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# Legislative framework of the Strategic Environmental Assessment in the Republic of Armenia

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# The RA Law "On Environmental Impact Assessment and Expertise"

The SEA process in the Republic of Armenia is regulated on by the RA Law on "Environmental Impact Assessment and Expertise" (from 21.06.2014)

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## The Scope of the EIA Law

- **Environmental Impact Assessment /EIA**
- **Strategic Environmental Assessment /SEA**
- **Environmental impact expert assessment/ Expertise**

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# Strategic Environmental Assessment (SEA)

- ***Comprehensive assessment of the possible impacts resulting from the operation of the fundamental document, composed of the following stages:***
  - Determination of the scope of the SEA report;
  - Development of the SEA report;
  - Public participation and consultations;
  - Incorporating the provisions of the SEA report, public participation and consultation results in the fundamental document.

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## Fundamental document

A draft document with a possible impact on the environment (strategy, concept, outline, natural resource use schedule, project, plan, urban development program document) and any related amendments which *are adopted by* the laws of the Republic of Armenia or other legal acts of the bodies of the state administration system.

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# Fundamental documents subject to strategic assessment and expertise

The following are subject to SEA and expertise: fundamental documents related *to socio-economic, energy, urban development, transport, communication, agriculture, soil use, industrial branches, healthcare, environmental protection, recreation, service, forestry, waste use, water management*, and which contain grounds for the implementation of the types of activities envisaged by this law or the projects defined by Annexes 1 and 2 of the Strategic Environmental Assessment Protocol to the Convention on Environmental Impact Assessment in Transboundary Context.

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## SEA expertise

The SEA, like expertise is implemented in two stages:

- **Preliminary stage** (Examination of the application, determination of scope, provision of technical TOR);
- **Main Stage** (SEA report examination, provision of conclusion)

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## Preliminary assessment (screening)

- The current Law does not regulate the decision-making regarding eligibility to SEA. The MoE determines the eligibility and launches the expertise process of the preliminary assessment application based on the law, and more often also on the SEA Protocol.
- Providing information by the Initiator to MoH and relevant state government authorities and the public, collection of opinions, their submission to the MoE with the application package. Deciding on the SEA eligibility and public consultations by the MoE.

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## Key steps of SEA

- Highlight the main activities of the planning document
- Provide an analysis of the current state of the components of the environment
- Identify the possible impacts of the main activities on environmental components and human health (biodiversity, human health, etc.)
- Develop alternative options for the main actions of the document (also the zero alternative)
- Develop mitigation and prevention measures and a monitoring plan
- Public and stakeholder engagement also via public hearings and consultations
- Submit the analysis and recommendations to the planning team
- Integration of the SEA results in the SEA preliminary assessment application and the SEA report

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# Application for preliminary assessment

- 1) name and place of residence of the Initiator;
- 2) name and purpose of the fundamental document and (or) planned activity;
- 3) a brief description of the fundamental document and (or) the area subject to the planned activity, including the outline of the environment and of its state;
- 4) the characteristics of the fundamental document and (or) planned activities (production capacities, used natural resources and materials, technical and technological solutions);
- 5) the plan of environmental measures aimed at the exclusion, reduction and compensation of harmful effects on the environment;
- 6) information on public awareness, public hearings and preliminary consent of local self-government bodies, unless otherwise provided by law;

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# Examination of the application

As a result of examining the application, the Ministry of Environment makes one of the following decisions:

- 1) the implementation of the fundamental document or the intended activity is impermissible, because of the environmental requirements defined by the laws of the Republic of Armenia and other legal acts;
- 2) the application is returned to the applicant, if it was incorrect or contained incomplete submissions as per the requirements of part 3 of this article;
- 3) the fundamental document being subject to EIA in a transboundary context;
- 4) the fundamental document being subject to impact assessment in line with the terms of reference issued by MoE .

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# The substance of the SEA report

**On the basis of the ToR provided by the MoE to the applicant, the SEA Report should have the following substance:**

- 1) the brief content, purpose, connection and (or) compliance of the fundamental document with other related fundamental documents approved for the particular area;
- 2), the international treaties ratified by the Republic of Armenia related to the fundamental document, as well as other related legal acts, the environmental issues related to the affected area and their reflection in the fundamental document;
- 3) the physical characteristics of the planned activity within the framework of the fundamental document and the description of resource requirements, materials used, technological processes, emissions, spills, waste, production landfills, physical impacts and potential risks of emergency situations and accidents;
- 4) the description of the environment as well as the socio-economic situation of the potentially affected area, and their possible changes in case of not implementing the provisions of the fundamental document;
- 5) comparison of all possible options (including zero) of approaches presented in the fundamental document and the rationale behind the choice of the preferred option;

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## The substance of the SEA report

- 6) the measures planned for the preservation and strengthening of possible positive effects, prevention, exclusion, reduction of negative effects and compensation for damage to the environment; their effectiveness, adequacy and costs;
- 7) monitoring of the impacts during the period of validity of the fundamental document and post-project analysis plan;
- 8) information on methods of assessment, obstacles and difficulties encountered during their application, including lack of data;
- 9) information on data sources included in the report;
- 10) information on public notification, results of discussions, written or verbal comments and recommendations, relevant information on the justifications for their acceptance or non-acceptance.
- 11) summary content of the report. which includes a non-technical description of the fundamental document, a publicly available summary of environmental impacts and mitigation measures.

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## Environmental impact expertise

- According to the EIA law, the SEA report and the fundamental document are submitted to the RA Ministry of the Environment for the state expertise. The MoE ensures stakeholder engagement, including the RA Ministry of Health, relevant state administration and local self-government bodies, and the public, in accordance with the procedure established by the Law.
- Collection of the feedback is carried out by the Initiator and together with the SEA report is submitted to the MoE for expertise.
- Without a positive expertise conclusion, the adoption of the fundamental document or the implementation of the planned activity is prohibited.

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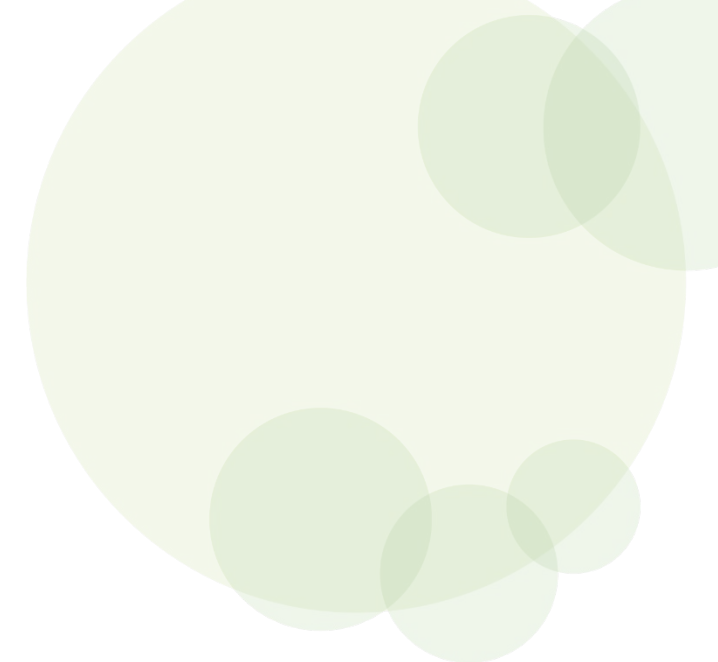
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