

## Annex 13. The analysis of Ukrainian legislation compliance with the requirements of Directive 2006/21/EC on the management of waste from extractive industries and the Roadmap of its implementation in the context of improving TMFs safety

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## 1 Introduction

Below is the analysis of our work in the frames of the project “Raising Knowledge among Students and Teachers on Tailings Safety and its Legislative Review in Ukraine”.

This research included the analysis of compliance of Ukrainian legislation with the provisions of Directive 2006/21/EC on the management of waste from extractive industries as well as the development of the Roadmap (Action Plan) for the implementation of Directive 2006/21/EC using the UNECE Safety guidelines and good practices for TMFs. In the course of the works, we have faced with a need to analyse the compliance of Ukrainian legislation with the provisions of Directive 2012/18/EC on the control of major accident hazards involving dangerous substances. This report therefore, contains the aforementioned analysis without indicating possible ways for the implementation of this Directive.

### Implementation of European legislation in TMFs and their safety

Ukraine continues to accumulate different types of waste. Most of them are industrial waste (associated overburden, sludge), mineral processing products, smelter slag, etc. The largest amount of waste is produced by mining and smelting enterprises, chemical industry and power companies. Around 85% of all industrial waste comes from primary mining and enriching cycle and accumulates in the form of heaps, dumps and sludge depositories. High concentration of this type of waste can be found in such mining fields as Donetskyi, Kryvorizkyi, Lvivsko-Volynskyi and other districts. They cover an area of over 160-165 thousand hectares<sup>1</sup>.

Only one mining and metallurgical industry annually produces over 100-120 mln tonnes of waste. Mining companies annually store around 70 mln CBM of overburden, including 52 mln tonnes of beneficiation and mining waste. The economic activity of mining companies resulted in the storage of over 2.2 bln CBM of mining wastes in dumps as well as 2.6 bln of beneficiation wastes, 250 mln tonnes of slags, and 30 mln tonnes of sludge<sup>2</sup> in TMFs.

It underlines the importance of implementation of EU Directive 2006/21/EC on the management of wastes from extractive industries and Directive 2012/18/EC on the control of major accident hazards involving dangerous substances (Seveso III) by developing an appropriate legislative framework of TMFs operation in order to improve their safety and prevent natural and man-made emergencies.

The management of TMFs is a comprehensive issue in Ukraine, which is covered by a number of laws and regulations (on certain aspects of their treatment).

A total of three system components could be identified based on the analysis of legal framework of Ukraine to support the implementation of Directive 2006/21/EC on the management of waste from extractive industries, namely:

- general laws (regulations);
- special legislative acts;
- regulations to support other administrative (departmental) regulatory documents.

This structure is depicted in Figure 1.

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<sup>1</sup> National report “On Technogenic and Natural Security in Ukraine”. Electronic resource. – Access mode: [http://www.dsns.gov.ua/files/prognoz/report/2014/ND\\_2014.pdf](http://www.dsns.gov.ua/files/prognoz/report/2014/ND_2014.pdf)

<sup>2</sup> National report “On Technogenic and Natural Security in Ukraine”. Electronic resource. – Access mode: [http://www.dsns.gov.ua/files/prognoz/report/2014/ND\\_2014.pdf](http://www.dsns.gov.ua/files/prognoz/report/2014/ND_2014.pdf)

The term “TMFs” is defined in DBN V.2.4.-5:2012 “Tailing and sludge ponds. Section I. Design. Section II. Construction”<sup>3</sup>. Tailing (sludge) pond is a natural or artificially created storage capacity for tailings (sludge), which is hydraulically moved from the area it was established as well as for the water clarification purposes. Tailings are minerals processing wastes in the form of rock with commercial components that may not be extracted using the adopted enrichment technology.

According to the Procedure for examination and certification of hydro-technical utilities for hydraulic removal and storage of industrial waste and tailings<sup>4</sup>, the term TMF (ash, sludge and slag depositories, storage pool for liquid production waste) is the artificial hydro-technical utility amidst the natural landscape, which may be enclosed (semi-enclosed in the need to establish soil or similar dams used to filter the water partially) and used to store the liquid tailings (ash, sludge, slag or other production waste) that may be toxic and environmentally dangerous thus providing for hydraulic transportation from where they were generated (par.1.9.1).

The same document defines tailings (par.1.9.4) as mineral processing waste (primarily liquid waste) or waste produced as a result of technological processes in various industries.

The operation of TMFs in Europe is usually regulated by several documents. Particularly, Directive 2006/21/EC on the management of wastes from extractive industries and Directive 2012/18/EC on the control of major accident hazards involving dangerous substances. These documents define the requirements and approaches to the management of different types of facilities (Figure 2), while TMFs are considered as one of many such types.

The scope of Directive 2006/21/EC covers the treatment of waste resulting from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries.

The following is excluded from the scope of this Directive 2006/21/EC:

“... waste generated by the prospecting, extraction and treatment of mineral resources and the working of quarries, but not resulting directly from those operations;

- waste resulting from the offshore prospecting, extraction and treatment of mineral resources;
- water injection and re-injection of pumped groundwater as defined in the first and second indents of Article 11(3)(j) of Directive 2000/60/EC, to the extent authorized by that Article.” According to the Directive, the term “extractive industries” is considered as “all establishments and undertakings engaged in surface or underground extraction of mineral resources for commercial purposes, including extraction by drilling boreholes, or treatment of the extracted material” and the term “tailings” (TMFs) – as “waste solids or slurries that remain after the treatment of minerals by separation processes (e.g. crushing, grinding, size-sorting, flotation and other physical-and-chemical techniques) to remove the valuable minerals from the less valuable rock”.

The term “treatment” is defined as “mechanical, physical, biological, thermal or chemical process or combination of processes carried out on mineral resources, including from the working of quarries, with a view to extracting the mineral, including size change, classification, separation and leaching, and the re-processing of previously discarded waste, but excluding smelting, thermal manufacturing processes (other than the burning of limestone) and metallurgical processes”.

Therefore, the scope of Directive does not cover the TMFs for waste resulting from smelting, thermal manufacturing processes (other than the burning of limestone) and metallurgical processes.

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<sup>3</sup> Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine “On approval of DBN V.2.4.-5:2012 “Tailing and sludge ponds. Section I. Design. Section II. Construction” No. 21 of 12.01.2012 // [Electronic resource]. – Access mode: [http://search.ligazakon.ua/l\\_doc2.nsf/link1/FIN72395.html](http://search.ligazakon.ua/l_doc2.nsf/link1/FIN72395.html)

<sup>4</sup> Order of the State Committee on Urban Planning and Architecture “On approval of Procedure for examination and certification of hydro-technical utilities, hydraulic removal and storage of industrial waste and tailings” No. 165 of 10.09.1996

**Directive 2012/18/EC on the control of major accident hazards involving dangerous substances** replaces Directive 96/82/EC and sets the rules to prevent major accidents resulting from certain industrial activity and limit the impact of their consequences on human health and environment. This Directive is applied to enterprises as the whole site under the control of an operator where dangerous substances are present in one or more installations, including common or related infrastructures or activities. The enterprises are either lower-tier enterprises or upper-tier enterprises.

This Directive is applied to:

- “... (d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive;
- (e) the exploitation, namely the exploration, extraction and processing of minerals in mines and quarries, including by means of boreholes;
- (f) the offshore exploration and exploitation of minerals, including hydrocarbons;
- (g) the storage of gas at underground offshore sites including both dedicated storage sites and sites where exploration and exploitation of minerals, including hydrocarbons are also carried out;
- (h) waste land-fill sites, including underground waste storage.”

Notwithstanding points (e) and (h) of the first subparagraph, chemical and thermal processing operations and storage related to those operations which involve dangerous substances, as well as operational tailings disposal facilities, including TMFs or dams, containing dangerous substances shall be included within the scope of this Directive.

Therefore, TMFs containing dangerous substances as well as **storage for substances (including waste) related to chemical and thermal processing operations are covered by Directive 2012/18/EU.**

It should be also noted that paragraph 5 of Preamble to Directive provides for the implementation of the Convention of the United Nations Economic Commission for Europe (UNECE) on the Transboundary Effects of Industrial Accidents in accordance with Directive 96/82/EU replaced by Directive 2012/18/EU. Therefore, by implementing Directive 2012/18/EU, Ukraine implements the commitments under the Convention of the United Nations Economic Commission for Europe (UNECE) on the Transboundary Effects of Industrial Accidents (that was not ratified by Ukraine).

Thus, **a number of documents should be implemented to ensure the compliance of national legislation with the European provisions on TMFs. Those documents include Directive 2006/21/EU and Directive 2012/18/EU.** These Directives, as already mentioned, contain provision on TMFs as well as waste disposal facilities. Therefore, implementation of requirements to TMFs should be made as a part of comprehensive implementation of aforementioned Directives. The following auxiliary documents, developed and approved by the EU, **should be also considered at the development of Action Plan for implementation of Directive as a part of the overall plan of implementation** since they contain detailed analysis of certain provisions under those Directives: Commission Decision 2009/335/EC on technical guidelines for the establishment of the financial guarantee in accordance with Directive 2006/21/EC; Commission Decision 2009/337/EC on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC; Commission Decision 2009/359/EC completing the definition of inert waste in implementation of Article 22(1)(f) of Directive 2006/21/EC; Commission Decision 2009/360/EC completing the technical requirements for waste characterization laid down by Directive 2006/21/EC.

The other key document is Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures.

This document was not included into the Association Agreement, while being the foundation for the implementation of separate provisions of Directives 2006/21/EC, 2012/18/EC and 2008/98/EC. Directive 2008/98/EC is not subject of this research, although the implementation of Regulation 1272/2008 should be made in the frames of implementation of this Directive.

Figure 1: National statutory and regulatory provisions for the implementation of Directive 2006/21/EC to improve the safety of TMFs.

Notes: \* Project draft documents

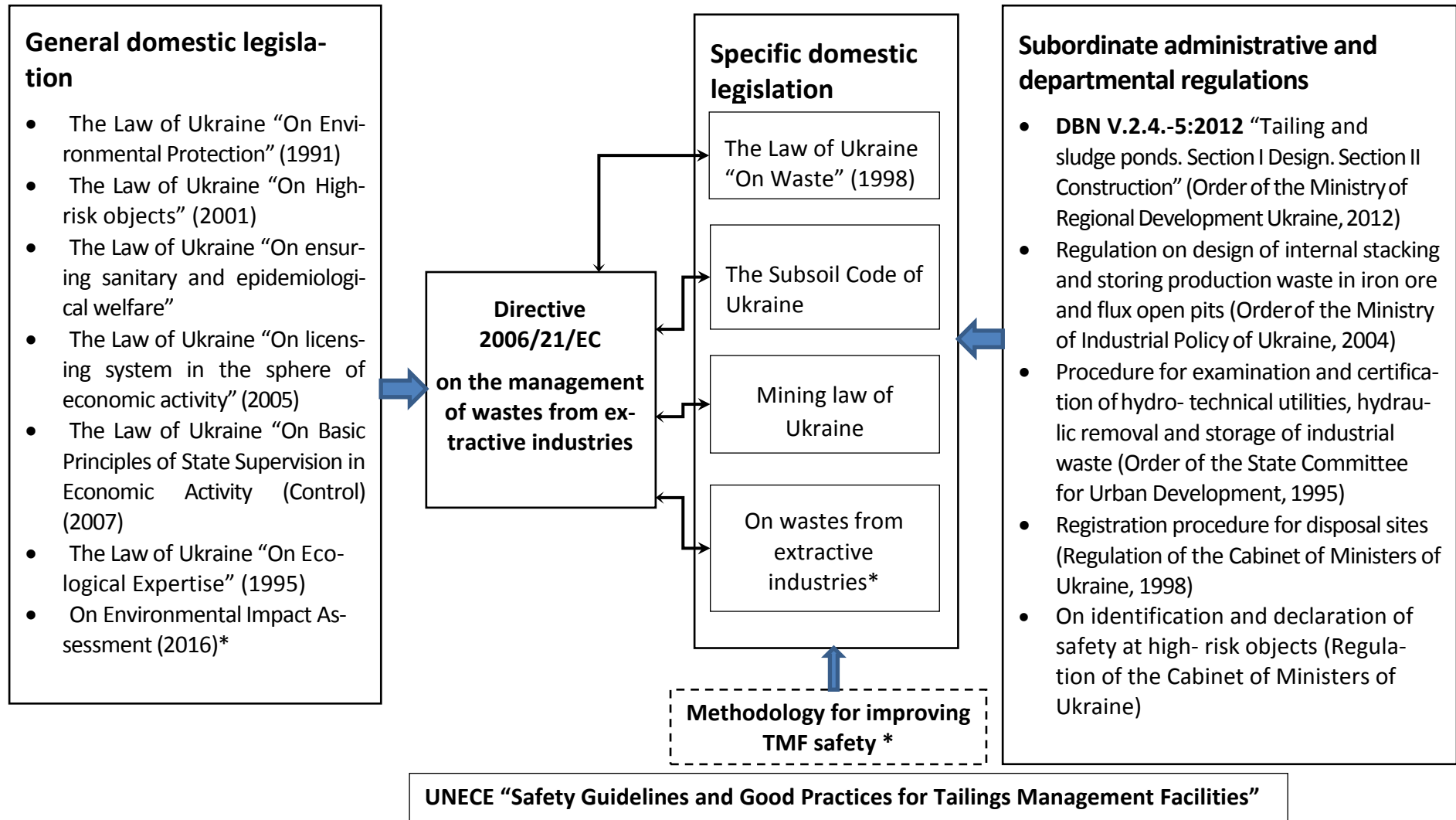
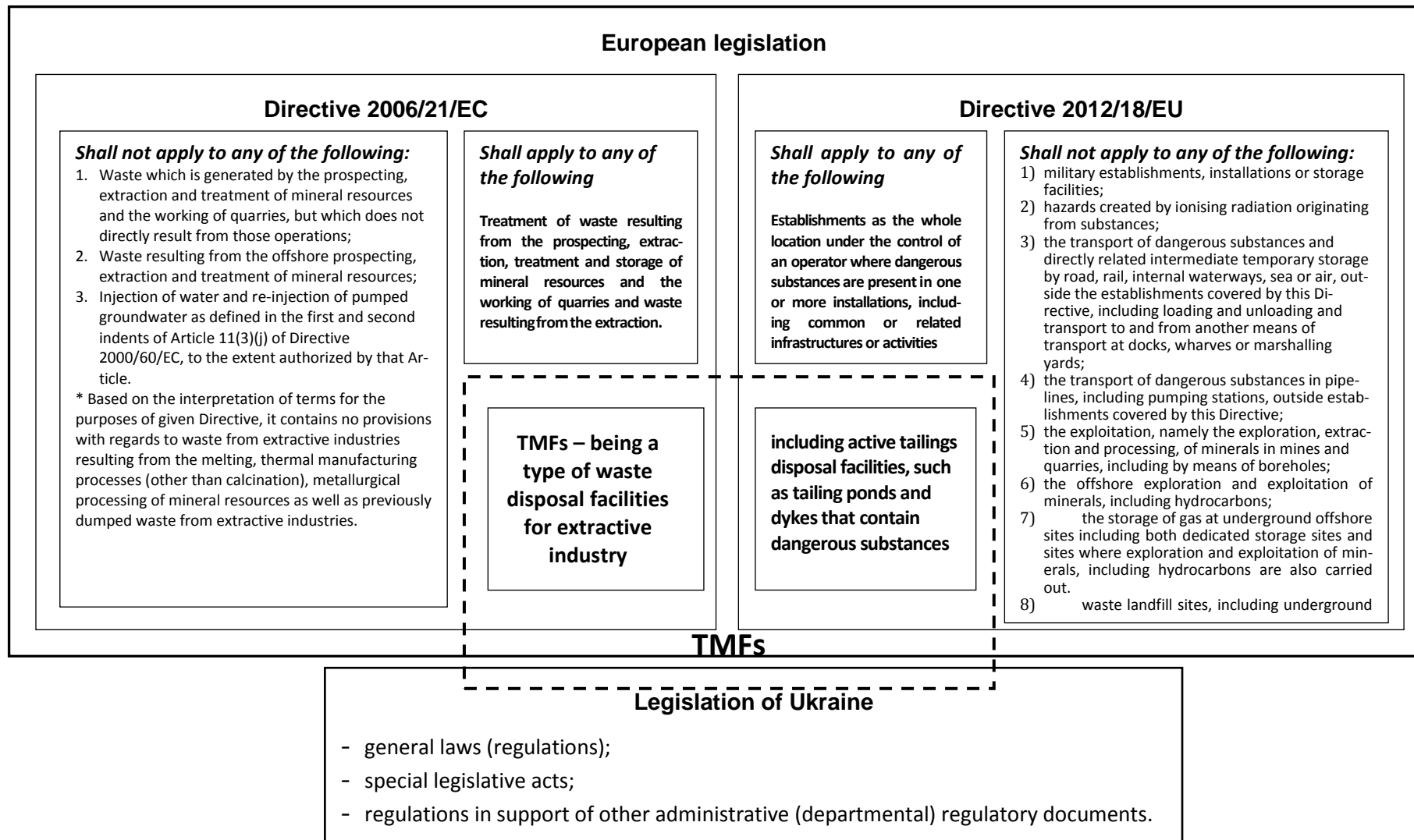


Figure 2: Provisions on TMFs under the legislation of Ukraine and European Union





## 2 Regulatory considerations on TMFs safety in Ukraine

### 2.1 National regulations on TMF safety

Three system components could be identified based on the analysis of implementation objectives under Directives 2006/21/EC and 2012/18/EC, namely:

- 1) general laws (regulations);
- 2) special legislative acts;
- 3) regulations in support of other administrative (departmental) regulatory documents.

The first group of laws refers to extractive industry waste and defines the environmental, safety and other rules or requirements. This group is primarily represented with the Law of Ukraine “On Environmental Protection” No. 1264-XII of 25.06.1991, which contains general provisions on the environmentally safe treatment of waste and introduces an economic mechanism in the form of placement fee (environmental tax). Special (preferential) treatment is established for mining waste under the Code of Ukraine of 02.12.2010 in the form of special rates of environmental tax.

The first group of laws additionally includes:

- The Law of Ukraine “On High-Risk Objects” (No. 2245-III of 18.01.2001);
- Law of Ukraine “On Ensuring Sanitary and Epidemiological Welfare of Population” (No.4004-XII of 24.02.1994);
- The Law of Ukraine “On Licensing System in the Sphere of Economic Activity”;
- The Law of Ukraine “On Basic Principles of State Supervision (Control) in Economic Activity”;
- The Law of Ukraine “On Ecological Expertise”;
- The Code of Civil Defense of Ukraine No. 5403-VI of 02.10.2012, etc.

This list may be amended with laws on environmental audit, evaluation of environmental impact, access to public information, etc.

Special attention should be given to the Law of Ukraine “On High-Risk Objects” with respect to the safety of TMFs. It contains general provisions on the operations of high-risk objects and identifies requirements to them. The waste land-fill sites/facilities are used to produce, treat, store or transport one or several hazardous substances or categories of substances in the amount, which is equal to or exceeds the regulatory weight threshold as well as other facilities posing a real threat of natural or man-made disaster under the law fall within the purview of the Law of Ukraine “On High-Risk Objects”. This law is designed to protect life and health of people and environment from the harmful effects of accident at those facilities through prevention, restriction (localization) and liquidation of consequences. In the context of approximation to Directive 2006/21/EC, it is important to note that the Law of Ukraine “On High-Risk Objects” covers facilities under Category A of Directive 2006/21/EC.

The main provisions of the Law of Ukraine “On High-Risk Objects” define the identification of high-risk facilities, declaration of safety, plans for localization and liquidation of accidents at those facilities, procedure for construction and obtaining permission to operate such facilities as well as other matters pertaining the provision of information on high-risk facilities (Articles 9-13 and 15). Some of the requirements under the Law of Ukraine “On High-Risk Objects” are detailed in the Resolution of the Cabinet of Ministers of Ukraine “On identification and declaration of safety at high-risk objects” No. 956 of 11.07.2002.

It approved:

- regulatory weight threshold of hazardous substances for the identification of high-risk facilities;
- procedure for identification and accounting of high-risk facilities;

- procedure for declaration of safety at high-risk facilities.

The Cabinet of Ministers of Ukraine has additionally approved the Resolution “On the Approval of the Rules and Procedures of Obligatory Insurance of Civil Liability of Business Entities for the Damage that May Be Inflicted by Fire and Accidents at Hazardous Sites, Including Explosive and Inflammable Sites and Sites Where Economic Activity May Lead to Environmental and Sanitary-Epidemiological Accidents” No. 1788 of 16.11.2002 in accordance with Article 7 (1) of the Law of Ukraine “On the Insurance”. This resolution approved a list of groups attributing a specific high-risk facility to a certain group and assigning the appropriate hazard category (first, second or third). The highest risk corresponds to the first category.

According to Article 10 of the Law of Ukraine “On High-Risk Objects”, any business entity shall prepare and submit the declaration of safety on the high-risk facility to local authorities. Business entity shall:

- Run the identification of the high-risk facility and register it with the supervisory authority;
- Ensure the development and examination of the Declaration of safety and Plan of liquidation and localization of emergencies and accidents (PLES) at the facility; coordinate and register the aforementioned documents in due order;
- Obtain a facility operating permit with the executive authorities;
- Ensure the operation of the facility under conditions of the lowest possible risk and compliance with other regulatory legal acts on the high-risk facilities;
- Insure the “liability” for damage that may be inflicted by fire and accidents at high-risk facilities.

Business entity shall be responsible for the validity of information provided in the declaration.

**Code of Civil Defense of Ukraine** No. 5403-VI of 02.10.2012 regulates the relations in the field of protection of the environment, population, territory and property against various emergency situations; operation of the unified civil defense system; and responsibilities of public authorities, rights and obligations of citizens, foreign nationals, stateless persons, institutions, enterprises and organizations irrespective of their form of ownership. Code of Civil Defense of Ukraine has replaced a number of Laws: “On Civil Defense of Ukraine”, “On Legal Principles of Civil Protection”, “On Protection of Population and Territories from Emergency Situations of Technogenic and Natural Character”, “On Fire Safety”, etc. According to Article 6 of the Code, the coordination of executive authorities in the field of civil protection falls within the scope of responsibilities of the National Security and Defense Council of Ukraine and the Cabinet of Ministers of Ukraine.

The Code contains the definition of the following terms: *accident, fire, prevention of emergency situations, disaster, high-risk facility, evacuation, fire safety, natural disaster, etc.*

This Code defines civil protection as the authority of the state to protect its territory, property and environment from emergencies by preventing such emergencies, rendering assistance to its victims and liquidating its consequences.

Main objectives of the unified state civil defense system with respect to the safety of TMFs are the following:

- ensure the implementation of activities on prevention of emergency situations;
- fulfill state target programs on prevention of emergency situations, support to sustainable operation of enterprises, institutions and organizations, and reduction of possible financial losses;
- process the information on emergencies, publish information materials on the protection of population and territories from the consequences of emergencies;
- forecast and evaluate the socio-economic consequences of emergencies and identify the need in forces and means as well as material and financial resources based on such forecast;
- alert the population about threats and emergencies in progress, provide timely and accurate

- information on the actual situation and the measures taken;
- protect population against emergencies;
- perform rescue and other necessity works to recover from the emergency, arrange life support for affected population etc.

Article 20 of the Code provides for the following tasks and responsibilities of business entities in the field of civil protection:

- develop plans for localization and liquidation of accidents at high-risk facilities;
- implement civil protection measures at their own expense to reduce the risk of emergencies;
- grant unimpeded access for officials of public supervision authorities or emergency response personnel contracted to perform salvage and rescue operations for business entities in order to verify the compliance of emergency prevention activities with plans for localization and liquidation of accidents at high-risk or potentially dangerous facilities; grant unimpeded access for civil defence forces to perform salvage and rescue operations and other necessity works in case of emergency.

Special legislative acts are represented with three main documents in the national legal system:

- Law of Ukraine “On Waste” No. 187/98-VR of 5.03.1998
- Subsoil Code of Ukraine No. 133/94-VR of 27.07.1994
- Mining Law of Ukraine No. 1127-XIV of 6.10.1999

These laws should be considered, to certain extent, for the purposes of implementation of Directive 2006/21/EC while paying special attention to their substantive aspects.

The provisions of the Law of Ukraine “On Waste” serve as a basic regulation on waste management. It determines the legal, organizational and economic basis of the activities connected with the prevention or reducing the amount of generated waste, its collection, transportation, storage, sorting, processing, utilization and removal, neutralization by burial and also with prevention of negative impact of waste on the surrounding environment and health of the person in the territory of Ukraine. The respective provisions fully apply to all types of extractive industry waste. The scope of the Law of Ukraine “On Waste” does not apply to the overburden of mining enterprises used for goave packing through the reverse stacking method.

The key provisions of the Law of Ukraine “On Waste” on extractive industry waste are the following:

- a) business entities are required (Article 17) to have permit for construction or reconstruction of hazardous waste treatment facility (Article 17 (s)), exercise control over the state of waste disposal locations or facilities (Article 17 (j)), avoid storage and disposal of waste in unauthorized locations or facilities (Article 17 (i)), develop emergency plan procedure (Article 17 (i)), offer professional training for experts in the field of waste treatment (Article 17 (n));
- b) mandatory development and maintenance of the disposal site register, and coordination of sites for locating the waste treatment facilities (Articles 20 and 28);
- c) mandatory state registration and certification of waste as well as monitoring over its generation, storage and disposal sites (Articles 26 and 29);
- d) notification on the impact of waste as well as its storage and disposal sites on the environment and human health.

Article 33 of the Law of Ukraine “On Waste” specifically determines requirements to the waste storage and disposal sites. They mostly provide for the development of special passport for each waste storage and disposal site as well as compliance with environmental safety and availability of special permits. Besides, the compensation for the damages caused by violating a legal provision is also introduced.

The related laws covering the extractive industry waste disposal facilities and their location are the **Subsoil Code of Ukraine and Mining Law of Ukraine**.

The authority of the Cabinet of Ministers of Ukraine in accordance with the Subsoil Code of Ukraine covers the use of subsoil for storing and burial of production waste and other hazardous substances (Article 8(10)) to regulate the mining relations and ensure the rational and comprehensive use of subsoil. The construction and maintenance of subsoil facilities not related to mining operations are a type of subsoil use in accordance with Article 14 of the Code. This includes facilities for the burial of hazardous substances and production waste as well as wastewater discharge.

The Code provides for the issue of permits for special use of subsoil (Article 16) or subsoil use for the burial of waste, other hazardous substances and wastewater discharge (Article 22) under special circumstances and on condition of compliance with legal rules and regulations (i.e. only with a special permit on the use of subsoil and certification of the right to use the mining allotment act) based on special research and subject to completed projects.

The Code also provides for the national accounting of subsoil sites allocated for purposes other than mining (Article 22). The provisions on the design, construction and commissioning of mining facilities as well as facilities not engaged in mining operations (Articles 48-50) are provided under a separate Chapter of the Subsoil Code of Ukraine. There is also a procedure for the use of subsoil for purposes not related to mining operations (Article 55). The Code also determines major requirements in the field of subsoil protection designed to prevent the negative impact on the environment (Section VI Article 56 of the Code) and sets the state monitoring and inspection procedure over the use and protection of subsoil (Section VII of the Code).

The requirements provided under the Code of Ukraine on Subsoil and “Procedure for mining allotment” for the purposes of approximation to Directive 2006/21/EC are mostly related to excavations and requirements to them while not directly addressing the treatment of extractive industry waste.

Some of the provisions regulating the relations in the field of extractive industry waste may be found in the **Mining Law of Ukraine**. This law defines legal and organizational principles of mining operations as well as emergency protection at mining enterprises, institutions and organizations. It also provides for:

- Rational use of waste rock dumps for reprocessing (Article 34 (4));
- Timely reclamation of lands disturbed by mining (Article 34 (8));
- Full compensation for the damage caused by mining operations in violation of mining law (Article 50), particularly to the property of legal or physical entities (Article 36 (3, 4));
- Rendering land plots damaged by operations with subsoil suitable for further use (Article 18 (8));
- Accident notification system at the enterprises involved into extractive industry activities (Article 28);
- Procedure for liquidation or conservation of mining enterprises (Article 45).

Although the Mining Law does not contain any specific mechanisms to implement its provisions some detailed provisions on the emergency protection and safety of mining operations are included as well (Articles 25-33 of the Mining Law).

The following major substatutory and departmental regulations could be mentioned under the third component of the legal framework of Ukraine to implement objectives under Directive 2006/21/EC and 2012/18/EC.

**DBN V.2.4.-5:2012 “Tailing and sludge ponds. Section I. Design. Section II. Construction”** (approved by the Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine No. 21 of 12.01.2012) establishes requirements to design, construction, reconstruction, conservation, reclamation of existing tailing and sludge ponds as well as other func-

tionally related facilities, pipelines and utilities supporting the reliable operation of hydraulic and dry storage of solid mineral waste of industrial enterprises and environment protection.

**Regulation on design of internal stacking and storing production waste in iron ore and flux open-pits** (the Order of the Ministry of Industrial Policy of Ukraine No. 412 of 17.08.2004) determines that substandard mineral raw material (deposited inside or outside the mine allotment), overburden, TMFs, other nontoxic agents (deposited within the mining allotment into the depleted pits, pre-established sites within operating quarries at the incremental exploitation of mineral deposits or used for process requirements) for the construction of technical reclamation of land damaged by mining shall not be considered as mining company waste.

**Procedure for examination and certification of hydro-technical utilities, hydraulic removal and storage of industrial waste** (approved by the Order of the State Committee on Urban Planning and Architecture No. 252 of 19.12.1995) determines the mandatory examination and certification of sludge depositories, TMFs and hydro-technical utilities together with major requirements and procedure. It details the procedure for examinations, building condition surveys and other activities to support reliability and safety of the facilities. These provisions comply with certain requirements under Directive 2006/21/EC.

It should be also noted that Registration procedure for disposal sites was developed and approved by the Resolution of the Cabinet of Ministers of Ukraine pursuant to the Law of Ukraine "On Waste". This document is directly related to the implementation objectives.

A number of other regulatory legal acts in this field are should be mentioned as well:

- Resolution of the Cabinet of Ministers of Ukraine "Regulation on the State Register of Potentially Hazardous Objects" No 1288 of 29.08.2002 (as amended);
- Resolution of the Cabinet of Ministers of Ukraine "List of Activities and Objects of High Environmental Hazard" No. 808 of 28.08.2013;
- Resolution of the Cabinet of Ministers of Ukraine "On approval of criteria by which the risk degree from carrying out economic activity is estimated and frequency of implementation of planned actions of the state supervision (control) in the field of technogenic and fire safety is determined" No. 306 of 29 February 2013.
- Order of the Ministry of Emergencies of Ukraine "On Approval of the Methodology for the identification of potentially dangerous objects" No. 98 of 23.02.2006 (registered with the Ministry of Justice under No. 286/12160 of 20.03.06).
- Order of the Ministry of Emergencies of Ukraine "On approval of provision on certification of potentially dangerous objects" No. 388 of 18.12.2000 registered with the Ministry of Justice under No. 62/5253 of 24.01.2001 (as amended by the Order of the Ministry of Ukraine No. 140 of 16.08.2005 registered with the Ministry of Justice of Ukraine No 970/11250 on 01.09.2005);
- Order of the Ministry of Emergencies of Ukraine "Regulation on monitoring over potentially dangerous objects" No. 425 of 06.11.2003 registered with the Ministry of Justice of Ukraine under No. 1238/8559 of 26.12.2003.
- Order of the Ministry of Internal Affairs of Ukraine "On some aspects of conducting checks of observance by the subject of managing of requirements of the legislation in the sphere of civil protection, technogenic and fire safety" No. 1377 of 02.11.2015, registered with the Ministry of Justice of Ukraine under No. 1467/27912 of 25.11.2015.
- Order of the Ministry of Labor and Social Policy of Ukraine "On approval of methods for identification of risks and their acceptable levels for the declaration of safety at high-risk facilities" No. 637 of 12.04.2002.
- Guidelines on the workflow management at the major departments (departments) of the Ministry of Emergencies of Ukraine in the Autonomous Republic of Crimea as well as Kyiv and Sevastopol to prevent emergency situations within sites or facilities atrisk.

- Guidelines on predicting the consequences of impact (release) of hazardous chemicals in case of an accident in the industrial facility or transport, approved by the Order No. 73/82/64/122 of 27.03.2001 issued by the Ministry of Emergencies of Ukraine, Ministry of Agrarian Policy, Ministry of Economy, Ministry of Environment, etc.

The third group of documents is inherently more specific (iron ore and flux open-pits, design, and construction).

## 2.2 Division of responsibilities among the competent regulatory authorities

The analysis of competent authorities engaged in the regulation of TMFs was conducted from two perspectives: 1) overall management in the field of environmental protection, particularly in the field of waste management (planning and administration of such facilities); and 2) safety of TMFs regarded as potentially dangerous objects. Figure 3 shows the division of responsibilities of competent authorities engaged in the regulation of TMFs.

### 1. Division of responsibilities among the competent authorities engaged in the regulation of TMFs in terms of overall management in the field of environmental protection, particularly in the field of waste management

**The Cabinet of Ministers of Ukraine (CMU) coordinates the activity** of central executive authorities, other institutions and organizations of Ukraine in the field of *environmental protection* [<sup>5</sup>, Article 17], particularly *in the field of waste management* [<sup>6</sup>, Article 18 (d)].

According to [<sup>7</sup>], the CMU has additional authorities in the field of geological study, use and protection of subsoil, particularly the use of subsoil for storage and disposal of waste and other hazardous substances (Article 8) and establishment of state control over the development and use of man-made mineral formations and (Article 8) mineral processing (whenever TMF belongs to the man-made mineral formations<sup>8</sup>).

**The Ministry of Ecology and Natural Resources of Ukraine** is the main body in the system of central executive agencies, which is responsible for the development and implementation of national policy in the field of environmental protection and ecological safety [<sup>9</sup>]. According to [<sup>10</sup>], the Ministry of Ecology and Natural Resources of Ukraine is responsible for coordination of all specially authorized national agencies in the field of environment protection and use of natural resources.

<sup>5</sup> Law of Ukraine "On Environmental Protection" No. 1264-XII of 25.06.1991 with amendments and additions [Electronic resource]. – Access mode: <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1264-12>.

<sup>6</sup> Law of Ukraine "On waste" No. 187/98-VR of 5.03.1998 with amendments and additions [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=187%2F98-%E2%F0>.

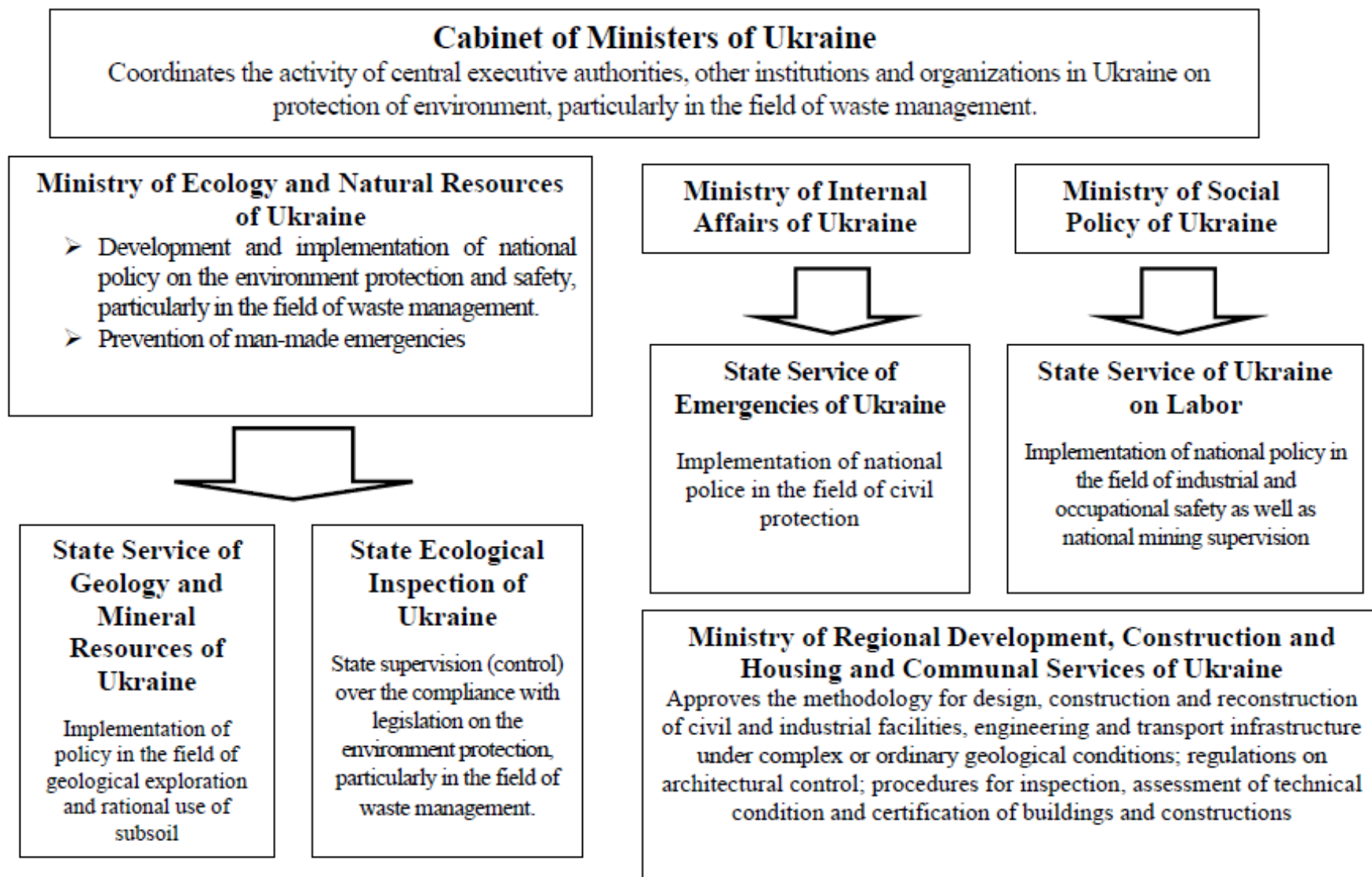
<sup>7</sup> The Subsoil Code of Ukraine No. 132/94-VR of 27.07.1994 [Electronic resource]. – Access mode: <http://zakon4.rada.gov.ua/laws/show/132/94-вр>

<sup>8</sup> Man-made mineral formations – are sites that accumulated the amount of extraction, enrichment and mineral processing waste that is considered to have a commercial significance (Article 5, the Subsoil Code of Ukraine).

<sup>9</sup> Resolution of the Cabinet of Ministers of Ukraine "On approval of Regulation on the Ministry of Ecology and Natural Resources of Ukraine" No. 32 of 21.01.2015 [Electronic resource]. – Access mode: <http://zakon4.rada.gov.ua/laws/show/32-2015-п>.

<sup>10</sup> Law of Ukraine "On Environmental Protection" No. 1264-XII of 25.06.1991 with amendments and additions [Electronic resource]. – Access mode: <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1264-12>.

Figure 3. Division of responsibilities among the competent regulatory authorities in the field of TMFs



According to [11], the Ministry of Ecology and Natural Resources of Ukraine ensures the development and implementation of state policy in the field of waste management and public supervision (control) over compliance with legislation on waste management and hazardous chemicals. The Ministry of Ecology and Natural Resources of Ukraine provides regulatory environment within its competence of matters related to license conditions for economic activity that entails hazardous waste management operations, production of hazardous chemicals and procedures to monitor their compliance; maintaining registers of waste disposal sites, as well as waste generating, processing and utilization facilities; maintaining waste certificate; and listing hazardous waste properties. The Ministry of Ecology and Natural Resources of Ukraine approves locations for dangerous waste treatment facilities. In terms of public supervision (control) over compliance with environmental legislation, the Ministry provides regulatory environment for matters related to cooperation with the State Service of Geology and Mineral Resources of Ukraine and other public oversight authorities. The other important function of the Ministry is to organize environment monitoring.

**The State Service of Geology and Mineral Resources of Ukraine** is a central executive body, which is operating under instructions and guidance of the Cabinet of Ministers of Ukraine through the Minister of Ecology and Natural Resources of Ukraine, who implements the national policy in the field of geological study and rational use of subsoil. Considering the objectives assigned to the State Service of Geology and Mineral Resources of Ukraine, it shall promote the development of mineral raw materials as well as organization of geological, geophysical, geochemical, hydrogeological, geotechnical, environmental-geological, seismic study of subsoil, search and exploration of mineral resources in Ukraine [12].

**The State ecological inspection of Ukraine** exercises state supervision (control) over the compliance with legislation on waste management (compliance with permits for operations in the field of waste management as well as requirements to collection, transportation, storage, sorting, processing, utilization, removal, burial of waste, etc.) on the part of central executive authorities and their territorial departments, local authorities, enterprises, institutions and organizations regardless of the form of ownership and business, citizens of Ukraine, foreigners and stateless persons as well as non-resident legal entities. State Ecological Inspection of Ukraine provides central executive authorities as well as their territorial bodies, local executive authorities and local governments with *ordersto suspend or cancel* permits, licenses, certificates, conclusions, decisions on waste emplacement [13]. The **Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine** approves the methodology for design, construction and reconstruction of civil and industrial facilities, engineering and transport infrastructure under complex or ordinary geological conditions; regulations on architectural control; procedures for inspection, assessment of technical condition and certification of buildings and constructions [14].

## **2. Division of responsibilities of competent regulatory authorities in the field of TMFs and their safety as potentially dangerous objects.**

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<sup>11</sup> Resolution of the Cabinet of Ministers of Ukraine "On approval of Regulation on the Ministry of Ecology and Natural Resources of Ukraine" No. 32 of 21.01.2015 [Electronic resource]. – Access mode: <http://zakon4.rada.gov.ua/laws/show/32-2015-п>.

<sup>12</sup> Resolution of the Cabinet of Ministers of Ukraine "On approval of Regulation on the State Service of Geology and Mineral Resources of Ukraine" No. 1174 of 30.12.2015 [Electronic resource]. – Access mode: <http://zakon2.rada.gov.ua/laws/show/1174-2015-п>

<sup>13</sup> Decree of the President of Ukraine "On Regulation on the State Ecological Inspection of Ukraine" No. 454/2011 of 13.04.2011 [Electronic resource]. – Access mode: <http://zakon2.rada.gov.ua/laws/show/454/2011>

<sup>14</sup> Decree of the President of Ukraine "On approval of Regulation on the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine" No. 633/2011 of 31.05.2011.



According to [15 Article 6], the **Cabinet of Ministers of Ukraine** shall *coordinate the activity* of central executive authorities *in the field of civil protection*. The Cabinet of Ministers of Ukraine is also responsible for the organization of emergency relief operations and involvement of civil defense forces for salvage and rescue and other immediate operations in support of emergency recovery [16 Article 16], and issuing permits for construction and/or reconstruction, conservation (liquidation) of high-risk facilities in accordance with [17, Article 4].

According to the Regulation on the Unified State Civil Defense System [18, par. 8], the Cabinet of Ministers of Ukraine, the State Service of Emergencies of Ukraine and other central executive authorities that establish functional subsystems are considered as permanent management bodies in the field of civil defense on the national level, being responsible for the organization and implementation of civil defense activity (Annex 1 to Regulation): State Service of Emergencies of Ukraine is the subsystem designed for emergency response as well as salvage and rescue and other immediate operations, the Ministry of Ecology is the subsystem designed for environmental monitoring, the Ministry of Industrial Policy is the subsystem designed to prevent emergencies and run emergency recovery operations; as well as central executive authorities and their structural units responsible for civil defense. The coordinating agencies in the sphere of Civil Defense are the State Commission on Technogenic and Environmental Safety and Emergency [19], as well as committees on technogenic and environmental safety and regional, local or site level of emergencies [20, par. 11].

The State Commission on Technogenic and Environmental Safety and Emergency [21] is a permanent body responsible for coordinating central and local executive authorities in maintaining technogenic and environmental safety, protecting the population and territory against the consequences of emergency situations, preventing emergency situations and responding to them.

The main tasks of the State Commission are as follows:

- coordinating the activity of central and local executive authorities in the field of national civil defence system; providing notification of an emergency and advising on the proper response; ensuring the implementation of requirements to technological and fire safety; identifying emergency zones; providing continuous forecasts on possible expansion of emergency zones and level of consequences; organizing activities aimed at localization and liquidation of emergencies;
- improving the efficiency of central and local authorities in the process of emergency response.

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<sup>15</sup> Code of Civil Defense of Ukraine No. 5403-VI of 02.10.2012 [Electronic resource]. – Access mode: <http://zakon3.rada.gov.ua/laws/show/5403-17>

<sup>16</sup> Code of Civil Defense of Ukraine No. 5403-VI of 02.10.2012 [Electronic resource]. – Access mode: <http://zakon3.rada.gov.ua/laws/show/5403-17>

<sup>17</sup> The Law of Ukraine “On High-risk objects” (No. 2245-III of 18.01.2001) [Electronic resource]. – Access mode: <http://zakon4.rada.gov.ua/laws/show/2245-14>.

<sup>18</sup> Resolution of the Cabinet of Ministers of Ukraine “On approval of Regulation on the Unified State Civil Defense System” No. 11 of 9.01.2014 [Electronic resource]. – Access mode: <http://zakon2.rada.gov.ua/laws/show/11-2014-п/paran10#n10>

<sup>19</sup> Resolution of the Cabinet of Ministers of Ukraine “On the State Commission on Technogenic and Environmental Safety and Emergency” No. 18 of 26.01.2015 [Electronic resource]. – Access mode: <http://zakon2.rada.gov.ua/laws/show/18-2015-п>.

<sup>20</sup> Resolution of the Cabinet of Ministers of Ukraine “On approval of Regulation on the Unified State Civil Defense System” No. 11 of 9.01.2014 [Electronic resource]. – Access mode: <http://zakon2.rada.gov.ua/laws/show/11-2014-п/paran10#n10>

<sup>21</sup> Resolution of the Cabinet of Ministers of Ukraine “On the State Commission on Technogenic and Environmental Safety and Emergency” No. 18 of 26.01.2015 [Electronic resource]. – Access mode: <http://zakon2.rada.gov.ua/laws/show/18-2015-п>.

The State Commission is involved in considering the establishment or termination of enterprises, institutions and organizations within its jurisdiction irrespective of the form of ownership, which are operating with unsafe technologies (chemical, radiation, etc.).

The state commission has the right to employ the assets assigned for preventing or responding to emergency situations without previous coordination with respective central and local executive authorities.

**The State Emergency Service of Ukraine** is mainly responsible for the implementation of state policy in the field of civil protection, protection of population and territories from emergency situations, prevention of emergency situations as well as emergency recovery, rescue, firefighting, fire and technological safety operations and operations of emergency rescue services. It exercises state supervision (control) over the compliance and implementation of legislation in the field of civil protection, technogenic and fire safety, operations of emergency rescue services as well as hydro-meteorological activities. The State Emergency Service of Ukraine has direct control over the unified state civil defense system.

**The Ministry of Ecology and Natural Resources of Ukraine** participates in planning and implementing activities within its jurisdiction in order to prevent or respond to emergency situations of technogenic and natural character [22].

**The State ecological inspection of Ukraine** exercises state supervision (control) over the compliance with legislation on environmental and radiation safety on the part of central executive authorities and their territorial departments, local authorities, enterprises, institutions and organizations regardless of the form of ownership and business, citizens of Ukraine, foreigners and stateless persons as well as non-resident legal entities while engaging with high-risk facilities.

The Ministry of Social Policy is primarily responsible for the development and implementation of state policy in the field of industrial safety, occupational safety, occupational health, handling explosive materials as well as fulfilment of state mining supervision [23, 24 Article 61].

**The State Service of Ukraine on Labour** is a central executive body, which is operating under instructions and guidance of the Cabinet of Ministers of Ukraine through the Minister of Social Policy and implements the national policy in the field of industrial and occupational safety, occupational health as well as national mining supervision [25].

Main objectives of the State Service of Ukraine on Labor are as follows:

- Implementation of national policy in the field of industrial and occupational safety as well as national mining supervision, etc.;
- Comprehensive control over industrial and occupational safety at the national level;
- State regulation and control over activities involving the high-risk facility.

The State Service of Ukraine on Labour coordinates the activity of ministries, other central executive authorities of the Autonomous Republic of Crimea, local state administrations, local authorities, enterprises, institutions and organizations and other business entities in the field of industrial safety, occupational safety, occupational health, handling explosive materials as well as fulfilment of state

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<sup>22</sup> Resolution of the Cabinet of Ministers of Ukraine "On approval of Regulation on the Ministry of Ecology and Natural Resources of Ukraine" No. 32 of 21.01.2015 [Electronic resource]. – Access mode: <http://zakon4.rada.gov.ua/laws/show/32-2015-п>.

<sup>23</sup> Resolution of the Cabinet of Ministers of Ukraine "On approval of Regulation on the Ministry of Social Policy of Ukraine" No. 423 of 17.06.2015 [Electronic resource]. – Access mode: <http://zakon4.rada.gov.ua/laws/show/423-2015-п>.

<sup>24</sup> The Subsoil Code of Ukraine No. 132/94-VR of 27.07.1994 [Electronic resource]. – Access mode: <http://zakon4.rada.gov.ua/laws/show/132/94-вп>

<sup>25</sup> Resolution of the Cabinet of Ministers of Ukraine "On approval of Regulation on the State Service of Ukraine on Labor of Ukraine" No. 96 of 11.02.2015 [Electronic resource]. – Access mode: <http://zakon4.rada.gov.ua/laws/show/1052-2015-п>

mining supervision; controls over the performance of functions within the jurisdiction of national labour departments by the ministries, other central executive authorities, the Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local authorities.

The State Service of Ukraine on Labour shall investigate and register all emergencies and accidents subject to special investigation, analyse their causes, and submit proposals to prevent such accidents and emergencies.

The State Service of Ukraine on Labour exercises the state mining supervision: over the accuracy and timeliness of activities designed to ensure the protection of people, property, environment, mine openings and boreholes from the harmful effects of operations with the subsoil;

- over the activity of emergency services, the readiness of state paramilitary rescue and dispatcher services to localize and eliminate accident consequences;
- over the compliance with the terms of special permits for subsoil use in part of national mining supervision;
- in the sphere of mining relations at coal, mining and pit-and-quarry industry in the process of mining, construction or production operations as well as liquidation or conservation of mining enterprises;
- with respect to activities associated with high risk and potentially dangerous objects for the purpose of identification and declaration of safety at high-risk facilities, etc. The State Service of Ukraine on Labor organizes a national technical safety review for mining operations, construction and operation of mining enterprises as well as assessment of emergency protection projects for mining enterprises. The State Service of Ukraine on Labor duly approves the liquidation and conservation of mining facilities or sites associated with the use of subsoil.

If necessary, the ministries and other central executive authorities establish the emergency services, exercise control over their operation and ensure the compliance with other legal requirements in the field of emergency rescue [26].

**Conclusions.** The jurisdiction of competent authorities generally covers all aspects of TMFs: planning and organizing operations at such facilities, inspections, occupational safety activities, as well as the safety of such facilities. In the same time there is no clear coordination among competent authorities, given the large number of ministries and agencies dealing with TMFs in Ukraine. This results in a number of matters on TMFs that seem unattended (treatment of abandoned TMFs, drafting external contingency plans for cases of emergency, public participation and their access to information, etc.).

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<sup>26</sup> Law of Ukraine "On Labor Protection" [Electronic resource]. – Access mode: <http://zakon2.rada.gov.ua/laws/show/2694-12>

### 3 Implementation of Directive 2006/21/EC on the management of waste from extractive industries and introduction of amendments to Directive 2004/35/EC.

#### 3.1 Assessment of transposition of provisions under Directive 2006/21/EC into the national legislation

The compliance of national legislation with the provisions of Directive 2006/21/EC is analyzed in Annex I. The transposition of provisions under Directive 2006/21/EC corresponds to an early stage of development (Table 1) at the level of laws based on the summary of analytical review of the regulatory system in Ukraine as well as the EU approach to conformity assessment. In the same time, the degree of transposition with regards to delegated legislation (disregarding their specific nature) may be considered as average or advanced (Table 1).

Table 1: Degree of transposition at the level of laws

	Degree of transposition into the legislation of Ukraine			
	Beginning stage	Early stage	Advanced stage	Well advanced stage
Directive 2006/21/EC	At the level of laws			
	with account for regulatory legal acts			

The legislation of Ukraine is characterized by a significant dispersion of provisions on the treatment of extractive industry waste. It should be also mentioned that most of regulations governing these relations are of secondary legislation (some of them are departmental). This does not correspond to the importance and magnitude of objectives with respect to the treatment of this category of waste in Ukraine. This type of legal and regulatory framework brings a reasonable risk of loosening control and responsibility for compliance with the relevant requirements. There are also a number of significant inconsistencies with the provisions of Directive 2006/21/EC. It provides a reasonable basis for our opinion, which is the need to develop a separate legislative act that would contain a summary of national experience while taking into account the requirements of Directive 2006/21/EC.

While identifying the tasks on the implementation of Directive 2006/21/EC, it is worth taking into consideration the fact that Ukraine is lacking a special legislative regulation on the treatment of extractive industry waste as well as developed mining legislation. Under such conditions, common environmental rules as well as the framework of the Law of Ukraine "On Waste" regulate the treatment of extractive industry waste. These issues are partially regulated by a variety of associated laws, including the Subsoil Code of Ukraine and the Mining Law of Ukraine. Generally speak-

ing, the regulation of relations around the treatment of extractive industry waste is **quite fragmented** at the level of laws.

There are also **fairly developed sublegislative regulations** on the treatment of extractive industry waste, although their provisions are devoted to different sorts of documents. They are referred to a low regulatory level being departmental and covering only some regulatory aspects. Some of them are obsolete.

### 3.2 Implementation of Directive 2006/21/EC and respective Action Plan

Directive 2006/21/EC on management of waste from the extractive industries is considered a framework enactment under the European practices, which is used to identify and regulate objectives designed to increase the safety of TMFs. Reaching the safety objectives would contribute to the “Guidelines on safety and good practices at TMFs” developed under the aegis of the UNECE. International experience also shows the **feasibility of developing guidelines and policy documents, regulating the safety of TMFs at national and corporate levels**. The latter would serve as a set of minimum requirements to ensure the acceptable level of safety at the facilities.

Ukraine has no alternatives to follow. **Adopting respective national legislation**, developing proper administrative rules and mechanisms as well as approving TMF Methodology drafted by a team of Ukrainian experts **should be organically combined with the implementation of Directive 2006/21/EC**. In the same time, it is important to ensure the development of regulatory framework with provisions on the safety of TMFs at the active (operating), closed, preserved, ownerless or abandoned facilities.

Signing the EU-Ukraine Association Agreement and further approving the plans to implement EU Directives have elevated the priority of implementing Directive 2006/21/EC in practical terms (both for the experts and the government).

However, the fulfilment of these objectives is challenged with the **lack of final decision on the ways of implementation**, which could affect both the timing and the quality of such implementation. In fact, there is an alternative in taking a decision – either develop a separate (new) law on the extractive industry waste or introduce amendments to the Law of Ukraine “On Waste”. **Such an approach is quite controversial as it** requires an additional legal/regulatory analysis and further substantiation of grounds for taking an optimum decision, which are still on the agenda.

The adopted Law of Ukraine “On Waste” (No. 187/98-VR of 05.03.1998) was regarded as a framework or an initial document. According to Article 4 of this Law “any specifics to regulate the relations in terms of the treatment of scrap metal, including by-products from the production of ferrous and non-ferrous metals or their alloys (slags, sludge, etc.) as well as recycled materials and energy resources or other wastes are determined by the respective laws”. **This is the key to determine the possibility of drafting separate laws for different categories of waste**, including the extractive industry wastes.

The retrospective analysis shows that the development of legislation on waste in Ukraine was moving along two separate ways. One of them included the development and adoption of regulations in addition to the framework law, e.g. “On Scrap Metal”, “On Chemical Power Sources”, etc. The other one provided for the adoption of amendments on the treatment of certain types (categories) of waste. It included hazardous and solid household waste. These amendments that contain detailed information on the treatment of certain types of waste **resulted in diffusion of the framework law (the Law of Ukraine “On Waste”)**, thus violating a rule-making ideology. That was the reason to criticize and discuss the feasibility of developing the Code on Waste.

The **decision on Directive 2006/21/EC concerned the development of a separate law** already at the initial stage of drafting plans to implement EU Directives in the field of “Management of waste and resources” (referring to commitments of Ukraine under the Association Agreement). A

clear conclusion was made back in 2014- 2015 regarding the expediency of using a separate law on extractive industry waste for the implementation process. That conclusion was based on the preliminary regulatory legal analysis made in the framework of EU technical assistance programme<sup>27</sup>.

The above position was officially registered in the **plans to implement EU Directives into the Ukrainian legislation**, approved by the Cabinet of Ministers of Ukraine in autumn of 2015. The Ministry of Fuel and Energy of Ukraine was selected as an agency responsible for the implementation of Directive 2006/21/EC. However, the Ministry proposed to transfer its authority over the implementation of Directive 2006/21/EC to the Ministry of Ecology and Natural Resources of Ukraine because of the referral to the Law of Ukraine “On Waste”. Thus, the **uncertainty hindering the beginning of implementation was created**.

Under these circumstances, making an additional referral to regulatory legal preconditions to implement as well as providing additional arguments to support the only possible decision on the way of implementing Directive 2006/21/EC in Ukraine is vitally important. In this respect, it is worth mentioning the publication of a **new draft edition of the Law of Ukraine “On Waste”** on the website of the Ministry of Ecology. A special working group had the task to ensure the legal implementation of the Framework Directive 2008/98/EC on waste. It involved the use of national framework law (through the introduction of changes and amendments) for the implementation of the EU Framework Directive. This approach meets all necessary requirements. Although, assigning specified objectives (while not considering other EU Directives) would not be the case. With the public discussion of the new draft edition of the Law of Ukraine “On Waste” being already in progress, the repeated or additional review of its implementation should be out of the question.

Therefore, the **development of a separate law for the purposes of implementing the aforementioned Directive should be considered as the only possible solution to ensure the implementation of European Safety Standards in this area**. This is because of uncertainty in terms of the possible ways for the implementation of Directive 2006/21/EC on the management of waste from extractive industries as well as the analysis of legislative regulation and objective preconditions for Ukraine (particularly, the excessive amount of produced and accumulated waste within the TMFs).

**Some of the objectives on implementation of this Directive could be accomplished using the Safety Guidelines and Good Practices for TMFs by the UNECE**. These guidelines are currently used in Ukraine to develop the Procedure for Enhanced Environmental Safety of TMFs. Therefore, further implementation of Directives 2006/21/EC and 2012/18/EC shall be made by introducing the use of the aforementioned procedure into the regulatory legal acts of Ukraine (Table 2).

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<sup>27</sup> Project “Additional support to the Ministry of Ecology and Natural Resources of Ukraine in the implementation of Sector Budget Support”

## 4 Implementation of Directive 2012/18/EC into the control of major accident hazards involving dangerous substances

### 4.1 Scope and main requirements of Directive 2012/18/EC

According to Annex XXX of the EU-Ukraine Association Agreement, Ukraine was supposed to implement the provisions of Directive 96/82/EC into the control of major accident hazards involving dangerous substances (Seveso II). Since Directive 2012/18/EC (Seveso III) has amended and subsequently repealed Directive 96/82/EC, there was a need to implement the provisions of Directive 2012/18/EC. It was further introduced into the respective Implementation Plan approved by the Resolution of the Cabinet of Ministers of Ukraine “On approval of Implementation Plans for Several EU Legislative Acts developed by the State Service of Emergencies of Ukraine” ([http://www.kmu.gov.ua/kmu/control/uk/publish/article?art\\_id=247983863&cat\\_id=247984327](http://www.kmu.gov.ua/kmu/control/uk/publish/article?art_id=247983863&cat_id=247984327)).

**Directive 2012/18/EC on the control of major accident hazards involving dangerous substances** adopted on July 4, 2012 (entered into force on June 1, 2015) sets the rules to prevent major accidents resulting from certain industrial activity and limits the impact of their consequences on human health and environment. This directive is applied to enterprises as the whole site under the control of an operator where dangerous substances are present in one or more installations, including common or related infrastructures or activities (Article 2). The enterprises are either lower-tier enterprises or upper-tier enterprises.

The provisions under Article 2(2) of Directive shall not be applied to:

- (a) military establishments, installations or storage facilities;
- (b) hazards created by ionizing radiation originating from substances;
- (c) the transport of dangerous substances and directly related intermediate temporary storage by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;
- (d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive;
- (e) the exploitation, namely the exploration, extraction and processing, of minerals in mines and quarries, including by means of boreholes;
- (f) the offshore exploration and exploitation of minerals, including hydrocarbons;
- (g) the storage of gas at underground offshore sites including both dedicated storage sites and sites where exploration and exploitation of minerals, including hydrocarbons are also carried out;
- (h) waste land-fill sites, including underground waste storage.

Notwithstanding points (e) and (h) of the first subparagraph, chemical and thermal processing operations and storage related to those operations which involve dangerous substances, as well as operational tailings disposal facilities, including TMFs or dams, containing dangerous substances shall be included within the scope of this Directive”. (2012/18/EC)

It should be taken into account that “exclusions from the scope of this Directive should not prevent any Member State from maintaining or introducing more stringent protective measures” (see par. 14 of the Preamble to Directive 2012/18/EC).

Therefore, all TMFs containing dangerous substances in the amount provided under Annex I to Directive 2012/18/EC shall fall within its scope. This requires for a better safety of TMFs provided under the current legislation, which, in its turn, should comply with the basic provisions of Directive 2012/18/EC.

One of the key peculiarities of this Directive if compared with the previous edition (96/82/EC) is the adaptation of Annex I to the EU Regulation of 16.12.2008 on the classification, packaging and labelling of Dangerous Substances and Mixtures [OB L 353, 31.12.2008, P. 1], which is implementing the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) within the EU that was internationally adopted for the UN. This Regulation introduced new classes and categories of risk.

The following key provisions of Directive 2012/18/EC should be mentioned:

- Implementation of major accident prevention policy (Article 8) and Emergency plans (Article 12);
- Implementation of more stringent inspection procedures (Article 20);
- Operator is obliged to take all necessary measures to prevent major accidents and limit their consequences for human health and the environment (Article 5);
- Better cooperation between the competent authorities (Article 6);
- Reinforcement of commitments to ensure the public access to information, public consultation and participation in decision-making and Access to justice (Articles 14, 15, 23, Annex V);
- Further development of information management, reviewing provisions on the level and quality of information, and access to electronic information (Articles 14, 15, Annex V);
- Enhanced integration of notification procedures to promote a more consistent application of Directive.

The number of definitions in this Directive was also increased. The definitions for different types of enterprises (higher and lower-tier establishments) falling under the scope of this Directive and inspection procedure were added along with the definitions of the terms “the public” and “the public concerned” (in accordance with Aarhus Convention).

New Directive puts more emphasis on the Domino effect (proximity of establishments, where the risk or consequences of a major accident may be increased) (Article 9), requires the inspections plan to include the list of establishments facing that risk (Article 20) and establishes the right of the Commission to develop guidance on safety distance and domino effects.

According to this Directive, all establishments are required to implement the major accident prevention policy (MAPP) that shall be proportionate to the major accident hazards. The MAPP should be available in writing and submitted to the competent authorities (Article 8)/ This policy should be updated at least every five years and implemented by appropriate means, structures and by a safety management system, in accordance with Annex III.

Special attention is paid to the inspections: period between two consecutive site visits shall not exceed one year for upper-tier establishments and three years for lower-tier establishments. The inspection conclusions are provided to the operator within four months. If an inspection has identified an important case of non-compliance with this Directive, an additional inspection shall be carried out within six months. Non-routine inspections shall be carried out to investigate serious complaints, serious accidents and ‘near misses’, incidents and occurrences of non-compliance as soon as possible.

## **4.2 Assessment of transposition of provisions under Directive 2012/18/EC into the national legislation**

The analysis of legislation in Ukraine identifies partial compliance with the requirements of Directive 2012/18/EC (high degree of conformity) (Annex II). Particularly, the legislation of Ukraine meets the requirements of this Directive since it is mandatory for all business entities to: take measures to prevent accidents as well as restrict or eliminate their consequences and protect people and environment from their impact; take measures to identify high-risk facilities based on the threshold mass of hazardous substances; develop and provide the local authorities with the decla-



ration of safety for high-risk facility, which is further inspected for completeness and quality by the competent authorities; review the declaration of safety for high-risk facility; notify the competent authorities on the introduction of amendments and changes to the plan for localization and liquidation of accidents.

The following legal procedures require further development:

- cooperation between economic entities and public authorities in providing public information and supporting public agencies with information required to develop external emergency plans (as per Annex IV(2) to Directive 2012/18/EC);
- content of safety measures should include all data provided under Annex II to Directive;
- content of internal emergency plans for high-risk facility as per Annex IV(1) to this Directive (“Regulation on the development of plans for localization and elimination of consequences of emergencies and accidents” approved by the Order of Ministry of Social Policy No. 112 of 17.06.1999 is currently suspended);
- procedure for the development of internal emergency response plans in part related to the involvement of personnel from high-risk facility in the drafting process of these plans as well as involvement of public to the development and review of external emergency response plans;
- procedure for interaction of public authorities in the process of developing and reviewing external emergency response plans; further development and review of external emergency response plans; further development of procedure for launching the emergency response plans;
- land-use planning with account for the risk of accidents;
- inspection procedure for the facilities (in part of compliance of the inspection plan with provisions of Article 20(3) of this Directive), etc.

Further approximation of the legislation of Ukraine as per requirements of Directive 2012/18/EC requires improving the procedures for public access to information (Annex V to Directive) and decision-making (particularly with respect to planning the locations for high-risk facilities within the urban settlement).

Additional analysis is required with respect to:

- conformity of Annex I to Directive and the Resolution of the Cabinet of Ministers of Ukraine “On Identification and Declaration of Safety at High-Risk Objects” No. 956 of 11.07.2002 that determines the threshold mass of hazardous substances as well as respective hazard classes for high-risk facilities;
- provisions of Article 4 of Directive on the assessment of major accident hazards for a particular dangerous substance;
- inspection procedure for business entities (compliance with Article 20 of Directive).

Therefore, considering the high level of compliance of the national regulatory framework with the provisions of Directive 2012/18/EC, its further transposition should be made by amending the acting regulations of Ukraine with separate provisions.

## 5 Ways for implementing UNECE TMF Guidelines and TMF Methodology in Ukraine

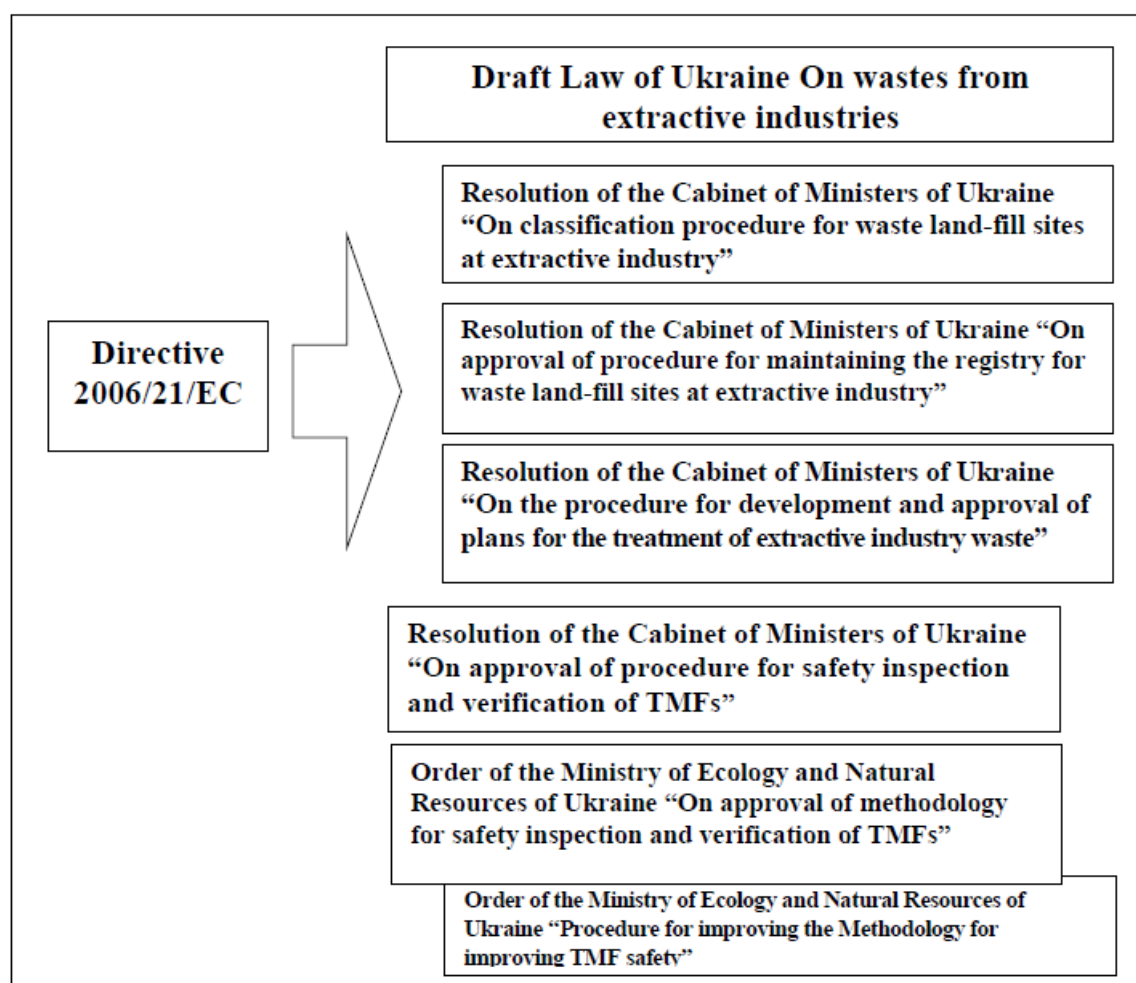
The analysis of compliance of the legislation of Ukraine with Directives 2006/21/EC and 2012/18/EC as well as UNECE TMF Guidelines (in the frames of international project “Improving the safety of industrial tailings management facilities based on the example of Ukrainian facilities<sup>28</sup>) revealed the lack of full compliance of the regulatory framework in Ukraine with the EU regulations.

Therefore, the following should be made to approximate the aforementioned Directives:

1. Develop the Law of Ukraine “On the Treatment of Extractive Industry Waste” and other subordinate legislation (Figure 4)
2. In terms of developing subordinate legislation, it is worth mentioning that the TMF Methodology was developed in Ukraine as a part of the project on improving the safety of industrial tailings management facilities based on the example of Ukrainian facilities. It complies with main requirements of UNECE TMF Guidelines. This is a well- developed procedure, which is considered as completed.

The approval and implementation of this Procedure to be used as a set of tools shall facilitate the proper implementation of EC Directives and increase the level of safety for this type of facilities.

Figure 4. List of legislative activities on the transposition of Directive 2006/21/EC



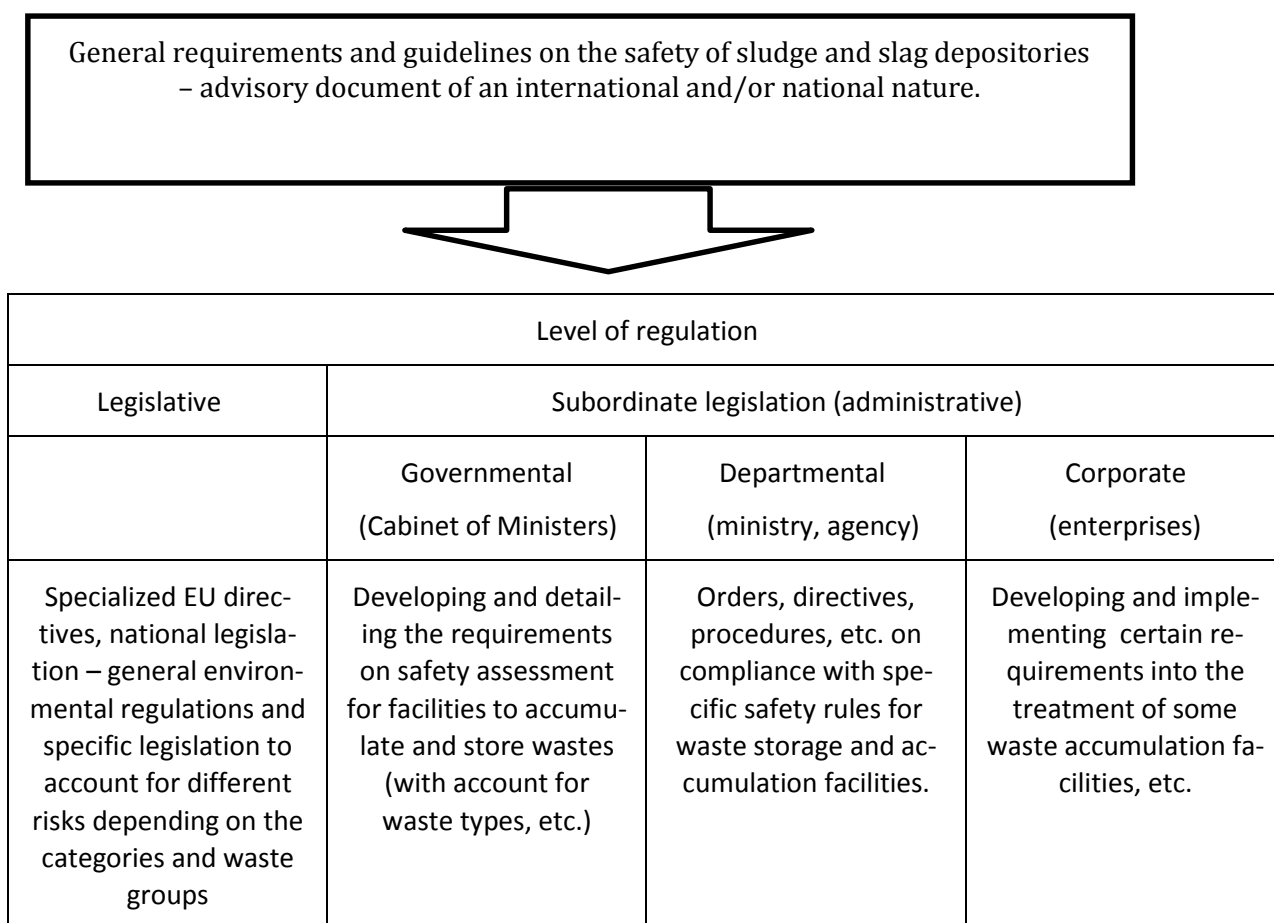
<sup>28</sup> Those guidelines not included into Annex XXX to the Association Agreement still are an important tool for the implementation of certain requirements under Directive 2006/21/EC

**Methodological aspects.** The aforementioned “Safety guidelines and good practices for tailings management facilities” that were drafted by European experts under the aegis of UNECE as a part of developing legal and regulatory framework on the safety of facilities used to accumulate or store the waste, could be considered as the initial core document (of an advisory nature). At the same time, the methodological prerequisites indicate the need to consider the availability of general requirements (provisions) to ensure the safety of the aforementioned facilities as well as specific requirements with respect to different types of waste and facilities.

Mining industry plays a central role in the system of security measures considering the amount of generated and accumulated residues (mineral sludge). It is especially topical for this field of industry to develop the regulation system and methods to evaluate the safety of facilities for waste accumulation (including, acting, ownerless or abandoned facilities). Directive 2006/21/EC on the management of waste from extractive industries allows to cover basic safety requirements to TMFs. Although, it contains a fairly specified requirements applied only to such a certain type of waste as mineral waste. The question on the extent of covering other types of waste as well as terms and conditions for their accumulation and storage remains open since the issue of sludge and slag depositories is not something related only to mining industry. This type of facilities could be used for other industries.

Given the current preconditions, there should be **general safety requirements** (regulations, provisions) covering all categories of sludge and slag depositories in the course of regulatory framework development. Accordingly, they should be **adopted at the highest regulatory level**. More specific (special) regulations of safety nature could be adopted at the lower level (subordinate legislation). The summary of proposals is provided in the form of diagram (see Figure 5).

Figure 5: Legal and regulatory framework to increase the safety of sludge and slag depositories



Since the issue of safety at the sludge and slag depositories is outside the departmental jurisdiction (in this case – mining industry), it **requires a wider legal platform**. It is all about the feasibility of developing (drafting) a document on general requirements to the safety of TMFs. This idea is implemented in the form of “Safety guidelines and good practices for tailings management facilities” on the international level. **Methodology for improving TMF safety** that was developed by Ukrainian experts based on “Safety guidelines and good practices for tailings management facilities” and best EU practices **could be considered as a somewhat similar document on the national level** (with certain reservations). **The approval and implementation of this Procedure should facilitate the proper implementation of EU Directives and increase the level of safety for waste accumulation facilities.** The implementation of the Procedure should, in fact, secure the implementation of Guidelines.

**Ways of implementing the Procedure.** Considering the aforementioned preconditions, the question of **which legal and regulatory level should be used to implement the Procedure and its major provisions** remains on the agenda. In this respect it is worth mentioning that the Procedure is a multidimensional document covering a large spectrum of requirements to the safety of TMFs – from the very general to the specific operational and teaching regulations. In conclusion, there are **three possible ways** for using the Procedure as a part of developing legal and regulatory framework:

- 1) **Legislative level provisions** together with subordinate legislation to ensure its implementation **should be used (engaged) in the process of implementation of Directive 2006/21/EC** into the legal framework of Ukraine;
- 2) The fundamental part regarding the procedure for safety inspection and assessment of sludge and slag depositories **should be implemented through the delegated legislation at the level of CMU Resolution** with the approval of procedure and referral to the need of developing an assessment mechanism (most likely to be made by the Ministry of Ecology and State Emergency Service of Ukraine);
- 3) **The procedural part should be implemented through the approval of a specific regulation (procedure) on the inspection and verification of sludge and slag depositories.** The aforementioned should be considered as the jurisdiction of the Ministry of Ecology and Natural Resources of Ukraine.

At the same time, the Procedure developed by the Ukrainian experts **should be subject to a separate regulation as a whole document**. It should become a national equivalent to the “Safety guidelines and good practices for tailings management facilities”. The Ministry of Ecology and Natural Resources of Ukraine should have the prerogative for its approval in the form of some sort of procedural document (by approving the order or otherwise). Its main purpose would be the development of Guidelines on the use of TMFs by economic entities.

This brings up the **issue of additional work on the text of Procedure**. It should cover all TMFs, although, the use of the term TMFs **imposes significant limitations on the application of Procedure** for other waste treatment facilities. This is the reason for rejecting the proposals to cover the other types of mining waste, including waste dumps generated in the process of exploitation. It is a different category of waste, which is not related to sludge and slag depositories. The use of waste dumps for the construction of dykes at sludge and slag depositories has nothing to do with the above statement.

Additional works on the Procedure may be expedient in terms of clarifying the categories and types of waste repositories to be covered under this Procedure as well as considering certain provisions of Directive 2012/18/EC (for the purposes of its implementation). The final aspect and possible solutions are considered in the provisions above.

- 4) The above measures shall result in the need of introducing changes to the Order of the Ministry of Ecology and Natural Resources of Ukraine No. 317 of 15.10.2014 (Table 2). This is

caused by implementing new activities and adjusting present measures as well as not completing activities mentioned in the Order with respect to the implementation of Directive 2006/21/EC. Therefore, it is required to review deadlines for those activities supposed to have already been completed.

## Annex I. Table of Concordance Directive 2006/21/EC of 15 March 2006 on the management of waste from the extractive industries and amending Directive 2004/35/EC

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Article 1	<p style="text-align: center;"><b>Subject matter</b></p> <p>This Directive provides for measures, procedures and guidance to prevent or reduce as far as possible any adverse effects on the environment, in particular water, air, soil, fauna and flora and landscape, and any resultant risks to human health, brought about as a result of the management of waste from the extractive industries.</p>	It is not a subject of analysis	-	-	-
Article 2 point 1	<p style="text-align: center;"><b>Scope</b></p> <p>1. Subject to paragraphs 2 and 3, this Directive covers the management of waste resulting from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries, hereinafter 'extractive waste'</p>	It is not a subject of analysis	-	-	-
Article 2 point 2	<p>2. The following shall be excluded from the scope of this Directive:</p> <p>(a) waste which is generated by the prospecting, extraction and treatment of mineral resources and the working of quarries, but which does not directly result from those operations;</p> <p>(b) waste resulting from the off-shore prospecting, extraction and treatment of mineral resources;</p>	It is not a subject of analysis	-	-	-

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>(c) injection of water and re-injection of pumped groundwater as defined in the first and second indents of</p> <p>Article 11(3)(j) of Directive 2000/60/EC, to the extent authorised by that Article.</p>				
Article 2 point 3	<p>4. Inert waste and unpolluted soil resulting from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries and waste resulting from the extraction, treatment and storage of peat shall not be subject to Articles 7, 8, 11(1) and (3), 12, 13(6), 14 and 16, unless deposited in a Category A waste facility. The competent authority may reduce or waive the requirements for the deposit of non-hazardous waste generated from the prospecting of mineral resources, except oil and evaporates other than gypsum and anhydrite, as well as for the deposit of unpolluted soil and of waste resulting from the extraction, treatment and storage of peat as long as it is satisfied that the requirements of Article 4 are met.</p> <p>5. MS may reduce or waive the requirements of Articles 11(3), 12(5) and (6), 13(6), 14 and 16 for non-hazardous non-inert waste, unless deposited in a Category A waste fa-</p>	It is not a subject of analysis	-		-

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	cility.				
Article 2 point 4	4. Without prejudice to other Community legislation, waste that falls within the scope of this Directive shall not be subject to Directive 1999/31/EC.	It is not a subject of analysis	-	-	-
Article 3	<b>Definitions</b>				
1	'waste' is as defined in Article 1(a) of Directive 75/442/EEC;	The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998, art.1 «Waste means any substances, materials and objects generated during the process of production or consumption as well as goods (products) which completely or partially lost its own consumer properties and have no further using at the place of their generation or detection and from with owner gets rid, intends to get rid of or must do it by recovery or disposal»;	<b>Fully</b>	-	-
2	'hazardous waste' is as defined in Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste	The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998, art.1 «hazardous waste means waste which have such physical, chemical, biological or other hazardous properties which creates or can crate major damage for environment and health of people and which requires special methods and measures on their management»;  The Order of the State Standard of Ukraine № 89 of 29.02.1996 Waste classifier DK 005-96  The Resolution of the Cabinet of Min-	<b>In part</b>	Changing the approach to classify hazardous waste according to hazardous properties  Recast of the Law of Ukraine "On Waste" № 187/98- VR of 05.03.1998;  Changes to waste Classifier DK 005-96, approved by the State Standard of Ukraine № 89 of 29.02.1996,	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;



Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
		<p>isters of Ukraine "On Approval of the Provisions on the Control of Transboundary Movements of Hazardous Wastes and their recovery/disposal, and Yellow and Green lists of waste» №1120 of 13.07.2000 (definition and the list of properties which are developed to implement Basel Convention on control on transboundary shipments of hazardous waste and its disposal at whole are in compliance with the definition of Directive).</p>		<p>amendments to the Yellow and Green lists of waste</p>	
		<p>The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approval of the List of hazardous properties and instructions on the Control of transboundary movements of hazardous wastes and their recovery/disposal" №165 of 16.10.2000</p>			
3	<p>'inert waste' means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater;</p>		<b>Is lacking</b>	<p>Recast of the Law of Ukraine "On Waste" № 187/98- VR of 05.03.1998;</p> <p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries".</p> <p>Taking into account provisions of the Commission Decision (2009/359/EC) completing the definition</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
				of inert waste in implementing Article 22(1)(f) of Directive 2006/21/EC	
4	‘unpolluted soil’ means soil that is removed from the upper layer of the ground during extractive activities and that is not deemed to be polluted under the national law of the Member State where the site is located or under Community law;		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
5	‘mineral resource’ or ‘mineral’ means a naturally occurring deposit in the earth's crust of an organic or inorganic substance, such as energy fuels, metal ores, industrial minerals and construction minerals, but excluding water;	The Resolution of the Cabinet of Ministers of Ukraine "On approval of the Classification of reserves and mineral resources of the state fund of mineral resources» № 432 of 05.05.1997, point 2 «Mineral resources - natural mineral formations of organic and inorganic origin in the bowels, on the ground, in sources of water and gas, at the bottom of reservoirs and technogenic mineral formations in the waste disposal site of production and losses of mineral products processing	<b>Fully</b>	-	-
6	‘extractive industries’ mean all establishments and undertakings engaged in surface or underground extraction of mineral resources for commercial purposes, including extraction by drilling boreholes, or treatment	Mining Law of Ukraine № 1127-XIV of 6.10.1999., Art.1 “Mining (extractive) industry is a complex of heavy industry on exploration of mineral resources, their extraction from the bowels and	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine;

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	of the extracted material;	enrichment. "			State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
7	'off-shore' means that area of the sea and seabed extending from the low water mark of ordinary or medium tides outwards;		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
8	'treatment' means the mechanical, physical, biological, thermal or chemical process or combination of the processes carried out on mineral resources, including from the working of quarries, with a view to extracting the mineral, including size change, classification, separation and leaching, and the re-processing of previously discarded waste, but excluding smelting, thermal manufacturing processes (other than the burning of limestone) and metallurgical processes;	The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998, Art.1 "Treatment (recycling) waste - carrying out any technological operations related to the change in the physical, chemical or biological properties of waste, in order to prepare them for the environmentally safe storage, transportation, recovery or disposal"	<b>In part</b>	Recast of the Law of Ukraine "On Waste" № 187/98-VR of 05.03.1998; Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
9	'tailings' mean the waste solids or slurries remained after the treatment of minerals by separation processes (e.g. crushing, grinding, size-sorting, flotation and other physical and chemical techniques) to remove the valuable minerals from the less valuable rock;	The Order of the State Committee of Ukraine for Urban Development and Architecture "On approval of the methods of inspection and passportisation/ certification of systems waterworks hydraulic removal and storage of industrial wastes" № 252 of 19.12.95,	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
		<p>p.1.9.9. "Slurry is a very finely-dispersed material.</p> <p>A mixture of industrial waste with water that has got flowing property" p. 1.9.4. "Tailings are waste (meaning mostly liquid) that arising in the enrichment of minerals or in other manufacturing processes in various industries"</p> <p>The Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine "On Approval of DBN B.2.4.- 5:2012 " Tailings and sludge storages. Part I. Design. Part II. Construction» № 21 of 12.01.2012,</p> <p>p. 3.61 "Slurry is a dispersed inorganic solid waste received as a result of technological processes in metallurgical, chemical and other industries and mixed with water has got flowing property".</p>			<p>Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
10	'heap' means an engineered facility for the deposit of solid waste on the surface;	<p>The Order of the Ministry of Industrial Policy of Ukraine "On Approval of the provisions on design of internal heap generation and storage of waste of production in iron ore and flux quarries» № 412 of 17.08.2004,</p> <p>p. 2.8. "Waste rock is a mining-technical facility designed for tempo-</p>	<b>Fully</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
		rary or permanent deposit of overburden rocks and substandard mineral raw materials”;			and Trade of Ukraine;
11	‘dam’ means an engineered structure designed to retain or confine water and/or waste within a pond;	<p>The Order of the State Committee of Ukraine for Urban Development and Architecture "On approval of the methods of inspection and passportisation / certification of systems waterworks hydraulic removal and storage of industrial wastes" № 252 of 19.12.95,</p> <p>p. 1.9.18 "Waterworks are facilities for water use, and to fight against harmful effects of water: dams and dikes for different purposes and their structural elements"</p> <p>The Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine "On Approval of DBN B.2.4.- 5: 2012 "Tailings and sludge storages. Part I. Design. Part II. Construction» № 21 of 12.01.2012,</p> <p>p.3.13. "Dam (dike) is fencing waterworks, designed to form the tailings (slurry storage)"</p>	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
12	‘pond’ means a natural or engineered facility for disposing of fine-grained waste, normally tailings, along with varying amounts of free water, resulting from the treatment of mineral resources and from the clearing and recycling of process water;	<p>The Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine "On Approval of DBN B.2.4.- 5: 2012 "Tailings and sludge storages. Part I. Design. Part II. Construction» № 21 of 12.01.2012., n. 3.9 "Decantation pond</p>	<b>Fully</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
		is a reservoir in the tailings or slurry storage (sometimes at the store), designed for lighting and the accumulation of technical water that is taken by intake facilities of reverse water system”			Labour; Ministry of Economic Development and Trade of Ukraine;
13	‘weak acid dissociable cyanide’ means cyanide and cyanide compounds that are dissociated with a weak acid at a defined pH;		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
14	‘leachate’ means any liquid percolating through the deposited waste and emitted from or contained within a waste facility, including polluted drainage, which may adversely affect the environment if not appropriately treated;	The Order of the Ministry of Housing and Communal Services of Ukraine "Operating rules for Municipal Waste landfills" № 435 from 01.12.2010, p. 1, 3 “Leachate is a liquid phase that forms at the municipal waste landfill site at the time of solid waste landfilling with humidity over 55% and as a result of precipitation, the volume of which exceed of moisture that evaporates from the landfill”	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
15	‘waste facility’ means any area designated for the accumulation or deposit of extractive waste, whether in a solid or liquid state or in solution or suspension, for the follow-	The Law of Ukraine “On Waste” № 187/98-BP of 05.03.1998, Art.1 “Designated areas or facilities are sites or facilities (waste deposit sites,	<b>In part</b>	The drafting and adoption of the Law of Ukraine "On waste from extractive indus-	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine;

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>ing time-periods:</p> <ul style="list-style-type: none"> <li>— no time-period for Category A waste facilities and facilities for waste characterised as hazardous in the waste management plan;</li> <li>— a period of more than six months for facilities for hazardous waste generated unexpectedly;</li> <li>— a period of more than one year for facilities for non-hazardous non-inert waste;</li> <li>— a period of more than three years for facilities for unpolluted soil, non-hazardous prospecting waste, waste resulting from the extraction, treatment and storage of peat and inert waste.</li> </ul> <p>Such facilities are deemed to include any dam or other structure serving to contain, retain, confine or otherwise support such a facility, and also to include, but not be limited to, heaps and ponds, but excluding excavation voids into which waste is replaced, after extraction of the mineral, for rehabilitation and construction purposes;</p>	<p>storages, landfills, complexes, facilities, subsurface site etc.), the use of which requires to receive the permission of the competent authorities on waste disposal or other operations of waste”</p> <p>The Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Order of keeping the Register of the Waste Disposal sites” №1216 of 3.08.1998,</p> <p>p. 3 “Waste disposal sites (hereinafter - WDS) are designated areas or facilities (landfills, complexes, trenches, facilities, subsurface site etc.) receiving the permission of competent authorities in waste management sphere to use them for waste disposal”</p>		tries”	<p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
16	<p>‘major accident’ means an occurrence on site in the course of an operation involving the management of extractive waste in any establishment covered by this Directive, leading to a serious danger to human health and/or the environment, whether immediately or over time, on-site or off-site;</p>		<b>Is lacking</b>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
					Development and Trade of Ukraine;
17	'dangerous substance' means a substance, mixture or preparation which is dangerous within the meaning of Directive 67/548/EEC (17) or Directive 1999/45/EC (18);	The Law of Ukraine "On Extremely Dangerous Objects" № 2245-III of 18.01.2001, Art.1 "Dangerous substance is chemical, toxic, explosive, oxidizing, flammable substances, biological agents and biological substances (biochemical, microbiological, biotechnological agents pathogenic to human and animal organisms, etc.) that are a danger to life and human health and the environment, a set of properties of substances and / or features of their condition, which resulted in certain conditions may create the threat to life and human health and the environment"	<b>Fully</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" taking into account Regulation (EC) № 1272/2008 of the European Parliament and the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
18	'best available techniques' is as defined in Article 2(11) of Directive 96/61/EC;		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
19	'receiving body of water' means surface waters, groundwater, transitional waters and coastal water as defined in Article 2(1), (2), (6) and (7) of Directive		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine;



Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	2000/60/EC, respectively;				State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
20	'rehabilitation' means the treatment of the land affected by a waste facility in such a way as to restore the land to a satisfactory state, with particular regard to soil quality, wild life, natural habitats, freshwater systems, landscape and appropriate beneficial uses;		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
21	'prospecting' means the search for mineral deposits of economic value, including sampling, bulk sampling, drilling and trenching, but excluding any works required for the development of such deposits, and any activities directly associated with an existing extractive operation;	The Order of the Ministry of Industrial Policy of Ukraine "On approval of the provisions on the design of mining enterprises of Ukraine and determine the mineral reserves by the degree of preparedness for mining» № 221 of 07.05.2004,  p.2,3 "Exploration work is a set of special work and research carried out for the purpose of geological study of bowels"	<b>Fully</b>	-	-
22	'the public' means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;	The Order of the Ministry of Environmental Protection of Ukraine "On approval of provisions on public participation in decision-making in the field of environment» № 168 of 18.12.2003,	<b>Fully</b>	-	-

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
		p. 1. 2 "Public is one or more natural or legal persons, their associations, organizations or groups, which acting in accordance with the current legislation of Ukraine or practice"			
23	'the public concerned' means the public affected or likely to be affected by, or having an interest in, the environmental decision-making under Articles 6 and 7 of this Directive; for the purposes of this definition, non- governmental organisations promoting environmental protection and meeting any requirement under national law shall be deemed to have such an interest;	The Order of the Ministry of Environmental Protection of Ukraine "On approval of provisions on public participation in decision-making in the field of environment» № 168 of 18.12.2003  "The public concerned is public affected by the implementation of decisions on issues that have or could have a negative impact on the environment"	<b>In part</b>	-	-
24	'operator' means the natural or legal person responsible for the management of extractive waste, in accordance with the national law of the Member State in which waste management takes place, including in respect of temporary storage of extractive waste as well as the operational and the after-closure phases;		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
25	'waste holder' means the producer of the extractive waste or the natural or legal person who is in possession of it;	The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998,  Art.1 "The owner of waste is a natural or legal person who under the law owns, uses and manages the waste"	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
					on Labour; Ministry of Economic Development and Trade of Ukraine;
26	'competent person' means a natural person who has the technical knowledge and experience, as defined by the national law of the Member State in which the person operates, to perform the duties arising from this Directive;		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
27	'competent authority' means the authority or authorities which the Member State designates as responsible for performing the duties arising from this Directive;	It is not a subject of analysis	-	-	-
28	'site' means all land at a distinct geographic location under the management control of an operator;	The Code of Ukraine on Bowels № 132/94-BP of 27.07.1994, "Mining allotment is a part of the bowels, providing users for the industrial exploitation of mineral deposits and purposes not related to extraction of mineral resources"	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
29	'substantial change' means a change in the structure or operation of a waste facility that, in the opinion of the competent authority, may have significant nega-		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	tive effects on human health or the environment.			extractive Industries"	Coal Industry of Ukraine; State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of Ukraine;
Article 4  Article 4  point 1	<p style="text-align: center;"><b>General requirements</b></p> <p>1. The Member States shall take the necessary measures to ensure that extractive waste is managed without endangering human health and without using processes or methods which could harm the environment, and in particular without risk to water, air, soil and fauna and flora, without causing a nuisance through noise or odours and without adversely affecting the landscape or places of special interest. The Member States shall also take the necessary measures to prohibit the abandonment, dumping or uncontrolled depositing of extractive waste.</p>	<p>The Mining Law of Ukraine № 1127-XIV of 6.10.1999 (Art. 34-36). These articles determine the peculiarities of the environmental safety of the mining operations. The main requirement for waste is only "rational use of mineral waste of rocks (storages) for recycling based on widespread use of new technologies".</p> <p>The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998 (Chapter VI. Measures and requirements for preventing waste generation and environmentally waste management (Art. 31-34) – this articles applicable to all waste. (Insufficiently detailed level for mining waste)</p>	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of Ukraine;
Article 4  point 2	2. The Member States shall ensure that the operator takes all measures necessary to prevent or reduce as far as possible any adverse effects on the environment and human health brought about as a result of the management of extractive waste. This includes the management of any waste facility, also after its closure, and the prevention of major accidents involving that facility and	The Law of Ukraine "On Environmental Protection" №. 1264- /XII of 25.06.1991 (Art. 51. The environmental requirements for the design, construction, reconstruction, putting into operation, operation and maintenance of enterprises, facilities and other objects. (The information given in summary form in general for all objects of economic	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	the limiting of their consequences for the environment and human health.	activity). The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998 (Art. 17 – The obligations of economic entities in waste management sphere). The Mining Law of Ukraine № 1127-XIV of 6.10.1999. Chapter IV. Operating of the mining enterprises. Chapter V. The emergency protection and safety of the mining operation. Chapter VI. The peculiarities of the environmental safety of the mining operations. (Art. 18-36 are total requirements for mining enterprises) (The issue of the operation of waste disposal sites at the stage after closure is not solved)			Ukraine;
Article 4 point 3	3. The measures referred to in paragraph 2 shall be based, <i>inter alia</i> , on the best available techniques, without prescribing the use of any technique or specific technology, but taking into account the technical characteristics of the waste facility, its geographical location and the local environmental conditions.		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
Article 5 Article 5	<p style="text-align: center;"><b>Waste management plan</b></p> 1. Member States shall ensure that the operator draws up a waste management plan for the minimization, treatment, recovery	The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998. Art 17. The obligations of economic entities in waste management sphere: "Economic	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal

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point 1	and disposal of extractive waste, taking account of the principle of sustainable development.	<p>entities in waste management sphere must:</p> <p>k) ensure the development in the established order and implementation of the plans of work in waste management;”.</p>		<p>The Resolution of the Cabinet of Ministers of Ukraine “On the order of development and approval of plans of management of waste from the extractive industries” taking into account the provisions of the Commission.</p> <p>Decision (2009/360/EC)</p>	<p>Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
Article 5 point 2	<p>2. The objectives of the waste management plan shall be:</p> <p>(a) to prevent or reduce waste production and its harmfulness, in particular by considering:</p> <p>(i) waste management in the design phase and in the choice of the method used for mineral extraction and treatment;</p> <p>(ii) the changes that the extractive waste may undergo in relation to an increase in surface area and exposure to conditions above ground;</p> <p>(iii) placing extractive waste back into the excavation void after extraction of the mineral, as far as is technically and economically feasible and environmentally sound in accordance with existing environmental stand-</p>		<b>Is lacking</b>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"</p> <p>The Resolution of the Cabinet of Ministers of Ukraine “On the order of development and approval of plans of management of waste from the extractive industries” taking into account the provisions of Commission Decision (2009/360/EC)</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>

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	<p>ards at Community level and with the requirements of this Directive where relevant;</p> <p>(iv) putting topsoil back in place after the closure of the waste facility or, if this is not practically feasible, reusing topsoil elsewhere</p> <p>(v) using less dangerous substances for the treatment of mineral resources;</p> <p>(b) to encourage the recovery of extractive waste by means of recycling, reusing or reclaiming such waste, where this is environmentally sound in accordance with existing environmental standards at Community level and with the requirements of this Directive where relevant;</p> <p>(c) to ensure short and long-term safe disposal of the extractive waste, in particular by considering, during the design phase, management during the operation and after-closure of a waste facility and by choosing a design which:</p> <p>(i) requires minimal and, if possible, ultimately no monitoring, control and management of the closed waste facility;</p> <p>(ii) prevents or at least minimizes any long-term negative effects, for example attributable to migration of airborne or aquatic pollutants from the</p>				

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	<p>waste facility; and</p> <p>(iii) ensures the long-term geotechnical stability of any dams or heaps rising above the pre-existing ground surface.</p>				
<p>Article 5 point 3</p>	<p>3. The waste management plan shall contain at least the following elements:</p> <p>(a) where applicable, the proposed classification for the waste facility in accordance with the criteria laid down in Annex III:</p> <ul style="list-style-type: none"> <li>— where a Category A waste facility is required, a document demonstrating that a major-accident prevention policy, a safety management system for implementing it and an internal emergency plan will be put into effect in accordance with Article 6(3);</li> <li>— when the operator considers that a Category A waste facility is not required, sufficient information justifying this, including an identification of possible accident hazards;</li> <li>— waste characterization in accordance with Annex II and a statement of the estimated total quantities of extractive waste to be produced during the operational phase;</li> </ul>		<p><b>Is lacking</b></p>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"</p> <p>The Resolution of the Cabinet of Ministers of Ukraine "On the order of development and approval of plans of management of waste from the extractive industries" taking into account the provisions of Commission Decision (2009/360/EC)</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
	<p>(c) a description of the operation generating such waste and of any subsequent</p>				



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	<p>treatment to which it is subject;</p> <p>(d) a description of how the environment and human health may be adversely affected by the deposit of such waste and the preventive measures to be taken in order to minimize environmental impact during operation and after closure, including the aspects referred to in Article 11(2) (a), (b), (d) and (e);</p> <p>(e) the proposed control and monitoring procedures pursuant to Articles 10, when applicable, and 11(2)(c);</p> <p>(f) the proposed plan for closure, including rehabilitation, after-closure procedures and monitoring as provided for in Article 12;</p> <p>(g) measures for the prevention of water status deterioration in accordance with Directive 2000/60/EC and for the prevention or minimization of air and soil pollution pursuant to Article 13;</p> <p>(h) a survey of the condition of the land to be affected by the waste facility.</p> <p>The waste management plan shall provide sufficient information to enable the competent authority to evaluate operator's ability to meet the objectives of the waste management plan as set out in paragraph 2 and his obligations under this Directive. The plan shall ex-</p>				

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	plain, in particular, how the option and method chosen as mentioned paragraph 2(a)(i) will fulfil the objectives of the waste management plan as laid down in paragraph 2(a).				
Article 5 point 4	4. The waste management plan shall be reviewed every five years and/or amended, as appropriate, in the event of substantial changes to the operation of the waste facility or to the waste deposited. Any amendments shall be notified to the competent authority.		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"  The Resolution of the Cabinet of Ministers of Ukraine "On the order of development and approval of plans of management of waste from the extractive industries" taking into account the provisions of Commission Decision (2009/360/EC)	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of Ukraine;
Article 5 point 5	5. Plans produced pursuant to other national or Community legislation and containing the information specified in paragraph 3 may be used where this obviates the unnecessary duplication of information and the repetition of work by the operator, on condition that all requirements under paragraphs 1 to 4 are met.		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"  The Resolution of the Cabinet of Ministers of Ukraine "On the order of development and approval of plans of management of waste from the extractive	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of Ukraine;

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				industries" taking into account the provisions of Commission Decision (2009/360/EC)	
Article 5 point 6	6. The competent authority shall approve the waste management plan on the basis of procedures to be decided by the Member States and shall monitor its implementation.		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" The Resolution of the Cabinet of Ministers of Ukraine "On the order of development and approval of plans of management of waste from the extractive industries" taking into account the provisions of Commission Decision (2009/360/EC)	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
Article 6  Article 6 point 1	<b>Major accident prevention and information</b>  1. This Article shall be applied to Category A of waste facilities, saved for those waste facilities falling within the scope of Directive 96/82/EC.			Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
Article 6 point 2	2. Without prejudice to other Community legislation, and, in particular, Directives 92/91/EEC and 92/104/EEC, Member States	The Mining Law of Ukraine № 1127-XIV of 6.10.1999; Chapter V. The emergency protection and safety of the	<b>Fully</b>	Drafting and adopting the Law of Ukraine "On Waste from the	

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>shall ensure that major accident hazards are identified and that the necessary features are incorporated into the design, construction, operation and maintenance, closure and after-closure of the waste facility in order to prevent such accidents and to limit their adverse consequences for human health and/or the environment, including any trans-boundary impacts.</p>	<p>mining operation. Art. 25. The system of the emergency protection and safety of mining operations. Art 26. Technical and organizational measures to prevent accidents and catastrophes. Art. 27. The emergency response plan. Art. 28. The system of notification of accident. Art. 29. Emergency and rescue services. Art. 30. The duties of the head of mining enterprises during the emergency response and rescue of people. Art. 33. Protection of mining enterprises against the harmful effects of hazardous industries and natural disaster. , Chapter VI. The peculiarities of the environmental safety of the mining operations. Art. 36. Measures to ensure the environmental safety during the mining operations.</p> <p>The Order of the State Committee of Ukraine for Urban Development and Architecture "On approving the methods of inspection and passportisation/ certification of waterworks systems of hydraulic removal and storage of industrial wastes" № 165 of 10.09.96 (p.1.4).</p>		Extractive Industries"	
		<p>The Order of the Ministry of Emergencies and Affairs of Population Protection from the Consequences of Chornobyl Catastrophe of Ukraine "On approving the Instruction on drawing up plans for liquidation of accidents for</p>			

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		<p>open-pits (fissures) and the concentrating ( briquette) plants» № 87 of 31.03.2003.</p> <p>The Order of the Ministry of Industrial Policy of Ukraine "On approving the provisions on the design of mining enterprises of Ukraine and determining mineral reserves by the degree of preparedness for mining» № 221 of 07.05.2004</p> <p>The Order of the Ministry of Industrial Policy of Ukraine "On Approving the provisions on design of internal heap generation and storage of waste production in iron ore and flux quarries» № 412 of 17.08.2004</p>			
Article 6 point 3	<p>3. For the purposes of the requirements under paragraph 2, each operator before the start of operations shall, draw up a major-accident prevention policy for the management of extractive waste and put into effect a safety management system implementing it, in accordance with the elements set out in Section 1 of Annex I, and shall also put into effect an internal emergency plan specifying the measures to be taken on the site in the event of an accident.</p> <p>As part of that policy, the operator shall appoint a safety manager responsible for the implementation and periodic supervision of the major accident prevention policy.</p> <p>The competent authority shall draw up an</p>	<p>The Mining Law of Ukraine № 1127-XIV of 6.10.1999 (Chapter 5, 6);</p> <p>The Order of the State Committee of Ukraine for Urban Development and Architecture "On approving the methods of inspection and passportisation/certification of waterworks systems of hydraulic removal and storage of industrial wastes" № 165 of 10.09.96 (p.1.4).</p> <p>The Order of the Ministry of Emergencies and Affairs of Population Protection from the Consequences of Chornobyl Catastrophe of Ukraine "On approving the Instruction on drawing up the plans for liquidation of accidents for open-pits (fissures) and the concen-</p>	<b>Fully</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>

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	external emergency plan specifying the measures to be taken off- site in the event of an accident. As part of the application for a permit the operator shall provide the competent authority with the information necessary to enable the latter to draw up that plan.	trating ( briquette) plants» № 87 of 31.03.2003.			
Article 6 point 4	<p>4. The emergency plans referred to in paragraph 3 shall have the following objectives:</p> <p>(a) to contain and control major accidents and other incidents so as to minimise their effects and ,in particular, limit damage to human health and the environment;</p> <p>(b) to implement the measures necessary to protect human health and the environment from the effects of major accidents and other incidents;</p> <p>(c) to communicate the necessary information to the public and to the relevant services or authorities in the area;</p> <p>(d) to provide for the rehabilitation, restoration and clean- up of the environment following a major accident.</p> <p>Member States shall ensure that, in the event of a major accident, the operator immediately provides the competent authority with all the information required to help minimise its consequences for human health and to assess and minimise the extent, actual or potential, of the environmental damage.</p>	<p>The Mining Law of Ukraine № 1127-XIV of 6.10.1999 (Chapter 5, 6);</p> <p>The Order of the State Committee of Ukraine for Urban Development and Architecture "On approval of the methods of inspection and passportisation / certification of waterworks systems of hydraulic removal and storage of industrial wastes" № 165 of 10.09.96 (p.1.4).</p> <p>The Order of the Ministry of Emergencies and Affairs of Population Protection from the Consequences of Chornobyl Catastrophe of Ukraine "On approving the Instruction on drawing up the plans for liquidation of accidents for open- pits (fissures) and the concentrating ( briquette) plants» № 87 of 31.03.2003.</p> <p>The Resolution of the Cabinet of Ministers of Ukraine "On approval of the criteria for undertakings for the risk levels of their activities to the environment and frequency of state supervision (control)» № 212 of 19.03.2008</p> <p>The Resolution of the Cabinet of Minis-</p>	<b>Fully</b>	Drafting and adopting the Law of Ukraine "On Waste from the extractive Industries"	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>

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		<p>ters of Ukraine "On approval of the List of objects and separate areas that are subject to regular and mandatory service on a contractual basis of government emergency rescue services» № 1214 of 4 08.2000.</p>			
<p>Article 6 point 5</p>	<p>5. Member States shall ensure that the public concerned is given early and effective opportunities to participate in the preparation or review of the external emergency plan to be drawn up in accordance with paragraph 3. To that end, the public concerned shall be informed about any such proposal and relevant information shall be made available, including, inter alia, information about the right to participate in the decision-making process and about the competent authority to which comments and questions may be submitted.</p> <p>Member States shall ensure that the public concerned is entitled to express comments within reasonable time frames and that, in the decision on the external emergency plan, due account is taken of these comments.</p>		<p><b>Is lacking</b></p>	<p>Drafting and adopting the Law of Ukraine "On Waste from the extractive Industries" Amendments to other related regulatory acts with regards to the participation of the public concerned according to Directive requirements</p>	<p>Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;</p>
<p>Article 6 point 6</p>	<p>6. Member States shall ensure that information on safety measures and on the action required in the event of an accident, containing at least the elements listed in Section 2 of Annex I, is provided, free of charge and as a matter of course, to the public concerned. That information shall be reviewed every three years and, where necessary, updated.</p>	<p>The Law of Ukraine "On Access to Public Information" № 2939-VI of 13.01.2011.</p> <p>Article 13. The administrator of the information. Art. 15. Disclosure of the information by administrators.</p>	<p><b>In part</b></p>	<p>Drafting and adopting the Law of Ukraine "On Waste from the extractive Industries" Amendments to other related regulatory acts to provide the public concerned with the information according</p>	<p>Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
				to Directive requirements	Ukraine;
<p>Article 7</p> <p>Article 7 point 1</p>	<p><b>Application and permit</b></p> <p>1. No waste facility shall be allowed to operate without a permit granted by the competent authority. The permit shall contain the elements specified in paragraph 2 of this Article and shall clearly indicate the category of the waste facility in accordance with the criteria referred to in Article 9.</p> <p>Subject to compliance with all requirements under this Article, any permit produced pursuant to other national or Community legislation may be combined to form a single permit, where such a format obviates the unnecessary duplication of information and the repetition of work by the operator or competent authority. The details specified in paragraph 2 can be covered by one single permit or several permits, provided that all requirements under this Article are complied with.</p>	<p>The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998 (Art.23 The competence of the central executive body that implements the state policy in the field of environmental protection, Art. 32. Measures on limitation and prevention the negative impact of waste</p> <p>Art. 33. The requirements for storage and disposal of waste</p> <p>Today, according to the Law of Ukraine "On Waste", there is the requirement to obtain permit to carry out waste management operations, but there is no procedure for obtaining such a permit. There is no classification of waste facilities under the Directive.</p>	<b>In part</b>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts in terms of granting the permit to operate for waste facilities from the extractive industries according to Directive requirements</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
<p>Article 7 point 2</p>	<p>2. The application for a permit shall contain at least the following details:</p> <p>(a) the identity of the operator;</p> <p>(b) the proposed location of the waste facility, including any possible alternative locations;</p> <p>(c) the waste management plan pursuant to Article 5;</p> <p>(d) adequate arrangements by way of a fi-</p>	<p>The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998 (Art.23 The competence of the central executive body that implements the state policy in the field of environmental protection, Art. 32. Measures on limitation and prevention the negative impact of waste</p> <p>Art. 33. The requirements for storage and disposal of waste</p> <p>Today, according to the Law of</p>	<b>Is lacking</b>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts with regards to granting the permit to operate for waste facility from extractive industries according</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>



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	<p>financial guarantee or equivalent, as required under Article 14;</p> <p>(e) the information provided by the operator in accordance with Article 5 of Directive 85/337/EEC <sup>(19)</sup> if an environmental impact assessment is required under that Directive.</p>	<p>Ukraine "On Waste", there is a requirement to obtain a permit to carry out waste management operations, but there is no procedure for obtaining such a permit.</p>		<p>to Directive requirements, particularly in terms of specifying the location and alternative places, financial guarantee, waste management plan etc.</p>	
<p>Article 7 point 3</p>	<p>3. The competent authority shall only grant a permit if it is satisfied that:</p> <p>(a) the operator complies with the relevant requirements under this Directive;</p> <p>(b) the management of waste does not conflict directly or otherwise interfere with the implementation of the relevant waste management plan or plans referred to in Article 7 of Directive 75/442/EEC.</p>	<p>The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998 (Art.23 The competence of the central executive body that implements the state policy in the field of environmental protection, Art. 32. Measures on limitation and prevention the negative impact of waste</p> <p>Art. 33. The requirements for storage and disposal of waste</p> <p>Today, according to the Law of Ukraine "On Waste", there is a requirement to obtain a permit to carry out waste management operations, but there is no procedure for obtaining such a permit.</p>	<p><b>Is lacking</b></p>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts with regards to granting a permit for the operation of the waste facility from the extractive industries according to Directive requirements</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
<p>Article 7 point 4</p>	<p>4. Member States shall take the necessary measures to ensure that competent authorities periodically reconsider and, where necessary, update permit conditions:</p> <ul style="list-style-type: none"> <li>— where there are substantial changes in the operation of the waste facility or the waste deposited;</li> <li>— on the basis of monitoring results re-</li> </ul>	<p>The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998 (Art.23 The competence of the central executive body that implements the state policy in the field of environmental protection, Art. 32. Measures on limitation and prevention the negative impact of waste</p> <p>Art. 33. The requirements for storage</p>	<p><b>Is lacking</b></p>	<p>Drafting and adopting the Law of Ukraine "On Waste from the extractive Industries".</p> <p>Amendments to other related regulatory acts with regards to granting a permit for the operation of the</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of</p>

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	<p>ported by the operator pursuant to Article 11(3) or inspections carried out pursuant to Article 17;</p> <p>— in the light of information exchange on substantial changes in best available techniques under Article 21(3).</p>	<p>and disposal of waste</p> <p>Today, according to the Law of Ukraine "On Waste", there is a requirement to obtain a permit to carry out waste management operations, but there is no procedure for obtaining such a permit.</p>		<p>waste facility from the extractive industries according to Directive requirements. Reconsidering the permit in the light of information exchange on substantial changes in best available techniques is included as well.</p>	Ukraine;
Article 7 point 5	<p>5. The information contained in a permit granted under this Article shall be made available to the competent national and Community statistical authorities where requested for statistical purposes. Sensitive information of a purely commercial nature, such as information concerning business relations and cost components and the volume of economic mineral reserves, shall not be made public.</p>	<p>The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998 (art.23, 28, 33, 34 )</p> <p>The Resolution of the Cabinet of Ministers of Ukraine "On approving the conduct of state registration and passportisation of waste" № 2034 of 1.11.1999</p>	<b>In part</b>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts with regards to granting a permit for the operation of the waste facility from the extractive industries according to Directive requirements</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
Article 8  Article 8 point 1	<p><b>Public participation</b></p> <p>1. The public shall be informed, by public notices or other appropriate means, such as electronic media where available, of the following matters early in the procedure for granting a permit or, at the latest, as soon as the information can rea-</p>		<b>Is lacking</b>	<p>Amendments to the "The Order of public involvement into discussing the issues of taking decisions which may affect the environment" approved by the Cabinet of Ministers of Ukraine № 771</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>sonably be provided:</p> <ul style="list-style-type: none"> <li>(a) the application for a permit;</li> <li>(b) where applicable, the fact that a decision concerning an application for a permit is subject to consultation between the Member States in accordance with Article 16;</li> <li>(c) details of the competent authorities responsible for taking the decision, those from which relevant information can be obtained, those to which comments or questions can be submitted, and details of the time schedule for transmitting comments or questions;</li> <li>(d) the nature of possible decisions;</li> <li>(e) where applicable, the details relating to a proposal for updating a permit or permit conditions;</li> <li>(f) an indication of the times and places where, or the means by which, the relevant information will be made available;</li> <li>(g) details of the arrangements for public participation made pursuant to paragraph 7.</li> </ul>			<p>of 29.06.2011</p> <p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts concerning public participation in accordance with Directive requirements</p>	<p>Ukraine;</p>
<p>Article 8 point 2</p>	<p>2. Member States shall ensure that, within appropriate time frames, the following is made available to the public concerned:</p> <ul style="list-style-type: none"> <li>(a) in accordance with national legislation,</li> </ul>		<p><b>Is lacking</b></p>	<p>Amendments to the "The Order of public involvement into discussing the issues on</p>	<p>Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>the main reports and advice transmitted to the competent authority at the time when the public were informed in accordance with paragraph 1;</p> <p>(b) in accordance with the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information <sup>(20)</sup>, any information in addition to that referred to in paragraph 1 of this Article which is relevant for the decision in accordance with Article 7 of this Directive and which only becomes available after the time the public have been informed in accordance with paragraph 1 of this Article.</p>			<p>taking decisions which may affect the environment” approved by the Cabinet of Ministers of Ukraine № 771 of 29.06.2011</p> <p>Drafting and adopting the Law of Ukraine "On Waste from the extractive Industries" Amendments to other related regulatory acts concerning public participation in accordance with Directive requirements</p>	<p>Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
Article 8 point 3	<p>3. Member States shall take appropriate measures to ensure that the public is informed, in accordance with paragraph 1 of this Article, of an update of permit conditions in accordance with Article 7(4).</p>		<b>Is lacking</b>	<p>Amendments to the “The Order of public involvement into discussing the issues on taking decisions which may affect the environment” approved by the Cabinet of Ministers of Ukraine № 771 of 29.06.2011</p> <p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
				concerning public participation and its informing in accordance with Directive requirements	
Article 8 point 4	4. The public concerned shall be entitled to express comments and opinions to the competent authority before a decision is taken.		<b>Is lacking</b>	Amendments to the "The Order of public involvement into discussing the issues on taking decisions which may affect the environment" approved by the Cabinet of Ministers of Ukraine № 771 of 29.06.2011	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
Article 8 point 5	5. The results of the consultations held pursuant to this Article shall be duly taken into account in the taking of a decision.		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts concerning public participation and its informing in accordance with Directive requirements	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
Article 8 point 6	6. When a decision has been taken the competent authority shall, in accordance with the appropriate procedures, inform the public concerned and shall make the following information available to the public concerned:		<b>Is lacking</b>		Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>(a) the content of the decision, including a copy of the permit;</p> <p>(b) the reasons and considerations on which the decision is based.</p>				<p>on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
<p>Article 8 point 7</p>	<p>7. The detailed arrangements for public participation under this Article shall be determined by the Member States so as to enable the public concerned to prepare and participate effectively.</p>		<p><b>Is lacking</b></p>		<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
<p>Article 9</p>	<p><b>Classification system for waste facilities</b></p> <p>For the purposes of this Directive, the competent authorities shall classify a waste facility as Category A in accordance with the criteria set out in Annex III</p>	<p>The Resolutions of the Cabinet of Ministers of Ukraine “On identification and declaration of the safety of the extremely dangerous objects” № 956 of 11.07.2002 (the incomplete compliance with Annex III of the Directive and Decision 2009/337/EC)</p> <p>The Resolution of the Cabinet of Ministers of Ukraine "On approving the Order and Rules of the mandatory civil liability insurance of business entities for harm that may be inflicted by the fires and accidents on the extremely dangerous objects, including the flammable objects, activities of which may lead to the environmental and sanitary-epidemiological accidents» № 1788 of 16.11.2002 (incomplete compliance with Annex III of Directive and Decision</p>	<p><b>In part</b></p>	<p>Making agreement and establishing classification in accordance with the criteria set out in Annex III. The system of classification and Annex III of the Directive require additional specialized reviewing by specialized experts taking into account Decision 2009/337/EC and Regulation 1272/2008</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>

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		2009/337/EC)			
Article 10 Article 10 point 1	<p><b>Excavation voids</b></p> <p>1. Member States shall ensure that the operator, when placing extractive waste back into the excavation voids for rehabilitation and construction purposes, whether created through surface or underground extraction, takes appropriate measures in order to:</p> <p>(1) secure the stability of the extractive waste in accordance, <i>mutatis mutandis</i>, with Article 11(2);</p> <p>(2) prevent the pollution of soil, surface water and groundwater in accordance, <i>mutatis mutandis</i>, with Article 13(1), (3) and (5);</p> <p>(3) ensure the monitoring of the extractive waste and the excavation void in accordance, <i>mutatis mutandis</i>, with Article 12(4) and (5).</p>	<p>The Mining Law of Ukraine № 1127-XIV of 6.10.1999 (Chapter VI. The peculiarities of the environmental safety of the mining operations. Article 34. Major environmental requirements in mining activity. Art. 35. Prevention of harmful effects of mining activity.</p> <p>The Order of the Ministry of Industrial Policy of Ukraine "On approving the provisions on design of internal heap generation and waste storage of production in iron ore and flux quarries» № 412 of 17.08.2004</p>	<b>In part</b>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"</p> <p>Amendments to other related regulatory acts concerning public participation and its informing according to Directive requirements</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
Article 10 point 2	<p>2. Directive 1999/31/EC shall continue to be applied to the waste other than extractive waste used for filling in excavation voids as appropriate.</p>			<p>Should be taken into account during the implementation of Directive 1999/31/EC</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;</p>
Article 11	<p><b>Construction and management of waste facilities</b></p>	<p>The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998 (Art. 17. The</p>	<b>Fully</b>		

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Article 11 point 1	1. Member States shall take appropriate measures to ensure that the management of a waste facility is in the hands of a competent person and that technical development and training of staff are provided.	obligations of economic entities in waste management sphere: (р. й) and м)), Art. 34. The requirements for hazardous waste management.  The Resolution of the Cabinet of Ministers of Ukraine «On approving the license conditions of the business activity of hazardous waste management» № 446 of 13.07.2016 (р.8, 9)			
Article 11 point 2	2. The competent authority shall satisfy itself that, in constructing a new waste facility or modifying an existing waste facility, the operator ensures that:  (a) the waste facility is suitably located, taking into account in particular Community or national obligations relating to protected areas, and geological, hydrological, hydrogeological, seismic and geotechnical factors, and is designed so as to meet the necessary conditions for, in the short and long-term perspectives, preventing pollution of the soil, air, groundwater or surface water, taking into account especially Directives 76/464/EEC (21), 80/68/EEC (22) and 2000/60/EC, and ensuring efficient collection of contaminated water and leachate when required under the permit, and reducing erosion caused by water or wind as far as it is technically possible and economically viable;  (b) the waste facility is suitably constructed,	The Law of Ukraine "On Ecological Examination (Expertise)" No. 45/95-BP of 09.02.1995.  The Order of the Ministry of Industrial Policy of Ukraine "On Approving the provisions on design of internal heap generation and waste storage of production in iron ore and flux quarries» № 412 of 17.08.2004  The Order of the Ministry of Industrial Policy of Ukraine "On approving the provisions on the design of mining enterprises of Ukraine and determine the mineral reserves by the degree of preparedness for mining» № 221 of 07.05.2004  The Resolution of the Cabinet of Ministers of Ukraine "On approving the criteria for undertaking the risk levels of their activities to the environment and frequency of state supervision (control)» № 212 of 19.03.2008	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts according to the Directive requirements	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of Ukraine;



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	<p>managed and maintained to ensure its physical stability and to prevent pollution or contamination of soil, air, surface water or groundwater in the short and long-term perspectives as well as to minimise as far as possible damage to landscape;</p> <p>(c) there are suitable plans and arrangements for regular monitoring and inspection of the waste facility by competent persons and for taking action in the event of results indicating instability or water or soil contamination;</p> <p>(d) suitable arrangements are made for the rehabilitation of the land and the closure of the waste facility;</p> <p>(e) suitable arrangements are made for the after-closure phase of the waste facility.</p> <p>Records of the monitoring and inspections referred to in point (c) shall be kept, together with permit documentation, in order to ensure the appropriate hand-over of information, particularly in the event of a change of operator.</p>	<p>The Resolution of the Cabinet of Ministers of Ukraine "On approving the criteria for assessing the risk of economic activities and their determination by frequency of scheduled state supervision (control) of technological and fire safety" № 306 of 29.02.2012</p> <p>The Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine "On Approval of DBN B.2.4.- 5: 2012 "Tailings and sludge storages. Part I. Design. Part II. Construction» № 21 of 12.01.2012.</p>			
Article 11 point 3	3. The operator shall, without undue delay and in any event not later than 48 hours thereafter, notify the competent authority of any events likely to affect the stability of the waste facility and any significant adverse environmental effects revealed by the control and monitoring procedures of the waste facility. The operator shall implement the	The Mining Law of Ukraine № 1127-XIV of 6.10.1999. Art..28. Warning system. Article 31. Interaction of the executives of the mining enterprises with executive authorities, local government, enterprises, institutions and organizations during accident liquidation	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts in terms of informing competent authority	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour;

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	<p>internal emergency plan, where applicable, and follow any other instruction from the competent authority as to the corrective measures to be taken.</p> <p>The operator shall bear the costs of the measures to be undertaken.</p> <p>At a frequency to be determined by the competent authority, and in any event at least once a year, the operator shall report, on the basis of aggregated data, all monitoring results to the competent authorities for the purposes of demonstrating compliance with permit conditions and increasing knowledge of waste and waste facility behaviour. On the basis of this report the competent authority may decide that validation by an independent expert is necessary.</p>	<p>tion.</p> <p>The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998. Article 34. The requirements for hazardous waste management.</p> <p>These provisions fix general action in the event of the actual accident rather than the event leading to it.</p>		<p>by the operator, reporting, involving independent experts in accordance with Directive requirements</p>	<p>Ministry of Economic Development and Trade of Ukraine;</p>
<p>Article 12</p> <p>Article 12 point 1</p>	<p><b>Closure and after-closure procedures for waste facilities</b></p> <p>1. Member States shall take measures to ensure compliance with paragraphs 2 to 5.</p>	<p>The Mining Law of Ukraine № 1127-XIV of 6.10.1999 (Chapter 8. The termination of mining enterprise activity Article 44. Forms of termination of mining enterprise activity.</p> <p>Art. 45. The order of liquidation or conservation of mining enterprises. (for mining enterprises in general) The Code of Ukraine on Bowels</p> <p>Art.54. The liquidation and conservation of mining facilities.</p>	<p><b>In part</b></p>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts in accordance with Directive requirements in terms of requirements on waste facilities closure</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
<p>Article 12 point 2</p>	<p>2. A waste facility shall only start the closure procedure if one of the following conditions is satisfied:</p>	<p>The Mining Law of Ukraine № 1127-XIV of 6.10.1999 (Chapter 8. The termination of mining enterprise activity. Arti-</p>	<p><b>In part</b></p>	<p>Drafting and adopting the Law of Ukraine "On Waste from the</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal</p>

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	<p>(a) the relevant conditions stated in the permit are met;</p> <p>(b) authorization is granted by the competent authority, at the request of the operator;</p> <p>(c) the competent authority issues a reasoned decision to that effect.</p>	<p>cle 45. The order of the liquidation or conservation of mining enterprises (for mining enterprises in general and there are no ties to permits and enforcement of requirements)</p> <p>The Code of Ukraine on Bowels Art.54. The liquidation and conservation of mining facilities.</p>		<p>Extractive Industries" Amendments to other related regulatory acts in accordance with Directive requirements concerning requirements on waste facilities closure</p>	<p>Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
Article 12 point 3	<p>3. A waste facility may be considered as finally closed only after the competent authority has, without undue delay, carried out a final on-site inspection, assessed all the reports submitted by the operator, certified that the land affected by a waste facility has been rehabilitated and communicated to the operator its approval of the closure. That approval shall not in any way reduce the operator's obligations under the conditions of the permit or otherwise in law.</p>	<p>The Mining Law of Ukraine № 1127-XIV of 6.10.1999 (Chapter 8. The termination of mining enterprise activity Article 45. The order of the liquidation or conservation of mining enterprises (For mining enterprises in general. There is no requirement "to inspection in place" after completion works of the closure. Only provision on commission is available).</p>	<b>In part</b>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts in accordance with Directive requirements concerning requirements on waste facilities closure</p>	
Article 12 point 4	<p>4. The operator shall be responsible for the maintenance, monitoring, control and corrective measures in the after- closure phase for as long as may be required by the competent authority, taking into account the nature and duration of the hazard, save where the competent authority decides to take over such tasks from the operator, after a waste facility has been finally closed and without prejudice to any national or Community legislation governing the liability of the waste holder.</p>	<p>The Mining Law of Ukraine № 1127-XIV of 6.10.1999 (Chapter 8. The termination of mining enterprise activity. Article 45. The order of the liquidation or conservation of mining enterprises (for mining enterprises in general).</p>	<b>In part</b>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts in accordance with Directive requirements concerning requirements on waste facilities closure</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
Article 12	<p>6. When considered necessary by the</p>	<p>The Mining Law of Ukraine № 1127-</p>	<b>In part</b>	<p>Drafting and adopting</p>	<p>Ministry of Ecology and Natu-</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
point 5	<p>competent authority, in order to fulfil relevant environmental requirements set out in Community legislation, in particular those in Directives 76/464/EEC, 80/68/EEC and 2000/60/EC, following closure of a waste facility, the operator shall, <i>inter alia</i>, control the physical and chemical stability of the facility and minimize any negative environmental effect, in particular with respect to surface and groundwater, by ensuring that:</p> <p>(a) all the structures pertaining to the facility are monitored and conserved, with control and measuring apparatus always ready for use;</p> <p>(b) where applicable, overflow channels and spillways are kept clean and free.</p>	<p>XIV of 6.10.1999 (Chapter 8. The termination of mining enterprise activity. Article 45. The order of the liquidation or conservation of mining enterprises (for mining enterprises in general).</p>		<p>the Law of Ukraine "On Waste from the extractive Industries" Amendments to other related regulatory acts in accordance with Directive requirements concerning requirements on waste facilities closure</p>	<p>ral Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;</p>
Article 12 point 6	<p>6. Following closure of a waste facility, the operator shall, without delay, notify the competent authority of any events or developments likely to affect the stability of the waste facility, and any significant adverse environmental effects revealed by the relevant control and monitoring procedures. The operator shall implement the internal emergency plan, where applicable, and follow any other instruction from the competent authority as to the corrective measures to be taken.</p> <p>The operator shall bear the costs of the</p>	<p>The Code of Ukraine on Bowels The Mining Law of Ukraine № 1127-XIV of 6.10.1999 (Chapter 8)</p>	<p><b>In part</b></p>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" Amendments to other related regulatory acts in accordance with Directive requirements concerning requirements on waste facilities closure</p>	<p>Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	measures to be undertaken.  In cases and at a frequency to be determined by the competent authority, the operator shall report, on the basis of aggregated data, all monitoring results to the competent authorities for the purposes of demonstrating compliance with permit conditions and increasing knowledge of waste and waste facility behaviour.				
Article 13  Article 13 point 1	<p><b>Prevention of water status deterioration, air and soil pollution</b></p> <p>1. The competent authority shall satisfy itself that the operator has taken the necessary measures in order to meet Community environmental standards, in particular to prevent, in accordance with Directive 2000/60/EC, the deterioration of current water status, <i>inter alia</i>, by:</p> <p>(a) evaluating the leachate generation potential, including contaminant content of the leachate, of the deposited waste during both the operational and after-closure phase of the waste facility, and determining the water balance of the waste facility;</p> <p>(b) preventing or minimizing leachate generation and surface water or groundwater and soil from being contaminated by the waste;</p> <p>(c) collecting and treating contaminated water and leachate from the waste facility</p>	<p>The Law of Ukraine "On Environmental Protection" №. 1264- /XII of 25.06.1991. Chapter VII. Standardization and setting of norms in the field of environmental protection.</p> <p>The Code of Ukraine on Bowels. Chapter IV. Design, construction and put into operation of mining facilities and underground facilities not related to mining.</p> <p>The Mining Law of Ukraine № 1127-XIV of 6.10.1999 (Chapter IV. Operating of the mining enterprises. Art.18. Major requirements for the mining operations. Article 22. The expertise of the design solutions of the emergency protection, safety of the mining operation, safety of the construction and operation of the mining enterprises. Chapter VI. The peculiarities of the environmental safety of the mining operations.</p>	<b>In part</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" and consolidation of corresponding provisions in it.  Amendments to other related regulatory acts.	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of Ukraine;

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	to the appropriate standard required for their discharge.				
Article 13 point 2	2. The competent authority shall ensure that the operator has taken adequate measures to prevent or reduce dust and gas emissions.	<p>Article 34. Major environmental requirements in mining activity. Art. 35. Prevention of harmful effects of mining activity. Art 36. Measures to ensure the environmental safety during the mining operations.</p> <p>The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approving the List of hazardous properties and instructions on the Control of transboundary movements of hazardous wastes and their recovery/disposal" №165 of 16.10.2000</p> <p>The Order of the Ministry of Industrial Policy of Ukraine "On approving the provisions on the design of mining enterprises of Ukraine and determining the mineral reserves by the degree of preparedness for mining» № 221 of 07.05.2004 The Order of the Ministry of Industrial Policy of Ukraine "On approving the provisions on design of internal heap generation and waste storage of production in iron ore and flux quarries» № 412 of 17.08.2004</p> <p>The Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine "On Approval of DBN B.2.4.- 5: 2012 " Tailings and sludge storages. Part I.</p>		<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" and consolidation of corresponding provisions in it.</p> <p>Amendments to other related regulatory acts. Detailed requirements should be reviewed by specialized expertson water resource management.</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
Article 13 point 3	3. Where, on the basis of an assessment of environmental risks, taking into account, in particular, Directives 76/464/EEC, 80/68/EEC or 2000/60/EC, as applicable, the competent authority has decided that collection and treatment of leachate is not necessary or it has been established that the waste facility poses no potential hazard to soil, groundwater or surface water, the requirements set out in points (b) and (c) of paragraph 1 may be reduced or waived accordingly.	<p>The Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine "On Approval of DBN B.2.4.- 5: 2012 "</p>		<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" and consolidation of corresponding provisions in it.</p> <p>Amendments to other related regulatory acts. Detailed requirements should be reviewed by specialized experts on water resource management.</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>
Article 13	4. Member States shall make the disposal of extractive waste, whether in solid, slurry or			Drafting and adopting the Law of Ukraine "On	Ministry of Ecology and Natu-

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
point 4	liquid form, into any receiving body of water other than one constructed for the purpose of disposing of extractive waste conditional upon compliance by the operator with the relevant requirements of Directives 76/464/EEC, 80/68/EEC and 2000/60/EC.	Design. Part II. Construction» № 21 of 12.01.2012.		Waste from the Extractive Industries" and consolidation of corresponding provisions in it.  Amendments to other related regulatory acts. Detailed requirements should be reviewed by specialized experts on water resource management	ral Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of Ukraine;
Article 13 point 5	5. When placing extractive waste back into excavation voids, whether created through surface or underground extraction, which will be allowed to flood after closure, the operator shall take the necessary measures to prevent or minimise water status deterioration and soil pollution in accordance, mutatis mutandis, with paragraphs (1) and (3). The operator shall provide the competent authority with the information necessary to ensure compliance with Community obligations, in particular those in Directive 2000/60/EC.			Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" and consolidation of corresponding provisions in it.  Amendments to other related regulatory acts Detailed requirements should be reviewed by specialized expertson water resource management	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of Ukraine;
Article 13 point 6	6. In the case of a pond involving the presence of cyanide, the operator shall ensure that the concentration of weak acid dissociable cyanide in the pond is reduced to the lowest possible level using best available techniques and, in any case, at waste facili-		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" and consolidation of corresponding provisions in	

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	<p>ties which have previously been granted a permit or have already been in operation on 1 May 2008 that the concentration of weak acid dissociable cyanide at the point of discharge of the tailings from the processing plant into the pond does not exceed 50 ppm as from 1 May 2008, 25 ppm as from 1 May 2013, 10 ppm as from 1 May 2018 and 10 ppm at waste facilities which are granted a permit after 1 May 2008.</p> <p>If the competent authority so requests, the operator shall demonstrate, through a risk assessment that takes site-specific conditions into account, that those concentration limits need not be further lowered.</p>			<p>it.</p> <p>Amendments to other related regulatory acts Detailed requirements should be reviewed by specialized experts on water resource management.</p>	
<p>Article 14</p> <p>Article 14 point 1</p>	<p style="text-align: center;"><b>Financial guarantee</b></p> <p>1. The competent authority shall, prior to the commencement of any operations involving the accumulation or deposit of extractive waste in a waste facility, require a financial guarantee (e.g. in the form of a financial deposit, including industry-sponsored mutual guarantee funds) or equivalent, in accordance with procedures to be decided by the Member States, so that:</p> <p>(a) all obligations under the permit issued pursuant to this Directive, including after-closure provisions, are discharged;</p> <p>(b) there are funds readily available at any given time for the rehabilitation of the land affected by the waste facility, as described in the waste management</p>	<p>The Resolution of the Cabinet of Ministers of Ukraine "On approving the Order and Rules of the mandatory civil liability insurance of business entities for harm that may be inflicted by the fires and accidents on the extremely dangerous objects, including the flammable objects, activities of which may lead to the environmental and sanitary-epidemiological accidents» № 1788 of 16.11.2002 (It is applied to extremely dangerous objects and is included only to compensate an accident. Closing costs are not considered).</p>	<p><b>In part</b></p>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries" and consolidation of corresponding provisions in it taking into account Commission Decision (2009/335/EC).</p> <p>Amendments to other related regulatory acts concerning financial guarantees according to the Directive requirements.</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>



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	plan prepared pursuant to Article 5 and required by the Article 7 permit.				
Article 14 point 2	<p>2. The calculation of the guarantee referred to in paragraph 1 shall be made on the basis of:</p> <p>(a) the likely environmental impact of the waste facility, taking into account in particular the category of the waste facility, the characteristics of the waste and the future use of the rehabilitated land;</p> <p>(b) the assumption that independent and suitably qualified third parties will assess and perform any rehabilitation work needed.</p>		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries "and consolidation of corresponding provisions in it. Amendments to other related regulatory acts concerning financial guarantees according to Directive requirements taking into account Commission Decision (2009/335/EC)	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
Article 14 point 3	3. The size of the guarantee shall be periodically adjusted in accordance with any rehabilitation work needed to be carried out on the land affected by the waste facility, as described in the waste management plan prepared pursuant to Article 5 and required by Article 7 permit.		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries " and consolidation of corresponding provisions in it. Amendments to other related regulatory acts concerning financial guarantees according to Directive requirements taking into account Commission Decision (2009/335/EC)	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;

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Article 14 point 4	4. Where the competent authority approves closure in accordance with Article 12(3), it shall provide the operator with a written statement releasing him from the guarantee obligation referred to in paragraph 1 of this Article with the exception of after-closure obligations as referred to in Article 12(4).		<b>Is lacking</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries " and consolidation of corresponding provisions in it. Amendments to other related regulatory acts concerning financial guarantees according to the Directive requirements taking into account Commission Decision (2009/335/EC)	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;
Article 15	<p style="text-align: center;"><b>Environmental liability</b></p> <p>The following point shall be added to Annex III of Directive 2004/35/EC as follows:</p> <p>'13. The management of extractive waste pursuant to Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the waste management from the extractive industries (23).</p>	It is not a subject of analysis, therefore, Directive 2004/35/EC is not included in Annex XXX of the Association Agreement of Ukraine-EU	-	-	-
Article 16 point 1	<p style="text-align: center;"><b>Transboundary effects</b></p> <p>1. Where a Member State in which a waste facility is situated is aware that the operation of a Category A waste facility is likely to have significant adverse effects on the environment of, and any resultant risks to human health in, another Member State, or where a</p>		<b>Is lacking</b>	Adoption of law which will regulate issues on environmental impact assessment at the national level and in the transboundary context	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour;

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	<p>Member State likely to be thus affected so requests, the Member State in whose territory the application for a permit pursuant to Article 7 was submitted shall forward the information provided pursuant to that Article to the other Member State at the same time as it makes it available to its own nationals. Such information shall serve as a basis for any consultation necessary within the context of bilateral relations between the two Member States on a reciprocal and equivalent basis.</p>				<p>Ministry of Economic Development and Trade of Ukraine;</p>
<p>Article 16 point 2</p>	<p>2. Within the framework of their bilateral relations, Member States shall ensure that in the cases referred to in paragraph 1 the applications are also made available for an appropriate period of time to the public concerned of the Member State likely to be affected so that they will have the right to comment on them before the competent authority reaches its decision.</p>		<p><b>Is lacking</b></p>	<p>Adoption of law which will regulate issues on environmental impact assessment at the national level and in the transboundary context</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;                      Ministry of Energy and Coal Industry of Ukraine;                      State Service of Ukraine on Labour;                      Ministry of Economic Development and Trade of Ukraine;</p>
<p>Article 16 point 3</p>	<p>3. Member States shall ensure that, in the event of an accident involving a waste facility as referred to in paragraph 1 of this Article, information provided by the operator to the competent authority pursuant to Article 6(4) is immediately forwarded to the other Member State in order to help minimise the consequences of the accident for human health and to assess and minimise the extent of the actual or potential environmental damage.</p>	<p>The Law of Ukraine "On Extremely Dangerous Objects" № 2245-III of 18.01.2001</p> <p>(Art.11 The plans of localization and liquidation of accidents at extremely dangerous objects.</p> <p>"In the case of a threat of an accident with transboundary impact the plan of localization and liquidation of accidents should provide immediate awareness of relevant States whose</p>	<p><b>Fully</b></p>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries " and consolidation of corresponding provisions in it</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;                      Ministry of Energy and Coal Industry of Ukraine;                      State Service of Ukraine on Labour;                      Ministry of Economic Development and Trade of Ukraine;</p>

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		territories may be affected by the consequences of such an accident" (is applied only to the extremely dangerous objects)			
Article 17  Article 17 point 1	<b>Inspections by the competent authority</b>  1. Prior to the commencement of deposit operations and at regular intervals thereafter, including the after-closure phase, to be decided by the Member State concerned, the competent authority shall inspect any waste facility covered by Article 7 in order to ensure that it complies with the relevant conditions of the permit. An affirmative finding shall in no way reduce the responsibility of the operator under the conditions of the permit.	The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998  The Law of Ukraine "On the main principles of state supervision (oversight) in the area of economic activity" № 877-V of 05.04.2007  The Order of the Ministry of Environmental Protection of Ukraine "On approval of the organization and conduct inspections of economic entities to comply with environmental legislation" № 464 of 10.09.2008  The Resolution of the Cabinet of Ministers of Ukraine «On approval of provisions on the procedure for Mining Supervision» № 134 of 21.02.1995  The Resolution of the Cabinet of Ministers of Ukraine "On approval of the criteria for undertakings for the risk levels of their activities to the environment and frequency of state supervision (control)" № 212 of 19.03.2008 The Resolution of the Cabinet of Ministers of Ukraine "On approval of the criteria for assessing the risk of economic activities and is determined by frequency of scheduled state supervision (control) of	<b>Fully</b>	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries " Amendments to other related regulatory acts	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of Ukraine;

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		technological and fire safety” № 306 of 29.02.2012			
Article 17 point 2	2. Member States shall require the operator to keep up-to-date records of all waste management operations and make them available for inspection by the competent authority and to ensure that, in the event of a change of operator during the management of a waste facility, there is an appropriate transfer of relevant up-to-date information and records relating to the waste facility.	<p>The Law of Ukraine “On Waste” № 187/98-BP of 05.03.1998</p> <p>Art. 17. The obligations of economic entities in waste management sphere</p> <p>r) based on material balance of production have to detect and keep the primary current account of amount, type and composition of waste which are generated, collected, transported, stored, treated, recovered, neutralized and disposed, and to submit the statistical reporting in due course;</p> <p>ii) submit to local executive bodies and local authorities as well as the authorities of executive power on environmental protection the information on waste and the related activities, including the unauthorized waste getting into the environment and measures in this respect;</p> <p>Chapter V. State registration, monitoring and reporting in waste management sphere</p> <p>Art. 26. State registration and passportisation of waste</p> <p>The Resolution of the Cabinet of Ministers of Ukraine "On approving the conduct of state registration and passporti-</p>	<b>Fully</b>	Drafting and adopting the Law of Ukraine "On Waste from the extractive Industries “	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>

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		sation of waste" № 2034 of 1.11.1999			
Article 18  18 clause?  point 1	<p><b>Obligation to report</b></p> <p>1. At intervals of three years Member States shall transmit to the Commission a report on the implementation of this Directive. The report shall be drawn up on the basis of a questionnaire or outline to be adopted by the Commission in accordance with the procedure referred to in Article 23(2). The report shall be transmitted to the Commission within nine months of the end of the three-year period covered by it.</p> <p>The Commission shall publish a report on the implementation of this Directive within nine months of receiving the reports from the Member States.</p>	It is not a subject of analysis	-	-	-
Article 18  point 2	2. Every year Member States shall transmit to the Commission information on events notified by the operators in accordance with Articles 11(3) and 12(6). The Commission shall make this information available to the Member States upon request. Without prejudice to Community law on public access to environmental information, Member States shall in their turn make the information available to members of the public concerned on request.	It is not a subject of analysis	-	-	-
Article 19	<p><b>Penalties</b></p> <p>The Member States shall lay down rules on penalties for infringement of the provisions of national law adopted pursuant to this</p>	The Mining Law of Ukraine № 1127-XIV of 6.10.1999. Chapter 9. Responsibility for violations of the Mining Law. Art. 49. Responsibility for violation of mining laws. (Applicable in general on	<b>Fully</b>	Amendments to the Code of Ukraine "On administrative offenses" revising of the	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;

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	<p>Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.</p>	<p>violation of law in the area of mining activity)</p> <p>The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998. Chapter VIII. The offences in the waste management sphere and responsibility for them. Art. 42. The offences in the waste management sphere.</p> <p>The Code of Ukraine on Administrative Offences № 8073-X of 07.12.1984 Articles 82<sup>1</sup> - 82<sup>5</sup>. The violations of waste management during their collection, transportation, storage, treatment, recovery, disposal or landfill.</p>		<p>penalty rates (fines)</p>	<p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p> <p>Ministry of Finance of Ukraine</p>
<p>Article 20</p>	<p><b>Inventory of closed waste facilities</b></p> <p>Member States shall ensure that an inventory of closed waste facilities, including abandoned waste facilities, located on their territory that cause serious negative environmental impacts or have the potential of becoming in the medium or short term a serious threat to human health or the environment is drawn up and periodically updated. Such an inventory, to be made available to the public, shall be carried out by 1 May 2012, taking into account the methodologies as referred to in Article 21, if available.</p>	<p>The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998.</p> <p>Art. 20. Powers of local state administrations on waste management sphere:</p> <p>i) preparation and keeping of the Register of waste generation, recovery and disposal objects (facilities) as well as the Register of waste disposal sites;</p> <p>Art. 23-2. The competence of the central executive body that implements the state policy of state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources and waste management</p>	<p><b>In part</b></p>	<p>Translation should be clarified.</p> <p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries "</p> <p>Developing and adopting the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Order to carry out the Register of waste facilities from extractive industries" to establish the operation of the Register of waste facilities</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>

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		<p>b) preparation and keeping of the Register of objects (facilities) of waste generation, treatment, recovery and the Register of waste disposal sites;</p> <p>Art. 28. Keeping the Register of waste disposal sites.</p> <p>In order to provide full accounting and description of the operated, closed and mothballed waste disposal sites as well as their qualitative and quantitative composition and to monitor waste impact on the environment and human health the Register of waste has been kept.</p> <p>The Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Order of keeping the Register of waste disposal sites” №1216 of 3.08.1998</p> <p>The Register of waste disposal sites is kept based on the respective passports, data report of waste producers, data of authorized executive authorities in waste management sphere. Registry data is a subject to annual adjustments.</p> <p>The Register comprises generalized information about each waste disposal site (location, technical and environmental specifications, data on owner, etc.). Registry data is a subject to annual adjustments.</p> <p>4. All sites of waste disposal (operated,</p>		<p>from extractive industries in particular closed and abandoned waste facilities Amendments to other related regulatory acts</p>	



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		<p>closed, mothballed, etc.) should be included into the Register.</p> <p>The Order of the Ministry of Environmental Protection and Nuclear Safety of Ukraine "On Approval of Instruction on the content and preparation of passport of waste disposal place» № 12 of 14.01.1999</p> <p>Above-mentioned documents do not prescribe inclusion of abandoned waste disposal sites and waste disposal sites without owner to the Register.</p>			
<p>Article 21</p> <p>Article 21 point 1</p>	<p><b>Exchange of information</b></p> <p>1. The Commission, assisted by the Committee referred to in Article 23, shall ensure that there is an appropriate exchange of technical and scientific information between Member States, with a view to developing methodologies relating to:</p> <p>(a) the implementation of Article 20;</p> <p>(b) the rehabilitation of those closed waste facilities identified under Article 20 in order to satisfy the requirements of Article 4. Such methodologies shall allow for the establishment of the most appropriate risk assessment procedures and remedial actions having regard to the variation of geological, hydrogeological and climatological characteristics across Europe.</p>	<p>It is not a subject of the analysis.</p>	-	-	-

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Article 21 point 2	2. Member States shall ensure that the competent authority follows or is informed of developments in best available techniques.		Is lacking	Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"  Ensuring the informing of the competent authority on the developments in best available techniques.	Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Energy and Coal Industry of Ukraine;  State Service of Ukraine on Labour;  Ministry of Economic Development and Trade of Ukraine;
Article 21 point 3	3. The Commission shall organise an exchange of information between Member States and the organisations concerned on best available techniques, associated monitoring and developments in them. The Commission shall publish the results of the exchange of information.	It is not a subject of the analysis	-	-	-
Article 22  Article 22 point 1	<p><b>Implementing and amending measures</b></p> <p>1. By 1 May 2008, the Commission shall adopt, in accordance with the procedure referred to in Article 23(2), the provisions necessary for the following, prioritising (e), (f) and (g):</p> <p>(a) the harmonisation and regular transmission of the information referred to in Articles 7(5) and 12(6);</p> <p>(b) the implementation of Article 13(6), including technical requirements relating to the definition of weak acid dissociable cyanide and its measurement method;</p>	It is not a subject of the analysis	-	-	-

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	(c) technical guidelines for the establishment of the financial guarantee in accordance with the requirements of Article 14(2); (d) technical guidelines for inspections in accordance with Article 17; (e) completion of the technical requirements for waste characterisation contained in Annex II; (f) interpretation of the definition contained in point 3 of Article 3; (g) definition of the criteria for the classification of waste facilities in accordance with Annex III; (h) determination of any harmonised standards for sampling and analysis methods needed for the technical implementation of this Directive.				
Article 22 point 2	2. Any subsequent amendments necessary for adapting the Annexes to scientific and technical progress shall be adopted by the Commission in accordance with the procedure referred to in Article 23(2).  Those amendments shall be made with a view to achieving a high level of environmental protection.	It is not a subject of the analysis	-	-	-
Article 23 Article 23	<p style="text-align: center;"><b>Committee</b></p> 1. The Commission shall be assisted by the Committee established by Article 18 of Directive 75/442/EEC, hereinafter 'the Commit-	It is not a subject of the analysis	-	-	-

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point 1	tee'.				
Article 23 point 2	2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall be applied, having regard to the provisions of Article 8 thereof.  The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.	It is not a subject of the analysis	-	-	-
Article 23 point 3	3. The Committee shall adopt its Rules of Procedure.	It is not a subject of the analysis	-	-	-
Article 24 Article 24 point 1	<b>Transitional provision</b> 1. Member States shall ensure that any waste facility which has been granted a permit or which is already in operation on 1 May 2008 complies with the provisions of this Directive 1 May 2012, except for those set out in Article 14(1) for which compliance must be ensured by 1 May 2014 and for those set out in Article 13(6) for which compliance must be ensured in accordance with the timetable laid down therein.	It is not a subject of the analysis	-	-	-
Article 24 point 2	2. Paragraph 1 shall not be applied to waste facilities closed by 1 May 2008.	It is not a subject of the analysis	-	-	-
Article 24 point 3	3. Member States shall ensure that, from 1 May 2006 and notwithstanding any closure of a waste facility after that date and before 1 May 2008, extractive waste is managed in a way that does not prejudice the fulfilment of Article 4(1) of this Directive, and other applicable environmental requirements set out in	It is not a subject of the analysis	-	-	-

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	Community legislation, including Directive 2000/60/EC.				
Article 24 point 4	<p>4. Articles 5, 6(3) to (5), 7, 8, 12(1) and (2) and 14(1) to (3) shall not be applied to those waste facilities that:</p> <ul style="list-style-type: none"> <li>— stopped accepting waste before 1 May 2006,</li> <li>— are completing the closure procedures in accordance with the applicable Community or national legislation or programmes approved by the competent authority, and</li> <li>— will be effectively closed by 31 December 2010.</li> </ul> <p>Member States shall notify such cases to the Commission by 1 August 2008 and ensure that these facilities are managed in a way that does not prejudice the achievement of the objectives of this Directive, in particular, the objectives of Article 4(1), and those of any other Community legislation, including Directive 2000/60/EC.</p>	It is not a subject of the analysis			
Article 25 Article 25 point 1	<p style="text-align: center;"><b>Transposition</b></p> <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 May 2008. They shall forthwith inform the Commission thereof.</p> <p>When Member States adopt these</p>	It is not a subject of the analysis	-	-	-

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	measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.				
Article 25 point 2	2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.	It is not a subject of the analysis	-	-	-
Article 26	<p><b>Entry into force</b></p> <p>This Directive shall enter into force on the 20th day following its publication in the <i>Official Journal of the European Union</i>.</p>	It is not a subject of the analysis	-	-	-
Article 27		It is not a subject of the analysis	-	-	-
<b>Annex I</b>	<p><b>Major accident prevention policy and information to be communicated to the public concerned</b></p> <p>1. Major accident prevention policy</p> <p>The operator's major accident prevention policy and safety management system should be proportionate to the major accident hazards presented by the waste facility. For the purpose of implementing them, the following elements shall be taken into account:</p> <p>1) the major accident prevention policy should include the operator's overall aims and principles of action with respect to the control of major accident</p>	See art.6, point 3	<b>Fully</b>	-	-

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	<p>hazards;</p> <p>2) the safety management system should include the part of the general management system which includes the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the major accident prevention policy;</p> <p>3) the following issues shall be addressed by the safety management system:</p> <p>a) organisation and personnel — the roles and responsibilities of personnel involved in the management of major hazards at all levels in the organisation; identification of training needs of such personnel and the provision of the training identified; and involvement of employees and, where appropriate, subcontractors;</p> <p>b) identification and evaluation of major hazards — adoption and implementation of procedures for systematically identifying major hazards arising from normal and abnormal operations and assessment of their likelihood and severity;</p> <p>c) operational control — adoption and implementation of procedures and instructions for safe operation, including maintenance of plant, processes, equipment and temporary stoppages;</p>				

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	<p>d) management of change — adoption and implementation of procedures for planning modifications to, or the design of, new waste facilities;</p> <p>e) planning for emergencies — adoption and implementation of procedures to identify foreseeable emergencies by systematic analysis and to prepare, test and review emergency plans to respond to such emergencies;</p> <p>f) monitoring performance — adoption and implementation of procedures for the ongoing assessment of compliance with the objectives set by the operator's major-accident prevention policy and safety management system, and the mechanisms for investigation and taking corrective action in case of non-compliance. The procedures should cover the operator's system for reporting major accidents or near misses, particularly those involving failure of protective measures, and their investigation and follow-up on the basis of lessons learnt;</p> <p>g) audit and review — adoption and implementation of procedures for periodic systematic assessment of the major-accident prevention policy and the effectiveness and suitability of the safety management system; the documented review of performance of the policy and safety management system and its updating by</p>				



Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	senior management.				
	<p><b>2. Information to be communicated to the public concerned</b></p> <p>1) name of operator and address of the waste facility.</p> <p>2) identification, by position held, of the person providing the information.</p> <p>3) confirmation that the waste facility is subject to the regulations and/or administrative provisions implementing this Directive and, when applicable, that the information relevant to the elements referred to in article 6(2) has been submitted to the competent authority.</p> <p>4) an explanation in clear and simple terms of the activity or activities undertaken at the site.</p> <p>5) the common names or the generic names or the general danger classification of the substances and preparations involved at the waste facility as well as waste which could give rise to a major accident, with an indication of their principal dangerous characteristics.</p> <p>6) general information relating to the nature of the major- accident hazards, including their potential effects on the surrounding population and environment.</p> <p>7) adequate information on how the surrounding population concerned are to be</p>	See art.6, point 6	<b>In part</b>	The drafting and adoption of the Law of Ukraine "On waste from extractive industries" Amendments to other related regulatory acts	Ministry of Ecology and Natural Resources of Ukraine; Ministry of Energy and Coal Industry of Ukraine; State Service of Ukraine on Labour; Ministry of Economic Development and Trade of Ukraine;

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>warned and kept informed in the event of a major accident.</p> <p>8) adequate information on the actions the population concerned should take, and on the behaviour they should adopt, in the event of a major accident.</p> <p>9) confirmation that the operator is required to make adequate arrangements on site, in particular liaison with the emergency services, to deal with major accidents and to minimise their effects.</p> <p>10) a reference to the external emergency plan drawn up to cope with any off-site effects from an accident. This should include advice to co-operate with any instructions or requests from the emergency services at the time of an accident.</p> <p>11) details of where further relevant information can be obtained, subject to the requirements of confidentiality laid down in national legislation.</p>				
<b>Annex II</b>	<p><b>Waste characterisation</b></p> <p>The waste to be deposited in a facility shall be characterised in such a way as to guarantee the long-term physical and chemical stability of the structure of the facility and to prevent major accidents. The waste characterisation shall include, where appropriate and in accordance with the category of the waste facility, the following aspects:</p> <p>1) description of expected physical and</p>	<p>Further analysis of the requirements of Commission Decision (2009/360/EC) adding technical requirements for the characterization (description) of waste in accordance with the requirements of Directive 2006/21/EC is claimed.</p>	<b>In part</b>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;                      Ministry of Energy and Coal Industry of Ukraine;                      State Service of Ukraine on Labour;                      Ministry of Economic Development and Trade of Ukraine;</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>chemical characteristics of the waste to be deposited in the short and the long term, with particular reference to its stability under surface atmospheric/meteorological conditions, taking account of the type of mineral or minerals to be extracted and the nature of any overburden and/or gangue minerals that will be displaced in the course of the extractive operations;</p> <p>2) classification of the waste according to the relevant entry in Decision 2000/532/EC <sup>(1)</sup>, with particular regard to its hazardous characteristics;</p> <p>3) description of the chemical substances to be used during treatment of the mineral resource and their stability;</p> <p>4) description of the method of deposition;</p> <p>5) waste transport system to be employed.</p>				
<b>Annex III</b>	<p><b>Criteria for determining the classification of waste facilities</b></p> <p>A waste facility shall be classified under category A if:</p> <ul style="list-style-type: none"> <li>- a failure or incorrect operation, e.g. the collapse of a heap or the bursting of a dam, could give rise to a major accident, on the basis of a risk assessment taking into account factors such as the present or future size, the location and the environmental impact of the waste facility; or</li> </ul>	<p>Additional analysis is claimed taking into account requirements of Commission Decision (2009/337/EC) on criteria for the classification of facilities of waste from the extractive industries in accordance with Annex III to Directive 2006/21/EC and the requirements of Regulation (EC) 1272/2008 of the European Parliament and the Council of 16 December 2008 on classification, packaging and labeling of dangerous substances and mixtures</p>	<b>In part</b>	<p>Drafting and adopting the Law of Ukraine "On Waste from the Extractive Industries"</p>	<p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Energy and Coal Industry of Ukraine;</p> <p>State Service of Ukraine on Labour;</p> <p>Ministry of Economic Development and Trade of Ukraine;</p>

Article of the EU Directive	Text of the provision of the Directive in English	National legislation of Ukraine (including draft legislation)	Level of correspondence to the article	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>– it contains waste classified as hazardous under Directive 91/689/EEC above a certain threshold; or it contains substances or preparations classified as dangerous under Directives 67/548/EEC or 1999/45/EC above a certain threshold.</p>				

Mining Law of Ukraine № 1127-XIV of 6.10.1999.

The Law of Ukraine "On Waste" № 187/98-BP of 05.03.1998.

The Law of Ukraine "On Environmental Protection" №. 1264- /XII of 25.06.1991. The Law of Ukraine "On Extremely Dangerous Objects" № 2245-III of 18.01.2001.

The Law of Ukraine "On the main principles of state supervision (oversight) in the area of economic activity" № 877-V of 05.04.2007. The Code of Ukraine on Administrative Offences № 8073-X of 07.12.1984.

The Code of Ukraine on Bowels № 132/94-BP of 27.07.1994.

The Order of the State Committee of Ukraine for Urban Development and Architecture "On approval of the methods of inspection and passportisation/ certification of systems of waterworks hydraulic removal and storage of industrial wastes" № 252 of 19.12.95.

The Order of the State Standard of Ukraine № 89 of 29.02.1996 Waste classifier DK 005-96.

The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approval of the List of hazardous properties and instructions on the Control of transboundary movements of hazardous wastes and their recovery/disposal" №165 of 16.10.2000.

The Order of the Ministry of Housing and Communal Services of Ukraine "Operating rules for Municipal Waste landfills" № 435 from 01.12.2010.

The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approval of the Regulation of public participation in decision-making in the field of environment» № 168 of 18.12.2003.

The Order of the Ministry of Industrial Policy of Ukraine "On Approval of the provisions on design of internal heap generation and storage of waste of production in iron ore and flux quarries» № 412 of 17.08.2004.

The Order of the Ministry of Industrial Policy of Ukraine "On approval of the provisions on the design of mining enterprises of Ukraine and determine the mineral reserves by the degree of preparedness for mining» № 221 of 07.05.2004.

The Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine "On Approval of the DBN B.2.4.-5:2012 "Tailings and sludge storages. Part I. Design. Part II. Construction" № 21 of 12.01.2012.

The Resolution of the Cabinet of Ministers of Ukraine "On approving the conduct of state registration and passportisation of waste" № 2034 of 1.11.1999. The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Order of keeping the Register of the Waste Disposal sites" №1216 of 3.08.1998.

The Resolution of the Cabinet of Ministers of Ukraine "On approval of the criteria for undertakings for the risk levels of their activities to the environment and frequency of state supervision (control)" № 212 of 19.03.2008.

The Resolutions of the Cabinet of Ministers of Ukraine "On approval of the criteria for assessing the risk of economic activities and determining the frequency of scheduled state supervision (control) in technogenic and fire safety sphere" № 306 of 29.02.2012.

The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Provisions on the Control of Transboundary Movements of Hazardous Wastes and their recovery/disposal, and Yellow and Green lists of waste" №1120 of 13.07.2000.

The Resolution of the Cabinet of Ministers of Ukraine «On approval of provisions on the procedure for Mining Supervision» № 134 of 21.02.1995.

The Resolution of the Cabinet of Ministers of Ukraine "On approving the Order and Rules of the mandatory civil liability insurance of business entities for harm that may be inflicted by the fires and accidents on the extremely dangerous objects, including the flammable objects, activities of which may lead to the environmental and sanitary-epidemiological accidents» № 1788 of 16.11.2002.

The Resolution of the Cabinet of Ministers of Ukraine "On approving the Order of granting mining allotment» № 59 of 27.01.1995.

The Resolutions of the Cabinet of Ministers of Ukraine "On identification and declaration of the safety of the extremely dangerous objects" № 956 of 11.07.2002.

The Resolution of the Cabinet of Ministers of Ukraine "On approval of the Classification of reserves and mineral resources of the state fund of mineral resources» № 432 of 05.05.1997.

## Annex II. Table of Concordance Directive 2012/18/EC on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Article 1	<p style="text-align: center;"><b>Subject matter</b></p> <p>This Directive lays down the rules to prevent major accidents, which involve dangerous substances, and to limit their consequences for human health and the environment, with a view to ensuring a high level of protection throughout the Union in a consistent and effective manner.</p>	Not applicable	-	-	-
Article 2	<p style="text-align: center;"><b>Scope</b></p> <p>1. This Directive shall be applied to establishments as defined in Article 3(1).</p> <p>2. This Directive shall not be applied to any of the following:</p> <ul style="list-style-type: none"> <li>(a) military establishments, installations or storage facilities;</li> <li>(b) hazards created by ionising radiation originating from substances;</li> <li>(c) the transport of dangerous substances and directly related intermediate temporary storage by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;</li> <li>(d) the transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive;</li> </ul>	Not applicable	-	-	-

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>(e) the exploitation, namely the exploration, extraction and processing, of minerals in mines and quarries, including by means of boreholes;</p> <p>(f) the offshore exploration and exploitation of minerals, including hydrocarbons;</p> <p>(g) the storage of gas at underground off-shore sites including both dedicated storage sites and sites where exploration and exploitation of minerals, including hydrocarbons are also carried out;</p> <p>(h) waste land-fill sites, including underground waste storage.</p> <p>Notwithstanding points (e) and (h) of the first subparagraph, onshore underground gas storage in natural strata, aquifers, salt cavities and disused mines and chemical and thermal processing operations and storage related to those operations which involve dangerous substances, as well as operational tailings disposal facilities, including tailing ponds or dams, containing dangerous substances shall be included within the scope of this Directive.</p>				
Article 3	<b>Definitions</b>				
1	<p>1. 'establishment' means the whole location under the control of an operator where dangerous substances are present in one or more installations, including common or related infrastructures or activities; establishments are either lower-tier establishments or upper-tier establishments;</p>	<p>Potentially dangerous objects is an object where dangerous substances, biological agents can be used or produced, processed, stored or transported; and other objects that under certain conditions could create a real threat of an accident</p> <p>Extremely dangerous object is an object where one or more dangerous substances or categories of substances in quantities equal to or exceed the statutory established trigger level are used, produced, processed, stored or</p>	<b>Fully</b>		State Emergency Service of Ukraine



Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
		transported , and other objects as such, according to the law, are a real threat of technogenic and natural emergencies;  [The Law of Ukraine “On extremely dangerous objects” of 18.01.2001, No. 2245-III]			
2, 3	2. ‘lower-tier establishment’ means an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in Column 2 of Part 1 or in Column 2 of Part 2 of Annex I, but less than the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Annex I, where applicable using the summation rule laid down in note 4 to Annex I;  3. ‘upper-tier establishment’ means an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Annex I, where are applicable using the summation rule laid down in note 4 to Annex I;	By the Law of Ukraine “On extremely dangerous objects” and The Resolutions of the Cabinet of Ministers of Ukraine “On identification and declaration of the safety of the extremely dangerous objects” of 11.07.2002, № 956 two classes of extremely dangerous objects have been established.	<b>In part</b>	It is necessary to make an additional analysis of the compliance of Annex I of the Directive and the Resolutions of the Cabinet of Ministers of Ukraine “On identification and declaration of the safety of the extremely dangerous objects” of 11.07.2002 № 956 on threshold mass of dangerous substances and the identification of the class of dangerous or extremely dangerous objects	State Emergency Service of Ukraine
4	4. ‘neighbouring establishment’ means an establishment that is located in such proximity to another establishment so as to increase the risk or consequences of a major accident;		<b>Is lacking</b>		State Emergency Service of Ukraine
5	5. ‘new establishment’ means:  (a) an establishment that enters into operation or is constructed, on or after 1 June 2015; or (b) a site of operation that falls within the scope of this Directive, or a lower-tier estab-	Not applicable	-	-	-

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	ishment that becomes an upper-tier establishment or vice versa, on or after 1 June 2015 due to modifications to its installations or activities resulting in a change in its inventory of dangerous substances;				
6	6. 'existing establishment' means an establishment that on 31 May 2015 falls within the scope of Directive 96/82/EC and from 1 June 2015 falls within the scope of this Directive without changing its classification as a lower-tier establishment or upper-tier establishment;	Not applicable	-	-	-
7	7. 'other establishment' means a site of operation that falls within the scope of this Directive, or a lower-tier establishment that becomes an upper-tier establishment or vice versa, on or after 1 June 2015 for reasons other than those referred to in point 5;	Not applicable	-	-	-
8	8. 'installation' means a technical unit within an establishment and whether at or below ground level, in which dangerous substances are produced, used, handled or stored; it includes all the equipment, structures, pipework, machinery, tools, private railway sidings, docks, unloading quays serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of that installation;		<b>Is lacking</b>		State Emergency Service of Ukraine;  Department of Technical Regulation of the Ministry of Economic Development and Trade of Ukraine
9	9. 'operator' means any natural or legal person who operates or controls an establishment or installation or, where provided for by national legislation, to whom the decisive economic or decision-	A business entity is a legal or a natural person who is an owner or uses at least one extremely dangerous object;  [The Law of Ukraine "On Extremely Danger-	<b>Fully</b>	-	State Emergency Service of Ukraine

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	making power over the technical functioning of the establishment or installation has been delegated;	ous Objects”]; vResponsible persons of the business entities are persons who are authorized by the owners of the objects, or the persons attached the right of full economic management or operational management or the persons who are the owners of these objects and use them;  [The Order of the Ministry of Emergencies "On approval of the Technique to identify potentially dangerous objects" of 23.02.2006 № 98 (registered by the Ministry of Justice 20.03.06 №286/12160)]			
10	10. ‘dangerous substance’ means a substance or mixture covered by Part 1 or listed in Part 2 of Annex I, including the form of raw material, product, by-product, residue or intermediate;	dangerous substances are chemical, toxic, explosive, oxidizing, flammable substances, biological agents and biological substances (biochemical, microbiological, biotechnological agents pathogenic to human and animal organisms, etc.) that impose a danger to life and human health and the environment, a set of properties of substances and/or features of their condition which, resulted in certain conditions, may create the threat to life and human health, the environment, material and cultural values; [The Law of Ukraine “On Extremely Dangerous Objects”];	<b>Fully</b>	-	State Emergency Service of Ukraine
11	11. ‘mixture’ means a mixture or solution composed of two or more substances;		<b>Is lacking</b>		State Emergency Service of Ukraine
12	12. ‘presence of dangerous substances’ means the actual or anticipated presence of dangerous substances in the establishment, or of dangerous substances which it is reasonable to foresee; it may be		<b>Is lacking</b>		State Emergency Service of

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	generated during the loss of control of the processes, including storage activities, in any installation within the establishment, in quantities equal to or exceeding the qualifying quantities set out in Part 1 or Part 2 of Annex I;				Ukraine; State Labour Service of Ukraine
13	13. 'major accident' means such an occurrence as a major emission, fire, or explosion resulting from uncontrolled development in the course of the operation of any establishment covered by this Directive, and leading to serious danger to human health or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances;	<ol style="list-style-type: none"> <li>1. Emergency is a situation on a specific area or at the entity thereon, or on the water objects, which is characterized by disruption of living conditions of the population, and that is caused by the disaster, an accident, a fire, a natural disaster, an epidemic, an epizootic, an epiphytotic, the use of weapons or another dangerous event that led (could lead) to a threat to life or human health; a large number of dead and injured persons cause a considerable loss of property, as well as the inability of the population to live on that territory or facility, and the inability to keep on economic activities. [The Code of Civil Protection of Ukraine № 5403-VI of 02.10.2012];</li> <li>2. Hazardous event is the event, including a disaster, an accident, a fire, a natural disaster, an epidemic, an epizootic, and an epiphytotic that in its effects is a threat to life or human health or led to the loss of property. [The Code of Civil Protection of Ukraine];</li> <li>3. The accident at the extremely dangerous objects is a dangerous technogenic event arisen from the changes in the operation of extremely dangerous objects (excess emissions of dangerous substances, a fire,</li> </ol>	<b>Fully</b>	-	State Emergency Service of Ukraine

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
		<p>an explosion, etc.) that causes the loss of life or poses a threat to life and human health and environment on its territory and/or outside. [The Law of Ukraine “On Extremely Dangerous Objects”];</p> <p>4. Accident is a dangerous technogenic event that causes the damage and injury of the population or poses a threat to the life or human health on the separate or entity territories and leads to the destruction of buildings, equipment and vehicles as well as a breakdown of production or transportation processes or causes excessive and accidental emissions of pollutants and creates other harmful effects on the environment. [The Code of Civil Protection of Ukraine];</p> <p>5. The disaster is a large-scale accident or other event that results in serious consequences. [The Code of Civil Protection of Ukraine];</p>			
14	14. ‘hazard’ means the intrinsic property of a dangerous substance or physical situation, with a potential for creating damage to human health or the environment;		<b>Is lacking</b>		State Emergency Service of Ukraine
15	15. ‘risk’ means the likelihood of a specific effect occurring within a specified period or in specified circumstances;	<p>1. Risk is a degree of probability of a negative event that may occur at certain times or in certain circumstances on the extremely dangerous objects and / or outside. [The Law of Ukraine “On Extremely Dangerous Objects”];</p> <p>2. Risk is a quantitative measure of danger taking into account the probability of adverse effects from the economic activi-</p>	<b>Fully</b>	-	State Emergency Service of Ukraine

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
		ties and the extent of the possible losses from them. [The Law of Ukraine "On the main principles of state supervision (oversight) in the area of economic activity" № 877-V of 05.04.2007]			
16	16. 'storage' means the presence of a quantity of dangerous substances for the purposes of warehousing, depositing in safe custody or keeping in stock;		<b>Is lacking</b>		State Emergency Service of Ukraine
17	17. 'the public' means one or more natural or legal persons and, in accordance with national law or practice, their associations, organisations or groups;	The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approving the regulation of public participation in decision-making in the field of environment» № 168 of 18.12.2003	<b>Fully</b>	-	State Emergency Service of Ukraine
18	18. 'the public concerned' means the public affected or likely to be affected by, or having an interest in, the taking of a decision on any of the matters covered by Article 15(1); for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any applicable requirements under national law shall be deemed to have an interest;	The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approving the regulation of public participation in decision-making in the field of environment» № 168 of 18.12.2003	<b>In part</b>		State Emergency Service of Ukraine
19	19. 'inspection' means all actions, including site visits, checks of internal measures, systems and reports and follow-up documents, and any necessary follow-up, undertaken by or on behalf of the competent authority to check and promote compliance of establishments with the requirements of this Directive.		<b>Is lacking</b>		State Emergency Service of Ukraine State Labour Service of Ukraine
Article 4 Article 4	<b>Assessment of major accident hazards for a particular dangerous substance</b>		<b>Is lacking</b>		State Emergency Service of

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Point 1	<p>1. The Commission shall assess, where appropriate or in any event on the basis of a notification by a Member State in accordance with paragraph 2, whether it is impossible in practice for a particular dangerous substance covered by Part 1 or listed in Part 2 of Annex I, to cause a release of matter or energy that could create a major accident under both normal and abnormal conditions which can reasonably be foreseen. That assessment shall take into account the information referred to in paragraph 3, and shall be based on one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>a) the physical form of the dangerous substance under normal processing or handling conditions or in an unplanned loss of containment;</li> <li>b) the inherent properties of the dangerous substance, in particular those, related to dispersive behaviour in a major accident scenario, such as molecular mass and saturated vapour pressure;</li> <li>c) the maximum concentration of the substances in the case of mixtures.</li> </ul> <p>For the purposes of the first subparagraph, the containment and generic packing of the dangerous substance should, where appropriate, also be taken into account, including in particular where covered under specific Union legislation.</p>				Ukraine; State Labour Service of Ukraine
Article 4 Point 2	<p>2. Where a Member State considers that a dangerous substance does not present a major accident hazard in accordance with paragraph 1, it shall notify the Commission together with supporting justification, including the information referred to in paragraph 3.</p>		<b>Is lacking</b>		

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Article 4 Point 3	<p>3. For the purposes of paragraphs 1 and 2, information necessary for assessing the health, physical and environmental hazard properties of the dangerous substance concerned shall include:</p> <p>(a) a comprehensive list of properties necessary to assess the dangerous substance potential for causing physical, health or environmental harm;</p> <p>(b) physical and chemical properties (for instance molecular mass, saturated vapour pressure, inherent toxicity, boiling point, reactivity, viscosity, solubility and other relevant properties);</p> <p>(c) health and physical hazard properties (for instance reactivity, flammability, toxicity together with additional factors such as mode of attack on the body, injury to fatality ratio, long-term effects, and other properties as relevant);</p> <p>(d) environmental hazard properties (for instance ecotoxicity, persistence, bioaccumulation, potential for long-range environmental transport, and other properties as relevant);</p> <p>(e) where available, the Union classification of the substance or mixture;</p> <p>(f) information about substance-specific operating conditions (for instance, temperature, pressure and other conditions as relevant) under which the dangerous substance is stored, used and/or may be present in the event of foreseeable abnormal operations or such an accident as the fire.</p>		<b>Is lacking</b>		
Article 4 Point 4	<p>4. Following the assessment referred to in paragraph 1, the Commission shall, if appropriate, present a legislative proposal to the European Parlia-</p>		<b>Is lacking</b>		



Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	ment and to the Council to exclude the dangerous substance concerned from the scope of this Directive.				
Article 5	<p><b>General obligations of the operator</b></p> <p>1. Member States shall ensure that the operator is obliged to take all necessary measures to prevent major accidents and to limit their consequences for human health and the environment.</p>	The Code of Civil Protection of Ukraine (art. 20); The Law of Ukraine “On Extremely Dangerous Objects” (part 1 art. 8)	<b>Fully</b>		State Emergency Service of Ukraine; State Labour Service of Ukraine
	2. Member States shall ensure that the operator is required to prove to the competent authority referred to in Article 6, at any time, in particular for the purposes of inspections and controls referred to in Article 20, that the operator has taken all necessary measures as specified in this Directive.	<p>The Code of Civil Protection of Ukraine (art. 20);</p> <p>The Law of Ukraine “On Extremely Dangerous Objects” (art. 9);</p> <p>The Resolutions of the Cabinet of Ministers of Ukraine “On identification and declaration of the safety of the extremely dangerous objects” of 11.07.2002, № 956</p>	<b>Fully</b>		State Emergency Service of Ukraine; State Labour Service of Ukraine
Article 6 Article 6 Point 1	<p><b>Competent authority</b></p> <p>1. Without prejudice to the operator’s responsibilities, Member States shall set up or appoint the competent authority or authorities responsible for carrying out the duties laid down in this Directive (‘the competent authority’) and, if necessary, bodies to assist the competent authority at technical level.</p> <p>Member States which set up or appoint more than one competent authority shall ensure that the procedures for carrying out their duties are fully coordinated.</p>	Not applicable	-	-	-

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Article 6 Point 2	2. The competent authorities and the Commission shall cooperate in activities to support the implementation of this Directive, involving stakeholders as appropriate.	Not applicable	-	-	State Emergency Service of Ukraine
Article 6 Point 3	3. Member States shall ensure that competent authorities accept equivalent information submitted by operators in accordance with other relevant Union legislation, which fulfils any of the requirements of this Directive, for the purposes of this Directive. In such cases the competent authorities shall ensure that the requirements of this Directive are complied with.	Not applicable	-	-	State Emergency Service of Ukraine
Article 7  Article 7 Point 1	<p style="text-align: center;"><b>Notification</b></p> <p>1. Member States shall require the operator to send a notification to the competent authority containing the following information:</p> <ul style="list-style-type: none"> <li>(a) the name and/or trade name of the operator and the full address of the establishment concerned;</li> <li>(b) the registered place of business of the operator, with the full address;</li> <li>(c) the name and position of the person in charge of the establishment, if they are different from point (a);</li> <li>(d) information sufficient to identify the dangerous substances and category of substances involved or likely to be present;</li> <li>(e) the quantity and physical form of the dangerous substance or substances concerned;</li> <li>(f) the activity or proposed activity of the installation or storage facility;</li> <li>(g) the immediate environment of the establishment, and factors that are likely to cause</li> </ul>	The Code of Civil Protection of Ukraine; The Law of Ukraine “On Extremely Dangerous Objects”; The Resolutions of the Cabinet of Ministers of Ukraine “On identification and declaration of the safety of the extremely dangerous objects” (Annex 1).	<b>Fully</b>		The State Emergency Service of Ukraine

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>a major accident or aggravate the consequences thereof including, where available, details of neighbouring establishments, of sites that fall outside the scope of this Directive, areas and development that could be the source or increase the risk or consequences of a major accident and of domino effects.</p>				
<p>Article 7 Point 2</p>	<p>2. The notification or its update shall be sent to the competent authority within the following time-limits:</p> <p>(a) for new establishments, a reasonable period of time prior to the start of construction or operation, or prior to the modifications leading to a change in the inventory of dangerous substances;</p> <p>(b) for all other cases, one year from the date from which this Directive is applied to the establishment concerned.</p>	<p>The Law of Ukraine “On Extremely Dangerous Objects”; The Resolutions of the Cabinet of Ministers of Ukraine “On identification and declaration of the safety of the extremely dangerous objects”</p>	<p><b>Fully</b></p>		<p>State Emergency Service of Ukraine</p>
<p>Article 7 Point 3</p>	<p>3. Paragraphs 1 and 2 shall not be applied if the operator has already sent a notification to the competent authority under the requirements of national legislation before 1 June 2015, and the information contained therein complies with paragraph 1 and has remained unchanged.</p>	<p>Not applicable</p>			<p>State Emergency Service of Ukraine</p>
<p>Article 7 Point 4</p>	<p>4. The operator shall inform the competent authority in advance of the following events:</p> <p>(a) any significant increase or decrease in the quantity or significant change in the nature or physical form of the dangerous substance present, as indicated in the notification provided by the operator pursuant to paragraph 1, or a significant change in the processes employing it;</p>	<p>The Resolutions of the Cabinet of Ministers of Ukraine “On identification and declaration of the safety of the extremely dangerous objects”</p>	<p><b>Fully</b></p>		<p>State Emergency Service of Ukraine</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	(b) modification of an establishment or an installation which could have significant consequences in terms of major accident hazards; (c) the permanent closure of the establishment or its decommissioning; or (d) changes in the information referred to in points (a), (b) or (c) of paragraph 1.				
Article 8 Article 8 Point 1	<b>Major accident prevention policy</b> 1. Member States shall require the operator to draw up a document in writing setting out the major accident prevention policy (MAPP) and to ensure that it is properly implemented. The MAPP shall be designed to ensure a high level of protection of human health and the environment. It shall be proportionate to the major accident hazards. It shall include the operator's overall aims and principles of action, the role and responsibility of management, as well as the commitment towards continuously improving the control of major accident hazards, and ensuring a high level of protection..	The Code of Civil Protection of Ukraine (Chapter 5. Preventing of emergency and art. 20 p. 7, 13);  The Resolutions of the Cabinet of Ministers of Ukraine "On the State Commission on the questions of technogenic and ecological safety and emergencies" № 18 of 26.01.2015;  Methodological recommendations on organizing the work of Head Departments of the Ministry of Emergency of Ukraine in the Autonomous Republic of Crimea, Kyiv and Sevastopol to prevent the emergencies on the objects and the territory of the risk incurred. These Methodological recommendations determined the structure and content of the plan of priority (emergency) precautions and work at the objects and the territory with the risk of the emergencies, approved by the Ministry of Emergency of Ukraine of 02.04.2004 Number 155 (Chapter IV, V).	<b>In part</b>		State Emergency Service of Ukraine
Article 8 Point 2	2. The MAPP shall be drawn up and, where required by national law, sent to the competent authority within the following time-limits: (a) for new establishments, a reasonable period of time prior to the start of construction or operation, or prior to the modifications leading to a change in the inventory of dangerous substances; (b) for all other cases, one year from the date from which this Directive is applied to the establishment concerned.		<b>In part</b>		State Emergency Service of Ukraine
Article 8	3. Paragraphs 1 and 2 shall not be applied if the				State

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Point 3	operator has already established the MAPP and, where required by the national law, sent it to the competent authority before 1 June 2015, and the information contained therein complies with paragraph 1 and has remained unchanged.				Emergency Service of Ukraine
Article 8 Point 4	4. Without prejudice to Article 11, the operator shall periodically review and where necessary update the MAPP, at least every five years. Where required by the national law the updated MAPP shall be sent to the competent authority without delay.				State Emergency Service of Ukraine
Article 8 Point 5	5. The MAPP shall be implemented by appropriate means, structures and by a safety management system, in accordance with Annex III, proportionate to the major accident hazards, and the complexity of the organisation or the activities of the establishment. For lower-tier establishments, the obligation to implement the MAPP may be fulfilled by other appropriate means, structures and management systems, proportionate to major accident hazards, taking into account the principles set out in Annex III				State Emergency Service of Ukraine; State Labour Service of Ukraine
Article 9  Article 9 Point 1	<b>Domino effects</b>  1. Member States shall ensure that the competent authority, using the information received from the operators in accordance with Articles 7 and 10, or following a request for additional information from the competent authority, or through inspections pursuant to Article 20, identifies all lower-tier and upper-tier establishments or groups of establishments where the risk or consequences of a major accident may be increased because of the geographical position and the proximity of such estab-	The Law of Ukraine “On Extremely Dangerous Objects”; The Resolutions of the Cabinet of Ministers of Ukraine “On identification and declaration of the safety of the extremely dangerous objects”; Methodological recommendations on organizing the work of Head Departments of the Ministry of Emergency of Ukraine in the Autonomous Republic of Crimea, Kyiv and Sevastopol to prevent the emergencies on the objects and the territory of the risk incurred. These Methodological recommendations determined the structure and the	<b>In part</b>		State Emergency Service of Ukraine

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	lishments, and their inventories of dangerous substances.	content of the plan of priority (emergency) precautions and the work at the objects and the territory with the risk of the emergencies, approved by the Ministry of Emergency of Ukraine of 02.04.2004 Number 155 (Chapter IV, V).			
Article 9 Point 2	2. Where the competent authority has additional information to that provided by the operator pursuant to point (g) of Article 7(1), it shall make this information available to that operator, if it is necessary for the application of this Article.		<b>Is lacking</b>	It is necessary to improve the procedure for information exchange between state authorities and operators and between operators. Also it is required to improve procedures of interaction between the operator and the state authorities on the public information and on supplying public information for the preparation of external emergency plans.	State Emergency Service of Ukraine
Article 9 Point 3	3. Member States shall ensure that operators of the establishments identified in accordance with paragraph 1:  (a) exchange suitable information to enable those establishments to take account of the nature and extent of the overall hazard of a major accident in their MAPP, safety management systems, safety reports and internal emergency plans, as appropriate;  (b) cooperate in informing the public and neighbouring sites that fall outside the scope of this Directive, and in supplying information to the authority responsible for the preparation of external emergency plans.		<b>Is lacking</b>		State Emergency Service of Ukraine
Article 10  Article 10 Point 1	<b>Safety report</b>  1. Member States shall require the operator of an upper-tier establishment to produce a safety report for the purposes of:  (a) demonstrating that a MAPP and a safety management system for implementing it have been put into effect in accordance with the information set out in Annex III;	The Code of Civil Protection of Ukraine;  The Resolutions of the Cabinet of Ministers of Ukraine "On identification and declaration of the safety of the extremely dangerous objects" № 956 of 11.07.2002;  Methodological recommendations on organizing the work of Head Departments of the Ministry of Emergency of Ukraine in the Autonomous	<b>In part</b>	It is necessary to make an additional analysis of the compliance of Ukrainian legislation with Annex II and Annex III of Directive. The information with regards to necessary	State Emergency Service of Ukraine

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>(b) demonstrating that major accident hazards and possible major accident scenarios have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for human health and the environment;</p> <p>(c) demonstrating that adequate safety and reliability have been taken into account in the design, construction, operation and maintenance of any installation, storage facility, equipment and infrastructure connected with its operation which are linked to major accident hazards inside the establishment;</p> <p>(d) demonstrating that internal emergency plans have been drawn up and supplying information to enable the external emergency plan to be drawn up;</p> <p>(e) providing sufficient information to the competent authority to enable decisions to be made regarding the siting of new activities or development around existing establishments.</p>	<p>Republic of Crimea, Kyiv and Sevastopol to prevent the emergencies on objects and the territory of the risk incurred. These Methodological recommendations determined the structure and the content of the plan of priority (emergency) precautions and work at the objects and the territory with the risk of the emergencies, approved by the Ministry of Emergency of Ukraine of 02.04.2004 Number 155 (Chapter IV, V).</p>		<p>emergency actions should be improved and supplied on regular basis.</p>	
<p>Article 10 Point 2</p>	<p>2. The safety report shall contain at least the data and information listed in Annex II. It shall name the relevant organisations involved in the drawing up of the report.</p>			<p>It is necessary to make an additional analysis of the compliance of Ukrainian legislation with Annex II of the Directive.</p>	<p>State Emergency Service of Ukraine; State Labour Service of Ukraine</p>
<p>Article 10 Point 3</p>	<p>3. The safety report shall be sent to the competent authority within the following time-limits:</p> <p>a) for new establishments, a reasonable period of time prior to the start of construction or operation, or prior to the modifi-</p>				<p>State Emergency Service of Ukraine</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>cations leading to a change in the inventory of dangerous substances;</p> <p>b)for existing upper-tier establishments, 1 June 2016;</p> <p>c) for other establishments, two years from the date from which this Directive applies to the establishment concerned.</p>				
<p>Article 10 Point 4</p>	<p>4. Paragraphs 1, 2 and 3 shall not be applied if the operator has already sent the safety report to the competent authority under the requirements of the national law before 1 June 2015, and the information contained therein complies with paragraphs 1 and 2 and has remained unchanged. In order to comply with paragraphs 1 and 2, the operator shall submit any changed parts of the safety report in the format agreed by the competent authority, subject to the time limits referred to in paragraph 3.</p>				<p>State Emergency Service of Ukraine;</p> <p>State Labour Service of Ukraine</p>
<p>Article 10 Point 5</p>	<p>5. Without prejudice to Article 11, the operator shall periodically review and where necessary update the safety report at least every five years.</p> <p>The operator shall also review and where necessary update the safety report following a major accident at its establishment, and at any other time at the initiative of the operator or at the request of the competent authority, where justified by new facts or by new technological knowledge about safety matters, including knowledge arising from analysis of accidents or, as far as possible, 'near misses', and by developments in knowledge concerning the assessment of hazards.</p> <p>The updated safety report or updated parts thereof shall be sent to the competent authority without delay.</p>		<p><b>Is lacking</b></p>		<p>State Emergency Service of Ukraine;</p> <p>State Labour Service of Ukraine</p>



Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Article 10 Point 6	6. Before the operator commences construction or operation, or in the cases referred to in points (b) and (c) of paragraph 3 and in paragraph 5 of this Article, the competent authority shall communicate the conclusions of its examination of the safety report to the operator within a reasonable period of the report receipt and, where appropriate, in accordance with Article 19, prohibit the bringing into use, or the continued use, of the establishment concerned. 24.7.2012 Official Journal of the European Union L 197/9				State Emergency Service of Ukraine; State Labour Service of Ukraine
Article 11	<p><b>Modification of an installation, an establishment or a storage facility</b></p> <p>In the event of the modification of an installation, establishment, storage facility, or process or of the nature or physical form or quantity of dangerous substances which could have significant consequences for major accident hazards, or could result in a lower-tier establishment becoming an upper-tier establishment or vice versa, Member States shall ensure that the operator reviews, and where necessary updates the notification, the MAPP, the safety management system and the safety report and informs the competent authority of the details of those updates in advance of that modification.</p>	The Law of Ukraine “On Extremely Dangerous Objects”; The Resolutions of the Cabinet of Ministers of Ukraine “On identification and declaration of the safety of the extremely dangerous objects”; Methodological recommendations on organizing the work of Head Departments of the Ministry of Emergency of Ukraine in the Autonomous Republic of Crimea, Kyiv and Sevastopol to prevent the emergencies on the objects and the territory of the risk incurred.	<b>In part</b>	It is necessary to improve the procedure of checking the changes in the plan of priority (urgent) precautions with the possibility of setting the changes if the extremely dangerous objects will be modified or other circumstances. Also it is necessary to improve the procedure for adjusting the control system of danger source in the event of changes that can cause emergency.	State Emergency Service of Ukraine; State Labour Service of Ukraine
Article 12 Article 12	<p><b>Emergency plans</b></p> <p>1. Member States shall ensure that, for all upper-tier establishments:</p>	The Code of Civil Protection of Ukraine (art. 20 p. 10); The Law of Ukraine “On Extremely Dangerous Objects” (art. 11)»; The Code of Civil Protection of Ukraine (art.	<b>In part</b>	1. It is necessary to improve the procedure for providing information from operator	State Emergency Service of Ukraine;

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Point 1	<p>a) the operator draws up an internal emergency plan for the measures to be taken inside the establishment;</p> <p>b) the operator supplies the necessary information to the competent authority, to enable the latter to draw up external emergency plans;</p> <p>c) the authorities designated for that purpose by the Member State draw up an external emergency plan for the measures to be taken outside the establishment within two years following receipt of the necessary information from the operator pursuant to point (b).</p>	<p>130)</p> <p>1. In laws there is a requirement for entities to develop and approve a plan of localization and liquidation of accidents for each extremely dangerous object, but The Order of the Ministry of Social Policy "On approving the Regulations on the development of plans for localization and liquidation of emergencies and accidents" № 112 of 17.06.1999 has been suspended.</p>		<p>to responsible executive body to develop a final external emergency plans, in relation to the source of danger, named as an emergency response plan.</p> <p>2. It is necessary to improve the content of internal emergency plan to bring it into the line with the requirements of Annex IV to this Directive; the procedure for involving the public in developing or updating external emergency plans; the order of interaction of state authorities in the process of developing and updating external emergency plans.</p>	State Labour Service of Ukraine
Article 12 Point 2	<p>2. Operators shall comply with the obligations set out in points (a) and (b) of paragraph 1 within the following time-limits:</p> <p>a) for new establishments, a reasonable period of time prior to the start of operation, or prior to the modifications leading to a change in the inventory of dangerous substances;</p> <p>b) for existing upper-tier establishments, by 1 June 2016 unless the internal emergency plan drawn up under the requirements of</p>	Not applicable			<p>State Emergency Service of Ukraine;</p> <p>State Labour Service of Ukraine</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>national law before that date, and the information contained therein, and the information referred to in point (b) of paragraph 1, complies with this Article and has remained unchanged;</p> <p>c) for other establishments, two years from the date from which this Directive is applied to the establishment concerned.</p>				
<p>Article 12 Point 3</p>	<p>3. The emergency plans shall be established with the following objectives:</p> <p>a) containing and controlling incidents so as to minimise the effects, and to limit damage to human health, the environment and property;</p> <p>b) implementing the necessary measures to protect human health and the environment from the effects of major accidents;</p> <p>c) communicating the necessary information to the public and to the services or authorities concerned in the area;</p> <p>d) providing for the restoration and clean-up of the environment following a major accident.</p>	<p>The Law of Ukraine “On Extremely Dangerous Objects” (art. 11)»;</p>	<p><b>Fully</b></p>		<p>State Emergency Service of Ukraine;</p> <p>State Labour Service of Ukraine</p>
	<p>Emergency plans shall contain the information set out in Annex IV.</p>	<p>The Law of Ukraine “On Extremely Dangerous Objects” (art. 11)»;</p>	<p><b>In part</b></p>	<p>It is necessary to improve the content of internal emergency plan to bring it into the line with the requirements of Annex IV to this Directive.</p>	<p>State Emergency Service of Ukraine;</p> <p>State Labour Service of Ukraine</p>
<p>Article 12 Point 4</p>	<p>4. Member States shall ensure that the internal emergency plans provided for in this Directive are drawn up in consultation with the personnel working inside the establishment, including long-term</p>	<p>The Code of Civil Protection of Ukraine (art. 23, part 12, p. 11)</p>	<p><b>In part</b></p>	<p>The provision of law is valid only for employees of emergency rescue service.</p>	<p>State Emergency Service of</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	relevant subcontracted personnel.			There are no provisions on the participation of the personnel.	Ukraine; State Labour Service of Ukraine
Article 12 Point 5	5. Member States shall ensure that the public concerned is given early opportunity to give its opinion on external emergency plans when they are being established or substantially modified.		<b>Is lacking</b>		State Emergency Service of Ukraine; State Labour Service of Ukraine
Article 12 Point 6	<p>1. Member States shall ensure that internal and external emergency plans are reviewed, tested, and where necessary updated by the operators and designated authorities respectively at suitable intervals of no longer than three years. The review shall take into account changes occurring in the establishments concerned or within the emergency services concerned, new technical knowledge, and knowledge concerning the response to major accidents.</p> <p>With regard to external emergency plans, Member States shall take into account the need to facilitate enhanced cooperation in civil protection assistance in major emergencies.</p>	The Law of Ukraine “On Extremely Dangerous Objects” (art. 11)»;	<b>In part</b>	The plan of the localization and liquidation of accidents should be reviewed every 5 years.	State Emergency Service of Ukraine; State Labour Service of Ukraine
Article 12 Point 7	7. Member States shall ensure that emergency plans are put into effect without delay by the operator and, if necessary, by the competent authority designated for this purpose when a major accident occurs, or when an uncontrolled event occurs which by its nature could reasonably be expected to lead	The Code of Civil Protection of Ukraine	<b>Fully</b>		State Emergency Service of Ukraine; State Labour Service of

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	to a major accident.				Ukraine
Article 12 Point 8	8. The competent authority may decide, giving reasons for their decision, in view of the information contained in the safety report, that the requirement to produce an external emergency plan under paragraph 1 shall not be applied.				State Emergency Service of Ukraine; State Labour Service of Ukraine
Article 13 Article 13 Point 1	<p style="text-align: center;"><b>Land-use planning</b></p> <p>1. Member States shall ensure that the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment are taken into account in their land-use policies or other relevant policies. They shall pursue those objectives through controls on:</p> <ul style="list-style-type: none"> <li>a) the siting of new establishments;</li> <li>b) modifications to establishments covered by Article 11;</li> <li>c) new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or developments may be the</li> <li>d) source of or increase the risk or consequences of a major accident.</li> </ul>	<p>The Code of Civil Protection of Ukraine (art. 34 Engineering protection of territories);</p> <p>The Law of Ukraine "On Construction Regulations" № 1704-VI of 5.11.2009,</p> <p>The Law of Ukraine "On Regulation of City Planning Activity" № 3038-VI of 17.02.2011</p>	<b>In part</b>	It is necessary to improve the procedures for land-use planning, with regard to possibility of emergency.	State Emergency Service of Ukraine; State Labour Service of Ukraine; Ministry of Regional Development, Building and Housing and Communal Services of Ukraine
Article 13 Point 2	<p>2. Member States shall ensure that their land-use or other relevant policies and the procedures for implementing those policies take account of the need, in the long term:</p> <ul style="list-style-type: none"> <li>a) to maintain appropriate safety distances between establishments covered by this Directive and residential areas, buildings and</li> </ul>				State Emergency Service of Ukraine; State Labour Service of Ukraine;

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>areas of public use, recreational areas, and, as far as possible, major transport routes;</p> <p>b) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures;</p> <p>c) in the case of existing establishments, to take additional technical measures in accordance with Article 5 so as not to increase the risks to human health and the environment.</p>				<p>Ministry of Regional Development, Building and Housing and Communal Services of Ukraine</p>
<p>Article 13 Point 3</p>	<p>3. Member States shall ensure that all competent authorities and planning authorities responsible for decisions in this area set up appropriate consultation procedures to facilitate implementation of the policies established under paragraph 1. The procedures shall be designed to ensure that operators provide sufficient information on the risks arising from the establishment and that technical advice on those risks is available, either on a case-by-case or on a generic basis, when decisions are taken.</p> <p>Member States shall ensure that operators of lower-tier establishments provide, at the request of the competent authority, sufficient information on the risks arising from the establishment necessary for land-use planning purposes.</p>				<p>State Emergency Service of Ukraine;</p> <p>State Labour Service of Ukraine;</p> <p>Ministry of Regional Development, Building and Housing and Communal Services of Ukraine;</p> <p>Ministry of Ecology and Natural Resources of Ukraine</p>
<p>Article 13</p>	<p>The requirements of paragraphs 1, 2 and 3 of this</p>				<p>State</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Point 4	Article shall be applied without prejudice to the provisions of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment ( 1 ), Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (2) and other relevant Union legislation. Member States may provide for coordinated or joint procedures in order to fulfil the requirements of this Article and the requirements of that legislation, inter alia, to avoid duplication of assessment or consultations.				Emergency Service of Ukraine;  Ministry of Ecology and Natural Resources of Ukraine
Article 14  Article 14 Point 1	<p style="text-align: center;"><b>Information to the public</b></p> <p>1. Member States shall ensure that the information referred to in Annex V is permanently available to the public, including electronically. The information shall be kept updated, where necessary, including in the event of modifications covered by Article 11.</p>	The Code of Civil Protection of Ukraine (art. 30-31)  The Law of Ukraine “On Extremely Dangerous Objects”;	<b>In part</b>	It is necessary to make an additional analysis of the compliance of Ukrainian legislation with Annex V of this Directive.	State Emergency Service of Ukraine
Article 14  Point 2	<p>2. For upper-tier establishments, Member States shall also ensure that:</p> <p>a) all persons likely to be affected by a major accident receive regularly and in the most appropriate form, without having to request it, clear and intelligible information on safety measures and requisite behaviour in the event of a major accident;</p> <p>b) the safety report is made available to the public upon request subject to Article 22(3); where Article 22(3) is applied, an amended report, for instance in the form of a non-</p>	The Code of Civil Protection of Ukraine (art. 30-31)  The Law of Ukraine “On Extremely Dangerous Objects”;	<b>In part</b>		State Emergency Service of Ukraine

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>technical summary, which shall include at least general information on major accident hazards and on potential effects on human health and the environment in the event of a major accident, shall be made available;</p> <p>c) the inventory of dangerous substances is made available to the public upon request subject to Article 22(3).</p> <p>The information to be supplied under point (a) of the first subparagraph of this paragraph shall include at least the information referred to in Annex V. That information shall likewise be supplied to all buildings and areas of public use, including schools and hospitals, and to all neighbouring establishments in the case of establishments covered by Article 9. Member States shall ensure that the information is supplied at least every five years and periodically reviewed and, where necessary, updated, including in the event of modifications covered by Article 11.</p>				
<p>Article 14 Point 3</p>	<p>3. Member States shall, with respect to the possibility of a major accident with transboundary effects originating in an upper-tier establishment, provide sufficient information to the EN potentially affected Member States so that all relevant provisions contained in Articles 12 and 13 and in this Article can be applied, where applicable, by the potentially affected Member States.</p>	<p>The Law of Ukraine “On Extremely Dangerous Objects” (art. 11);</p>	<p><b>In part</b></p>	<p>It is necessary to improve the procedure for providing information to countries that are potentially influenced by the emergency consequences</p>	<p>State Emergency Service of Ukraine;  Ministry of Ecology and Natural Resources of Ukraine</p>
<p>Article 14 Point 4</p>	<p>4. Where the Member State concerned has decided that an establishment close to the territory of another Member State is incapable of creating a major accident hazard beyond its boundary for the purposes of Article 12(8) and is not, therefore, required to produce an external emergency plan</p>	<p>Not applicable</p>	<p>-</p>	<p>-</p>	



Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	under Article 12(1), it shall inform the other Member State of its reasoned decision.				
<p>Article 15</p> <p>Article 15</p> <p>Point 1</p>	<p><b>Public consultation and participation in decision- making</b></p> <p>1. Member States shall ensure that the public concerned is given an early opportunity to give its opinion on specific individual projects relating to:</p> <p>a) planning for new establishments pursuant to Article 13;</p> <p>b) significant modifications to establishments under Article 11, where such modifications are subject to obligations provided for in Article 13;</p> <p>c) new developments around establishments where the siting or developments may increase the risk or consequences of a major accident pursuant to Article 13.</p>	<p>The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approving the Regulation of public participation in decision-making in the field of environment» № 168 of 18.12.2003</p>	<p><b>In part</b></p>	<p>To improve the procedures for public participation in decision- making it is necessary to adopt the drafts of the Laws "On Environmental Impact Assessment" and "On a Strategic Environmental Assessment".</p>	<p>State Emergency Service of Ukraine;</p> <p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Regional Development, Building and Housing and Communal Services of Ukraine</p>
<p>Article 15</p> <p>Point 2</p>	<p>2. With regard to the specific individual projects referred to in paragraph 1, the public shall be informed by public notices or other appropriate means, including electronic media where available, of the following matters early in the procedure for the taking of a decision or, at the latest, as soon as the information can reasonably be provided:</p> <p>a) the subject of the specific project;</p> <p>b) where applicable, the fact that a project is subject to a national or transboundary environmental impact assessment or to consultations between Member States in accord-</p>	<p>The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approving the Regulation of public participation in decision-making in the field of environment» № 168 of 18.12.2003</p> <p>The Law of Ukraine "On Access to Public Information" № 2939-VI of 13.01.2011.</p>	<p><b>In part</b></p>		<p>State Emergency Service of Ukraine;</p> <p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Regional Develop-</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>ance with Article 14(3);</p> <p>c) details of the competent authority responsible for taking the decision, from which relevant information can be obtained and to which comments or questions can be submitted, and details of the time schedule for transmitting comments or questions;</p> <p>d) the nature of possible decisions or, where there is one, the draft decision;</p> <p>e) an indication of the time and places where, or means by which, the relevant information will be made available;</p> <p>f) details of the arrangements for public participation and consultation made pursuant to paragraph 7 of this Article.</p>				<p>ment, Building and Housing and Communal Services of Ukraine</p>
<p>Article 15 Point 3</p>	<p>3. With regard to the specific individual projects referred to in paragraph 1, Member States shall ensure that, within appropriate time-frames, the following is made available to the public concerned:</p> <p>(a) in accordance with national legislation, the main reports and advice issued to the competent authority at the time when the public concerned was informed pursuant to paragraph 2;</p> <p>(b) in accordance with the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (1), information other than that referred to in paragraph 2 of this Article that is relevant for the decision in question and which only becomes available after the public concerned was informed in accordance with that paragraph.</p>	<p>The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approving the Regulation of public participation in decision-making in the field of environment» № 168 of 18.12.2003</p> <p>The Law of Ukraine "On Access to Public Information" № 2939-VI of 13.01.2011.</p>	<p><b>In part</b></p>	<p>To improve the procedures for public participation in decision-making it is necessary to adopt the draft of the Laws "On Environmental Impact Assessment" and "On a Strategic Environmental Assessment".</p>	<p>State Emergency Service of Ukraine;</p> <p>Ministry of Ecology and Natural Resources of Ukraine;</p> <p>Ministry of Regional Development, Building and Housing and Communal Services of Ukraine</p>

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Article 15 Point 4	4. Member States shall ensure that the public concerned is entitled to express comments and opinions to the competent authority before a decision is taken on a specific individual project as referred to in paragraph 1, and that the results of the consultations held pursuant to paragraph 1 are duly taken into account in taking a decision.	The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approving the Regulation of public participation in decision-making in the field of environment» № 168 of 18.12.2003	<b>In part</b>	To improve the procedures for public participation in decision-making it is necessary to adopt the draft of the Laws "On Environmental Impact Assessment" and "On a Strategic Environmental Assessment".	State Emergency Service of Ukraine;  Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Regional Development, Building and Housing and Communal Services of Ukraine
Article 15 Point 5	5. Member States shall ensure that when the relevant decisions are taken, the competent authority shall make available to the public:  a) the content of the decision and the reasons on which it is based, including any subsequent updates;  b) the results of the consultations held before the decision was taken and an explanation of how they were taken into account in that decision.	The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approving the Regulation of public participation in decision-making in the field of environment» № 168 of 18.12.2003  The Law of Ukraine "On Access to Public Information" № 2939-VI of 13.01.2011.	<b>In part</b>	To improve the procedures for public participation in decision-making it is necessary to adopt the draft of the Laws "On Environmental Impact Assessment" and "On a Strategic Environmental Assessment".	State Emergency Service of Ukraine;  Ministry of Ecology and Natural Resources of Ukraine;  Ministry of Regional Development, Building and Housing and

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					Communal Services of Ukraine
<p>Article 15 Point 6</p>	<p>6. Where general plans or programmes are being established relating to the matters referred to in points (a) or (c) of paragraph 1, Member States shall ensure that the public is given early and effective opportunities to participate in their preparation and modification or review using the procedures set out in Article 2(2) of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment (2).</p> <p>Member States shall identify the public entitled to participate for the purposes of this paragraph, including relevant non-governmental organisations meeting any relevant requirements imposed under national law, such as those promoting environmental protection.</p> <p>This paragraph shall not be applied to plans and programmes for which a public participation procedure is carried out under Directive 2001/42/EC.</p>	<p>The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approving the Regulation of public participation in decision-making in the field of environment» № 168 of 18.12.2003</p>	<p><b>In part</b></p>	<p>To improve the procedures for public participation in decision-making it is necessary to adopt the draft of the Laws "On Environmental Impact Assessment" and "On a Strategic Environmental Assessment".</p>	<p>The State Emergency Service of Ukraine; Ministry of Ecology and Natural Resources of Ukraine; Ministry of Regional Development, Building and Housing and Communal Services of Ukraine</p>
<p>Article 15 Point 7</p>	<p>7. The detailed arrangements for informing the public and consulting the public concerned shall be determined by the Member States.</p> <p>Reasonable time-frames for the different phases shall be provided, allowing sufficient time for informing the public and for the public concerned to prepare and participate effectively in environmental decision-making subject to the provisions of this Article.</p>	<p>The Order of the Ministry of Ecology and Natural Resources of Ukraine "On approving the Regulation of public participation in decision-making in the field of environment» № 168 of 18.12.2003</p>	<p><b>In part</b></p>	<p>It is necessary to adopt the draft of the Laws "On Environmental Impact Assessment" and "On a Strategic Environmental Assessment".</p>	<p>State Emergency Service of Ukraine; Ministry of Ecology and Natural Resources of Ukraine;</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
					Ministry of Regional Development, Building and Housing and Communal Services of Ukraine
Article 16	<p><b>Information to be supplied by the operator and actions to be taken following a major accident</b></p> <p>Member States shall ensure that, as soon as practicable following a major accident, the operator shall be required, using the most appropriate means to:</p> <p>(a) inform the competent authority;</p> <p>(b) provide the competent authority with the following information as soon as it becomes available:</p> <p>(i) the circumstances of the accident;</p> <p>(ii) the dangerous substances involved;</p> <p>(iii) the data available for assessing the effects of the accident on human health, the environment and property;</p> <p>(iv) the emergency measures taken;</p> <p>(c) inform the competent authority of the steps envisaged to:</p> <p>(i) mitigate the medium-term and long-term effects of the accident;</p> <p>(ii) prevent any recurrence of such an accident;</p> <p>(d) update the information provided if further investigation reveals additional facts which alter that information or the conclusions drawn.</p>	<p>The Code of Civil Protection of Ukraine ;</p> <p>The Resolutions of the Cabinet of Ministers of Ukraine "On approving the regulation of the organization of notification and communication in emergencies" №192 of 15.02.1999;</p> <p>The Order of the Ministry of Emergencies "On approving the rules of arrangement, operation and maintenance of systems for early detection of emergencies and warning people when they arise" № 288 of 15.05.2006;</p> <p>The Order of the Ministry of Emergencies "On approving the rules of technogenic safety in civil protection at enterprises, organizations and institutions and on the dangerous areas" №557 of 15.08.2007 (p. 4.4.10, Annex 1 and Annex 2).</p>	<b>In part</b>	It is necessary to improve the scope of information.	State Emergency Service of Ukraine; State Labour Service of Ukraine

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Article 17	<p><b>Action to be taken by the competent authority following a major accident</b></p> <p>Following a major accident, Member States shall require the competent authority to:</p> <ul style="list-style-type: none"> <li>a) ensure that any urgent, medium-term and long-term measures which may prove necessary are taken;</li> <li>b) collect, by inspection, investigation or other appropriate means, the information necessary for a full analysis of the technical, organisational and managerial aspects of the accident;</li> <li>c) take appropriate action to ensure that the operator takes any necessary remedial measures;</li> <li>d) make recommendations on future preventive measures; and</li> <li>e) inform the persons likely to be affected, of the accident which has occurred and, where relevant, of the measures undertaken to mitigate its consequences.</li> </ul>	The Code of Civil Protection of Ukraine ;	<b>Fully</b>		State Emergency Service of Ukraine;  State Labour Service of Ukraine
Article 18  Article 18 Point 1	<p><b>Information to be supplied by the Member States following a major accident</b></p> <p>1. For the purpose of prevention and mitigation of major accidents, Member States shall inform the Commission of major accidents meeting the criteria of Annex VI that have occurred within their territory. They shall provide it with the following details:</p> <ul style="list-style-type: none"> <li>a) the Member State, the name and address of the authority responsible for the report;</li> <li>b) the date, time and place of the accident, including the full name of the operator and the</li> </ul>	Not applicable	-	-	-

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	address of the establishment involved; c) a brief description of the circumstances of the accident, including the dangerous substances involved, and the immediate effects on human health and the environment; d) a brief description of the emergency measures taken and of the immediate precautions necessary to prevent recurrence; e) the results of their analysis and recommendations.				
Article 18 Пункт 2	2. The information referred to in paragraph 1 of this Article shall be provided as soon as practicable and at the latest within one year of the date of the accident, using the database referred to in Article 21(4). Where only preliminary information under point (e) of paragraph 1 can be provided within this time-limit for inclusion in the database, the information shall be updated once the results of further analysis and recommendations are available.  Reporting of the information referred to in point (e) of paragraph 1 by Member States may be delayed to allow for the completion of judicial proceedings where such reporting may affect those proceedings.	Not applicable	-	-	-
Article 18 Пункт 3	3. For the purposes of providing the information referred to in paragraph 1 of this Article by Member States, a report form shall be established in the form of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).	Not applicable	-	-	-
Article 18 Пункт 4	4. Member States shall inform the Commission of the name and address of any body which might have relevant information on major accidents and which is able to advise the competent authorities of	Not applicable	-	-	-

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	other Member States which have to intervene in the event of such an accident.				
Article 19  Article 19  Point 1	<p style="text-align: center;"><b>Prohibition of use</b></p> <p>1. Member States shall prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient. To this end, Member States shall, inter alia, take into account serious failures to take the necessary actions identified in the inspection report.</p> <p>Member States may prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof if the operator has not submitted the notification, reports or other information required by this Directive within the specified period.</p>	<p>The Code of Civil Protection of Ukraine (art. 70);</p> <p>The Law of Ukraine “On the main principles of state supervision (oversight) in the area of economic activity” No.877-V of 05.04.2007;</p> <p>The Order of the Ministry of Interior of Ukraine "Some issues of inspections on the observance of the entity of legislation in the field of civil protection, technogenic and fire safety» № 1337 of 02.11.2015 (registered in the Ministry of Justice of Ukraine № 1467/27912 of 11.25.2015)</p>	<b>Fully</b>		State Emergency Service of Ukraine
Article 19  Point 2	<p>2. Member States shall ensure that operators may appeal against a prohibition order by a competent authority under paragraph 1 to an appropriate body determined by national law and procedures.</p>	<p>The Code of Civil Protection of Ukraine (art. 70);</p> <p>The Law of Ukraine “On the main principles of state supervision (oversight) in the area of economic activity” № 877-V of 05.04.2007;</p> <p>The Order of the Ministry of Interior of Ukraine "Some issues of inspections on the observance of the entity of legislation in the field of civil protection, technogenic and fire safety» № 1337 of 02.11.2015 (registered in the Ministry of Justice of Ukraine № 1467/27912 of 11.25.2015)</p>	<b>Fully</b>		Ministry of Justice of Ukraine
Article	<b>Inspections</b>	The Code of Civil Protection of Ukraine;	<b>In part</b>	It is necessary to improve the system of	State Emergency



Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
<p>20</p> <p>Article 20</p> <p>Point 1</p>	<p>1. Member States shall ensure that the competent authorities organise a system of inspections.</p>	<p>The Order of the Ministry of Interior of Ukraine "Some issues of inspections on the observance of the entity of legislation in the field of civil protection, technogenic and fire safety» № 1337 of 02.11.2015 (registered in the Ministry of Justice of Ukraine № 1467/27912 of 11.25.2015);</p> <p>The Law of Ukraine "On the main principles of state supervision (oversight) in the area of economic activity" № 877-V of 05.04.2007;</p> <p>The Resolutions of the Cabinet of Ministers of Ukraine "On approving the criteria to assess economic activities risk and determine the frequency of scheduled state supervision (control) in technogenic and fire safety sphere" № 306 of 29.02.2012;</p>		<p>state control, particularly in terms of control brought to the public attention</p>	<p>Service of Ukraine;</p> <p>State Labour Service of Ukraine</p>
<p>Article 20</p> <p>Point 2</p>	<p>2. Inspections shall be appropriate to the type of establishment concerned. They shall not be dependent upon receipt of the safety report or any other report submitted. They shall be sufficient for a planned and systematic examination of the systems being employed at the establishment, whether of a technical, organisational or managerial nature, so as to ensure in particular that:</p> <p>a) the operator can demonstrate that he has taken appropriate measures, in connection with the various activities of the establishment, to prevent major accidents;</p> <p>b) the operator can demonstrate that he has provided appropriate means for limiting the consequences of major accidents, on-site and off-site;</p> <p>c) the data and information contained in the</p>	<p>The Resolutions of the Cabinet of Ministers of Ukraine "On approving the criteria to assess economic activities risk and determine the frequency of scheduled state supervision (control) in technogenic and fire safety sphere" № 306 of 29.02.2012;</p> <p>The Order of the Ministry of Interior of Ukraine "Some issues of inspections on the observance of the entity of legislation in the field of civil protection, technogenic and fire safety» № 1337 of 02.11.2015 (registered in the Ministry of Justice of Ukraine № 1467/27912 of 11.25.2015);</p> <p>The Law of Ukraine "On the main principles of state supervision (oversight) in the area of</p>	<p><b>In part</b></p>	<p>Resolution of the Cabinet of Ministers of Ukraine №306 establishes three levels of risk of enterprises: high, medium and low. There are two levels of danger of enterprises in this Directive. Therefore, it is necessary to make an additional analysis of enterprises comparing in terms of the risk level and the relevant requirements to inspections.</p>	<p>State Emergency Service of Ukraine;</p> <p>State Labour Service of Ukraine</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>safety report, or any other report submitted, adequately reflects the conditions in the establishment;</p> <p>d) information has been supplied to the public pursuant to Article 14.</p>	<p>economic activity” № 877-V of 05.04.2007;</p>			
<p>Article 20 Point 3</p>	<p>3. Member States shall ensure that all establishments are covered by an inspection plan at national, regional or local level and shall ensure that this plan is regularly reviewed and, where appropriate, updated.</p> <p>Each inspection plan shall include the following:</p> <ul style="list-style-type: none"> <li>a) a general assessment of relevant safety issues;</li> <li>b) the geographical area covered by the inspection plan;</li> <li>c) a list of the establishments covered by the plan;</li> <li>d) a list of groups of establishments with possible domino effects pursuant to Article 9;</li> <li>e) a list of establishments where particular external risks or hazard sources could increase the risk or consequences of a major accident;</li> <li>f) procedures for routine inspections, including the programmes for such inspections pursuant to paragraph 4;</li> <li>g) procedures for non-routine inspections pursuant to paragraph 6;</li> <li>h) provisions on the co-operation between different inspection authorities.</li> </ul>	<p>The Order of the Ministry of Interior of Ukraine "Some issues of inspections on the observance of the entity of legislation in the field of civil protection, technogenic and fire safety» № 1337 of 02.11.2015 (registered in the Ministry of Justice of Ukraine № 1467/27912 of 11.25.2015)</p>	<p><b>In part</b></p>	<p>It is necessary to add the Order concerning the content of the inspection plan.</p>	<p>State Emergency Service of Ukraine;</p> <p>State Labour Service of Ukraine</p>
<p>Article 20 Point 4</p>	<p>4. Based on the inspection plans referred to in paragraph 3, the competent authority shall regularly draw up programmes for routine inspections for all establishments including the frequency of site</p>	<p>The Resolutions of the Cabinet of Ministers of Ukraine "On Approving the criteria to assess the risk of economic activities and determine the frequency of scheduled state supervision (control) in technogenic and fire safety</p>	<p><b>In part</b></p>	<p>Resolution of the Cabinet of Ministers of Ukraine №306 establishes three levels of risk of en-</p>	<p>State Emergency Service of Ukraine;</p> <p>State Labour</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>visits for different types of establishments.</p> <p>The period between two consecutive site visits shall not exceed one year for upper-tier establishments and three years for lower-tier establishments, unless the competent authority has drawn up an inspection programme based on a systematic appraisal of major accident hazards of the establishments concerned.</p>	<p>sphere" № 306 of 29.02.2012;</p> <p>The Order of the Ministry of Interior of Ukraine "Some issues of inspections on the observance of the entity of legislation in the field of civil protection, technogenic and fire safety» № 1337 of 02.11.2015 (registered in the Ministry of Justice of Ukraine № 1467/27912 of 11.25.2015);</p> <p>The Law of Ukraine "On the main principles of state supervision (oversight) in the area of economic activity" № 877-V of 05.04.2007;</p>		<p>terprises: high, medium and low. There are two levels of danger of enterprises in this Directive. Therefore, it is necessary to make an additional analysis of enterprises comparing in terms of the risk level and the relevant requirements to inspections.</p>	<p>Service of Ukraine</p>
<p>Article 20 Point 5</p>	<p>5. The systematic appraisal of the hazards of the establishments concerned shall be based on at least the following criteria:</p> <p>a) the potential impacts of the establishments concerned on human health and the environment;</p> <p>b) the record of compliance with the requirements of this Directive.</p> <p>Where appropriate, relevant findings of inspections carried out under other Union legislation shall also be taken into account.</p>				<p>State Emergency Service of Ukraine;</p> <p>State Labour Service of Ukraine</p>
<p>Article 20 Point 6</p>	<p>6. Non-routine inspections shall be carried out to investigate serious complaints, serious accidents and 'near misses', incidents and occurrences of non-compliance as soon as possible.</p>	<p>The Order of the Ministry of Interior of Ukraine "Some issues of inspections on the observance of the entity of legislation in the field of civil protection, technogenic and fire safety» № 1337 of 02.11.2015 (registered in the Ministry of Justice of Ukraine № 1467/27912 of 11.25.2015);</p> <p>The Law of Ukraine "On the main principles of state supervision (oversight) in the area of</p>	<p><b>Fully</b></p>		<p>State Emergency Service of Ukraine;</p> <p>State Labour Service of Ukraine</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
		economic activity" № 877-V of 05.04.2007;			
Article 20 Point 7	7. Within four months after each inspection, the competent authority shall communicate the conclusions of the inspection and all the necessary actions identified to the operator. The competent authority shall ensure that the operator takes all those necessary actions within a reasonable period after receipt of the communication.	The Order of the Ministry of Interior of Ukraine "Some issues of inspections on the observance of the entity of legislation in the field of civil protection, technogenic and fire safety» № 1337 of 02.11.2015 (registered in the Ministry of Justice of Ukraine № 1467/27912 of 11.25.2015);  The Law of Ukraine "On the main principles of state supervision (oversight) in the area of economic activity" № 877-V of 05.04.2007;	<b>Fully</b>		State Emergency Service of Ukraine;  State Labour Service of Ukraine
Article 20 Point 8	8. If an inspection has identified an important case of non-compliance with this Directive, an additional inspection shall be carried out within six months.	Not applicable			State Emergency Service of Ukraine;  State Labour Service of Ukraine
Article 20 Point 9	1. Inspections shall, where possible, be coordinated with inspections under other Union legislation and combined, where appropriate.	Not applicable			
Article 20 Point 10	10. Member States shall encourage the competent authorities to provide mechanisms and tools for exchanging experience and consolidating knowledge, and to participate in such mechanisms at Union level where appropriate.	Not applicable			
Article 20 Point 11	11. Member States shall ensure that operators provide the competent authorities with all necessary assistance to enable those authorities to carry out any inspection and to gather any information necessary for the performance of their duties for the purposes of this Directive, in particular to allow the authorities to fully assess the possibility of a	The Code of Civil Protection of Ukraine (art. 20, p. 14); The Order of the Ministry of Interior of Ukraine "Some issues of inspections on the observance of the entity of legislation in the field of civil protection, technogenic and fire safety» № 1337 of 02.11.2015 (registered in the Ministry of Justice of Ukraine №	<b>Fully</b>		State Emergency Service of Ukraine

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	major accident and to determine the scope of possible increased probability or aggravation of major accidents, to prepare an external emergency plan and to take into account substances which, due to their physical form, particular conditions or location, may require additional consideration.	1467/27912 of 11.25.2015);  The Law of Ukraine "On the main principles of state supervision (oversight) in the area of economic activity" № 877-V of 05.04.2007;			
Article 21  Article 21 Point 1	<b>Information system and exchanges</b>  1. Member States and the Commission shall exchange information on the experience acquired with regard to the prevention of major accidents and the limitation of their consequences. This information shall concern, in particular, the functioning of the measures provided for in this Directive.	Not applicable	-	-	-
Article 21 Point 2	2. By 30 September 2019, and every four years thereafter, Member States shall provide the Commission with a report on the implementation of this Directive.	Not applicable	-	-	-
Article 21 Point 3	3. For establishments covered by this Directive, Member States shall supply the Commission with at least the following information:  a) the name or trade name of the operator and the full address of the establishment concerned;  b) the activity or activities of the establishment.  The Commission shall set up and keep up to date a database containing the information supplied by the Member States. Access to the database shall be restricted to persons authorised by the Commission or the competent authorities of the Member States.	Not applicable	-	-	-
Article 21 Point 4	4. The Commission shall set up and keep at the disposal of Member States a database containing, in particular, details of the major accidents which	Not applicable	-	-	-

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	<p>have occurred within the territory of Member States, for the purpose of:</p> <ul style="list-style-type: none"> <li>a) the rapid dissemination of the information supplied by Member States pursuant to Article 18(1) and (2) among all competent authorities;</li> <li>b) distribution to competent authorities of an analysis of the causes of major accidents and the lessons learned from them;</li> <li>c) supply of information to competent authorities on preventive measures;</li> <li>d) provision of information on organisations able to</li> <li>e) provide advice or relevant information on the occurrence, prevention and mitigation of major accidents.</li> </ul>				
<p>Article 21 Point 5</p>	<p>5. The Commission shall, by 1 January 2015, adopt implementing acts to establish the formats for communicating the information referred to in paragraphs 2 and 3 of this Article from Member States and the relevant databases referred to in paragraphs 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).</p>	<p>Not applicable</p>	<p>-</p>	<p>-</p>	<p>-</p>
<p>Article 21 Point 6</p>	<p>6. The databases referred to in paragraph 4 shall contain, at least:</p> <ul style="list-style-type: none"> <li>a) the information supplied by Member States in accordance with Article 18(1) and (2);</li> <li>b) an analysis of the causes of the accidents;</li> <li>c) the lessons learned from the accidents;</li> <li>d) the preventive measures necessary to prevent a recurrence.</li> </ul>	<p>Not applicable</p>	<p>-</p>	<p>-</p>	<p>-</p>

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Article 21 Point 7	7. The Commission shall make publicly available the non-confidential part of the data.	Not applicable	-	-	-
Article 22  Article 22 Point 1	<b>Access to information and confidentiality</b>  1. Member States shall ensure, in the interests of transparency, that the competent authority is required to make any information held pursuant to this Directive available to any natural or legal person who so requests in accordance with Directive 2003/4/EC.	The Law of Ukraine "On Access to Public Information" № 2939-VI of 13.01.2011.	<b>Fully</b>		State Emergency Service of Ukraine;  Ministry of Ecology and Natural Resources of Ukraine
Article 22 Point 2	2. Disclosure of any information required under this Directive, including under Article 14, may be refused or restricted by the competent authority where the conditions laid down in Article 4 of Directive 2003/4/EC are fulfilled.				
Article 22 Point 3	3. Disclosure of the complete information referred to in points (b) and (c) of Article 14(2) held by the competent authority may be refused by that competent authority, without prejudice to paragraph 2 of this Article, if the operator has requested not to disclose certain parts of the safety report or the inventory of dangerous substances for the reasons provided for in Article 4 of Directive 2003/4/EC.  The competent authority may also decide for the same reasons that certain parts of the report or inventory shall not be disclosed. In such cases, and on approval of that authority, the operator shall supply to the competent authority an amended report or inventory excluding those parts.				State Emergency Service of Ukraine
Article	<b>Access to justice</b>	The Code of Administrative Proceedings of	<b>Fully</b>		Ministry of Justice of

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
23	Member States shall ensure that: <ul style="list-style-type: none"> <li>a) any applicant requesting information pursuant to points or (c) of Article 14(2) or Article 22(1) of this Directive is able to seek a review in accordance with Article 6 of Directive 2003/4/EC of the acts or omissions of a competent authority in relation to such a request;</li> <li>b) (b) in their respective national legal system, members of the public concerned have access to the review procedures set up in Article 11 of Directive 2011/92/EU for cases subject to Article 15(1) of this Directive.</li> </ul>	Ukraine № 2747-IV of 06.07.2005			Ukraine
Article 24	<p style="text-align: center;"><b>Guidance</b></p> The Commission may develop guidance on safety distance and domino effects.	Not applicable	-	-	-
Article 25	<p style="text-align: center;"><b>Amendment of Annexes</b></p> The Commission shall be empowered to adopt delegated acts in accordance with Article 26 in order to adapt Annexes II to VI to technical progress. Such adaptations shall not result in substantial changes in the obligations of the Member States and the operators as laid down in this Directive.	Not applicable	-	-	-
Article 26 Article 26 Point 1	<p style="text-align: center;"><b>Exercise of the delegation</b></p> 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	Not applicable	-	-	-
Article 26	2. The power to adopt delegated acts referred to in Article 25 shall be conferred on the Commission for a period of five years from 13 August 2012. The Com-	Not applicable	-	-	-



Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
Point 2	mission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than four months before the end of each period.				
Article 26 Point 3	3. The delegation of power referred to in Article 25 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Not applicable	-	-	-
Article 26 Point 4	4. As soon as a delegated act is adopted, the Commission shall notify it simultaneously to the European Parliament and to the Council.	Not applicable	-	-	-
Article 26 Point 5	5. A delegated act adopted pursuant to Article 25 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	Not applicable	-	-	-
Article 27	<b>Committee procedure</b> 1. The Commission shall be assisted by the	Not applicable	-	-	-

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<p>Committee established by Directive 96/82/EC. That Committee is a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall be applied.</p>				
Article 28	<p><b>Penalties</b></p> <p>Member States shall determine penalties applicable to infringements of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 1 June 2015 and shall notify it without delay of any subsequent amendment affecting them.</p>	The Code of Ukraine on Administrative Offences № 8073-X of 07.12.1984 (art. 188-8, 188-16); The Code of Civil Protection of Ukraine (art. 68, 140)	<b>In part</b>	It is necessary to make an additional analysis concerning the effectiveness and proportionality of penalties.	
Article 29	<b>Reporting and review</b>	Not applicable			
Article 30	<b>Amendment of Directive 96/82/EC</b>	Not applicable			
Article 31	<b>Transposition</b>	Not applicable			
Article 32	<b>Repeal</b>	Not applicable			
Article 33	<b>Entry into force</b>	Not applicable			
Article 34	<b>Addressees</b>	Not applicable			
Annex I	<b>Dangerous substances</b>				
Annex II	<b>Minimum data and information to be considered in the safety report referred to in Article 10</b>				
Annex III	<b>Information referred to in Article 8(5) and Article 10 on the safety management system and the organisation of the establishment with a view to</b>	It is necessary to make an additional analy-		It is necessary to make an additional	State

Article of the EU Directive	English text	National legislation of Ukraine	Level of correspondence	Identification of changes required for Ukrainian legislation	Responsible institution(s)
	<b>the prevention of major accidents</b>	sis of the compliance of Ukrainian legislation with Annexes of this Directive.		analysis of the compliance of Ukrainian legislation and Annexes of the Directive.	Emergency Service of Ukraine
Annex IV	<b>Data and information to be included in the emergency plans referred to in Article 12</b>				
Annex V	<b>Items of information to the public as provided or in Article 14(1) and in point (a) of Article 14(2)</b>				
Annex VI	<b>Criteria for the notification of a major accident to the Commission as provided for in Article 18(1)</b>				
Annex VII	<b>Correlation table</b>	Not applicable			

1. The Law of Ukraine "On Construction Regulations" № 1704-VI of 5.11.2009.
2. The Law of Ukraine "On Access to Public Information" № 2939-VI of 13.01.2011.
3. The Law of Ukraine "On Extremely Dangerous Objects" № 2245-III of 18.01.2001.
4. The Law of Ukraine "On the Main Principles of State Supervision (oversight) in the Area of Economic Activity" № 877-V of 05.04.2007.
5. The Law of Ukraine "On Regulation of City Planning Activity" № 3038-VI of 17.02.2011.
6. The Code of Administrative Proceedings of Ukraine № 2747-IV of 06.07.2005.
7. The Code of Ukraine on Administrative Offences № 8073-X of 07.12.1984.
8. The Code of Civil Protection of Ukraine № 5403-VI of 02.10.2012.
9. The Order of the Ministry of Interior of Ukraine "Some Issues of Inspections on the Observance of the Entity of Legislation in the Field of Civil Protection, Technogenic and Fire Safety» № 1337 of 02.11.2015 (registered in the Ministry of Justice of Ukraine № 1467/27912 of 11.25.2015).
10. The Order of the Ministry of Emergencies "On Approval of the Technique of the Identification of Potentially Dangerous Objects" №98 of 23.02.2006 (registered by the Ministry of Justice 20.03.06 №286/12160).
11. The Order of the Ministry of Ecology and Natural Resources of Ukraine "On Approving the Regulation of Public Participation in Decision-Making in the Field of Environment» № 168 of 18.12.2003.
12. The Order of the Ministry of Social Policy "On Approving the Regulations on the Development of Plans for Localization and Liquidation of Emergencies and Accidents"
13. № 112 of 17.06.1999.

14. The Order of the Ministry of Emergencies and Affairs of Population Protection from the Consequences of Chornobyl Catastrophe of Ukraine "On Approving the Rules of Arrangement, Operation and Maintenance of Systems for Early Detection of Emergencies and Warning People When They Arise" № 288 of 15.05.2006.
15. The Order of the Ministry of Emergencies and Affairs of Population Protection from the Consequences of Chornobyl Catastrophe of Ukraine "On Approving the Rules of Technogenic Safety in Civil Protection at Enterprises, Organizations and Institutions and on the Dangerous Areas" №557 of 15.08.2007.
16. The Resolutions of the Cabinet of Ministers of Ukraine "On the State Commission on the Questions of Technogenic and Ecological Safety and Emergencies" № 18 of 26.01.2015.
17. The Resolutions of the Cabinet of Ministers of Ukraine "On Approving the Criteria to Assess Economic Activities Risk and Determine the Frequency of Scheduled State Supervision (Control) in Technogenic and Fire Safety Sphere" № 306 of 29.02.2012.
18. The Resolutions of the Cabinet of Ministers of Ukraine "On Approving the Regulation of Organizing Notification and Communication in Emergencies" №192 of 15.02.1999.
19. The Resolutions of the Cabinet of Ministers of Ukraine "On Identification and Declaration of the Safety of the Extremely Dangerous Objects" № 956 of 11.07.2002.

### Annex III. Correlation table to the implementation plan of Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries and amending Directive 2004/35/EC

Current plan	Revised version
<b>1.1 Measures of legal drafting character</b>	<b>1.1 Measures of legal drafting character</b>
1.1.1 Drafting of the Law of Ukraine "On Waste from Extractive Industries" (taking into account the requirements of Directive (2006/21/EC), including the classification of waste facilities by the categories of danger, the introduction of waste management plans of mining waste at the enterprises, the closing mechanism and procedures after closing waste facilities, the mechanism of financial guarantees with the recommendations set out in Commission Decision 2009/335/EC of 20.04.2009, the monitoring system of closed waste facilities, the mechanism of providing information and public participation in granting the permits for waste facilities and making decisions on the development of external emergency plan)	1.1.1. Drafting of the Law of Ukraine "On Waste from Extractive Industries" (taking into account the requirements of Directive (2006/21/EC), including the classification of waste facilities by the categories of danger <b>taking into account the recommendations set out in Commission Decision 2009/337/EC of 20.04.2009 and 2009/359/EC of 30.04.2009</b> , the introduction of waste management plans of mining waste at the enterprises, the closing mechanism and procedures after closing waste facilities, the mechanism of financial guarantees with the recommendations set out in Commission Decision 2009/335/EC of 20.04.2009, the monitoring system of closed waste facilities, the mechanism of providing information and public participation in granting the permits for waste facilities and making decisions on the development of external emergency plan).
1.1.2. Drafting the Resolution of the Cabinet of Ministers of Ukraine "On the Order of the Development and Approval of Waste Management Plans for Mining Waste" (the implementation of this requirement should be coordinated with the adoption of the new harmonized Classifier of waste and development of a National waste management plan within the implementation of Directive 2008/98/EC)	1.1.2. Drafting the Resolution of the Cabinet of Ministers of Ukraine "On the Order of the Development and Approval of Waste Management Plans for Mining Waste " (the implementation of this requirement should be coordinated with the adoption of the new harmonized Classifier of waste and development of a National waste management plan within the implementation of Directive 2008/98/EC <b>and should take into account Commission Decision 2009/360/EC</b> )
1.1.3. Drafting the Resolution of the Cabinet of Ministers of Ukraine "On the Order on Referring Waste Facilities to the Extremely Dangerous Objects (based on Annex III of this Directive, taking into account the Resolution of the Cabinet of Ministers of Ukraine "On Identification and Declaration of the Safety of the Extremely Dangerous Objects" № 956 of 11.07.2002 (NPAOP 0.00 - 6.21 - 02) and Commission Decision 2009/335/EC of 20.04.2009)	1.1.3. Drafting the Resolution of the Cabinet of Ministers of Ukraine <b>"On the Order of Classification of Waste Facilities of Mining industry"</b> (based on Annex III of Directive 2006/21/EC, taking into account the Resolution the Cabinet of Ministers of Ukraine "On Identification and Declaration of the Safety of the Extremely Dangerous Objects" № 956 of 11.07.2002 (NPAOP 0.00 - 6.21 - 02) <b>and Commission Decision (2009/337/EC) on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC</b>
	1.1.4. Drafting the Resolution of the Cabinet of Ministers of Ukraine <b>"On Approval of the Order of the Inspection and Assessment of the Tailings Safety"</b>
	<b>1.1.5. Drafting the Order of the Ministry of Ecology and Natural Resources of Ukraine "On Approval of the Methods of Inspection and Assessment of the Tailings Safety"</b>
....	<b>1.1.6. Drafting the Order of the Ministry of Ecology and Natural Resources of Ukraine "On Approval of the Methodology on Improving Tailings Safety"</b>

....	<b>1.1.7. Drafting the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Order of the Keeping the Register of the Waste Facilities of Mining Industry"</b>
<b>1.2. Measures of institutional character</b>	<b>1.2. Measures of institutional character</b>
1.2.1. Reforming the system of granting the permits for waste facilities operation	1.2.1. Reforming the system of granting the permits for waste facilities operation
1.2.2. Designation of the responsible departments of the competent authorities for implementing the Law of Ukraine "On Waste from Extractive Industries" to develop external emergency plans, control functions etc.	1.2.2. Designation of the responsible departments of the competent authorities for implementing the Law of Ukraine "On Waste from Extractive Industries" to develop external emergency plans, control functions etc.
<b>1.3 Organizational measures</b>	<b>1.3 Organizational measures</b>
1.3.1. Classification of waste facilities with regards to danger categories	1.3.1. Classification of waste facilities with regards to danger categories
1.3.2. Establishment of mining waste management plans for extractive industry companies (including characterization of waste in accordance with European legislation and taking into account the requirements of paragraph 2 of Annex II to Directive 2006/21/EC)	1.3.2. Establishment of mining waste management plans for extractive industry companies (including characterization of waste in accordance with European legislation and taking into account the requirements of paragraph 2 of Annex II to Directive 2006/21/EC)
1.3.3. Establishment of the closing mechanism and procedures after waste facilities closure	1.3.3. Establishment of the closing mechanism and procedures after waste facilities closure
1.3.4. Establishing the mechanism of financial guarantees	1.3.4. Establishing the mechanism of financial guarantees
1.3.5. Establishing the monitoring system of closed waste facilities	1.3.5. Establishing the monitoring system of closed waste facilities
1.3.6. Translation and adaptation of the methods, guidance and manuals of the EU on the inventory of waste facilities (eg, BREF No. 070307/2010/576108 / ETU / C2)	1.3.6. Translation and adaptation of the methods, guidance and manuals of the EU on the inventory of waste facilities (eg, BREF No. 070307/2010/576108 / ETU / C2)
1.3.7. Inventory of the closed and abandoned waste facilities and creation of the relevant register (taking into account adapted methods of the EU and conduction of appropriate checks "on the ground")	1.3.7. Inventory of the closed and abandoned waste facilities and creation of the relevant register (taking into account adapted methods of the EU and conduction of appropriate checks "on the ground" <b>with applying the Methodology on improving tailings safety</b> )
<b>1.4. Measures of coordination</b>	<b>1.4. Measures of coordination</b>
1.4.1. Training, seminars and other educational measures dealing with the problems of new requirements of the Law of Ukraine "On Waste from Extractive Industries" for staff of competent and supervisory authorities (with the assistance of experts from the EU as trainers).	1.4.1. Training, seminars and other educational measures dealing with the problems of new requirements of the Law of Ukraine "On Waste from Extractive Industries" for staff of competent and supervisory authorities (with the assistance of experts from the EU as trainers).
<b>1.5. Joint activities (as agreed and proposed) with representatives of business and/or public</b>	<b>1.5. Joint activities (as agreed and proposals) with representatives of business and / or public</b>

1.5.1. Trainings, seminars and other educational events for stakeholders (the operators of waste facilities) to provide information on the new requirements under the Law of Ukraine "On Waste from Extractive Industries" (information on the procedure to develop mining waste management plans and their content, requirements for granting the permits for waste facility operation and financial guarantees, management procedures and mining void monitoring, closure and waste facility maintenance afterwards, etc.) (where experts from the EU provide assistance as trainers)

1.5.1. Trainings, seminars and other educational events for stakeholders (the operators of waste facilities) to provide information on the new requirements under the Law of Ukraine "On Waste from Extractive Industries" (information on the procedure to develop mining waste management plans and their content, requirements for granting the permits for waste facility operation and financial guarantees, management procedures and mining void monitoring, closure and further maintenance of waste facilities **with applying the Methodology on improving tailings safety**, etc.) (where experts from the EU provide assistance as trainers).