

WRITTEEN STATEMENT OF THE REPUBLIC OF ARMENIA

AFTER 52ND MEETING OF THE AARHUS CONVENTION COMPLIANCE COMMITTEE

Below is the summary of recent legal developments in Armenia relevant to implementation of the recommendations in MOP decision V/9a in addition to the 2nd Progress report submitted on 22 Dec 2015

1. According to the information from the Ministry of Justice official English translation of the Law of RA "On Environmental Impact Assessment and Expertise" has been prepared and, accordingly, submitted to the Compliance Committee. The version submitted to the Committee in December together with the Party concerned's 2nd Progress report was prepared with support of OSCE.

2. With regard to implementation of Recommendations in Decision v/9a, an important role has an ongoing project supported by the Espoo Convention Secretariat which is aimed at further development of the institution of SEA and EIA, including public participation procedure. The new initiative on piloting application of SEA for the Solid waste management sector in Armenia has been undertaken by the Ministry of Nature Protection, UNECE and Regional environmental center for Caucasus Armenia National Office within the frames of EaP Green funded by European Union. The overall aim of a SEA pilot project is to build capacities in application of SEA procedures at national level and raise awareness of SEA benefits among various national stakeholders.

Specific objectives include:

- testing and demonstrating opportunities of practical application of the Law of RA "On Environmental Impact Assessment and Expertise"
- providing recommendations for environmental optimisation and modifications of the selected plan/programme, and
- developing recommendations for further improvement of national legislative and institutional frameworks on SEA in a country.

Developing the concept, structure and substantive inputs for the guidance on practical application of the SEA in Armenia.

The pilot project on application of SEA procedure is planned according to the following scheme:

1. Preparatory Phase: Setting up a SEA team to carry out the SEA and prepare an environmental report. Formal initiation of the SEA process according to the requirements of the Law of RA "On Environmental Impact Assessment and Expertise" (notification).

2. Implementation Phase: Carrying out the pilot SEA for the Strategy in line with the Law of RA “On Environmental Impact Assessment and Expertise” and the UNECE Resource Manual to Support Application of the UNECE Protocol on SEA¹.

During the pilot project the REC Caucasus Armenia in close cooperation with the SEA team, the MNP and MTAES will:

- (a) Develop a concept for the publicity campaign to disseminate the results of the pilot project among the national stakeholders and raise their awareness about the SEA procedure and its benefits
- (b) Ensure media coverage and visibility for SEA pilot implementation (through websites, notification in media)
- (c) Develop information and promotional materials,
- (d) Monitor the results of the publicity campaign.

Tangible outputs:

- Documented practice on application of the Protocol on SEA in Armenia, including: 15 national experts trained and have skills for practical application of SEA in Armenia. Support provided for the final revision of the “Strategic Development Plan, Road Map and Long Term Investment Plan for the Solid Waste Management Sector in Armenia” (Strategy) and suggestions for its improvements are developed
- SEA report, including a 10-15 page non-technical summary Documentation on the SEA project report as per point 2.6. and relevant information and communication / visibility products
- Recommendation for improvement of the legal and institutional framework for application of the SEA in Armenia
- Concept, structure and substantive inputs for the guidance on practical application of the SEA in Armenia.

3. Another issue discussed at the 52nd meeting of the Compliance Committee was the status of ratified international treaties in Armenia. With this regard reference to Art. 5 of the Constitution (as amended on 06 Dec 2015) should be made which establishes that “... In case of contradiction between the provisions of ratified international treaties of the Republic of Armenia and the laws, international treaties shall prevail”. This fundamental provision opens the door for broad interpretation of the access to justice provisions of the Aarhus Convention. This, indeed, does not replace the importance of proper legal regulation within the administrative procedural legislation and the Law establishing the status of non-governmental organizations, in particular establishing precise criteria in accordance with requirements of Article 9 para.2 of the Aarhus Convention. However, it is inherent that general legal framework does not nullify the opportunity of NGOs to bring public interest lawsuits before the courts. Furthermore, courts directly refer to the Aarhus Convention as the main international treaty establishing procedural environmental rights and their guarantees.

4. And finally one more result, which though is not directly relevant to the recommendations in Decision v/9a but according to Ministry of Nature Protection, Ministry of Justice, NGOs and experts, is

¹ http://www.unece.org/env/eia/pubs/sea_manual.html

an essential step towards implementation of the Aarhus Convention in Armenia in the context of promoting democratic principles in the process of preparing draft environmental regulations.

Within the framework of the EU-funded Programme "Strengthening environmental governance through building capacity of Non-governmental organizations", an electronic platform for public participation has been developed (www.ecolex.am) and launched recently. It enables members of the public as well as non-profit and profit organizations provide their comments and remarks to the draft regulations elaborated by different public authority. These comments are addressed to the relevant authority and at the same time they are publicly available on the web-page. We believe that this resource will enhance the transparency of decision-making and promote trustful atmosphere for more effective dialogue between the public authority and civil society organizations.