

Decision IX/4b-V/4b on compliance by Armenia with its obligations under the Convention and the Protocol in respect of its national legislation

The Meeting of the Parties to the Convention and the Meeting of the Parties to the Protocol, meeting in joint session,

Recalling articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context and article 14 (6) of the Protocol on Strategic Environmental Assessment,

Recalling also decisions IV/2, paragraphs 15–19,¹ V/4, paragraphs 27 and 28,² VI/2, paragraphs 29–35,³ IS/1a⁴ and VIII/4a⁵ on compliance by Armenia in respect of its national legislation for the implementation of the Convention,

Recalling further decisions IX/4⁶ on general issues of compliance with the Convention, adopted at the ninth session of the Meeting of the Parties to the Convention, and V/4⁷ on general issues of compliance with the Protocol, adopted at the fifth session of the Meeting of the Parties to the Protocol (Geneva, 12–15 December 2023),

Having considered the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning the steps taken by Armenia further to decisions IS/1a and VIII/4a,⁸

Acknowledging the technical assistance provided by the secretariat to the Government of Armenia to assist the country in bringing its legislation into line with the provisions of the Convention and the Protocol, further to paragraph 35 of decision VI/2,

1. *Appreciate* the regular, albeit occasionally delayed, progress reports and the steps taken by the Government of Armenia further to decision VIII/4a since the eighth session of the Meeting of the Parties to the Convention and the fourth session of the Meeting of the Parties to the Protocol (Vilnius (online), 8–11 December 2020);

2. *Welcome* the adoption of a new law on environmental impact assessment and expert examination on 3 May 2023,⁹ but note the delays in the legislative process for adopting the relevant secondary legislation;

3. *Note with concern* that, while providing some improvements, the new law does not address most of the fundamental deficiencies of the previous law, therefore not ensuring full compliance by Armenia with its obligations under the Convention and the Protocol;

4. *Note* that the new law contains in particular the following deficiencies:

(a) The definition of “report”, which covers both environmental impact assessment and strategic environmental assessment reports, reflects a conceptual discrepancy in the approach towards assessment and the role of the respective reports in the Convention and Protocol (environmental impact assessment documentation under article 4 of the Convention and the environmental report under article 7 of the Protocol);

¹ ECE/MP.EIA/10.

² ECE/MP.EIA/15.

³ ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

⁴ ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1.

⁵ ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.

⁶ ECE/MP.EIA/2023/6.

⁷ ECE/MP.EIA/SEA/2023/8.

⁸ ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

⁹ Law of the Republic of Armenia on Making an Amendment to the Law of the Republic of Armenia on Environmental Impact Assessment and Expert Examination, adopted on 3 May 2023 and entered into force on 9 June 2023.

(b) The definition of “the public” and public associations, organizations or groups in accordance with article 1 (x) of the Convention and article 2 (8) of the Protocol is not included;

(c) It is unclear whether “major changes” to activities are covered according to the Convention;

(d) It is unclear which plans or programmes are subject to article 4 (3) and (4) to the screening in accordance with article 5 of the Protocol, in particular whether an appropriate procedure is in place, and whether screening criteria according to annex III to the Protocol are provided for;

(e) Monitoring in accordance with article 12 of the Protocol is not provided for;

5. *Regret* that, despite over a decade of technical assistance provided by the secretariat¹⁰ and the Implementation Committee to Armenia to bring its legislation into line with the Convention and the Protocol, and multiple decisions by the Meetings of the Parties requesting it to do so, Armenia has not yet adopted fully compliant legislation or secondary legislation, especially concerning procedures according to the Protocol;

6. *Endorse* the finding of the Implementation Committee that, despite steps taken, pending the alignment of its law with the Convention and the Protocol and the adoption of relevant secondary legislation, the Government of Armenia has not yet fulfilled the requests addressed to it in decisions IS/1a and VIII/4a;¹¹

7. *Reaffirm* decisions IS/1a and VIII/4a, and request the Government of Armenia to rectify, as soon as possible, the deficiencies of the new law, and to adopt the relevant secondary legislation in accordance with the recommendations of the international consultant to the secretariat,¹² with a view to ensuring full compliance of its legislative framework with the Convention and the Protocol;

8. *Request* the Government of Armenia to provide the Implementation Committee with the text of the amendments to the law of 3 May 2023 and the relevant secondary legislation, once adopted, together with the English translations thereof;

9. *Request* the Implementation Committee to evaluate the amendments to the law of 3 May 2023 and the relevant secondary legislation, once adopted, and to report thereon to the Meeting of the Parties to the Convention and the Meeting of the Parties to the Protocol at their tenth and sixth sessions, respectively.

¹⁰ In the period 2013–2018, with European Union funding under the Greening Economies in the European Union’s Eastern Neighbourhood programme and, in the period 2019–2023, under the European Union for Environment programme.

¹¹ ECE/MP.EIA/IC/2023/8, para. 8.

¹² See Assessment of the draft Law of the Republic of Armenia “On the environmental impact assessment and expertise”: Opinion paper – Summary (2014). Available at https://unece.org/fileadmin/DAM/env/cia/sea_protocol/Summary_opinion_Arm_EIAlaw_ENG_3005_2014_AS_clean.pdf.