gas;

7) the central authority of the executive power, which implements state policy in the electric power, nuclear industry, coal industry, peat mining, oil and gas and oil and gas processing complex, in the field of effective use of fuel and energy resources, - regarding the amount of fuel (including coal, peat, natural gas) sold to consumers belonging to categories other than industry and transport.

3. The powers of the involved authority include:

- 1) drawing up and submitting to the competent authority a report on diffuse sources;
- 2) providing, at the request of the competent authority, additional, clarified data to the report on diffuse sources;
- 3) ensuring the quality of data included in the report on diffuse sources;
- 4) performance of other powers provided for by law.

## **Article 12. Public**

1. Rights of the public in the field of registration of releases and transfer of pollutants and waste:

- 1) free unlimited time and unauthorized access (hereinafter - public access) to the data contained in the Register, operators' reports, information on diffuse sources, except for information with limited access;
- 2) use of data contained in the Register, reports of operators, reports on diffuse sources published on official websites, for modeling and other studies of the state of the environment, the dynamics of its changes, sources of releases and transfer of pollutants and waste, and the nature of the impact of environmental factors on human health, as well as for other purposes;
- 3) making a request and receiving information contained in the Register, reports of operators, reports on diffuse sources, in the procedure established by legislation in the field of registration of releases and transfer of pollutants and waste;
- 4) appeal of decisions, actions or inaction of the competent authority and/or other subjects in the field of registration of releases and transfer of pollutants and waste in the manner established by legislation;
- 5) participation in the formation of state policy in the field of registration of releases and transfer of pollutants and waste in the manner established by legislation;
- 6) promotion of openness, transparency, effective functioning and continuous improvement of the Register, as well as development of relations in the field of registration of releases and transfer of pollutants and waste.

2. During the formation and implementation of state policy in the field of registration of releases and transfer of pollutants and waste, in particular during the adoption of laws or other normative legal acts in the field of registration of releases and transfer of pollutants and waste, the relevant state authorities conduct consultations in accordance with the procedure



established by law with the public, provide the public with free access to information about planned measures and changes, as well as the opportunity to submit proposals (comments) regarding such measures and changes. Proposals (comments) of the public are considered by relevant state authorities in accordance with the procedure established by law. The public is notified of the results of such a review with appropriate justification in accordance with the procedure established by law. The results of consultations with the public are taken into account by the relevant state authorities when making a final decision or in their further work.

3. Laws of Ukraine may also define other rights of the public in the field of registration of releases and transfer of pollutants and waste.

4. The report of the competent authority provides information on public participation in the formation of state policy in the field of registration of releases and transfer of pollutants and waste, as well as on the results of such participation in the relevant reporting year.

## **CHAPTER IV. CREATION AND FUNCTIONING OF THE REGISTER**

### **Article 13. Creation of the Register**

1. The Register is intended to provide free general access to the public and other Register users (except for information with limited access) to agreed and reliable data on releases and transfer of pollutants and waste and free use of such data.

2. The administrator of the Register is a competent authority that performs the functions of the holder of the Register and ensures its creation, maintenance and administration directly or by entrusting the execution of certain powers to create and ensure the functioning of the Register to the technical administrator of the Register. The technical administrator of the Register is determined by the competent authority.

3. The technical administrator of the Register carries out measures to create, implement and ensure the operation of the Register, including in terms of its technical and technological support, carries out cyber security measures, as well as other measures determined by the contract concluded with him.

4. The public registrar is an official or a person who is in labor relations with the competent authority and enters data into the Register. The rights and obligations of public registrars of the Register are determined by this Law, the Law of Ukraine "On Public Electronic Registers" and the procedure for maintaining the Register.

5. Creators of the Register are the competent authority and operators whose requirements are defined by this Law.

6. The only source of data of the Register are electronic documents created by the creators of the Register taking into account Articles 16, 17 and 19 of this Law.

7. The Register contains information on:

1) releases of pollutants into air, water and land in volumes exceeding the threshold volumes of releases determined by the list of pollutants;

2) transfer outside the industrial site of hazardous waste in the amount of more than 2 tons per year or other waste in the amount of more than 2 thousand tons per year for waste recovery or disposal operations, except for waste disposal operations, such as soil treatment (in particular, biochemical decomposition liquid or sludge waste in the soil) and deep injection (in particular, injection of waste of the appropriate consistency into wells, salt domes of natural reservoirs);

3) transfer outside the industrial site of pollutants in return waters (wastewaters) intended for treatment, in volumes exceeding the threshold volumes of releases determined by the list of pollutants;

4) pollutant releases from diffuse sources;

5) objects and diffuse sources.

8. With regard to the information of the Register, specified in points 1-3 of part seven of this Article, the Register must contain data to be included in the operator's report in accordance with Article 17 of this Law.

9. With regard to the information of the Register, defined by point 4 of part seven of this Article, the Register must contain data in the amount that enables the search and identification of releases carried out by diffuse sources, with geospatial (geographical) delimitation, as well as data on the methodology used to obtain data about such releases.

10. With regard to the information of the Register, specified in point 5 of part seven of this Article, the Register must contain the data specified in Article 16 of this Law.

11. Registration and identification of objects are carried out in accordance with the procedure defined by Articles 14, 16-20 of this Law.

12. Creation and maintenance of the Register, its software and technical means are carried out at the expense of the state budget, funds of international technical assistance and other sources not prohibited by law. The owner of the software and technical means of the Register is the state.

#### **Article 14. Maintenance of the Register**

1. The Register is maintained in the state language.

2. Entry of data (information) about objects of the Register into the Register is carried out within the terms specified by Articles 16, 17 and 19 of this Law.

3. The Register provides the following services:

1) registration action regarding objects in accordance with the conditions specified in Article 16 of this Law;

2) acceptance and registration of the operator's report in accordance with the conditions specified in Article 17 of this Law;

3) provision of access to the public and other users of the Register to information on releases and transfer of pollutants and waste in accordance with the conditions specified in part eleven of this Article;

4) reproduction of information on releases and transfer of pollutants and waste in accordance with the conditions specified in part thirteen of this Article.

4. No documents are required to be drawn up during the Register.

5. The Register displays data on releases and transfer of pollutants and waste in summarized and detailed forms in such a way that releases and transfer of pollutants and waste can be identified using one or more of the following parameters:

1) the object, in particular the location (geographical coordinates) of the industrial site, river basin;

- 2) type of activity according to the classification of types of economic activity;
- 3) type of activity according to the list of types of activities;
- 4) type of pollutant according to the list of pollutants or waste and waste classification;
- 5) a component of the environment (air, water, land) into which pollutants are released;
- 6) transfer of waste outside the industrial site and its further purpose (in case of recovery or disposal of waste);
- 7) transfer of pollutants in return waters (wastewaters) intended for treatment outside the industrial site;
- 8) diffuse sources;
- 9) the operator of the corresponding object.

If the operator is a legal entity, the name, including the abbreviated (if available), location and identification code of the legal entity in the Unified State Register of Enterprises and Organizations of Ukraine (hereinafter - identification code) are indicated.

If the operator is an individual entrepreneur, the surname, first name, patronymic (if available), registration number of the taxpayer's registration card or series and passport number (for individuals who have a stamp in their passport on the right to make payments by series and number of the passport) and location (address of the place of residence, at which contact is made with a natural person - an entrepreneur) are indicated.

Access to personal data and their processing are carried out in accordance with the Law of Ukraine "On the Protection of Personal Data";

- 10) name of the parent company of the operator (if available).

6. The Register should provide for the possibility of further expansion and improvement.

7. The Register must ensure the storage of all data collected for at least the last 10 reporting years.

8. Registration of releases and transfer of pollutants and waste, filling of the Register are carried out taking into account, as far as possible, the technical and financial capabilities of the competent authority to avoid duplication of other forms of reporting, as well as to ensure information interaction with other public electronic registers.

9. The Register ensures the functioning of an electronic cabinet for electronic interaction between operators, involved authorities, an competent authority, a controlling authority, a specially competent central authority of executive power that implements state policy in the field of statistics, a central authority of executive power that implements state tax policy, state policy for the administration of a single contribution to mandatory state social insurance, including for the submission of documents for object registration, operator's reports, reports on diffuse sources, as well as the functioning of a web portal that provides public access to the Register's data.

10. Data (information) about the objects of the Register are created by the creator in the manner prescribed by the legislation in the field of registration of releases and transfer of pollutants and waste with the help of technical and other means of fixation (or without such). Based on the results of such fixation, the creator creates an appropriate electronic document for registering information in the Register, including using the Register's application software interfaces.

11. Data on releases and transfer of pollutants and waste contained in the Register, in addition to the data specified in part three of Article 16 and points 1-4 of part three of Article 17 of this Law, refer to information on the state of the environment (ecological information).

The competent authority provides free general access to the public and other users of the Register to data on releases and transfer of pollutants and waste, except for information with limited access, on the Unified State Web Portal of Open Data and on its official website, including the possibility of viewing, copying and data storage, as well as regular publication of Register data in the form of open data - a set of data (electronic document) in a format that enables automated processing of Register data by electronic means for the purpose of their reuse.

The competent authority ensures the use of the Register in the order of electronic information interaction between the registers.

The rights and obligations of users of the Register are determined by the laws of Ukraine "On public electronic registers" and "On access to public information".

12. Information with limited access is information provided for in Article 6 of the Law of Ukraine "On Access to Public Information".

In case of restriction of access to information, the type of information that was not disclosed and the reason for non-disclosure are indicated in the Register.

13. The Administrator of the Register, at the request of Register users, ensures the reproduction of data (information) contained in the Register on paper and other physical media in accordance with the laws of Ukraine "On Public Electronic Registers" and "On Access to Public Information".

14. The Administrator of the Register does not inform the operators about the requests of any persons regarding the information provided by the operators about the objects of the Register, as well as about the collection, processing, and entry of such information into the Register.

15. The competent authority ensures, in compliance with the right of the public to participate in the formation and implementation of state policy in the field of registration of releases and transfer of pollutants and waste, the continuous improvement of the process of functioning of the Register, in particular through unification and harmonization of data collection and processing practices, expansion of information interaction with other public electronic registers.

16. The competent authority ensures the placement on the web portal of the Register of links to other registers, publicly available information resources (information, information and communication systems, databases) that contain data in the field of environmental protection, which are maintained by the competent authority or other relevant bodies, and which contain data on releases and transfer of pollutants and waste, which are maintained by the competent body of the European Union or its member states, by other countries that are parties to the Protocol on Protocol on Pollutant Release and Transfer Registers, as well as by international organizations.

## **Article 15. Administration of the Register**

1. The register must be integrated with the system of electronic interaction of electronic resources. The information interaction of the Register with other state electronic information resources is carried out by the means of the system of electronic interaction of electronic resources or other information and communication systems with the use of appropriate

complex information protection systems with confirmed compliance based on the results of state expertise in the manner established by law.

2. Protection of data (information) contained in the Register from unauthorized access and abuse of access, violation of information integrity is carried out in accordance with Article 39 of the Law of Ukraine "On Public Electronic Registers" and the Law of Ukraine "On Protection of Information in Information and Communication Systems".

3. Processing and protection of personal data in the Register are carried out in compliance with the requirements of the Law of Ukraine "On the Protection of Personal Data".

4. The operator is informed about the change or deletion from the Register of the information provided by the operators about the objects no later than the next working day after the change or deletion of such information. The administrator of the Register provides the relevant information by means of the Register's software by sending a message to the e-mail address specified during registration in the Register, as well as through the operator's electronic office.

## **CHAPTER V. REGISTRATION OF THE OBJECT. REPORTING OF RELEASES**

### **Article 16. Object registration**

1. The object is subject to state registration in the Register.

2. The operator is obliged to submit to the competent authority the application and information determined by the procedure for maintaining the Register, necessary for the registration of the object, within 30 calendar days from the day of acceptance into operation of the completed object or from the day of the start of proceedings at the object of one or several types of activities, defined by the list of types of activities, in compliance with the requirements of the laws on electronic document management and electronic trust services.

3. Information about the object must contain data that make it possible to identify the object, in particular:

- 1) name, address (location) of the object, geographic coordinates of the industrial site;
- 2) data on the operator, specified in point 9, part five, Article 14 of this Law;
- 3) name of the parent company of the operator (if available);
- 4) type or types of activity, defined by the list of types of activities that are carried out at the facility, in respect of which the operator's report is submitted.

4. In the event of a change in the data specified in the application and information about the object, on the basis of which the registration action was carried out, the operator must apply to the competent authority for making changes to the Register within 10 working days after the occurrence of such a change.

5. In the case of termination of all types of activities specified in the list of activities at the facility, the operator must apply to the competent authority within 10 working days after the termination of such activities to cancel the state registration of the facility in the Register.

6. The competent authority, within 10 working days from the day the operator submits the application and information for the registration action:

- 1) examines the application and information submitted by the operator for the existence of grounds for conducting the registration action or for refusing to conduct the registration action;

- 2) establishes the reliability and completeness of the information specified in the application and the information submitted for the registration action;
  - 3) establishes compliance of the application and general information submitted for the registration action with the requirements of the legislation in the field of registration of releases and transfer of pollutants and waste;
  - 4) makes a decision to carry out a registration action or to refuse to carry out a registration action and informs the operator of the relevant decision.
7. The registration action is carried out free of charge.
8. The grounds for refusal to carry out the registration action are:
- 1) submission of an application and information for a registration action by a person who did not have the right to submit such documents;
  - 2) detection of inaccurate information in the application and information for the registration action;
  - 3) inconsistency of the submitted application and information for the registration action with the requirements established by this Law and the procedure for maintaining the Register.
9. If there is a reason for refusing to carry out the registration action, the competent authority shall make a decision to refuse to carry out the registration action.
10. In the decision on refusal to carry out the registration action, an exhaustive list of the circumstances that became the basis for making such a decision shall be noted.
11. The operator has the right to eliminate the circumstances specified in the decision of the competent authority, which became the basis for refusing to carry out the registration action, and to re-submit to the competent authority an application and information for carrying out the registration action within 10 working days from the day of receiving the decision of the competent authority to refuse to carry out registration action. At the same time, if the operator eliminates all the circumstances indicated in the decision of the competent authority, which became the basis for refusing to carry out the registration action, the date of submission of the application and information shall be considered the date of submission of the previous application and information.

#### **Article 17. Report of the operator**

1. The operator is obliged to include in the operator's report the following data on the releases and transfer of pollutants and waste, which were carried out at the facility in the reporting year as a result of one or more types of activities specified in the list of types of activities:
  - 1) releases of pollutants into air, water or land in an amount that exceeds the threshold volumes of releases determined by the list of pollutants;
  - 2) transfer outside the industrial site of hazardous waste in the amount exceeding 2 tons per year, or other waste in the amount exceeding 2 thousand tons per year, for waste recovery or disposal operations, except for such waste disposal operations as soil treatment (in particular, biochemical decomposition of liquid or sludge waste in the soil, etc.) and deep injection (in particular, injection of waste of the appropriate consistency into wells, salt domes of natural reservoirs);

3) transfer of pollutants in return waters (wastewaters) intended for treatment beyond the boundaries of the industrial site, in an amount exceeding the threshold releases determined by the list of pollutants.

Data on releases of pollutants to land shall be included in the operator's report, provided that such releases occur during waste disposal operations such as land treatment (including biochemical decomposition of liquid or sludge wastes in soil, etc.) and deep injection (including injection of waste of appropriate consistency in wells, salt domes of natural reservoirs).

Data on waste for which such waste disposal operations as land treatment (including biochemical decomposition of liquid or sludge waste in the soil) and deep injection (including injection of waste of appropriate consistency into wells, salt domes of natural reservoirs) are carried out are included in the operator's report exclusively in relation to the facility where such waste is generated.

2. The operator must prepare and submit to the competent authority the operator's report for the relevant reporting year for each facility at which releases and transfer of pollutants and waste were carried out during the reporting year.

3. The operator's report must contain data on:

1) name, address (location) of the object, geographic coordinates of the industrial site. Access to personal data and their processing are carried out in accordance with the Law of Ukraine "On the Protection of Personal Data";

2) the operator in accordance with point 9 , part five, Article 14 of this Law;

3) name of the parent company of the operator (if available);

4) the type or types of activity defined by the list of types of activities carried out at the facility for which the operator's report is submitted;

5) the name and code of each pollutant for which the operator's report must be submitted in accordance with the list of pollutants;

6) the volume of each pollutant, for which the operator must submit a report in accordance with the list of pollutants contained in releases carried out at the facility in the reporting year;

7) the volume of waste, for which the operator must submit a report in accordance with this Law, which was transferred outside the industrial site in the reporting year, for waste recovery or disposal operations. In the operator's report, waste volume data shall be reported separately for hazardous waste and other waste with the appropriate "R" or "D" designation if the waste is intended for recovery or disposal. For transboundary movement of hazardous waste, the name and address of the person who carries out recovery or disposal of waste, as well as the actual place of recovery or disposal of such waste, are additionally indicated;

8) the volume of each pollutant, for which the operator must submit a report in accordance with the list of pollutants contained in return waters (wastewaters) intended for treatment, transferred outside the industrial site in the reporting year;

9) the type of method used to obtain data included in the operator's report, specified in points 6-8 of this part (measurement method), calculations or evaluation. In the event that the operator uses measurements or calculations to obtain relevant data, the operator's report shall indicate the permitted methods used.

4. Data on pollutant releases into air, water or land included in the operator's report, specified in point 6 of part three of this Article, must include all releases from all installations, as well as all releases from unorganized stationary emission sources located within the industrial site

5. The data to be included in the operator's report, specified in clauses 6-8 of the part three of this Article, must include data on the total volume of releases and the transfer of pollutants and waste outside the boundaries of the industrial site, which is the result of the implementation of the type or types of activities specified in the list of types of activities, and is carried out at the facility, exceeding the normative, limit values, accidental releases.

The operator's report shall include (if possible) all data on accidental releases.

6. The operator has the right not to include in the operator's report the data provided for in part three of this Article, provided that such data is classified as information with limited access in accordance with part three of Article 13 of the Law of Ukraine "On Information". The operator must provide the competent authority with an explanation justifying the reason for not including the specified data in the operator's report.

7. The operator's report shall be submitted to the competent authority together with the application for acceptance of the operator's report no later than March 31 of the year following the reporting year.

8. If the last day of the deadline for submitting the operator's report falls on a weekend, holiday or non-working day, the last day of the deadline is the first working day following the weekend, holiday or non-working day. The operator's application and report are submitted to the competent authority by the operator or a person authorized by him in electronic form in compliance with the requirements of the legislation on electronic document management and electronic trust services.

9. The competent authority within 30 working days from the date of submission of the operator's application and report:

1) examines the statement submitted by the operator and the operator's report for compliance with the requirements of this Law regarding the completeness, consistency and reliability of the data included in the operator's report, in particular, performs the actions provided for in part twelve of this Article;

2) makes a decision to accept the operator's report and enter it in the Register or to refuse to accept the operator's report and informs about the relevant decision of the operator.

10. Acceptance of the operator's report is carried out free of charge.

11. The grounds for refusing to accept the operator's report are:

1) submission of an operator's statement and report by a person who did not have the right to submit such documents;

2) detection of inaccurate information in the operator's statement and report submitted by the operator;

3) the presence of circumstances provided for in part five of Article 20 of this Law.

12. If it is necessary to confirm the completeness, consistency and reliability of the data included in the operator's report, the competent authority shall take the actions provided for by parts three and five of Article 20 of this Law. In this case, the period determined by part nine of this Article for accepting the operator's report shall stop from the moment of sending the operator a request to confirm the completeness, consistency or reliability of the data included in the



operator's report. The term is extended from the moment of expiry of the term provided for by the part four of Article 20 of this Law for the operator to provide an answer.

13. The deadline for re-submission of the operator's application and report to the competent authority is 10 working days from the day the operator receives a notification of the competent authority's decision to refuse to accept the operator's report. At the same time, if the operator eliminates all the circumstances specified in the decision of the competent authority, which became the basis for refusing to accept the operator's report, the date of submission of the operator's application and report shall be considered the date of submission of the previous application and the operator's report.

14. In the event that an operator or a control authority detects incompleteness, inconsistency or unreliability of data in the submitted operator's report during the state supervision (control) measure in the field of registration of releases and transfer of pollutants and waste, such operator is obliged to submit to the competent authority a revised operator's report within one month from the day of their discovery in accordance with the procedure specified by part eight of this Article.

#### **Article 18. Ensuring the quality of data on releases and transfer of pollutants and waste**

1. During each reporting year, the operator of the facility must collect and analyze the data necessary to determine the releases and transfer of pollutants and waste carried out in the reporting year at the relevant facility, for which the operator's report is submitted.

2. The operator is obliged to ensure the quality of the data (complete consistency and reliability) included in the operator's report.

3. When compiling the report, the operator must use information that ensures the completeness, accuracy, comparability, consistency and reliability of the data to be included in the operator's report, in particular:

1) monitoring data, releases verification;

2) release of pollutant inventory materials;

3) materials of instrumental and laboratory measurements of releases parameters;

4) primary accounting documentation about waste (cards, journals, questionnaires);

5) data of the primary accounting of water use according to the values of indicators of technical means that meet the requirements of technical regulations;

6) results of measurements of water quality indicators, release factors;

7) mass balance equation;

8) data of state environmental monitoring;

9) materials of technological regulations and design indicators;

10) technical, engineering assessments and other methods in accordance with the requirements of legislation in the field of environmental protection.

4. In order to determine the volume of pollutants and waste, data on which are included in the operator's report, defined in points 6-8 of the part three of Article 17 of this Law, the operator is obliged to carry out measurements or calculations in accordance with the permitted methods.

The operator uses the estimation method to determine the amount of pollutants only in the case of justified impossibility of using measurement methods or calculations for such purposes.

#### **Article 19. Report on diffuse sources**

1. The involved authority, in accordance with its powers, must compile and submit to the competent authority a report on diffuse sources for the relevant reporting year.
2. The report on diffuse sources must contain data determined by the form, order of compilation and submission of report on diffuse sources approved by the competent authority.
3. The involved authority is obliged to ensure the quality of the data (completeness, consistency and reliability) included in the report on diffuse sources.
4. The report on diffuse sources is submitted to the competent authority by March 1 of the year following the reporting year.

If the last day of the deadline for submitting a report on diffuse sources falls on a weekend, holiday or non-working day, the last day of the deadline is considered to be the first working day following the weekend, holiday or non-working day.

5. The competent authority requests from the involved authorities, other state authorities, local self-government authorities, and legal entities the data necessary to determine the volume of pollutant releases from diffuse sources and to maintain the Register of releases from diffuse sources. Persons in possession of the requested data shall provide them to the competent authority within 10 working days from the date of receipt of the relevant request.
6. The competent authority calculates releases from diffuse sources based on the provided reports on diffuse sources and enters information about releases from diffuse sources into the Register by August 1 of the year following the reporting year.

#### **Article 20. Assessment of data quality**

1. The competent authority carries out a preliminary assessment of the quality of the data included in the operator's report, report on diffuse sources for their completeness, consistency and reliability when accepting the operator's report, report on diffuse sources.
2. Preliminary assessment of the quality of data is carried out by the competent authority within 30 working days from the date of receipt of the operator's report, the report on diffuse sources by comparing such data with the data of the competent authority, in particular with the data obtained in connection with the issuance of licenses for conducting types of economic activities and documents of a permissive nature, carrying out state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources, obtaining state statistical observations or other reporting in the field of environmental protection, carrying out state monitoring of the state of the environment.
3. If it is necessary to confirm the completeness, consistency and reliability of the data included in the operator's report, the report on diffuse sources, the competent authority sends a request for the provision of updated data contained in the operator's report, the report on diffuse sources (hereinafter - the request). The request is sent to the operator, the involved authority within 30 working days from the date of receipt by the competent authority of the operator's report, report on diffuse sources.

4. The operator and the involved authority are obliged to consider the request and provide an answer to the competent authority within 30 working days from the date of receipt of the request. At the request of the competent authority, along with the response, the operator, the involved authority shall provide the competent authority with the clarified data contained in the operator's report, the report on diffuse sources, and/or supporting documentation.

5. The failure of the operator to provide an answer to the request within the set time limit or to provide an incomplete answer is grounds for refusing to accept the operator's report and for the control authority to carry out an unscheduled measure of state supervision (control) in the field of registration of releases and transfer of pollutants and waste. In such a case, the competent authority applies to the controlling authority with a request to carry out a measure of state supervision (control) in order to carry out a detailed assessment of the quality of the data included in the relevant report of the operator.

6. The controlling authority conducts a detailed assessment of the quality of the data included in the operator's report for their completeness, consistency and reliability during the implementation of state supervision (control) measures in the field of registration of releases and transfer of pollutants and waste.

#### **Article 21. Accounting and storage of supporting documentation**

1. The operator for each object for which the operator's report is submitted must keep records and keep supporting documentation to provide access to them to the competent authority, the control authority and the public. The supporting documentation must also include a description of the approved methodology used to collect the data included in the operator's report.

2. The supporting documentation is kept by the operator for five years after the end of the reporting year.

#### **Article 22. Report of the competent authority**

1. The competent authority draws up a report of the competent authority on the basis of the data contained in the Register, reports of operators and reports on diffuse sources. The report of the competent authority is drawn up and made public by September 1 of the year following the reporting year, in accordance with the requirements and in the order established by the Cabinet of Ministers of Ukraine.

2. The competent authority may submit the report of the competent authority to the competent bodies of the European Union or its member states, other countries that are parties to the Protocol on Pollutant Release and Transfer Registers, as well as to international organizations within the framework of international cooperation on registration of releases and transfer of pollutants and waste.

3. In the event that the operator did not provide data in accordance with part three of Article 13 of the Law of Ukraine "On Information", the competent authority in the report of the competent authority separately for each object notes the information that was not disclosed and the reason for non-disclosure.

### **Article 23. Methodological recommendations in the field of registration of releases and transfer of pollutants and waste**

1. The competent authority approves methodological recommendations in the field of registration of releases and transfer of pollutants and waste (hereinafter - methodological recommendations).
2. Methodological recommendations should contain, in particular, information on:
  - 1) procedures for drawing up and submitting an operator's report, a report on diffuse sources, a report of a competent authority;
  - 2) data to be included in the operator's report, report on diffuse sources, report of the competent authority;
  - 3) data that is information with limited access and may not be indicated in the operator's report and/or the Register, and the grounds for classifying such data as information with limited access;
  - 4) measures to ensure and assess the quality of data (completeness, consistency and reliability) included in the operator's report, report on diffuse sources;
  - 5) reference to the permitted methods used by the operator and the competent authority to determine the amount of pollutants, and the procedure for their use, indicating the cases when the use of the assessment method is allowed to determine the amount of pollutants and/or waste;
  - 6) indication of the parent company in the operator's report;
  - 7) coding of activities included in the list of activities.

## **CHAPTER VI. STATE SUPERVISION (CONTROL) AND RESPONSIBILITY FOR VIOLATIONS OF LEGISLATION IN THE FIELD OF REGISTRATION OF RELEASES AND TRANSFER OF POLLUTANTS AND WASTE**

### **Article 24. State supervision (control) in the field of registration of releases and transfer of pollutants and waste**

1. State supervision (control) in the field of registration of releases and transfer of pollutants and waste is carried out by a control authority.
2. State supervision (control) in the field of registration of releases and transfer of pollutants and waste is part of state control in the field of environmental protection, rational use, reproduction and protection of natural resources and is carried out in accordance with the laws of Ukraine "On Environmental Protection " On the basic principles of state supervision (control) in the field of economic activity" taking into account the features specified in Articles 20 and 26 of this Law.

### **Article 25. Liability for violation of the provisions of this Law**

1. Persons guilty of violating the provisions of this Law bear economic and legal, civil, administrative, and criminal liability in accordance with the law.
2. If the operator violates the requirements of the law in the field of registration of releases and transfer of pollutants and waste (hereinafter referred to as an offence), the controlling authority may apply an administrative and economic sanction to the operator in the form of a fine (hereinafter referred to as a fine).

3. Operators are liable in the form of a fine in case of committing the following offenses:

1) non-submission, untimely submission of the operator's report, submission of unreliable data in the operator's report - in the amount of ten times the minimum wage established by law at the time of detection of the offense;

2) violation of obligations regarding the submission of documents necessary for state registration, cancellation of state registration of objects operated by him, as well as making changes to the Register - in the amount of ten times the minimum wage established by law at the time of detection of the offense;

3) violation of obligations to ensure the quality of data provided to the competent authority (completeness, consistency and reliability) on releases and transfer of pollutants and waste (except for cases of submission by the operator to the implementation of the measure of state supervision (control) in the field of registration of releases and transfer of pollutants and waste of specified the operator's report with compliance with data quality requirements (completeness, consistency and reliability) in accordance with part fourteen of Article 17 of this Law) - in the amount of ten times the monthly salary established by law at the time of detection of the offense;

4) violation of obligations regarding accounting and storage of supporting documentation, a description of the permitted methodology used to collect data included in the operator's report - in the amount of ten times the minimum wage established by law at the time of detection of the offense;

5) violation of obligations to publish the operator's report on its website, as well as providing it at the request of any person - in the amount of five times the minimum wage established by law at the time of detection of the offense.

4. To calculate the amount of the fine, the amount of the minimum wage established by law at the time of the imposition of the fine is used.

5. For repeated committing of the same offense by the operator within a year after the imposition of the fine for the previous offense, the operator shall be fined twice.

6. If the operator commits two or more offenses, a fine is imposed for each offense committed.

7. The fine is imposed on the operator within six months from the day the offense was discovered, but no later than three years from the day it was committed.

#### **Article 26. Proceedings in cases of violation by the operator of the requirements of the law in the field of registration of releases and transfer of pollutants and waste**

1. Proceedings in criminal cases are carried out in accordance with the provisions of this Article.

2. The protocol on offenses (hereinafter referred to as the protocol) based on the results of state supervision (control) measures in the field of registration of releases and transfer of pollutants and waste shall be drawn up by an official of the control authority who carried out the event during which such offenses were detected.

3. The protocol states:

1) date and place of drawing up the protocol;

2) title of position, surname, first name and patronymic (if available) of the person who drew up the report;

- 3) information about the operator for whom the protocol was drawn up (name and location of the legal entity or surname, name, patronymic (if available) and place of residence of the natural person - entrepreneur, address of the relevant object, contact data);
  - 4) place, time of committing and composition of the offense committed;
  - 5) reference to the provisions of this Law, which provide for responsibility for such an offense and were violated by the operator for whom the protocol was drawn up;
  - 6) other evidence confirming the committing of an offense by the operator, in respect of which the protocol was drawn up;
  - 7) surname, first name, patronymic (if available) and place of residence, contact details of witnesses and their explanations (if available);
  - 8) explanation of the competent person of the operator, in respect of which the protocol was drawn up, whether a note is entered about the refusal to provide explanations;
  - 9) other information that contributes to a comprehensive and objective consideration and resolution of the case (if available).
4. The protocol form is approved by the competent authority.
  5. Materials recorded by technical devices and means that have the functions of photography, audio and/or video recording, during the implementation of state supervision (control) measures in the field of registration of releases and transfer of pollutants and waste, are attached to the protocol in paper or electronic form. The protocol number is affixed to the specified materials. A corresponding entry is made in the minutes about the inclusion of such materials.
  6. The operator, for whom the protocol was drawn up, has the right to state in the protocol or on a separate sheet attached to the protocol, his explanations regarding the contents of the protocol, certifying them with the signature of a competent person of the operator. In the case of refusal of the operator for whom the protocol was drawn up, to provide such explanations, a corresponding entry is made in the protocol. Statements of witnesses, set out in the protocol or on a separate sheet attached to the protocol, are certified by their signatures.
  7. The protocol is drawn up in two copies and is signed by the person who drew it up. One copy of the protocol is provided for receipt to the operator for whom the protocol was drawn up, and the second copy is kept in the control authority. In the case of refusal of the operator for whom the protocol was drawn up, to receive a copy of the protocol, a corresponding entry is made in the protocol, and no later than the next working day after the protocol is drawn up, the protocol is sent to such operator by registered mail with a notice of delivery. In the event that the operator, for whom the protocol was drawn up, does not provide information about his location (place of residence), the protocol is sent to the address specified in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations, and is considered delivered regardless of the fact that the operator received such a protocol.
  8. The offense case (hereinafter - the case) is considered by the head or deputy head of the control authority that carried out state supervision (control) measures in the field of registration of releases and transfer of pollutants and waste.
  9. The case is considered within 15 working days from the date of receipt by the relevant official of the protocol and other case materials. At the written request of the operator for whom the protocol was drawn up, the consideration of the case is postponed, but for no more than 10 working days for such operator to submit additional materials or for other valid reasons.

10. About the time and place of consideration of the case, the operator, in respect of which the protocol was drawn up, is notified no later than five working days before the day of consideration of such a case. The notice of the time and place of the case hearing is given to the operator, in respect of whom the report was drawn up, against a receipt or sent to him by registered mail with a notice of delivery. A notice of the time and place of the hearing of the case, sent by registered mail to the location (place of residence) of the operator, in respect of which the protocol was drawn up, specified in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations, is considered delivered regardless of the fact that the operator has received such a notice.

11. The case may be considered in the absence of the operator for whom the protocol has been drawn up, if he has been notified of the time and place of consideration of the case in accordance with the requirements of part ten of this Article and if such operator has not applied for postponement of the consideration of the case.

12. The operator, in respect of whom the protocol has been drawn up, has the right to familiarize himself with the case materials, provide explanations, evidence, file a petition, use the legal assistance of a lawyer or other specialist in the field of law.

13. Proceedings in the case may not be initiated, and the initiated proceedings shall be closed in the event of:

- 1) the absence of the event or composition of the offense;
- 2) invalidity of the provisions of the law establishing responsibility for the offense;
- 3) the expiration of the period specified by law during which a fine may be imposed;
- 4) the existence of a decision on the imposition of a fine or an uncancelled decision on the closure of the case issued against the same operator based on the same fact of the offense;
- 5) termination of state registration as a result of the liquidation of the legal entity for which the protocol was drawn up;
- 6) death of a natural person - an entrepreneur, in respect of which a protocol has been drawn up.

14. Based on the results of the consideration of the case, the official of the control authority shall issue one of the following resolutions:

- 1) on the imposition of a fine;
- 2) on closing the case.

15. The resolution on imposing a fine must contain:

- 1) surname, first name and patronymic (if available) of the official who issued the resolution;
- 2) date and place of hearing;
- 3) information about the operator in respect of whom the resolution was issued;
- 4) a description of the circumstances established during the consideration of the case and the evidence confirming them;
- 5) reference to the provisions of this Law, which were violated by the operator, and/or indication of the grounds for closing the case;
- 6) reference to the provisions of this Law, which provide for responsibility for such an offense and were violated by the operator in respect of whom the protocol was drawn up;

7) information about the decision made in the case.

16. The resolution on the imposition of a fine must meet the requirements for an executive document provided for by the Law of Ukraine "On Executive Proceedings".

17. The decision on the imposition of a fine may be appealed to the court by the operator in respect of whom it was issued, within 15 days from the day the operator receives the decision of the control authority that issued it, with a notification of such an appeal.

The resolution in the case, appealed to the court, enters into legal force from the date of entry into legal force of the corresponding court decision.

A decree in a case that has not been appealed within the time limit established by this Law shall enter into force after the expiry of the time limit for appealing it.

18. The fine shall be paid within fifteen days from the day the operator receives the decision, and in case the operator appeals the decision to the court - from the day the relevant court decision enters into force.

19. A copy of the document confirming the payment of the fine in full is sent to the supervisory authority that imposed the fine.

20. If the fine is not paid within the period established by part eighteen of this Article, enforcement of the decision on the imposition of a fine is carried out in accordance with the procedure provided for by the Law of Ukraine "On Enforcement Proceedings".

21. Amounts of collected fines are credited to the state budget in accordance with the procedure established by budget legislation.

## **CHAPTER VII. FINAL AND TRANSITIONAL PROVISIONS**

1. This Law enters into force 12 months after its publication, except for:

points 2 and 5 of the part one of Article 4, points 4, 8, 9 and 18 of the part one of Article 7, Article 11, points 1-3 of the part one of Article 12, points 4, 5 of the part seven, part nine of Article 13, point 8 of the part five, the part nine, the second paragraph of the part eleven of Article 14, Article 19, the parts one - four of Article 20 (regarding emission of pollutants carried out by diffuse sources into water or land), which enter into force 24 months after the date of publication of this Law;

of point 5 of this section, which shall enter into force from the date of publication of this Law.

2. The first reporting year is the calendar year in which this Law entered into force.

3. With regard to facilities that are already being operated by the operator on the date of entry into force of this Law, the operator is obliged to submit to the competent authority the documents necessary for the registration of the facility in the Register within six months from the date of entry into force of this Law.

4. Make changes to the following legislative acts of Ukraine:

1) part three of Article 250 of the Economic Code of Ukraine (Vidomosti Verkhovna Rada of Ukraine, 2003, No. 18-22, Article 144) after the words "On state market supervision and control of non-food products" add the words "On the National Pollutants Releases and Transfer Register";



2) in the Law of Ukraine "On Environmental Protection" (Vedomosti Verkhovna Rada of Ukraine, 1991, No. 41, Article 546 with the following amendments):

point "a" of the part one of Article 20-2 shall be supplemented with the following twentieth paragraph:

"in the field of registration of releases and transfer of pollutants and waste";

Article 24 shall be supplemented with part four of the following content:

"Peculiarities of state accounting in the field of registration of releases and transfer of pollutants and waste and in the field of monitoring, reporting and verification of greenhouse gas emissions are determined by the laws of Ukraine "On the National Pollutants Releases and Transfer Register" and "On Principles of Monitoring, Reporting and Verification of Greenhouse Gas Emissions";

the part two of Article 35 with the words "and compliance by operators with the requirements of legislation in the field of registration of releases and transfer of pollutants and waste";

3) Article 2 of the Law of Ukraine "On the basic principles of state supervision (control) in the sphere of economic activity" (Vedomosti Verkhovna Rada of Ukraine, 2007, No. 29, Article 389 with subsequent amendments) after part ten, add a new part with the following content:

"Control of compliance with the legislation in the field of registration of releases and transfer of pollutants and waste is carried out in accordance with the procedure established by this Law, taking into account the features determined by the Law of Ukraine "On the National Register of Releases and Transfer of Pollutants".

In this connection, the parts eleven - fourteen shall be considered, respectively, the parts twelve - fifteen;

4) part four of Article 21 of the Law of Ukraine "On Access to Public Information" (Vedomosti Verkhovna Rada of Ukraine, 2011, No. 32, Article 314) shall be amended as follows:

"4. When providing a person with information about him and information of public interest, the fee for copying and printing shall not be charged, except in cases of providing information in the field of registration of releases and transfer of pollutants and waste. Provision of information in the field of registration of releases and transfer of pollutants and waste is carried out in the manner determined by parts one - three of this Article".

5. Cabinet of Ministers of Ukraine:

1) within six months from the date of entry into force of this Law:

to ensure the adoption of normative legal acts necessary for the implementation of the provisions of this Law;

to bring its normative legal acts into compliance with this Law;

to ensure that the ministries and other central bodies of executive power bring their regulatory acts into compliance with this Law;

to ensure the entry into force of subordinate legal acts arising from this Law simultaneously with the entry into force of this Law;

2) within two years from the date of entry into force of this Law, to ensure the integration of the National Pollutant Releases and Transfer Register with the European Pollutant Releases and Transfer Register;

3) in 2023, to inform the Verkhovna Rada of Ukraine about the state of implementation of this Law.

President of Ukraine

V. ZELENSKYY

Kyiv

September 20, 2022 No. 2614-IX

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**LIST OF TYPES OF ACTIVITIES**

Type of Activity	Threshold values of production capacity	
1	2	
1.	Energy	
1.1	Oil and gas processing	*
1.2	Gasification or liquefaction:	
1.2.1	Coal	*
1.2.2	Other types of fuel in installations	with a total nominal consumed thermal capacity of 20 MW
1.3	Combustion of fuel in installations	with a total nominal consumed thermal capacity of 50 MW
1.4	Production of coke	*
1.5	Coal rolling mills	with a capacity of 1 ton per hour
1.6	Installations for the manufacture of coal products and solid smokeless fuel	*
2.	Production and processing of metals	
2.1	Metal ore (including sulphide ore) roasting or sintering installations	*
2.2	Production of iron or steel (primary or secondary melting), including continuous casting	with a capacity of 2,5 tons per hour
2.3	Processing of ferrous metals:	
2.3.1	On hot rolling mills	raw steel productivity of 20 tons per hour

2.3.2	Forging and press production (hammers)	with an impact energy of 50 kilojoules per hammer and a thermal power of 20 MW
2.3.3	Application of protective fused metal coats	raw steel productivity of 2 tons per hour
2.4	Casting of ferrous metals	with a production capacity of 20 tons per day
2.5	Processing of non-ferrous metals:	
2.5.1	Production of non-ferrous metals from ore, concentrates or secondary raw materials using metallurgical, chemical or electrolytic processes	*
2.5.2	Remelting of non-ferrous metals or their alloys, including recovered products, and casting	with a melting capacity of 4 tons per day for lead and cadmium or 20 tons per day for all other metals
2.6	Surface treatment of metals and plastic materials using electrolytic or chemical processes	in baths with a total volume of 30 cubic meters
3.	Mineral processing industry	
3.1	Underground mining and related operations	*
3.2	Opencast mining	Where the surface of the area effectively under extractive operation equals 25 hectares
3.3	Production of cement, lime:	
3.3.1	Production of cement clinker in rotary kilns	with a production capacity of 500 tons per day
3.3.2	Production of lime in rotary kilns	with a production capacity of 50 tons per day
3.3.3	Production of cement clinker in other kilns	with a production capacity of 50 tons per day
3.4	Production of asbestos or asbestos-based products	*
3.5	Manufacture of glass, including glass fibre	with a melting capacity of 20 tons per day

3.6	Smelting of mineral substances, including the production of mineral fibers	with a melting capacity of 20 tons per day
3.7	Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain	with a productivity of 75 tons per day and/or with a kiln capacity of 4 cubic meters and with a setting density per kiln of 300 kg per cubic meter
4.	Chemical Industry	
4.1	Production of organic chemicals such as:	*
4.1.1	Simple hydrocarbons (linear and cyclic, saturated and unsaturated, aliphatic or aromatic)	
4.1.2	Oxygen-containing hydrocarbons (alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins)	
4.1.3	Sulphurous hydrocarbons	
4.1.4	Nitrogenous hydrocarbons (amines, amides, nitrous compounds, nitro compounds and nitrate compounds, nitriles, cyanates, isocyanates)	
4.1.5	Phosphorus-containing hydrocarbons	
4.1.6	Halogenic hydrocarbons	
4.1.7	Organometallic compounds	
4.1.8	Basic plastic materials (polymers, synthetic fibers and cellulose-based fibers)	
4.1.9	Synthetic rubbers	
4.1.10	Dyes and pigments	
4.1.11	Surface-active agents and surfactants	
4.2	Production of such inorganic chemicals as:	*
4.2.1	Gases (ammonia, chlorine and hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride)	

4.2.2	Acids (chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids)	
4.2.3	Bases (ammonium hydroxide, potassium hydroxide, sodium hydroxide)	
4.2.4	Salts (ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate)	
4.2.5	Non-metals, metal oxides or other inorganic compounds (calcium carbide, silicon, silicon carbide)	
4.3	Production of phosphorous-, nitrogen- or potassium-based fertilizers (simple and compound fertilizers)	*
4.4	Production of products for crop production and biocides	*
4.5	Production of pharmaceutical products, including precursors	*
4.6	Production of explosives/pyrotechnic products	*
5.	Waste and wastewater management	
5.1	Installations for the recovery or disposal of hazardous waste	receiving 10 tons per day
5.2	Installations for the incineration of household waste	with a capacity of 3 tons per hour
5.3	Installations for the disposal of non-hazardous waste	with a capacity of 50 tons per day
5.4	Landfills (excluding landfills for construction and demolition waste)	receiving 10 tons per day or with a total capacity of 25 000 tons
5.5	Disposal or recycling of animal carcasses or animal waste	with a treatment capacity of 10 tons per day
5.6	Urban waste-water treatment plants	with a capacity of 100 000 population equivalents

5.7	Independently operated industrial waste-water treatment plants which serve one or more activities of this annex	with a capacity of 10 000 cubic meters per day
6.	Paper and wood production and processing	
6.1	Production of pulp from timber or similar fibrous materials	*
6.2	Production of paper and board and other primary wood products (such as chipboard, fibreboard and plywood)	with a production capacity of 20 tons per day
6.3	Production for preservation of wood and wood products with chemicals	with a production capacity of 50 cubic meters per day
7.	Intensive livestock production and aquaculture	
7.1	Intensive rearing of poultry or pigs	with 40 000 places for poultry; with 2 000 places for production pigs (30 kg); with 750 places for sows
7.2	Intensive aquaculture	1 000 tons of fish or shellfish per year
8.	Animal and vegetable products from the food and beverage sector	
8.1	Operation of slaughterhouses	with a carcass production capacity of 50 tons per day
8.2	Treatment and processing, except for packaging, of the following types of raw materials (pre-treated or untreated, intended for the production of food products or fodder from):	
8.2.1	Animal raw materials (other than milk)	with a finished product production capacity of 75 tons per day
8.2.2	Vegetable raw materials	with a finished product production capacity of 300 tons per day (average value on a quarterly basis)
8.3	Treatment and processing of milk	with a capacity to receive 200 tons of milk per day

		(average value on an annual basis)
9.	Other activities	
9.1	Pre-treatment (including washing, bleaching, mercerization) or dyeing of fibers or textiles	with a treatment capacity of 10 tons per day
9.2	Production of tanned hides and skins	with a treatment capacity of 12 tons of finished products per day
9.3	Surface treatment of substances, objects and products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating	with a consumption capacity of 150 kg per hour or 200 tons per year
9.4	Production of carbon (hard-burnt coal) or electro-graphite by means of incineration or graphitization	*
9.5	Installations for the building of, and painting or removal of paint from ships	with a capacity for ships 100 m long

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Note. The mark "\*" in the second column indicates that no capacity threshold is applicable (for all facilities are subject to reporting).

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Annex 2  
to the Law of Ukraine

dated September 20, 2022 No. 2614-IX

**LIST OF POLLUTANTS**

CAS Number (Contaminant Code)	Pollutant (1)	Threshold for releases			
		to air (column 1 (a), kg/year)	to water (column 1 (b), kg/year)	to land (column 1 (c), kg/year)	
1	2	3	4	5	
1	74-82-8	Methane (CH <sub>4</sub> )	100 000	(2)	-
2	630-08-0	Carbon monoxide (CO)	500 000	-	-
3	124-38-9	Carbon dioxide (CO <sub>2</sub> )	100 000 000	-	-
4		Hydro-fluorocarbons (HFCs) (3)	100	-	-
5	10024-97-2	Nitrous (1) oxide (N <sub>2</sub> O)	10 000	-	-
6	7664-41-7	Ammonia	10 000	-	-
7		Non-methane volatile organic compounds (VOCs)	100 000	-	-
8		Nitrogen oxides in terms of NO <sub>2</sub>	100 000	-	-
9		Perfluorocarbons (PFCs) (4)	100	-	-
10	2551-62-4	Sulfur hexafluoride (SF <sub>6</sub> )	50	-	-
11		Sulfur oxides in terms of SO <sub>2</sub>	150 000	-	-
12		Total nitrogen	-	50 000	50 000
13		Total phosphorus	-	5 000	5 000
14		Hydrochlorofluorocarbons (HCFCs) (5)	1	-	-

15		Chlorofluorocarbons (CFCs) (6)	1	-	-
16		Halons (7)	1	-	-
17	7440-38-2	Arsenic and its compounds (as As) (8)	20	5	5
18	7440-43-9	Cadmium and compounds (as Cd) (8)	10	5	5
19	7440-47-3	Chromium and compounds (as Cr) (8)	100	50	50
20	7440-50-8	Copper and compounds (as Cu) (8)	100	50	50
21	7439-97-6	Mercury and compounds (as Hg) (8)	10	1	1
22	7440-02-0	Nickel and compounds (as Ni) (8)	50	20	20
23	7439-92-1	Lead and compounds (as Pb) (8)	200	20	20
24	7440-66-6	Zinc and compounds (as Zn) (8)	200	100	100
25	15972-60-8	Alachlor	-	1	1
26	309-00-2	Aldrin	1	1	1
27	1912-24-9	Atrazine	-	1	1
28	57-74-9	Chlordane	1	1	1
29	143-50-0	Chlordecone	1	1	1
30	470-90-6	Chlorfenvinphos	-	1	1
31	85535-84-8	Chloro-alkanes, C10-C13	-	1	1
32	2921-88-2	Chlorpyrifos	-	1	1
33	50-29-3	DDT	1	1	1
34	107-06-2	1,2-dichloroethane (EDC)	1 000	10	10

35	75-09-2	Dichloromethane (DCM)	1 000	10	10
36	60-57-1	Dieldrin	1	1	1
37	330-54-1	Diuron	-	1	1
38	115-29-7	Endosulphan	-	1	1
39	72-20-8	Endrin	1	1	1
40		Halogenated organic compounds (as AOX) (9)	-	1 000	1 000
41	76-44-8	Heptachlor	1	1	1
42	118-74-1	Hexachlorobenzene (HCB)	10	1	1
43	87-68-3	Hexachlorobutadiene (HCBd)	-	1	1
44	608-73-1	1,2,3,4,5,6-Hexachlorocyclohexane (HCH)	10	1	1
45	58-89-9	Lindane	1	1	1
46	2385-85-5	Mirex	1	1	1
47		PCDD and PCDF (dioxins and furans) (asTEQ)	0,001	0,001	0,001
48	608-93-5	Pentachlorobenzene	1	1	1
49	87-86-5	Pentachlorophenol (PCP)	10	1	1
50	1336-36-3	Polychlorinated biphenyls (PCBs)	0,1	0,1	0,1
51	122-34-9	Simazine	-	1	1
52	127-18-4	Tetrachlorethylene (PER)	2 000	-	-
53	56-23-5	Tetrachloromethane (TCM)	100	-	-
54	12002-48-1	Trichlorobenzenes (TCBs)	10	-	-
55	71-55-6	1,1,1-trichloroethane	100	-	-

56	79-34-5	1,1,2,2-tetrachloroethane	50	-	-
57	79-01-6	Trichlorethylene	2 000	-	-
58	67-66-3	Trichloromethane (chloroform)	500	-	-
59	8001-35-2	Toxaphene	1	1	1
60	75-01-4	Vinyl chloride	1 000	10	10
61	120-12-7	Anthracene	50	1	1
62	71-43-2	Benzene (as BTEX) (10)	1 000	200 (as BTEX) (10)	200 (as BTEX) (10)
63		Brominated diphenylethers (PBDE) (11)	-	1	1
64		Nonylphenol and nonylphenol ethoxylates	-	1	1
65	100-41-4	Ethyl benzene	-	200 (as BTEX) (10)	200 (as BTEX) (10)
66	75-21-8	Ethylene oxide	1 000	10	10
67	34123-59-6	Isoproturon	-	1	1
68	91-20-3	Naphthalene	100	10	10
69		Organotin compounds (as total Sn)	-	50	50
70	117-81-7	Di-(2-ethyl hexyl) phthalate (DEHP)	10	1	1
71	108-95-2	Phenols (as total C) (12)	-	20	20
72		Polycyclic aromatic hydrocarbons (surfactants) (13)	50	5	5
73	108-88-3	Toluene	-	200 (as BTEX) (10)	200 (as BTEX) (10)

74		Tributyltin and compounds (14)	-	1	1
75		Triphenyltin and compounds (15)	-	1	1
76		Total organic carbon (TOC) (as total C or chemical oxygen consumption (COD/3))	-	50 000	-
77	1582-09-8	Trifluralin	-	1	1
78	1330-20-7	Xylenes (ortho-, meta-, para-)	-	200 (as BTEX) (10)	200 (as BTEX) (10)
79		Chlorides (as total Cl)	-	2 000 000	2 000 000
80		Chlorine and its inorganic compounds (as HCl)	10 000	-	-
81	1332-21-4	Asbestos	1	1	1
82		Cyanides (as total CN)	-	50	50
83		Fluorides (as total F)	-	2 000	2 000
84		Fluorine and inorganic compounds (as HF)	5 000	-	-
85	74-90-8	Hydrogen cyanide (HCN - hydrocyanic acid)	200	-	-
86		Substances in the form of suspended solid particles less than 10 µm, PM10	50 000	-	-
87	1806-26-4	Octylphenols and Octylphenol ethoxylates	-	1	-
88	206-44-0	Fluoranthene	-	1	-
89	465-73-6	Isodrin	-	1	-
90	36355-01-8	Hexabromobiphenyl	0,1	0,1	0,1
91	191-24-2	Benzo(g,h,i)perylene		1	

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Notes:

1. Unless otherwise specified any pollutant specified in Annex II shall be reported as the total mass of that pollutant or, where the pollutant is a group of substances, as the total mass of the group.
2. A hyphen "-" indicates that reporting for this parameter in question do not trigger a reporting requirement.
3. Total mass of hydrogen fluorocarbons: sum of HFC23, HFC32, HFC41, HFC4310mee, HFC125, HFC134, HFC134a, HFC152a, HFC143, HFC143a, HFC227ea, HFC236fa, HFC245ca, HFC365mfc.
4. Total mass of perfluorocarbons: sum of CF4, C2F6, C3F8, C4F10, c-C4F8, C5F12, C6F14.
5. Total mass of substances including their isomers listed in Group VIII of Annex I to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer (OJ L 244, 29.9.2000, p. 1). Regulation as amended by Regulation (EC) No 1804/2003 (OJ L 265, 16.10.2003, p. 1).
6. Total mass of substances including their isomers listed in Group I and II of Annex I to Regulation (EC) No 2037/2000.
7. Total mass of substances including their isomers listed in Group III and VI of Annex I to Regulation (EC) No 2037/2000.
8. All metals shall be reported as the total mass of the element in all chemical forms present in the release.
9. Halogenated organic compounds which can be adsorbed to activated carbon expressed as chloride.
10. Single pollutants are to be reported if the threshold for BTEX (the sum parameter of benzene, toluene, ethyl benzene, xylenes) is exceeded.
11. Total mass of the following brominated diphenylethers: penta-BDE, octa-BDE and deca-BDE.
12. Total mass of phenol and simple substituted phenols expressed as total carbon.
13. Polycyclic aromatic hydrocarbons (PAHs) are to be measured for reporting of releases to air as benzo(a)pyrene (50-32-8), benzo(b)fluoranthene (205-99-2), benzo(k)fluoranthene (207-08-9), indeno(1,2,3-cd)pyrene (193-39-5) (derived from Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants (OJ L 229, 29.6.2004, p. 5)).
14. Total mass of tributyltin compounds, expressed as mass of tributyltin.
15. Total mass of triphenyltin compounds, expressed as mass of triphenyltin.