

Clarifications on the draft of RA Law "On the environmental impact assessment and expertise"

Under the framework of the “SEA for Strategic Development Plan, Road Map and Long Term Investment Plan for the Solid Waste Management Sector in Armenia” program, which is implemented by the assistance of the Secretariat of the Espoo Convention, amendments to the Republic of Armenia Law "On the environmental impact assessment and expertise" were drafted to align the draft law with the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). Since currently, there is no official draft available, I hope Ms. Elena Laevskaya from the Secretariat of Espoo Convention can provide with the updated English text of the draft Law.

The drafters of the Law undertook conceptual approaches towards the improvement of the Armenian legislation on EIA and expertise. The amendments to the RA Law on EIA and Expertise expect to fully transpose provisions of the UNECE Protocol on SEA to the Espoo Convention. The drafters of the amendments are directed to draw a clear line of distinction between EIA and SEA procedures.

The draft law envisages a separate chapter on Strategic Environmental Assessment splitting the legal regulations of EIA (Environmental Impact Assessment) and SEA. The new Chapter 5 of the draft Law, which is titled “Strategic Environmental Assessment and Expertise Processes, Requirements, types of Founding Documents Subject to Strategic Environmental Assessment (SEA) and Expertise” regulates the SEA processes in detail.

One of the conceptual provisions introduced in the draft law is the right of the initiator to propose activities and founding documents not subject to Article 14 for the expertise. The draft law (Article 14, par 8) envisages that upon undertaking of the initiator all proposed activities and founding documents not specified in article 14 shall be subject to expertise. In this case expertise is undertaken upon the procedure prescribed for category G.

In addition, a separate legal act (draft government decision) has been drafted regulating the procedures of SEA. Moreover, the draft law improves the procedures on public notifications and hearings.

After breaking the Law down into the part devoted to EIA, SEA and the expertise, the drafters are targeted to clarify the formulations of provisions of the EIA Law and include more more detailed provisions taking into consideration the obligations arising from the Aarhus Convention.

One of the important legislative amendments adopted in Armenia recently is the extension of the terms of public discussions and notifications. The Republic of Armenia Government decision 1325 adopted on November 19, 2014 and titled "The Procedures of Public Discussions and Notifications" defines the terms for the public notifications and discussions. The Republic of Armenia Government has adopted the Decision No. 357 on March 9, 2017, which has amended the Government Decision N 1325. According to the amendments stipulated in the Decision 357 the lengths (deadlines) for the public notifications and discussions were extended stipulating longer terms. In addition the Decision stipulates the following provision in the following wording: *"Public can make any remarks and proposals, that it considers relevant to the proposed activity or fundamental document. Reasonable remarks and proposals, made by public, shall be taken into account by the initiator and assessment center. Grounded justifications shall be provided, if remarks and proposals are not taken into account."*

The requirement that the comments be reasoned is clearly regulated fully to comply with the requirements on public participation procedures required by the international agreements.

