

**Comments of the Ministry of Environment of the Republic of Armenia
with regard to Decision IX/4b-V/4b on compliance by Armenia with its obligations under
the Convention and the Protocol in respect of its national legislation**

Hereby the Ministry of Environment of the Republic of Armenia would like to present additional information, comments and clarifications to number of matters raised in the draft decision. The information is presented with initial quotation of the relevant paragraph (in bold) of the draft decision followed by the comments of the Government (in italic) as shown below.

4 (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);

***Comment:** The Article 15 of the new Law «On Environmental Impact Assessment and Expertise» (hereinafter - the Law) defines in full and in detail the content of the EIA reports. Annex 2 to the Espoo Convention defines the content of environmental impact assessment documents. The comparison of Article 15 of the Law and Annex 2 of the Convention shows that the requirements of Annex 2 of the Convention are included in the paragraphs 1-20 of the Part 1, of the Article 15 of the Law (see paras 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20 of the Part 1, Article 15). Thus, the content of the report as defined in Annex 2 of the Convention and the contents of the report as defined in Article 15 of the Law have no conceptual differences.*

With regard to the report on strategic environmental assessment (SEA), we would like to inform that paragraph 1 of Part 1 of Article 8 of the Law establishes that the procedure for conducting strategic environmental assessment and the requirements for reporting strategic environmental assessment shall be approved by the Government of the Republic of Armenia. The draft decision of the Government of the Republic of Armenia «On approval of the requirements for the procedure for SEA and SEA report» is submitted to the Government. Its Annex 2 defines the content of the strategic environmental assessment report, which is fully consistent with Annex 4 of the Protocol.

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

Comment: Paragraph 7 of the Part 1 of Article 4 of the Law defines the concept of «proposed activity» (planned activity), which also includes reconstruction or expansion or technical or technological re-equipment or re-profiling or conservation or relocation or termination or closure or demolition, design change. However, the above actions are not always subject to EIA and environmental expertise. In this connection, it should be noted that Article 18 of the Law introduced an appropriate procedure by which the Authorized Body will determine the appropriateness of reconstruction, expansion, technical or technological re-equipment, re-profiling, conservation, relocation, termination or closure or demolition or design change of the proposed activity shall be subject to examination or not. Additionally, in accordance with Paragraph 5 of Part 1 of the Article 8, the Law authorizes the Government of the Republic of Armenia to approve the procedure to define the necessity for EIA and expertise of the reconstruction or expansion of a planned activity or technical or technological re-equipment, or re-profiling, or conservation, or relocation, or closure, or demolition or design change of the types of the proposed activity. Despite the fact that the term “major changes” is not defined in the Law, however the stated processes are fully regulating the activity framework.

(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;

Comment: Paragraph 1 of the Part 1 of Article 8 of the Law provides that the procedure for conducting strategic environmental assessment and the requirements for the strategic environmental assessment report shall be approved by the Government of the Republic of Armenia. The draft decision of the Government of the Republic of Armenia «On approval of the requirements for the procedure for SEA and SEA report» is submitted to the Government. The Chapter 2 regulates the scope of the SEA.

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

RA Ministry of Environment - *See the response to the question (d): In addition, the Chapter 5 of the Law regulates monitoring and post-project analysis.*

Paragraph 24 of the Part 1 of Article 4 of the Law provides that the environmental impact monitoring programme is part of the report of the fundamental document (plans and programmes).