**Draft advice by the Aarhus Convention Compliance Committee to Armenia concerning the implementation of paragraphs 2 (a) and (b) of decision VII/8a**

1. **Introduction**
2. On 10 March 2023, Armenia submitted a request to the Compliance Committee seeking its advice on its draft Law “On Environmental Impact Assessment and Expertise” (Law “On EIA”), and in particular the Committee’s “comments and suggestions to improve the draft Law, if any.”
3. Pursuant to paragraph 36 (a) of the annex to decision I/7, the Committee, in consultation with the Party concerned, may provide advice and facilitate assistance to individual Parties regarding the implementation of the Convention.
4. In its follow-up on decision VII/8a (Armenia), the Committee can only review matters within the scope of that decision. In the present advice, the Committee therefore provides advice on the Law “On EIA” with respect to matters within the scope of decision VII/8a (Armenia). The Committee’s recommendations on the Law “On EIA” concerning matters outside the scope of decision VII/8a are provided in a separate advice (forthcoming), under the case reference ACCC/A/2023/4 (Armenia).[[1]](#footnote-2)
5. On 10 March 2023, the Committee wrote to the communicants and observers engaged in the Committee’s follow-up on decision VII/8a (Armenia) inviting them to send comments on the Party concerned’s request by 20 March 2023.
6. On 17 and 23 March 2023, respectively, observer Dalma-Sona Fund and Transparency International Anticorruption Center, one of the communicants of communications ACCC/C/2004/8 and ACCC/C/2009/43, each submitted comments on the Party concerned’s request for advice.
7. By email of 25 April 2023, the secretariat informed the Party concerned that the Committee had identified a number of points which it considered would be important for Armenia to take into account prior to finalizing the draft Law and that the Committee would require some further time to finalize its comments on the draft Law. The secretariat asked the Party concerned to inform it of the timeframe, once known, for the next steps in the legislative procedure in order that the Committee’s advice may be duly taken into account prior to the finalization of the draft Law.
8. On 2 May 2023, the Party concerned informed the Committee that the Law “On EIA” had been approved by the National Assembly on its second reading earlier that day. It said that it nevertheless looked forward to receiving the Committee’s advice and would await the content of that advice to understand the appropriate next steps.
9. On 5 September 2023, the Party concerned submitted an English translation of the Law “On EIA” as adopted on 3 May 2023.
10. After taking into account the information received, the Committee prepared its draft advice and agreed it through its electronic decision-making procedure on 16 July 2024. In accordance with paragraph 34 of the annex to decision I/7, the draft advice was then forwarded on that date to the Party concerned, communicants and observers for their comments by 12 September 2024.
11. *The Committee thereafter finalized its advice, taking account of the comments received, and adopted it through its electronic decision-making procedure on XX. It requested the secretariat to send the advice to the Party concerned, communicants and observers and thereafter to publish the advice as an official document in the Convention’s three languages.*
12. **General observations**
13. Through paragraph 2 of decision VII/8a, the Meeting of the Parties has requested the Party concerned, as a matter of urgency, to take the necessary legislative, regulatory and administrative measures to ensure that:
14. Thresholds for activities subject to an environmental impact assessment procedure, including public participation, are set in a clear manner;
15. Reasonable timeframes that are significantly longer than those currently provided for are set for the public to consult and comment on project-related documentation;
16. Its legislation, including the law on non-governmental organizations and administrative procedures, complies with article 9 (2) of the Convention with regard to standing;
17. It continues its efforts to raise awareness of the judiciary to promote implementation of domestic legislation in accordance with the Convention;
18. The Committee considers that the Law “On EIA” addresses matters within the scope of paragraph 2 (a) and (b), but not paragraph 2 (c) and (d), of decision VII/8a. In the present advice, the Committee therefore examines the extent to which the Law “On EIA” fulfils the requirements of paragraph 2 (a) and (b) of that decision.
19. Since its considerations on paragraph 2 (b) of decision VII/8a are considerably shorter, to assist readability, in paragraphs ‎18 to ‎34 below, the Committee examines paragraph 2 (b) of decision VII/8b first.
20. The Committee welcomes the proactive approach taken by the Party concerned, on 10 March 2023, in requesting the Committee to provide advice on its Law “On EIA” while still in draft form.
21. The Committee therefore expresses its surprise that, on 3 May 2023, the Party concerned proceeded to adopt its Law “On EIA” at its second reading, despite being aware that the Committee was in the process of preparing advice on the draft Law “On EIA” at the Party concerned’s request.
22. Given that the Law “On EIA” had been under development for quite some time, the Committee regrets the haste with which the Law “On EIA” was adopted, less than eight weeks after the Party concerned had requested the Committee’s advice on the draft Law for the first time.
23. The Committee provides the present advice to the Party concerned in accordance with paragraphs 14 and 36 (a) and (b) of the annex to decision I/7.
24. **Paragraph 2 (b) of decision VII/8a** – **reasonable timeframes for the public to consult and comment on project-related documentation**
25. Pursuant to paragraph 2 (b) of decision VII/8a, the Meeting of the Parties has requested that the Party concerned take the necessary measures to ensure that “reasonable time frames that are significantly longer than those currently provided for are set for the public to consult and comment on project-related documentation”.[[2]](#footnote-3)
26. As a first step, it is necessary to revisit the time frames set in the Party concerned’s legal framework at the time that the above recommendation was originally made. In this regard, the Committee recalls that the recommendation in paragraph 2 (b) is identical to that contained in paragraph 3 (b) of decision VI/8a (Armenia). That recommendation in turn stemmed from the Committee’s report on decision V/8a (Armenia) to the sixth session of the Meeting of the Parties (Budva, Montenegro, 11–13 September 2017). Given this background, the Committee examines below the time frames set in the recently adopted Law “On EIA” against those examined by the Committee in its report on decision V/8a to the sixth session of the Meeting of the Parties.

*Time frame for the public to consult project-related documentation prior to hearing during the expert examination*

1. With respect to access to documents and notice prior to a public hearing, in its report on decision V/8a to the sixth session of the Meeting of the Parties, the Committee held that:

Under article 26, paragraphs 2 and 4 of the Law “On environmental impact assessment and expertise”, the notice period of seven working days is a minimum time frame and that the competent authorities could presumably decide to set a longer time frame. Nevertheless, the Committee emphasises that for most, if not all, activities subject to article 6 of the Convention, seven working days to consult documents and prepare for the hearing is too short.[[3]](#footnote-4)

1. Pursuant to article 28 (7) of the recently adopted Law “On EIA”, “the public hearings during the expert examination shall be held not earlier than on the 15th day following the notification”. The Committee considers that a minimum notice period of 15 calendar days is “significantly longer” than the seven working days previously provided for. Moreover, since the notice period of fifteen days is a minimum time frame, the competent authorities could presumably decide on their own initiative to set a longer time frame, taking into account the volume of the documentation and the nature, complexity and size of the proposed activity.
2. The Committee, however, notes that the recently adopted Law “On EIA” does not explicitly require that the information relevant to the decision-making must be made publicly available from the date of the notification of the public hearing.
3. As long as the information relevant to the decision-making is made available to the public on the day of the notification of the public hearing, the Committee considers that a minimum period of fifteen calendar days for consulting the documentation between the public notice and the hearing is “significantly longer” than that previously provided for and constitutes a reasonable time frame.
4. Since, however, the Law “On EIA” does not make it clear that the information relevant to the decision-making is required to be made publicly available from the date of the notification of the public hearing, the Committee recommends that the Law “On EIA” is amended, or other legislative measures are taken, to require that all information relevant to the decision-making that is available to the decision-makers at that time, is made available to the public from the date of the notification of the public hearing.

*Time frames for the public to comment on project-related documentation during the expert examination*

1. With respect to the time frame for the public to comment during the expert examination, in its report on decision V/8a to the sixth session of the Meeting of the Parties, the Committee held:

Following the adoption [on 9 March 2017] of Decision N357 amending Decision N1325, the time period for the public to submit comments at the preliminary stage of expertize is 12 working days after notification. For each of the stages of preliminary assessment, basic assessment and basic expertise, the time period is now 18 working days for category A activities and 13 working days for category B activities, both calculated from the day of notification.

… the Committee considers that, while it may be appropriate to provide for different time frames for different kinds of activities, the current time frames are not reasonable and should in fact be significantly longer with respect to larger or more complex projects within each category.[[4]](#footnote-5)

1. Based on the foregoing, the Committee considers that, in order to fulfil the recommendation in paragraph 2 (b) of decision VII/8a, the Party concerned will need to provide for time frames for public comments that are “significantly longer” than “18 working days for category A activities and 13 working days for category B activities, both calculated from the day of notification”. The Committee examines the time frames set in the recently adopted Law “On EIA” below.
2. In accordance with article 29 (4) of the Law “On EIA”:

The written or electronic suggestions, comments, and opinions of the public concerned shall be submitted:

 …

(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.

1. With respect to the time frame for the public to submit comments during the expert examination on proposed category A activities, the Committee notes that article 29 (4) (2) of the Law “On EIA” prescribes a time frame of 25 working days after the public notification for the public to submit comments. The Committee considers that 25 working days is “significantly longer” than the time frame of 18 working days which applied at the time of the Committee’s report on decision V/8a to the sixth session of the Meeting of the Parties. The Committee also considers that a period of 25 working days, which is more than 30 calendar days, constitutes a reasonable time frame for the public “to prepare and participate effectively” in the expert examination of category A activities, as required by article 6 (3) of the Convention. Based on the foregoing, the Committee considers that the Party concerned has fulfilled the recommendation in paragraph 2 (b) of decision VII/8a with respect to the time frame for the public to comment during the expert examination on category A activities.
2. With respect to category B activities, article 29 (4) (3) of the Law “On EIA” prescribes a time frame of 20 working days after the notification for the public to submit comments during the expert examination. The Committee considers that 20 working days is “significantly longer” than the time frame of 13 working days which applied at the time of the Committee’s report on decision V/8a to the sixth session of the Meeting of the Parties. The Committee however notes that a small number of the activities in Category B are activities listed in paragraphs 1–19 of Annex I of the Convention. For those activities in Category B that are not activities listed in Annex I of the Convention, the Committee considers that 20 working days is a reasonable time frame, and therefore for those activities the requirement of paragraph 2 (b) of decision VII/8a is met.
3. In contrast, for the small number of Category B activities that are activities listed in paragraphs 1–19 of Annex I of the Convention, the Committee considers that a reasonable time frame would be the time frame set out in the Law “On EIA” for Category A activities. The Committee therefore concludes that the Party concerned has not fulfilled the requirements of paragraph 2 (b) of decision VII/8a with respect to the activities in Category B of the Law “On EIA” that are activities listed in paragraphs 1–19 of Annex I to the Convention.
4. The Committee accordingly recommends that, with respect to Category B activities which are activities listed in paragraphs 1–19 of Annex I to the Convention, the Party concerned amends the Law “On EIA”, or takes such other legislative measures as will be necessary, to ensure that the time frame set out in the Law “On EIA” for Category A activities also applies to Category B activities which are activities listed in paragraphs 1–19 of Annex I to the Convention.
5. **Paragraph 2 (a)** – **thresholds for activities subject to an EIA procedure including public participation**
6. Through paragraph 2 (a) of decision VII/8a, the Meeting of the Parties has requested the Party concerned “as a matter of urgency, to take the necessary legislative, regulatory and administrative measures to ensure that… thresholds for activities subject to an environmental impact assessment procedure, including public participation, are set in a clear manner”.
7. In reviewing the progress made by the Party concerned to implement paragraph 2 (a) of decision VII/8a, the Committee examines the activities, and thresholds, listed in article 12 (3) and (4) of the recently adopted Law “On EIA” against the activities, and thresholds, listed in Annex I of the Convention. In this regard, the Committee welcomes the significant progress made by the Party concerned in article 12 (3) and (4) of the recently adopted Law “On EIA” to ensure that the thresholds for activities subject to an EIA procedure are set out in a clear manner.
8. In the table below, the Committee identifies those activities, and thresholds, in Annex I which, based on the information before the Committee, appear not to be covered by either article 12 (3) or (4) of the Law “On EIA”. The Committee emphasises that the table is not exhaustive, and the fact that the Committee does not highlight a particular activity, or threshold, in the table does not in any way preclude it from reviewing that matter in a future case if brought before the Committee.

**Table 1: Comparison of the activities, and thresholds, in Annex I of the Convention against those in article 12 (3) and (4) of the Law “On EIA”**

|  |  |  |  |
| --- | --- | --- | --- |
| **Annex I of the Aarhus Convention** | **Article 12 (3) of the Law “On EIA”** **- Category A activities** | **Article 12 (4) of the** **Law “On EIA”** **- Category B activities** | **Committee’s considerations and recommendations** |
| 1. Energy sector: * + Mineral oil and gas refineries;
 | (2) in the field of subsurface use:…d. oil or gas processing plants; e. extraction of oil or gas or refining of crude oil or natural gas;  |  | **✓** The activity appears to be covered.  |
| 1. Energy sector: …* + Installations for gasification and liquefaction;
 | (1) in the field of energy:…l. gasification or gas liquefaction plants;  |  | **✓** The activity appears to be covered so long as “plants” includes all “installations”. |
| 1. Energy sector: …* + Thermal power stations and other combustion installations with a heat input of 50 megawatts (MW) or more;
 | (1) in the field of energy:…i. thermal power plants or other combustion installations with a thermal power of 50 MW or more;  |  | **X** The Committee considers that 50 MW of “thermal power” in article 12 (3) (1) i. of the Law “On EIA” sets a higher threshold than 50 MW of “heat input” in Annex I (1) of the Convention. The Committee therefore recommends that the Party concerned replace the words “thermal power” with “heat input” in line with Annex I of the Convention. |
| 1. Energy sector: …* + Coke ovens;
 | (1) in the field of energy:…m. coke production furnaces;  |  | **✓** The activity appears to be covered. |
| 1. Energy sector:…* + Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors 1/ (except research installations for the production and conversion of fissionable and fertile materials whose maximum power does not exceed 1 kW continuous thermal load);
 | (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;  |  | **X** The current wording of article 12 (3) (1) a. of the Law “On EIA” does not make it clear that nuclear power stations are included. The Committee therefore recommends that the Party concerned include a clear reference to “nuclear power stations” in line with Annex I of the Convention. |
| 1. Energy sector:…* + Installations for the reprocessing of irradiated nuclear fuel;
 | (1) in the field of energy:…b. installations for irradiated nuclear fuel processing;  |  | **X** It is not clear to the Committee that the installations for irradiated nuclear fuel “processing” mentioned in article 12 (3) (1) b. of the Law “On EIA” also covers installations for the “reprocessing” of irradiated nuclear fuel. The Committee therefore recommends that the Party concerned amends the Law “On EIA” to make clear that installations for the “reprocessing” of irradiated nuclear fuel are also covered. |
| 1. Energy sector:…* + Installations designed:
	+ For the production or enrichment of nuclear fuel;
	+ For the processing of irradiated nuclear fuel or high-level radioactive waste;
	+ For the final disposal of irradiated nuclear fuel;
	+ Solely for the final disposal of radioactive waste;
	+ Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.
 | (1) in the field of energy:…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 10 years) in places other than the area of the production facility; |  | **✓** These activities appear to be covered. |
| 2. Production and processing of metals: * + Metal ore (including sulphide ore) roasting or sintering installations;
 | (5) in the field of production and processing of the metals: a. roasting and agglomeration of metallic minerals (including sulphide or oxidized minerals);  |  | **✓** The activity appears to be covered so long as the Law “On EIA” also includes the “installations” used for these activities. |
| 2. Production and processing of metals: …* + Installations for the production of pig-iron … with a capacity exceeding 2.5 tons per hour;
 | (5) in the field of production and processing of the metals:…d. production of processed cast iron … which exceeds the capacity of 2.5 tonnes per hour;  |  | **✓** The activity appears to be covered so long as the term “processed cast iron” in the Law “On EIA” also includes “pig iron”. |
| 2. Production and processing of metals: …* + Installations for the production of …steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tons per hour;
 | (5) in the field of production and processing of the metals:…d. production of … steel (primary or secondary casting), including continuous casting, which exceeds the capacity of 2.5 tonnes per hour;  |  | **X** It is not clear to the Committee that “primary or secondary casting” in article 12 (3) (5) d. of the Law “On EIA” covers “primary or secondary fusion” as set out in Annex I of the Convention. The Committee therefore recommends that the Party concerned amends its Law “On EIA” to make clear that “primary or secondary fusion” is covered.  |
| 2. Production and processing of metals:…* + Installations for the processing of ferrous metals:

(i) Hot-rolling mills with a capacity exceeding 20 tons of crude steel per hour; (ii) Smitheries with hammers the energy of which exceeds 50 kilojoules per hammer, where the calorific power used exceeds 20 MW; (iii) Application of protective fused metal coats with an input exceeding 2 tons of crude steel per hour;  | (5) in the field of production and processing of the metals:…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;  |  | **X** It is not clear to the Committee that the threshold of 2 tonnes per hour applies to all the activities listed in article 12 (3) (5) b. of the Law “On EIA” or only “blowing protective metal coatings with raw steel”. The Committee therefore recommends that the Party concerned make clear that the threshold of 2 tonnes per hour applies only to blowing protective metal coatings with raw steel and not to the other activities in article 12 (3) (5) b. of the Law “On EIA”. The Committee is also concerned that “blowing protective metal coatings” in article 12 (3) (5) (b) of the Law “On EIA” does not cover the full spectrum of coating techniques covered by the “application of protective fused metal coats” in paragraph 2, third bullet point, (iii), of Annex I to the Convention of the Convention. The Committee therefore recommends that the wording of article 12 (3) (5) b. be amended to cover all forms of “application of protective fused metal coats” .With the exception of the issues mentioned above, and so long as article 12 (3) (5) b. of the law also includes the “installations” for these activities, the Committee considers that, in other respects, the activities in paragraph (2), third bullet point, of Annex I to the Convention appear to be covered. |
| 2. Production and processing of metals:…* + Ferrous metal foundries with a production capacity exceeding 20 tons per day;
 | (5) in the field of production and processing of the metals:…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;  |  | **X** It is not clear to the Committee that “production of…ferrous metals” in article 12 (3) (5) b. of the Law “On EIA” also includes “ferrous metal foundries” as listed in Annex I of the Convention.The Committee therefore recommends that the Law “On EIA” be amended to explicitly include ferrous metal foundries with a production capacity exceeding 20 tons per day. |
| 2. Production and processing of metals:…* + Installations:

(i) For the production of non-ferrous crude metals from ore, concentrates or secondary raw materials bymetallurgical, chemical or electrolytic processes;  | (5) in the field of production and processing of the metals:…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;  |  | **X** It is not clear to which activities in article 12 (3) (5) b. of the Law “On EIA” the threshold “the amount of which exceeds 2 tonnes per hour” applies. The Committee points out that there is no threshold set for the production of non-ferrous metals in Annex I to the Convention. The Committee therefore recommends that the wording of article 12 (3) (5) b. of the Law “On EIA” be amended by deleting any threshold with respect to the production of non-ferrous metals. |
| 2. Production and processing of metals:* + Installations:

…(ii) For the smelting, including the alloying, of non-ferrous metals, including recovered products (refining, foundry casting, etc.), with a melting capacity exceeding 4 tons per day for lead and cadmium or 20 tons per day for all other metals;  | (5) in the field of production and processing of the metals:…c. processing of non-ferrous metals, including alloyage, recuperation of products (refinement, melting production, etc.); |  | **✓** The activity appears to be covered so long as the Law “On EIA” also includes the “installations” used for the activity set out in the Convention. |
| 2. Production and processing of metals:…* + Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m3.
 | (5) in the field of production and processing of the metals:…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, |  | **✓** The activity appears to be covered so long as the Law “On EIA” also includes the “installations” used for the activity. |
| 3. Mineral industry: …* + Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tons per day or lime in rotary kilns with a production capacity exceeding 50 tons per day or in other furnaces with a production capacity exceeding 50 tons per day;
 | (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;  | (10) in the field of industry of construction materials:…b. production of cement or lime or plaster — up to 100 tonnes per day. | **✓** These activities appear to be covered so long as the Law “On EIA” also includes the “installations” used for the activity. |
| 3. Mineral industry: …* + Installations for the production of asbestos and the manufacture of asbestos-based products;
 | (7) in the field of industry of construction materials: …f. production of asbestos or asbestos-containing materials, |  | **✓** The activity appears to be covered so long as the Law “On EIA” also includes the “installations” used for the activity. |
| 3. Mineral industry:…* + Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tons per day;
 | (7) in the field of industry of construction materials: …d. production of glass or glass fibre or glass items — 20 tonnes and more per day;  |  | **X** The Committee considers the threshold in the Law “On EIA” of “production” of 20 tonnes and more per day may be a higher threshold than “melting capacity” exceeding 20 tons per day set in Annex I of the Convention.The Committee recommends that the Party concerned amend the threshold in the Law “On EIA” to “melting capacity” rather than “production”. |
| 3. Mineral industry:…* + Installations for melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tons per day;
 | (7) in the field of industry of construction materials: …b. melting of mineral — 20 tonnes and more per day — including the production of mineral fibre; |  | **X** The Committee considers the threshold in the Law “On EIA” of “melting” of 20 tonnes and more per day may be a higher threshold than “melting capacity” exceeding 20 tons per day set in Annex I of the Convention.The Committee recommends that the Party concerned amend the threshold in the Law “On EIA” to “melting capacity” rather than “melting”. |
| 3. Mineral industry:…* + Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tons per day, and/or with a kiln capacity exceeding 4 m3 and with a setting density per kiln exceeding 300 kg/m3.
 | (7) in the field of industry of construction materials:…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 cm, the density of which exceeds 300 kg/m3 ;  |  | **✓** The activity appears to be covered so long as the Law “On EIA” also includes the “installations” used for the activity. |
| 4. Chemical industry: Production within the meaning of the categories of activities contained in this paragraph means the production on an industrial scale by chemical processing of substances or groups of substances listed in subparagraphs (a) to (g): (a) Chemical installations for the production of basic organic chemicals, such as: (i) Simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic); (ii) Oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins; (iii) Sulphurous hydrocarbons; (iv) Nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates; (v) Phosphorus-containing hydrocarbons; (vi) Halogenic hydrocarbons; (vii) Organometallic compounds; (viii) Basic plastic materials (polymers, synthetic fibres and cellulose-based fibres); (ix) Synthetic rubbers; (x) Dyes and pigments; (xi) Surface-active agents and surfactants;(b) Chemical installations for the production of basic inorganic chemicals, such as: (i) Gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride; (ii)Acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids; (iii)Bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide; (iv)Salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;(v) Non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide; | (3) in the field of chemical industry: 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;  |  | **✓** The activity appears to be covered so long as the Law “On EIA” also includes the “installations” used for the activity. |
| 4. Chemical industry: …(c) Chemical installations for the production of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers); (d) Chemical installations for the production of basic plant health products and of biocides;  | (3) in the field of chemical industry: …g. production of pesticides or agrochemicals;  |  | **✓** The activity appears to be covered so long as the Law “On EIA” also includes the “installations” used for the activity. |
| 4. Chemical industry: …(e) Installations using a chemical or biological process for the production of basic pharmaceutical products;  | (4) in the field of pharmaceutical production: a. industrial production of medicinal substances through chemical or thermal processes, |  | **X** The Law “On EIA” does not include the production of pharmaceutical products through a “biological process” as listed in Annex I of the Convention.The Committee therefore recommends that the Law “On EIA” be amended to explicitly include the production of pharmaceutical products through a “biological process”. With the exception of the abovementioned issue, so long as the Law “On EIA” also includes the “installations” used for the activity, the Committee considers that the activity appears to be covered. |
| 4. Chemical industry: …(f) Chemical installations for the production of explosives;  | (3) in the field of chemical industry:…d. production of explosives;  |  | **✓** The activity appears to be covered so long as the Law “On EIA” also includes the “installations” used for the activity. |
| 4. Chemical industry: …(g) Chemical installations in which chemical or biological processing is used for the production of protein feed additives, ferments and other protein substances. | (3) in the field of chemical industry:…j. chemical production installations, where chemical or biological processes are used to produce food protein additives, enzymes and other protein substances;  |  | **✓** The activity appears to be covered so long as the Law “On EIA” also includes the “installations” used for the activity. |
| 5. Waste management: * + Installations for the incineration, recovery, chemical treatment or landfill of hazardous waste;
 | (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;  | (11) in the field of waste utilisation:…b. economic activity related to sorting of household solid, electronic and electrotechnical equipment, construction wastes; | **✓** The activity appears to be covered so long as “treatment” in article 12 (3) (6) a. of the Law “On EIA” includes “incineration”.  |
| 5. Waste management: …* + Installations for the incineration of municipal waste with a capacity exceeding 3 tons per hour;
 |  |  | **X** “Installations for the incineration of municipal waste” does not appear to be included in article 12 of the Law “On EIA”. The Committee therefore recommends that the Law “On EIA” be amended to explicitly include “installations for the incineration of municipal waste with a capacity exceeding 3 tons per hour”. |
| 5. Waste management: …* + Installations for the disposal of non-hazardous waste with a capacity exceeding 50 tons per day;
 | (6) in the field of waste utilisation:…c. transfer installations or landfills intended for non-hazardous wastes with a capacity exceeding 50 tonnes per day;  |  | **X** Article 12 (3) (6) c. of the Law “On EIA” refers to “transfer installations” instead of the broader term “installations for the disposal” in Annex I to the Convention. The Committee therefore recommends that the Law “On EIA” be amended to include “installations for the disposal of non-hazardous waste with a capacity exceeding 50 tons per day” as listed in Annex I to the Convention. |
| 5. Waste management: …* + Landfills receiving more than 10 tons per day or with a total capacity exceeding 25 000 tons, excluding landfills of inert waste.
 | (6) in the field of waste utilisation:…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; …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;  | (11) in the field of waste utilizationa. construction and operation of landfills intended for serving population of up to 15,000 or receiving daily garbage of up to 10 tonnes, the volume of which does not exceed 25,000 tonnes. | **✓** The activity appears to be covered. |
| 6. Waste-water treatment plants with a capacity exceeding 150 000 population equivalent. | (11) in the field of water economy:…b. household wastewater treatment plants with a capacity for population of 50 000 and more;c. industrial wastewater treatment plants; |  | **✓** The activity appears to be covered. |
| 7. Industrial plants for the: (a) Production of pulp from timber or similar fibrous materials;  | (14) in the field of wood and paper industry: …b. production of wood pulp or similar fibrous materials, |  | **✓** The activity appears to be covered so long as the “industrial plant” is also covered. |
| 7. Industrial plants for the: …(b) Production of paper and board with a production capacity exceeding 20 tons per day. | (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;  |  | **X** The Committee considers that “daily volume” is a different threshold than “production capacity”. The Committee therefore recommends that the Party concerned amend the threshold in the Law “On EIA” to “production capacity” instead.**X** The production of paper and board in paragraph 7 (b) of Annex I to the Convention is not limited to production “for paper manufacturing” as listed in article 12 (3) (14) a. of the Law “On EIA”. The Committee therefore recommends that the Party concerned delete the words “for paper manufacturing” in article 12 (3) (14) a. of the Law “On EIA”.  |
| 8. (a) Construction of lines for long-distance railway traffic and of airports 2/ with a basic runway length of 2 100 m or more;  | (10) in the field of infrastructures: a. airports with 2 100 metres or longer runways; …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;  |  | **✓** These activities appear to be covered. |
| 8. (b) Construction of motorways and express roads; 3/ |  | (6) in the field of infrastructures:…c. construction of highways and expressways with more than 1 km non-stop length; | **X** Article 12 (4) (6) c. of the Law “On EIA” sets a threshold of “more than 1 km non-stop length” with respect to highways and expressways. There is no such threshold contained in paragraph 8 (b) of Annex I of the Convention. The Committee therefore recommends that Party concerned amend the Law “On EIA” to delete the threshold of “more than 1 km non-stop length”. |
| 8. (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road, would be 10 km or more in a continuous length.  | (10) in the field of infrastructures:… 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;  |  | **✓** The activity appears to be covered. |
| 9. (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tons;  |  |  | **X** While the Committee appreciates the Party concerned does not have navigable waterways, it has a number of sizeable lakes. It also cannot be excluded that, at some point in the future, navigable canals could be constructed in the Party concerned. The Committee therefore recommends that the Law “On EIA” is amended to include the activities in paragraph 9 (a) of Annex I to the Convention. |
| 9. (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tons.  |  |  | **X** While the Committee appreciates the Party concerned does not have navigable waterways, it has a number of sizeable lakes. The Committee therefore recommends that the Law “On EIA” is amended to include the activities in paragraph 9 (b) of Annex I to the Convention. |
| 10. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres. | (11) in the field of water economy:…d. systems for subterranean waters extraction or artificial replenishment of groundwater when the annual volume of water extracted or replenished is equivalent to 5 million cubic meters or exceeds it; |  | **✓** The activity appears to be covered. |
| 11. (a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year; |  | (3) in the field of water economy or soil amelioration:…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" | **✓**  So long as the exception included in article 12 (4) (3) b. of the Law “On EIA” concerning Lake Sevan is covered by a separate law which satisfies the requirements and thresholds set by the Convention, the Committee considers that the activity appears to be covered.  |
| 11. … (b) In all other cases, works for the transfer of water resources between river basins where the multiannual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5% of this flow.In both cases transfers of piped drinking water are excluded. |  | (3) in the field of water economy or soil amelioration:…b. …or 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; | **✓** The activity appears to be covered. |
| 12. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tons/day in the case of petroleum and 500 000 cubic metres/day in the case of gas. | (2) in the field of subsurface use:…e. extraction of oil or gas or refining of crude oil or natural gas; |  | **✓** The activity appears to be covered. |
| 13. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres. | (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; |  | **X** Article 12 (3) (11) a. of the Law “On EIA” refers to water reservoirs or artificial lakes or pools but does not refer to “dams” as provided in Annex I to the Convention. The Committee recommends that the Law “On EIA” be amended to explicitly include dams. |
| 14. Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km. | (10) in the field of infrastructures:…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; |  | **✓** The activity appears to be covered. |
| 15. Installations for the intensive rearing of poultry or pigs with more than: (a) 40 000 places for poultry; (b) 2 000 places for production pigs (over 30 kg); or (c) 750 places for sows. | (13) in the field of agriculture: …c. poultry breeding economies — more than 20 000 birds; d. swine breeding economies — 1000 head and more or 350 places and more for mother pigs. |  | **✓** The activities appear to be covered so long as the Law “On EIA” also includes the “installations” used for the activities. |
| 16. Quarries and opencast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares. | (2) in the field of subsurface use:b. extraction of metallic, including radioactive minerals or processing of ores or minerals or construction of extraction complex (including tailing dumps)…i. extraction of non-metallic minerals or processing of ores 30 cubic metres or more per day, |  | **X** It is not clear to the Committee that “quarries, opencast mining and peat extraction” in paragraph 16 of Annex I to the Convention are covered by article 12 (3) (2) b. or i. or any other provision of the Law “On EIA”.The Committee therefore recommends that the Law “On EIA” be amended to explicitly include “quarries and opencast mining where the surface of the site exceeds 25 hectares” and “peat extraction, where the surface of the site exceeds 150 hectares”.  |
| 17. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km. | (10) in the field of infrastructures:…b. electric power transmission lines with a length of 15 km and more, with a voltage of 220 kV and more; |  | **✓** The activity appears to be covered. |
| 18. Installations for the storage of petroleum, petrochemical, or chemical products with a capacity of 200 000 tons or more. | (3) in the field of chemical industry:…l. storage facilities with a volume of 5 000 tonnes and more for gaseous or oil or petrochemical or chemical substances, |  | **✓**  The activity appears to be covered. |
| 19. Other activities: * + Plants for the pretreatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles where the treatment capacity exceeds 10 tons per day;
 | (8) in the field of light industry:…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; |  | **✓** The activity appears to be covered. |
| 19. Other activities:…* + Plants for the tanning of hides and skins where the treatment capacity exceeds 12 tons of finished products per day;
 | (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; |  | **✓** The activity appears to be covered. |
| 19. Other activities:…(a) Slaughterhouses with a carcass production capacity greater than 50 tons per day;  | (9) in the field of sanitary-technical structures:…b. cremation or burial of animals or slaughterhouses, with a capacity of 20 tonnes per day, |  | **✓** The activity appears to be covered. |
| 19. Other activities:…(b) Treatment and processing intended for the production of food products from: (i) Animal raw materials (other than milk) with a finished product production capacity greater than 75 tons per day; (ii) Vegetable raw materials with a finished product production capacity greater than 300 tons per day (average value on a quarterly basis); |  | (7) in the field of food industry: a. treatment and processing of animal raw materials (other than milk) for getting food in case the production capacity exceeds 75 tonnes per day : - b. treatment and processing of plant raw materials for getting food in case the production capacity exceeds 300 tonnes per day (quarterly average indicator);  | **✓** The activity appears to be covered. |
| 19. Other activities:…(c) Treatment and processing of milk, the quantity of milk received being greater than 200 tons per day (average value on an annual basis); | (13) in the field of agriculture:(a) factories for milk processing, diary production with a daily capacity of 200 tonnes of milk and more; | (7) in the field of food industry: …e. milk processing and dairy production — with a capacity of 100-200 tonnes per day; | **✓**  The activity appears to be covered. |
| 19. Other activities:…* + Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tons per day;
 | (9) in the field of sanitary-technical structures:…b. cremation or burial of animals or slaughterhouses, with a capacity of 20 tonnes per day, |  | **X** Article 12 (3) (9) b. of the Law “On EIA” does not include installations for the “recycling of animal carcasses and animal wastes” as provided in Annex I to the Convention. The Committee recommends that the Law “On EIA” be amended to explicitly include installations “recycling animal carcasses and animal wastes”. **X** In addition, Article 12 (3) (9) b. of the Law “On EIA” sets a higher threshold for “cremation or burial of animals or slaughterhouses” (20 tonnes per day) than that in Annex I to the Convention (10 tons per day). The Committee therefore recommends that the Law “On EIA” be amended to lower the threshold to a capacity “exceeding 10 tons per day”. |
| 19. Other activities:…* + Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tons per year;
 | (8) in the field of light industry:…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, |  | **✓** The activity appears to be covered so long as the Law “On EIA” also includes the “installations” used for the activity. |
| 19. Other activities:…* + Installations for the production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitization.
 | (3) in the field of chemical industry:…k. installations for the production of carbon (natural coke) or electrographite by combustion or graphitization; |  | **✓** The activity appears to be covered. |

**Table 2: Changes to or extension of activities**

|  |  |  |
| --- | --- | --- |
| **Annex I of the Aarhus Convention** | **Article 12 of the Law “On EIA”** | **Committee’s considerations and recommendations** |
| 22. Any change to or extension of activities, where such a change or extension in itself meets the criteria/thresholds set out in this annex, shall be subject to article 6, paragraph 1 (a) of this Convention. Any other change or extension of activities shall be subject to article 6, paragraph 1 (b) of this Convention.  | Article 12 (8): Expansion or reconstruction or technical and technological re-equipment or reprofiling 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.Article 12 (9): Expansion or reconstruction or technical or technological re-equipment or reprofiling of the activity not exceeding the limits of the types of the proposed activity listed in this Article shall also be subject to EIA and expert examination, as a result of which the limits of the activity will coincide the limits of the types of the proposed activity provided for by this Article or will exceed them. | **X** While Article 12 (8) and (9) of the Law “On EIA” address various types of specified changes or extensions, they do not cover “any” change or extension, as required by paragraph 22 of Annex I to the Convention. The Committee therefore recommends that the Law “On EIA” is amended to ensure that:(i) “Any” change to or extension of activities, where the change or extension in itself meets the criteria/thresholds set out in Annex I of the Convention, is subject to article 6, paragraph 1 (a) of the Convention, and (ii) Any other change or extension of activities, is subject to article 6, paragraph 1 (b) of the Convention. |

1. **Concluding remarks**
2. The Committee welcomes the Party concerned’s request on 10 March 2023 for the Committee to provide it with advice on its then-draft Law “On EIA”. The Committee, however, regrets that the Party concerned thereafter proceeded to adopt its Law “On EIA” on 2 May 2023, without waiting for the Committee’s requested advice. Since the Law “On EIA” is therefore no longer in draft form, the Committee recommends that the Law “On EIA” is amended, or other legislative or regulatory measures are taken, to address the considerations set out in paragraphs ‎18 to ‎34 above, and the accompanying table. The Committee also recommends that, in doing so, the Party concerned take into the account the Committee’s forthcoming advice on request ACCC/A/2023/4 (Armenia), which provides recommendations on the Law “On EIA” on matters outside the scope of decision VII/8a.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Available at: https://unece.org/env/pp/cc/accc.a.2023.4\_armenia [↑](#footnote-ref-2)
2. ECE/MP.PP/2021/2/Add.1, para. 2 (b). [↑](#footnote-ref-3)
3. ECE/MP.PP/2017/33, para. 40. [↑](#footnote-ref-4)
4. ECE/MP.PP/2017/33, paras. 44-45. [↑](#footnote-ref-5)