



**Strengthening the national capacity of Armenia to integrate
Strategic Environmental Assessment (SEA) and
Environmental Impact Assessment (EIA) procedures into
legal, regulatory and administrative frameworks project**

Report

**2nd Roundtable on “Developing national legal
framework on SEA in Armenia”**

Yerevan, 16 February 2017

EaPGREEN
Partnership for Environment and Growth



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PROTECTION OF RA



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1. Background

The 2nd legal roundtable was organised by the Ministry of Nature Protection of the Republic of Armenia in cooperation with the United Nations Economic Commission for Europe (UNECE) and the Regional Environmental Center for Caucasus (REC C) in the framework of the EU funded 'Greening the Economies in the EU Eastern Neighbourhood' project (EaP GREEN).¹

The event was held as a part of the process on developing the national legal framework on SEA in Armenia (hereafter also 'legal drafting').

The 2nd legal roundtable followed the outcomes of the 'Roundtable on integration of the SEA procedure into the national legal framework of Armenia' organized in March 2016 (detailed information can be found at

The event gathered representatives of the sectoral ministries responsible for preparation of the plans and programmes in the key economic sectors (e.g. Ministry of Territorial Administration and Development, Ministry of Urban Development, Ministry of Energy, and others) as well as representatives of non-governmental organizations (Women for Health and Healthy Environment NGO, etc.) and other relevant stakeholders (e.g. members of the SEA national expert team carrying out pilot SEA within the EaP GREEN). .

The meeting was opened by Mr. Khachik Hakobyan, Deputy Minister of Nature Protection of RA, Ms. Eleonora Grigoryan, Adviser to the Minister of Nature Protection of Armenia, Espoo Convention focal point, and Ms. Nune Harutyunyan, National SEA Team Leader, Director REC Caucasus (see the list of participants in Annex II to this report).

¹ The EaP GREEN programme is funded by the European Union and other donors, and is jointly implemented by the four partner organisations: OECD, UN Environment, UNECE and UNIDO.



2. Workshop objectives

The aim of the event was to present elaborated draft legislation package on amendments of the legal framework for strategic environmental assessment (SEA), with the emphasis on the roles and responsibilities of the main actors and stakeholders in the SEA system. The feedback from the participants will be considered when finalizing the amendments to the national Law on Environmental Impact Assessment and Ecological Expertise, and the draft Governmental Decree on SEA implementation. The roundtable also provided a platform to present and discuss relevant examples of SEA procedures from other countries as a basis for enhancing existing national framework on SEA and to raise efficiency of internal procedures and monitoring related to environmental and health risks within SEA system (see agenda of the event in Annex I to this report).



3. Summary of the discussion

The meeting was opened by Khachik Hakobyan, Deputy Minister of the Ministry of Nature Protection, who mentioned that initiated amendments to the Law on Environmental Impact Assessment and Expertise will clarify the SEA procedure, so that the law will be more acceptable by the sectoral ministries and in accordance to international standards, however considering the fact that the proposed changes will be based on national interests. Mr. Hakobyan also provided that he hopes that today's meeting will generate new proposals, and current package of legislative amendments to the SEA law will be circulated with the ministers with further submission to the National Assembly of the Republic of Armenia.

Ms. Eleonora Grigoryan, Espoo Convention focal point, Ministry of Nature Protection of Armenia, thanked Secretariat of Convention for supporting the SEA pilot project as well as development of the legislative framework for SEA. She added that she emphasizes the importance of national interest and hopes for active participation of international experts in assisting the law amendment process.

Ms. Anahit Simonyan, Head of UNIDO Operations in Armenia greeted and welcomed participants and added that UNIDO is a part of the Green Economy initiative process. In the future, this SEA/EIA component of the EaP GREEN, which UNECE implements, will give very concrete output opportunity to producers, manufacturers as well as the green economy.

UNECE SEA Team Leader, REC Caucasus ED Ms. Nune Harutyunyan introduced objectives and agenda of the meeting. She also informed that previous day the expert team on SEA legal amendment project had been working quite effectively on remaining issues to be clarified, and had made changes in the latest version of the draft amendment package.

Martin SMUTNY, Consultant to Espoo Convention secretariat, UNECE, responsible for coordination of UNECE SEA-related activities in Armenia, expressed appreciation to the effort which Armenia is putting into the further development of its legal framework on SEA and environment impact assessment (EIA) as well as on introducing the **Strategic environmental assessment**: these tools are essential to make sure that future economic growth, which is indeed very needed, doesn't present significant harm to environment and human health. He mentioned that there has been a significant progress in this respect in Armenia, and the work on the legislative framework is getting to the end of the process. In result, it should ensure that a legal framework for SEA in Armenia is in accordance with international legal framework and reflecting Armenian context. Mr. Smutny underscored that this joint effort will result in the legal basis for SEA, which will be applicable in practice. It is also very important to share the current status of the legal development with the key national stakeholders including several ministries or sectoral ministries which are going to be involved in SEA application and then to apply SEA in their future work, as well as other stakeholders including non-governmental organizations.



Then **Mr. Smutny presented** EaP GREEN SEA/EIA activities in Armenia. The following strategic approaches were mentioned:

- Activities in Armenia since November 2013 (review of legislative and institutional frameworks for the application of EIA and SEA procedures, SEA pilot, legal drafting)
 - – Sub-regional activities
 - Study Tour on Sharing Best Practices of the Czech Republic in the field of applying SEA (December 2014, five participants from Armenia)
 - EaP GREEN regional experience sharing events (Georgia, November 2015), including
 - Regional conference for exchange experiences on improving legal and institutional frameworks for application of EIA and SEA in the participating countries
 - SEA train-the-trainers workshop.
- Further activities in 2017

Ms. Elena Laevskaya, international legal expert to UNECE, introduced a presentation on “Main requirements of the UNECE Protocol on SEA”

QA session followed after Elena’s presentation.

Mr. Gor Movsisyan, UNECE, in his presentation emphasized the importance of the following aspects:

- It’s important to convey the idea that we need to approach the institute of SEA as a process of information, knowledge capture and collaboration.
- It is necessary to create a mechanism by which the interests of all ministries and stakeholders are sufficiently taken into account in the final decision

Mr. Movsisyan has also introduced examples of SEA procedure application from EU countries (the Netherlands, Belgium and Germany).

National expert on water/groundwater **Ms. Lusine Taslakyanyan** raised the question regarding the extent to which sectoral experts were entitled to make amendments in suggested document, as well as raised the issues of separated waste management which has not been included in the Solid Waste Management strategy.

Ms. Nune Harutyunyan, SEA Team Leader, REC Caucasus Director , responded that information about separated waste management and consequent recommendations for further



improvement in solid waste management sector has been already mentioned in the SEA scoping report produced at the end of 2016 by the SEA expert team, as well as these issues are included in the SEA final report which dedicates a special chapter to waste, its analysis in connection to communities, identifies existing challenges and formulates recommendations.

Following comments from stakeholders were raised:

- Example of Georgia and their problems on waste sorting was discussed (Mr. **Artashes Bakhshyan, Ministry of Territorial Administration and Development of RA, Department of Territorial Investment Policy**)
- There must be appropriate enabling policy, which will attract the private sector to implement SEA (**Ms. Nune Bakunts, Representative of the Ministry of Health**)

Mr. Martin Smutny mentioned that based on the assessment of likely impacts, SEA should suggest recommendations towards the plan or programme to be considered by the agencies responsible for planning. This is the discussion which SEA should provide platform for. Mr. Smutny also expressed following points:

- SEA should analyze what are the effects or impacts related to the draft plan and proposed development
- SEA has to suggest how to deal with the impacts, how to improve the situation
- SEA should provide recommendations, which need to be discussed with planning authorities to ensure the planning authorities accept SEA recommendations or can explain why certain recommendations cannot be accepted. That's normally how SEA works in practice.

National legal expert Ms. Azganush Drnoyan, Environmental Expertise Division, Ministry of Nature Protection of RA, conducted presentation on National legal framework for SEA – main steps in SEA procedure (covering legislative amendments on SEA and EIA implementation procedures). The following amendments were suggested in the draft legislation package:

- It has been decided to remove SEA articles from the law and move the SEA implementation procedure details into the draft government decision on SEA. The law that regulates the expertise, and SEA and EIA procedures should be separated,
- Amendments of the provisions on the EIA process and the concept of EIA which has been amended as per provisions of the Espoo Convention.
- Amendments of the provisions on the process of environmental expertise were made



- Amendments were prepared on the concepts and notions, including corrections in notions and terminology of SEA in accordance with the Protocol on SEA

Furthermore, in accordance with Ms. Drnoyan, the following amendments were drafted regarding the stages of SEA process:

- Determination of the SEA scope and SEA application package,
- Preparation of SEA report,
- Consideration of SEA results and recommendations in the plan or programme

Two points were highlighted in the Law according to which SEA and expertise are obligatory for fundamental documents which may have potential impacts on protected area, cultural monuments, as well as for amended projects/programs which have already received a positive evaluation from environmental expertise. In both cases, it is not defined whether it is mandatory to apply the SEA (for both cases), thus as a solution there has been suggested to have preliminary assessment and then to decide whether the plan/programme has to be a subject to SEA or not.

Following presentation of Ms. Drnoyan, there was a discussion concerning linkages between SEA procedures and the planning process.

Stakeholder agencies and ministry representatives mentioned that state administration bodies which need to implement SEA would need to discuss and find financial sources and properly plan allocation of sums needed for the SEA process, and expertise procedures which need to be included in the state budget.

In this context, following questions and suggestions were raised:

- The necessity to obtain funds and plan expenses within the state budget or any other financial resource which can be used to implement SEA
- Allocate funds from the state budget for further implementation of SEA
- How can we define the following concept of the SEA?

Further on **Ms. Drnoyan** introduced “National legal framework for SEA – main actors in SEA system and their roles and responsibilities”.

Mr. Martin Smutny introduced “Roles and responsibilities of main actors in SEA system – examples from other countries”. Following main actors were mentioned:

- Sectoral authorities = planning agencies



- Environmental and health authorities
- Other governmental institutions
- Decision-makers
- Practitioners, consultants and experts
- Public, civil society and non-governmental organization

SEA procedure in Czech Republic was outlined including following main stages:

- Notification
- Fact-finding procedure (screening + scoping)
- Drafting SEA report
- Public consultations
- SEA statement
- Decision-making
- Monitoring

After presentation, a number of questions and suggestions were raised:

Ms. Narine Avetisyan, Ministry of Energy and Natural Resources: In Armenia, when one develops a draft of the programme/document, then it should be presented to all ministries' departments to collect their opinions, feedback and comments (for and against). Afterwards, analysis for the draft programme/document is carried out. She suggested that in this case the SEA this practice will have to be the same.

Legislative expert Ms. Azganush Drnoyan replied that the task of the Ministry is to respond whether or not the document is subject to the SEA. If that document is subject to SEA, reference is made to the relevant Ministry department.

Mr. Martin Smutny mentioned that when SEA procedure should be integrated in the planning process to avoid duplication of analyses and/or consultations.

Mr. Gor Movsisyan, UNECE legal expert, mentioned that this process can be viewed as an opportunity for cooperation within the context of passage to the procedure of SEA. SEA represents a process of consultations, exchange of views, but this is more than just an exchange of views – it need to be based on analysis of likely effects. This process can be viewed as an opportunity for cooperation to pass on SEA, with which is availing new opportunity to extend and improve the level of cooperation. This option is suggesting more than just gathering opinions of stakeholders.



Group discussion followed, then Summary of recommendations concerning the necessity to support the sectoral authorities in introducing SEA procedure in their planning systems.

Summary recommendations

- The roundtable workshop outlined initiated amendments to the Law on Environmental Impact Assessment and Expertise to clarify the SEA procedure, so that the law will be more acceptable for the sectoral ministries and in accordance to international standards, however considering the fact that the proposed changes will be based on national interests.
- Armenia has achieved significant improvements in development of its legal framework on SEA and environment impact assessment (EIA) as well as on introducing the Strategic environmental assessment: these tools are essential to make sure that future economic growth.
- Country has achieved significant progress in the work on the elaborating further national legislative framework, in accordance with Espoo convention and Protocol requirements reflected within Armenian context.
- Current status of the legal development is shared with the key national stakeholders including several ministries or sectoral ministries which are going to be involved in SEA application and then to apply SEA in their future work, as well as other stakeholders including non-governmental organizations.
- It's important to convey the idea to approach the institute of SEA as a process of information exchange, knowledge capture and collaboration. It is necessary to create a mechanism by which the interests of all ministries and stakeholders are sufficiently taken into account in the final decision.
Suggested amendments:
 - It has been decided to remove SEA articles from the law and move the SEA implementation procedure details into the draft government decision on SEA. The law that regulates the EIA and SEA procedures should be separated.
 - Amendments of the provisions on the EIA process and the concept of EIA which has been amended as per provisions of the Espoo Convention.
 - Amendments of the provisions on the process of environmental expertise were made
 - Amendments were prepared on the concepts and notions, including corrections in SEA notions and terminology in accordance with the Protocol on SEA
 - Two points were highlighted in the Law according to which SEA expertise is obligatory for fundamental documents which may have potential impacts on protected area, cultural monuments, as well as for amended projects/programs which have already received a positive evaluation from Monitoring Center on Environmental Impact Assessment and Expertise under the MNP RA. In both cases, it is not defined whether



it is mandatory to apply the SEA (for both cases), thus as a solution there has been suggested to have preliminary assessment and then to decide whether the plan/programme has to be a subject to SEA or not.

- The necessity to obtain funds and plan expenses within the state budget or any other financial resource which can be used to implement SEA
- Allocate funds from the state budget for further implementation of SEA
- Appropriate enabling policy, which will attract the private sector to implement SEA
- The necessity to create a mechanism by which the interests of all ministries and stakeholders are sufficiently taken into account in the final decision
- The process of public consultations must be viewed as an opportunity for improved cooperation between stakeholder to enable smooth passage to SEA implementation, using which RA ministries, agencies, civil society, experts and other stakeholder will have an opportunity to reach a better level of cooperation,
- Stakeholder agencies and ministry representatives mentioned that state administration bodies which need to implement SEA would need to discuss and find financial sources and properly plan allocation of sums needed for the SEA process, and expertise procedures which need to be included in the state budget.



4. Workshop conclusions

By the end of event further steps in adopting the national legal framework on SEA were discussed by stakeholders.



Deputy Minister at Ministry of Nature Protection of the RA Khachik Hakobyan, UNECE Espoo conv. Focal Point Eleonora Grigoryan, Anahit Simonyan, UNIDO



Mr. Martin Smutny, UNECE – presentation of EAP Green activities



UNECE SEA Team Leader, Director REC Caucasus Ms. Nune Harutyunyan



International legal experts to UNECE SEA experts Mr. Gor Movsisyan and Mrs. Elena Laevskaya

