

Comments on Draft findings and recommendations with regard to communication PRTRPCC/C/2020/1 concerning compliance by Ukraine

Dear Mr. Juan Luis Martin Ortega,

Re: Communication to the Protocol on Pollutant Release and Transfer Registers Compliance Committee concerning compliance by Ukraine in connection with the establishment and maintenance of a publicly accessible national pollutant release and transfer register in Ukraine (PRTRCC/C/2020/1)

Thank you for distributing the draft comments and recommendations with regard to communication PRTRPCC/C/2020/1.

The Ministry reviewed it and provides comments below.

1. Points 22, 23, 29, 30, 31 have mistakes in the title of the Ministry. Our Ministry is called - Ministry of Environmental Protection and Natural Resources of Ukraine.
2. Point 35 suggest write it in the following version:

35. Out of six normative legal acts or methodologies, five are adopted. Only the following one is pending adoption - Order on the approval of the form of the certificate on diffuse sources, the procedure for drawing up and submitting such certificates to the authorized body. Methodological recommendations in the field of registration of emissions and transfer of pollutants are approved by the Order of the Ministry of Environmental Protection and Natural Resources of Ukraine №247 dated 6 March 2024. All the drafts of legal acts were published for public to comment on the official website of the Ministry of Environment for 1 month.^[1] Since the Ministry's website was unavailable for 19 days due to a cyberattack, public discussions on each draft act were extended for 19 days, and the public was informed about this. An example of a notice of publication of a draft act and information on the extension of public discussions can be found at the following link. <https://mepr.gov.ua/povidomlennya-prooprylyudnennya-proyektu-postanovy-kabinetuministriv-ukrayiny-pro-zatverdzhennya-poryadkuvedennya-natsionalnogo-reyestru-vykydiv-taperenesennya-zabrudnyuvachiv/>
3. Point 36 suggests updating the information and writing the following:functional module of the EcoSystem, therefore the component has been placed on the EcoSystem since October 8, 2023, the day the Law entered into force.
4. Point 44 suggests to add the next sentence: According to the adopted Law of Ukraine "On the National Pollutant Release and Transfer Register", the first reporting year is the year in which the Law entered into force, namely 2023.
5. The Ministry do not agree with the comment given in point 48, since for anyone who wants to get free access to environmental information from the Register without authorization, which, incidentally, is an induced measure in connection with martial law, the Ministry once in every 2 weeks on the EcoSystem portal in the Register

section, displays an updated file with data from the Register and operator reports. This allows unauthorized free access.

6. During providing recommendations, please consider the following information in Point 49.

In connection with the introduction of martial law in Ukraine, caused by the aggression of the russia against Ukraine, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On the protection of the interests of the subjects of reporting and other documents during the period of martial law or a state of war" (hereinafter - Law no. 2115-IX), according to which, legal entities submit documents, the submission of which is required in accordance with the norms of current legislation in documentary and/or electronic form, within three months after the termination or cancellation of martial law or the state of war for the entire period of non-submission of reporting or obligation need to submit documents. In this way, the Ministry cannot oblige operators to report during martial law.

With kind regards,
Kateryna Luchko

