

Year in review 2023

ARZINGER 20 YEARS

Environmental and Sustainable Development

Results – 2023:

The Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Compensation to the Cartagena Protocol on Biosafety **HAS BEEN RATIFIED**

The ratification of the Protocol now allows Ukraine to act in accordance with international rules and procedures to compensate for damage to biodiversity and human health caused by the negative impact of GMOs.

The Protocol applies to damage caused by the transboundary movement of GMOs intended for use as food or feed, processing, in closed systems and intentional release into the environment, as well as to damage caused by unintentional and illegal transboundary movement of GMOs.

The provisions of the Protocol do not apply to damages caused by transboundary movement of GMOs that began before the entry into force of the Protocol.

UKRAINE ACCEDES to the Minamata Convention on Mercury

The Convention provides for a phased phase-out of mercury use: further extraction is prohibited, and a ban is imposed on the production, export and import of many products containing mercury (thermometers and pressure measuring devices, certain types of batteries and fluorescent lamps, barometers, switches, relays, and even cosmetics).

On July 9, 2023, the **LAW OF UKRAINE “ON WASTE MANAGEMENT”** CAME INTO FORCE

This long-awaited document launches the waste management reform.

The law provides for the following changes in waste management:

- A new effective permitting system;
- Decentralization of waste management;
- Multi-level planning;
- Infrastructure development;
- European principles - waste management hierarchy, extended producer responsibility, “polluter pays”.

The Cabinet of Ministers of Ukraine has **APPROVED** the License Terms for Hazardous Waste Management

The document clearly defines the procedure for obtaining a license by enterprises that intend to work with hazardous waste - to collect, store, treat, and dispose of it; organizational, personnel, and technological requirements for such enterprises and their equipment.

To obtain a license for hazardous waste operations, companies need to take **two steps**:

- 1. Pass a pre-licensing inspection.**
- 2. Submit documents for obtaining a license in accordance with the approved License Terms.** Business entities that are already doing business in this area have been given time to adapt to the new working conditions under the waste management reform.

The Cabinet of Ministers of Ukraine has officially **LAUNCHED** an information system for waste management in Ukraine

The government has approved the procedure for administering the service, the main goal of which is to fully digitalize all processes of the waste management system in Ukraine and make them automated.

Subsequently, the Ministry of Environmental Protection and Natural Resources of Ukraine has **LAUNCHED A NUMBER OF ONLINE SERVICES** that allow businesses to quickly and conveniently obtain permits for waste management

The information system will include sub-modules such as:

- accounting and reporting. At the same time, businesses do not need to create any additional documents. The system will generate all reports independently, and will also remind you what permits are due when you sign the reports;
- provision of administrative services - peopleless and paperless.
- registers that will be generated automatically and will be freely available. Open data will ensure that citizens are fully informed and will also be useful for investors considering opportunities to work in the sector.



The Procedure for Implementation of Mandatory Automated Pollutant Emission Control Systems has been **APPROVED**

According to the Procedure, business entities whose activities involve the operation of facilities that emit pollutants into the air will have to install automated pollutant emission control systems. The Annex to the Procedure defines the list of industries and technical equipment requiring automated control systems. Among other things, **it includes certain oil and gas processing activities.**

The President **SIGNED THE LAW** amending the Budget Code and introducing the State Fund for Decarbonization and Energy Efficient Transformation

The Cabinet of Ministers of Ukraine has **APPROVED** the Procedure for Maintaining the Unified Register of Strategic Environmental Assessment

It defines the procedure, functionality of the electronic cabinet and content of the register. In particular, it provides for permission to enter documents by executive authorities or local governments, liability for violation of the law, and expansion of the powers of the State Environmental Inspectorate in terms of monitoring compliance with the legislation on strategic environmental assessment.

AMENDMENTS to the Procedure for Transferring Documents for Providing an Environmental Impact Assessment Conclusion and Financing an Environmental Impact Assessment

The Procedure has been supplemented with a model contract for the provision of services for public discussion in the process of EIA, which **introduces the following changes:**

- the possibility of concluding an agreement for public discussion in the EIA procedure online;
- reduction of the procedure time by 60 calendar days and the possibility to pay for services online.



ADOPTION AND ENTRY INTO FORCE of the Draft Law “On Electrical and Electronic Equipment and Waste Electrical and Electronic Equipment”

The Draft Law “On Electrical and Electronic Equipment and Waste Electrical and Electronic Equipment” implements the provisions of European Directive 2012/19/EU and is one of the first three laws to implement the extended producer responsibility system in Ukraine.

According to the draft law, the Extended Producer Responsibility system will apply to heat exchange equipment, screens, monitors, lamps, telecommunications and information technology equipment. Exceptions include equipment used for military purposes and to protect national interests, such as drones.

The extended liability system will cover all business entities that put electrical and electronic products into circulation. These can be both companies that manufacture and sell products and those that only sell them (including imported ones).

ON 29 JUNE 2024, THE LAW OF UKRAINE “On Ensuring Chemical Safety and Management of Chemical Products” **COMES INTO FORCE**

The Law provides for:

- creation of a national chemicals management system;
- implementation of REACH and CLP technical regulations;
- implementation of the UN GHS system;
- creation of a unified database of chemicals, etc.

According to the Law, before starting the production of chemical products, the manufacturer is obliged to develop and provide the consumer of chemical products with a chemical product safety data sheet or instructions for safe use, depending on the hazard of the chemical product.