

**Clarifications regarding paragraphs 3 (a, b, c, d) of the Decision VI/8/a
(Armenia)**

1. The Article 13 of the Law draft on Environmental Impact Assessment and Expertise (2019) is regarding the thresholds. Below the English text.

CHAPTER 3

***TYPES OF ACTIVITIES SUBJECT TO ENVIRONMENT IMPACT ASSESSMENT AND EXPERT
EXAMINATION***

Article 13. *Types of activities subject to environment impact assessment and expert
examination*

1. EIA reports and draft project documents shall be subject to assessment and expert examination with regard to the types of envisaged activities specified in parts 3-4 and 6-9 of this Article, as well as point 1 of part 4 of Article 19 of this Law.
2. The types of envisaged activities specified that are subject to assessment and expert examination shall be classified into two categories A and B according to their sectors, based on the decreasing level of impact on the environment.
3. Category A shall include:
 - 1) In the sector of energy:
 - a. nuclear power stations or other structures operating with nuclear reactor;
 - b. processed nuclear fuel storing and containments stations;
 - c. fabrication of nuclear fuel refinement;
 - d. thermal power plants;
 - e. hot water or steam production stations with the capacity of 30 and more MVt;
 - f. Hydro-power stations with the capacity 1 and more MVt;
 - g. gasification and gas liquation stations;
 - h. carbonisation ovens;
 - i. processing of radiated nuclear fuel or waste having high level of radioactivity;
 - j. production of energy from geo-thermal waters with the capacity of 8 and more MVt
 - 2) In the sector of subsurface use;

- a. geological researches with underground mount diggings of more than 1000 linear meters or in case of drilling boreholes with a depth exceeding 1000 meters;
 - b. exploitation of metal, including radioactive minerals or processing of ores or minerals or construction of a mining complex;
 - c. mining mineral oil or gas or processing raw oil or natural gas;
 - d. creating underwater structures for tutoring the waste from oil or gas or producing waste or toxic waste or radioactive substance;
 - e. creating underground transportation ways or structures;
 - f. final closing mining complex of mineral resources;
 - g. g. mining non-metal mineral resources or processing minerals;
 - h. operating mineral water mines with entrepreneurial purposes;
 - i. operating drinking water mines with entrepreneurial purposes;
- 3) in the sector of chemical industry:
- a. producing and re-cycling crude rubber or rubber-techniques;
 - b. producing or re-cycling oil or oil product;
 - c. producing black oil fuel;
 - d. producing explosives;
 - e. producing non-organic acid or alkaline or other non-organic materials or compounds;
 - f. producing or re-cycling organic or non-organic substances or their mixtures;
 - g. re-cycling pesticides or agrochemicals;
 - h. re-cycling consuming chemistry (washing, cleaning or other materials, 50 tons and more per month);
 - i. chemical production stations, where chemical or biological processes are used for production of portentous additions to feed, ferments and other portentous substances;
 - j. carbon (natural carbonate) or electroraphite production stations by means of burning graphitisation;
 - k. underground storage of 5 000 tons and more for gas or oil or petrochemical or chemical substances;
- 4) in the sector of pharmacological production:
- a. industrial production of pharmacological substances;
- 5) in the sector of metal production and recycling:

- a. roasting and agglomeration of metal minerals (including sulphide minerals);
 - b. producing or recycling of colour, precious, rare, black metals or their alloys from a mineral, or concentrate or secondary raw material;
 - c. processing colour metals, including leaching, recuperation (purification, moulding, production, etc);
 - d. producing recycled crude iron or steel (primary and secondary mould), including moulding with uninterrupted flow, exceeding the capacity of 2.5 tons per hour;
 - e. surface processing of metal or plastic materials by using electrolytic or chemical processes in pools of 30 cubic meter and more;
- 6) in the sector of waste use:
- a. collecting, storing or utilising or processing or recycling or neutralising or burying or disposing hazardous waste;
 - b. recycling hazardous waste of surface use;
 - c. constructing waste disposal facilities;
- 7) in the sector of construction material industry:
- a. producing cement or bricks or limestones 100 tons and more per day;
 - b. melting minerals – 20 tons and more, including production of mineral fiber;
 - c. producing ceramic products by means of burning, including roof tiles or bricks or fire-proof bricks or ceramic tiles or stone ceramics or porcelain items, 75 tons and more per day;
 - d. producing glass fibre or glass items - 20 tons and more per day;
 - e. producing asphalt or concrete;
- 8) in the sector of light industry:
- a. producing or chemical recycling of natural or artificial leather (including synthetic);
 - b. stations for preliminary recycling of fibre or textile (activities like washing, whitening, steeping) or for painting, where the volume of the processed materials exceeds 10 tons per day;
- 9) in the sector of sanitary-technical structures:
- a. cemeteries and crematoriums or mortuaries, pathology-anatomical facilities or morgues;
 - b. cremation, burying of animals or slaughter-houses – 500 heads and more per day;

10) in the sector of infrastructures:

- a. airports with 2100 m and more take-off runway length;
- b. power transmission lines of 15 km and more, 220 kW and more current,
- c. constructing and reconstructing new roads with four and more traffic lanes or widening the existing roads having not more than two traffic lanes to transfer them to four and more traffic lanes, if the relevant section has an uninterrupted length of 10 meters and more;
- d. constructing tunnels or metropolitan or railways of 500 metres and more or constructing bridges with a load capacity of 25 tons and more;
- e. gas or oil or chemical substance pipelines with a diameter of 300 mm and more, a length of 20 km and more;
- f. installing super-powerful transmission radio-technical facilities. With the purpose of this law, super-powerful transmission radio technical facilities shall be the facilities the guided energy conversion efficiency of installed antennas of which is more than 5 or the maximum efficiency exceeds the levels given below:
 - 900 Vt – within the range of 30 KHz-3 MHz frequency,
 - 500 Vt - within the range of 3-30 MHz frequency
 - 25 Vt - within the range of 30 MHz -300 GHz frequency
- g. for fiber-optical cables with a diameter 300 mm and more and a length of 1 km and more;

11) in the sector of water economy:

- a. water reservoirs or artificial pools or water pools - 500 000 cubic meter and more;
- b. sewage water and wastewater treatment stations – with the capacity equivalent for 50 000 and more population;
- c. producing wastewater treatment stations;
- c. constructing infrastructures to protect from floods and eutrophication;
- d. utilisation of underground drinking water for entrepreneurial purposes (per 1 borehole 100 litre per second and more, or a of 250 mm and more);

12) in the sector of urban development:

- a. anti-land-sliding or anti-slipping or anti-flood activities for 10 and more areas;

13) in the sector of agriculture:

- a. milk recycling, dairy production factories with the capacity of 200 tons and more per day;
- b. fish-breeding farms in case of an intake of 400 litre per second and more (per one farm);
- c. poultry- more than 40000 individuals;
- d. pig-breeding - 2000 heads and more;

14) in the sector of wood and paper production:

- a. producing wood material, paper or cardboard for paper production with the volume of 20 tons and more.
- b. producing cellulose or similar fibre materials from wood;

15) in the sector of food industry:

- a. producing mixed feed – 50 tons and more per day;
- b. producing or recycling tobacco - 0.5 tons and more per day;

4. B category shall include:

1) the following activities or production units in the sector of energy or all the structures or infrastructures thereof:

- a. producing biogas or energy with biogas with the capacity of 1MVt and more;
- b. hydro power stations of up to 1 MVt capacity;
- c. wind power stations with the capacity of 8 MVt, solar energy stations occupying an area of 5 ha and more;

2) in the sector of surface use:

- a. geological researches;
- b. final closing of non-metal mineral mines;
- c. recycling of surface use non-hazardous waste;
- d. final closing of underground water collectors;

3) in the sector of water economy:

- a. water reservoirs or artificial lakes or pools – from 100 000 to 500.000 cubic meters;
- b. water supply and water sanitation systems with a diameter of 300 mm and more and a length of 1 km and more;
- c. sewage water and wastewater treatment stations with a capacity equivalent for 3 000-50 000 population;

4) in the sector of agriculture:

- a. fish-breeding farms – 100 tons and more per year (on the basis of water use and water sanitation regulation), if the water use of the farm does not exceed 400 litres per second;
- b. sheep-breeding farms - 500 heads and more;
- c. cattle breeding farms - 1000 heads and more;
- d. poultry - 10000-40000 individuals;

5) in the sector of infrastructures:

- a. power transmission lines - 110 kV- 220kV current;
- b. petrol and gas stations – with a capacity of 5 cubic meter;
- c. roads of 5 km and more;

6) in the sector of food industry:

- a. meat and meat product production (ready production) - 50 tons and more per day;
- b. producing sugar and sugar powder 10 tons and more per day;
- c. producing non-alcoholic drinks - 10000 decalitre and more per day;
- d. producing beer - 10000 decalitre and more per day;
- e. producing wine and /or sparkling wine and/or liqueurs and/or vodka and/or brandy - 1000 decalitre and more per day;
- f. milk recycling and dairy production from 100 to 200 tons production capacity per day;
- g. producing animal or plant oil or fat 5 tons and more per day;
- h. producing margarine – 1 ton and more per day;

7) in the sector of urban development:

- a. urban development structures with 1500 square meters and more area of development or improvement or construction and improvement;
- 8) in the sector or recreation and tourism:
- a. parks or public gardens or forest parks, recreational zones;
 - b. rope-ways or zip-lines or ski lanes;
- 9) in the sector of water economy or land melioration:
- a. desalination of alinated soils with chemical solutions;
 - b. draining or collector-drainage systems - 5 km and more length;
- 10) in the sector of construction material production:
- a. producing cement or limestone or drywall – up to 100 tons per day.
5. Actions aimed at ensuring security and eliminating the consequences of emergency situations that cannot be delayed shall not be subject to expert examination.
6. All the envisaged activities not listed in parts 3 and 4 of this Article that are to be carried out in the territory of specially preserved areas of nature or on forest lands or within the boundaries of historical and culture monuments or public green zones or on other lands of nature protection significance and which are not included in the documents having received positive expert examination opinions shall be subject to expert examination. In this case expert examination shall be carried out in accordance with the procedure of category B.
7. Upon the initiative of the Initiator, all the envisaged activities not defined in this Article shall be subject to expert examination. In this case the expert examination shall be carried out in accordance with the procedure of category B.
8. Expanding the types of envisaged activities listed in this Article shall be subject to environmental impact assessment and expert examination.

9. Expanding the types of envisaged activities exceeding the limitations set for the types of envisaged activities listed in this Article, reconstruction or technical or technological re-equipment or re-profiling shall be subject to environmental impact assessment and expert examination, if as a result of it the limitations of the envisaged activity will coincide with the limitations of the types of envisaged activity set forth in this Article.

2. The Chapter 7 of the Law Draft regards the public notification process along with the implementation of public hearings and the requirements for that. Only this Chapter regulates the timeframes.

The timeframes are regulated by the Government decision 1325 and 357 (2017), which come from the Law. The latter (357) was adopted with the aim to make changes in the Government decision 1235 to extend the timeframes. And the timeframes were extended according to this decision (from 15 days to 18 days, from 10 days to 12 days, from 7 days to 12 days).

After the adoption of the Law Draft, the new Government decision should be adopted with the aim to revise the timeframes, which will be in accordance to the extended timeframes.

Regarding the date of the draft legislation

The date of drafting of the Law draft - October/November 2019

The final Law draft on Environmental Impact Assessment and Expertise (2019) was sent for the official circulation at the end of November/December (2019) to the relevant institutions and now it's waiting for the Government review. There is no law to impose deadline for the Government decision, but as soon as it's approved by the Government it will be sent for the parliament procedures. The adoption of the law may take up to few months as it goes to the several procedures (3 readings, discussion at the committees etc.). The approximate time for the adoption of the law is the end of 2020.

2. There is an English text of the Article 16 of the NGOs law. «The Article 16. The right of the Organization»

The Organization represents the lawful interests of its beneficiaries in the court in the area of environmental protection.

An Organization may file a suit on matters stemming from the field prescribed by paragraph 2 of this Article if:

- 1) The complaint stems from the statutory goals and objectives of the Organization and is directed at the protection of the collective interests related to the statutory goals of the Organization;
- 2) In the framework of the RA Law on the «Environmental Impact Assessment and Expert Examination» has participated in public consultations related to basic documents or foreseen activities or has not been given a chance to participate in public consultations and
- 3) In the period preceding the filing of the complaint has been active in the area specified by paragraph 2 of this Article for at least 2 years.

3. Information regarding the judicial trainings:

- There is 6 hours for the judicial trainings at the Academy of Justice, but sometimes they can take personal classes.

a) Environmental legislation of the Republic of Armenia – the modern issues of environmental law(international experience, Armenia), the ratified international treaties, Aarhus convention, 3 pillars, some decisions of the Compliance committee, the presentation of the new draft laws, submission of the applications to the European court of Human Rights, domestic judicial protection of environmental rights, the penal code regulations, administrative code regulations, judicial practice. During the trainings can be discussed the concrete cases on environmental issues.

b) The responsible (the organizer) of the training programs is the Unit of the organization of training for trainees of judiciary (the program accepts by the the Vice-rector).

The lecturer is a candidate of Law (PhD), Legal expert at Environmental Law Resource Center of YSU, Lecturer on Civil and Environmental Law at the YSU

c) 26 judges were trained during the 2019. There is no training programs for the judicial candidates (the subjects are very common for them). The judicial trainings are only for the judges. Only administrative judges were trained during the judicial trainings. The specialized courts includes the administrative courts in Yerevan (20 judges), Sevan (1 judge), Gyumri (1 judge), Vanadzor (1 judge), Kapan (1 judge).

There were trained also judges from the Court of administrative appealation (1 judge) and the Court of Cassation on criminal and administrative cases (1 judge).