

## The First Progress Report of the Republic of Armenia on the Decision VII/8a

| <b>Recommendation: Para. 2 (a) of decision VII/8a</b>  |  |   |  |
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|  | The planed steps to implement the proposed measures  | Conducted steps   | Details  |
| <p>Proposed measures to fulfil recommendation</p> <p>1. Development and adoption of the draft law “On Making Amendments to the Law on Environmental Impact Assessment and Expertise”, where public participation issues will be clearly defined in a separate chapter including the deadlines for public awareness and participation, modality of participation, mechanisms and basis to elicit opinions</p> <p>2. Development and adoption of sub legislative acts.</p> | <p>1.</p> <p>1) Revision and amendment of the draft Law by the expert group,</p> <p>2) Public discussion of the revised draft law in the Ministry of Environment,</p> <p>3) Publishing of the draft law on <a href="http://www.e-draft.am">www.e-draft.am</a> unified platform for draft legal acts no later than 15 days prior,</p> <p>4) Submission to the Ministry of Justice for the State legal expertise,</p> <p>5) Submission of the amended law to the Prime Minister’s (PM) office,</p> <p>6) Revision of the draft law by the PM’s office,</p> <p>7) Revision and incorporation of the Law based on the recommendations received from the PM’s office and resubmission,</p> <p>8) The process of adoption by the Government,</p> | <p>1.</p> <p>1) The draft Law has been Revised and amended by the expert group,</p> <p>2) Several discussions/hearings have been conducted under the leadership of either Minister or Deputy Ministers of the Environment with the state bodies' and civil society representatives periodically. (including on August 3, 2022<sup>1</sup>; on September 9, 2022 initiated by the Ministry and with the financial support of the World Bank<sup>2</sup>; in February 2023 which was suggested by the NGOs and led by the Minister<sup>3</sup>),</p> <p>Information about the revisions of the Draft law has been regularly distributed via e-platforms<sup>4</sup>.</p> <p>3) The Draft law was published on <a href="http://www.e-draft.am">www.e-draft.am</a> unified platform for draft legal acts in February 2022. Since then, it has been updated several times with modified versions based on the feedback received.</p> <p>The interested public was notified of the updates via email. The new link has been communicated to them<sup>5</sup>.</p> | <p>According to the new Law, the types of activities are classified into two categories: A and B, according to the degree of influence decrease on the environment, instead of three categories: A, B, C in the previous Law.</p> <p>The types of activities have also been reviewed in line with the Aarhus Convention and the relevant EU Directives (Directive 2011/92/EU, Directive 2001/42/EC, Directive 2003/35/EC): The practical application experience in Armenia was also considered /Article 12 of the new EIA Law/.</p> <p>The approaches to the notification and holding public hearings have also been completely revised in the new Law.</p> <p>Thus:</p> <p>- The deadlines have been extended for</p> |

<sup>1</sup> [http://env.am/news/public\\_invitation\\_29-07-2022](http://env.am/news/public_invitation_29-07-2022) , [http://env.am/news/open\\_hearings-03-08-2022](http://env.am/news/open_hearings-03-08-2022)

<sup>2</sup> [http://env.am/news/extended\\_discussion-09-09-2022](http://env.am/news/extended_discussion-09-09-2022)

<sup>3</sup> <http://env.am/news/news-06-02-2023>

<sup>4</sup> [http://env.am/news/press\\_conference-08-08-2022](http://env.am/news/press_conference-08-08-2022) , <http://env.am/news/parliament-23-03-2023> ,

<sup>5</sup> <https://www.e-draft.am/projects/4014>

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|  | <p>9) The revision of the draft Law by the Working group of the Parliament,<br/> 10) Adoption of the Law by the Parliament National Assembly (Parliament)<br/> The items 3-10 are implementing according to the RA Law “On Normative Legal Acts”, RA Constitutional Law “Regulations of the National Assembly” and Government Decision N252-L (dated February 25, 2021).</p>      | <p>4) The Draft has been submitted to the Ministry of Justice for the State legal expertise.<br/> 5) The approved Draft Law has been submitted to the Prime Minister’s (PM) office.<br/> 6) The PM’s office has submitted recommendations and comments on the Draft.<br/> 7) The Draft Law has been modified based on the recommendations received from the PM’s office.<br/> 8) The Government has approved the Draft.<br/> 9) The Draft Law has been discussed by the Parliament Standing Committee on Territorial Administration, Local Self-Government, Agriculture and Environment Protection<sup>6</sup>. A public hearing has been conducted by the Standing Committee as well.<br/> 10) The Parliament adopted the Law.</p> | <p>both the organization of public hearings after the notification and for the submission of public opinions, concerns and opinions.<br/> - If under the previous Law, it was carried out after 7 days in all cases, then due to the new Law, at the stage of preliminary agreement, on the 21st to 25th working day after the notification, and during the EIA Review, no earlier than on the 15th day after the notification.</p> |
|  | <p>2.<br/> 1) development and approval of the expertise procedure<br/> 2) development and approval of the environmental impact assessment procedure<br/> 3) development and approval of the procedure for assessment of possible damage to the environment (economic and/or environmental) and compensation, by involvement of stakeholders,<br/> 4) definition, adoption and</p> | <p>2.<br/> The Prime Minister's Decree N 866-A on 24.08.2023 approved the list of measures ensuring the implementation of the RA Law on EIA and Expertise<sup>7</sup>:<br/> According to the decree a number of sub-legislative acts are planned to be developed and presented to the office of the RA Prime Minister, including:<br/> 1) The draft decision on making an amendment to the RA Government's decree N 399-N of April 9, 2015 "On approving the Foundational document</p>  |   |

<sup>6</sup> Session N 32 on 15.03.2023

[http://www.parliament.am/committees.php?do=show&ID=111221&showdoc=3061&cat\\_id=agendas&month=all&year=2023&lang=arm](http://www.parliament.am/committees.php?do=show&ID=111221&showdoc=3061&cat_id=agendas&month=all&year=2023&lang=arm),

<http://env.am/news/law-16-03-2023> , Session N 34 on 26.04.2023

[http://www.parliament.am/committees.php?do=show&ID=111221&showdoc=3090&cat\\_id=agendas&month=all&year=2023&lang=arm](http://www.parliament.am/committees.php?do=show&ID=111221&showdoc=3090&cat_id=agendas&month=all&year=2023&lang=arm) ,

<sup>7</sup> <https://www.arlis.am/DocumentView.aspx?DocID=181869>

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|                        | <p>introduction of the content of public awareness and public hearings notification, public hearings procedure as well as deadlines and procedure for submission of public opinions, comments and suggestions within the process of EIA and expertise.</p>  | <p>and the procedure for carrying out environmental impact assessment of the planned activities".</p> <p>2) The draft of the RA Government's decree "On approving the procedure for environmental impact assessment".</p> <p>3) The draft decree on making an amendment to the RA Government's decree N 764-N of May 27, 2015 "On approving the procedure for calculation and compensation of possible economic value for the environmental damage".</p> <p>4) The draft decree on making an amendment to the RA Government's decree N 1325-N of 19 November 2014 "On setting the procedure for public notification and public discussions".</p>   |  |
| <p>Actors involved</p> | <ol style="list-style-type: none"> <li>1) Ministry of Environment</li> <li>2) Stakeholders from the state government system</li> <li>3) Independent/invited experts</li> <li>4) International Expert by OSCE support</li> <li>5) Sectorial NGOs</li> <li>6) Aarhus Centres</li> <li>7) Scientific institutions</li> </ol> | <p>All the mentioned stakeholders have either been involved or agreed upon with in terms of supporting the process, in particular:</p> <ol style="list-style-type: none"> <li>1) RA Ministry of Environment</li> <li>2) State government bodies:</li> </ol> <p>During the drafting of the law, both consultative and working meetings were held regularly, especially with the officers of the RA Ministry of Territorial Administration and Infrastructure, RA Ministry of Justice, RA Ministry of Emergency Situations (now the Rescue Service of Ministry of Internal Affairs), Environmental Protection and Mining Inspection Body of the RA, Department for Territorial Development and Environmental Issues of the RA Prime Minister's Office.</p> |  |

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|  |  | <p>3) “Environmental project implementation unit” SA of the Ministry of Environment, with the support of partner organizations, engaged two independent experts for three months in 2021 and for four months in 2022 to provide ongoing advice on the drafting of the Law amendment.</p> <p>Currently, the lawyer and director of the PIU are involved in the development process of the legal acts ensuring the application of the Law.</p> <p>4) The possibility of supporting Armenia by involving international experts in the process of developing sub-legislative acts was initially discussed with the representatives of the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA). The possibility of supporting Armenia by involving international experts in the process of developing sub-legislative acts was initially discussed with the representatives of the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA).</p> <p>Negotiations continue.</p> <p>5) Heads of 3 Civil society organizations (CSOs) informed that they are interested in participating in the process of making amendment to the Government’s decrees to the Aarhus center of Yerevan by e-mail.</p> <p>However, they asked to extend the deadline for submitting proposals and organize the discussion on the initial stage of the implementation of the measures approved by the above-mentioned Prime Minister's Decree (N 866-A) later because of the tense, sensitive and unpredictable situation created in Armenia since September 19, 2023.</p> |  |
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|  |  | <p>6) The Aarhus Center of Yerevan supported the dissemination of the Ministry's statement on the involvement of CSOs and submission of opinions, they collected the responses of the CSOs.</p> <p>7) We cooperated with the Yerevan State University (YSU) Environmental Law Research Center under the Faculty of Law, jointly organized discussions, involving stakeholders.</p> |  |
| Final date by when implementation of recommendation will be completed                  | August 2023  | <p>Law of the RA on making an amendment to the law "On Environmental Impact Assessment and Expert Examination" adopted on 3 May 2023.</p> <p>The by-laws are still being amended or drafted.</p> <p>According to the Prime Minister's Decree N 866-A, the deadline for the above-mentioned acts is the second half of November 2023.</p>   | <p>Taking into account that the discussions of the EIA and Expertise Draft Law with the "public concerned" were delayed, in particular, after the amendments made on the basis of the recommendations and remarks received at the request or request of the parties, the Draft was put back for discussion, the process took longer than planned beforehand.</p> <p>That is the reason why it was not possible to implement the amendment and adoption of the by-laws ensuring the enforcement of the law within the stipulated period. According to RA legislation, they are adopted within six months after the adoption of the law.</p> |
| <b>Recommendation: Para. 2 (b) of decision VII/8a</b>                                  |  |  |  |
| Proposed measures to fulfil recommendation<br>1. To be regulated by adoption of the RA | 2<br>1) Clarification of tools for content of public awareness and | 1. It has been regulated due to adoption of the Law of the RA on making an amendment to the law "On Environmental Impact Assessment and  | The content of public awareness and notification about the public hearings; the procedure of public hearings; the procedure of expressing comments and   |

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| <p>Law “On Making Amendments to the Law on Environmental Impact Assessment and Expertise”</p> <p>2. To be adopted in particular by the adoption of the respective sub legislative act envisaged by the item 2.4 of the previous Section.</p> | <p>public hearings notification, public hearings procedure as well as deadlines and procedure for submission of public opinions, comments and suggestions within the process of EIA and expertise</p>   | <p>Expert Examination”</p> <p>2. It is being implemented via respective sub legislative act envisaged by the item 2.4 of the previous Section.</p>  | <p>opinions by the interested public in the EIA and expertise process; the procedure and deadlines for the provision of preliminary consent or disagreement by local self-government bodies will be determined by the Government due to the decree on making an amendment to the RA Government's decree N 1325-N of 19 November 2014 "On setting the procedure for public notification and public discussions".</p> |
| <p>Actors involved</p>   | <p>Ministry of Environment<br/>Stakeholders from the state government system<br/>NGOs<br/>Aarhus centres<br/>Scientific (Specialized divisions and organizations under the National Academy of Sciences) and educational institutions (RA Academy of Public Administration, YSU Environmental Law Resource Centre)<br/>OSCE as a potential donor<br/>Regional Environmental Center for Caucasus</p> | <p>Ministry of Environment<br/><br/>Ministry of Environment Health, Ministry of Economy, Urban Development Committee<br/><br/>NGOs<br/>(As of September 29, 2023, "EcoLur" information NGO, "Ecological Public Union" NGO, Dalma-Sona Foundation have shown interest in participating in the process).<br/>Yerevan Aarhus Centre<br/><br/>A preliminary agreement was achieved with the OCEEA representatives about possible support.</p> | <p>CSOs have been notified of the process.</p>  |

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| Final date by when implementation of recommendation will be completed  | March 2024   |  | It is planned to send the RA Prime Minister's office in the first decade of November 2023.   |
| <b>Recommendation: Para. 2 (c) of decision VII/8a</b>  |  |  |  |
| <p>Proposed measures to fulfil recommendation.</p> <p>Revision of the Part 3 of the Article 16 of RA Law “On Non-Governmental Organizations” and Article 216.6 of the “RA Code of Administrative Legal Proceedings”.</p> | <ul style="list-style-type: none"> <li>○ Development and submission of the draft law “On Making amendments to the Law on Non-Governmental Organizations”,</li> <li>○ Revision of the relevant chapters of the “RA Code of Administrative Legal Proceedings”</li> </ul> <p>Revision of RA PM’s Decision N1122-A (dated November 25, 2011) “On Setting up an Interdepartmental Commission” and composition and working procedure for implementations of obligations Armenia assumed under Aarhus Convention and for coordinating actions to comply with those obligations.</p> | <p>A discussion has been taken on necessity of the revision of RA law “On Non-Governmental Organizations”.</p>   | <p>Focus group and consultation meetings have been held with stakeholders. The majority of them finds it expedient that the RA Ministry of Environment should take the initiative to revise the law.</p> |
| Actors involved  | Responsible bodies: Ministry of Environment and stakeholders from the state government system  | The Revision of RA PM’s Decision N1122-A (dated November 25, 2011) “On Setting up an Interdepartmental Commission” and composition and working procedure for | Emphasizing the role of Aarhus centers in the implementation of the Aarhus Convention, a number of actions were taken to clarify the legal status of   |

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|   | Interdepartmental commission on Aarhus Convention issues<br>Aarhus centers   | implementations of obligations Armenia assumed under Aarhus Convention and for coordinating actions to comply with those obligations hasn't been started yet.<br><br>Discussions also have been taken place with the judges of the RA Administrative Court. | Aarhus centers in Armenia and to reactivate them <sup>8</sup> , a working group was created <sup>9</sup> :<br>It is planned to make amendment in the charter of "Hydrometeorology and Monitoring Center" SNCO to create a separate unit "Aarhus Center". |
| Final date by when implementation of recommendation will be completed   | December 2023  |   |  |
| <b>Recommendation: Para. 2 (d) of decision VII/8a</b>   |  |   |  |
| Proposed measures to fulfil recommendation.<br><br>Activities aimed at awareness raising of the Judicial system | <ul style="list-style-type: none"> <li>○ Development and adoption of the Government Decision on "Judicial and Legal Reforms Strategy for 2022-2026 of the Republic of Armenia and action plan" (as of June is submitted to the PM's office)</li> <li>○ Revision of the training methodology for the judges on environmental issues</li> <li>○ Discuss with stakeholders and implement, if</li> </ul> | On July 29, 2022, the Governments' decree on "Judicial and Legal Reforms Strategy for 2022-2026 of the Republic of Armenia and action plan" entered into force <sup>10</sup> :  |  |

<sup>8</sup> <http://env.am/news/orhus-14-10-2022> ,

<sup>9</sup> <http://env.am/news/orhus-27-07-2023>

<sup>10</sup> <https://www.arlis.am/DocumentView.aspx?docid=166582>



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|                 | <p>necessary, one of the following solutions:</p> <p>Making amendments and supplements to the constitutional law “On the Judicial Code” by defining opportunity for the Supreme Judicial Council (SJC) to select Judges examining certain types of cases within the framework of administrative specialization</p> <p>By the same Law to designate the SJC independently separate the areas requiring subspecialisation.</p> <p>In this case it will be necessary to make amendments to the Law and adopt a sub legislative act.</p> <p>Organize trainings on the discussed topic for the Judges of the Administrative Court.</p> |   |  |
| Actors involved | <p>Responsible bodies:<br/>Ministry of Environment,<br/>Ministry of Justice</p> <p>Participants:<br/>Supreme Judicial Council<br/>Academy of Justice (According to the 4<sup>th</sup> item of the 1<sup>st</sup> part of the Article 3 of the RA Law «About Academy of Justice» the Judges training process is organizing the</p>   | <p>The head of the Legal Department of the RA Ministry of Environment and the national focal point to the Aarhus Convention have had a meeting with the delegation from France, who aim to contribute to ensuring access to Environmental justice in Armenia.</p> <p>A preliminary agreement was achieved that they, in cooperation with the Academy of Justice, will organize a seminar involving judges, lawyers and representatives of CSOs to share the experience of France.</p> |  |

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|   | Academy of Justice, which is also developing scientific methodological materials according to the item 6 of the same part of the Law). |  |  |
|   | Environmental Law Research Center of the YSU   |  |  |
| Final date by when implementation of recommendation will be completed | August 2024  |  |  |
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