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20 October 2011

Ms. Aida Iskoyan,
Ministry of Nature Protection,
Government Building 3, Republic Square
375010 Yerevan
The Republic of Armenia

Dear Ms. Iskoyan,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the Republic of Armenia with provisions of the Convention in relation to the standing of NGOs in environmental matters (ACCC/C/2011/62).

On 6 September 2011, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by the Republic of Armenia with provisions of the Convention in relation to the recent jurisprudence of the Cassation Court which reversed its previous jurisprudence with respect to standing of NGOs in environmental matters. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication (both in Russian and English), which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7.

The communication has been registered under the symbol ACCC/C/2011/62, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's website at: <http://www.unece.org/env/pp/pubcom.html>.

The Compliance Committee, having considered the admissibility of the communication at its thirty-fourth meeting (20-23 September 2011), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter (i.e. **by 20 March 2012**), any written explanations or statements clarifying the matter referred to in the communication.

Additionally, in order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response to the questions. At the same time, you are encouraged to avoid submitting to the Committee excessive documentation which is not strictly relevant to the

allegations of non-compliance.

In providing your response, please note that you should explicitly comment on the communication itself and the allegations contained therein, as well as addressing the questions raised by the Committee.

In a letter to the communicant, a copy of which you will receive for your information, the Committee has invited the communicant to address the same questions.

Should you need any clarification, please do not hesitate to contact the secretariat (public.participation@unece.org).

Yours sincerely,



Fiona Marshall
Acting Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the Republic of Armenia to the United Nations Office and other international organizations in Geneva
Mr Hrayr Savzyan, Executive Director, Ecoera, Yerevan, Republic of Armenia

Encs. Communication ACCC/C/2011/62 in Russian and English
Preliminary determination on admissibility
Datasheet on the communication
Annex – Questions to the communicant and the Party concerned

Annex – Questions to the communicant and the Party concerned

Questions to both the communicant and the Party concerned

1. Does the Aarhus Convention have direct application in the Republic of Armenia?
2. Does the law of Armenia provide access to justice for NGOs whose statutory goals include protection of the environment? If so, please provide an English translation of the relevant legislation.
3. What do you understand to be the meaning of the words “*any or abstract demand*” in the Decision of the Administrative Court dated 22 March 2010 cited at page 2 of the communication (English version)?

Questions to the communicant only

1. Please provide the Committee with an English translation of the following court decisions mentioned in the communication:
 - (a) Decision of the Administrative Court dated 9 July 2009 refusing the suit of the communicant regarding mining activity in the locality of Teghut
 - (b) Decision of the Court of Cassation dated 30 October 2009 referring the case back to Administrative Court
 - (c) Decision of the Administrative Court dated 22 March 2010 refusing access to legal proceedings for public organizations
 - (d) Decision of the Court of Cassation dated 1 April 2011 dismissing the communicant’s appeal
 - (e) Decision of the Constitutional Court dated 7 September 2010.