Greening Economies in the Eastern Neighborhood

National roundtable in Armenia “Findings and recommendations of the legislative review on the application of the Protocol on Strategic Environmental Assessment»

Hotel “Shirak” Yerevan , on September 26, 2014

M I N U T E S

Prepared by Ms. Nune Darbinjan
the Director of NGO ‘Eco Globe’, the local EaP GREEN Partner

The Round table was organised by the Ministry of Nature Protection of Armenia and the UNECE secretariat within the EU funded project ‘Greening Economies in Eastern Partnership’. The aims of the meeting were:

- to discuss findings and recommendations of the legislative review on the application of the Protocol on Strategic Environmental Assessment, and
- to clarify the way forward in the context of the EaP GREEN technical (legislative) assistance on aligning environmental assessment system of Armenia with the international standards.

Twenty five representatives of Ministries of Nature Protection, Economy, Health, Transport, Agriculture, international organisations we well as NGOs, business and academia attended the meeting.

Mr. Simon Papyan, Deputy Minister of Nature Protection of Armenia and Mr. Hoa Bin Ajemyan from the Delegation of the European Union (EU) in Armenia welcomed participants of the Round Table. Both officilas stressed the importance of SEA and EIA procedures as tools for sustainable development and prevention of the negative effects on the environment and natural resources during strategic planning and elaboration of national plans and programs. Mr. Papyan emphasised that the UNECE Convention of Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) and its Protocol on Strategic Environmental Assessment are also practical tools for establishing clear procedures for cooperation between neighbouring countries. He noted that these instruments should be used to protect the environment and should not be politicized.

Further, the representative of EU Delegation in Armenia introduced the Green EaP program as a tool to support national green economy models. Ms. Elianora Grigoryan, Adviser to the Minister of Nature Protection of RA introduced EaP GREEN activities related to establishing a national environmental assessment system (EIA/SEA) in line with the Espoo Convention and its Protocol on SEA. She thanked the UNECE secretariat of the Espoo Convention for the fruitful cooperation in this component of the EaP GREEN Program.

Ms. Aphrodite Smagadi, from the Espoo Convention Secretariat presented the Protocol on SEA and and its benefits. She outlined major differences between the Protocol on SEA and the EU SEA Directive and The EaP GREEN programme is funded by the European Union and other donors, and is jointly implemented by the four partner organisations: OECD, UNEP, UNECE and UNIDO.
introduced several legal models developed to implement Protocol in selected EU countries. She stressed that in practice the number of SEA cases per year per country vary from 30 to 800 with the larger number of SEA cases related to the urban development plans. She further presented the modalities on legislation drafting under the EaP Green Programme

Ms. Azganush Dronoyan and Ms. Aida Iskoyan, the national legal experts provided information about the latest changes in the environmental assessment legislation. They introduced the provisions of the Law on EIA, SEA and Ecological Expertise (the Law) that entered into force in August 2014.

Ms. Elena Laevskaya, the UNECE legal consultant, provided key findings and recommendations of the Review of Armenian legislative framework regarding implementation of the Protocol on SEA. She noted that the EIA and SEA procedures were not clearly distinguished from each other in the law. She further outlined major gaps of the Law vis-à-vis the Protocol, including among others the deficiencies in the definition of SEA and EIA and SEA and EIA reports, lack of screening and scoping procedures as well as inconsistencies in the public participation procedures (time for notification of the public about SEA, responsibilities of authorities in public participation).

The participants thanked Ms. Layevskaya for the legal analysis and agreed with the Review recommendations, including the need to amend the newly adopted law and develop subordinate regulations with the aim to clearly distinguish EIA and SEA procedures and to bring other elements of the EIA and SEA procedures in full compliance with the Protocol and the Convention. At the same time the participants criticised the Government for hasty adoption of a law which would need to be amended, although draft legislation in that area had been under preparation for the past six years. Further they discussed the approach of the Ministry and the practices followed for the adoption of the law; as well as the way forward. There was a general agreement that probably the best way to address weaknesses would be to devote the law on EIA and prepare a new law on SEA. There was no clarity for the timeline of actions. The Ministry representatives emphasized that it does not wish to propose amendments to the Parliament within a year from the adoption of the law.

Following comments have been provided:

1. Ms. Heghine Hakhverdyan, the lecturer and law researcher, as well as a person active in Aarhus Convention Compliance Committee, provided the comments on behalf of the Law faculty of Yerevan State University. The new draft law on SEA will be useful.

2. Nune Darbinyan, NGO Eco-Globe, explained that SEA is an important mechanism that needs to be applied in the sectoral legislation. She pointed out that for the planning agencies environmental and health authorities, as well as public are main stakeholders of SEA procedure that need to be consulted at earliest stage of drafting / elaboration of the plan/program/strategy. Legislation has to be elaborated considering these specific roles of the national stakeholders. In addition, she emphasized that sectoral legislation should integrate SEA in order to avoid the risk of neglecting SEA application while developing the strategic sectoral documents. She supported the drafting a new SEA law accompanied with by-laws, as well as revision of sectoral legislation and integration of SEA provisions into the sectoral legislations.
3. Gor Vardanyan, lecturer of YSU Law faculty, also expressed professional viewpoint on the necessity of drafting new SEA law.

4. Arevik Hovsepyan from Global Water Partnership NGO, have stressed that consultants working with the private sector face difficulties due to the frequent changes of the EIA and Expertise legislation. It is advisable that consultants will be provided with information regarding changes and provided with guidance for their “field work”.

5. Sona Ayvazyan from Transparency International NGO expressed her view on “negative” practice of very frequent changes of legislation on EIA and Expertise.

On the basis of the discussions, the international expert is expected to finalize her review end October 2014.

At the end of the meeting the participants expressed their views on other EaP Green activities, including capacity building plans following this workshop, implementation of pilot project and some other national and regional events. They stressed that it is important for Armenia to carry out a full fledged pilot SEA as it will provide an opportunity for the law drafters to clarify the SEA procedure and adapt it to the national circumstances.

Main Findings and Conclusions

The participants discussed the gaps between the provisions of the National legislation on EIA, SEA and Environmental Expertise vis-à-vis the Protocol on SEA. They acknowledged that revision of the newly adopted law are required, including among others in the definitions of SEA, SEA and EIA reports, as well as in screening, scoping and public participation provisions.

The speakers and the participants have stressed that RA Law on Environmental Impact Assessment and Expertise, which entered into force on August 11, 2014, regulates EIA, SEA and Expertise processes and this makes RA Law very complex and hard from enforcement point of view.

The law is necessary to revise to provide specific guidance on SEA procedure and simplify enforcement of the law.

In this regard it will be useful to remove SEA provisions from the existing law and develop a new SEA law.

As a result it is expected that both laws will simplify the implementation of EIA and SEA schemes. The sectoral legislations needs some revisions as well.

There participants suggested to conduct trainings/capacity building related to the EIA and SEA for the practitioners in the light of the approval of the new law.

Technical support:

1. The Round table work was facilitated by Ms. Nune Darbinyan, President, of NGO Eco-Globe.

The EaP GREEN programme is funded by the European Union and other donors, and is jointly implemented by the four partner organisations: OECD, UNEP, UNECE and UNIDO.
The EaP GREEN programme is funded by the European Union and other donors, and is jointly implemented by the four partner organisations: OECD, UNEP, UNECE and UNIDO.

2. Simultaneous translation (Armenian-English, Russian-Armenian) was provided during the Round table.
3. Translated documents: all presentations, draft report of international expert, agenda, list of participants.

**List of documents:**

1. Agenda (published on UNECE web site)
2. List of participants (published on UNECE web site)
3. Presentations (in English and Armenian) (published on UNECE web site)
4. Draft report of International Consultant (in Russian and Armenian, published on UNECE web site)
5. Press release was elaborated and published
Annex 1

AGENDA

9:30 – 10:00  Registration of participants/welcome coffee

10:00 – 10:10  Opening remarks

Mr. Simon Papyan, Deputy Minister of Nature Protection of RA
Mr. Hoa Bin Ajemyan, Delegation of the European Union (EU) in Armenia
Ms. Aneta Babayan, Ministry of Nature Protection, Green Economy National Focal Point

10:10 – 10:25  Introduction to the Protocol on Strategic Environmental Assessment (SEA) and the ‘Greening Economies in the Eastern Neighbourhood’ (EaP GREEN) Programme

Ms. Aphrodite Smagadi, United Nations Economic Economic Commission for Europe (UNECE) secretariat, Espoo Convention and Protocol on SEA

10:25 – 10:40  Capacity-building activities under the EaP GREEN Programme in Armenia (including the results of the review of the recent Environmental Impact Assessment (EIA) legislation)

Ms. Elyanora Grygoryan, Adviser to the Minister of Nature Protection, Focal Point on SEA

10:40 – 11:00  Discussion

11:00 – 11:15  Existing national legislation in Armenia relevant to the implementation of the Protocol on SEA – Armenia’s participation to relevant international treaties (i.e. Aarhus Convention)

Ms. Azganush Drnoyan, Ministry of Nature Protection

Ms. Aida Iskoyan, National Legal Expert

11:15 – 11:30  Coffee break

The EaP GREEN programme is funded by the European Union and other donors, and is jointly implemented by the four partner organisations: OECD, UNEP, UNECE and UNIDO.
11:30 – 11:40 Transposition of the requirements of the Protocol on SEA into national legislation: European experience, good practice and challenges

*Ms Aphrodite Smagadi, UNECE secretariat to the Espoo Convention and its Protocol on SEA*

11:40 – 12:10 Analysis of the national legislation related to the implementation of the Protocol on SEA: main findings

*Ms Elena Layevskaya, International Legal Expert*

12:10 – 12:30 Brainstorming/discussion: „strategic documents“ in Armenian legislation

12:30 – 13:30 Lunch break

13:30 – 14:00 Analysis of the national legislation related to the implementation of the Protocol on SEA (*cont’d*): recommendations (strategic documents, screening, scoping, environmental report, consultations with environmental and health authorities, public participation, incorporation of comments into the final decision, monitoring)

*Ms Elena Layevskaya, International Legal Expert*

14:00 – 15:00 Panel discussion: integrating SEA in environmental and other sectoral legislation

*Ms Elena Layevskaya, International Legal Expert*

*Ms Aphrodite Smagadi, UNECE Secretariat, Espoo Convention and Protocol on SEA*

*Ms. Azganush Drnoyan, Ministry of Nature Protection*

*Ms. Heghine Hakhverdyan*

15:00 – 15:15 Coffee break

15:15 – 15:30 Experiences of legislation drafting under the EaP Green Programme

*Ms Aphrodite Smagadi, (UNECE) Secretariat to the Espoo Convention and its Protocol on SEA*

15:30 – 16:00 Discussion: follow-up activities under the EaP Green Programme in Armenia: pilot on SEA/ drafting of legislation/ development of national guidelines/ training

16:00 – 16:30 Closing session: conclusions