

PROGRESS REPORT

concerning Decision IV/9a on compliance by Armenia with its obligations under the Convention (ACCC/C/2009/43)

Taking note of the Decision IV/9a of MoP on compliance by Armenia with its obligations under the Convention Armenia is pleased to provide relevant information according to paras. 4 and 6 of the mentioned Decision.

1. On 1 November 2011 the Ministry of Nature Protection of RA has submitted the draft of the Law of RA «On amendments and addendums to the Law of RA «On environmental impact expertise»» to the National Assembly of RA. According to the draft law activities subject to EIA are classified into three categories (A, B, C) based on the level of adverse impact and the threshold for each activity is established. This classification is new to Armenian EIA legislation. Also, the approach is incorporated to the draft that public participation procedures should vary in scope and terms depending on the category of certain activity. It is principal to the draft that the expertise procedure is divided into two stages (initial and major stages) which include certain activities envisaged by the draft. The time-frames also vary (with possible extension period) for each stage depending on the category of certain activity.

To this point the draft has passed the first hearing at the National Assembly of RA and public hearing has been conducted.

2. The new draft law establishes reasonable time-frames for early notification of the public on proposed activity when all options are open as well as sets up responsibilities of different actors (public authority, local authority and developer) in organizing and conducting public hearings. Also, the draft defines the contents of notification for each phase of public hearings.

Concerning the phases of public involvement the law draft establishes the following time-frames for public participation.

The *head of community* is obliged to disseminate information via Mass Media within 3 days after receiving the information from the public authority. Then 7-day period is set up for submitting opinions and suggestions to the municipality. Public consultation rounds and discussions might be conducted at this stage upon necessity.

The *public authority, head(s) of concerned community (communities) and the developer* should disseminate information on documentation via Mass Media within 3 days after receiving the information from the public authority. Time-frames for public hearings are established 20 days for category A and 10 days for category B activities.

Public authority organizes and conducts public hearing of the EIA report within 20 days after the EIA report is submitted.

A proposal is submitted to the Ministry of Justice of RA to incorporate new provisions in the Draft of the Code of RA «On Administrative Infringements» establishing administrative

liability for actors (public authority, local authority and developer) for infringements in the process of environmental expertise.

3. The Ministry of Nature Protection of RA has initiated the process of modernization of notification system on its official web-site (www.mnp.am). Currently information on proposed projects, public hearings as well as the annual reports of the Ministry of Nature Protection on provided positive expertise conclusions and ongoing processes is available. At this point only one EIA conclusion is available online but in meantime the list will be completed. However, the Ministry of Nature Protection provides the expertise conclusions upon request according to provisions of Aarhus Convention and national legislation.

4. As the draft of the Law of RA «On amendments and addendums to the Law of RA «On environmental impact expertise»» was introduced only on 1 November 2011 by the Ministry of Nature Protection of RA, its English version is not available yet. It will be submitted to the Committee as soon as it becomes available. As the Ministry of Nature Protection does not usually translate the law drafts into English (official translations are made by the National Assembly of RA after the drafts are approved and published in Official Journal), we will make efforts to proceed with it in good time.

5. On 10 November 2011 the Government of RA approved Decree N1594 «On approval of the list of measures for fulfilling obligations rising from a range of international environmental treaties». The Governmental decree also includes the recommendations of the Aarhus Convention Compliance Committee concerning ACCC/2009/43.