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Results of project “Strengthening Implementation in  
Armenia of the Espoo Convention”

Seminar on legislation and procedures for  
implementation of the Espoo Convention

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In May 2008, the Meeting of the Parties to the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991)

- endorsed the findings of the Implementation Committee regarding Armenia;
- requested Armenia to revise its legislation in accordance with the Implementation Committee's findings to ensure full implementation of the Convention;
- and included in the Convention's workplan an activity supporting Armenia through technical assistance in drafting the necessary legislation (decision IV/2, paras. 15-17).

# The Committee's findings were:

- (a) The provision in the Constitution to directly apply international agreements is insufficient for proper implementation of the Convention without more detailed provisions in the legislation.
- (b) The current EIA framework would not be capable of identifying activities likely to have a significant adverse transboundary impact that would trigger the transboundary EIA procedure envisaged by the Convention. Nevertheless, the current Law, which provides more procedural provisions, seems better able to implement EIA for projects as foreseen by the Convention than the draft law on SER.

- (c) The following areas are insufficiently addressed or are unclear:
- The situation in which Armenia is the affected Party, particularly regarding the reception of a notification and of EIA documentation, as neither the current legislation nor the proposed draft Law appear to address this situation;
  - Identification of the responsible authorities;
  - Sending a notification as a Party of origin;
  - The detailed content of the EIA documentation;
  - Sending the EIA documentation;
  - Consultations;
  - The procedure for public hearings, although the issue of regulations in this regard is envisaged by the current Law;
  - Timeframes for public participation and modalities of participation at different stages;
  - The definition of impact, which in the current Law is not in line with that in the Convention, but may be resolved by definitions in the proposed draft Law.

- (d) Procedural differences between EIA and SEA imply that separate provisions on EIA and SEA are preferable and that the same provisions should not attempt to address both issues.
- (e) Details of the EIA procedure, for example regarding public participation, should rather be included in the legislation than left for implementing regulations.

- it was agreed that the current Law on Environmental Impact Expertise (EIE) should be improved and amended to be used as the EIA law, but that the proposed new draft Law of the Republic of Armenia on State Environmental Review might form the basis of a future law on Strategic Environmental Assessment (SEA).
- it was decided that the main procedural provisions regarding public participation, responsibilities of proponents and authorities, transboundary procedure and other main procedural elements should be defined by law and incorporated into the current Law on Environmental Impact Expertise.

# Proposed amendments

- *Definitions*
- *List of activities*
- *The content of the EIA documentation*
- *Public participation*

There are three main stages in which public participation should be ensured:

- scoping
  - review of documentation
  - professional conclusion
- *Financial aspects*

The new Chapter on transboundary EIA was proposed. The Chapter contains 4 articles (14, 14-1, 14-2, 14-3)

- *Article 14* contains general provisions and references to the Espoo convention and national legislation as well as provision that any timeframe may be extended if necessary to ensure transboundary EIA procedure.
- *Article 14-1* regulates provisions when Armenia is the country of origin, including:
  - Sending a notification as a country of origin; timing the notification; contents of notification
  - Sending the EIA documentation; distribution and collection of comments; translation;
  - Consultations;

- *Article 14-2* regulates provisions when Armenia is the affected country, including:
  - The reception of a notification; responding to the notification and confirmation of participation;
  - The reception of EIA documentation
  - Consultations;
- *Article 14-3* regulates the issues of international collaboration, creation of bi- and multilateral agreements and establishment of joint bodies.
- Relevant provisions on transboundary EIA are also proposed to be included into other articles that regulate procedure of the EIE (Articles 6-11, 13, 16)