

To: aarhus compliance <aarhus.compliance@unece.org>
From: haykanush.parsamyan@mnp.am
Date: 06/16/2017 04:30PM
Cc: Sebastian Bechtel <Sebastian.Bechtelt@unece.org>
Subject: More Clarifications on the draft amendments to the RA EIA Law

Dear Sebastian,

I provide you with more information on the draft improvements of the EIA Law of the Republic of Armenia. As I have already told you at this stage we cannot say when the working draft document of the suggested amendments to the EIA law will be finalized as a draft. It is not clear when the working draft document will be put into the official turnover stipulated by the RA legislation on legal acts and when it will be submitted to the National Assembly.

However, we can assure that there are conceptual amendments done in the draft working document which comply with the requirements of the Aarhus Convention. More particularly, there are conceptual amendments suggested by the working draft on public notifications and hearings. The Article 26 of the current Law on EIA became Article 30 in the draft Law. The draft Law includes two Articles on public participation: the Article 30 'Notification of the Public' and the Article 31 'Holding of Public Consultations'. I provide the translations of the Article 30 and 31.

Article 30. The Notification of the Public

1. The public can participate in the SEA, EIA and expertise processes.
2. The authorized body, regional authorities, local authorities and the developer ensure the effective and timely participation of the public in the EIA, SEA and expertise processes, including:
 - a) dissemination of the information about the beginning and the end of the SEA, EIA and expertise processes at the early stages of SEA, EIA and expertise processes and the right of the public to participate in these processes.
 - b) ensuring the public access to the documents on each stage of the EIA, SEA and expertise processes.
 - c) creating conditions for participation in public hearings.
 - d) dissemination of information through official websites and other means of dissemination of information (press, mass media, public awareness done by local self-governance and regional government bodies, public buildings' boards) on the planned activities, expertise processes and the fundamental documents.
3. SEA notification shall contain the name of the founding document, the name of the initiator, brief description, information on location of the implementation of proposed activities set by the provisions of the founding document, source of the information provision, and timelines for presentation of recommendations.
4. EIA notification shall contain information on the proposed activity, on the authorized body and expertise process, dates of public consultations, location, sources of information provision, address for submission of proposals and information on transboundary impact.
5. Notification is published in the newspapers and other mass media sources or attached to the public buildings or ads banner. The notices on founding documents are posted on the official website of the initiator. The notice is posted on the official website of the authorized body on each stages of the expertise.

The translation of the Article 31 will be sent in the next e-mail.

Look forward to hearing from you soon.

With best regards,

Haykanush Parsamyan
(focal point of the Aarhus Convention)

To: aarhus compliance <aarhus.compliance@unece.org>
From: haykanush.parsamyan@mnp.am
Date: 06/16/2017 07:23PM
Cc: Fiona Marshall <Fiona.Marshall@unece.org>, Sebastian Bechtel
<Sebastian.Becht@unece.org>
Subject: Re: More Clarifications on the draft amendments to the RA EIA Law

Dear Sebastian,

The Article 31 "Public Hearings and Submissions of Proposals" of the working draft stipulates that at any stage of the EIA, SEA and expertise, including during the public hearings, the public has the right to submit any type of written and verbal opinions, suggestions and comments to the authorized state body and the Initiator, without justifications of the underlying causes during the timeframes defined by the EIA Law.

In accordance with the Law the authorized bodies shall take into account the recommendations made by the public, comments and opinions presented by them and use those suggestions, the results of public participation and reasonable comments in the founding documents and the planned activities.

The written or oral comments and suggestions made by the public, including the ones made during public discussions, can be submitted to the Initiator, as well as to the state and local government bodies. The Article includes provision on the Information not subject to disclosure. If the documents related to the proposed activities and the environmental impact assessment report are not subject to disclosure in accordance with the legislation, the developer takes out such information from the report. In these cases the effect on the environment, including emissions and discharges with quantitative and qualitative characteristics, physical and biological factors influencing the use of natural resources, and information on the management of waste is considered to be open and access to this type of information is not restricted.

The Article 31 stipulates the time-frame for submission of the electronic comments and they correspond to the time-frames stipulated in the Governmental decision 1325 (amended by 357).

I hope this information will be useful.

All the best,

Haykanush Parsamyan