

**By the Judgement of 24 March 2025 № 13-II, the Constitutional Court assessed constitutionality of item 34 (paragraph 2) and item 45 of the Rules for Monitoring the Composition and Properties of Wastewater of 22 May 2020**

The said legal provisions were the subject of consideration to the extent that they are used to determine the reliability of the results of monitoring the composition and properties of wastewater (storage time of samples for analysis of which is less than 12 days), which affect the establishment of the property obligations of the client.

The contested legal provisions were found as contradicting the Constitution since they (by failure to divide the sample taken into a control, a parallel and a reserve sample at the request and expense of the client and to analyse the reserve when the results of the other two samples are not comparable due to the length of time the samples have been stored (less than 12 days), while there is a possibility of analysing the reserve sample before the expiry of this period and there are no insurmountable legal obstacles to taking into account the result obtained) do not ensure a balance between public and private interests, and, in the event of reasonable doubts about the reliability of the sample analysis, place a disproportionate burden of adverse consequences on the client in his contractual relationship with the water disposal organisation.

Constitutional Court noted that Government should make necessary changes in the legislation. Until then, for wastewater samples stored for less than 12 days, the client has the right to request that a reserve sample be taken at his expense and analysed by an accredited and independent laboratory (not affiliated with the wastewater disposal organisations or client). If the client does not provide the analysis protocols of the parallel and/or reserve sample, the control result will be determined on the basis of the analysis of the control sample. The aforementioned characteristics of the sampling shall not constitute grounds for revising the respective responsibilities of the client, determined without taking into account the reserve sample taken on his application, in accordance with the Judgement.