

## Statement

### regarding measures for the implementation of Decision IV/9a on compliance by Armenia with its obligations under the Convention

*Dear Committee Members, Secretariat, communicants and observers,*

In the aim of ensuring implementation of the requirements of Decision IV/9a of the Meeting of the Parties to the Aarhus Convention, a Draft of the new Law on Environmental Impact Assessment and Expert Examination has been produced by the Armenian Ministry of Nature Protection. A working group has been established under the First Deputy Minister; this includes, in addition to representatives of the Ministry, representatives of non-governmental organisations and, in particular, the communicants in Case ACCC/C/2009/43, representatives of the World Bank and independent experts.

A draft Framework Law on Environmental Policy has been prepared with the support of the German Agency for International Co-operation (GIZ); this is intended to secure and guarantee the standards laid down by the Aarhus Convention on access to information, public participation and access to justice in environmental matters.

\* Our comments here are numbered according to the paragraph sequence of the above-mentioned Decision.

4. (a) In the Draft of the new Law of the Republic of Armenia on Environmental Impact Assessment and Expert Examination, thresholds for activities subject to an EIA procedure, including public participation, are set in a clear manner. The Draft Law classifies types of proposed activities, environmental impact assessment and expert examination into three categories (A, B, C) in descending order of their effect on the environment (Article 14, paragraph 2.1).

4. (b) Under the Draft Law, the procedure for informing the public at an early stage in decision-making is divided into two phases:

the preliminary phase – during which a preliminary assessment of the application is reviewed;

the main phase – during which the main assessment report is subject to expert examination.

In the preliminary phase, the developer is to consult the public concerned.

The main phase should – in the notification of stakeholders and in consultations – pursue the aim of achieving efficiency, reasonableness and consideration of feedback.

Under the Draft Law, the detailed procedure for public hearings is to be established by a Government Resolution, which is now at the drafting stage. After the Law has been adopted, relevant amendments will also be made to other legislation.

4. (c) The public is to be notified by the competent authority, by the developer, by the territorial administration and the local self-government body about reports provided by the developer and about the draft of the expert conclusion at least 7 days prior to hearings.

The notification is to contain information on the project and the proposed activity, a summary of the main concept document, the place where the planned activity would be carried out, the place where the public hearings will be held and where it is possible to consult project-related documentation, deadlines for submitting comments and other information.

4. (d) Expert conclusions are to be published on the web site of the Ministry of Nature Protection of the Republic of Armenia, which is to be regularly updated.

At this stage, the Draft Law is before Parliament and available on the [www.parliament.am](http://www.parliament.am) web site. The meeting of the relevant Standing Committee on 26 September 2013 included discussions of the Draft Law; once comments and additions have been taken into account, it will be presented before Parliament with wide-ranging public and media involvement, since this law has aroused great interest not only with the public but also in business circles and with international organisations.

We hope that the measures indicated (hearings and discussions) will significantly improve the Draft Law so that it can be effectively put into practice.

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