



**NATIONS UNIES**  
COMMISSION ÉCONOMIQUE  
POUR L'EUROPE

**ОБЪЕДИНЕННЫЕ НАЦИИ**  
ЭКОНОМИЧЕСКАЯ КОМИССИЯ  
ДЛЯ ЕВРОПЫ

**UNITED NATIONS**  
ECONOMIC COMMISSION  
FOR EUROPE

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29 October 2009

Mrs. Aida ISKOYAN  
National Focal Point for the Aarhus Convention  
Ministry of Nature Protection  
Government Building 3, Republic Square  
375010 Yerevan  
Armenia  
Fax: + 374 10 58 54 49 / + 374 10 58 54 69

Dear Ms. Iskoyan,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the Republic of Armenia with provisions of the Convention in connection with the issuance and renewal of licenses for the exploitation of the Teghut deposit of copper and molybdenum (Ref. ACCC/C/2009/43)**

On 15 September 2009, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication in Russian submitted by "Transparency International Anti-corruption Center" public organization and addressed to the Convention's Compliance Committee regarding compliance by the Republic of Armenia with certain provisions of the Convention. The communication, excluding the annexes, was translated by the communicant into English and was received by the secretariat on 23 September 2009. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties to the Convention.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7. The communication has been registered under the symbol ACCC/C/2009/43, which you are invited to cite in future correspondence on the matter.

At its twenty-fifth meeting (22-25 September 2009), the Committee determined on a preliminary basis that the communication was admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

Additionally, in order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response to the above questions. At the same time, you are encouraged to avoid submitting to the Committee excessive documentation which is not strictly relevant to the allegation of non-compliance.

In a letter to the communicant, a copy of which is attached for your information, the Committee has invited the communicant to address other questions. You are welcome to respond to those questions if you so wish.

In providing your response pursuant to paragraph 23 of the annex to decision I/7, please note that you should explicitly comment on the communication itself and the allegations contained therein, as well as addressing the questions raised by the Committee to you (and to the communicant, if you so wish).

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,

P.P. 

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Jeremy Wates  
Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Varuzhan Hochtanyan, Transparency International Anti-corruption Center  
Hrayr Savzyan, Ecodar  
Arthur Sakunts, Helsinki Citizens' Assembly of Vanadzor  
Sona Ayyvazyan, Transparency International Anti-corruption Center

Encs. Communication ACCC/C/2009/43 (in Russian and English)  
Preliminary determination on admissibility  
Datasheet on the communication  
Letter to the communicant dated 29 October 2009

### **Annex – Questions posed by the Committee to the Party concerned**

1. What was the sequence of decisions taken or approved by the Government on the Teghut deposit?
2. What was intended with the approval by the Government of the 2005 Concept of the Programme of Exploitation of Teghut deposit and the related 2007 Programme?
3. Was the public provided with any opportunities to participate in the preparation of the Concept and the Programme?
4. Are the above Concept and Programme, in the opinion of the Party concerned, subject to article 7 of the Aarhus Convention?
5. If yes, how were the requirements of article 7 of the Aarhus Convention fulfilled?
6. What are the legal effects of (a) the 2001 Decision to grant a mining license to the "Armenian Copper Programme" on the Teghut deposit; and (b) the 2004 Decision for the renewal of the license?
7. In the view of the Party concerned, is the decision-making procedure for the issuance of mining licenses subject to article 6 of the Aarhus Convention and/or to the public participation requirements established by the Armenian legislation?
8. How does Armenian law define the criteria of standing for members of the public concerned to allow them to pursue the judicial review of acts relating to public participation cases and to challenge decisions by public authorities? What are these criteria?
9. What is the time limit set by the Armenian legislation for the review of such cases by the Court of Cassation?

