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ECONOMIC COMMISSION FOR EUROPE

MEETING OF THE PARTIES TO THE CONVENTION ON
ACCESS TO INFORMATION, PUBLIC PARTICIPATION
IN DECISION-MAKING AND ACCESS TO JUSTICE
IN ENVIRONMENTAL MATTERS

REPORT OF THE THIRD MEETING OF THE PARTIES

Addendum

DECISION III/6b

**COMPLIANCE BY ARMENIA WITH ITS OBLIGATIONS
UNDER THE CONVENTION**

adopted at the third meeting of the Parties
held from 11 to 13 June 2008 in Riga

The Meeting of the Parties,

Acting under paragraph 37 of the annex to decision I/7 on review of compliance,

Taking note of the report of the Compliance Committee and the corresponding addendum (ECE/MP.PP/2008/5 and Add.2), as well as the addendum to the report of its eleventh meeting (ECE/MP.PP/C.1/2006/2/Add.1), with regard to a case concerning access to information and public participation in the decision-making on modification of land/use designation and zoning and on the leasing of certain plots in an agricultural area of Dalma Orchards in Armenia, as well as availability of appropriate appeal procedures,

Encouraged by Armenia's ongoing willingness to discuss in a constructive manner the compliance issues in question with the Committee and to take measures implementing the Committee's recommendations in the intersessional period,

1. *Endorses* the findings of the Committee, adopted at its eleventh meeting (March 2006) and accordingly reflecting the compliance situation in 2006, to the effect that:

(a) By failing to ensure that bodies performing public functions implement the provisions of article 4, paragraphs 1 and 2, of the Convention, Armenia was not in compliance with that article;

(b) By failing to ensure effective public participation in decision-making on specific activities, the Party did not comply fully with article 6, paragraph 1 (a), with annex I, paragraph 20, or, in connection with this, with article 6, paragraphs 2 to 5 and 7 to 9, of the Convention. The extent of non-compliance would be somewhat mitigated if public participation were to be provided for in further permitting processes for the specific activities in question, but the requirement under article 6, paragraph 4, to ensure that early public participation is provided for when all options are open would still have been breached. In this regard, information was provided at the time to the Committee by the Party regarding the new draft law on environmental impact assessment and the Committee understood that the drafters of the new law would take the opportunity to ensure its approximation with the requirements of the Convention;

(c) By failing to provide for public participation in decision-making processes for the designation of land use, the Party was not in compliance with article 7 of the Convention;

(d) By failing to ensure that members of the public concerned had access to a review procedure and to provide adequate and effective remedies, the Party was not in compliance with article 9, paragraphs 2 to 4, of the Convention;

2. *Welcomes* the recommendations that were made by the Committee during the intersessional period in accordance with paragraph 36 (b) of the annex to decision I/7 (ECE/MP.PP/C.1/2006/2/Add.1, para. 45) and Armenia's willingness to accept them;

3. *Also welcomes* the significant progress made by Armenia in implementing the Committee's recommendations since their adoption in March 2006;

4. *Notes* that further progress needs to be made by Armenia in order to bring its legislation and practice into full compliance with the relevant provisions of the Convention, in particular with regard to further developments in specific legal acts and regulations, such as those setting out detailed procedures for environmental impact assessment, public notification and the consultation process;

5. *Endorses* the finding of the Committee at its nineteenth meeting that information provided by the Party concerned in February 2008 indicates that further measures should be taken in order to bring Armenia into compliance with the above provisions of the Convention, in particular with regard to development of detailed procedures for public participation in decision-making on activities referred to in article 6, paragraph 1, of the Convention, inter alia, by incorporating them into the new Law on Environmental Impact Assessment, and to ensure their

practical application, including by providing training to officials of all the relevant public authorities at various levels of administration;

6. *Welcomes* the intention of the Party to continue introducing the relevant provisions necessary to fully implement the Convention through the ongoing process of legislative development and review;
7. *Invites* the Party to take the Committee's considerations and findings with regard to communication ACCC/C/2004/08 into account in that process;
8. *Requests* the Party:
 - (a) To ensure practical application of public participation procedures at all levels of decision-making in accordance with article 7 of the Convention and relevant domestic legislation;
 - (b) To develop detailed procedures for public participation in decision-making on the activities referred to in article 6, paragraph 1, of the Convention;
 - (c) To undertake appropriate practical measures to ensure effective access to justice, including the availability of adequate and effective remedies to challenge the legality of decisions on matters regulated by articles 6 and 7 of the Convention;
9. *Invites* the Party to submit to the Committee periodically, namely in November 2008, November 2009 and November 2010, detailed information on further progress in implementing the recommendations set out above;
10. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures, in particular measures being undertaken with regard to implementation of articles 6 and 7 of the Convention and capacity-building measures for public officials and the judiciary;
11. *Undertakes* to review the situation at its fourth meeting.
