

## Plan of action for decision VII/8a (Armenia)

Through paragraph 4 (a) of decision VII/8a concerning the compliance of Armenia, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations contained in that decision.

The text of decision VII/8a is available at: <https://unece.org/env/pp/cc/decision-vii8a-concerning-armenia>

In preparing its plan of action, the Party concerned was invited by the Compliance Committee to take into account the Committee's information note for Parties on preparing their plan of action. The Committee's information note, which contains step-by-step guidance for Parties on how to complete their plan of action, is available at: <https://unece.org/env/pp/cc/implementation-decisions-meeting-parties-compliance-individual-parties>

### A. Description of the process by which the plan of action has been prepared

#### 1. Preparation activities

- ✓ Convention National Focal Point has been informed by E-mail and virtually participated in the open sessions of the 73<sup>rd</sup> Plenary Meeting of Compliance committee by providing detailed information regarding the development of the Plan of Actions aimed at elimination of inconsistencies.
- ✓ The information regarding Decision VII/8a concerning Armenia and the necessity to develop a Plan of Action was reported to the Minister of Environment.
- ✓ The respective departments are requested to be involved in the necessary activities
- ✓ The Ministry of Justice has been informed by official communication on the necessity to develop the Plan of Action
- ✓ The Environmental Law Resource Centre of the Yerevan State University (YSU) is involved as an Advisory Body
- ✓ The Decision VII/8a concerning Armenia, the Plan of Action template and the information note is published on the web-site of the Ministry of Environment
- ✓ The Non-Governmental Organizations (NGO) have been informed on the initiation of the development of the Plan of Action

- ✓ The working group is established
  - ✓ Working Discussions have been organized in the Ministry of Environment and YSU Environmental Law Resource Centre
  - ✓ On June 16 the Draft of the Plan of Action was discussed with NGO representatives
  - ✓ The draft of the Plan of Action was circulated by E-mail
  - ✓ The recommendations and comments are compiled
  - ✓ The revised version was circulated through the internal system of the Ministry of Environment and was provided to the Ministry of Justice
  - ✓ The revised version is agreed and confirmed
  - ✓ The transparency and participatory process was ensured during the whole process.
2. Submission of the final version in English to the Aarhus Convention Secretariat by 1<sup>st</sup> July, 2022.
  3. Inception of the actions envisaged by Plan.

**B. General character of the measures that will be needed to implement the recommendations in the MOP decision**

Taking into consideration the recommendations on decision taken by the Meeting of Parties the legislative reforms are done:

- Amend the RA Law “On Environmental Impact Assessment and Expertise”,
- The respective legal regulations are provided,
- The RA Law “On Non-Governmental Organizations”, The RA Code of Administrative Legal Proceedings” (the procedure for examining cases related to environmental protection is provided by this law) and the RA Constitutional Law “Judicial Code” are revised
- Organize training for judges on the discussed topic

**C. Detailed plan of action**

Development and adoption of the RA Law “On Making Amendments to the Law on Environmental Impact Assessment and Expertise” and other legislative acts.

<p>Development and adoption of amendments to the RA Law «On Non-Governmental Organizations» , Code of Administrative Procedure and “Judicial Code” of RA.</p> <p>Improvement of the methodology and organization of training process for judges.</p>	
<p><b>Recommendation:</b> <b>Para. 2 (a) of decision VII/8a</b></p>	<p>In paragraph 2 (a) of decision VII/8a, the Meeting of the Parties requests the Party concerned, as a matter of urgency, to take the necessary legislative, regulatory and administrative measures to ensure that:</p> <p>(a) Thresholds for activities subject to an environmental impact assessment procedure, including public participation, are set in a clear manner;</p>
<p>Proposed measures to fulfil recommendation</p>	<ol style="list-style-type: none"> <li>1. Development and adoption of the draft law “On Making Amendments to the Law on Environmental Impact Assessment and Expertise”, where public participation issues will be clearly defined in a separate chapter including the deadlines for public awareness and participation, modality of participation, mechanisms and basis to elicit opinions</li> <li>2. Development and adoption of sub legislative acts.</li> </ol>
<p>Outline of the steps necessary to implement the proposed measures</p>	<ol style="list-style-type: none"> <li>1. <ol style="list-style-type: none"> <li>1) Revision and amendment of the draft Law by the expert group,</li> <li>2) Public discussion of the revised draft law in the Ministry of Environment,</li> <li>3) Publishing of the draft law on <a href="http://www.e-draft.am">www.e-draft.am</a> unified platform for draft legal acts no later than 15 days prior,</li> <li>4) Submission to the Ministry of Justice for the State legal expertise,</li> <li>5) Submission of the amended law to the Prime Minister’s (PM) office,</li> <li>6) Revision of the draft law by the PM’s office,</li> <li>7) Revision and incorporation of the Law based on the recommendations received from the PM’s office and resubmission,</li> <li>8) The process of adoption by the Government,</li> <li>9) The revision of the draft Law by the Working group of the National Assembly,</li> <li>10) Adoption of the Law by the Parliament</li> </ol> </li> </ol>

	<p>The items 3-10 are implementing according to the RA Law “On Normative Legal Acts”, RA Constitutional Law “Regulations of the National Assembly” and Government Decision N252-L (dated February 25, 2021).</p> <p>2.</p> <ol style="list-style-type: none"> <li>1) development and approval of the expertise procedure</li> <li>2) development and approval of the environmental impact assessment procedure</li> <li>3) development and approval of the procedure for assessment of possible damage to the environment (economic and/or environmental) and compensation, by involvement of stakeholders,</li> <li>4) definition, adoption and introduction of the content of public awareness and public hearings notification, public hearings procedure as well as deadlines and procedure for submission of public opinions, comments and suggestions within the process of EIA and expertise.</li> </ol>
Actors involved	<ol style="list-style-type: none"> <li>1) Ministry of Environment</li> <li>2) Stakeholders from the state government system</li> <li>3) Independent/invited experts</li> <li>4) International Expert by OSCE support</li> <li>5) Sectorial NGOs</li> <li>6) Aarhus Centres</li> <li>7) Scientific institutions</li> </ol>
Final date by when implementation of recommendation will be completed	August 2023
<b>Recommendation: Para. 2 (b) of decision VII/8a</b>	<p>In paragraph 2 (b) of decision VII/8a, the Meeting of the Parties requests the Party concerned, as a matter of urgency, to take the necessary legislative, regulatory and administrative measures to ensure that:</p> <ol style="list-style-type: none"> <li>(b) 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;</li> </ol>

Proposed measures to fulfil recommendation	<ol style="list-style-type: none"> <li>1. To be regulated by adoption of the RA Law “On Making Amendments to the Law on Environmental Impact Assessment and Expertise”</li> <li>2. To be adopted in particular by the adoption of the respective sub legislative act envisaged by the item 2.4 of the previous Section.</li> </ol>
Outline of the steps necessary to implement the proposed measures	<p>2</p> <p>1) Clarification of tools for content of public awareness and public hearings notification, public hearings procedure as well as deadlines and procedure for submission of public opinions, comments and suggestions within the process of EIA and expertise</p>
Actors involved	<p>Ministry of Environment</p> <p>Stakeholders from the state government system</p> <p>NGOs</p> <p>Aarhus centres</p> <p>Scientific (Specialized divisions and organizations under the National Academy of Sciences) and educational institutions (RA Academy of Public Administration, YSU Environmental Law Resource Centre)</p> <p>OSCE as a potential donor</p> <p>Regional Environmental Center for Caucasus</p>
Final date by when implementation of recommendation will be completed	March 2024
<b>Recommendation: Para. 2 (c) of decision VII/8a</b>	<p>In paragraph 2 (c) of decision VII/8a, the Meeting of the Parties requests the Party concerned, as a matter of urgency, to take the necessary legislative, regulatory and administrative measures to ensure that:</p> <p style="padding-left: 40px;">(c) Its legislation, including the law on non-governmental organizations and administrative procedures, complies with article 9 (2) of the Convention with regard to standing;</p>
Proposed measures to fulfil recommendation	Revision of the Part 3 of the Article 16 of RA Law “On Non-Governmental Organizations” and Article 216.6 of the “RA Code of Administrative Legal Proceedings”

<p>Outline of the steps necessary to implement the proposed measures</p>	<ul style="list-style-type: none"> <li>○ Development and submission of the draft law “On Making amendments to the Law on Non-Governmental Organizations”,</li> <li>○ Revision of the relevant chapters of the “RA Code of Administrative Legal Proceedings”</li> <li>○ Revision of RA PM’s Decision N1122-A (dated November 25, 2011) “On Setting up an Interdepartmental Commission” and composition and working procedure for implementations of obligations Armenia assumed under Aarhus Convention and for coordinating actions to comply with those obligations.</li> </ul>
<p>Actors involved</p>	<p>Responsible bodies: Ministry of Environment and stakeholders from the state government system Interdepartmental commission on Aarhus Convention issues Aarhus centers</p>
<p>Final date by when implementation of recommendation will be completed</p>	<p>December 2023</p>
<p><b>Recommendation: Para. 2 (d) of decision VII/8a</b></p>	<p>In paragraph 2 (d) of decision VII/8a, the Meeting of the Parties requests the Party concerned, as a matter of urgency, to take the necessary legislative, regulatory and administrative measures to ensure that:</p> <p style="padding-left: 40px;">(d) It continues its efforts to raise awareness of the judiciary to promote implementation of domestic legislation in accordance with the Convention;</p>
<p>Proposed measures to fulfil recommendation</p>	<p>Activities aimed at awareness raising of the Judicial system</p>
<p>Outline of the steps necessary to implement the proposed measures</p>	<ul style="list-style-type: none"> <li>○ Development and adoption of the Government Decision on “Judicial and Legal Reforms Strategy for 2022-2026 of the Republic of Armenia and action plan” (as of June is submitted to the PM’s office)</li> <li>○ Revision of the training methodology for the judges on environmental issues</li> <li>○ Discuss with stakeholders and implement, if necessary, one of the following solutions: <ul style="list-style-type: none"> <li>➤ Making amendments and supplements to the constitutional law “On the Judicial Code” by defining opportunity for the Supreme Judicial Council (SJC) to select Judges examining certain types of cases within the framework of administrative specialization</li> <li>➤ By the same Law to designate the SJC independently separate the areas requiring subspecialisation. In</li> </ul> </li> </ul>

	<p>this case it will be necessary to make amendments to the Law and adopt a sub legislative act.</p> <ul style="list-style-type: none"> <li>○ Organize trainings on the discussed topic for the Judges of the Administrative Court.</li> </ul>
Actors involved	<p>Responsible bodies Ministry of Environment, Ministry of Justice</p> <p>Participants Supreme Judicial Council Academy of Justice (According to the 4<sup>th</sup> item of the 1<sup>st</sup> part of the Article 3 of the RA Law «About Academy of Justice» the Judges training process is organizing the Academy of Justice, which is also developing scientific methodological materials according to the item 6 of the same part of the Law).</p> <p>Eco-Law Scientific-Educational Center of the Yerevan State University</p>
Final date by when implementation of recommendation will be completed	August 2024