



## Economic and Social Council

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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

##### Fourth session

Chisinau, 29 June–1 July 2011

Item 5 (b) of the provisional agenda

##### **Procedures and mechanisms facilitating the implementation of the Convention: compliance mechanism**

### **Draft decision IV/9a on compliance by Armenia with its obligations under the Convention**

*The Meeting of the Parties,*

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

*Mindful* of the conclusions and recommendations set out in decision III/6b with regard to compliance by Armenia (ECE/MP.PP/2008/2/Add.10),

*Taking note* of the report of the Compliance Committee and the corresponding addendum (ECE/MP.PP/2011/11 and Add.1) with regard to follow up on decision III/6b and a case concerning public participation in the decision-making and access to justice in connection with the issuance and renewal of licences to a developer for the exploitation of copper and molybdenum deposits in the Lori region of Armenia,

*Encouraged* by Armenia's continuous efforts to engage in a constructive discussion with the Committee on the compliance issues in question, and to take measures implementing decision III/6b in the intersessional period,

1. *Takes note* of the serious and active engagement of and progress made by the Party concerned in implementing decision III/6b of the Meeting of the Parties;

2. *Endorses* the findings of the Committee that, while acknowledging the continuous efforts of the Party concerned in implementing decision III/6b, there are still shortcomings in Armenian law and practice and, due to these shortcomings, in the case of communication ACCC/C/2009/43, the Party concerned failed to comply with article 3, paragraph 1, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, and article 6, paragraphs 2, 4 and 9, of the Convention;

3. *Encourages* the Party concerned to continue its constructive dialogue with the Committee and to accelerate the process for the new legislation on environmental impact assessment (EIA), including procedures on public participation in it, to be finalized and come into effect;
  4. *Invites* the Party concerned to take the necessary legislative, regulatory, and administrative measures and practical arrangements to ensure that:
    - (a) Thresholds for activities subject to an EIA procedure, including public participation, are set in a clear manner;
    - (b) The public is informed as early as possible in the decision-making procedure, when all options are open, and that reasonable time frames are set for the public to consult and comment on project-related documentation;
    - (c) The responsibilities of different actors (public authorities, local authorities, developer) in the organization of public participation procedures are defined as clearly as possible;
    - (d) A system of prompt notification of the public concerned on final conclusions of environmental expertise is arranged, e.g., through the website of the Ministry of Nature Protection;
  5. *Also invites* the Party concerned to take the above elements into account in finalizing its law on environmental impact assessment, and to provide a draft of the new law to the Committee as soon as possible;
  6. *Requests* the Party concerned to draw up an action plan for implementing the above recommendations with a view to submitting an initial progress report to the Committee by 1 December 2011, and the action plan by 1 April 2012;
  7. *Also requests* the Party concerned to provide information to the Committee at the latest six months in advance of the fifth session of the Meeting of the Parties on the measures taken and the results achieved in implementation of the above recommendations;
  8. *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;
  9. *Undertakes* to review the situation at its fifth session.
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