

**Answers to questions posed by the Aarhus Convention Compliance Committee
to the communicants**

Question 1.

Who challenged the decisions on the Teghut deposit before the Administrative Court?

Application to the Administrative Court of the Republic of Armenia was filed by three organizations – “Transparency International Anti-corruption Center” public organization, “Ecoera” (“Ecodar” in Armenian) environmental public organization and “Helsinki Citizens Assembly Office in Vanadzor” public organization. After rejection of the case, it was appealed again to the Administrative Court by the same three organizations. Being refused one more time, a claim was prepared to the Court of Cassation of the Republic of Armenia. This document was signed by two communicants – “Transparency International Anti-corruption Center” public organization and “Ecoera” environmental public organization, while the third claimant was left out from the process due its location in the north of the country and difficulties to come to Yerevan and sign the appeal within a limited time-frame.

Question 2.

Which decisions relating to the Teghut deposit have been challenged before the Administrative Court?

In our application to the Administrative Court of RA we requested the court:

- In accordance with Article 68, part 1 of the Administrative Procedure Code of RA
 - to recognize as lapsed the license N HV-MSh-13/33 from February 8, 2001 to “Armenia Copper Program” CJSC for the exploitation of Teghut mine.
- In accordance with Article 68 of the Administrative Procedure Code of RA
 - to state void the positive conclusion of environmental expertise N BP-31 affirmed by the Minister of Nature Protection on April 3, 2006;
 - to state void the positive conclusion of environmental expertise N BP-135 affirmed by the Minister of Nature Protection on November 7, 2006;
 - to state void RA Government Decision N 1278-N from November 1, 2007 on changing the purpose (category) of lands and providing plots for exploitation of Teghut copper mine.
- In accordance with Article 65 of the Administrative Procedure Code of RA
 - to nullify the special license number HV-L-14/90 issued to “Armenia Copper Program” CJSC for exploitation of Teghut copper mine. As a result, to nullify the License Contract N 316 signed on October 8, 2007 between the Ministry of Trade and Economic Development and the Ministry of Nature Protection – on one side and “Armenia Copper Program” CJSC on the other;
 - to nullify the Special License for exploration N 21 given to “Armenia Cooper Program” CJSC on December 29, 2005 with purpose of further exploitation of mineral resources. As a result, to nullify the License Contract N 140 signed on May 4, 2006 between the Ministry of Nature Protection and “Armenia Copper Program” CJSC;
 - to nullify the Concept of Teghut Copper Mine Exploitation Program, adopted in the session of Interdepartmental Commission for coordination of activities supporting Teghut mine development project on September 30, 2005.
- In accordance with Article 66 of the Administrative Procedure Code of RA
 - to obligate the respondent parties (mentioned below) to ban realization of activities intended within the framework of exploitation of Teghut mine by “Armenia Copper Program” CJSC.

Respondent parties of our application were the Government of the Republic of Armenia, the Ministry of Nature Protection and the Ministry of Energy and Natural Resources. “Armenia Copper Program” CJSC was mentioned in the claim as the third party.

Violations of laws referred in our application to the Administrative Court included the following:

- RA Constitution, Articles 1, 6.4, 10, 33.2
- RA International Conventions, including
 - Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)

- Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)
- RA Land Code, Articles 46, 48, 48.1, 76, 98
- RA Water Code, Article 103
- RA Mineral Code, Articles 11, 28, 40
- RA Law on Environmental Impact Expertise, Articles 2, 3, 5, 9, 10, 11, 14, 15
- RA Law on Allocation of Mineral Resources for Exploration and Exploitation (RA Law on Concession), Articles 13, 14, 59, 60, 76
- RA Law on Plants, Article 17
- RA Law on Animals, Article 18