



MINISTRY OF FOREIGN AFFAIRS  
OF DENMARK



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# Assistance to the Development of the **Mykolaiv** **Masterplan**

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Municipal waste management  
**Legal and regulatory** framework, Report  
Final

January 2024

**COWI**



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# Assistance to the Development of the **Mykolaiv** **Masterplan**

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## Municipal waste management **Legal and regulatory** framework, Report Final

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## List of Abbreviations

ACAB	Association of co-owners of apartment buildings
CDW	Construction and demolition waste
CMU	Cabinet of Ministers of Ukraine
CTEA	Classifier of types of economic activity
EIA	Environmental impact assessment
IMC	Intermunicipal cooperation
LA	Legal acts
LLC	Limited liability company
MCA	Mykolaiv city administration
MFA	Ministry of foreign affairs
MSW	Municipal solid waste
MW	Municipal waste
MWM	Municipal waste management
MWMP	Municipal waste management plan
NERCEP	National Commission for State Regulation in the Field of Energy and Utilities
PPP	Public-private partnership
RWMP	Regional waste management plan
UC	Utility Company

# 1 Introduction

This report has been developed within the framework of the project “Technical advice to the Danish Ministry of Foreign Affairs regarding Mykolaiv - Denmark partnership” financed by the Danish Ministry of Foreign Affairs (MFA). The project, which has been entrusted COWI, is a framework contract, which, among others, includes assistance to the Mykolaiv City Administration (MCA) in developing the Mykolaiv Masterplan in close cooperation with an Italian company, One Works. Box 1-1 below provides information about COWI's contribution to the masterplan.

*Box 1-1 COWI's contribution to Mykolaiv Masterplan in a nutshell*

Mykolaiv Masterplan, which has been requested by the Mayor of Mykolaiv City, has a time horizon till 2050. It provides a compass for actions to be taken by the Mykolaiv City to ensure that it will develop into a thriving city attractive to its citizens and business community.

COWI and One Works assist Mykolaiv City Administration in developing the masterplan. In this work, COWI focuses on three sectors:

- Water and wastewater
- Energy, including power, district heating and renewable energy sources
- Solid waste management.

Mykolaiv City Administration meets every week with COWI and One Works to ensure proper coordination.

COWI has established a project organization consisting of a project management team and three sector teams of professionals, each headed by a Discipline Leader. Three sectoral Focal Points are responsible for monitoring cross-cutting activities, ensuring coordination between the parties and maintaining consistency in the deliverables.

To enhance transparency in the development of the Mykolaiv Masterplan, given its significant public interest and exposure, COWI has established three sector-specific Sounding Boards inviting all potentially interested parties to take part in these.

This report describes legal and regulatory environment for the municipal waste (MW) management in Ukraine with the main focus on the Mykolaiv city.

The principal audience for this report comprises the MCA and One Works, given their central roles in the realization of this vision.

This report consists of four chapters in addition to the current. These are:

- Chapter 2 addresses the legal basis for municipal waste management on the national, regional and city level<sup>1</sup>. It presents the challenges related to the existing legislation and suggest legal adjustments that would be possible for implementation at the local level. It furthermore provides an overview of the normative and legal basis for intermunicipal cooperation as well as of the status with public private partnership.

<sup>1</sup> The legal background for WM in Ukraine is changing. The latest adjustments to the legal environment, which took place after this report was issued, are reflected in the report “Roadmap - Moving towards the vision 2050”



The legal and institutional basis for the management of construction and demolition waste (CDW) from buildings damaged during the war with the Russian Federation is outlined in a separate note "Construction and Demolition Waste. Note on existing situation".

- Chapter 3 analyses institutional environment for MW management, including general framework, institutional problems as well as institutional setup at the city level.
- Finally, Chapter 4 presents a SWOT analysis of the MW management in the city of Mykolaiv.

Five appendixes are attached to the report providing information on the Ukrainian legislation regulating MW management sector in the country, listing draft legal documents that await approvals, describing the targets set for the MW sector by various strategies as well as listing the legal documents regulating the sector in Mykolaiv and describing local utilities in the city.

## 2 National legal basis for municipal waste management

This chapter presents the legal basis for solid waste management sector in Ukraine on the National level. The text Box below illustrates the timeline of the milestones in the process of development the National legislation in Ukraine.

In 2014 Ukraine signed Association Agreement with EU and took obligation on approximation and implementation of EU legislation. A non-exhaustive list of regulations which should be implemented in Ukraine (EU directives i.e. related to the waste management sector) is fixed in Association Agreement between EU and Ukraine<sup>2</sup>. Step by step Plan of measures for the implementation of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand defined by the Resolution of the Cabinet of Ministers of Ukraine N1106 dated 25.10.2017<sup>1</sup>.

The first step of the EU requirements transposition was an adoption the Law "On waste management"<sup>3</sup> - the main Law which defines basic of waste management in Ukraine. The Box 2-1 below list key legal documents that regulate MW management in Ukraine.

Box 2-1 Legal framework for WM

**Since 1998**, the main law in Ukraine, establishing the principles of waste management, in particular municipal solid waste (MSW), was the Law of Ukraine "On Waste"(No. 187/98-BP).

**In 2014**, Ukraine signed the Association Agreement with the EU and undertook number of obligations on implementation of the Directives related to waste management.

**On June 20, 2022**, the Law of Ukraine "On Waste Management" was adopted to implement the Association Agreement and to transpose the provisions of Directive 2008/98/EC. The Law entered into force on July 9, 2023.

Within a year from June 20, 2022, a new legal framework of bi-laws and regulations for waste management should have been developed, which would allow the implementation of the provisions of the new law of Ukraine "On Waste Management". As of October 15, 2023, most of the secondary legal acts related to the MW management have been adopted for implementation of the Law of Ukraine "On Waste Management." A list of the most important legal acts related to the regulation of waste management sector is presented in the Appendix 1. Some drafts are still waiting for the approvals (Appendix 2)<sup>4</sup>. Consequently, a temporary lack of legal certainty in implementing legal relations on some issues arose, as sub-legal regulations remain formally valid but refer to norms of a law that has lost its validity. This situation may persist until new by-laws/regulations are adopted.

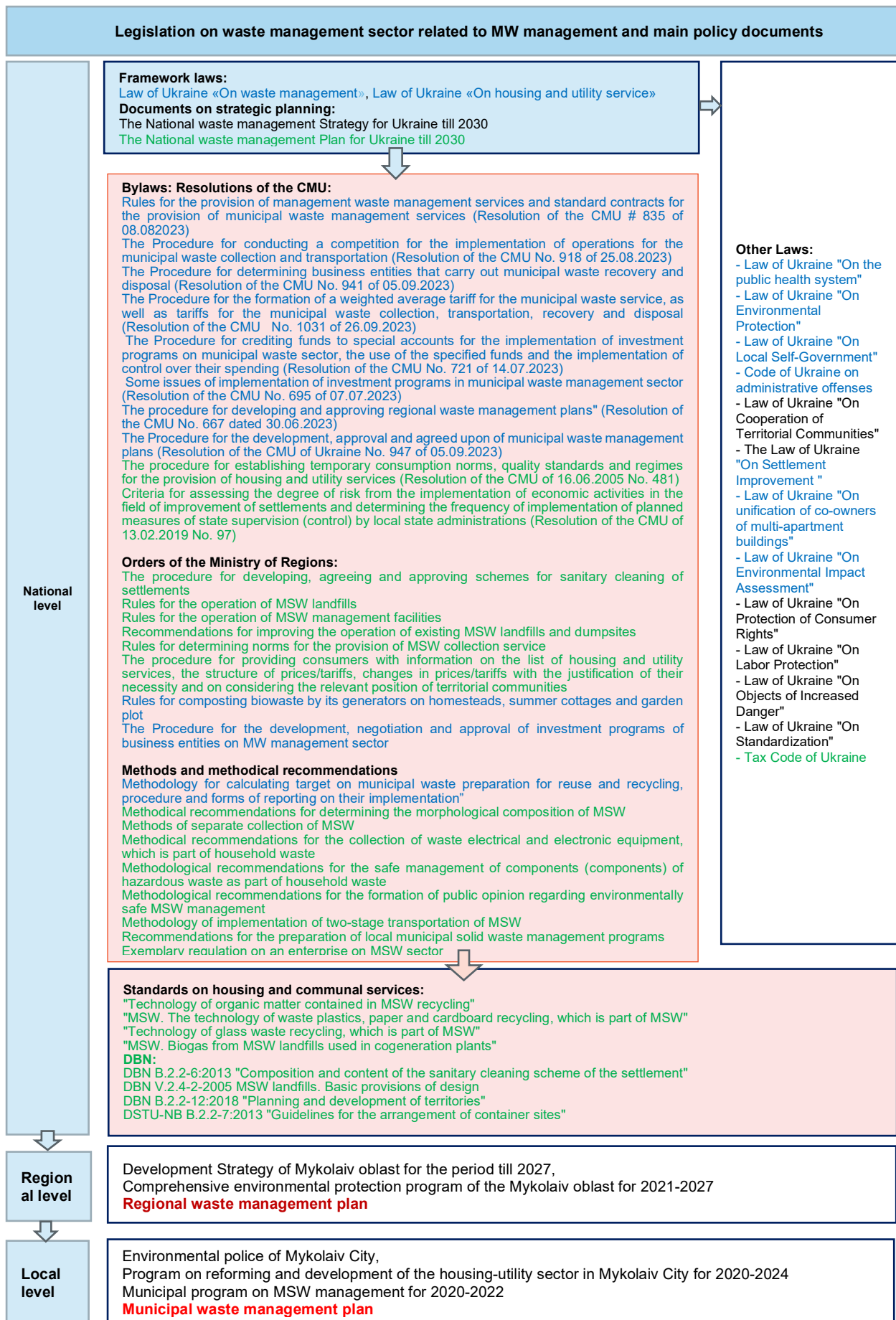
The existing legislative framework is shown in the Figure 2-1 below.

<sup>2</sup> [https://zakon.rada.gov.ua/laws/show/984\\_011#Text](https://zakon.rada.gov.ua/laws/show/984_011#Text)

<sup>3</sup> <https://zakon.rada.gov.ua/laws/show/2320-20#Text>

<sup>4</sup> Appendix 4 contains the list of drafts documents that were made public by October 2023, the final versions of which have not yet been approved. Some of these drafts should replace the existing by-laws, some of them are completely new and should ensure the implementation of the mechanisms provided for by the new Law of Ukraine "On Waste Management".

Figure 2-1 Existing legislative framework



The Figure shows the validity of secondary legislative acts in relation to the Law of Ukraine "On Waste" (no longer valid), and to recently adopted Law of Ukraine "On Waste Management".

- Green colour Documents which should be amended or cancelled and replaced by new regulatory documents.
- Black colour in the figure highlights Law, by-laws/regulations that potentially don't require changes.
- Blue colour – highlights newly adopted or already amended by-laws/regulations
- Red colour – lacking policy documents that should be developed and adopted.

State policy of waste management sector is defined by two main documents:

- National waste management Strategy for Ukraine till 2030<sup>5</sup> (considered as more strategic document defining main directions of the waste sector development including main waste streams. Strategy includes targets and the timeline for their achieving)
- National Waste Management Plan of Ukraine until 2030<sup>6</sup> (the document providing the details The Strategy and including the list of actions necessary to implement the Strategy) The content and structure of the document partly comply with requirement of such document according to the Directive 2008/98/EU that is why a new version of the National waste management Plan is under development. New Document will contain clarified targets on waste management as well).

The requirements of current legislation and strategic planning documents set a number of targets for Ukraine (Appendix 3). Achievement of most of these indicators should be implemented at the local level.

According to the National waste management policy it requires a strong coordination between local, regional and national level on issues of waste treatment infrastructure planning and established targets achieving. This should be implemented through adoption and consistency between National waste management plan, regional waste management plans and Municipal waste management plans (for all settlements of a municipality).

## 2.1 Legal basis for municipal waste management at the city level

Some documents related to technical and organisational aspects should be approved at the local level in accordance with the requirements of the law (the list of the Documents is presented in the Appendix 4). Some of the documents are not mandatory, but their presence significantly improves MW management. With the entry into force of the Law of Ukraine "On Waste Management", the need to have some documents at the local level is abolished, at the same time, the development of other documents is required. Appendix 4 shows which documents are available, and which are still absent in Mykolaiv City regarding waste management, as well as those documents that should be developed in accordance with the requirements of the new Law of Ukraine "On Waste Management"

<sup>5</sup> <https://zakon.rada.gov.ua/laws/show/820-2017-%D1%80#Text>

<sup>6</sup> <https://zakon.rada.gov.ua/laws/show/117-2019-%D1%80#Text>

Traditionally measures related to the development of MW sector are fixed in different types of program documents. It could be or environmental program, or separate program on waste management, or program of utility sector development. The list of existing Programs of Mykolaiv city presented in the Appendix 4. As existing programs have been approved before the war and there have been significant changes in Mykolaiv municipality related to military aggression the programs need to be revised and updated.

It is important to ensure consistency between the tasks and measures regarding MW management. It is also important that the measures of the Municipal Waste Management Plan and/or programs are integrated into the Municipality and/or Oblast Development Strategy. If the local waste management plan includes measures related to the recovery of the waste management sector (e.g. if there are destroyed waste management facilities), then the issue of the recovery of the waste sector should be included into the comprehensive recovery program of the Mykolaiv region

Law of Ukraine “On waste management” introduces Regional Waste Management Plans (RWMP) (Box 2-2) and Municipal Waste Management Plans (MWMP) - (Box 2-3) and describes the Procedures of drafting and approval of sub-legislative documents supporting preparation and implementation of RWMP and MWMP

*Box 2-2 Regional Waste Management Plan*

**Regional waste management plan (RWMP).** Should be developed for each region of Ukraine for the planning period of 10 years. It should be in compliance with the National waste management Plan and it's the base for the municipal waste management Plans development (art.51 Law “On waste management”). Procedure on RWMP development and approval defined by the Resolution of the Cabinet of Ministers of Ukraine #667 of 30.06.2023. Plans should cover whole area of oblast and main waste streams

*Box 2-3 Municipal Waste Management Plan*

**Municipal waste management Plan (MWMP).** Should be developed for each territorial community (Municipality) and be in consistence with RWMP including established by RWMP targets (art 52 Law of Ukraine “On waste management”). Procedure on MWMP development including the content of the document and approval defined by the Resolution of the Cabinet of Ministers of Ukraine #947 of 05.09.2023.

The key document of local planning for waste management should be the MWMP, which should be consistent with the RWMP. So, the first should be regional waste management plan development and the second is a Municipal WM plan. According to the information provided by Mykolaiv municipality, as of July 2023, there is no regional waste management plan adopted for Mykolaiv oblast.

There are number of risks associated with the absence of RWMP, among them:

- Difficulty in coordinating technical decisions regarding MW treatment facilities planned by the city and at the regional level for the cluster
- The potential need to increase the capacities of facilities planned for construction and expand the area of service provision
- The inability of the planned infrastructure during its operation to ensure the fulfilment of established by RWMP targets
- Possible further problems related to the obtaining permits for the treatment facility<sup>7</sup>

<sup>7</sup> Only facilities defined by the RWMP could obtain the permit. Also, there are other requirements for the permit obtaining

- Possible problems on municipal waste management plan approval. Plan should be approved by the city but only after it's agreed upon by Oblast state administration. Noncompliance of the MWMP with RWMP could be a reason to be not agreed upon by oblast state administration.

## 2.2 Legislative inconsistencies

The main challenges that prevent implementation of certain provisions defined by the Law of Ukraine "On Waste Management" are related to the temporary absence of approved sub-laws. Violation of the terms of adoption of the sub-laws creates regulatory and legal gaps with a lack of understanding of the terms of their correction. Some mechanisms or norms are being implemented in Ukraine for the first time, which raises questions about the ways of their implementation.

Table 2-1 below shows where legal inconsistencies prevent following provisions of the new law "On waste management".

Table 2-1 *Issues where legal inconsistencies prevent smooth implementation of the provisions of the law on "On waste management"*

The provisions are defined by the Law of Ukraine "On Waste Management"	Legislative inconsistencies
Implementation of the waste management service administrator as separate utility unit	Currently, the wording of the Law does not clearly define the obligation to appoint an administrator for municipalities with a population of up to 500,000 people. At the same time, it is noted that the administrator must be appointed within a period of no more than six months from the date of entry into force of the Law - that is, until January 2024. At the same time only from the 1st of July costs for the Administrator could be included into the WM tariff, so there is no financing mechanism for administrator for the period from January till July 2024. Currently, the main functions of the administrator have been defined. It remains unclear in case the population pays for the service in an incomplete amount.
Financial guarantees, which must be included in the waste disposal tariff and which must include the costs of closure, rehabilitation and take aftercare on landfill after its closure (monitoring etc).	The requirement will be entered into force simultaneously with the adoption of the law on financial guarantee, which should provide the procedure for calculating (establishing) and using the financial guarantee. As of October 2023, there is no presentation of the vision of the Central executive body regarding the implementation of this requirement as well as the draft Law on Financial Guarantee. In practice this means that there is no implementation mechanism for new landfills to accumulate funds for landfill closure and aftercare of the landfill
Development and approval of municipal waste management plans. Municipal plans should be in compliance with RWMP, and RWMP - with the National waste management plan.	Currently, it is planned to update existing National Waste Management Plan. After that, regional plans should be approved within a year, and after that, MWMP should be adopted within a year. The key is that local waste management plans should be aligned with regional waste management plans. The targets established by the RWMP are mandatory for transferring to the MWMP and can be adjusted only based on the technical and economic justification provided by the MWMP. RWMP also determines which landfills and dumpsites can continue to be operated, and which must be closed. Where and which regional waste treatment facilities should be constructed, which municipalities they should serve.
The permit for the waste treatment operations (i.e. permit for the landfill operation) is required in accordance with the new law of Ukraine "On Waste Management"	The procedure for obtaining permits for waste treatment operations has not been adopted and the draft of such a document has not been made public. There are no approved regulations, in accordance with which the data should be entered for the application to obtain a permit (the National list of waste, etc.). But it's defined permit could be obtained within other only for the facilities defined in RWMP.

Source: Consultant's overview

## 2.3 Legal adjustments possible for implementation at the local level

Changes in legislation will require number of changes at the local level. They are defined in more detail in Table 2-2 below.

Table 2-2 The main actions that will be required at the local level results from the requirements of the legislation on waste management

Action/Changes Required	Notes
Involvement of the Mykolaiv municipality for the development of the RWMP	A Regional Waste Management Plan should be developed and approved for Mykolaiv Oblast. This document should contain the division of the Mykolaiv region into clusters and the planned infrastructure for treatment, in particular, MW of these clusters. Waste dumps that should be closed and those that should be brought in compliance with legislation requirements for the landfills also should be identified. The RWMP will contain targets that will be mandatory to achieve at the local level. In particular, this may relate to the reduction of MW landfilling, targets on MW recycling and recovery, etc. A decision should be made regarding the landfill for the Mykolaiv City and whether MW landfilled there only for the Mykolaiv City, or for other municipalities of the specified cluster. Also, within RWMP the private dumpsite for C&D waste which used for other waste landfilling could be defined as such which should be closed
Development of a Municipal waste management plan	Based on the RWMP, a MWMP for the Mykolaiv municipality should be developed. It should contain more detailed information on ways to achieve the targets established by the RWMP and measures aimed at implementing the RWMP. Since it is no longer required to develop schemes for sanitary cleaning of the municipality, the MWMP should be a detailed document.
Establishing of an administrator on MW management service (if necessary)	According to the Law "On Waste Management", it is determined that "In other municipalities, the administrator on MW management service is determined by the decision of the city, village, settlement council." At the same time, the possibility of not defining or mandatory definition of the administrator is not established. Therefore, it is advisable to get additional clarifications on this issue from the Central executive Body if it's necessary to create an administrator. An administrator should be a communal ownership enterprise, which is determined by the executive body of the local council within a period of no more than six months from the date of entry into force of the Law "On Waste Management" - that is, until January 2024. In the case of the appointment of the administrator, providers of MW collection services who, at the time of entry into force of this Law, have a valid contract for the provision of relevant services with local self-government bodies, should renegotiate such a contract with the administrator (the term of the contract is preserved). For 01.01.2022 population of Mykolaiv city is about 469,545 people. In case of population increasing till 500,000 people for the Mykolaiv territorial Community (Municipality) the Administrator should be established obligatory.
Development of a rehabilitation plan of the landfill and (if necessary) a plan and feasibility study to bring in compliance with legal requirements Mykolaiv landfill. Obtaining a permit for waste treatment operations	As part of the RWMP, it will be determined whether it is appropriate to close the landfill of Mykolaiv City, or to continue its operation. If a decision is made to close the landfill, a project for landfill rehabilitation and its aftercare (for the period about 30 years after its closure) should be developed. If the landfill still continue operation, it is necessary to develop a plan and feasibility study to bring in compliance with new legal requirements Mykolaiv landfill and obtain a permit for waste treatment operations. An essential condition for obtaining a permit is the presence of mentioned above documents. The permit will be issued by the Ministry of Environmental Protection and Natural Resources, and not at the level of the Regional State Administration, as it was before 2013
Implementation of the cluster approach	Since a cluster approach is being introduced within the framework of the development of the RWMP, the planned infrastructure facilities for MW treatment should be calculated for the municipalities of the entire cluster, the boundaries of which are determined by the RWMP. Therefore, it is necessary to actively involve the representatives of the city in the work at the stage of the RWMP development, since usually regional MW treatment facilities are constructed closest to the biggest MW generation sources. In the case of the Mykolaiv region, it is the Mykolaiv city.
Responsibility of the local government for the implementation of MW targets	The law stipulates those local authorities ensure the fulfilment of targets on preparation for reuse and MW recycling, other material recovery, including backfilling. At the same time, non-fulfilment of targets is classified as a violation of waste management legislation
Revision of tariffs for the MW management services	Changes are being made to the procedure for forming a tariff on MW management services. One of the key changes concerns the inclusion in the waste disposal tariff costs for the landfill on its closure, rehabilitation, aftercare and monitoring after closure. The issue of tariffs will be discussed in more detail in the report on tariffs. Procedure for formation of tariffs as well as the procedure for investment plan control has been adopted. The financial guarantee implementation mechanism has not been drafted yet.

Possibility to develop investment program and include investment component into the tariff	The order on development of investment program prescribes possibility include investments into the tariff but only for recovery and disposal operations. The requirement how control spending investment part is prescribed by already approved Order but in practice some challenges can appear
Submission of necessary data to the information system	Data on waste management, procedures related to obtaining permits should be integrated into the information system of the Ministry of Environmental Protection and Natural Resources of Ukraine. A more detailed list of information that may be entered by business entities is provided in the legislation
Establishing cooperation with organisations of extended producers' responsibility (EPR)	In the long term, cooperation with OEPR for packaging waste should be established in order to ensure the collection and recycling of packaging waste.
The landfill and future MW treatment infrastructure should be defined in the RWMP, MWMP and the Rules on landscaping of the Municipality	Actions is needed for the end of current Contract on MW management provision. According to the new requirements the winner of the tender on MW service providing on MSW collection and transportation should have a contract with the Administrator or the city as well as contracts with recovery and disposal MW facilities. Contract could be conducted only with such facilities which are defined in tree documents: RWMP, MWMP and the Rules on landscaping of the Municipality

Source: Consultant's overview

## 2.4 Legal basis for intermunicipal cooperation

The intermunicipal cooperation (IMC) can act as a mechanism for implementing the requirements of legislation on waste management. In accordance with the Law of Ukraine "On Cooperation of Territorial Communities", 5 possible forms of such cooperation are defined, which are particularly applicable to waste management sector. The features of the application of that law for MW management are described in the Table 2-3 below.

Table 2-3 Forms of IMC cooperation and their aspects on MW management sector

IMC form	Aspects	Possibilities
Implementation of joint projects	Coordination of the activities of cooperation subjects and their accumulation of resources for a specified period in order to jointly implement relevant measures. There is no transfer of resources from one community to another.	Coordination of policy objectives on waste management sector. Joint planning of the solid waste management system for several municipalities.
Delegation of one or more tasks by other cooperation subjects to one of the subjects of cooperation with the transfer of relevant resources to him	Delegating to another community the exercise of its authority with the transfer of resources. The community that transferred the powers will not exercise them.	In the absence of service. Transfer of authority to organize the MW management service provision. For example, a community delegates authority to a neighbouring municipality.
Joint financing (maintenance) by subjects of cooperation of enterprises, institutions and organizations of communal ownership, infrastructure facilities	An enterprise (object) belonging to one municipality is financed by other municipalities. Participating municipalities will share both benefits and risks. Financing the enterprise does not create property rights for other municipalities.	Management functions (as opposed to delegation) remain with communities. It is possible only for enterprises of communal ownership. For example, joint financing of the purchase of special equipment, joint maintenance and improvement of the MW landfill.
Establishment of joint utility enterprises, institutions and organizations, joint infrastructure objects by the subjects of cooperation	The subjects of cooperation establish a joint utility company, the purpose of which is to create a joint infrastructural object. Joint and several liability for the results of the activity, including for possible losses, covering the shortage of funds.	When municipalities want not only to use the services of the enterprise, but also to take part in its management. (Joint utility company, Centre for Secondary Raw Materials management)
Formation of a joint management body by the subjects of cooperation for the joint performance of powers defined by law	A separate executive body or structural subdivision within the executive committee of one of the councils, which acts on behalf of participating municipalities.	Creation of the utility company "Administrator of waste management services", creation of a joint landscaping inspection.



	Participating municipalities finance expenses for the maintenance of the governing body	
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Source: summary of the materials from presentation by D. Laznenko "Preparation of local waste management plans" and Law of Ukraine "On Cooperation of Territorial Communities"

The specifics of the application of certain forms of cooperation and samples of the necessary contracts are detailed in the publications of the Swiss-Ukrainian project "Supporting Decentralization in Ukraine "DESPRO". Currently, this mechanism is becoming more and more widespread in the country. As of July 2023, 44 IMC agreements on waste management have been registered<sup>ii</sup>. The IMC tool can be applied for Mykolaiv City if necessary. This necessity will be determined at the next stages of this project implementation.

The maximum benefit from the use of IMC can be used for construction of MW treatment facility. Under the condition of applying the cluster approach, which is required in accordance with the National Waste Management Strategy and a regional approach to planning in this area, such forms of IMC as the implementation of joint projects can be used. In addition, it is possible to create a joint administrator of the waste management service, in the case of providing waste management services not only to Mykolaiv community, but also to other communities.

## 2.5 Public-Private partnership

The principles of public-private partnership (PPP) in Ukraine are established by a separate law<sup>iii</sup>. Applied to waste management sector, this form of cooperation has not taken root in Ukraine. Currently, there are no known projects implemented on the basis of PPP. Certain attempts were made in 2010-2015 as part of the implementation of the Public-Private Partnership Development Program (P3DP) project. Possible models of PPP project implementation related to the collection and extraction of biogas on the landfills in Ivano-Frankivsk and Vinnytsia cities were developed. In practice, the PPP model was not implemented.

Currently, according to the Ministry of Economy, as of January 26, 2023, 193 contracts have been concluded under PPP conditions, of which 19 are being implemented. Only one contract was concluded on waste management sector (Poltava region). More detailed information about the subject of the contract is not given<sup>iv, v</sup>.

### 3 Institutional framework for MW management

This chapter presents existing institutional framework as prescribed by existing Ukrainian legislation and compares it with presently applied institutional setup in Mykolaiv. It furthermore lists the key actors involved in the MW management and offers a brief analysis of main challenges.

#### 3.1 General framework

The Law of Ukraine "On Waste Management" makes changes to the existing MW management system. This concerns the transfer to the central level of the authority to issue permits for waste treatment operations and the creation of a new institutional unit - administrator of the service of municipal waste management.

The basis of the system, where the Central executive body form state policy on MW management and implement this policy at the local level through city councils and executive bodies of city councils, remains the same as before the reform. The responsibility of the councils also includes the implementation of targets for MW at municipal level, established by the National, regional and local waste management plans and other legislative acts.

A separate institutional aspect is the peculiarities of the EIA procedure during the construction or reconstruction of waste treatment facilities. The general requirements are defined by the Law of Ukraine "On Environmental Impact Assessment"<sup>vi</sup>, according to which planned economic activity is subject to EIA including waste management, which includes construction, reconstruction, technical re-equipment, expansion, repurposing, liquidation (demolition) of objects/ facilities, other intervention in the natural environment for:

1. Hazardous waste treatment facilities and non-hazardous waste treatment facilities with a capacity of 100 tons per day or more<sup>8</sup>;
2. Non-hazardous waste treatment facilities with a capacity up to 100 tons per day<sup>9</sup>.

Documents on EIA could be considered at Central or oblast level and depends on the type of facility.

The general structure of MW management in Ukraine according to the requirements of the new legislation is presented in Figure 3-1.

Figure 3-2 shows the main institutions on MW management in Mykolaiv city and the relationships between them, which meets the requirements that were in effect until July 2023, when the new legislation came into force.

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<sup>8</sup> For these facilities the MinEcology (Ministry of Environmental Protection and Natural Resources) is an institution which provides EIA conclusion

<sup>9</sup> For these facilities Oblast state administration is an institution which provides EIA conclusion

Figure 3-1 Organisation of MW management in Ukraine according to the requirements of the current legislation

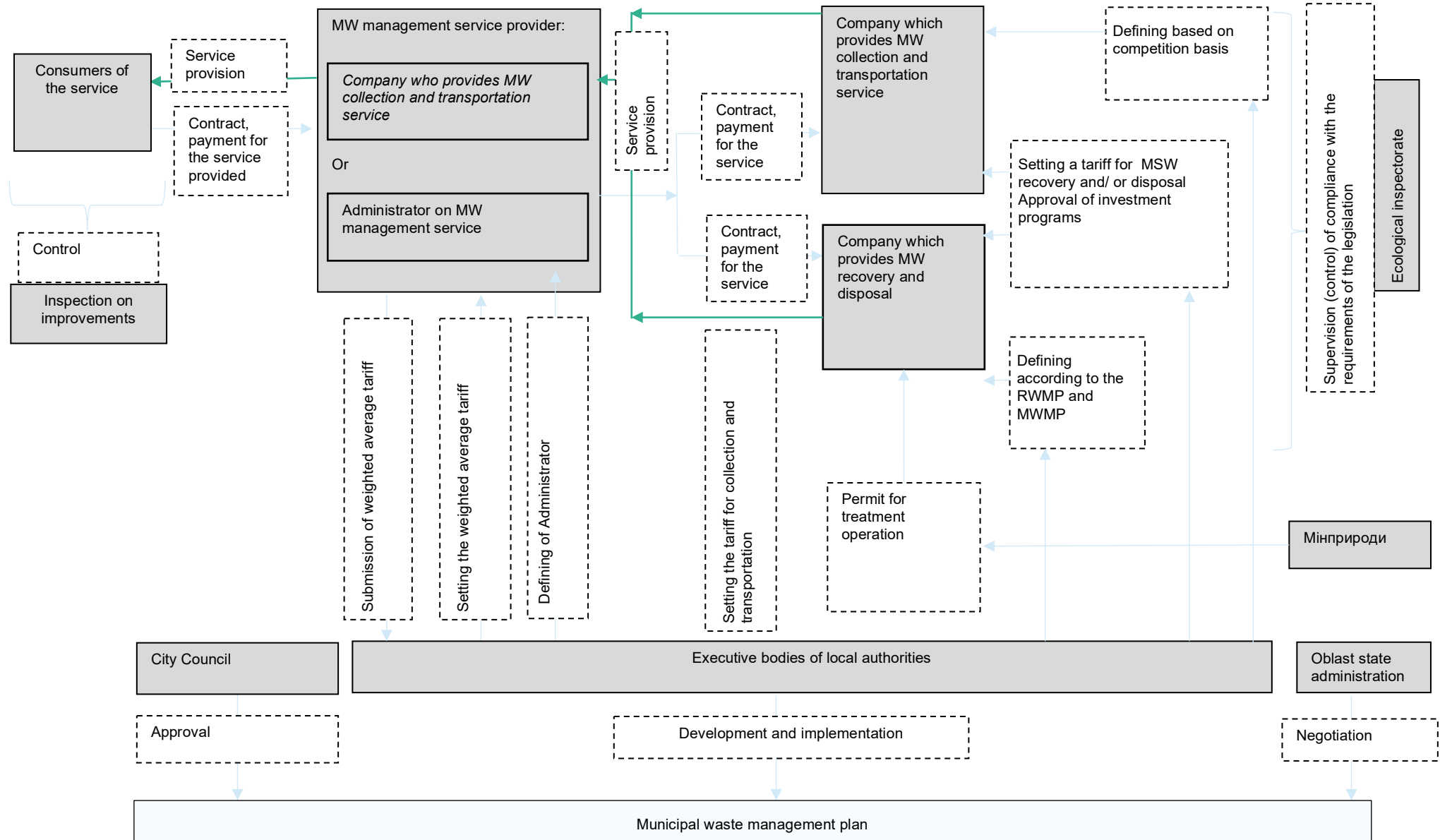
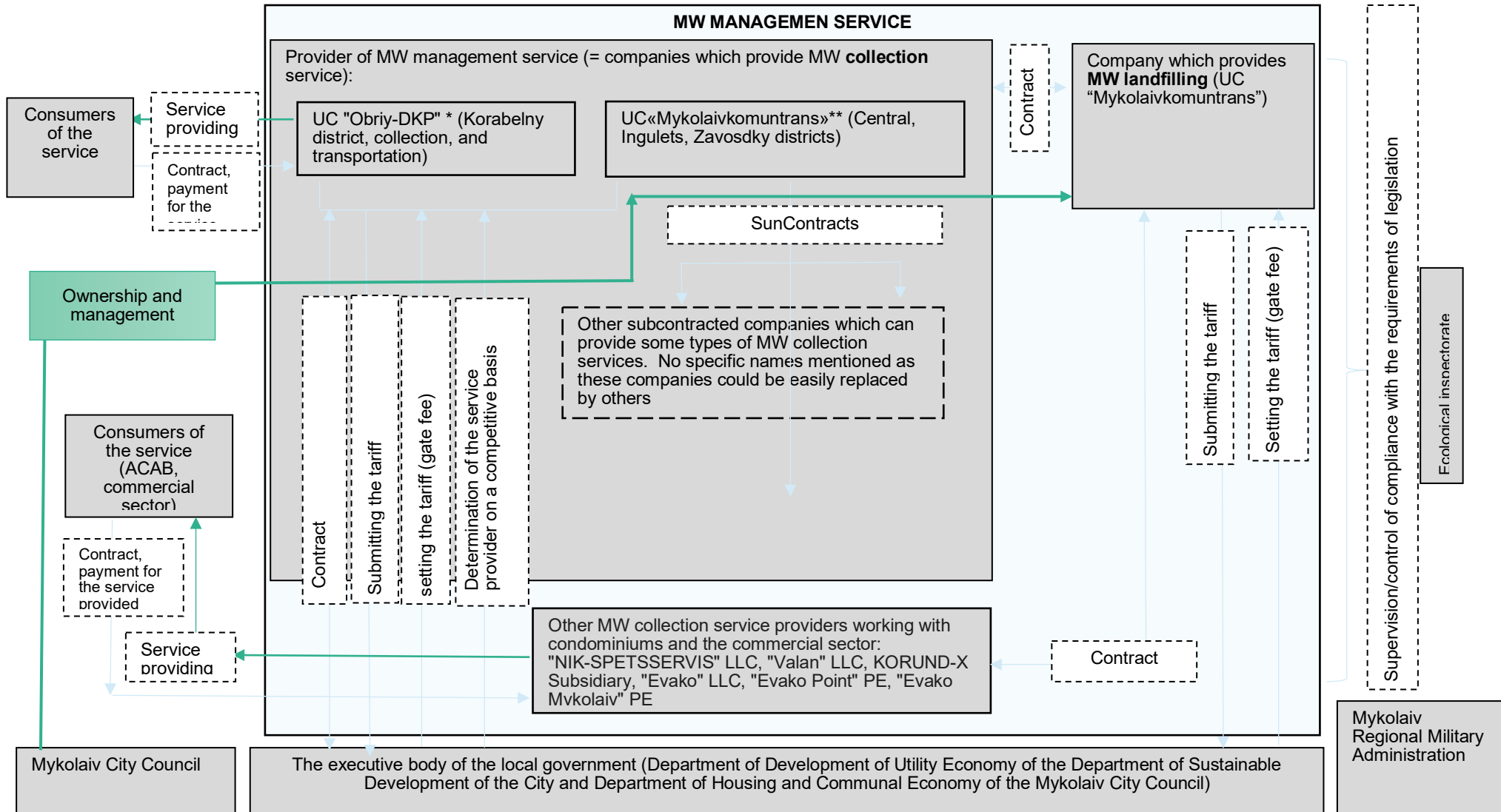


Figure 3-2 Main Institutions on MW management in Mykolaiv City and relationship between them



Source: developed by consultant based on data provided by the city

## 3.2 Analysis of institutional problems

The Table 3-1 below presents an overview of main institutional problems at the national and regional level.

Table 3-1 Institutional problems on national and regional levels

Level	Main institutional problems
<b>National</b>	Unpreparedness to create the Central executive body on environmental policy implementation. Currently, the Ministry of Environmental Protection and Natural Resources of Ukraine simultaneously performs the functions of a body that both forms the state policy on waste management (in particular, part of policy formation issues related to MW is entrusted to the Ministry of Infrastructure) and the body that implements state policy. Initially, it was planned to create a separate agency that would be responsible for the policy implementation, namely the issuance of permits, giving consent of the RWMP etc. The combination of both functions creates an additional burden on the Ministry.
	Issuance of permits at the central level. The Law of Ukraine "On Waste Management" provides for the issuance of permits for waste treatment operations. Based on the number of existing facilities and the number of personnel of the relevant divisions of the Ministry, a significant burden will be created on this institution
<b>Regional</b>	Regional state administrations are responsible for developing regional waste management plans and their implementation. At present, it is not clear how the Regional State Administration plans to ensure the coordination of work on the implementation of the RWMP.

Source: Consultant's overview

## 3.3 Mykolaiv City institutions working with MW management

The issue of organizing the provision of MW management services is carried out by the Department of Utility Development. The department is a structural subdivision of the Department of Sustainable Development of the City and the Department of Housing and Utility Services of the Mykolaiv City Council. Other departments such as department of economic development, unit on management of communal property are responsible on economic, utility and etc aspects of MW service as a part of their powers and responsibilities.

Among other, the powers of the department include the following:

- participation in the development and implementation of municipal waste management programs, monitoring their implementation;
- participation in the organization of the competition to determine the provider of MSW collection for the Mykolaiv City and, based on its results, preparation relevant documents for concluding a contract with the winner of the competition;
- participation in the preparation of the appropriate decision on issues of MW collection, transportation, recovery and disposal, preparation relevant documents on establishments and approval of norms for the provision of services for MW collection service and determination of the unit of measurement of the volume of the provided for MW management service.
- organisation the provision of information to the relevant department of executive bodies of the Mykolaiv city council for further clarification of waste legislation among the population, creation of the necessary conditions for stimulating the population's involvement in the collection of certain types of waste as secondary raw materials.
- preparation proposals for determining areas for waste disposal, in accordance with current legislation, organization of waste collection, recycling, recovery and disposal in the city.

The number of employees of the Division of Utility Development of the City Sustainable Development Department of the Department of Housing and Utility Economy of the Mykolaiv City Council is 4 people

Also, other structural subdivisions of the executive bodies of the Mykolaiv City Council perform other functions, including review of the report on the expenses of utility companies when approving the tariff for the provision of MW management services, etc.

The district administrations of the city are responsible for organisation of wild dumpsites cleaning by ordering proper service by Prozorro procurement platform

The organizational structure is sufficiently smoothed. At the same time, the key issue remains the quality and effectiveness of communication between individual structural divisions regarding MW management issues. Currently, the analysis of available information does not provide insight into the effectiveness of communication between units and departments of the executive committee.

The actual provision of MW management services (collection and transportation, recovery and disposal) is carried out by municipal and private companies.

Services for MW collection are provided by two utility companies that were selected as winners of the competition for the provision of MW collection services. In particular, services are provided by UC "Obriy-DKP" in Korabelny district, and UC "Mykolaivcomuntrans" in Central, Zavodsky and Ingul districts. UC "Obriy-DKP" has been chosen a winner of the competition for MW collection service provision in 2021 year and have a contract for 10 years. UC "Mykolaivcomuntrans" has been chosen a winner of the competition for MW collection service provision for Zavodsky district in 2023 year and have a contract for 9 years. For the service provision for Central and Ingulsky districts UC "Mykolaivcomuntrans" won completion in 2021 with the contract for 10 years.

More detailed information about UC "Obriy-DKP" and UC "Mykolaivcomuntrans" described in Appendix 5. UC "Mykolaivcomuntrans" has subcontracted contracts with:

- "Mikgazposluga" LLC, which collects waste from containers with a capacity of 10 m<sup>3</sup>;
- PE "Negura I.V.", carries out cleaning of container sites and bulky waste collection;
- "EKO Converse" LLC which collect waste from private households of the Central, Zavodsky and Ingul districts of the city.

In addition to the mentioned companies, MW collection service are provided by "NIK-SPETSSERVIS" LLC, "Valan" LLC, SUBSIDIARY ENTERPRISE KORUND-X, "Evako" LLC, "Evako Tochka" PE, "Evako Mykolaiv" PE. These companies work directly with condominiums and the commercial sector.

MW landfilling service are provided by UC "Mykolaivcomuntrans". The company has a license for that allows them to carry out economic activities on MW landfilling.

Currently, the city has no inspection on improvement (landscaping), which can control and supervise implementation of improvement rules. Improvement inspectors would be able to prosecute city residents in case of violations of improvement rules, in particular, unauthorized dumping of waste, their burning, etc.

## 4 SWOT analysis

This Table 4-1 provides a SWOT analysis summarizing strengths, weaknesses, opportunities and threats of the MW management in Mykolaiv based on the analyses presented in previous chapters.

Table 4-1 SWOT analysis of legal and regulatory framework in Mykolaiv city

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>- The existing utility company is profitable and carries out activities related only to the provision of MW management services.</li> <li>- There is an available access for consumers to information about the activities of the utility company (reports, regulatory documents, information about changes, etc.)</li> <li>- The landfill received a landfill license</li> <li>- The compliance with the requirements and norms regarding the creation of working conditions for employees of both utility enterprises was declared.</li> <li>- The presence of several companies providing waste management services</li> <li>- The competition on WM transportation service provision has been provided in 2021 and 2023 with the contracts for 9 and 10 years which allow avoid challenges related with legislation changes and related indefinites (often is problematic due to lack approved RWMP, MWMP etc).</li> </ul>	<ul style="list-style-type: none"> <li>- There is no inspection on landscaping in municipality, which does not allow to fully monitor the population's compliance with rules on MW management. That is, this additional resource is not used;</li> <li>- Strategic planning documents, which include matters such as MW management, are either no longer in force or need to be updated due to war;</li> <li>- There is no RWMP for the Mykolaiv region, which does not allow for full-fledged long-term planning of the development of MW management system;</li> <li>- The instability of the company staff due to the departure of employees from military operations, the lack of certain specialists (drivers, etc.);</li> <li>- Subcontracting contracts for the MW collection service - create limited conditions for the entry of new companies that provide MW management services in the city;</li> <li>- According to the data provided by the city, among the main challenges is the lack of qualified personnel in the following categories: truck drivers, bulldozer drivers, excavator drivers, car repair mechanics, garbage truck drivers;</li> <li>- The order of some steps on SEA is changed (approval of the scheme of the sanitary cleaning of the City before SEA);</li> <li>- Weak public awareness and communication system on the issues of MW management in the City.</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>- Positive record of a local utility company allows to draw a conclusion about its potential ability to manage projects in the event of attracting funds from IFIs;</li> <li>- Creation of a regional waste treatment facility that can provide services to other communities, considering the existing experience of the company;</li> <li>- Development of new strategic planning documents considering new requirements of the legislation.</li> </ul>	<ol style="list-style-type: none"> <li>1. The war in Ukraine is a major threat affecting all aspects of waste management. In particular: <ul style="list-style-type: none"> <li>- Uncertainty regarding planning in conditions of war, risks of determining long-term targets and frameworks, problems regarding forecasting of key indicators;</li> <li>- The unattractiveness of the market for the provision of services due to the risks associated with military actions;</li> <li>- Risks for workers because of military operations.</li> </ul> </li> <li>2. Absence of sub laws, regulations at the state level, which should introduce mechanisms for the implementation of certain requirements of the Law of Ukraine "On Waste Management";</li> <li>3. Absence of the RWMP for Mykolaiv Oblast creates a risk for the existing MW landfill in terms of its further functioning, and the risk is related to the determination of the capacity of the new MW treatment facility and the service area of this facility;</li> <li>4. Challenges with application of new tariff calculations methodology ( Order on tariff calculation approved in 2023);</li> <li>5. After all legislative changes the problem that HAO can conduct contract on MW service collection and transportation with any companies. In such case there is a problem to know where collected for HAOs MW is delivered.</li> </ol>

## Appendix 1 Ukrainian legislative documents regulating MW management in Ukraine<sup>10</sup>

Legislation related to the MW management develops very quickly. This appendix provides a list of legal documents for the MW management sector (as of October 2023).

- 1 Law of Ukraine “On Housing and Utility Services” №1875-IV of 24.06.2004 URL: <https://zakon.rada.gov.ua/laws/show/2189-19#Text>
- 2 Law of Ukraine “On waste Management” № 2320-IX of 20.06.2022 URL: <https://zakon.rada.gov.ua/laws/show/2320-20#Text>
- 3 Law of Ukraine “On the public health system” №2573-IX of 06.09.2022. URL: <https://zakon.rada.gov.ua/laws/show/2573-20#n840>
- 4 Law of Ukraine “On environmental protection”: № 1264-XII 25.06.1991. URL: <https://zakon.rada.gov.ua/laws/show/1264-12#Text>
- 5 Law of Ukraine “On labor protection” № 2694-XII. of 14.10.1992 URL: <https://zakon.rada.gov.ua/laws/show/2694-12>
- 6 Law of Ukraine “On Environmental Impact Assessment” № 2059-VIII of 23.05.2017. URL: <https://zakon.rada.gov.ua/laws/show/2059-19#Text>
- 7 Resolution of the Cabinet of Ministers of Ukraine No. 667 of 06/30/2023 “On the approval of the Procedure for the development and approval of regional waste management plans” URL: <https://zakon.rada.gov.ua/laws/show/667-2023-%D0%BF#Text>
- 8 Resolution of the Cabinet of Ministers of Ukraine No. 947 of 05.09.2023 “On the approval of the Procedure for the development, approval and agreed upon of municipal waste management plans” URL: <https://zakon.rada.gov.ua/laws/show/947-2023-%D0%BF#Text>
- 9 Resolution of the Cabinet of Ministers of Ukraine No. 835 of 08.08.2023 “On the approval of the Rules for the provision of management waste management services and standard contracts for the provision of municipal waste management services” URL: <https://zakon.rada.gov.ua/laws/show/835-2023-%D0%BF#Text>
- 10 Resolution of the Cabinet of Ministers of Ukraine No. 918 of 25.08.2023 “On the approval of the Procedure for conducting a competition for the implementation of operations for the municipal waste collection and transportation” URL: <https://zakon.rada.gov.ua/laws/show/918-2023-%D0%BF#Text>
- 11 Resolution of the Cabinet of Ministers of Ukraine No. 941 of 05.09.2023 “On the approval of the Procedure for determining business entities that carry out municipal waste recovery and disposal” URL: <https://zakon.rada.gov.ua/laws/show/941-2023-%D0%BF#Text>
- 12 Resolution of the Cabinet of Ministers of Ukraine No. 1031 of 26.09.2023 “On the approval of the Procedure for the formation of a weighted average tariff for the municipal waste service, as

<sup>10</sup> The list of the document provided as for October, 2023 is non exhaustive and could be changed over time



well as tariffs for the municipal waste collection, transportation, recovery and disposal”

URL: <https://zakon.rada.gov.ua/laws/show/1031-2023-%D0%BF#Text>

- 13 Resolution of the Cabinet of Ministers of Ukraine No. 721 of 14.07.2023 “On the approval of the Procedure for crediting funds to special accounts for the implementation of investment programs on municipal waste sector, the use of the specified funds and the implementation of control over their spending” URL: <https://zakon.rada.gov.ua/laws/show/721-2023-%D0%BF#Text>
- 14 Resolution of the Cabinet of Ministers of Ukraine No. 695 of 07.07.2023 “Some issues of implementation of investment programs in municipal waste management sector” URL: <https://zakon.rada.gov.ua/laws/show/695-2023-%D0%BF#Text>
- 15 Order of the Ministry of Infrastructure, Community Development of Ukraine No. 489 of 13.06.2023 “On the approval of the Rules for composting biowaste by its generators on homesteads, summer cottages and garden plot” (Registered: Ministry of Justice of Ukraine No. 1271/40327 of 27.07.2023): URL: <https://zakon.rada.gov.ua/laws/show/z1271-23#Text>
- 16 Resolution of the Cabinet of Ministers of Ukraine No. 733 of 18.07.2023 “On making changes to some resolutions of the Cabinet of Ministers of Ukraine on issues of municipal waste management” URL: <https://zakon.rada.gov.ua/laws/show/733-2023-%D0%BF#Text>
- 17 Resolution of the Cabinet of Ministers of Ukraine No. 827 of 08.08.2023 “Some issues of the announcement of end of waste status” URL: <https://zakon.rada.gov.ua/laws/show/827-2023-%D0%BF#Text>
- 18 Resolution of the Cabinet of Ministers of Ukraine No. 876 of 19.08.2023 “On making changes to the resolution of the Cabinet of Ministers of Ukraine of May 7, 2022 No. 556” URL: <https://zakon.rada.gov.ua/laws/show/876-2023-%D0%BF#Text>
- 19 Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine No 800 of 08.09.2023 “On the approval of the Procedure for the development, negotiation and approval of investment programs of business entities on MW management sector” (Registered: Ministry of Justice of Ukraine No. 1820/40876 of 18.10.2023)
- 20 Order of the Ministry for Communities, Territories and Infrastructure Development of Ukraine No 936 of 12.10.2023 “On approval Methodology for calculating target on municipal waste preparation for reuse and recycling, procedure and forms of reporting on their implementation” (is under registration with the Ministry of Justice of Ukraine now)
- 21 Development strategy of the Mykolaiv region for the period until 2027. URL: <https://www.mk-oblrada.gov.ua/UserFiles/decree/1613571502602d25ae-7f0ce.pdf>
- 22 Resolution of the Cabinet of Ministers of Ukraine № 869 of 01.06.2011 “On ensuring a unified approach to the formation of tariffs for utility services”: URL: <https://zakon.rada.gov.ua/laws/show/869-2011-%D0%BF#Text>

## Appendix 2 Drafts of legal documents related to MW sector<sup>11</sup>

This Appendix provides an overview of the legal documents that are drafted but not approved yet

- **Draft Law of Ukraine:**
  - "On packaging and packaging waste" (there are 3 versions of the draft law have been registered during October 2023)
- **Draft Resolutions of the Cabinet of Ministers of Ukraine:**
  - On the approval of the Licensing conditions for the implementation of economic activities for the hazardous waste management
  - Some issues of classifying substances or objects as by-products
  - On the approval of the Waste Classification Procedure and the National List of Waste
  - On the approval of the Procedure for issuing, refusing to issue, cancelling a permit for waste treatment operations
  - On the approval of the Procedure for identifying and accounting for waste whose owner has not been established
  - On approval of the Procedure for creation and administration information system of waste management
  - On the approval of the Procedure for calculating the cost of utility services for the period of non-provision, provision of incomplete or inadequate quality
  - On the approval of the Procedure for monitoring waste treatment facilities
- **Draft orders of the Ministry of environment protection and natural resources of Ukraine**
  - On the approval of the Procedure for verifying the compliance of the material and technical base of the license applicant (licensee) with the technological requirements for the implementation of economic activities of hazardous waste management, the rules for the technical operation of installations and technological regulations
  - On the approval of the Rules for the technical operation of landfills, termination of operation, rehabilitation and aftercare of landfills after its closure
  - On the approval of the Requirements for the plan to bring the waste disposal sites in compliance with the requirements of the law
- **Draft Orders of the Ministry of Development of Communities, Territories and Infrastructure of Ukraine**
  - On the approval of the Standard Regulation on the inspection of the settlement landscaping
  - On Amendments to the Order of the Ministry of Housing and Communal Affairs of Ukraine No. 259 of 30.07.2010" (Rules for determining norms for providing municipal waste management services)
  - On Approval the methodology on MW separate collection

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<sup>11</sup> The list of the document is non exhaustive and could be changed during the time

## Appendix 3 Targets set by valid national laws and strategies

This Appendix provides an overview of the targets related to MW management set by legal acts and strategic documents of Ukraine

Name of the target	Target value and the deadline for implementation		The document that sets the target	Notes
Targets for preparation for reuse and MSW recycling	by 2025 - at least 10% of their mass; by 2030 - at least 20%; by 2035 - at least 25%; by 2040 - at least 35%		Art. 37 of the Law of Ukraine "On Waste Management"	
	Targets 2019-2023	Targets 2024-2030		
Introduction of MW separate collection which are suitable for reuse and recycling, number of municipalities	2500	5000	The National Waste Management Strategy	A significant part of the targets should be transferred to the regional level (localized) and then to the local level. The principles of localization of individual targets are prescribed by the Methodological recommendations for the development of regional waste management plans (Order of the Ministry of Environmental Protection and Natural Resources No. 586 dated 10.09.2021)  Some of the indicators need to be revised, because they are unattainable both from an economic and technical point of view within the time limits set by the National Strategy
Creation of waste collection/ reception centres for repair with the purpose of reuse (primarily waste electrical and electronic equipment), units	100	250		
Increase in the MW amount sent for reuse, percent	8	10		
Creation of bio-waste composting facilities, units	150	500		
Increase in the amount of waste delivered to recycling, percent	15	50		
Construction of stationary capacities for thermal recovery of waste, units	15	20		
Increase in the MW volume sent for thermal recovery, percent	7	10		
Increase in the volume of waste sent for thermal recovery, million tons	2	3		
Reduction of the number of MW disposal places (in accordance with Directive 1999/31/EC), units	1000	300		
Reduction of MW disposal volume, %	50	30		
Creation of a regional MSW landfills network (in accordance with Directive 1999/31/EU), units	25	50		

Source: Summary of targets of the National Strategy "On waste management for Ukraine till 2030"<sup>12</sup> and Law Ukraine "On waste management"<sup>13</sup>

<sup>12</sup> <https://zakon.rada.gov.ua/laws/show/820-2017-%D1%80>

<sup>13</sup> <https://zakon.rada.gov.ua/laws/show/2320-20#Text>

## Appendix 4 Legal documents regulating MW management in Mykolaiv

This Appendix provides the list of legal documents regulating MW management in the city of Mykolaiv.

The name of the document	Reference to the legislation which requires mentioned document*	Availability/absence of the document. The name of the available document for Mykolaiv City
Scheme of sanitary cleaning of the settlement	"The Law "On Waste" (norm expired)	Decision of the Executive Committee of the Mykolaiv City Council of 08.07.2023 N 500 "On Approval of the Scheme of Sanitary cleaning of Mykolaiv City" <sup>14</sup>
Rules of improvement of the settlement	Law "On Waste" Law "On Waste Management"	Rules for landscaping (improvement), sanitary maintenance of territories, ensuring cleanliness and order in Mykolaiv city (Decision of the City Council No. 12/21 of 04/19/2007 of 05/16/2013 as amended by Decision No. 28/10 of 05/16/2013) <sup>vii</sup>
Norms on MW collection service provision	Law "On Waste" Law "On Waste Management"	Decision of the Executive Committee of the Mykolaiv City Council of 25.08.2021 No766 "Some issues of providing services for MW management service in Mykolaiv city" <sup>viii</sup>
Decision on the competition		Order of the Department of Housing and Utility Services of the Mykolaiv City Council dated 15.06.2021 No. 171, CU "Mykolaivcomuntrans" was designated as the executor of MW collection services in the territory of Ingulskyi and Central districts of Mykolaiv for 10 years, and UC "Obriy-DKP" - in the territory of Korabelny district for 10 years. Order of the Department of Housing and Communal Services of the Mykolaiv City Council "On determining the provider of MW collection service in the territory Zavodsky district of Mykolaiv" dated 20.02.2023 No. 40, CU "Mykolaivcomuntrans" has been designated as the provider of the services on the territory of Zavodsky District for 9 years.
Decision on approval of tariffs	Law "On Waste" Law "On Waste Management"	Decision of the Executive Committee of the Mykolaiv City Council of 5.08.2023 №455 "On Amendments to the Decisions of the Executive Committee of the Mykolaiv City Council of 21.11.2019 №1252 "On Setting Tariffs for Household Waste Management (landfilling) UC "Mykolaivcomuntrans" of 22.12.2021 №1307 "On establishing tariffs for MW management services (removal)" <sup>ix</sup>
Instructions for the landfill operation	P. 1.9. "Rules for MW landfills operation" (Order of the Ministry of Housing and Housing and Utilities of Ukraine dated 12.01.2010 №. 435)	Exist
Strategic planning document on waste management		<ul style="list-style-type: none"> <li>The program of reform and development of housing and utility services of Mykolaiv City for 2020-2024 (Decision of the Mykolaiv City Council dated 12.20.2019 №56/62)<sup>x</sup></li> <li>Environmental policy of Mykolaiv City (Decision of the City Council No. 12/19 dated 12.23.2011)<sup>xi</sup></li> <li>Municipal targeted program on MSW management for 2020-2022 (Decision of the City Council №56/66 dated 12.20.2019)<sup>xii</sup></li> </ul>
Contracts on MW management service providing:	Law "On Waste" Law "On Waste Management" Resolution of the CMU dated 16.11.2011 No. 1173	Between the service provider (UC "Mykolaivcomuntrans") and the housing and Utility services department of the Mykolaiv City Council, the following was concluded:

<sup>14</sup> <https://mkrada.gov.ua/documents/40728.html>

1. Between the Municipality and the service provider 2. Between the service provider and MW treatment company		- Contract No. 337 for the provision of MW collection service in the territory of the Ingul district of 23.06.2021; - Contract No. 339 of 23/06/2021 (for Central district) - Contract No. 52 of 20/02/2023 for Zavosdkiy district Between the service provider (UC "Obriy-DKP") and the housing and Utility services department of the Mykolaiv City Council the Contract No. 336 of 23/06/2021 for the provision of MW collection service in the territory of the Korabelny district has been concluded: In accordance with clause 3 of the Decision of the Executive Comity of the Mykolaiv Council No. 766 of 25.08.2021 "Some issues of providing MW management services in Mykolaiv City", UC "Mykolaivcomuntrans" is defined as the company that operates and maintains the landfill, which is located at the address: Mykolaiv region, Mykolaiv district, village Vesnyane, str. Nova, 16
License	Law "On Licensing of Economic Activities" (norm has expired). A license is no longer required	(Resolution of the NERCEP of 07.09.2017 №1088 "On Issuing a License for the Disposal of Household Waste to UC "MYKOLAIVCOMUNTRANS") <sup>xiii</sup>
Provisions on inspection on improvements	Law "On Improvement of Settlements" No. 2807-IV of 6.09.2005	Absent
<i>Permit on waste treatment operations</i>	Law "On Waste Management". A requirement of the new law. Requires the adoption of the relevant by-law	<i>Absent</i>
<i>Rehabilitation plan and plan on bringing the landfill into compliance with the requirements of the legislation</i>	Law "On Waste Management". A requirement of the new law. Requires the adoption of the relevant by-law	<i>Absent</i>
<i>The decision to determine the administrator</i>	Law "On Waste Management". Needs clarification from Central executive Body	<i>Absent (necessity should be clarified)</i>
<i>Municipal waste management plan</i>	Law "On Waste Management"	<i>Absent</i>

\*Reference is made to the Law of Ukraine "On Waste", which has lost its validity, but in accordance with its requirements, communities should have already developed and approved documents. Also, the Law "On Waste Management" is cited as a norm of the current legislation if the specified document should be developed and approved to fulfil the requirements of this law. Those documents that have yet to be developed for the implementation of the Law of Ukraine "On Waste" are marked *in italics*.

Source: Consultant's overview

If it's necessary to update the tariff for any utility company providing MW collection service of landfill service a new tender should be organised. New Contract (of duration of up to 5 years) shall follow provisions of the legal requirements. In case of a new Contract between the winner of the tender and the City, the place for waste disposal (landfill) should be defined in Landscaping rules, MWMP and RWMP.

## Appendix 5 Information about MW service providers/utilities

This appendix provides information about the utilities in Mykolaiv within municipal waste management. They are:

- Utility company “Mykolaivcomuntrans”
- Utility Company “Obriy-DKP”.

### Utility Company “Mykolaivcomuntrans”

UC "Mykolaivcomuntrans" is a unitary commercial company established by the Mykolaiv City Council (Decision dated 21.11.2002 No. 7/32) on the basis of a separate part of the communal property of the territorial community of Mykolaiv City and is under the management of the Mykolaiv City Council and its authorized bodies (Communal Property Management Mykolaiv City Council, Department of Housing and Utility Services of Mykolaiv City Council). The owner and founder of the Company is the territorial community of Mykolaiv City represented by the Mykolaiv City Council<sup>xiv</sup>

Main CTEAs:

- Treatment and disposal of non-hazardous waste (38.21), in particular operation of a landfill for non-hazardous waste landfilling;
- Collection of non-hazardous waste (38.11)
- Recovery of sorted waste (38.32);
- Sewerage, removal and treatment of wastewater (37.00)

The Company operates on the basis of the charter approved by the Decision of the City Council dated 30.07.2021 No. 7/6, which defines the scope of rules regulating the legal status of the Company, relations on internal management, relations with other organizations or citizens. The specified document lists the main types of Company activity. *The analysis of the listed types of activities allows to conclude about the potential possibility of creating a future MW treatment facility on the basis of the existing UC.*

According to the Statute of UC "Mykolaivcomuntrans" is under the management of the Mykolaiv City Council, which is the founder of the Company. In fact, all key decisions are made by the Founder, in particular, decisions regarding the liquidation, reorganization and repurposing of the Company; establishment of joint ventures by the Company, including with foreign investments. The head of the enterprise is appointed and dismissed by order of the city mayor.

KP "Mykolaivcomuntrans" is a legal entity, an independent business entity, has separate property, an independent balance sheet, accounts in bank institutions, a seal with its name and identification code, stamps, forms of organizational and administrative documentation necessary for the organization of its work. KP "Mykolaivcomuntrans" has property and personal non-property rights, has obligations defined by legislation, can be a plaintiff and a defendant in court. At the same time, consideration of the draft annual financial plan, approval of receiving loans, etc. are carried out by the Founder of the KP.

The legal status of UC "Mykolaivcomuntrans" is determined by the limitation of the legal capacity of this Company in matters of determining the purpose of activity, use of property, disposal of profits, approval of annual activity plans, investment programs, etc.

UC "Mykolaivcomuntrans" has 135 employees. The detailed distribution of personnel according to their functionality is given in Table below

Table *Number of employees of UC "Mykolaivcomuntrans" by functional distribution*

<b>№</b>	<b>List of employees types</b>	<b>Number of persons</b>
1	Administrative and management staff	21
2	Subscriber services	17
3	Transport unit	11
4	Administrative and economic unit	8
5	Department of logistics (department that collects waste)	53
6	Municipal MW landfill	20
7	Secondary raw materials unit	5
Total:		135

Source: Data provided by Mykolaiv City

According to the data provided by the City, the Company provides proper working conditions for its employees.

On the territory of UC "Mykolaivcomuntrans", at the address of st. Kuznetska, 199, for employees the next is provided:

- comfortable offices with the necessary org. Technique;
- dining rooms in the units;
- a street toilet on the territory;
- restrooms in offices;
- for employees of the logistics and transport departments, changing rooms and shower rooms are equipped at the municipal landfill;
- a properly equipped medical centre of UC "Mykolaivcomuntrans", where pre-trip and post-trip medical examinations of vehicle drivers are carried out every shift by a qualified full-time employee of the enterprise and a nurse;
- parking spaces for placing employees' own vehicles;

Employees are provided with a social package (hospital benefits, pensions).

The activity is carried out in accordance with the requirements of the current legislation on labor relations and social security.

## Utility Company “Obriy-DKP”

UC “Obriy-DKP” is a unitary commercial company established by the Mykolaiv City Council in 1998 (Decision #3/11 of 24.07.1998) on the basis of a separate part of the communal property of the territorial community of Mykolaiv City and is under the management of the Mykolaiv City Council and its authorized bodies (Communal Property Management Mykolaiv City Council, Department of Housing and Utility Services of Mykolaiv City Council). The owner and founder of the Company is the territorial community of Mykolaiv City represented by the Mykolaiv City Council. The Company provides its activity in accordance with the Chapter approved by the Decision of the City Council (Decision dated 30.05.2023 No. 19/36). All relations regarding the approval of financial plans and taking decisions are the same as for the UC “Mykolaivcomuntrans”

Has the right to carry out activities according to the following CTEAs:

- 38.11 Collection of non-hazardous waste
- 81.29 Other cleaning activities
- 81.30 Provision of landscape services
- 37.00 Sewerage, removal and treatment of wastewater
- 38.12 Collection of hazardous waste
- 38.21 Treatment and disposal of non-hazardous waste
- 38.32 Recovery of sorted waste
- 49.41 Freight Road transport

UC "Obriy-DKP" has 55 employees, of which 19 are administrative staff, 36 are production staff involved in providing MW collection service.

According to the data provided by the City, the Company provides proper working conditions for its employees. In particular, the staff is provided with free meals, the staff is provided with overalls and necessary living conditions (changing rooms, showers and toilets, washing machine), availability and access to drinking water and coffee, delivery by car.

The activity is carried out in accordance with the requirements of the current legislation on labour relations and social security.



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- i <https://zakon.rada.gov.ua/laws/show/1106-2017-%D0%BF#n10>
  - ii <https://mtu.gov.ua/content/reestr-dogovoriv-pro-spivrobotnictvo-teritorialnih-gromad.html>
  - iii <https://zakon.rada.gov.ua/laws/show/2404-17#Text>
  - iv <https://www.me.gov.ua/Documents/Detail?lang=uk-UA&id=9fc90c5e-2f7b-44b2-8bf1-1ffb7ee1be26&title=StanZdiisnenniaDppVUkraini&isSpecial=true>
  - v <https://www.me.gov.ua/Documents/Detail?lang=en-GB&id=6aab1657-215d-46f8-8d93-46961e76fd6f&title=MonitoringOfPppImplementationInUkraine>
  - vi <https://zakon.rada.gov.ua/laws/show/2059-19#n24>
  - vii <https://mkrada.gov.ua/documents/3758.html?PrintVersion>
  - viii <https://mkrada.gov.ua/documents/37501.html>
  - ix <https://mkrada.gov.ua/documents/39414.html>
  - x <https://mkrada.gov.ua/documents/33285.html>
  - xi <https://mkrada.gov.ua/documents/3097.html>
  - xii <https://mkrada.gov.ua/documents/33284.html>
  - xiii <https://www.nerc.gov.ua/acts/pro-vidachu-litsenzii-z-zakhoronennya-pobutovikh-vidkhodiv-kp-mikolaivkomuntrans>
  - xiv [https://mkt.mkrada.gov.ua/?page\\_id=385](https://mkt.mkrada.gov.ua/?page_id=385)