

## **Second Progress Report on Implementation of the Recommendations provided by the Decision VI/8a Compliance by Armenia with its Obligations under the Aarhus Convention**

Decision VI/8a Compliance by Armenia with its obligations under the Convention was adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its sixth session in Budva, Montenegro, on 11–13 September 2017.

The Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters reaffirmed its decision V/9a, and requested the Republic of Armenia to take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:

- Thresholds for activities subject to an environmental impact assessment procedure, including public participation, are set in a clear manner;
- Reasonable time frames that are significantly longer than those currently provided for are set for the public to consult and comment on project-related documentation;
- Its legislation, including the law on non-governmental organizations and administrative procedures, complies with article 9, paragraph 2, of the Convention with regard to standing;
- It continues its efforts to raise awareness of the judiciary to promote implementation of domestic legislation in accordance with the Convention

After the velvet revolution (2018) the environmental policy became one of the main priorities of the Government of Armenia. According to the Government program the policy of environmental management has targeted at the complex conservation, improvement and restoration and reasonable use of the environment and natural resources, balancing it with social justice and economic efficiency.

The key objective of environmental management is to reduce the hazardous impacts of the environment on air, climate, water, lands, flora and fauna to a minimum,

rule out the overexploitation and illegal use of natural resources and ensure implementation of preventive actions. The competent body, inter alia, will provide effective implementation of the process environmental impact expertise, unify and modernize the systems of environmental monitoring, permits and licenses, co-ordinate management of primary information, develop and implement a policy aimed at promoting the long-term goal for green economy and sustainable development, harmonize the environmental legislation with the directives of the Armenia-EU CEPA, implement the large-scale actions for environmental awareness, co-education, environmental culture ad upbringing, increase the role of environmental science.

Based on this, the Ministry of Environment made the legislative, institutional and practical steps<sup>1</sup>. Among the legislative measures are the adaptation of the Draft Law on Environmental Impact Assessment and Expertise, and the Draft law on changes in the Law on freedom of information.

I. The Draft law on Environmental Impact Assessment and Expertise has been sent to the relevant ministries and now it is in stage of legal expertise by the Ministry of Justice. The draft law was drafted by the Ministry of Environment. There were several public hearings on the Draft Law. The aim for adoption of the changes and amendments in the current Law on EIAE is to bring it in line with the Aarhus Convention' provisions.

The current law on Environmental Impact Assessment and Expertise was amended and changed.

Based on a new draft, the process of obtaining an expert conclusion on implementation of the proposed activity and drafting fundamental documents on potential influence on environment and health of people are simplified.

The amendments in the Article 4 of the Draft law concerning the terms were changed. Particularly, the terms “environment”, “fundamental documents”, “proposed activity”, “strategic environment assessment” and “assessment of the influence on environment”, “application”, “expert”, “initiator”, “the public”, “the public concern”.

The chapter 7 of the Draft Law regulates the public notification process along with the implementation of public hearings and the requirements for that. The inclusion of the

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<sup>1</sup> All texts of the draft laws, which mentioned in the 2<sup>nd</sup> progress report are attached in the “Annex”.

above-mentioned provisions comes from UNECE Convention on Access to Information, Public participation in Decision-making and Access to Justice in Environmental Matters and the Convention on Environmental Impact Assessment. The text of the Articles 29 and 30, which concerns the public notification and public hearings is following:

### **The Article 29. Public notification and conducting public hearings**

1. The public has right to participate in the procedures of EIA, SEA and expertise.
2. The competent body, the territorial government bodies, the self-government bodies and initiator provide the effective and timely participation of the public in the procedures of EIA, SEA and expertise, including:
  - 1) at the earliest stage, when all opportunities are open for the consideration of different versions and when it is possible to provide the efficient participation of the public in EIA, SEA and expertise procedures with the aim to start and disseminate information on their right to participate,
  - 2) availability of documents of EIA, SEA and expertise stage and other information,
  - 3) creation of the conditions for the participation of the public in hearings,
  - 4) public notification on fundamental documents or proposed activity, expertise procedure by means of official web pages and by the means of information dissemination (media, media outlets, self-government bodies and territorial management bodies, on buildings of public meaning).
3. SEA notification content is the following:
  - 1) Name (title) of the initiator,
  - 2) Title and goal of the fundamental documents,
  - 3) Brief description,
  - 4) Information on provisions of fundamental documents,
  - 5) The address, terms of the implementation of public hearings,

6) The address for the information receipt and the terms of the suggestions submission.

4. The content of EIA notification shall include:

- 1) The name (title) of the initiator,
- 2) The title and goal of the proposed activity,
- 3) The place of the implementation of the proposed activity,
- 4) The address, terms of the implementation of public hearings,
- 5) The opportunity to receive the information and to get familiar with the documents, the proposed address for the suggestions submission.

5. The notification shall be published in press and in other media outlets having at least three thousand circulation, taped up on the information board of marz administration building or the residence of local self-government bodies of the affected community or public building (buildings of cultural, art, scientific, educational significance); in case of background document, the notification shall be posted on the official website of the initiator. In the phase of expert examination, the notification shall be placed also on the official website of the authorised body.

### **Article 30. Conducting public hearings and submitting recommendations**

1. In the course of EIA, SEA and expert examination, including public hearings, the public shall – within the time-period established` by this law - be entitled to submit any written and oral opinions, recommendations and comments without any justification of the reason underpinning them.
2. The authorised body, the initiator shall be obliged to discuss all recommendations, comments and opinions submitted by the public, to put the results of public participation and reasoned recommendation in the basis of expert examination opinion.

3. The public may submit written or oral comments and recommendation, including those in the course of public hearings to the initiator, state and local self-government bodies, also the authorised body in the phase of expert examination.
4. Recommendations made by the public in writing or electronically shall be submitted:
  - 1) in the cases prescribed by Article 17 of this law – within ten working days following the notification,
  - 2) In the phase of expert examination of EIA report – for background documents and types of activities of category A – within 18 working days following the notification;
  - 3) In the phase of expert examination of EIA report – for background documents and types of activities of category B – within 12 working days following the notification.
5. Public hearings in the phases of expert examination shall be conducted not earlier than on the 12th day following the notification.
6. In the course of public hearings, the initiators shall submit SEA or EIA reports.
7. Comments and recommendations shall be taken into consideration by the initiator and the authorised body. Where they are not taken into consideration justified reasoning shall be provided for it.
8. The results of public hearings shall be reflected in the relevant reports and expert examinations opinion, which shall be placed of the official website of the authorised body within seven days following the approval.
9. Where the documents related to the planned activities and the EIA reports contain information not subject to disclosure as prescribed by the laws of the Republic of

Armenia, the initiator shall remove this information from the report making the remaining part available for public. In the mentioned cases, the information referring to environmental impact, including quantitative and qualitative characteristics of emissions and leakages, physical and biological factors of impact, use of natural resources and waste management shall be considered open and its availability may not be limited.

10. The content of public awareness and public hearings, the procedure for public hearings, the procedures and the timeframes for submitting opinions, comments and recommendations in the process of EIA and expert examination shall be established by the Government.

II. The draft law on the Freedom of Information was adopted by the Ministry of Environment. The Draft law stipulates the provisions regarding the definition of the environmental information, the basis of refusal of providing information. This Article is in line with Aarhus convention provisions. The basis of the refusal of the providing of information is a little bit arguable and it's in a working process, that's why it is not attached in Annex). Article 2 (p.3) of the Aarhus convention was incorporated in the draft law of the freedom of Information of RA. Particularly, the 3<sup>rd</sup> Article of the current law was amended by the following Article 1:

“Environmental information” means any information in written, visual, aural, electronic or any other material form on:

(a) The state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

(b) Factors, such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programs, affecting or likely to affect the elements of the environment within the scope of subparagraph (a) above, and cost-benefit and other economic analyses and assumptions used in environmental decision-making;

(c) The state of human health and safety, conditions of human life, cultural sites and built structures, inasmuch as they are or may be affected by the state of the elements of the environment or, through these elements, by the factors, activities or measures referred to in subparagraph (b) above;

(d) Information on programs, events and other procedures and outcomes in the sphere of environment.

Meanwhile, there is also the separate law draft on environmental information, which drafted by the National Assembly of Armenia. The above-mentioned Law stipulates all aspects of the environmental information: definition, providing, restriction and other aspects.

III. With the aim of raising of public awareness, the Ministry of Environment started TV/radio programs, flash mobs and other different events. The TV program “Ekoplatform” on main TV channel (H1). There are in process the 16 programs, which are regarding the Sevan lake issues, forests, climate change, environmental problems, Aarhus convention e.t.c. Almost the same programs are on the radio channel (the program title is “Your environmentalist” (12 programs)

[https://hy.armradio.am/2019/11/14/ձեր-բնապահպանը.-կարմիր-գրքում-ներս/?fbclid=IwAR2d2qc1RFhSpBvjsXhHfo2wJJUOxXfwxyMm3US8Or26wFDjX\\_n7GtP9MY](https://hy.armradio.am/2019/11/14/ձեր-բնապահպանը.-կարմիր-գրքում-ներս/?fbclid=IwAR2d2qc1RFhSpBvjsXhHfo2wJJUOxXfwxyMm3US8Or26wFDjX_n7GtP9MY)).

Everybody can subscribe in youtube.com channel and watch these programs:

[https://www.youtube.com/channel/UCngZfxBNiLPyYJ64unWPryg?fbclid=IwAR2e\\_sWUyBboyOhKN8Ci-THRDrtokerIVqYR4YutWKUmUbQqPDYV6fDE2LE](https://www.youtube.com/channel/UCngZfxBNiLPyYJ64unWPryg?fbclid=IwAR2e_sWUyBboyOhKN8Ci-THRDrtokerIVqYR4YutWKUmUbQqPDYV6fDE2LE)

Apart from this, the Ministry of Environment adopted the Concept on environmental education in 2018. The latter regulates the issues on environmental education, the analysis of the current situation of the environmental education, the strategic directions of the environmental education (the Armenian version of the Concept is attached in Annex).

IV. Concerning the training of the judiciary on environmental law, the statistics are the following:

- Prosecutors: 14 prosecutor (2018), 13 prosecutor (2019);
- Judges: 26 judge (2019).

The discipline “Environmental law” includes the following:

- Concept of environmental law;
- The environmental legislation and specific issues;
- The modern trends of the development of EL;
- Issues on international and domestic protection mechanisms on environmental rights;
- The criminal aspects: the penal code regulations on environmental crimes.

The curricula of the environmental law (2018) is attached in Annex (Armenian version).