

*To: Mrs. Fiona Marshall
Secretary to the Aarhus Convention
Compliance Committee*

PROGRESS REPORT

concerning Decision V/9a on compliance by Armenia with its obligations under the Convention

Taking note of the Decision V/9a of MoP on compliance by Armenia with its obligations under the Convention Armenia is pleased to provide relevant information according to paras. 4-7 of the mentioned Decision.

1. New Law of RA «On Environmental Impact Assessment and Expertise» has been adopted by Parliament on 21 June 2014 and came into effect on 09 August 2014. The new law replaces the Law of RA «On Environmental Impact Expertise» from 20 November 1995.

Following the recommendations stipulated in the MOP decision, relevant approaches and provisions have been incorporated into the law, which are described below.

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 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.

However, the detailed procedure of public notification and participation is left for regulation at the level of Governmental decree. The draft Governmental decree of RA “On public notification and participation” is at the stage of public consultations.

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. According to the Law activities subject to EIA are classified into three categories (A, B, C). Based on the level of adverse impact thresholds for each activity are established. This classification is new to Armenian EIA legislation. Also, the approach is incorporated to the law that public participation procedures should vary in scope and terms depending on the category of certain activity. It is principal 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.

4. The official web-page of the Ministry of Nature Protection of RA (www.mnp.am) has been enhanced, including also relevant imperfections of notification system. 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. However, the Ministry of Nature Protection provides the expertise conclusions upon request according to provisions of Aarhus Convention and national legislation.

5. The English version of the Law of RA “On Environmental Impact Assessment and Expertise” is not available yet but the Ministry of Nature Protection has initiated the process of translation in collaboration with the Ministry of Justice of RA. It will be submitted to the Committee as soon as the translation is completed.

6. In order to achieve relevant results in terms of legal standing of NGOs, Ministry of Justice is elaborating a new law draft “On Non-Governmental Organizations”, which incorporates a provision according to which NGOs are entitled to bring an action before the court concerning the protection of the environment. Such a provision in parallel with relevant changes Administrative Procedural Code of RA (in the process of elaboration) are expected to meet the standard of legal standing of NGOs provided in the Aarhus Convention.

The law drafts mentioned in this paragraph are not officially circulated yet. We are willing to submit to the Compliance Committee English translation of the relevant provisions as soon as the Ministry of Justice submits them for comments to the other executive bodies and public.

7. In order to promote awareness on the national legislation related to the implementation of the Aarhus Convention among the judiciary, in October 2014 a new course “Actual problems of environmental legislation of RA” has been approved by the Academy of Justice of RA. The course is mandatory for judges taking periodical requalification trainings and also for candidates of judges.

Focal point of Aarhus Convention

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