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March 27, 2019

ATTENTION: Owners, Agents and P&I Clubs

RE: Latest changes in the procedure of ecological control of vessels in Ukrainian ports

Dear Clients,

We are pleased to inform that yesterday the Government of Ukraine approved the Resolution directed on simplifying business procedures in Ukraine and improvement of business climate in Ukraine¹. Among other things, the Government has changed the **Rules on Protection of Inland Sea Waters from Pollution** (hereinafter “the Rules”), which regulated the issues connected with deballasting operations in Ukrainian port water areas.

Full text of the Resolution is not available yet, but the Government has published the presentation illustrating key changes they made: https://issuu.com/mineconomdev/docs/_-26.03.2019.pptx (only Ukrainian version is available).

Along with that, according to the information we have from own sources, the changes also affected the procedure of deballasting of segregated ballast in Ukrainian ports, which was earlier regulated by clause 5¹ of the Rules. The Government has cancelled the control of segregated ballast in Ukrainian ports and prohibited any inspections of the vessel for the purpose of “ecological control”, including taking samples of the ballast waters by ecological inspectorates. The Resolution provides that it is prohibited throw off the pollutants of “X”, “Y”, “Z” categories according to MARPOL 73/78 classification as well as waters with oil products. Also the Government has instructed ecologists to compare the results of laboratory analysis of the sewage waters with baseline data, which should be taken as a result of regular supervision and measurements of port water areas. Before that ecologists have taken samples of segregated ballast waters and compare laboratory results with “permissible exposure limits”, which were attached to the Rules.

The procedure of taking samples of sewage waters and conducting the analysis should be regulated by the special resolution (guidance), which should be approved by the Government on a later stage with taking into account opinion of Ukrainian business community and related ministers.

We will be waiting for the official publication of the Resolution and will advise you on more details once it is published.

Kind regards,

Oleksandr Kyfak
Managing Partner, Attorney-at-law

¹ <https://www.kmu.gov.ua/en/news/uryad-shvaliv-postanovu-shcho-pokrashchit-pozyciyi-ukrayini-v-rejtingu-doing-business>

