

Planning meeting for preparation of the amendments to the law of the Republic of Armenia on “Environmental impact assessment and expertize”

March 24, in Congress Hotel

Minutes

Prepared by Azganush Drnoyan, national expert

Background and participation:

The planning meeting for preparation of the amendments to the law of the Republic of Armenia on “Environmental impact assessment and expertize” was held on March 24 in the Congress Hotel. The meeting was organised by the United Nations Economic Commission for Europe and the Ministry of Nature Protection of Armenia within the framework of the EU funded Programme ‘Greening Economies in the Eastern Neighbourhood (EaP GREEN).

This was an informal planning meeting between the UNECE, UNECE consultants and the representatives of the national government of Armenia. The following experts took part in the meeting.

1. Elyanora Grigoryan, Adviser to the Ministry of Protection of Nature, national Focal Point of Espoo Convention and SEA Protocol,
2. Azganoush Drnoyan, senior specialist of Center of «Expertise of assessment of impact on the environment» State Non-commercial Organization (SNCO), project national expert,
3. Ashot Simonyan, head of the legislation department of legal administration,
4. Hermine Poghosyan, expert of National Assembly of the Republic of Armenia,
5. Nune Darbinyan, NGO Eco-Globe,
6. Maya Gachechiladze-Bozhesku, UNECE international expert,
7. Mikhal Musil, UNECE international expert,
8. Yelena Layevskaya, UNECE international expert,
9. Elena Santer, UNECE secretariat of the Espoo Convention and SEA Protocol, (through Skype).

The meeting was held in Russian language.

Documentation on the meeting is available at the UNECE website following the link:
<http://www.unece.org/index.php?id=39007#/>

Minutes:

1. The meeting was opened by Ms. Elena Santer, the EaP GREEN project manager who welcomed the participants and outlined **the aims of the meeting**, including:

- to discuss and agree on the process for amending the Law on «Assessment of impact on the environment and expertise» of the Republic of Armenia (adopted on 21 June 2014) (the Law);
- to discuss the by the international experts proposed amendments to the Law in order to ensure its compliance with the provisions of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention), its Protocol on Strategic Environmental Impact Assessment (the Protocol_ and relevant EU Directives..

2. Ms. Elena Layevskaya, UNECE international legal expert, presented the [THE CONCEPT OF THE AMENDMENTS TO THE LEGISLATION OF THE REPUBLIC OF ARMENIA BASED ON THE FINDINGS AND RECOMMENDATION OF THE REPORT “ON THE ASSESSMENT OF THE DRAFT LAW ON ENVIRONMENTAL IMPACT ASSESSMENT AND EXPERTISE” AND “OVERVIEW OF THE LEGISLATION OF THE REPUBLIC OF ARMENIA TO IMPLEMENT UNECE PROTOOL OF STRATEGIC ENVIRONMENTAL ASSESSMENT”](#) . She outlined the gaps in the current legislation vis-a-vis international agreements and pointed out that there some inconsistencies between the Law and the Armenian Constitution. She further presented the approaches for amending the Law, including changing the name of the law and improving the chapter on strategic environmental assessment as well as the chapter on public participation. Some specific proposals for the revision of the Law on EIA and expertise were also presented.

The adviser to the minister, Ms. Elyanora Grigoryan, reminded that the First Deputy Minister of Nature Protection of Armenia, Mr. Simon Papyan, emphasized in the welcoming speech that the Ministry of Nature Protection of Armenia would accept only those comments and suggestions which could be considered as reasonable and necessary by the Government of Armenia. She pointed out that the proposed schedule of work from March 2015 to September 2015 is too tight and perhaps should be revised. National expert Ms. Azganoush Drnoyan commented on the suggestions presented by Ms. Elena Layevskaya, UNECE international expert. She mentioned that during the development of the Law, lawyers took active part in it and there were no any serious gaps in the Law. It was mentioned that some suggestions made by the international expert are acceptable, but other more significant suggestions are unacceptable. The Ministry of Nature Protection considers that most of the suggestions are already clearly reflected in the law or by-law act and there are no issues related to their resolution. She also pointed out that in her view, there are no violations of the Constitution of Armenia in the Law.



The head of the legal department of the legal administration, Mr. Ashot Simonyan, mentioned that there are no discrepancies or legal gaps in the Law. He also suggested revising the proposed schedule of the work.

The participants of the meeting further concluded that careful considerations of the proposed amendments are needed during the course of the project and it is important to establish a well-functioning project team and the acceptable schedule of work.

Ms. Elena Santer emphasised that the Government of Armenia has full ownership of the process for amending Armenian environmental assessment legislation and invited the Ministry of Nature Protection to propose a new timeline. She further stated that the UNECE understands that the Law was only recently adopted and the Ministry of Nature Protection requires sufficient time and significant reasons for amending the Law. In this respect, Ms. Santer pointed out that the EaP

GREEN experience in the Republic of Moldova shows that the SEA pilot helped to test the SEA procedure described in the draft law and to improve the draft law. Thus, she suggested considering a possibility to link the legislative development process with the upcoming SEA pilot project. After the completion of the pilot SEA, the proposing amendments to the Law to the Government of Armenia will be more justifiable and effective. (A possible SEA pilot project for the Waste management strategy was suggested at the ‘Seminar on the application of strategic environmental assessment in Armenia’ carried out back to back with this planning meeting (Yerevan 23-24), but further negotiations between the Ministry of Nature Protection and the Ministry of Regional Development are needed).

Ms. Elyanora Grigoryan stressed that the suggestion of Ms. Santer should be discussed within the the Ministry of Nature Protection and have an approval of the Minister. The Ministerial decision will be communicated to the UNECE secretariat and the international experts within next two weeks.

Ms. Elena Santer emphasised the importance of an efficient planning for the pilot project and the legislative drafting process, including the coordination between project partners, establishment of timeline, project team and involvement of the international consultants. She also proposed to nominate one expert who would assist in the management of the two processes at the national level.

Ms. Grigoryan emphasized that the Ministry of Environment Protection of RA should be involved in the selection of the candidate.

Ms. Grigoryan closed the meeting by thanking the participants on behalf of the Ministry for the efficient and useful discussions.