

**Juan Luis Martin Ortega**  
**Chair of the Compliance Committee under the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

Madrid, 03 June 2024

Dear Ms. Luchko,

**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)**

I write to inform you that on 14 May 2024 the Compliance Committee agreed its draft findings on communication PRTRCC/C/2020/1 through its electronic decision-making procedure. The text has been drafted in accordance with paragraph 40 (e) of the annex to decision I/2.

The draft findings are now forwarded at the request of the Committee for your consideration and possible comments pursuant to paragraph 38 of the annex to decision I/2.

I would be grateful if you would provide any comments on the draft findings by **1 July 2024**. In finalizing the findings, the Committee will take into account any comments you submit on the draft findings by the set deadline.

Should you have any questions, please do not hesitate to contact the secretariat.

Yours sincerely,



Juan Luis Martin Ortega

Enc: Draft findings for the parties' comments

Cc: Ms. Yelyzaveta Aleksyeyeva, EPL, Communicant of communication PRTRCC/C/2020/1

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

### **Adopted by the Compliance Committee on ...**

#### **I. Introduction**

1. On 17 June 2020,<sup>1</sup> Ukrainian non-governmental organization Environment-People-Law (EPL) submitted a communication to the Compliance Committee under the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). The communicant alleges that Ukraine fails to comply with articles 3 (1), 4 and 8 (1) and (2) of the Protocol due to the failure by the Party concerned to establish and maintain a publicly accessible national pollutant release and transfer register.
2. On 23 April 2021, the communicant submitted comments regarding the communication's admissibility.<sup>2</sup>
3. At its ninth meeting (Geneva, 28–29 April 2021)<sup>3</sup>, the Committee determined on a preliminary basis that the communication was admissible.
4. Pursuant to paragraph 22 of the annex to decision I/2 of the Meeting of the Parties to the Protocol, the communication was forwarded to the Party concerned on 18 May 2021, with a request to provide its response by 18 October 2021.
5. No response has been provided by the Party concerned to the communication.
6. On 14 December 2022, the Party concerned requested the Compliance Committee to provide advisory support in assessing the Law of Ukraine on the National Pollutant Release and Transfer Register with respect to requirements of the Protocol on PRTRs.
7. On 10 February 2023, the Communicant submitted comments on the draft Law of Ukraine on the National Pollutant Release and Transfer Register.
8. The Committee had scheduled to hold a hearing to discuss the substance of the communication at its twelfth meeting (Geneva, 1 March 2022). However, due to the invasion of Ukraine by the Russian Federation, Ukraine was under attack, including Kyiv. Consequently, it was not possible to hold any meaningful discussion; neither was it possible for the representatives of the communicant and of the Party concerned to confirm their presence in advance of the meeting. In the interests of fairness and due process, the hearings were therefore postponed.
9. The Committee held a hearing at its thirteenth meeting (Geneva, 7–8 March 2023), with regard to both communication PRTRPCC/C/2020/1 (Ukraine)<sup>4</sup> and request for advisory support PRTRPCC/A/2022/1 (Ukraine),<sup>5</sup> with the presence of the Party concerned and the communicant for communication PRTRPCC/C/2020/1 (Ukraine). The Committee clarified a number of issues and considered that it required more information with regard to both communication PRTRPCC/C/2020/1 (Ukraine) and request for advisory support PRTRPCC/A/2022/1 (Ukraine).

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<sup>1</sup> Dates here and below are either dates when the correspondence was received by the secretariat or dates of the correspondence itself.

<sup>2</sup> Available at [https://unece.org/sites/default/files/2022-01/Communicant\\_written\\_statement\\_23Apr2021.pdf](https://unece.org/sites/default/files/2022-01/Communicant_written_statement_23Apr2021.pdf).

<sup>3</sup> ECE/MP.PRTR/C.1/2021/2, para. 8.

<sup>4</sup> See [https://unece.org/env/pp/protocol-on-prtrs/cc/pre.prtrpcc.c.2020.1\\_ukraine](https://unece.org/env/pp/protocol-on-prtrs/cc/pre.prtrpcc.c.2020.1_ukraine).

<sup>5</sup> See <https://unece.org/env/pp/protocol-on-prtrs/protocol-bodies/cc/advice-or-assistance-Ukraine>.

The Committee agreed to send questions to the Party concerned to seek additional information. The Committee also agreed to continue its deliberations on:

(a) The draft findings on the communication, taking into account the information received. Once draft findings had been prepared, they would be sent to the Party concerned and to the communicant for comments;

(b) The advice with regard to the Law of Ukraine on the National Pollutant Release and Transfer Register, taking into account the information received. Once the draft advice was prepared, it would be sent to the Party concerned for possible comments; the communicant would be informed in that regard and would have an opportunity to provide its comments on the draft advice.

10. On 5 May 2023, the Committee sent its questions with regard to the advisory support and communication to the Party concerned.

11. On 20 July 2023 Ukraine submitted answers to the Committee's questions.

12. The Committee prepared its draft advice and draft findings taking into account response received from the Party concerned.

13. On 27 December 2023 the draft advice was sent to Ukraine with a copy to the Communicant for possible comments. No comments were received from either the Party concerned or the communicant.

14. On 10 April 2024 Ukraine submitted an update with regard to establishing its national Register.

15. On 15 April 2024 final advice was sent to Ukraine and the Communicant was informed accordingly.

16. At its fourteenth meeting (Geneva, 18-19 April 2024), the Committee proceeded to work in closed session on its draft findings.

17. The Committee completed its draft findings through its electronic decision-making procedure on 14 May 2024. In accordance with paragraph 38 of the annex to decision I/2, the draft findings were then forwarded on 3 June 2024 for comments to the Party concerned and the communicant, with an invitation to comment by 1 July 2024.

*18. The communicant and the Party concerned provided comments on the draft findings on [...] and [...] respectively.*

*19. At its [...] meeting (Geneva, [...]), the Committee proceeded to finalize its findings in closed session, taking account of the comments received. The Committee then adopted its findings through its electronic decision-making procedure on [...] and agreed that they should be published as a formal pre-session document to its [...]. It requested the secretariat to send the findings to the Party concerned and the communicant.*

## **II. Summary of facts, evidence and issues<sup>6</sup>**

### **A. Legal framework**

20. Relevant legal framework is described in section D below.

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<sup>6</sup> This section summarizes only the main facts, evidence and issues considered to be relevant to the question of compliance, as presented to and considered by the Committee.

## **B. Facts**

21. On 3 February 2016, the Parliament of Ukraine ratified the Protocol on PRTRs by law no. 980-VIII.<sup>7</sup>

22. On 27 May 2020, the communicant filed an information request to the Ministry of Environmental Protection and Energy of Ukraine regarding the legislative or regulatory acts developed or adopted by Ukraine to fulfil its obligations under the Protocol on PRTRs as well as any other measure taken to introduce the national electronic pollutant release and transfer register.<sup>8</sup>

23. On 1 June 2020, the Ministry of Environmental Protection and Energy provided its reply, referring to several documents adopted or developed by Ukraine.<sup>9</sup>

## **C. Domestic remedies and admissibility**

24. The communicant submits that no domestic remedies are available in the Party concerned to address the Party's failure to implement the Protocol on PRTRs. The communicant claims that the judicial system of the Party concerned is not equipped to provide any effective or sufficient means of redress in the given situation.<sup>10</sup>

25. The Party concerned has not disputed the admissibility of the communication.

## **D. Substantive issues**

26. The communicant alleges a general failure by the Party concerned to take the necessary legislative, regulatory and other measures to establish and maintain a publicly accessible national PRTR.<sup>11</sup> The communicant claims that, through its failure to do so, the Party concerned has failed to comply with its obligations under articles 3 (1), 4, and 8 (1) and (2) of the Protocol.<sup>12</sup>

### **Articles 3 (1) and 4**

27. The communicant claims that, apart from adopting the law on the ratification of the PRTR Protocol and translating the Protocol in Ukrainian language, the Party concerned has failed to take any other measures to comply with its obligations under the Protocol. In particular, the Party concerned has failed to take any legislative, regulatory or other measures to create a sufficient legal framework and ensure operation of the national PRTR.<sup>13</sup>

28. The communicant submits that the creation of the national PRTR was explicitly foreseen as part of the government's concept for a wider national automated information system "Open Environment" to be implemented in 2018–2020 and in some other strategic governmental documents. Yet, as of June 2020, no national PRTR had been put in place.<sup>14</sup>

29. In its response to an information request sent by the communicant on 27 May 2020, the Ministry of Energy and Environmental Protection of Ukraine replied that, in order to fulfil the obligations under the Protocol on PRTRs, Ukraine had approved the following documents:

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<sup>7</sup> Communication, para. 7.

<sup>8</sup> Communication, para. 10, and annex 1; communicant's statement on preliminary admissibility, 23 April 2021, para. 1.

<sup>9</sup> Communication, para. 10, and annex 2.

<sup>10</sup> Communication, para. 13; communicant's statement on preliminary admissibility, 23 April 2021, para. 3.

<sup>11</sup> Communication, para. 11.

<sup>12</sup> Communication, para. 12.

<sup>13</sup> Communication, para. 8; communicant's statement on preliminary admissibility, 23 April 2021, para. 2.

<sup>14</sup> Communication, para. 9.

- (a) Procedure for submitting a declaration on waste, approved by the Resolution No. 118 of the Cabinet of Ministers of Ukraine of 18.02.2016;
- (b) National Strategy for Waste Management in Ukraine until 2030, (order No. 820-r of the Cabinet of Ministers of Ukraine dated 08.11.2017);
- (c) Concept of creation of the national automated system “Open Environment”, approved by the order No. 825-r of the Cabinet of Ministers of Ukraine dated 07.11.2018, which provides for digital information protection of the PRTR system;
- (d) Concept of implementation of state policy in the field of industrial pollution, approved by the order No. 402-r of the Cabinet of Ministers of Ukraine dated 22.05.2019;
- (e) The action plan for the implementation of the Concept for the implementation of state policy in the field of industrial pollution, approved by the order No. 1422-r of the Cabinet of Ministers of Ukraine dated 27.12.2019;
- (f) The Law of Ukraine no. 544-IX dated 13.04.2020 on the national infrastructure of geospatial data (to enter into force on 01.01.2021), which forms the legal basis and legal framework for the application of spatial reference / identification of sources of pollution and the establishment of coordinates for relevant information data.<sup>15</sup>

30. Moreover, the Ministry of Energy and Environmental Protection stated that the following documents had been developed and submitted for adoption:

- (a) Draft Law “On Batteries and Accumulators”, which defines the legal, economic and organizational principles for the introduction and marketing of batteries and accumulators, waste management of batteries and accumulators to ensure environmental safety, prevention of adverse effects of these wastes on human health and the environment by introducing a system of extended producer responsibility and the requirements of a high level of collection and recycling of waste batteries and accumulators, the return to economic circulation of secondary raw materials for the processing industry;
- (b) Draft Law “On Wastes of Electrical and Electronic Equipment”, which provides legal, economic and organizational principles in the field of waste management of electrical and electronic equipment to ensure environmental safety, prevent their negative impact on human health and the environment by introducing an extended system producer responsibility, setting a requirement for a high level of collection and recycling of electrical and electronic waste, control over their generation and treatment, and return to economic circulation of secondary raw materials;
- (c) Draft Law “On Packaging and Packaging Waste”, which defines the legal, economic and organizational principles for the introduction of packaging and goods in packaging and management of packaging waste through their reuse and recovery as secondary raw materials and energy resources, return to economic circulation resource-intensive components of packaging waste and prevention of negative impact of this waste on human health and the environment.<sup>16</sup>

31. Finally, the Ministry of Energy and Environmental Protection claimed that it was also working on a number of further draft laws, including “On household waste”, “On waste disposal”, “On waste incineration”, “On waste oil”, “On decommissioned vehicles”, “On waste management of the extractive industry”.<sup>17</sup>

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<sup>15</sup> Communication, annex 2, p. 1.

<sup>16</sup> Communication, annex 2, p. 1-2.

<sup>17</sup> Communication, annex 2, p. 2.

32. The communicant states that the draft laws referred to in the Ministry's response of 1 June 2020 only indirectly relate to the establishment and operation of the national PRTR. Moreover, as of June 2020, they were merely draft laws and it was unclear if and when they will be adopted.<sup>18</sup>

***Information provided by the Party concerned at and after the hearings held on 7 March 2023***

33. The Party concerned informed the Committee that the Cabinet of Ministers of Ukraine adopted the following documents: Resolution No. 560 dated 2 June 2023 "On the Approval of the Procedure for Maintaining the National Pollutant Release and Transfer Register" and Resolution No. 352 dated 18 April 2023 "On Approval of the Procedure for Drawing up and Publication of the Report of the Competent Authority on Release and Transfer of pollutants and waste". The Order of the Ministry of Ecology dated 13 April 2023 No. 221 "On Approval of the Form of the Operator's Report on Release and Transfer of Pollutants and Waste and Instructions for Its Completion" was registered with the Ministry of Justice of Ukraine on 1 June 2023 under No. 914/39970. The draft order was published on 20.02.2023. An order approving the form of the certificate on diffuse sources, the procedure for drawing up and submitting such a certificate to the competent authority has also been developed. The Order of the Ministry of Environmental Protection and Natural Resources of Ukraine "On Approval of the Form of Protocol on Violation by the Operator of the Legislative Requirements for Registration of Releases and Transfer of Pollutants and Waste and Orders on Consideration of the Case of Offence" No. 409 dated 12.06.2023 was registered and sent for state registration to the Ministry of Justice of Ukraine.

34. Methodological recommendations on the registration of releases and transfers of pollutants are currently being developed and will be approved by an order of the Ministry of Environment in the near future.

35. Out of six regulations or methodologies, four are adopted. Only the following two were pending adoption: 1) Decree 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; 2) Methodological recommendations in the field of registration of emissions and transfer of pollutants. All the decrees were published for public comment on the official website of the Ministry of Environment for 1 month.<sup>19</sup> 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/>

36. In accordance with clause 5 of the Procedure for Maintaining the National PRTR, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 560 of 2 June 2023, the Register is a functional module of the EcoSystem. The Register component is currently being developed on the EcoSystem platform. According to the Law, the Register will be publicly available from 8 October 2023.

37. The Ministry is guided by the Law of Ukraine "On the National Informatisation Programme" and the Resolution of the Cabinet of Ministers of Ukraine "On the Unified Environmental Platform EcoSystem" No. 1065 dated 11.10.2021. Ukraine's official Governmental Portal informs that the respective law was adopted on December 1, 2022, and came into force on March 1, 2023.

38. In 2022, the Law of Ukraine "On Waste Management" was adopted, which implemented three directives: on waste, on disposal, and on incineration. The law became a framework. Currently being developed: 1) the draft Law on Batteries and Accumulators, 2) the draft Law on Waste

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<sup>18</sup> Communication, para. 10; communicant's statement on preliminary admissibility, 23 April 2021, para. 2.

<sup>19</sup> According to online notice: <https://mepr.gov.ua/povidomlennya-pro-oprylyudnennya-proyektu-nakazu-ministerstva-zahystu-dovkillya-ta-pryrodnyh-resursiv-ukrayiny-pro-zatverdzhennya-formy-protokolu-pro-porushennya-operatorom-vymog-zakonodavstva-u-sferi/>.

Electrical and Electronic Equipment, 3) the draft Law on Packaging and Packaging Waste, 4) the draft Law on the Extractive Waste Management.

39. Some of the legal acts initially indicated by the Party concerned lost their relevance because of adoption of the Law “On Waste Management”. Those acts are: (a) Law “On waste disposal”, (b) Law “On waste incineration”, (c) Law “On waste oil”. The others are in the phase of drafting: 1) the draft Law on Batteries and Accumulators, 2) the draft Law on Waste Electrical and Electronic Equipment, 3) the draft Law on Packaging and Packaging Waste, 4) the draft Law on the Extractive Waste Management.

40. The Ministry of Environment plans to conduct online testing of the Register with the involvement of representatives of the public, business, and executive authorities once the software is created.

41. Article 12(1) and (2) of the Law of Ukraine on the National Pollutant Release and Transfer Register defines the following rights of the public 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. Evidently, the legislation of Ukraine provides an opportunity to comment and provide feedback on the planned measures of PRTR development and modification.

#### **Article 8 (1) and (2)**

42. The communicant submits that, pursuant to article 8 (1) and (2) of the Protocol, the first reporting year for the Party concerned was 2017 and the information for the reporting year should have been incorporated into its national PRTR by the end of 2019. However, this did not happen.<sup>20</sup>

43. The Party concerned has not commented on this allegation.

#### ***Information provided by the Party concerned at and after the hearings held on 7 March 2023***

44. Taking into account the provisions of Article 17 (7), (9) and (13) and Article 20 (3) and (4) of the Law of Ukraine on the National Pollutant Release and Transfer Register, data on pollutant releases and transfers shall be entered into the Register as follows: 30 working days after the operator submits the report by 31 March of the year following the reporting year - if the operator submits a report that meets the requirements for completeness, consistency and reliability of the data; 60 working days after the operator submits the report until 31 March of the year following the reporting year - in case of submission of the operator's report that does not meet the requirements for completeness, consistency and reliability of data. These deadlines may be extended by 10 working days in case of repeated submission of the report and the above deadlines. The first reporting year is the calendar year in which this Law came into force (Section VII, paragraph 2). According to Article 17 (7), the operator's report shall be submitted to the competent authority

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<sup>20</sup> Communication, para. 7.

together with the application for acceptance of the operator's report no later than March 31 of the year following the reporting year. (9) The competent authority within 30 working days from the date of submission of the operator's application and report: 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. (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.

45. According to Article 20, 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.

### **III. Consideration and evaluation by the Committee**

46. Ukraine deposited its instrument of ratification on 2 May 2016. The Protocol entered into force for the Party concerned on 31 July 2016, i.e., ninety days after the date of deposit of the instrument of ratification.

47. The Committee considers that at the time of the submission of the communication the Party concerned failed to ensure implementation of articles 3(1), 4 and 8 (1) and (2) of the Protocol. However, in the light of the recent developments, namely the adoption of the Law of Ukraine on the National Pollutant Release and Transfer Register and regulations referred to in section D above, the Party concerned strived to remedy this situation. This concerns, in particular, article 3 (1), notably its requirement to take the necessary legislative and regulatory measures to establish and maintain a publicly accessible national PRTR.

48. With regard to article 4, the Committee observes that:

(a) the Register has been made available, as of 8 October 2023, on the online platform 'Ecosystem'. However, the Register currently operates under the conditions of martial law and requires user identification as a prerequisite for access. The Committee considers that the provisions of Article 4 on public access to the Register should be read in conjunction with Article 5, paragraph 4 of the Protocol. Meaning, the Register shall be designed for maximum ease of public access through electronic means, such as the Internet, and the design shall allow that, under normal operating conditions, the information on the register is continuously and immediately available through electronic means. The Committee, thus, notes that the Register is not operating under normal conditions due to the martial law, and the subsequent requirement of user identification affects the maximum ease of access to the Register.

(b) In accordance with the Law, the Register contains the following information:

- 1) facilities (the location (geographical coordinates) of the industrial site, the 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 activity;
- 4) type of pollutant according to the list of pollutants or waste and waste classification;
- 5) a component of the environment (atmospheric air, water, land) into which pollutants are emitted;
- 6) transfer of waste outside the boundaries of the industrial site and its further purpose (in case of restoration or removal of waste);



- 7) transfer of pollutants in return (waste) waters intended for cleaning outside the industrial site;
- 8) the operator of the corresponding facility.

49. With regard to article 8, the Committee notes that in accordance with the Law of Ukraine on the National Pollutant Release and Transfer Register, it should take maximum 6 months from the end of each reporting year for the data to be incorporated. The first reporting year is the calendar year in which the Law came into force. No inconsistency was identified vis-a-vis provisions of the Protocol. However, at the time of the submission of the communication, no information was incorporated into its register within fifteen months from the end of each reporting year as was required by article 8. According to the Party concerned, as of 10 April 2024, 376 objects have already been registered in Register. By March 31, operators had to report for 2023, and for today, the Ministry of Environmental Protection and Natural Resources of Ukraine has accepted 152 operator reports, and other 90 reports are under consideration.

50. In addition, the Committee also notes that the Law of Ukraine on the National Pollutant Release and Transfer Register provides an opportunity to comment and provide feedback on the planned measures of PRTR development and modification.

#### **IV. Conclusions and recommendations**

51. Having considered the above, the Committee adopts the findings and recommendations set out in the following paragraphs:

##### **A. Main findings with regard to non-compliance**

52. The Committee finds that at the time of the submission of the communication the Party concerned failed to comply with articles 3(1), 4 and 8 (1) and (2) of the Protocol.

53. Since no evidence has been put before the Committee to demonstrate that the non compliance found in taking other necessary legislative, regulatory and other measures to establish and maintain a publicly accessible national PRTR, the Committee refrains from making recommendations with regard to article 3 (1) of the Protocol.

54. Since no evidence has been put before the Committee to demonstrate that the non compliance found in not ensuring incorporation of the required information into the register in line with the reporting cycle, the Committee refrains from making recommendations with regard to Article 8 (1) and (2) of the Protocol.

55. Based on the foregoing, the Committee finds that at present the Party concerned does not fail to comply with the requirements of Article 8 (1) and (2) and with article 3 (1) of the Protocol.

56. Based on the foregoing, the Committee finds that at present the Party concerned does not fail to comply with the requirement in article 4 of the Protocol to establish and maintain publicly accessible pollutant release and transfer register system, which is currently functioning not under normal operating conditions as provided through article 5 paragraph 4. However, the Committee decided to make recommendations in this regard.

##### **B. Recommendations**

57. The Committee, pursuant to paragraph 40 (e) of the annex to decision I/2 of the Meeting of the Parties, recommends that the Party concerned undertake the necessary legislative, regulatory, administrative and practical measures to ensure that provision of article 4, in conjunction with Article 5, paragraph 4 of the Protocol, are fully implemented under normal operating conditions by

removing the requirement for the identification procedure once the hostilities have ended and the marital law is lifted. In addition, the Committee recommends implementation of the provisions of its advice (PRTRPCC/A/2022/1 (Ukraine)) which are imperative for the successful fulfilment of obligations under the articles 3(1), 4 and 8 (1) and (2).

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