

Questionnaire for the

**REPORT OF ARMENIA ON THE IMPLEMENTATION
OF THE CONVENTION ON ENVIRONMENTAL
IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT**

in the period 2010–2012

Information on the focal point for the Convention

Name and contact information:

Ministry of Nature Protection of the Republic of Armenia

Information on the point of contact for the Convention

Name and contact information (if different from above):

Ministry of Nature Protection of the Republic of Armenia

Information on the person responsible for preparing the report

- i. Country: *Republic of Armenia*
- ii. Surname: *Ms. Eleonora GRIGORIAN, Ms. Maragarita KORKHMAZIAN, Ms. Larisa KHARATOVA*
- iii. Forename:
- iv. Institution: *Ministry of Nature Protection of the Republic of Armenia*
- v. Postal address: *3 Government Building Republic Square, Yerevan 375010, Republic of Armenia*
- vi. E-mail address: *interdpt@yahoo.com, interdpt@mnp.am*
- vii. Telephone number: *+ 037410 585349 / 585469*
- viii. Fax number: *+ 037410 585469*

Date on which report was completed: *27.03.2013*

PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

The new law on environmental expertise (assessment) was drafted in 2006 with an article on regulating the T-EIA and SEA implementation in, but this draft was not adopted. Thereafter, with the consultation support of the international expert, the draft Law of the Republic of Armenia “On amendments and revisions to the Law “On expertise of the environmental impact” in force” was developed, which passed through the necessary stages of agreement. This draft was also presented to the EIA Task Force.

After the adoption by the Parliament in 2012, the Law was presented to the President of the Republic for endorsement. However, it was returned by the President for clarification of the national procedures. There were no comments on the section of the Law related to the country's participation in the transboundary EIA procedure.

Indicate any further measures to implement the provisions of the Convention that are planned for the near future.

At the present time the draft Law of the Republic of Armenia “On amendments and revisions to the Law “On expertise of the environmental impact” in force” is finalized and after the agreement with the relevant stakeholders will be presented in May to the Government of the Republic of Armenia.

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

The Ministry of Nature Protection of the Republic of Armenia is the authority responsible for the implementation of the Convention in the Republic of Armenia.

4. *Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.*

Ministry of Nature Protection of the Republic of Armenia.

5. *Does your country have special provisions for transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?*

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

There are no joint transboundary projects implemented in Armenia.

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

The Appendix I to the Convention is accounted in the new draft Law of the Republic of Armenia "On amendments and revisions to the Law "On expertise of the environmental impact" in force".

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

The Law in force does not. It is accounted in the new draft Law.

PUBLIC PARTICIPATION

8. *How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country's public as required in article 2, paragraph 6?*

These procedures are accounted in the new draft Law.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur "as early as possible as and no later than when informing its own public".*

Prior to making decision on the implementation of the proposed activity, included into the Appendix I (pursuant to the Article 2.3).

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

In this case Armenia is guided by the provisions of the Convention.

- b. *The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

Yes.

- c. *The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, "within the time specified in the notification"), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law.

- d. *The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law.

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law.

- f. *When and how the public in the affected Party is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law.

- g. *When and how the public in the Party of origin is notified (what kinds of media, etc. are usually used). What is normally the content of the public notification?*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law.

- h. *Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not.*

Yes.

11. *Does your country make use of contact points for the purposes of notification, as decided at the first meeting of Parties (ECE/MP.EIA/2, annex III, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

As far as Azerbaijan is the Party to the Convention among the states neighbouring to Armenia, and Armenia has no diplomatic relations with it, the contact points listed on the Convention website are not in use.

QUESTIONS TO AFFECTED PARTY

12. *Indicate whether and how the following provisions are reflected in your national legislation:*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law.

- a. *How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

- b. *The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;*

- c. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);*

d. *When and how the public is notified (e.g., what kinds of media, etc., are usually used).*

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. *Indicate the legal requirements in your country, if any, related to:*

a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

The Republic of Armenia legislation does not directly provide for the EIA documentation content, however the Law “On the environmental impact expertise” does partially and indirectly suggest the EIA documentation content. Pursuant to this Law the proponent shall in accordance with the established order provide to the authorized body the documentation on a proposed activity, what could be considered as the EIA report.

The list and amount of documentation and data in it shall be established by the Government of the Republic of Armenia following to the proposal of the authorized body. Nevertheless, the sub-law regulating this issue is still not adopted by the Government of the Republic of Armenia.

A slightly different list of the EIA (SEA) documentation is determined in relation to the strategic documentation (concepts, programmes, integrated schemes and general plans, etc.). In the course of the concept development the proponent is obliged to carry out the relevant amount of the environmental impact assessment studies established by the legislation of the Republic of Armenia. The amount of studies is also still not specified.

In practice the EIA documentation is determined based on the requirements of the articles of the Law, as well as of the Convention on Environmental Impact Assessment in a Transboundary Context.

b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);*

For each particular case we are guided by the content of the EIA documentation provided in the Appendix II.

c. *The identification of “reasonable alternatives” in accordance with appendix II, paragraph (b);*

The “reasonable alternatives” should be understood as other, differing from the main option, actual solutions to achieve the ultimate objective of the proposed activity, which are based on examination of potential for this area and type of proposed activity options of engineering-technical, technological, landscape, social and other economically acceptable solutions.

d. *The procedures and format for providing the EIA documentation domestically;*

Pursuant to the Article 7 of the acting Law the proponent in accordance with the established order shall provide to the authorized body (competent authority) the documentation on the proposed activity, which is subject for the environmental impact assessment. The content and amount of the documentation and its data shall be determined by the Government of the Republic of Armenia following the proposal of the authorized body (competent authority).

However, the Government of the Republic of Armenia still did not regulate this issue. These issues are reflected in the draft Law.

- e. *The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law.

- f. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;*

Pursuant to the acting Law the authorized body (competent authority) after obtaining the documentation shall provide its copies to the administration of the area likely to be affected. Within 5 days the heads of administration of this area through the informational means shall inform on when and where the documentation will be available for acquaintance. Within 30 calendar days the authorized body (competent authority), heads of administration of area to likely to be affected and the proponent shall organize the public hearings. Within 10 days the public opinion shall be provided to the administration of the area likely to be affected or directly to the authorized body (competent authority), which shall make a final decision on impact.

In case there shall be no opinion provided to the authorized body (competent authority) within the timing determined, it shall be considered that there is no negative opinion on the documentation.

The decision shall be made taking into account the limitations related to the state, industrial and commercial secrecy and regulated by the legislation of the Republic of Armenia.

- g. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law.

- h. *The procedures for public hearings domestically;*

Pursuant to the acting Law within 30 days after receipt of the professional conclusion the authorized body (competent authority) shall ensure the public hearings with regards to the professional conclusion, public opinion, opinion of the heads of administration of the area likely to be affected, and shall inform the concerned institutions and public not less than 7 days prior to the hearings.

The authorized body (competent authority) shall furnish the minutes of the public hearings to its participants.

- i. *The procedures for public hearings held on the territory of the affected Party.*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law.

QUESTIONS TO AFFECTED PARTY

14. *Indicate the legal requirements in your country, if any, related to:*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law to be agreed under the bilateral agreements.

- a. *The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;*
- b. *The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;*
- c. *The procedures for the examination of the EIA documentation domestically.*

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. *Indicate the legal requirements in your country, if any, related to the following provisions:*

These provisions are not reflected in the Law in force, but they are envisaged in the draft Law to be agreed under the bilateral agreements.

- a. *The procedures for cooperation with the affected Party related to consultations;*
- b. *The stages, procedures and deadlines for consultations with the affected Party;*
- c. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

QUESTIONS TO AFFECTED PARTY

16. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for interaction with the Party of origin related to consultations;*
- b. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. Indicate the legal requirements in your country, if any, related to the following provisions:

- a. *The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

The positive expert conclusion (final decision) of the responsible body, without which the implementation of the planned activity shall be prohibited*.

- b. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

The proponent is provided with an order for an expert conclusion (final decision) on the planned activity in no later than 120 days after the documentation is received*.

* If the planned activity is related to the state defense, the authorized body (competent authority) based on the legislation of the Republic of Armenia is obliged to provide an expert conclusion (final decision) after the discussion with the relevant state bodies.

- c. *The procedures for informing of the "final decision" domestically and for the affected Party;*

Domestically the expert conclusion (final decision) shall enter into force at the moment of issuing, no later than in 120 days after the documentation is received.

- d. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?*

Pursuant to the acting Law they are taken into consideration domestically, while regarding the comments of the affected Party, in line with the draft Law they will be taken into consideration in the same way as the comments received domestically.

- e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

The Government of the Republic of Armenia shall determine the terms, timing and procedure of revision or cancelation of the expert conclusion (final decision).

Article 7

Post-Project Analysis

18. Indicate the legal requirements in your country, if any, related to:

There are no relevant regulatory acts developed at the present time. However, in practice in particular cases on major projects of the national level the authorized body (competent authority) may request the post-project analysis.

- a. *Post-project analysis (art. 7, para. 1);*

- b. *Procedures for informing of the results of post-project analysis.*

Article 8

Bilateral and multilateral agreements

19. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

There are no bilateral and multilateral agreements concluded under the implementation of the Convention.

20. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

The Department of the Foreign Affairs of the Ministry of Nature Protection of the Republic of Armenia is responsible for coordination of activity under the bilateral agreements.

Article 9

Research programmes

21. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

There were no such researches.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

22. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Ratification of the Amendments 1 and 2 are at the stage of the discussion.

23. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

24. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

The Protocol on SEA is ratified by Armenia.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; and the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

Yes.

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

Yes.

27. *Provide information and explanations on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

There is no such practice.

EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2006–2009

Armenia is responding unambiguously to all paragraphs of this section. All attempts of Armenia to apply the Convention in the status of the Party of origin or affected Party had revealed the imperfection and lack of mechanisms for cooperation in exceptional cases.

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

29. *Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others:*

- a. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?*
- b. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?*
- c. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? Has your country experienced difficulties with the participation of its public or the public of another Party (e.g., have there been complaints from the public about the procedure)?*

- d. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?*
- e. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*
- f. *Has your country carried out post-project analyses and, if so, on what kinds of project?*
- g. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.);*
- h. *Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*
- i. *Identify the most common means of applying the Convention (e.g., through focal points, joint bodies, multilateral agreements).*

CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

There are no examples of cooperation.

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented.*

- a. *Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*

Guidance on public participation in EIA in a transboundary context was translated into the national (Armenian) language and was disseminated through the Arhus Centers (Regional Centers of Environmental Information).

- b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*

Guidance on sub-regional cooperation is not used.

- c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

Guidelines on good practice and on bilateral and multilateral agreements are not used.

CLARITY OF THE CONVENTION

32. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear?*

Armenia faced difficulties acting both as the Party of origin, and the affected Party. The Convention did not envisage the mechanisms for implementation of its requirements in exceptional cases, and too formal implementation of the Convention hampers the effective achievement of the Convention objectives.

AWARENESS OF THE CONVENTION

33. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g., the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

There were round tables, consultations with the public, local authorities, consultants and experts, academia.

34. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so?*

SUGGESTED IMPROVEMENTS TO THE REPORT

35. *Please provide suggestions for how this report may be improved.*

* * * * *