## Comments and concerns on the RA Draft EIA Law

1.It is necessary that the words "and health" be added after the word "environment" in the law and clarified in the definitions.

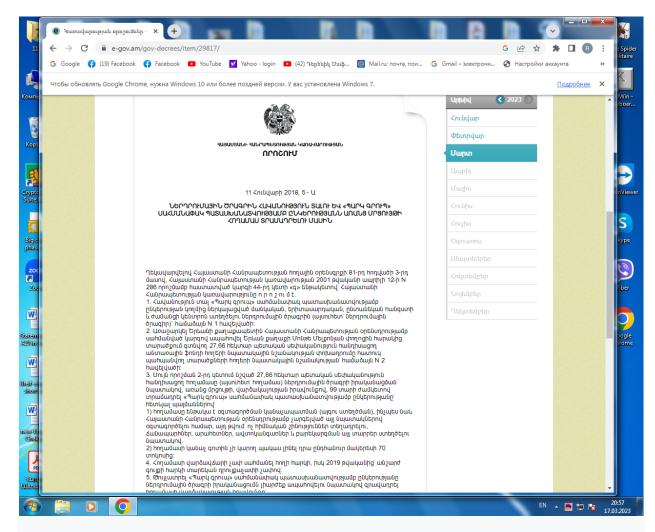
Also, to foresee an authorized body for health /humans' and animals/ impact assessment and providing an expertise conclusion, because under the current law, when asking questions to the current authorized body on issues related to damage to the health and life of people and animals, the Ministry of Environment declares that they do not have such authority and the Ministry of Health declares that ME ministry is Authorized body for the law and for the Aarhus Convention.

- 1.1. In general, the scope of powers of the Authorized body or bodies in the fields of health and justice, as well as in the field of supervision over the implementation of the provisions of the Law, remained open.
- 2. The last provision mentioned in Article 17.7 of the Draft:-" In case of failure by the mentioned bodies to submit an opinion within fifteen working days, the opinion shall be considered positive" is absolutely unacceptable, because in such situation in case of catastrophic negative consequences, who will be bear the risk and why should the nature and environment suffer because of irresponsible officials and not only present but also future generations suffer?
- 2.2. Why should only the entrepreneur bear the risk of damage to the environment, human and/or animal health or life?

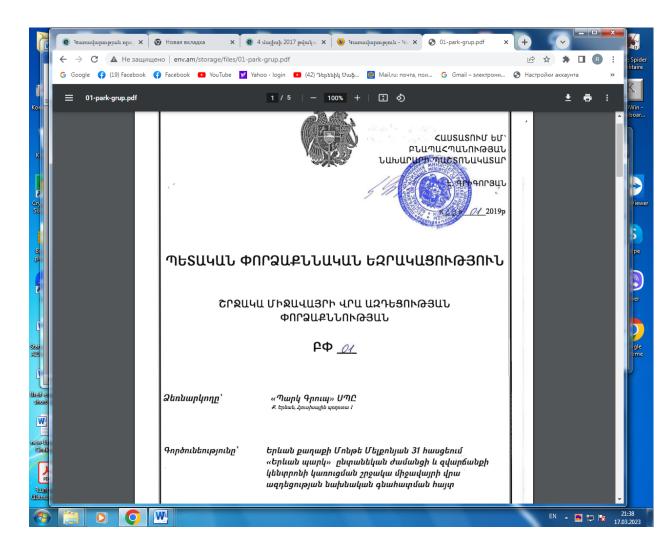
The issue of responsibility of officials, heads of authorized bodies and related bodies that failed to control is in a terrible situation. There is no liability even in the event of non-compliance with the requirements of the law.

There is no control, no accountability. Here is an obvious example: During the adoption of its Decree 5-A of 11 January, 2018, the RA government not only did not take into account the opinion of the affected community, not only did they not make the public a participant in the decision-making process, but also did the required by law **environmental impact assessment**, **expert examination** and **state expert opinion** for the adoption of that decree exactly one year after the adoption of the decree. i.e. in January 2019. And no one is worried that they will be punished for it, because there is no punisher, nor the law provides for it.

<a href="https://www.e-gov.am/gov-decrees/item/29817/?fbclid=IwAR26f">https://www.e-gov.am/gov-decrees/item/29817/?fbclid=IwAR26f</a> T4mKSVOopOBSPAJJYvmc3z3bLCSpU0E-UgUPsr5cokrljrjdGVHLU



http://env.am/storage/files/01-park-grup.pdf



3. The Environmental Safety Policy to be developed should be based on the idea of strict liability of officials responsible for environmental safety and environmental damage. Therefore, part 3 of the Article 5 of the current EIA Law should be revised and written as follows: - "In the event of a possible risk to human health or the environment as a result of the planned activity or the operation of the foundation document, the initiator and the official who signed the positive conclusion bear the responsibility."

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