

New Waste Management Framework in Ukraine

June 2022

Ukrainian Parliament plans for the country's future as a sustainable nation and potential European Union membership through the new "Waste Management Law". Meanwhile, the comprehensive regulating and planning will make the industry more attractive and reliable to investors.

On 20 June 2022 the Ukrainian Parliament adopted a draft of the new Law of Ukraine "On Waste Management" (the "Waste Management Law"). Once signed by the President of Ukraine, the Waste Management Law will become effective one year after its official publication.

The purpose of the Waste Management Law is to significantly improve the waste management system in Ukraine, which was poorly regulated and fragmented across municipalities. The new waste management system, among other things, tightens the licensing requirements for the collection and processing of hazardous waste, is expected to considerably improve the state of the environment in Ukraine and help achieve sustainable development goals. This includes tackling the amounts of waste already accumulated in Ukraine and overall making the waste management sector more attractive for investment.

The legal framework under the Waste Management Law introduces regulation of relations in the waste management field modelled on the requirements of the European Union directives. The adoption of the Waste Management Law is an opportunity to initiate the changes that Ukraine needs, among others, to fulfil the European Union membership requirements.

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1 What the new waste management framework means in practice

The Waste Management Law:

- Introduces a European waste management hierarchy (prevention, followed by re-use, recycling, recovery and finally disposal)
- Introduces the waste management system planning at national, regional and local levels

- Establishes the principle of "polluter pays"
- Introduces extended producer responsibility that obliges manufacturer to ensure the complete disposal of the packaging that it placed on the market together with the goods
- Introduces a waste management information system designed to simplify the accounting and reporting, the implementation of permitting procedures in the field of waste management
- Introduces a subsystem of registers containing comprehensive information on issued permits and licenses, extended responsibility producers and products, entities engaged in waste processing activities, etc. Registers may be accessed by the creators and other owners of waste, as well as the public
- Establishes a procedure for the collection, removal and processing of household waste, including separate collection and recycling
- Provides that special rules should be developed regarding the disposal of waste resulting from the Russian aggression against Ukraine
- Will allow closing of old landfills and bringing the remaining ones to European standards
- Allows creating conditions for the construction of modern waste recycling infrastructure in Ukraine according to European rules and open borders for investors

2 Beginning of greater opportunities for the waste sector

The New Law, however, establishes only a framework or guidelines for new up-to-date regulation of the waste management system in Ukraine, and is basically a starting point for reform in the waste management area. Adoption of a number of other sectoral laws and bylaw regulations will be necessary to complete the waste management reform. The fact that the Waste Management Law will become effective in one year, should give regulators and businesses operating in the waste management sector, time to get prepared to operate under and benefit from the advantages of the new legal framework.

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