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THE INTEGRATED ENVIRONMENTAL PERMIT: REQUIREMENTS OF EU LEGISLATION, PRACTICE OF ITS IMPLEMENTATION IN POLAND, PROSPECTS FOR UKRAINE

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Abstract. The article is aimed at analyzing the system of integrated environmental permit regulation. It includes a study of Directive 2010/75/EU analyzing the specific features, requirements, grounds of and the procedure for issuance of integrated permits. Since the Directive is a framework document, each state makes its own decisions as to what mechanisms to use. The article studies the statutory regulation and the practice of the implementation of integrated permits in the neighbouring Poland. It interprets the principal legal environmental document of the Republic of Poland – the Environmental Protection Act. Its main focus is on defining the conditions for the application of the BAT principle and the procedure for permit issuance: the competent authorities, time limits, control, etc. Ukrainian legislation on permits for emissions of pollutants into ambient air, discharges into waters, and waste management is subject to independent analysis. On the basis of the study, the generalized characteristic features of the integrated permit system in the sphere of environmental protection and environmental safety enforcement, the principal tasks and measures aimed at ensuring the implementation of the system of integrated environmental permits in Ukraine are defined.

Keywords: Directive 2010/75/EU, an integrated environmental permit, the BAT principle, the implementation of the provisions of Directive 2010/75/EU.

1. INTRODUCTION

The European Integration priorities of the state policy of Ukraine, brought to the fore by the signing of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part [1], concern all the spheres of the activity of the state and society, and the environmental sphere in particular. Currently, the work of the state authorities and public organizations is aimed at ensuring the implementation of the principal requirements and principles of EU legislation (“*acquis communautaire*”). The newest processes of compliance of Ukrainian legislation with EU legislation, which apply to environmental legislation as well, presuppose significant alterations not only to the system of formal legal rules and regulations, but to all the political, economic, financial systems of the state. Pursuant to Item 4.8 of the Law of Ukraine “On the Fundamental Principles (Strategy) of Ukraine’s State Environmental Policy for the Period until 2012” [17], the implementation of environmental policy requires the efficient functioning of the system of

environmental legislation aimed at achieving national priorities. The principal requirements for such legislation include its compliance with the Constitution of Ukraine, its approximation to the corresponding EU Directives, ensuring the implementation of multilateral environmental agreements (conventions, protocols, etc.), of which Ukraine is a party, social acceptability, feasibility, economic efficiency. Such legislation has to facilitate the flexible application of the corresponding economic instruments for fostering the introduction of innovative ecological technologies and the resolution of local environmental issues at local level.

Art. 360–366 of the Association Agreement between EU and Ukraine cover environmental matters whereas Annex XXX to Chapter 6 “Environment” of Title V “Economic and Sector Cooperation” contains a list of directives and regulations, which are to be incorporated into national legislation. Among them – Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) [6]. In fact, Directive 2010/75/EU has two issues in focus: the limitation of emissions from waste incineration plants and the introduction of an integrated permit. The new advanced idea of integrated (comprehensive) protection is perceived as the attempt to eliminate the deficiencies of the differentiated (sectoral) approach to environmental protection, based on the conservation, first and foremost, of certain components of the environment [5]. A complex approach to control of pollution is focused on a hazardous substance (source), and the territory where this substance is emitted. Such an approach presupposes the necessity to establish emission standards and to issue integrated permits for emissions.

This article is aimed at analyzing Directive 2010/75/EU in order to identify the characteristic features, requirements, and grounds for issuing integrated permits, to interpret the statutory regulation and practice of the implementation of integrated permits in the neighbouring Poland, and to study the current state of the permit system of environmental protection in Ukraine as well as the prospects for implementing the provisions of Directive 2010/75/EU.

2. ANALYSIS AND DISCUSSION

An integrated approach to the permit regulation of adverse effects on the environment within EU legislation was adopted by Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control. Since January 7, 2014, Directive 96/61/EC and a number of other Directives, listed in Item 1 of Art. 81 of Directive 2010/75/EU have been terminated, and the regulation of integrated permit issuance is determined by the provisions of Directive 2010/75/EU. It places emphasis on the permit system and its corresponding procedures as well as on outlining a basic framework for the integrated prevention of pollution and control over it. A complex approach to pollution control is aimed at preventing emissions into the air, water, and soil everywhere where it is possible, taking into account waste management. Analyzing the said Directive and its implementation into the national legislation of the EU member states, scholars repeatedly emphasize that Directive 2010/75/EU, being based on the same principles as the preceding one, ensures the adoption of the permit system aimed at attaining the highest level of environmental protection [29, 11]. “The system of integrated environmental permits provides for the assessment of emissions of air, water (including the discharge of wastewater into drains), soil pollutants and a number of other effects on the environment (use of energy, water, raw materials) considered together” [4, p. 17].

A permit in the system of legal means of regulating social relations serves as an instrument for realizing the statutory possibility to take action. In the Russian Dictionary of Administrative Law a permit is defined as “an authorization by the competent executive authorities (officials) of certain actions taken by a person or entity aimed at ensuring social security, law and order, law enforcement, and the protection of the life and health of citizens” [2, p. 178]. Studying permits in the context of environmental matters, environmental safety enforcement, and use of natural resources, Ukrainian scholars provide a more specific definition of this notion in this type of matters. Analyzing the permit system in the area of environmental safety enforcement, M. M. Romaniak defines a permit document as a legal form of state administrative permit activity, which is a legalized action of the executive

authority, taken within the scope of its competence, which expresses the will of the state, and has legal implications in the form of the possibility to perform certain types of economic activity that will not present a high risk of damage to the environment after a permit document comes into effect [21, p. 5]. N. R. Kobetska in her post doctoral thesis on the permit system in the area of use of natural resources provides the three-component definition of permits of use of natural resources: they are the results of the declaration of the will of competent subjects (owners of natural resources or persons authorized by them) aimed at delegating the right to use the designated part of a natural resource; official written documents of personified character defining the right of a natural resource user to use a natural resource in the way stated in the document; legal facts causing the development of the relations of use of natural resources [8, p. 25].

In academic studies an integrated environmental permit is defined as a resolution of the competent authority that establishes individual requirements concerning the impact of specific environmentally damaging types of economic activity on the environment in terms of an integrated approach to assessing the effect of certain activities or installations and on the basis of the best available techniques (BAT) conclusions [7, p. 51]. Defining a permit by introducing the term “resolution” reflects only the formal aspect of this notion (an official written document of specific format that is the declaration of the will of competent authorities). From the perspective of its essential characteristics, a permit is an authorization of the actions and activities of the user of the environment. Pursuant to Item 7 of Art. 3 of Directive 2010/75/EU, a permit is a written authorization to operate all or part of an installation.

An integrated permit concerns the operation of certain technical industrial facilities designated as “installations”. This term is legally defined in Item 3 of Art. 3 of Directive 2010/75/EU. “Installation means a stationary technical unit within which one or more activities listed in Annex I or in Part 1 of Annex VII are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution”. Essentially, it is a stationary technical unit within which a certain activity is carried out (one or more) that might have a negative impact on different elements of the environment. It has to be emphasized that Directive 2010/75/EU applies only to the types of activity of certain parameters listed in Annex 1.

One of the most important principles governing the system of integrated permits is the principle of the best available techniques (the BAT principle), which is used to identify: the volume of emissions of pollutants into air, water, and soil, the sustainable use of resources and electrical energy, the volume of waste production, noise parameters, etc. [4, p. 19]. This principle means “the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole” (Item 10 of Art. 3 of Directive 2010/75/EU). Essentially, the BAT principle consists in creating legal conditions for ensuring sustainable development by resolving the conflict between economic and ecological interests. The resolution presupposes creating conditions for a certain type of economic activity, provided that its highest possible (for the time being) sustainability is guaranteed [28, p. 261].

Another fundamental principle is the principle of an integrated approach to assessing the impact of installations. The Preamble to Directive 2010/75/EU emphasizes that “different approaches to controlling emissions into air, water or soil separately may encourage the shifting of pollution from one environmental medium to another rather than protecting the environment as a whole. It is, therefore, appropriate to provide for an integrated approach to prevention and control of emissions into air, water and soil, to waste management, to energy efficiency and to accident prevention” (Item 3 of the Preamble). The general requirements that must be fulfilled during the operation of installations and identified during issuance of integrated environmental permits are contained in Art. 11 of Directive 2010/75/EU:

- “(a) all the appropriate preventive measures are taken against pollution;
- (b) the best available techniques are applied;

- (c) no significant pollution is caused;
- (d) the generation of waste is prevented in accordance with Directive 2008/98/EC;
- (e) where waste is generated, it is, in order of priority and in accordance with Directive 2008/98/EC, prepared for re-use, recycled, recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;
- (f) energy is used efficiently;
- (g) the necessary measures are taken to prevent accidents and limit their consequences;
- (h) the necessary measures are taken upon definitive cessation of activities to avoid any risk of pollution and return the site of operation to the satisfactory state defined in accordance with Article 22”.

“Within EU the system of integrated environmental permits in general and BAT conclusions in particular are aimed at big and complex installations that have considerable potential to cause pollution”. In the meantime, the Directive on industrial emissions does not specify the BAT requirements for different types of installations and does not contain provisions concerning the level of the maximum permissible emissions of pollutants or other information about the principles behind establishing the permit conditions for different types of installations; therefore, it provides the opportunity for the member states to establish requirements for certain categories of installations within the scope of the general compulsory regulations. Thus, the implementation of the integrated permit system requires a detailed study of new or already existing installations, the operation of which needs a permit, as well as of all the aspects of their environmental impact and the possibilities for improvement” [7, p. 54].

The provisions of the Directive do not outline the status and the specific features of the authorities competent to grant a permit, although Items 15-16 of the Preamble contain the general requirements for the said authority to be competent in legal environmental, technological, and financial matters, associated with the impact of a certain type of activity on the environment and its elements. P. 2 of Art. 5 of Directive 2010/75/EU also states the following: “Member States shall take the measures necessary to ensure that the conditions of, and the procedures for the granting of, the permit are fully coordinated where more than one competent authority or more than one operator is involved or more than one permit is granted, in order to guarantee an effective integrated approach by all authorities competent for this procedure”.

Directive 2010/75/EU is a framework document establishing the objectives for the member states. Each state has the right to make its own decisions as to what mechanisms to use for attaining the set objectives. In this regard, the experience of the neighbouring Republic of Poland is worth mentioning; it has been a full member of the EU since 2004, and its environmental legislation is currently based on and is compliant with EU legislation. Ukraine and Poland, as neighbours, are tightly bound historically, and it gives the grounds and possibilities for analyzing the processes of the approximation of Polish legislation to EU legislation, the newest Polish environmental legislation, and the experience of its implementation. The approximation of Polish legislation (including environmental legislation) to EU standards practically lasted from 1993 to 2004. The key thing was not so much formal compliance with EU standards, as the creation of organizational and material conditions, legal-administrative and financial mechanisms, regulatory structures, necessary for the actual implementation of the adapted regulations. According to Maciej Nowicki, the former Polish Minister for Environment, ensuring the efficiency of environmental protection in Poland rests on three “pillars”: clear-cut legislation on environmental standards; enforcement of the adopted regulations; the financing of environmental measures [30, p. 21–22].

As stated in Polish academic literature, a system of administrative permits for the activity that might adversely affect the environment is based on the provisions of EU directives governing the principles and conditions for emissions of substances and energy into the environment [3, p. 248]. The main regulations on an integrated approach are stated in Chapter 4 of Title 4 of the Environmental Protection Act of the Republic of Poland of 27 April 2001 under revision as of April 13, 2018 [20]. The said chapter was included in the first edition of the Act, although was considerably amended in 2013

and 2016 in accordance with the requirements of Directive 2010/75/EU. Art. 201 of the Environmental Protection Act outlines the general conditions for issuing integrated permits (as stated in Directive 2010/75/EU), namely: integrated permits are issued for installations whose operation is likely to cause substantial pollution of the particular natural elements or the environment as a whole; the Minister of Environment shall lay down the types of such installations; the Minister shall take into account the type and scale of the activity conducted in installations. A list of the types of installations that are likely to cause substantial pollution of the particular natural elements or the environment as a whole and whose operation requires an integrated permit is contained in the Annex to the Regulation of the Minister for Environment of the Republic of Poland of 27 August 2014 [26]. This list is identical to the one contained in Annex I to Directive 2010/75/EU.

The conditions for effects on the environment, determined by an integrated permit, except as otherwise provided by law, are identical to those stated in other permits. Except for an integrated permit, Item 1 of Art. 181 of the Environmental Protection Act provides the possibility to grant a permit for gas or dust releases into ambient air and a permit for waste generation. There is also a permit in water use matters (for instance, a permit for the discharge of wastewater into waters), subject to regulation by water law. They are called specific or sectoral permits. It has to be emphasized that in case of obtaining an integrated permit, there is no need to obtain specific (sectoral) permits. Nevertheless, an integrated permit is issued (as provided for by the Directive) only for installations causing substantial pollution (emissions, discharges, waste) of the environment and its elements (ambient air, water, soil).

Polish environmental legislation on integrated permit issuance reflect the requirements of the BAT principle. Currently, generalized information of technological and ecological character for installations requiring an integrated permit is documented in the form of BAT conclusions and published in the Official Bulletin of the EU, and, consequently, should be the compulsory reference for issuing a permit. A departure from the BAT requirements happens when the emission limit values are exceeded in comparison with environmental benefits (Art. 204 of the Environmental Protection Act). Pursuant to Art. 206, the Minister for Environment shall collect and generalize information on the best available techniques (BAT) and provide such information for the authorities competent to grant permits and the interested users of the environment. Moreover, in case of publishing BAT conclusions at EU level, the competent authority conducts an analysis of new requirements and notifies the operator of an installation (the user of the environment). If an analysis of conclusions necessitates a review of an integrated permit, the operator of an installation is notified by the competent authority and is granted a period of up to four years to align the operation of an installation with the requirements. Such information is available on the website of the Ministry, where the time for analysis of the performance of each type of installations and the time for aligning their operation to the BAT requirements are specified.

The procedure for issuing integrated permits is specified in the Environmental Protection Act of the Republic of Poland and the Code of Administrative Procedure [9].

The authorities competent to grant permits vary in accordance with the specific characteristics of the user of an integrated permit and the site where an installation is operated. The authorities competent to grant integrated permits include: 1) Starosts (in the cities with Powiat rights); 2) Voivodship Marshalls – in case of substantial pollution of the environment caused by an installation, and when permits are granted for installations for recycling household waste; 3) Regional Directorate for Environmental Protection – for projects implemented on the so-called “closed sites”, indispensable for the purposes of national defence, the list of which is compiled by the state authorities; 4) the environmental authority – in the process of decision-making concerning the approval of excavation waste management programs. Furthermore, integrated permit issuance requires the approval of the Minister for Environment who is sent an online application for an integrated permit within 14 days upon receipt. Similarly, a copy of the granted permit is sent to the Minister for Environment who keeps a register of integrated permits.

The general time period for granting an integrated permit – six months from the date of submitting an application (Item 2 of Art. 209 of the Environmental Protection Act). It applies to the cases when a permit is issued for the first time, or when an installation has undergone significant changes, which, consequently, necessitates amendments to an integrated permit. In the cases when amendments to an integrated permit are minor, the time period for granting a decision is one month; in more complicated cases – no more than two months (Art. 35 of the Code of Administrative Procedure).

Pursuant to Art. 210 of the Environmental Protection Act of the Republic of Poland, the amount of the registration charge for obtaining a permit shall not exceed 12 000 zloty (~3300 \$). The precise amount of the registration charge is calculated using the formula laid down by the Regulation of the Minister for Environment of 27 August 2014. It depends on the scope and type of activity and the basic established payment rates.

An integrated permit is granted for an indefinite period (Item 1 of Art. 188), although the competent authority shall once in five years conduct an analysis of the integrated permit conditions, and in case there are changes in the BAT requirements, ensure the corresponding amendments are made to an integrated permit. The granted integrated permit can be substituted for a new one upon the initiative of the owner of an installation who is planning to conduct its considerable modernization.

The practice of implementing regulations on an integrated environmental permit in Poland has demonstrated the problems associated with issuance of such permits. The audit of integrated permit issuance conducted by the Supreme Chamber of Control of Poland in Subcarpathian Voivodeship brought to the fore a number of deficiencies and problems in implementing the procedure of integrated permit issuance [27]. The Report of the Supreme Chamber of Control states the following problems: failure to meet the deadlines for application processing, a delay in passing applications on to other state authorities for approval, lack of information about approval to integrated permit issuance by the state environmental authorities in the cases when such approval is necessary. With regard to the initial stage of the implementation of integrated permits, a considerable problem was lack of skilled professionals and equipment for checking the operation of installations for which permits were granted. It specifically concerns the existing units (installations), integrated permits for which had to be obtained by the end of 2008, although the deadline was not met due to technical and organizational reasons. Furthermore, there were violations of the five-year time limit, after which the permit had to be reviewed. As was mentioned above, Polish legislation (amended in 2014) confirmed the necessity to take into consideration the developed and officially published at EU level BAT conclusions for different types of installations and, consequently, the necessity to align the operating installations with new requirements and obtaining new permits. Nevertheless, as stated in academic literature, these obligations present an extra burden for those involved in economic activity. On the other hand, they have a positive effect ensuring the same (equal) conditions for doing business [25, p. 395]. All of this has to be taken into account in the process of implementing the integrated permit system in Ukraine.

The system of environmental permit issuance in Ukraine acquired its current shape in the process of the development of environmental activity and the necessity to regulate and limit adverse effects on the elements of the environment: water, ambient air, soil. The development of specific types of permits is caused both by the objective far-reaching consequences of industrial pollution and the subjective interests of the state. As it is noted in the publications, licensing (permitting) function of the authorities is directed towards the regulation of state accounting and control system in the sphere of environmental protection and it is implemented by the means of issuing permits (licenses) for the special use of natural resources, permits for dumping and disposal of hazardous substances and waste into the environment [10, p. 262].

The procedure for issuing specific environmental permits was regulated for a long time exclusively by environmental legislation and specified in regulatory acts. In 2005, the Law of Ukraine “On Licensing System in the Field of Business” [14] laid down the requirements for issuance of permit documents entailing a lengthy process of approximating the provisions of environmental legislation. The Law of Ukraine “On List of Permitting Documents in the Field of Business” [15], passed in 2011, laid down the List of relevant documents and established the proscription to demand of subjects of

economic activity to obtain permit documents not included in the List. In 2014, the Law of Ukraine “On Licensing System in the Field of Business” that established the procedure for issuing permits, including environmental permits, was significantly amended. The amendments were aimed at reducing the number of permit documents, eliminating duplication, and simplifying the procedure for their issuing. Major changes in terms of simplification of the permit procedure were made in the area of waste management.

Analysis of regulatory environmental and permit acts gives the grounds for outlining three major permit documents, which can come under the integrated permit system. They include: a permit for emissions of pollutants into ambient air by stationary sources (Art. 11 of the Law of Ukraine “On Ambient Air Protection” [13]); a permit for specific water use (for instance, for emissions of pollutants into waters) (Art. 49 of the Water Code of Ukraine [24]); a permit for activity in the area of waste management (the Law of Ukraine “On Waste” [19]). Nevertheless, the procedure for issuing the last permit has not yet been regulated.

The environmental requirements for subjects of economic activity who are granted these permits are laid down in the statutes of Ukrainian law. Pursuant to P. 10, 11 of Art. 11 of the Law of Ukraine “On Ambient Air Protection”, “permits for emissions of pollutants into ambient air are issued on the following conditions: if the standards of environmental safety are not violated during their period of duration; if the standards of permissible emissions of pollutants from stationary sources are not violated; if the requirements for technological processes with regard to limiting emissions of pollutants are met. In case the parameters of emission sources, their number, the quality and quantity of pollutants, measures aimed at reducing their amount are changed, the above-mentioned permits are amended.

The authorities competent to grant these permits are different and change often. For instance, permits for emissions of pollutants into waters are currently granted by local government agencies that implement the policy of the state in the area of water industry development; permits for activity in the area of waste management are granted by regional state administration agencies; permits for emissions of pollutants into ambient air by stationary sources – by the Ministry of Ecology and Natural Resources or regional state administration agencies (depending on the category of the user of a permit).

Currently, permits are issued through centers for administrative services according to the “one window” principle under the Law of Ukraine “On Administrative Services” [12].

Analyzing the current rules and regulations governing the procedure for the permit regulation of emissions, discharges, and other adverse effects on ambient air, waters, soils [7; 22; 28], Ukrainian scholars identify the provisions containing specific requirements for the integrated permit system. Nevertheless, they are certainly not compliant with the nature of integrated permits and the BAT principles, and need to be updated. No less important is aligning the system of integrated environmental permits with environmental impact assessment, particularly in the course of introducing and designing new installations. Environmental impact assessment is carried out at an earlier stage of designing an industrial facility. Its conclusions can be further used for permit issuance.

Annex XXX to the Association Agreement contains a list of measures and the deadlines for their adoption aimed at ensuring the implementation of the provisions of Directive 2010/75/EU. They include: adoption of national legislation and designation of the competent authority (authorities); identification of facilities in need of a permit; implementation of the best available techniques in accordance with EU reference documents; introduction of the integrated permit system; adoption of the mechanism for compliance supervision; establishment of emission limit values for incineration; planning the programmes aimed at reducing the total annual volume of emissions from installations in operation. This general list of measures was elaborated in the regulatory acts of the Government of Ukraine. The Order of the Cabinet of Ministers of Ukraine of 17 September 2014 No. 847-p. “On the Implementation of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part” [18] ratified the Action Plan on Implementation of the Association Agreement for the years 2014–2017. Item 257 of the Plan defined the obligation to develop regulatory acts aimed at implementing Directive 2010/75/EU (the deadline – December 2017). To

execute the Order of the Cabinet of Ministers, the Ministry of Ecology and Natural Resources ratified the detailed plan on implementation of the Directive, which was not carried out within the set time limit. The Resolution of the Cabinet of Ministers of Ukraine of 25 October 2017 No. 1106 "On Execution of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part" [16] repealed the previously ratified orders concerning the measures and the deadlines for implementation and ratified a new Action Plan on Implementation of the Association Agreement. Item 1725 of the Plan provides for the necessity to adopt national legislation on the implementation of integrated permits and designation of the competent authority (authorities) in the area of industrial pollution (from the project approval to adoption of regulatory acts) until March 20, 2018. Nevertheless, for the time being, no action has been taken on this matter.

The current Ukrainian permit system for regulating the activity of industrial enterprises in terms of their environmental impact includes the autonomous, sectoral systems of permit issuance. The procedures for issuing these permits, despite the present tendencies of deregulation and the introduction of unified, simplified approaches, involve the necessity to prepare numerous documents, which are added to applications for permit issuance. As stated by the Deputy Minister of Ecology and Natural Resources of Ukraine, "currently, the national system of environmental protection is developing around its specific areas (ambient air protection, waste management, the protection and sustainable use of water resources, mineral resources management), although there is no proper systematic exchange of information in electronic format. The main difficulty lies in the fact that the environmental sphere is currently managed by different state executive authorities. The state control of the environmental sphere has to be integrated, exercised both over its areas (ambient air protection, waste management, the protection and sustainable use of water resources, mineral resources management, etc.) and its functional elements (the permit, report, supervision systems, etc.). The implementation of the integrated electronic system of environmental management, in accordance with European approaches to environmental information management, will eliminate the "dispersal" of environmental information between different executive authorities ensuring the availability of information not only on emissions into the environment, but also on permits, constraints, resolutions concerning environmental impact assessment in one database" [23].

3. CONCLUSIONS

Therefore, the basic generalized characteristics of the integrated permit system in the sphere of environmental protection and environmental safety enforcement in accordance with the requirements of Directive 2010/75/EU include:

- the system of integrated environmental permits is the immediate realization of the principle of sustainable development and reflects a compromise between economic and ecological interests;
- an integrated environmental permit is authorization of, approval to a certain activity;
- it is granted by the written resolution of the competent authority;
- it is issued for the operation of technical installations;
- stationary technical installations that require an integrated permit have a considerable negative effect on the environment;
- a list of such installations is limited and determined by the area of economic activity, its parameters and environmental impact;
- it defines the conditions of the complex impact on the environment and its elements;
- these conditions must be based on the statutory requirements and technical recommendations specific to each installation;
- the principle of the best available techniques (BAT) is the basis for establishing the requirements for each installation;
- the definition of these conditions is possible as a result of cooperation and consultation with the state authorities, the interested parties, the public;

- the process of integrated permit issuance must be transparent and ensure the possibility of the public participation and access to information;
- the time limit for permit issuance must be optimal and long enough for a comprehensive analysis of the conditions of the operation of an installation;
- integrated permits have an extended or even unlimited validity period, although the legislation must provide for the systematic control and revision of the permit conditions in accordance with objective changes in the operation of an installation or environmental and technical standards.

The institutional and functional legal organizational mechanism of Ukraine's transition to the new system of integrated permit regulation involves many aspects, including:

1. Making amendments to the legislation on the basis of the earlier developed strategy for aligning the current environmental legislation with the requirements of Directive 2010/75/EU. It must be based on an integrated approach. Amendments must concern the basic statutory regulations of the Law of Ukraine "On Environmental Protection" and be elaborated in specific legislation. The statutory regulation of integrated environmental permits must be based on the principles laid down in Directive 2010/75/EU in accordance with the national system of legal environmental regulation and the practice of the implementation of this type of permits in the neighbouring states.

2. The differentiation of regulation depending on the scope of the adverse effects of economic facilities on the environment. Only the users who cause substantial pollution of the environment must be obliged to obtain integrated environmental permits. Enterprises with a lower environmental impact must be subject to simplified legal environmental regulation. In this case, the general methods of regulation can be used: registration, permit issuance after the submission of an application, etc.

3. Making a specific "inventory" of installations that require integrated environmental permits. It is important to set priorities and define the stages of the application of the integrated permit procedure to industrial facilities.

4. The necessity to adopt a transparent and thorough approach, to consult different competent authorities, and to take into consideration their recommendations in the course of analyzing the conditions of the operation of installations that require an integrated permit. The authorities competent to grant a permit must have a certain freedom of action, since analysis of the operation of an installation and the definition of the conditions for its compliance with the best available techniques cannot fit into a standard algorithm. It, therefore, requires the reorganization of the work of the state authorities, the growth of their competence and responsibility.

5. Financial support from the state and the concessionary loan system for the modernization of industrial infrastructure in accordance with the requirements of EU BAT conclusions. The incentive scheme for subjects of economic activity that are adopting the BAT principles.

6. Emphasizing the role of voluntary environmental audit and environmental certification as the relatively "mild" ways to adopt new European environmental requirements. The voluntary forms of internal environmental control, the implementation of the system of the environmental management of enterprises can play a significant role in the process of adopting the new principles of the regulation of adverse effects on the environment.

The current tasks for the implementation of the integrated environmental permit system in Ukraine include: the development and adoption of laws and regulations governing the procedure and conditions for implementing the integrated permit system; expert and informational support of this activity; a proper personnel supply and training of the competent authorities that will be assigned the function of issuing permits; the practical realization of the procedures for issuing permits, controlling and examining compliance with the conditions stated in them, and registering these permits; ensuring public access to information associated with obtaining integrated environmental permits, etc.

The implementation of integrated environmental permits is a lengthy and complicated process. It requires consistent actions aimed not only at making formal amendments to legislation, but also at reorganizing the economic, financial, technical, institutional systems, and at supporting and coordinating the work of different state authorities. Special attention should be directed to the development of technical recommendations in compliance with EU requirements. The application of

the BAT principle in the long run will contribute to the technical modernization of enterprises, to making them more economical with resources as well as increasing competitiveness on EU and world markets, and, on the other hand, to improving environmental conditions and enforcing environmental safety. It would be reasonable to start with the implementation of pilot projects aimed at incorporating integrated permits into different spheres of economic activity. Informational and ideological support plays an important role, since it is aimed at persuading the interested parties of the viability and significance of the implementation of the integrated environmental permit system. The gradual adoption of the integrated permit system can take up to ten years, although this time limit is objectively justified.

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Кобецька Надія. Інтегрований екологічний дозвіл: вимоги законодавства ЄС, практика реалізації в Польщі, перспективи для України. *Журнал Прикарпатського університету імені Василя Стефаника*, 5 (2) (2018), 33–44.

Стаття присвячена аналізу інституту інтегрованого дозвільного регулювання забруднення довкілля. Вона включає аналіз Директиви 2010/75/ЄС на предмет визначення особливостей, вимог, підстав та порядку надання інтегрованих дозволів. Оскільки Директива є рамковим документом, кожна держава самостійно вирішує, які механізми слід задіювати. В статті проаналізовано законодавче регулювання і практику запровадження інтегрованих дозволів у сусідній Польщі. Проводиться тлумачення основного еколого-правового документу Республіки Польща – Закону про охорону довкілля. Основну увагу приділяється встановленню умов застосування принципу ВАТ, процедурним аспектам надання дозволів: суб'єкти видачі, строки, контроль тощо. Самостійній характеристиці підлягають законодавчі акти України щодо дозволів на викиди забруднюючих речовин в атмосферне повітря, скидів у водні об'єкти та поводження з відходами. На підставі проведеного дослідження формулюються узагальнені характеристики інтегрованої дозвільної системи у відносинах охорони довкілля та забезпечення екологічної безпеки, основні завдання та заходи, що покликані забезпечити впровадження інституту інтегрованих екологічних дозволів в Україні.

Ключові слова: Директива 2010/75/ЄС, інтегрований екологічний дозвіл, принцип ВАТ, імплементація положень Директиви 2010/75/ЄС.