

**LAW**  
**OF THE REPUBLIC OF ARMENIA**  
**“ON MAKING AMENDMENT TO THE LAW OF THE REPUBLIC OF ARMENIA**  
**“ON ENVIRONMENTAL IMPACT ASSESSMENT AND EXPERT EXAMINATION”**

**Article 1.** The Law of the Republic of Armenia HO-110-N of 21 June 2014 “On environmental impact assessment and expert examination” shall be amended as follows:

**“LAW**  
**OF THE REPUBLIC OF ARMENIA ON ENVIRONMENTAL IMPACT ASSESSMENT**  
**AND EXPERT EXAMINATION**

**CHAPTER 1**

***GENERAL PROVISIONS***

**Article 1. Subject matter of the Law**

1. This Law shall regulate relations pertaining to the rights and obligations of the initiators in processes of strategic environmental assessment, environmental impact assessment, transboundary impact assessment, state expert examination of environmental impact, notification of the public, conducting public hearings, issuing state expert opinion, becoming ineffective thereof, environmental impact assessment, expert examination and implementation of the proposed activity in the Republic of

Armenia.

**Article 2. Scope of the Law**

1. This Law shall apply to the environmental impact assessment and expert examination, strategic environmental assessment and expert examination, assessment and expert examination of the draft fundamental document and proposed activity having a transboundary impact, processes of notification of the public concerned, public hearings, declaring the state expert opinion ineffective and to persons participating in such processes.

**Article 3. Legislation on assessment and expert examination**

1. Legislation on assessment and expert examination consists of the Constitution of the Republic of Armenia, international treaties of the Republic of Armenia, this Law and other legal acts.
2. Where ratified international agreements of the Republic of Armenia provide for provisions other than those provided for by this Law, the provisions of the international agreements shall apply.

**Article 4. Main concepts used in the Law**

1. The following main concepts shall be used in this Law:
  - (1) **environment** shall mean integrity of natural and anthropogenic components (ambient air, climate, waters, soils, subsurface resources, landscape, fauna and flora, including forests, specially protected areas of nature or environmental lands, green belts of settlements, structures, natural facilities, historical and cultural monuments), social environment, including human health safety

factors, materials, phenomena, and their interaction among one another and with people;

- (2) **environmental impact** shall mean possible change in the environment or one of the components thereof as a consequence of implementation of the fundamental document or of carrying out the proposed activity;
- (3) **transboundary impact** shall mean environmental impact within an area under the jurisdiction of the state caused as a consequence of implementation of the fundamental document or of carrying out the proposed activity, and the physical origin of which is situated fully or in part within the area under the jurisdiction of another state;
- (4) **affected state** shall mean a state which can be subjected to the impact on the environment as a consequence of implementation of the fundamental document or carrying out of proposed activity on an area under jurisdiction of another state;
- (5) **state of origin** shall mean a state, under the jurisdiction of which it is planned to implement the provisions of the fundamental document or carry out the proposed activity;
- (6) **fundamental document** shall mean a document having a potential impact on the environment (strategy, concept paper, scheme of utilisation of natural resources, project, plan, layout, urban development programme document) or any amendment to the document approved by laws of the Republic of Armenia or other legal acts of the public or local self-government bodies;
- (7) **proposed activity** shall mean types of the activities listed in parts 3 and 4 of Article 12 of this Law, activity prescribed by parts 6 and 7, and in cases prescribed by point 5 of part 1 of Article 8 of this Law — also reconstruction or expansion or technical or technological re-equipment or re-profiling or conservation or relocation or termination or closure thereof, in case of facilities

important from the point of view of the atomic energy safety — decommissioning (in case of a landfill serving as a facility important from the point of view of atomic energy safety — closure) or demolition or design change;

- (8) **design document** shall mean a document or a package of documents prescribed by law and other legal acts for carrying out the proposed activity and a change made to the documents or the package of documents. In case no document or a package of document is prescribed by law and other legal acts for carrying out the proposed activity, the phase description of the proposed activity, in case of subsurface use — the programme prescribed by Articles 36 and 39 or the project for extraction prescribed by Article 50 of the Law of the Republic of Armenia "On subsurface";
- (9) **strategic environmental assessment** (hereinafter referred to as “the SEA”) shall mean the process of determination and assessment of the impacts on the environment as a consequence of application of provisions of the draft fundamental document, which shall include determination of the framework and provisions of the SEA report, preparation of the SEA report, ensuring participation of the public concerned and holding of professional consultations, taking into account the provisions of the SEA report, results of public participation and consultations in the fundamental document;
- (10) **environmental impact assessment** (hereinafter referred to as “the EIA”) shall mean the process of study of the potential impact of the proposed activity on the environment as a result of the activity proposed by the initiator;
- (11) **expert examination** shall mean the process of providing positive or negative state expert opinion on the proposed activity as a result of examination, assessment and analysis of the draft fundamental document and the SEA report or design document on the proposed activity and the EIA report, in accordance with the draft fundamental document and the SEA report or in accordance with the design document and the EIA report;

- (12) **state expert opinion** shall mean an official document adopted by the authorised body as a result of the expert examination;
- (13) **authorised body** shall mean a public administration body developing and implementing the policy of the Government in the field of ensuring state expert examination of the environmental impact prescribed by the Law “On the structure and activities of the Government”;
- (14) **initiator** shall mean a public or local self-government body submitting the draft fundamental document or person applying for carrying out the proposed activity;
- (15) **expert** shall mean a legal or natural person involved by the authorised body in the expert examination process;
- (16) **affected settlement** shall mean settlement (in case of the city of Yerevan — administrative district) subject to potential impact on the environment by implementation of the fundamental document or carrying out of the proposed activity;
- (17) **affected community** shall mean a community including an affected settlement;
- (18) **person or public concerned (hereinafter referred to as "the public concerned")** shall mean one or more natural or legal persons directly or potentially impacted as a consequence of implementation of the fundamental document or carrying out of the proposed activity, or showing interest in relation to decisions adopted thereon;
- (19) **participants of the process** shall mean public or local self-government bodies, natural and legal persons, including affected community, affected settlement, public concerned, which, in accordance with this Law, participate in the process of assessments or expert examination;
- (20) **application** shall mean a package of documents submitted by the initiator to the authorised body before carrying out the activities prescribed by Article 18 of

this Law;

- (21) **report** shall mean a document summarising the results of the SEA or the EIA elaborated by an individual entrepreneur or legal person with the relevant license;
- (22) **package of documents submitted for expert examination** shall mean a design document, SEA or EIA report, documents prescribed by part 2 of Article 17 of this Law;
- (23) **environmental management plan** shall mean the measures envisaged for maintaining and enhancing potential positive impacts on the environment, preventing, excluding, reducing negative impacts, preventing irreversible impact and for compensating the damage to the environment (phases of construction, exploitation, closure, post-closure, risk-bearing and emergency situations), a document envisaging the substantiation of their selection and effectiveness, implementation schedule, monitoring indicators, total assessment of the costs;
- (24) **environmental impact monitoring programme** shall mean the integrity of actions aimed at observation of the impact on the environment, post-project analysis, fulfilment of requirements of the expert opinion and requirements prescribed by laws and secondary regulatory legal acts of the Republic of Armenia or production control (self-control) during the application of provisions of the fundamental document or the carrying out of the proposed activity and afterwards, in accordance with the design document;
- (25) **climate change adaptability** shall mean the ability of the environment and its components to adapt to actual and predicted climate change in order to reduce harm, mitigate negative effects and take advantage of opportunities;
- (26) **climate change mitigation** shall mean a set of technical and technological solutions for measures aimed at reducing greenhouse gas emissions and creating

greenhouse gas absorbing capacities.

#### **Article 5. Principles of assessment and expert examination**

1. The principles of assessment and expert examination shall be as follows:
  - (1) consideration of the possible impact of the proposed activity on the environment;
  - (2) prevention, reduction and exclusion of the harmful impact on the environment as a result of implementation of the fundamental document or carrying out of the proposed activity;
  - (3) complex consideration of impacts, including transboundary impact, in the process of assessment;
  - (4) ensuring consideration of alternative options for carrying out the proposed activity, including exclusion of carrying out the activity;
  - (5) ensuring completeness, authenticity and scientific justification of the reports;
  - (6) ensuring justification, legitimacy and objectivity of expert opinion;
  - (7) ensuring transparency, publicity of the processes of assessment and expert examination and participation of the public concerned therein;
  - (8) ensuring maintenance and enhancement of potential positive impacts on the environment, prevention, reduction, exclusion of negative impacts and compensation of the damage to the environment or recovery of the environment as a result of the expert examination.

#### **Article 6. Goal and objectives of assessment and expert examination**

1. The goal of the assessment is to foresee, prevent, reduce or exclude the potential impacts on the environment as a result of implementation of the draft fundamental

document and carrying out of the proposed activity in accordance with the design document and EIA report, as well as full, cumulative and scientifically-based assessment thereof.

2. The goal of the expert examination is to provide positive or negative opinion on the draft fundamental document and proposed activity — in accordance with the design document and EIA report — as a result of study, analysis and assessment of the draft fundamental document and SEA report or design document and EIA report, based on the principle of prevention, reduction or exclusion of potential negative impact on the environment.
3. The objectives of the assessment and expert examination are as follows:
  - (1) ensuring sustainable development based on the requirements of environmental safety and environmental impact limitations;
  - (2) ensuring of maintenance of the positive impacts of provisions of the draft fundamental document and the proposed activity, prevention, reduction or exclusion of the adverse impacts and their consequences;
  - (3) assessing the possible risks of environmental impact in emergency situations.

**Article 7. Activities, objects and characteristics of environment under observation in the process of environmental impact assessment and expert examination**

1. Based on the types and specifics of the proposed activity, the following is under observation in the process of conducting assessment and expert examination:
  - (1) qualitative indicators of ambient air, substances polluting the atmosphere, pollution level;
  - (2) surface waters and subterranean waters, class of the quality thereof, flow regimes, qualitative and quantitative indicators, pollution level, water



- consumption, drainage, water system or individual parts thereof;
- (3) the soil — designated purpose, type of lands, functional significance, category, quality, condition, composition, level of contamination, degradation, use of fertile layer;
  - (4) geomorphology, slope inclination, geological and tectonic structure, external geological phenomena, minerals, subsurface use;
  - (5) terrain, landscape, specially protected areas of nature or environmental lands, green belts of settlements, animal migration routes and habitats;
  - (6) flora and fauna, composition of species thereof, life environments of objects of fauna, growing areas of objects of the flora, utilisation of the objects of flora and fauna, the use of live modified organisms, the presence of invasive — strange — plant and animal species, animals or plants registered in the Red Book of Animals of the Republic of Armenia and the Red Book of Plants of the Republic of Armenia;
  - (7) forests: functional significance thereof, sustainable management of forests, composition of species, growth class, condition (viability, infection with pests, age composition);
  - (8) historical and cultural monuments, structures, cemeteries, infrastructures, overburdened state of roads with vehicles;
  - (9) composition of wastes, class, use, dangerous properties, hazard level of waste, the amount of waste, origin (according to technological regulation);
  - (10) physical effects — noise, vibrations, ionising and non-ionising radiations;
  - (11) existence of factors affecting climate change, measures aimed at mitigation of and adaptability to climate change;
  - (12) healthcare factors connected with the effects;
  - (13) social factors, demographic composition and the population;

- (14) probability of emergency situations, accidents, dangerous natural phenomena.
2. In case of assessment of facilities important from the point of view of nuclear energy safety, in addition to the features prescribed by part 1 of this Article, the characteristics approved by the decision prescribed by point 9 of part 1 of Article 8 of this Law shall also be considered.

## CHAPTER 2

### *MANAGEMENT OF THE PROCESSES OF ASSESSMENT AND EXPERT EXAMINATION*

#### **Article 8. Competences of the Government**

1. The competences of the Government in the processes of assessment and expert examination shall be as follows:
  - (1) approving the requirements for the procedure for strategic environmental assessment and the SEA report;
  - (2) approving the procedure for environmental impact assessment;
  - (3) approving the procedure for expert examination, making an amendment or supplement to the state expert opinion, declaring the state expert opinion ineffective;
  - (4) approving the procedure for assessment of the potential economic damage to the environment as a result of carrying out the proposed activity and compensation thereof;
  - (5) approving the procedure for defining the necessity for assessment and expert examination of the environmental impact of the reconstruction or expansion or

technical and technological re-equipment or re-profiling or conservation or relocation or termination or closure or demolition or design change of the types of the proposed activity;

- (6) approving or declaring ineffective the state expert opinion on draft fundamental document or proposed activity having a transboundary impact;
- (7) establishing the content of public awareness and notification on public hearings prescribed by Article 16 and Chapter 7 of this Law, procedure for public hearings, procedure and time-limits for submitting public opinions, comments and suggestions in the process of EIA and expert examination, for delivering preliminary agreement or disagreement by local self-government bodies;
- (8) approving the procedure for licensing of the activity of elaboration of EIA and SEA reports;
- (9) approving the characteristics subject to consideration in the process of environmental impact assessment and expert examination of facilities important from the point of view of atomic energy safety;
- (10) approving the procedure for assessment of the potential environmental damage to the environment as a result of carrying out the proposed activity and compensation thereof;
- (11) approving the types of activities subject to assessment and expert examination in specially protected areas of nature or forest lands or green belts of settlements or within the boundaries of historical and cultural monuments not included in the fundamental documents having obtained a positive expert opinion.

#### **Article 9. Competences of the authorised body**

1. The competences of the authorised body in the process shall be as follows:
  - (1) implementing, within the scope of its competence, international cooperation related to the process of expert examination;

- (2) approving the SEM and EIA guidelines;
- (3) signing the state expert opinion on draft fundamental document or proposed activity having a transboundary impact;
- (4) elaborating draft decision of the Government on approving or declaring ineffective the state expert opinion on draft fundamental document or proposed activity having a transboundary impact;
- (5) conducting the expert examination, drawing up, approving (expert for the expert opinion on draft fundamental document or proposed activity having a transboundary impact), issuing the expert opinion;
- (6) reconstruction or expansion or technical or technological re-equipment or re-profiling or conservation or relocation or termination or closure or demolition or design change of the types of the proposed activity and adopting a decision on the necessity for the environmental impact assessment and expert examination, in compliance with the procedure approved by the Government;
- (7) involving an expert in the process of expert examination on contractual basis conditioned by professional or expert need;
- (8) declaring the state expert opinion ineffective in the cases and through the procedure prescribed by part 1 of Article 20 of this Law;
- (9) coordinating the draft fundamental document or the proposed activity with the concerned bodies;
- (10) ensuring participation of its representative in public hearings;
- (11) providing, in written form or electronically, information on being subject to EIA expert examination of the proposed activity and on relevant procedures to the initiator;
- (12) ensuring the opportunity for notification and participation of the public concerned in the process of expert examination in the cases and through the

procedure prescribed by this Law;

- (13) providing written information on the publication of the approved expert opinion to the state authorised bodies and relevant inspection bodies prescribed by Article 12 of this Law;
- (14) performing other functions provided for by the law of the Republic of Armenia.

**Article 10. Competences of territorial administration bodies in the process of EIA, SEA and expert examination**

1. The competences of territorial administration bodies in the process of EIA, SEA and expert examination shall be as follows:
  - (1) delivering an opinion on the provisions of the draft fundamental document or the proposed activity related to the marz;
  - (2) ensuring conditions and requirements for notification on the processes of assessment and expert examination of the impact of the draft fundamental document drawn up upon the initiative thereof, for the organisation of public hearings and participation of the public concerned;
  - (3) providing, upon the request of the initiator, information regarding the effective fundamental documents related to the territory;
  - (4) providing respective advice to the initiator in the processes of assessment, as well as any other information, in their possession, necessary for conducting the impact assessment.

**Article 11. Competences of local self-government bodies in the process of EIA and expert examination**

1. The competences of local self-government bodies during the EIA and expert examination shall be as follows:
  - (1) delivering preliminary agreement or disagreement by the head of the community on the provisions of the draft fundamental document or the proposed activity related to the community;
  - (2) ensuring — within the scope of powers, through the procedure prescribed by this Law — conditions and requirements for notification on the draft fundamental document or proposed activity, the processes of assessment and expert

- examination of the impact thereof, for the organisation of public hearings and participation of the public concerned by the head of the community;
- (3) delivering an opinion on the proposed activity during the public hearings by the head or the council of elders or the member of the council of elders of the community;
  - (4) providing, upon the written request of the initiator, information regarding the effective fundamental documents related to the territory;
  - (5) providing respective advice to the initiator in the processes of environmental impact assessment, as well as any other information, in the possession thereof, necessary for conducting the impact assessment.

### CHAPTER 3

#### *TYPES OF PROPOSED ACTIVITY SUBJECT TO ENVIRONMENTAL IMPACT ASSESSMENT AND EXPERT EXAMINATION*

**Article 12. Proposed activity subject to environmental impact assessment and expert examination**

1. The EIA reports and design documents on the types of proposed activity prescribed by parts 3-4 and 6-9 of this Article, as well as point 1 of part 4 of Article 18 of this Law shall be subject to assessment and expert examination.
2. The types of the proposed activity subject to assessment and expert examination shall, based on the fields, be classified into two categories — A and B — according to the reducing degree of impact on the environment.
3. Category A shall include:

- (1) in the field of energy:
  - a. selection, construction, operation and decommissioning (in case of landfills intended for the burial of radioactive wastes — closure) of a site for facilities important from the point of view of atomic energy safety;
  - b. installations for irradiated nuclear fuel processing;
  - c. installations for the production or enrichment of nuclear fuel;
  - d. installations for processing irradiated nuclear fuel or highly radioactive wastes;
  - e. installations for the final disposal of irradiated nuclear fuel;
  - f. installations exclusively for the final disposal of radioactive wastes;
  - g. installations exclusively for the storage of irradiated nuclear fuel or radioactive wastes (planned for more than ten years) in places other than the area of the production facility;
  - h. storage facilities and landfills for radioactive wastes;
  - i. thermal power plants or other combustion installations with a thermal power of 50 MW or more;
  - j. hot water or steam production facilities with a thermal power of 50 MW and more;
  - k. hydroelectric power stations with an electric capacity of 1MW and more;
  - l. gasification or gas liquefaction plants;
  - m. coke production furnaces;
  - n. production of energy form geothermal waters with a capacity of 8 MW and more,
- (2) in the field of subsurface use:



- a. geological explorations with underground mine openings with a length more than 1 000 running metres or in case of drilling of wells with a depth exceeding 1 000 running metres;
  - b. extraction of metallic, including radioactive minerals or processing of ores or minerals or construction of extraction complex (including tailing dumps);
  - c. processing of hazardous subsurface wastes;
  - d. oil or gas processing plants;
  - e. extraction of oil or gas or refining of crude oil or natural gas;
  - f. creation of underground structures for the storage of oil or gas or industrial wastes or poisonous or radioactive substances;
  - g. construction of roads or structures for underground transportation;
  - h. final closure of the metallic minerals mining complex;
  - i. extraction of non-metallic minerals or processing of ores 30 cubic metres or more per day,
- (3) in the field of chemical industry:
- a. manufacturing or processing of rubber or rubber goods;
  - b. production or processing of oil or petroleum products;
  - c. production or processing of fuel oil, tar, bitumen;
  - d. production of explosives;
  - e. production of inorganic acids or alkalis or other inorganic substances or compounds;
  - f. production or processing of organic or inorganic substances or mixtures

thereof;

- g. production of pesticides or agrochemicals;
  - h. production of household chemicals (washing, cleaning or other substances) with a monthly capacity of 50 tonnes and more;
  - i. production of ethyl alcohol;
  - j. chemical production installations, where chemical or biological processes are used to produce food protein additives, enzymes and other protein substances;
  - k. installations for the production of carbon (natural coke) or electrographite by combustion or graphitization;
  - l. storage facilities with a volume of 5 000 tonnes and more for gaseous or oil or petrochemical or chemical substances,
- (4) in the field of pharmaceutical production:
- a. industrial production of medicinal substances through chemical or thermal processes,
- (5) in the field of production and processing of the metals:
- a. roasting and agglomeration of metallic minerals (including sulphide or oxidized minerals);
  - b. production or processing of non-ferrous, noble, rare, ferrous metals or the alloys thereof from minerals or concentrates or secondary raw materials or blowing protective metal coatings with raw steel the amount of which exceeds 2 tonnes per hour;
  - c. processing of non-ferrous metals, including alloyage, recuperation of products (refinement, melting production, etc.);
  - d. production of processed cast iron or steel (primary or secondary casting),

including continuous casting, which exceeds the capacity of 2.5 tonnes per hour;

- e. processing of surfaces of metals or plastic materials by utilisation of electrolytic or chemical processes in basins with a volume of 30 cubic metres or more,

(6) in the field of waste utilisation:

- a. collection, storage, utilisation, treatment (except for sorting or mechanical dismantling of household solid, electronic and electrotechnical equipment, construction waste), processing, recycling, treatment [neutralization], placement or burial of hazardous wastes;
- b. construction or operation of landfills intended for serving to population of 15 000 and more or receiving daily garbage of 10 tonnes and more or processing of household wastes;
- c. transfer installations or landfills intended for non-hazardous wastes with a capacity exceeding 50 tonnes per day;
- d. a landfill where more than 10 tonnes of waste is dumped per day, or the total volume whereof exceeds 25 000 tonnes, except for a landfill intended for non-hazardous wastes;
- e. construction of facilities for waste placement;
- f. processing of plastic materials with the change of chemical properties,

(7) in the field of industry of construction materials:

- a. production of cement or clinker or lime or plaster — 100 tonnes and more per day;
- b. melting of mineral — 20 tonnes and more per day — including the

production of mineral fibre;

- c. manufacturing of ceramic products through roasting, including roof tile or brick or firebrick or ceramic tile or stoneware or porcelain items — 30 tonnes and more per day, or roasting furnaces with a capacity exceeding 4 cubic meters, the density of which exceeds 300 kg/m<sup>3</sup>;
- d. production of glass or glass fibre or glass items — 20 tonnes and more per day;
- e. stationary production of asphalt with a productivity of 80 t/h and more or concrete with a productivity of 80 m<sup>3</sup>/h and more;
- f. production of asbestos or asbestos-containing materials,

(8) in the field of light industry:

- a. manufacturing or chemical treatment of natural leather — 10 tonnes and more per day, production of artificial leather (including synthetic) — 30000 square decimetre and more monthly;
- b. installations for pre-treatment of fibre or textiles (operations such as washing, bleaching, mercerization) or dyeing where the volume of materials under treatment exceeds 10 tonnes per day;
- c. surface treatment of materials, articles or products using organic solvents, in particular installations for finishing, printing, coating, degreasing, waterproofing, standardisation, dyeing, cleaning or absorption, with a daily capacity of more than 150 kg per hour or 200 tonnes per year,

(9) in the field of sanitary-technical structures:

- a. cemeteries or crematoria or morgues, facilities for pathologic anatomy or mortuaries;
- b. cremation or burial of animals or slaughterhouses, with a capacity of 20 tonnes per day,

(10) in the field of infrastructures:

- a. airports with 2 100 metres or longer runways;
- b. electric power transmission lines with a length of 15 km and more, with a voltage of 220 kV and more;
- c. construction or reconstruction of new roads with four and more lanes, or widening of roads with two or less lanes for increasing the number of lanes to four and more, where the uninterrupted length of the respective section is 10 km or more;
- d. construction of tunnels or subways or railways with a length of 500 meters or bridges with a cargo capacity of 25 tonnes and more;
- e. pipelines for gas or oil or chemical materials with a diameter of 300 mm and more and with a length of 20 km and more;
- f. installation of superpower transmitting radio-technical objects. For the purposes of this Law, superpower transmitting radio-technical objects shall mean objects the antenna directivity of which is more than 5, or the maximum power of which exceeds the levels mentioned below:

900 watt — in the frequency range of 30 kHz-3 MHz;

500 watt — in the frequency range of 3-30 MHz;

25 watt — in the frequency range of 30 MHz-300 GHz,

(11) in the field of water economy:

- a. water reservoirs or artificial lakes or pools with a volume of 3 million cubic metres and more;
- b. household wastewater treatment plants with a capacity for population of 50 000 and more;

- c. industrial wastewater treatment plants;
- d. systems for subterranean waters extraction or artificial replenishment of groundwater when the annual volume of water extracted or replenished is equivalent to or exceeds 5 million cubic meters;
- e. extraction of underground freshwater for entrepreneurial purposes,

(12) in the field of urban development:

- a. landslide control or mudslide or mudflow control measures for territories of 10 hectares and more,

(13) in the field of agriculture:

- a. factories for milk processing, dairy production with a daily capacity of 200 tonnes of milk and more;
- b. fisheries — in case of water intake of 400 litres/second and more (for one farm);
- c. poultry breeding — more than 20 000 birds;
- d. swine breeding — 1 000 head and more or 350 places and more for mother pigs,

(14) in the field of wood and paper industry:

- a. production of wood, paper or cardboard for paper manufacturing with a daily volume of 20 tonnes and more;
- b. production of wood pulp or similar fibrous materials,

(15) in the field of food industry:

- a. production of manufactured feed concentrates — 50 tonnes and more per day;

- b. tobacco manufacturing or processing — 0.5 tonnes and more per day,
4. Category B shall include:
- (1) the following types of activity in the field of energy or production units or all structures or infrastructures thereof:
    - a. biogas production or power generation using biogas — with a capacity of 1 MW and more;
    - b. hydroelectric power stations with a capacity of up to 1 MW;
    - c. wind power stations with a total capacity of 5 MW and more, solar power stations occupying 3 hectares of territory and more or floating solar stations;
    - d. production of energy from geothermal waters with a capacity of up to 8 MW;
    - e. combustion installations with a thermal power of 1 MW up to 50 MW, except for thermal power plants;
    - f. hot water or steam production facilities with a thermal power of 1 MW up to 50 MW,
  - (2) in the field of subsurface use:
    - a. geological explorations;
    - b. final closure of non-metallic mineral deposits;
    - c. processing of non-hazardous wastes of surface use;
    - d. final closure of mineral water deposits;
    - e. exploitation of mineral water deposits for entrepreneurial purposes;
    - f. processing of non-metallic mineral — from 8 up to 30 cubic metres per day,

- (3) in the field of water economy or soil amelioration:
- a. water reservoirs or artificial lakes or pools with a volume of 500 000 to 3 mln cubic metres;
  - b. water flow transfer works between water basins, when such transfer is aimed at preventing possible water shortage, and the annual volume of water transferred exceeds 100 million cubic meters, except for the cases provided for by point 6.1 of the Programme approved by the Law "On approving the Annual and Complex Programmes for the Restoration, Conservation, Reproduction and Use of the Ecosystem of Lake Sevan";  
  
in case of all other types of work related to the transfer of water resources through river basins, when the average multi-year water flow exceeds 2 000 million cubic meters per year, when the volume of water transferred exceeds 5% of that flow;  
  
in both cases, the transfer of drinking water is excluded;
  - c. household wastewater treatment plants with a capacity for population of 3000 - 50 000;
  - d. construction of infrastructures for the purposes of protection from floods, eutrophication;
  - e. desalination of salinized soils by chemical solutions;
  - f. drying or drainage collector systems with a length of 5 kilometres and more,
- (4) in the field of agriculture:
- a. fisheries — with annual productivity of 100 tonnes and more, where the water consumption of the farm does not exceed 400 l/s;
  - b. sheep-raising farms — 500 head and more;



- c. stock-raising (cattle) farms — 1 000 head and more,
- (5) in the field of forestry:
- a. felling in state- or community-owned lands, except for fellings prescribed by forest management plans or management plans for specially protected nature areas;
  - b. afforestation, except for forest lands,
- (6) in the field of infrastructures:
- a. construction of electric power transmission lines with a length of 5 km to 15km or with a voltage of 110 kV to 500 kV, with a length of more than 500m;
  - b. petrol stations or liquid fuel station, gas stations with a capacity of 5 cubic metres and more or NGV-refuelling compressor stations;
  - c. construction of highways and expressways with more than 1 km non-stop length;
  - d. water supply and water drainage systems with a diameter of 300 mm and more and with a length of 1 km and more or main canals;
  - e. pipelines with a diameter of 300 mm and more and with a length of 1 km and more for fibre optic cables,
- (7) in the field of food industry:
- a. treatment and processing for getting food from the following materials:
    - animal raw materials (other than milk) the capacity of which to produce finished products exceeds 75 tonnes per day;
    - plant raw materials the capacity of which to produce finished products exceeds 300 tonnes per day (quarterly average indicator);
  - b. production of sugar or granulated sugar — 10 tonnes and more per day;

- c. brewing — 1000 decalitres and more per day;
  - d. milk processing and dairy production — with a capacity of 100-200 tonnes per day;
  - e. production of animal or vegetable oils and fats — 5 tonnes and more per day;
  - f. production or processing of fish products the capacity of which to produce finished products exceeds 30 tonnes per day,
- (8) in the field of urban development:
- a. construction of areas allocated for urban development with the overground surface of development of maximum 1500 square meters and more or with the underground surface of development of minimum 2000 square meters and more;
  - b. construction of areas allocated for urban development with the total development surface of 15000 square meters and more, including the surfaces of all the floors, including underground floors, the surfaces of the waterproof territory of the improvement;
  - c. improvement — in case of waterproof territory of 1000 square meters and more,
- (9) in the fields of recreation and tourism:
- a. ski runs, ropeways, zipline and related infrastructures,
- (10) in the field of industry of construction materials:
- a. stationary production of asphalt with a productivity of 30 to 80 t/h or concrete with a productivity of 30 to 80 m<sup>3</sup>/h;
  - b. production of cement or lime or plaster — up to 100 tonnes per day,
- (11) in the field of waste utilisation:

- a. construction or operation of landfills intended for serving population of up to 15 000 or receiving daily garbage of up to 10 tonnes, the total volume whereof does not exceed 25000 tonnes;
  - b. economic activity related to sorting of household solid, electronic and electrotechnical equipment, construction wastes;
  - c. utilisation, treatment, processing, burning of non-hazardous wastes with the quantity not exceeding 1 tonne per day.
5. Types of activities considered as immediate for ensuring national security and eliminating the consequences of emergency situations, provided for by this Law or the design changes provided for by Article 18 of this Law shall not be subject to expert examination.
6. All the types of activities approved by the Government, not listed in part 3 and 4 of this Article, which will be carried out in specially protected areas of nature or in forested soils or in green belts of settlements or within the territories of historical and cultural monuments or environmental lands and which are not included in the fundamental documents with a positive expert opinion shall be subject to expert examination as well. In this case the expert examination shall be carried out in accordance with the procedure for Category B.
7. At the initiative of the initiator, all proposed activities not prescribed by this Article shall be subject to expert examination. In this case the expert examination shall be carried out in accordance with the procedure for Category B.
8. Expansion or reconstruction or technical and technological re-equipment or re-profiling or conservation or relocation or termination or closure or demolition or design change of the types of the proposed activity listed in this Article shall be subject to assessment and expert examination in the case provided for by point 1 of part 4 of Article 18 of this Law.
9. Expansion or reconstruction or technical or technological re-equipment or re-profiling of the activity not exceeding the limits of the types of the proposed activity

listed in this Article shall also be subject to environmental impact assessment and expert examination, as a result of which the limits of the activity will coincide or exceed the limits of the types of the proposed activity provided for by this Article.

## CHAPTER 4

### *PROCESSES OF ENVIRONMENTAL IMPACT ASSESSMENT AND EXPERT EXAMINATION, REQUIREMENTS FOR THESE PROCESSES*

#### **Article 13. Environmental impact assessment and expert examination**

1. The assessment and expert examination shall be carried out prior to carrying out of the proposed activity. Without positive state expert opinion, the actual carrying out of the proposed activity shall be subject to termination, by the restoration to the former state by the person having actually carried out the proposed activity.
2. The assessment and expert examination shall be carried out based on the type, extent and location of the proposed activity and, conditioned thereby, on the possible cumulative total degree of the already existing and predicted impacts.

#### **Article 14. Processes of environmental impact assessment**

1. The EIA shall be carried out by the initiator, in case of having a relevant license, or through an individual entrepreneur or legal person with a relevant license. In the phase of impact assessment:
  - (1) the potential impact of the proposed activity on the environment shall be assessed;
  - (2) the alternative options of the proposed activity solutions provided for by the design documents shall be identified and substantiated and their impact on the

environment, social and economic situation shall be assessed;

- (3) the environmental management plan — which shall be enshrined in the design document —, including the impact monitoring programme shall be developed for the purpose of prevention, reduction or exclusion of the environmental impact;
  - (4) the degree of the impact shall be taken into account based on the geographical location, number of the population of the area subject to impact, the probability, the complexity, degree, duration, frequency of the impact and the possible cumulative total degree of the already existing and predicted impacts;
  - (5) during the assessment, the cumulative environmental impact shall be taken into account as a consequence of implementation of other activities on the area of implementation of the proposed activity.
2. While carrying out the assessment, the suggestions, comments and opinions submitted by participants of the process shall be taken into account. In case of failure to accept them, the relevant justifications shall be included in the report.
  3. As a result of assessment the initiator shall draw up a report in accordance with Article 15 of this Law, and submit it for expert examination.
  4. Within the process of environmental impact assessment, the initiator may consult with the authorised body, state bodies, leaders of the affected community (settlement) and the public concerned.

#### **Article 15. Contents of reports on assessment of impact on environment**

1. The requirement for the EIA report for the proposed activity of category A shall be the following:
  - (1) name of the initiator and place of residence (location) thereof;
  - (2) name of the proposed activity, in accordance with Article 12 of this Law;

- (3) summary content of the report, which includes information on the initiator, non-technical description of the proposed activity, place of implementation, exoteric and brief description of the potential impacts on the environment and measures aimed at mitigation thereof, which must stem from design documents;
- (4) description of the area of the activity proposed by the design document, including the description of the environment, natural conditions, resources, as well as the purpose of their use, infrastructures, affected community, affected settlement and the spatial planning documents, the scheme or map of the situation provided by the competent body reflecting their location with the unified geodetic coordination system operating in the Republic of Armenia;
- (5) description and purpose, production capacities, physical, technical and technological characteristics of the activity proposed by the design document, the description of the required natural resources, used primary products and materials, as well as the description of emissions, leakages, wastes and the usage thereof, industrial dump sites, physical influences;
- (6) description of all possible alternative options, including the option of refusal (no-action alternative) from the activity proposed by the design document;
- (7) assessments of the possible economic, environmental damages to the environment, the form and time limits for compensation thereof prescribed by the design document;
- (8) in case of carrying out activity proposed by the design document, including alternative options, the description of the possible changes of separate components, natural resources, the conditions of environment and their volumes separately, cumulative and full assessment;
- (9) potential social impacts, risks, benefits, the analytical characteristics provided for by the design document;
- (10) potential impacts, factors, risks on human health;

- (11) assessment of the risks posed as a consequence of potential emergency situations provided for by the design document, measures aimed at the prevention and reduction thereof;
  - (12) factors causing possible climate change when carrying out the activity proposed by the design document, including greenhouse gas emissions, their nature, volume, as well as measures aimed at the mitigation of and adaptability to climate change;
  - (13) justifications of the compliance of the activity proposed by the design document with the approved fundamental documents;
  - (14) justification — from environmental protection, economic, social perspective — for the option selected as a result of analysis of all the possible options provided for by the design document;
  - (15) the environmental management plan by the design document;
  - (16) proposed activity impact monitoring programme;
  - (17) summary materials on the information provided by the proposed activity report, submitted maps, schemes, diagrams, tables attached to the report, by mentioning the sources for the reference data;
  - (18) sources for the reference data used with regard to the environment;
  - (19) information with regard to the obstacles revealed during assessment and drawing up of the report, including information on the absence of data;
  - (20) potential impacts on the environment in the phases of construction, exploitation and closure.
2. The requirements for the EIA report for the proposed activity of category B shall be the following:
- (1) name of the initiator and place of residence (location) thereof;
  - (2) name of the proposed activity, in accordance with Article 12 of this Law;

- (3) description of the area of the activity proposed by the design document, including the description of the environment, natural conditions, resources, as well as the purpose of their use, infrastructures, affected community and the spatial planning documents, the scheme or map of the situation provided by the competent body reflecting their location with the unified geodetic coordination system operating in the Republic of Armenia;
- (4) characteristics of the activity proposed by the design document in the phases of construction, exploitation, closure and post-closure (production capacities, natural resources and materials used, technical and technological solutions);
- (5) potential impacts on the environment in the phases of construction, exploitation and closure;
- (6) potential impacts, factors, risks on human health;
- (7) the environmental management plan provided for by the design document;
- (8) justifications of the compliance of the activity proposed by the design document with the approved fundamental documents;
- (9) programme for monitoring of the impact of the activity proposed by the design document.

**Article 16. Delivering preliminary agreement or disagreement by local self-government body (bodies)**

1. The initiator, who intends to carry out the proposed activity prescribed by Article 12 of this Law, shall submit a notification to the head of the community within the administrative boundaries whereof the proposed activities will be carried out, which shall include the following:
  - (1) name of the initiator and place of residence (location) thereof;
  - (2) name of the proposed activity in accordance with Article 12 of this Law, the



purpose, brief description thereof;

- (3) place of carrying out the proposed activity.
2. The head of the community shall make notification of the public concerned within five working days after receiving the notification, and shall hold a public hearing in the affected settlement no earlier than on the 21<sup>st</sup>, not later than on the 25<sup>th</sup> working day after the notification.
3. Within 30 working days from the day of the public hearing prescribed by part 2 of this Article, the council of elders of the community shall adopt a decision on delivering preliminary agreement or disagreement to the implementation of the proposed activity, which shall contain justifications on the reasons thereof.
4. The head of the community shall — within a five-day period after the council of elders of the community renders a decision prescribed by part 3 of this Article, and in the case prescribed by part 13 of Article 16 of the Law "On self-government bodies" — within a three-day period after the decision of the council of elders of the community enters into force — submit to the authorised body and the initiator the decision of the council of elders, the records, photos or video-recordings of the public hearings, where available also the suggestions, comments and opinions of the public concerned.
5. In case of holding hearings in more than one community, the disagreement by at least one of the communities shall — in compliance with part 2 of this Article — be considered as a disagreement on the proposed activity.
6. In case the council of elders of the community fails to render a decision within the time period prescribed by part 3 of this Article, the initiator may submit the package of documents for expert examination without the preliminary agreement of the council of elders of the community.

## **Article 17. Expert examination**

1. The expert examination shall commence from the moment the initiator submits, in electronic form, the complete package of documents for expert examination to the authorised body with an accompanying letter. In case of impossibility to submit the package of documents electronically for expert examination, it shall be done in paper form. During the process of expert examination of the proposed activity in the field of subsurface use, the authorised body and the initiator shall carry out the document circulation of the submission of the package, return of the package, return of the package for revision, notification to the initiator, refusal from the expert examination, suspension or extension of the expert examination through the body authorised in the sector of subsurface use and protection.
2. The package shall include the following:
  - (1) EIA or SEA report;
  - (2) the design document — in case of the proposed activity;
  - (3) the decision of the local self-government body (bodies) on the preliminary agreement prescribed by part 3 of Article 16 of this Law, except for the case prescribed by part 6 of Article 16 of this Law, which shall be certified through the request made by the authorised body to the head of the relevant community;
  - (4) documents (the copy, photos or video-recordings of publication of notification, where available, also the suggestions, comments and opinions, as well as the records of the public hearings) drawn up by the local self-government body (bodies) during the public hearings conducted in accordance with Article 16 of this Law.
3. Prior to starting the expert examination prescribed by part 1 of this Article, the initiator may apply to the authorised body in written form for the purpose of receiving clarifications or consultation with regard to the requirements for the content of EIA report. The authorised body shall response to the initiator within ten working days

following the receipt of the application.

4. The authorised body shall return the submitted package to the initiator (in the case of subsurface use — to the body authorised in the field of subsurface use and protection) within seven working days from the date of their submission to the authorised body, where it does not contain the EIA report and the documents provided for by part 1 of this Article or contains formal or non-substantive inaccuracies or deficiencies, indicating the reason for the return.
5. Prior to the issuance of the state expert opinion, the initiator may reject the process of the expert examination of the package submitted for expert examination, by applying thereon to the authorised body in writing. In that case, the state duty shall not be subject to return.
6. In case the proposed activity is subject to impact assessment in the transboundary context, the authorised body shall inform the initiator thereon in writing.
7. During the expert examination, the authorised body shall involve the process participants in the process. The SEA or EIA report shall be forwarded to the relevant public and local self-government bodies for opinion. In case of failure by the mentioned bodies to submit an opinion within fifteen working days, the opinion shall be considered positive.
8. During the expert examination, the authorised body shall, jointly with the local self-government body, make notification on the public hearings and hold public hearing with the participation of the initiator.
9. During the expert examination, the authorised body shall carry out on-site inspection works and observations in order to determine the compliance of the current state of the area and the information provided in the EIA or SEA reports.
10. In case of non-formal or substantive inaccuracies or deficiencies in the information contained in the package, or in case of non-compliance between the design document and the EIA report, it shall be returned to the initiator (in the case of subsurface use

— to the body authorised in the field of subsurface use and protection) with an explanatory letter for revision with an indication of all the inaccuracies, deficiencies, incompliances. The revised package shall be submitted by the initiator to the authorised body within 30 working days from the date of receipt of the explanatory letter from the authorised body, in case whereof the time limit for expert examination of the package returned for revision shall be considered suspended until the day the package revised by the initiator is entered to the authorised body. In case of failure to submit the revised package by the initiator within 30 working days, the package shall be considered as having received a negative opinion by law. In case the package returned for revision is submitted without revision by the initiator, the authorised body shall — within 10 working days following the receipt of the non-revised package — deliver a negative opinion.

11. Within 10 working days following the date the package is considered as having received a negative opinion by law in the case provided for by part 9 of this Law or the date of receiving a negative opinion, the authorised body shall notify the initiator thereof, indicating the grounds for delivering a negative opinion.
12. In case of reconstruction or expansion or technical and technological re-equipment or re-profiling or conservation or relocation or termination or closure or demolition or design change of the proposed activity, when the implementation of the expert examination is directly linked to the results of the initiated criminal proceedings or of the inspections conducted by the inspection bodies, the time limit for the expert examination shall be considered suspended. The authorised body shall notify the initiator thereof in writing.
13. In case of elimination of the grounds provided for by part 12 of this Article, the process of expert examination shall be resumed, of which the initiator shall be notified by the authorised body in writing.
14. Following the process of expert examination, a state expert opinion shall be drawn up based on the following:

- (1) comprehensiveness of the reports and the compliance thereof with the fundamental or design document;
  - (2) substantiation of the selection of the draft fundamental document or the proposed activity, taking into account the alternative options;
  - (3) compliance with the requirements of the legislation of the Republic of Armenia;
  - (4) compliance with short-term, medium-term and long-term programmes prescribed by the legislation of the Republic of Armenia;
  - (5) effectiveness of the environmental management plan, environmental impact monitoring programme enshrined in the fundamental or design document;
  - (6) effectiveness, substantiation of notification of the participants of the process, of ensuring public hearings and consideration of the opinions.
15. The time limits for the expert examination of the EIA shall be as follows:
- (1) in case of category A of the proposed activity — up to 80 working days;
  - (2) in case of category B of the proposed activity — up to 40 working days.
16. In case of necessity to perform additional work or obtain other information to ensure the completeness of the examination process, the authorised body may extend the time limit for the process of expert examination for up to 30 working days, notifying the initiator thereon indicating in the notification the additional work to be performed or the necessary information to be obtained.
17. In case no expert opinion is delivered within the time limits for the expert examination of the EIA prescribed by this Article, the expert opinion shall be considered as positive, where the expert examination has been conducted in compliance with all the requirements of this Law.

**Article 18. Assessment and expert examination of the environmental impact of the reconstruction or expansion or technical and technological re-equipment or re-profiling or conservation or relocation or termination or closure or demolition or design change of the types of the proposed activity**

1. Prior to carrying out reconstruction or expansion or technical and technological re-equipment or re-profiling or conservation or relocation or termination or closure or demolition or design change of the types of the proposed activity listed in Article 12 of this Law, the initiator shall submit an application to the authorised body.
2. The application shall include the following:
  - (1) name of the initiator and place of residence (location) thereof;
  - (2) name of the proposed activity in accordance with Article 13 of this Law;
  - (3) description of the area subject to the proposed activity;
  - (4) characteristics of the proposed activity (production capacities, technical and technological solutions);
  - (5) comparative analysis of the current situation and the planned changes;
  - (6) information or documents prescribed by the procedure provided for by point 5 of part 1 of Article 8 of this Law.
3. In case there are inaccuracies or deficiencies in the information contained in the application prescribed by this Article, it shall — within 10 working days from the day of receiving the application — be returned to the initiator with a letter for the purpose of revision, indicating the reasons for the return.
4. The authorised body shall, within 15 working days from the day of receiving the application prescribed by part 1 of this Article, and in the case prescribed by part 3 of this Article — within 15 working days from the day of receiving the revised application, inform the initiator in writing of the following:
  - (1) the fact that reconstruction or expansion or technical or technological re-

equipment or re-profiling or conservation or relocation or termination or closure or demolition or design change of the types of the proposed activity is subject to environmental impact assessment and expert examination, in case of which the environmental impact assessment and expert examination shall be carried out in the manner provided for by this Law, or

- (2) the fact that reconstruction or expansion or technical or technological re-equipment or re-profiling or conservation or relocation or termination or closure or demolition or design change of the proposed activity is not subject to environmental impact assessment and expert examination.

#### **Article 19. State expert opinion**

1. The state expert opinion shall consist of the following introductory, descriptive, substantiative and conclusive parts:
  - (1) the introductory part shall include brief information about the initiator, the draft fundamental document or the activity proposed by design documents;
  - (2) the descriptive part shall include the description of the potential harmful impact on the environment, measures envisaged by the environmental management plan and the monitoring programme;
  - (3) the substantiative part shall include summary analysis of the data prescribed by part 13 of Article 17 of this Law, substantiated conclusions on the provisions of the draft fundamental document or the proposed activity;
  - (4) the conclusive part shall include a conclusion whether the state expert opinion is positive or negative.
2. The positive expert opinion may contain mandatory requirements, conditions aimed at the environmental protection, for which time limits shall be established. In case of failure to implement the requirements or conditions within the time limits prescribed, the opinion shall be declared ineffective through the procedure prescribed by point 1

of part 1 of Article 20 of this Law.

3. In case a time limit is indicated in the draft fundamental document or in the document of the activity proposed by the design document, the positive expert opinion shall be delivered for the given time limit, unless other time limit is prescribed in the opinion with a substantiated reasoning. In case no time limit is indicated in the draft fundamental document or in the document of the activity proposed by the design document, the positive expert opinion shall be delivered for the time limit of maximum 25 years.
4. While drawing up positive or negative state expert opinions, the suggestions, comments, opinions submitted by participants of the process, as well as results of public hearings shall be taken into account. In case of not accepting the opinions of the participants of the process, the authorised body shall give valid reasonings. The state expert opinion shall be approved by the head of the authorised body or the person authorised by the latter.
5. The state expert opinion shall be provided to the initiator within two working days and be posted on the official website of the authorised body within seven working days.
6. Without a positive expert opinion the adoption of the fundamental document or the carrying out of the proposed activity shall be prohibited.
7. The technical errors in the state expert opinion, in case they do not affect the content of the state expert opinion, shall be corrected by the authorised body by means of corrections which shall make an integral part of the expert opinion and shall be additionally presented to the initiator.
8. The state expert opinion may be appealed as prescribed by the legislation of the Republic of Armenia.



**Article 20. Declaring state expert opinion ineffective**

1. The positive state expert opinion shall be declared ineffective, where:
  - (1) the initiator fails to eliminate the recorded violations within a one-month period after being subjected to liability for the offence prescribed by part 3 of Article 94.1 of the Code on Administrative Offences, and whereon the inspection body exercising oversight in the environmental sector files a motion to the authorised body to declare the positive expert opinion ineffective;
  - (2) a legislative act prescribing a requirement to declare the state expert opinions ineffective has come into force;
  - (3) a new environmental factor has emerged after delivering the state expert opinion, which did not exist at the time of the issuance of the state expert opinion and in the presence of which the continuation of the activity will contradict the international treaties of the Republic of Armenia, laws or secondary regulatory legal acts of the Republic of Armenia, or the existence of which at the time of issuing the state expert opinion would serve as a ground for issuing a negative expert opinion;
  - (4) false documents (information and data) have been submitted by the package of documents submitted for expert examination and the positive expert opinion does not comply with the legislation of the Republic of Armenia and where the recorded incompliances — in case of being known prior to the issuance of the opinion — would serve as a ground for issuing a negative expert opinion.
2. In case of failure to launch the implementation of the activities proposed by the fundamental or design documents within two years after the receipt of the positive expert opinion, the positive expert opinion shall be declared as ineffective.
3. The initiator may appeal the decision on declaring the state expert opinion ineffective adopted by the authorised body as prescribed by the legislation of the Republic of

Armenia.

## CHAPTER 5

### *PROCESSES OF STRATEGIC ENVIRONMENTAL ASSESSMENT AND EXPERT EXAMINATION, REQUIREMENTS THEREFOR, TYPES OF FUNDAMENTAL DOCUMENTS SUBJECT TO STRATEGIC ENVIRONMENTAL ASSESSMENT AND EXPERT EXAMINATION*

#### **Article 21. Types of fundamental documents subject to strategic environmental assessment**

1. The draft fundamental documents related to the fields of social and economic development, energy, urban development, transport, communication, agriculture, tourism, territorial development, subsurface use, industries, recreation, forestry, fish farming, waste use, water economy — which contain grounds for carrying out the activities provided for by Article 12 of this Law or of the projects prescribed by Annexes 1 and 2 of the Protocol on Strategic Environmental Assessment to Convention "On Environmental Impact Assessment in a Trans-boundary Context" — shall be subject to SEA. The fundamental document's criteria for potential impact on the environment shall be established through the procedure for strategic environmental assessment.
2. All the draft fundamental documents and amendments made thereto, which will have a potential impact on the specially protected natural areas and forest areas, historical and cultural monuments, shall be subject to SEA. The fact of being subject to SEA and expert examination shall be determined by the authorised body based on the results of joint consultations with the initiator.
3. The fact that the projects related to the amendments made to the fundamental documents or small area planning are subject to SEA and expert examination shall be determined by the authorised body, as a result of joint consultations with the initiator.
4. Draft fundamental documents related to state security and emergency situations shall

not be subject to SEA and expert examination.

**Article 22. Strategic environmental assessment**

1. The SEA and expert examination of the draft fundamental document shall be carried out prior to the adoption of the fundamental document.
2. Phases of carrying out SEA shall be as follows:
  - (1) determining scope of the SEA;
  - (2) drawing up a SEA report;
  - (3) taking into account the results of the SEA in the fundamental document.
3. The initiator shall:
  - (1) in the phases provided for by part 2 of this Article, apply to the authorised body and the authorised body in the field of healthcare management for consultation, taking into account, where necessary, the field of the fundamental document, apply also to the authorised state bodies for management in the fields listed in part 1 of Article 21 of this Law and/or to local self-government bodies;
  - (2) involve the public concerned as prescribed by Chapter 7 of this Law, and, where necessary, make transboundary notification and conduct discussions as prescribed by Chapter 6 of this Law.

**Article 23. Expert examination of the SEA report**

1. The expert examination of the SEA report shall be carried out within up to 80 working days from the day of submitting the SEA report, with the accompanying letter, to the authorised body (except for fundamental documents having a transboundary impact), based on which the authorised body shall provide the initiator with an expert opinion.
2. The state expert opinion on the SEA report shall be provided in accordance with

Article 19 of this Law.

## CHAPTER 6

### *ASSESSMENT OF DRAFT FUNDAMENTAL DOCUMENT OR PROPOSED ACTIVITY HAVING TRANSBOUNDARY IMPACT*

#### **Article 24. General requirements for impact assessment of draft fundamental document or proposed activity having a transboundary impact**

1. Where the implementation of the fundamental document or carrying out of the proposed activity in the territory of the Republic of Armenia, as well as the implementation of the fundamental document or carrying out of the proposed activity in the territory of other states may have a transboundary impact, the environmental impact assessment and the expert examination shall be carried out in accordance with the requirements of the Convention on Environmental Impact Assessment in a Transboundary Context, other international treaties ratified by the Republic of Armenia, international rules of healthcare and this Law.
2. The expert opinion on transboundary impact shall be signed by the head of the authorised body and approved by the Government.
3. For the purpose of ensuring comprehensiveness of the procedures for impact assessment of the draft fundamental document or the proposed activity having transboundary impact and summarising the results of the assessment, the authorised body may — with an appropriate substantiation — extend the time limits prescribed by this Law.

**Article 25. Assessment of the transboundary impact of the draft fundamental document or proposed activity in the Republic of Armenia**

1. Where the potential transboundary impact is revealed during the assessment, the authorised body, together with the initiator, shall be obliged to ensure the requirements prescribed by this Article.
2. Where any fundamental document or proposed activity prescribed by Articles 12 or 21 of this Law may have a significant adverse transboundary environmental impact, the authorised body shall notify the relevant state authorised body of the affected state thereon as prescribed by this Law and other legal acts, simultaneously requesting information on the documents and the procedures for public hearings necessary for carrying out environmental impact assessment in that country.
3. The notification shall contain the following information, unless otherwise provided for by a relevant international treaty of the Republic of Armenia:
  - (1) draft fundamental document and SEA report, information on the proposed activity, including any information on potential transboundary impact thereof;
  - (2) information on the nature of possible decisions adopted with regard to the draft fundamental document or the proposed activity;
  - (3) information on the procedures and time limits for expert examination;
  - (4) information on the time limits for response of the given state with regard to its intention to participate in the process of transboundary impact assessment. The authorised body shall support the process of preparation of notification and inquiry by the initiator.
4. The time limit for the affected state to respond whether it intends to participate in the process of transboundary impact assessment may not exceed 45 working days from the date of receipt of the notification, unless another time limit is provided for by the international treaties of the Republic of Armenia.
5. Where the state, which has received a notification, has officially refused to participate in

the process of transboundary impact assessment or has failed to respond about its intention to participate within the time limit prescribed, the expert examination shall be carried out through the procedure prescribed by this Law.

6. After receiving an official letter on intention to participate in the process of transboundary impact assessment from the country having received the notification, the authorised body shall — as prescribed by the legislation of the Republic of Armenia — submit to the affected state the documents necessary for impact assessment, mentioning the time limits for submitting the opinion with regard thereto, which shall not exceed 60 working days from the date of receipt of the documents, unless other time limits are provided for by the international treaties of the Republic of Armenia.
7. The authorised body and the initiator shall support the relevant authorised body of the affected state in dissemination of information on the draft fundamental document or the proposed activity among the relevant bodies and the public concerned of the territories of the given country most likely to be affected by the potential impact.
8. The authorised body and the initiator shall — with the relevant authorised body of the state likely to be affected by the potential impact — coordinate the format and the procedure for consultations with regard to the draft fundamental document or the proposed activity having a potential transboundary impact, the means of prevention or reduction of the impact and shall support in carrying out such consultations.
9. The initiator shall ensure the translation of the opinions and other necessary materials received from the affected state.

**Article 26. Process of transboundary impact assessment of draft fundamental document or proposed activity of another state on the environment of the Republic of Armenia**

1. Where notification is received in the Republic of Armenia regarding a draft

fundamental document or a proposed activity that may have a potential transboundary impact on the Republic of Armenia, and the receiver is not the authorised body, the notification shall be sent to the authorised body within 10 working days after its receipt.

2. The authorised body shall — as prescribed by legislation of the Republic of Armenia — notify the relevant authorised body of the state of origin about the receipt of the notification and its intention to participate or not to participate in the process of transboundary impact assessment within the time limits and in the manner referred to in the notification.
3. Where there are no fixed time limits stipulated in the notification for a response, the authorised body shall respond to the notifying country within 10 working days after the date of receipt of the notification.
4. The authorised body shall ensure discussion of the notification guided by the requirements of this Law, unless otherwise provided for by bilateral or multilateral international treaties of the Republic of Armenia.
5. Where the authorised body has made a decision to participate in the transboundary process, the environmental impact assessment shall be carried out as prescribed by this Law, taking into consideration the requirements of the international treaties of the Republic of Armenia, at the same time informing the authorised body of the state of origin about the requirements of this Law, including provision of the necessary funding thereby for environmental impact assessment, translation of the documents, ensuring participation of the public concerned and other costs required by this Law.
6. The authorised body shall coordinate the volume and content of the necessary documents, the format and procedure for consultations with regard to the draft fundamental document or proposed activity having a potential transboundary impact, the means for prevention or reduction of the impact with the relevant authorised body of the state of origin.



7. Unless otherwise provided for by the bilateral or multilateral international treaties of the Republic of Armenia or part 4 of this Article, the authorised body, after receiving the documents, shall ensure the study and consideration of the documents as prescribed by this Law and other legal acts, and shall send the expert opinion approved by the Government of the Republic of Armenia to the notifying country.
8. Where the authorised body has been informed about a draft fundamental document or a proposed activity on the territory of another country that might have transboundary impact on the environment of the Republic of Armenia, and where no notification has been received from the given country, the authorised body, giving prior notice thereon to the Government of the Republic of Armenia, shall — as prescribed by the legislation of the Republic of Armenia — request the relevant authorised body of the given country to provide a notification on the process of transboundary impact assessment of the draft fundamental document or the proposed activity.

**Article 27. International co-operation in transboundary impact sphere**

1. For the purpose of fulfilling the obligations assumed by the Republic of Armenia under the Convention on Environmental Impact Assessment in a Transboundary Context, the Republic of Armenia may sign bilateral or multilateral international treaties or acquire other agreements.
2. For the purpose of increasing the effectiveness of the management of transboundary impact assessment, the Republic of Armenia may, together with other countries, create temporary or permanent acting bodies, the procedure of activity whereof shall be defined by relevant bilateral treaties or other written agreements.

**CHAPTER 7**

***NOTIFICATION OF THE PUBLIC CONCERNED, HOLDING PUBLIC HEARINGS AND REQUIREMENTS THEREFOR***

**Article 28. Notification of the public concerned and holding public hearings**

1. The public concerned shall have the right to participate in the processes of EIA, SEA and expert examination.
2. The authorised state body, territorial administration bodies, local self-government bodies and the initiator shall — through the procedure prescribed by point 7 of part 1 of Article 8 of this Law, for the purpose of ensuring the participation of the public concerned in the processes of EIA, SEA and expert examination — carry out the following:
  - (1) dissemination of information on the right to initiate and participate in the processes of EIA, SEA and expert examination;

- (2) ensure accessibility of the documents on EIA, SEA and expert examination and other information;
  - (3) create conditions for participation of the public concerned in the hearings, inform the public concerned about the draft fundamental document or the proposed activity, the expert examination process through official web pages and other means of dissemination of information (press, other mass media, signboards of local self-government bodies, buildings of public significance).
3. The first public hearing shall be held in the phase of delivering a preliminary agreement by the local self-government bodies prescribed by Article 16 of this Law, and the second one — during the expert examination prescribed by Article 17 of this Law. Prior to the public hearings, the notification of the public hearings shall be ensured through the procedure prescribed.
4. The content of the SEA notification of public hearings shall include the following:
  - (1) name of the initiator;
  - (2) name of the draft fundamental document;
  - (3) summary description;
  - (4) information on the provisions of the draft fundamental document;
  - (5) time limits and venue for holding public hearings;
  - (6) place of receiving information and time limits for submitting suggestions.
5. The content of the EIA notification of public hearings shall include the following:
  - (1) name of the initiator;
  - (2) type of the proposed activity;
  - (3) place of carrying out and brief description of the proposed activity;
  - (4) time limits for holding public hearings and address thereof;

- (5) opportunity to get acquainted with the documents and receive information, the address intended for submitting suggestions.
6. The notification on public hearings shall be published in other mass media with a circulation of at least three thousand, posted on the announcement board of the residence of the marzpetaran or the local self-government bodies of the affected community and the administrative head of the settlement or of buildings of public significance (culture, art buildings, buildings of scientific and educational significance), published on the official websites of the local self-government bodies of the affected community and the initiator (where available). During the expert examination, the notification shall also be posted on the official website of the authorised body.
7. The public hearings during the expert examination shall be held not earlier than on the 15<sup>th</sup> day following the notification.

**Article 29. Holding public hearings and submitting suggestions**

1. During the EIA, SEA and expert examination, including public hearings, the public concerned shall, within the time limits prescribed by this Law, have the right to submit any written and verbal suggestions, comments and opinions to the authorised body and the initiator without substantiating the reasons underlying them.
2. The authorised body, the initiator shall be obliged to discuss all the suggestions, comments and opinions submitted by the public concerned and take into account the results of the participation of the public concerned and reasonable suggestions, comments and opinions while drawing up the EIA, SEA reports, expert examination.
3. The public concerned may submit written — and during public hearings also verbal — suggestions, comments and opinions to the initiator, local self-government bodies, and during the expert examination — also to the authorised body.
4. The written or electronic suggestions, comments and opinions of the public

concerned shall be submitted:

- (1) in the cases prescribed by part 2 of Article 16 of this Law — within 20 working days after the notification;
  - (2) during the expert examination, in case of the draft fundamental document and types of the activity of category A — within 25 working days after the notification;
  - (3) during the expert examination, in case of the types of the activity of category B — within 20 working days after the notification.
5. During the hearings in the course of the expert examination, the initiator shall submit SEA or EIA reports.
  6. The initiator and the authorised body must take into account the comments and suggestions submitted during the hearings. In case of not taking them into account, substantiated reasonings shall be given.
  7. The results of public hearings shall be reflected in relevant reports and state expert opinion.
  8. Where the documents relating to the proposed activity and the EIA report contain information that is not subject to publication provided for by laws of the Republic of Armenia, the initiator shall remove such information from the report, making the public part thereof available to the public concerned.

## CHAPTER 8

### *RIGHTS AND OBLIGATIONS OF INITIATOR IN ENVIRONMENTAL IMPACT ASSESSMENT AND EXPERT EXAMINATION PROCESSES*

**Article 30. Rights and obligations of initiators in the processes of environmental impact assessment, expert examination and carrying out of proposed activity**

1. In the assessment and expert examination processes the initiator shall be entitled to:
  - (1) receive from the authorised body information about the assessment and expert examination process;
  - (2) receive from the public and local self-government bodies the effective fundamental documents related to the territory, as well as any other information necessary for carrying out EIA;
  - (3) appeal — as prescribed by law — the state expert examination opinion and the decision adopted by the authorised body declaring it ineffective.
  
2. In the expert examination process, the initiator shall be obliged to:
  - (1) follow the requirements prescribed by this Law;
  - (2) provide the documents and information prescribed by this Law to the authorised body;
  - (3) ensure the completeness, authenticity and substantiation of the materials to be submitted;
  - (4) participate in the notification of the public concerned and public hearings during the expert examination;
  - (5) provide the public hearing holders with the relevant materials and documents;
  - (6) adopt or submit for approval the fundamental document and carry out proposed activity only in case of a positive expert opinion;
  - (7) fulfil and not to violate the requirements and conditions of the state expert opinion, not to deviate from them and to carry out the proposed activity in accordance with the design documents and EIA report that have received a

positive expert opinion;

- (8) carry out expansion or reconstruction or technical or technological re-equipment or re-profiling or conservation or relocation or termination or closure or demolition or design change of the types of the proposed activity in case of notification prescribed by point 2 of part 4 of Article 18 of this Law or existence of a positive expert opinion.

## CHAPTER 9

### *INVOLVEMENT OF EXPERTS IN EXPERT EXAMINATION PROCESS*

#### **Article 31. Requirements for involvement of experts in expert examination process**

1. The authorised body may involve relevant expert (that is a natural or legal person) in the expert examination process.
2. The legal person may be [act as] an expert where its statutory functions correlate with the object that is subject to expert examination. Employees of a legal person — acting as an expert — involved in the expert examination process must meet the requirements prescribed by part 3 of this Article.
3. The natural person may be [act as] an expert who has a professional higher education related to the object that is subject to expert examination and has at least ten years of professional work experience in the relevant sphere, of which five years of experience — in the course of the last eight years.
4. The involvement of the experts in the expert examination process shall be carried out

on contractual basis as prescribed by the legislation.

5. The contract shall define the rights and obligations of the parties, the content, scope and time limits of the activities of experts, the procedure and the amount of remuneration and other terms and conditions upon the agreement of the parties not contradicting the legislation of the Republic of Armenia.
6. The persons who have participated in the drafting of the given draft fundamental document or the design document of the proposed activity or in the impact assessment process thereof may not — as experts — be involved in the expert examination process.

## CHAPTER 10

### *RIGHTS AND OBLIGATIONS OF EXPERT IN EXPERT EXAMINATION PROCESS*

#### **Article 32. Rights and obligations of experts in expert examination process**

1. The expert involved in the expert examination process shall be entitled to:
  - (1) receive from the authorised body all documents submitted for expert examination;
  - (2) receive from the authorised body and public and local self-government bodies all the materials related to the documents subject to expert examination;
  - (3) participate in the discussion of the professional opinion rendered by him or her and of the draft state expert opinions;
  - (4) participate in public hearings on the documents being examined by him or her.



2. The expert involved in the expert examination process shall be obliged to:
  - (1) provide an impartial, independent, objective and substantiated professional opinion to the questions presented to him or her;
  - (2) carry out expert examination of the draft fundamental document or the proposed activity in accordance with the requirements of this Law and other legal acts;
  - (3) maintain the confidentiality of the information comprising a secret as prescribed by law;
  - (4) ensure implementation of the contractual requirements.

## CHAPTER 11

### *FEES AND FINANCING OF ENVIRONMENTAL IMPACT EXPERT EXAMINATION PROCESS*

#### **Article 33. Fees of expert examination process**

1. A state duty shall be paid in the manner and in the amount prescribed by the Law of the Republic of Armenia "On state duty" for carrying out the expert examination process or for consideration of the application prescribed by Article 18 of this Law.

#### **Article 34. Financing of expert examination process**

1. The costs related to the expert examination process, prescribed by this Law, carried out by the authorised body and local self-government bodies shall be financed by means of the State Budget of the Republic of Armenia.

## CHAPTER 12

### *LIABILITY AND OVERSIGHT OVER EXECUTION OF THIS LAW IN EXPERT EXAMINATION PROCESS*

#### **Article 35. Liability in expert examination process**

1. Violation of the requirements of this Law shall entail liability through the procedure prescribed by law.

#### **Article 36. Oversight over execution of this Law**

1. The oversight over the compliance with the requirements prescribed by this Law with respect to the implemented activity requiring an expert opinion, including over the design documents having received a positive expert opinion, the requirements and conditions of EIA report, the implementation thereof within the time limits prescribed, the requirements and conditions of the positive expert opinion, the implementation thereof within the time limits prescribed and over the activity not having been issued a positive expert opinion shall be carried out by the inspection body carrying out oversight in the field of environmental protection.

## CHAPTER 13

### *FINAL PART AND TRANSITIONAL PROVISIONS*

**Article 37. Transitional provisions**

1. The relations with regard to expert examination process having been launched and pending prior to entry into force of this Law shall be regulated by legal acts effective at the moment of launching the expert examination process.
2. The legal acts prescribed by points 1, 2, 5, 9 and 11 of part 1 of Article 8 of this Law shall be adopted within six months following the entry into force of this Law, the one prescribed by point 8 of part 1 of Article 8 — by 31 December 2024, and those prescribed by points 4 and 10 of part 1 of Article 8 — by 31 December 2025.
3. The amendments and supplements to the regulations prescribed by points 3 and 7 of part 1 of Article 8 of this Law shall be adopted within six months following the entry into force of this Law.
4. Points 1, 2, 3, 4, 5, 7, 9 and 10 of part 1 of Article 8 of this Law shall become effective from the moment of the entry into force of the secondary regulatory legal act referred to in parts 2 and 3 of this Article. Until that time, the relevant provisions of Law No HO-110-N of 21 June 2014 "On environmental impact assessment and expert examination" shall continue to apply.
5. Part 2 of Article 20 of this Law shall extend to the positive expert opinions issued in 2022 and 2023 or the positive expert opinions issued on the basis of the application submitted within the same time limit for the proposed activity."

**Article 2.** This Law shall enter into force on the tenth day following the day of the official promulgation.