

To the Secretariat of the Aarhus Convention
Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

05 February, 2013

Dear Aphrodite Smagadi,

With regard to the MoP decision IV/9a on Compliance by Armenia the Party hereby provides information on the progress made by Armenia since the last report was submitted to the Secretariat on 6 December, 2011.

The Party finds it appropriate to provide relevant information following the sequence of the paragraph 4 of MoP decision IV/9a.

Yours Sincerely,



Aida Iskoyan
Focal Point to the Aarhus Convention
in the Republic of Armenia

PROGRESS REPORT
REFERRING TO THE MoP DECISION IV/9a ON COMPLIANCE BY THE REPUBLIC OF
ARMENIA WITH ITS OBLIGATIONS UNDER THE AARHUS CONVENTION

I. THE CAUSES AND LEGAL FRAMEWORK OF THE PROCESS

The first Law draft “On amendments and addendums to Armenian Law on environmental impact assessment” failed the ratification of the President of Armenia. Consequently, the process has been initiated to elaborate a new draft of environmental impact assessment law with due account of the remarks made by the President. For that purpose the Ministry of Nature Protection established Working Group adjacent to the First Deputy Minister of Nature Protection. The Working Group involves representatives of public authorities and NGOs. Within 6 months the Working Group had six meetings and is expected to negotiate and approve the final draft shortly. By the same token the draft covers three main directions of impact assessment – specific types of activities, SEA and transboundary impact assessment.

II. DETAILS OF THE PROGRESS

Based on the aforementioned framework here we may set out the legal novelties incorporated in the draft and practical arrangements made:

1. *The draft of the EIA Law divides the activities subject to impact assessment into three main groups- A), B) C) -based on the conjectural impact of the planned activity.* The thresholds are incorporated in the draft law which is a different approach from the one existing in the operating law when thresholds of activities are stipulated in the Governmental Decision.

The category A) comprises fields as follows;

- a) Energy
- b) Mining
- c) Chemical industry
- d) Use of hazardous waste
- e) Sanitary system operation
- f) Production of construction materials
- g) Water industry
- h) Infrastructure development

The activities under the B) category include all the aforementioned fields with different thresholds plus some other fields such as light industry sector, the wood and paper industry, melioration of soil, environmental protection and etc. The C) category has the same approach but the thresholds with minimum impact on the environment.

The fields and thresholds set in the draft can be illustrated on the example of mining sector:

A) category

b) In the field of mining

- Geological studies.

Underground mining chamfers 1500 linear meters or more

Surface mining chamfers 5000 cubic meters or more

In case of over 5000 linear meters drillings

- Extraction of metal, including the radioactive minerals or mining or processing of ores;

- Extraction of energy raw materials (coal, oil and gas) and ore processing;

- Tailing or related facilities or pipelines.

- Creation of underground structures for storage of oil or gas or toxic or radioactive waste.

B) category

b) In the field of mining

- Geological studies.

Underground mining chamfers from 1000 to 1500 linear meters;

Surface mining chamfers 1000 to 5000 cubic meters or more;

Drillings from 1000 to 5000 linear meter.

- Mining including extraction and processing of non-metal mineral resources,

- mineral and fresh water underground mining operation.

- Creation of underground transportation routes or facilities.

According to the article 20, paragraph 4 of the draft the a new governmental decision should be validated to establish the procedure of public notification and participation.

2. With regard to the notification of the public at an early stage of decision-making the following measures have been taken;

(a) The EIA law draft makes the participation of the public possible at an early stage of EIA process that is the screening (article 20). Besides, in the section of Announcements at the new web-page of the Ministry of nature protection (<http://www.mnp.am/>) the date, place and information on other details of the public hearings are posted regularly and in compliance with legal requirements.

3. The draft of EIA law defines the responsibilities of different actors in the organization of public hearings in the following manner:

Public notice shall be administered by:

- a) the public authority - on the reports submitted by the initiator and the EIA conclusion,
- b) the initiator - on the conceptual documents, planned activity and the procedure of their environmental assessment.

4. Public hearings shall be carried out.

- a) the initiator - on the conceptual documents and its strategic impact assessment process,
- b) the public authority of territorial governance, the initiator with the participation of public authority vested in on the conceptual documents and its strategic impact assessment report of the project,
- c) the local government body, the initiator with the participation of the public authority vested in on planned activity and on the report of environmental impact assessment.

4. As the development of the Ministry web page is in a process it is planned to establish a system of prompt notification.