

LAW
OF THE REPUBLIC OF ARMENIA

Adopted on 21 June 2014

ON ENVIRONMENTAL IMPACT ASSESSMENT AND EXPERT EXAMINATION

CHAPTER 1

GENERAL PROVISIONS

Article 1. Subject matter of the Law

1. This Law shall regulate social relations pertaining to the field of environmental — including transboundary — impact assessments (hereinafter referred to as “the assessment”), state expert examination of environmental impact (hereinafter referred to as “the expert examination”) in the Republic of Armenia.

(Article 1 amended by HO-144-N of 11 September 2014)

Article 2. Scope of the Law

1. This Law shall apply to the subjects — prescribed by the legislation of the Republic of Armenia — which draft, adopt a fundamental document or carry out a proposed activity having a potential impact on the environment and human health.

Article 3. Legislation on assessment and expert examination

1. Legislation on assessment and expert examination consists of the Constitution of the Republic of Armenia, international treaties to which the Republic of Armenia is a party, this Law and other legal acts.

Article 4. Main concepts used in the Law

1. The following main concepts shall be used in this Law:

(1) **environment** shall mean integrity of natural and anthropogenic elements (ambient air, waters, soils, subsurface resources, landscape, fauna and flora, including forests, specially protected areas of nature, green belts of settlements, structures, historical and cultural monuments) and social environment (human health and safety), factors, materials, phenomena and processes, and their interaction among one another and with people;

(2) **environmental impact assessment** shall mean possible changes in the environment and human health as a consequence of application of the fundamental document or of carrying out the proposed activity;

(3) **transboundary impact** shall mean environmental impact within an area under the jurisdiction of the state caused as a consequence of implementation of the fundamental document or of carrying out the proposed activity, and the physical origin of which is situated fully or in part within the area under the jurisdiction of another state;

(4) **affected state** shall mean a state which can be subjected to the impact on the environment as a consequence of implementation of the fundamental document or carrying out of proposed activity on an area under jurisdiction of another state;

(5) **state of origin** shall mean a state, under the jurisdiction of which it is planned to implement the provisions of the fundamental document or carry out the proposed activity;

(6) **fundamental document** shall mean a draft document having a potential impact on the environment (policy, strategy, concept paper, outline, scheme of utilisation of natural resources, project, layout, urban development programme document);

(7) **proposed activity** shall mean a study, production, construction, exploitation, reconstruction, expansion, technical and technological re-equipment, re-profiling, conservation, relocation, liquidation, closure having a potential impact on the environment;

(8) **design document** shall mean a technical report, feasibility study, technical and economic estimate, architectural and construction design project of a proposed activity;

(9) **strategic assessment** shall mean the process of full, cumulative assessment of the potential impact as a consequence of application of the fundamental document;

(10) **assessment** shall mean the process of full, cumulative assessment of the potential impact as a consequence of carrying out of a proposed activity;

(11) **expert examination** shall mean the process of providing state expert opinion – as a result of examination and analysis of the fundamental document, the application for a proposed activity and the environmental impact assessment report – with regard to admissibility thereof (hereinafter referred to as "the expert examination");

(12) **preliminary phase of environmental impact expert examination** shall mean the process of making a respective decision as a result of examination and analysis of the fundamental document or the application for a proposed activity;

(13) **basic phase of environmental impact expert examination** shall mean the process of providing state expert opinion – as a result of examination and analysis of

the environmental impact assessment report of the fundamental document or the application for a proposed activity – with regard to admissibility thereof;

(14) **Centre for Environmental Impact Expert Examination** shall mean an institution established by the Government of the Republic of Armenia in accordance with this Law;

(15) **state expert opinion** shall mean an official document with appropriate justifications submitted by the authorised body with regard to the admissibility of provisions of the fundamental document and/or a proposed activity;

(16) **authorised body** shall mean a public administration body authorised by the Government of the Republic of Armenia in the field of nature protection in accordance with this Law;

(17) **initiator** shall, in accordance with this Law, mean a public administration or local self-government body, legal or natural person drafting, adopting, implementing the fundamental document and/or carrying out or ordering the activity subject to expert examination;

(18) **expert** shall mean a legal or natural person involved by the authorised body in the expert examination process;

(19) **public** shall mean one or more natural or legal persons;

(20) **affected community** shall mean population – natural and/or legal persons – of the community (communities) subject to a potential impact on the environment by the fundamental document or proposed activity;

(21) **concerned public** shall mean legal and natural persons showing interest in relation to adoption of the fundamental document and/or implementation of the proposed activity subject to expert examination;

(22) **participants of the process** shall mean public administration or local self-government bodies, natural and legal persons, including affected community,

concerned public, which, in accordance with this Law, participate in the process of assessments and/or expert examination;

(23) **application** shall mean a notification package, compiled by the initiator or upon the order thereof, on the initiative of drafting the fundamental document and/or the proposed activity;

(24) **terms of reference** shall mean a document summarising requirements of the assessment, as well as prescribing the content of the report and the framework of the participants of the process as a result of examination of the application;

(25) **report** shall mean a document summarising the results of the strategic assessment and the assessment;

(26) **environmental impact assessment monitoring program** shall mean the integrity of actions aimed at observation of the impact on the environment, post-project analysis, fulfilment of requirements of the expert opinion or production control (self-control) during the application of provisions of the fundamental document and/or the carrying out of the proposed activity and afterwards.

Article 5. Basic provisions and principles of assessment and expert examination

1. The assessment and expert examination shall be based on the following:

(1) the human right to health and to environment favourable for normal living and creation;

(2) the requirements to make use of the natural resources in an effective, complex and rational way;

(3) the necessity to keep the balance of environmental systems and the fauna and the flora by taking account of the interests of the current and future generations;

(4) the recognition of the compensability of the damage caused to the environment and human health.

2. Principles of the environmental impact assessment and expert examination are as follows:

(1) accepting the possibility of environmental impact as a result of the activity;

(2) complex consideration of impacts, including transboundary impacts, in the process of assessment;

(3) considering alternative options for carrying out the proposed activity, including the no-action alternative (exclusion of carrying out the activity);

(4) ensuring completeness, authenticity and scientific justification of the reports;

(5) ensuring justification, legitimacy and objectivity of expert opinion;

(6) ensuring transparency and publicity of the processes of assessment and expert examination;

(7) ensuring public participation in the process of assessment and expert examination;

(8) compensation of the damage caused to the environment by the initiator.

3. The initiator shall bear the responsibility in case of a potential risk for human health or environment as a result of the proposed activity or application of the fundamental document where absence of harmfulness of the activity concerned is not scientifically justified.

Article 6. Goal and objectives of assessment and expert examination

1. The goal of the assessment is to foresee, prevent, reduce or exclude the potential harmful impacts on the environment and human health as a result of implementation of the fundamental document and carrying out of the proposed activity.

2. The goal of the expert examination is to verify the authenticity of the application or the assessment, and to decide upon the admissibility of the fundamental document or the proposed activity.

3. The objectives of the assessment and expert examination are as follows:

(1) promotion of sustainable development based on the requirements of environmental safety and environmental limitations;

(2) ensuring of maintenance of the positive impacts of provisions of the fundamental document and the proposed activity, prevention, reduction or exclusion of the adverse impacts and their consequences;

(3) ensuring of assessment of the possible risks of emergency situations.

Article 7. Objects and characteristics of environment under observation in the process of environmental impact assessment and expert examination

1. The following is under observation in the process of conducting assessment and expert examination:

(1) qualitative and quantitative indicators of ambient air, substances polluting the atmosphere, pollution level;

(2) surface waters and subterranean waters, categories thereof, flow regimes, qualitative and quantitative indicators, water consumption, drainage, water system or individual parts thereof and other characteristics;

(3) the soil — designated purpose, type of lands, functional significance, category, quality, condition, composition, level of contamination, degradation, use of fertile layer, other characteristics of the soil;

(4) geological structure, formations, mineral resources, other characteristics relating to the protection and utilisation of subsurface resources;

- (5) the terrain, landscape, specially protected areas of nature, green belts of settlements, migration areas and routes;
- (6) flora and fauna, composition of species and existence conditions thereof, utilisation of the objects of flora and fauna, the use of live modified organisms, the presence of animals, plants registered in the Red Books of Animals of the Republic of Armenia and the Red Book of Plants of the Republic of Armenia;
- (7) forests: functional significance, composition of species, condition and other forest characteristics;
- (8) structures, historical and cultural monuments;
- (9) composition of wastes, their hazard level, volume, utilisation, recycling, transport, treatment [neutralization], storage, burial, retention, preservation;
- (10) physical effects — noise, vibrations, ionising and non-ionising radiations;
- (11) healthcare factors connected with the effects;
- (12) social factors, demographic composition and the population;
- (13) probability of emergency situations.

CHAPTER 2

MANAGEMENT OF THE PROCESS OF ASSESSMENT AND EXPERT EXAMINATION

Article 8. Public administration bodies for the process of expert examination and assessment

1. The public administration of the assessment and expert examination process shall be carried out by the Government of the Republic of Armenia and the state body authorised in the field of environmental impact.

Article 9. Powers of the Government of the Republic of Armenia in the process of assessment and expert examination

1. The powers of the Government of the Republic of Armenia in the process of assessment and expert examination shall be as follows:

- (1) ensuring implementation of the policy related to the processes of assessment and expert examination;
- (2) adopting, within the scope of its competence, legal acts regulating the process of assessment and expert examination;
- (3) approving an expert opinion on the fundamental document or proposed activity having a transboundary impact.

Article 10. Powers of public administration body authorised in the process of expert examination

1. The powers of the authorised body in the process of expert examination shall be as follows:

- (1) drafting of the policy related to the process of expert examination and implementation thereof within the scope of its competence;
- (2) drafting of legal acts regulating the process of expert examination;
- (3) implementation, within the scope of its competence, of the international collaboration related to the process of expert examination;
- (4) provision of an expert opinion on the fundamental document or activity having a transboundary impact;
- (5) submission — on the grounds and as prescribed by this Law — of the draft decision of the Government of the Republic of Armenia on suspending or repealing an expert opinion on the implementation of the fundamental document or proposed

activity having a transboundary impact for approval of the Government of the Republic of Armenia;

(6) implementation and organisation of impact assessments of the fundamental document and proposed activity ordered or initiated thereby;

(7) involvement of experts in the process of expert assessment of the fundamental document or activity having a transboundary impact;

(8) carrying out of oversight, as prescribed by law, over fulfilment of the requirements of the expert opinion;

(9) ensuring of the opportunity for notification of the public and public participation in the process of expert assessment in the cases and as prescribed by this Law;

(10) implementation of other functions provided for by the legislation of the Republic of Armenia.

Article 11. Powers of Centre for Environmental Impact Expert Examination

1. The powers of the Centre for Environmental Impact Expert Examination in the course of expert examination shall be as follows:

(1) participation in drafting of the policy related to the process of expert examination and in its implementation;

(2) participation in drafting of legal acts regulating the process of expert examination;

(3) carrying out, within the scope of its competence, an expert examination, compiling and providing an expert opinion;

(4) involving experts in the process of expert examination on contractual basis;

- (5) co-ordination, where necessary, of the fundamental document and the proposed activity with the bodies concerned;
- (6) ensuring participation of its representative in public hearings;
- (7) compiling the terms of reference and submitting it to the initiator.

Article 12. Powers of territorial administration bodies in assessment and expert examination process

1. The powers of territorial administration bodies in the process of assessment and expert examination shall be as follows:

- (1) delivering an opinion on the provisions of the fundamental document and/or the proposed activity related to the territory, unless otherwise provided for by the legislation;
- (2) ensuring, within the scope of their powers, notification, as prescribed by this Law, on the fundamental document and/or the proposed activity and on the processes of assessment and expert examination of their impact, as well as the organisation of public hearings and public participation;
- (3) provision, upon the request of the initiator, of information regarding the effective fundamental document related to the territory;
- (4) provision of respective advice to the initiator in the processes of assessment, as well as any other information necessary for conducting the impact assessment.

Article 13. Powers of local self-government bodies in assessment and expert examination process

1. Powers of local self-government bodies in the course of assessment and expert examination shall be as follows:

- (1) delivering an opinion on the provisions of the fundamental document and/or the proposed activity related to the community, unless otherwise provided for by the legislation;
- (2) ensuring, within the scope of their powers, notification, as prescribed by this Law, on the fundamental document and/or the proposed activity and on the processes of assessment and expert examination of their impact, as well as the organisation of public hearings and public participation;
- (3) provision, upon the request of the initiator, of information regarding the effective fundamental document related to the territory;
- (4) provision of respective advice to the initiator in the processes of environmental impact assessment, as well as any other information necessary for conducting the impact assessment.

CHAPTER 3

FUNDAMENTAL DOCUMENTS AND TYPES OF PROPOSED ACTIVITY SUBJECT TO ENVIRONMENTAL IMPACT ASSESSMENT AND EXPERT EXAMINATION

Article 14. Fundamental documents and types of proposed activity subject to environmental impact assessment and expert examination

1. The fundamental documents related to the social and economic field, fields of energy, urban development, transport, communication, agriculture, use of subsurface resources, industry sectors, healthcare, environmental, recreation sector, services, forestry, waste utilisation, water economy shall be subject to strategic assessment and expert examination.

2. The design documents of the types of proposed activity prescribed by part 4 of this Article shall be subject to assessment and expert examination.

3. The types of the proposed activity subject to assessment and environmental impact expert examination (hereinafter referred to as “the expert examination”) shall, based on the fields, be classified into three categories — A, B and C — according to the reducing degree of impact on the environment.

4. Category A shall include:

(1) in the field of energy:

- a. nuclear power plants or other structures using nuclear reactors;
- b. installations for the storage of processed nuclear fuel and its sealing;
- c. production facility for the enrichment of nuclear fuel;
- d. thermal power plants;
- e. 800 mm diameter pipelines with a length of 40 km and longer for oil or gas or chemical substances;
- f. hot water or steam production facilities with a thermal power of 50 MW and more;
- g. hydroelectric power stations with a capacity of 30MW and more;

(2) in the field of use of subsurface resources:

- a. geological explorations with underground mine openings with a length more than 1 000 running metres or in case of drilling of wells with a depth exceeding 1 000 running metres;
- b. extraction of metallic, including radioactive minerals and/or processing of ores, minerals including tailing storage facilities and tailing transportation systems;
- c. extraction of non-metallic minerals and/or processing of ores;

- d. exploitation of mineral or underground water deposits for entrepreneurial purposes;
- e. use of the deposits of fresh underground waters for entrepreneurial purposes;
- f. oil and gas extraction and/or ore processing;
- g. creation of underground structures for the storage of oil and gas or industrial wastes or poisonous or radioactive substances;
- h. construction of roads or structures for underground transportation;
- i. reclamation of the territories of the deposits of mineral resources (re-cultivation);

(3) in the field of chemical industry:

- a. manufacturing and processing of rubber, general mechanical rubber goods and other organic substances;
- b. oil processing production;
- c. fuel oil production;
- d. production of explosives;
- e. production of inorganic acids or alkalis and production of other substances;
- f. production of pesticides or chemical fertilisers;
- g. production of household chemicals (washing, cleaning or other substances) with a monthly capacity of 50 tonnes and more;

(4) in the field of pharmaceutical production:

- a. industrial production of medicinal substances;

(5) in the field of production and processing of the metals:

- a. roasting and agglomeration of metallic minerals (including sulphide minerals);

- b. production of non-ferrous, precious, rare and ferrous metals or the alloys thereof from ores or concentrates or secondary raw materials;
- c. processing of non-ferrous metals, including alloyage, recuperation of products (refinement, melting production, etc.);
- d. production of processed cast iron or steel (primary or secondary casting), including continuous casting, which exceeds the capacity of 2.5 tonnes per hour;
- 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;

(6) in the field of waste utilisation:

- a. collection of hazardous wastes, retention, utilisation, processing, recycling, disposal, treatment [neutralization], placement, burial;
- b. organisation of landfills, having a daily garbage capacity of 10 tonnes and more or intended for settlements with a population of 15 000 residents and more, and/or processing of household wastes;

(7) in the field of industry of construction materials:

- a. production of cement, lime, plaster — 100 tonnes and more per day;
- b. melting of mineral substances — 20 tonnes and more — including the production of mineral fibre;
- c. manufacturing of ceramic products through roasting, including roof tile, brick, firebrick, ceramic tile, stoneware or porcelain items — 75 tonnes and more per day;

(8) in the field of light industry:

- a. natural leather production or chemical processing — 10 tonnes and more per day;

(9) in the field of sanitary-technical structures:

- a. cemeteries or crematoria or morgues, facilities for pathologic anatomy or mortuaries;

b. cremation or burial of animals or slaughterhouses — 500 heads and more per day;

(10) in the field of infrastructures:

a. airports with 2 100 metre or longer runways;

b. electric power transmission lines with a length of 15 km and more, with a voltage of 220 kV;

c. construction or reconstruction of new roads with four and more lanes, or widening of roads with not more than two lanes for increasing the number of lanes to four and more, where the uninterrupted length of the respective section is 10 km or more;

(11) in the field of water economy:

a. water reservoirs, artificial lakes, swimming pools with a volume of 1 million cubic metres and more;

b. sewage treatment plants with a capacity for 50 000 people and more;

c. construction of infrastructures of public significance for the purposes of protection from floods, eutrophication;

(12) in the field of urban development;

a. landslide control or mudslide or mudflow control measures for territories of 10 hectares and more;

(13) in the field of forestry:

a. felling;

(14) in the field of agriculture;

a. factories for milk processing, dairy production with a daily capacity of 200 tonnes of milk and more.

5. Category B shall include:

(1) in the field of energy:

- a. hot water or steam production facilities with thermal power of 30-50 MW;
- b. hydroelectric power stations with a capacity of 10-30MW;
- c. extraction of geothermal waters or energy production with a capacity of 8 MW or more;

(2) in the field of chemical industry:

- a. underground storage facilities with a volume of 50 00 tonnes and more for gaseous or oil or petrochemical or chemical substances;

(3) in the field of infrastructures:

- a. construction of tunnels, subway or railways with a length of 1 km or more, construction of bridges over rivers with a bearing capacity of 25 tonnes;
- b. pipelines — for gas or oil or chemicals — with a diameter of 300 mm or more, with a length of 20 km or more;
- c. electric power transmission lines with a voltage of 110 kV or more;
- d. petrol stations with a capacity of 5 cubic metres or more;
- e. installation of superpower transmitting radio-technical objects. For the purposes of this Law, superpower transmitting radio-technical objects shall mean objects the efficiency of whose installed directional antenna is more than 5, or whose maximum power exceeds the levels mentioned below:

900 watt — in the frequency range of 30 kHz-3 MHz;

500 watt — in the frequency range of 3-30 MHz;

25 watt — in the frequency range of 30 MHz-300 GHz;

- f. pipelines with a diameter of 300 mm and more and with a length of 1 km and more for fibre optic cables;

(4) in the field of water economy or soil amelioration:

a. waste water intake points or treatment plants for the population of 5 000-50 000;

(5) in the field of industry of construction materials:

a. production of glass, glass fibre, glass items — 20 tonnes and more per day;

(6) 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;

(7) in the field of light industry:

a. production of artificial (including synthetic) leather with a monthly capacity of 30 000 square decimetres and more;

(8) in the field of food industry:

a. production of manufactured feed concentrate — 50 tonnes and more per day;

b. tobacco manufacturing or processing — 0.5 tonnes and more per day;

(9) in the field of agriculture;

a. poultry breeding — 40 000 birds and more;

b. swine breeding — 2 000 head and more.

6. Category C shall include:

(1) the following types of activity in the field of energy or production units or all structures or infrastructures thereof:

a. biogas production or power generation using biogas — with a capacity of 1 MW and more;

b. hydroelectric power stations with a capacity of 1-10 MW;

c. wind power stations with a total capacity of 8 MW and more, solar power stations occupying 40 hectares of territory and more;

(2) in the field of use of subsurface resources:

a. geological explorations;

(3) in the field of water economy:

a. water reservoirs, artificial lakes, swimming pools with a volume of 100 000 - 1 million cubic metres;

b. water supply systems with a diameter of 300 mm and more and with a length of 1 km and more or main canals;

(4) in the field of agriculture;

a. fisheries — 100 tonnes and more per year;

b. sheep-farms — 500 head and more;

c. stock-raising (cattle) farms — 1 000 head and more;

d. poultry farms — 10 000-40 000 birds;

(5) in the field of forestry:

a. forest regeneration, afforestation;

(6) in the field of food industry:

a. production of meat or meat products (finished products) — 50 tonnes and more per day;

b. production of sugar or granulated sugar — 10 tonnes and more per day;

c. production of non-alcoholic beverages — 10 000 decalitres and more per day;

d. brewing — 10 000 decalitres and more per day;

- e. production of wine and/or champagne wines and/or liquor and/or vodka and/or cognac — 1 000 decalitres and more per day;
- f. milk processing and dairy production — with a capacity of 100-200 tonnes per day;
- g. production of animal or vegetable oils and fats — 5 tonnes and more per day;
- h. margarine production — 1 tonne and more per day;

(7) in the field of urban development:

- a. urban development structures with a surface of build-up area exceeding 1 500 square metres;

(8) in the fields of recreation and tourism:

- a. the parks or groves or recreational forests, recreation areas that are not envisaged by the fundamental document;
- b. ropeways:

(9) in the field of water economy or soil amelioration:

- a. desalination of salinised soils through chemical solutions — on the area of 100 hectares and more;
- b. drying or drainage collector systems with a length of 5 kilometres and more.

7. The immediate measures aimed at ensuring national security and eliminating the consequences of emergency situations shall not be subject to expert examination.

8. All proposed activities, not listed in part 3 of this Article, which will be carried out in specially protected areas of nature and in forested areas, within the territories of historical and cultural monuments, in green belts of common use, shall be subject to expert examination as well. In this case the expert examination shall be carried out in accordance with the procedure for Category B.

(Article 14 edited by HO-144-N of 11 September 2014)

CHAPTER 4

PROCESSES OF ENVIRONMENTAL AND HUMAN HEALTH IMPACT ASSESSMENT AND EXPERT EXAMINATION, REQUIREMENTS FOR THESE PROCESSES

Article 15. Environmental and human health impact assessment and expert examination

1. The assessment and expert examination shall be carried out prior to the adoption of the fundamental document and/or the carrying out of the proposed activity. The procedure for carrying out the expert examination shall be approved by the Government of the Republic of Armenia.

2. The assessment and expert examination shall be carried out based on the type, extent and location of the proposed activity and, conditioned thereby, on the degree of summary, complete potential impact.

3. The expert examination shall be carried out in two phases:

(1) preliminary phase, in the course of which the application for the preliminary assessment is examined;

(2) basic phase, in the course of which the report on basic assessment is being subjected to expert examination.

Article 16 Preliminary phase of expert examination

1. The preliminary phase of the expert examination shall be carried out within 30 working days upon submitting the preliminary assessment application to the authorised body by the initiator.

2. The preliminary assessment application of the proposed activity in the sphere of subsurface use shall be submitted for expert examination by the initiator through the authorised body in the sphere.

3. In the preliminary phase of the expert examination:

- (1) completeness of the preliminary assessment application shall be discussed;
- (2) the scope of potential environmental impact of the provisions of the fundamental document and/or proposed activity shall be predetermined, the content of the assessment report and the demands with regard thereto shall be defined, the scopes of participants of the process shall be defined; the terms of reference for the impact assessment summing up all this shall be provided to the initiator.

4. The application being submitted for expert examination shall contain:

- (1) the name and place of residence (registered office) of the initiator;
- (2) the name and purpose of the fundamental document and/or the proposed activity;
- (3) the brief description and situation scheme of the area, including the environment falling under the application of the fundamental document and/or proposed activity;
- (4) the characteristics of the fundamental document and/or proposed activity (production capacities, used natural resources and materials, technical and technological solutions);
- (5) environmental action plan aimed at exclusion, reduction and compensation of the harmful impact on the environment;
- (6) information regarding notification of the public, public hearings and preliminary agreement of the local self government bodies, unless otherwise provided for by the legislation.

5. As a result of examination of the application, the authorised body shall make one of the following decisions:

(1) on inadmissibility of implementation of a provision of the fundamental document or the proposed activity, made on the basis of the environmental requirements prescribed by laws and other legal acts of the Republic of Armenia;

(2) on returning the application to the initiator for completion, in case of submitting the requirements of part 3 of this Article with mistakes or omissions;

(3) on the fundamental document or proposed activity being subject to impact assessment in a transboundary context;

(4) on the fundamental document or — in the cases of Categories A and B — the proposed activity being subject to impact assessment in accordance with the terms of reference;

(5) on rendering an opinion on the types of activity of Category C.

6. The terms of reference shall be drafted in accordance with the provisions of this Law.

7. In case the application fails to be complete and/or there are inaccuracies in the information contained therein, the authorised body shall — within five days after receiving the application — return it to the initiator for completion. The time limits for the preliminary phase shall be considered terminated from the moment of returning the application till the moment of submitting the completed application of the initiator to the authorised body.

8. The terms of reference shall be drafted taking into consideration the objects, environmental impact and characteristics observed pursuant to Articles 7 and 18 of this Law, as well as shall define the content of the report and the scope of participants of the process, including the requirement with regard to the opinion of the authorised state bodies of the relevant field.

9. The form of the terms of reference shall be defined by the authorised body.

Article 17 Basic assessment processes of impact on environment and human health

1. The basic assessment shall be carried out by the initiator through relevant natural or legal persons.
2. During the impact assessment phase:
 - (1) the potential environmental impact of the provisions of the fundamental document and the proposed activity shall be assessed;
 - (2) the alternative options for the approaches of the fundamental document and solutions of the proposed activity and their impact on the environment, human health and social-economic situation shall be disclosed;
 - (3) ecologic-economic analysis of alternative options to the proposed activity shall be made and the substantiation for choosing a preferred alternative shall be given;
 - (4) environmental activities, including impact monitoring programme shall be developed for the purpose of preventing, reducing or excluding the environmental impact;
 - (5) the degree of the impact shall be taken into account based on the geographical location, number of the population of the area subject to impact, the probability, the complexity, the degree, duration and frequency of the impact and the cumulative nature of different impacts;
 - (6) during the assessment, the cumulative environmental impact shall be taken into account as a consequence of implementation of other activities on the area of implementation of the proposed activity.
3. The assessment shall be carried out in accordance with the requirements of this Law, other regulatory legal acts and the terms of reference. While carrying out the assessment, the comments and suggestions of the participant of the process shall be taken into account. In case of failing to accept them, the relevant justifications shall be

included in the report. The assessment methodology shall be approved by the Government of the Republic of Armenia.

4. The procedure for assessment and compensation of the potential economic harm on the environment shall be approved by the Government of the Republic of Armenia.

5. As a result of impact assessment the initiators or a person carrying out the assessment upon their order shall draw up a report in accordance with Article 18 of this Law, and shall submit it for expert examination.

6. During the environmental impact assessment, the initiator can consult the authorised body, state administration bodies, leaders of the affected community, and concerned public.

Article 18 Content of reports on assessment of impact on environment and human health

1. The general requirements for the content of the strategic impact assessment report for the fundamental document shall be the following:

(1) the summary of the fundamental document, its purpose, its connection and/or compliance with other related fundamental documents, approved for the given area;

(2) the international treaties ratified by the Republic of Armenia with regard to the fundamental document and other related legal acts, the environmental issues related to the area subject to the impact and their reflection in the fundamental document;

(3) the physical characteristics of the proposed activity within the framework of the fundamental document and the description of resource requirements, used materials, technological processes, as well as that of potential risks of emissions, leakages, wastes, industrial dump sites, physical influences and emergency and contingency situations;

- (4) the description of the environment, as well as the social-economic situation of the area subject to the potential impact and the possible changes thereof, without implementation of the provisions of the fundamental document;
- (5) the comparison of all options (including no-action alternative) of the approaches in the fundamental document and the substantiation of selection of the preferable option;
- (6) the measures envisaged for maintaining and enhancing potential positive impacts, preventing, excluding, reducing negative impacts and for compensating the damage to the environment, their effectiveness, sufficiency and costs;
- (7) impact monitoring and post-project analysis programme during implementation of the fundamental document;
- (8) the information on the assessment methods, obstacles, difficulties encountered during the implementation thereof, including information on the absence of data;
- (9) the information on the data sources included in the report;
- (10) the summary content of the report.

2. The general requirements for the environmental impact assessment report of the proposed activity shall be the following:

- (1) the description and purpose, physical, technical and technological characteristics of the proposed activity, the description of the required natural resources, used primary products and materials, as well as that of potential risks of emissions, leakages, wastes, industrial dump sites, physical influences and emergency situations;
- (2) the description of all the possible options, including the option of refusal from the proposed activity (no-action alternative);
- (3) the assessments of the possible economic damage to the environment. The value and payment schedule for compensating the economic damage;

- (4) the description of — and that of the use of — the environment, natural conditions, resources of the area subject to a potential impact;
- (5) in case of implementation of the proposed activity (construction and exploitation phase, risk assessment), including alternative options, the description of the possible changes of separate components, natural resources, the conditions of environment and their volumes separately, total and full assessment;
- (6) the potential social impacts, risks, benefits, the analytical characteristics;
- (7) the volume, degree of impact as a consequence of potential emergency situations, the possibilities, ways and means of reduction or elimination of the impact;
- (8) the compliance of the proposed activity with the fundamental documents approved for the given area;
- (9) the justification — from environmental protection, economic, social perspective — for the option selected as a result of analysis of all the possible options;
- (10) the measures envisaged for maintaining and enhancing potential positive impacts, preventing, excluding, reducing negative impacts and for compensating the damage to the environment (construction exploitation and closure phase, risk-bearing situations), their substantiation and sufficiency, total assessment of the costs;
- (11) proposed activity impact monitoring and post-project analysis programme;
- (12) materials summarising the overall picture of the information provided by the proposed activity report: maps, schemes, diagrams, tables etc.;
- (13) the sources for the reference data used with regard to the environment;
- (14) information with regard to the obstacles revealed during assessment and drawing up of the report, including information on the absence of data;
- (15) the summary content of the report.

3. The documents submitted for expert examination attached to the reports shall be the following:

- (1) the draft of the fundamental document, other related and approved fundamental documents;
- (2) the design document for the proposed activity;
- (3) documents related to the participation of the participants of the process (the copy of the publication of the notification, the comments and suggestions received, the minutes of public hearings, audio and video records);
- (4) in case of a legal person — the copies of its charter and inset, and in the case of an individual entrepreneur — the copy of the state registration certificate;
- (5) in case it is prescribed by the legislation of the Republic of Armenia — the copy of the licence or permission to engage in the proposed activity;
- (6) payment receipt of the state duty.

Article 19 Basic phase of expert examination

1. The basic phase of expert examination shall start from the moment the initiator submits to the authorised body the report with the documents attached, drawn up in accordance with the terms of reference prescribed by this Law.

2. In the basic phase of expert examination the authorised body shall involve the participants of the process in the expert examination process.

3. In the basic phase of expert examination, an expert opinion shall be drawn up as a result of analysis of the assessment of the following criteria:

- (1) comprehensiveness, authenticity of the reports, quality and up-to-date information, substantiation, completeness thereof;

(2) alternative approaches and solutions to the fundamental document or the proposed activity;

(3) compliance with the requirements and limitations of the legislation of the Republic of Armenia;

(4) effectiveness of the measures envisaged for environmental protection, environmental impact monitoring programme;

(5) effectiveness and substantiation of notification of the participants of the process, of ensuring discussions and consideration of the opinions.

4. The time limits for the basic phase of expert examination shall not exceed:

(1) in case of fundamental documents — up to 60 working days;

(2) in case of category A of the proposed activity — up to 60 working days;

(3) in case of category B of the proposed activity — up to 40 working days.

5. Where it is necessary to perform additional work and obtain other information for the purpose of ensuring comprehensiveness of the expert examination processes, the time limits for the basic phase of the expert examination may — upon the substantiated decision of the authorised body — be extended for each category for a period not exceeding one half of the time limit prescribed by part 4 of this Article, but not more, than once, by notifying the initiator in writing.

6. Where the initiator has failed to follow the requirements prescribed by this Law, the state authorised body shall, in writing, notify the initiator thereabout, mentioning the identified discrepancies, shortcomings and providing up to 10 working days for their elimination, which shall not be counted within the time limits prescribed by parts 4 and 5 of this Law.

7. Failure to submit the envisaged documents and information required within the time limits established by the authorised body, submission thereof with shortcomings or non-comprehensively shall be a basis for rendering a negative expert opinion.

Article 20 Expert opinion

1. Expert opinion shall consist of the following introductory, descriptive, substantiative and conclusive parts:

(1) introductory: brief information about the initiator, the fundamental document or the proposed activity;

(2) descriptive: the description of the potential harmful impact on the environment based on the fundamental or design document provided;

(3) substantiative: substantiated conclusions on the admissibility or inadmissibility of the provisions of the fundamental document or the proposed activity;

(4) conclusive: conclusion whether the expert opinion is positive or negative.

2. Positive expert opinion may contain requirements or conditions subject to mandatory execution, for which time limits shall be established. In case of failure to execute the requirements or conditions within the defined time limits, the opinion shall cease to be effective.

3. The positive expert opinion shall be rendered for the time limit referred to in the fundamental document or in documents on the proposed activity, unless another time limit is defined in the opinion, which must have a substantiated explanation.

4. While drawing up an expert opinion, the conclusions or opinions submitted by the participants of the process shall be taken into consideration. In case of not accepting the opinions of the participants of the process the authorised body shall provide substantial explanations. The expert opinion shall be approved by the authorised body.

5. The expert opinion shall be posted on the official website of the authorised body within seven working days.

6. Without a positive expert opinion the adoption of the fundamental document or the implementation of the proposed activity shall be prohibited.

7. The expert opinion shall cease to be effective where the implementation of the proposed activity fails to launch within one year following the submission of the expert opinion.

Article 21 Declaring expert opinion ineffective

1. In case of changes in the condition of the environment and/or the requirements prescribed by the laws and other legal acts regulating the sphere of nature protection, the authorised body shall notify the initiator on the new terms and conditions of nature protection and the time limits for the implementation thereof. In case the initiator — after the receipt of the notification — fails to fulfil the terms and conditions within the time limits prescribed, the authorised body shall declare its expert opinion ineffective.

2. The positive expert opinion shall be declared ineffective, where:

(1) the activity is carried out with deviations from requirements of the design documents subjected to expert examination and of the expert opinion;

(2) changes resulting in potential environmental impact have been made in design and fundamental documents subjected to expert examination without notifying the authorised body thereabout;

(3) the terms and conditions referred to in point 1 of this Article have not been fulfilled within the prescribed time limits;

(4) new environmental legislation has been adopted;

(5) new ecological factors have occurred after rendering the expert opinion;

3. Upon receiving the notification referred to in point 1 of this Article, the initiators shall be obliged to bring their activity in line with the requirements set by the

authorised body; in case of failure to do so, the authorised body shall suspend the activity until performance of the requirements.

4. The initiator may appeal the decision adopted by the authorised body on declaring the expert opinion ineffective through administrative or judicial procedure.

5. The procedure for declaring the expert opinion ineffective shall be prescribed by the Government of the Republic of Armenia.

CHAPTER 5

ASSESSMENT AND EXPERT EXAMINATION OF FUNDAMENTAL DOCUMENT OR PROPOSED ACTIVITY HAVING TRANSBOUNDARY IMPACT

Article 22 General requirements for impact assessment of fundamental document or proposed activity having a transboundary impact

1. Where the fundamental document or the proposed activity in the territory of the Republic of Armenia, as well as the fundamental document or the proposed activity in the territory of other states may have a transboundary impact, the environmental impact assessment and the expert examination shall be carried out in accordance with the requirements of the Convention on Environmental Impact Assessment in a Transboundary Context, other international treaties ratified by the Republic of Armenia, international rules of healthcare and this Law.

2. The expert opinion on transboundary impact shall be approved by the Government of the Republic of Armenia.

3. Where it is necessary to ensure comprehensiveness of the procedures for impact assessment of the fundamental document or the proposed activity having transboundary impact and to summarize the results of the assessment, the authorised

body may — with an appropriate substantiation — extend the time limits prescribed by this Law.

Article 23 Expert examination of transboundary impact of fundamental document or proposed activity in the Republic of Armenia

1. Where any fundamental document or proposed activity prescribed by Articles 4 or 14 of this Law may have a significant adverse transboundary environmental impact, the authorised body shall notify the relevant authorised body of the affected state thereon as prescribed by this Law and other legal acts, simultaneously requesting information on the documents and the procedures for public hearings necessary for carrying out environmental impact expert examination in that country.

2. The notification shall contain the following information, unless otherwise provided for by a relevant international treaty of the Republic of Armenia:

(1) information on the fundamental document or the proposed activity, including their potential transboundary impact;

(2) information on the nature of possible decisions adopted with regard to the fundamental document or the proposed activity;

(3) information on the procedures and time limits for expert examination;

(4) information on the time limits for response of the given state with regard to its intention to participate in the expert examination. The initiator shall support the process of preparation of notification and inquiry by the authorised body.

3. The time limit for the affected state to respond whether it intends to participate in the expert examination may not exceed 45 working days from the date of receipt of the notification, unless another time limit is provided for by the international treaties of the Republic of Armenia.

4. Where the state, which has received a notification, has officially refused to participate in the expert examination or has failed to respond about its intention to participate within the defined time limit, the expert examination shall be carried out as prescribed by this Law.

5. After receiving an official letter on intention to participate in the expert examination process from the state having received the notification, the authorised body shall — as prescribed by the legislation of the Republic of Armenia — submit to the affected state the documents necessary for impact assessment, mentioning the time limits for submitting the opinion with regard thereto, which shall not exceed 60 working days from the date of receipt of the documents, unless other time limits are provided for by the international treaties of the Republic of Armenia.

6. The authorised body and the initiator shall support the relevant authorised body of the affected state in dissemination of information on the fundamental document or the proposed activity among the relevant bodies and public of the territories of the given country most likely to be affected by the potential impact.

7. The authorised body and the initiator shall — with the relevant authorised body of the state likely to be affected by the potential impact — coordinate the format and the procedure for consultations with regard to the fundamental document or the proposed activity having a potential transboundary impact, the means of prevention or reduction of the impact and shall support in carrying out such consultations.

8. The initiator shall ensure the translation of the opinions and other necessary materials received from the affected state.

9. Where the potential transboundary impact is revealed during the expert examination process, the authorised body, together with the initiator, shall be obliged to ensure the requirements prescribed by this Article.

Article 24 Expert examination of transboundary impact of fundamental document or proposed activity of another state on the environment of the Republic of Armenia

1. Where notification is received in the Republic of Armenia regarding a fundamental document or a proposed activity that may have a potential transboundary impact on the Republic of Armenia, and the receiver is not the authorised body, the notification shall be sent to the authorised body within 10 working days after its receipt.

2. The authorised body shall — as prescribed by legislation of the Republic of Armenia — notify the relevant authorised body of the state of origin about the receipt of the notification and its intention to participate or not to participate in the expert examination.

3. The authorised body of the Republic of Armenia shall notify the relevant authorised body of the country of origin about its decision to participate or not to participate in the expert examination within the time limits and in the manner referred to in the notification. Where there are no fixed time limits stipulated in the notification for a response, the authorised body shall respond to the notifying country within 10 working days after the date of receipt of the notification.

4. The authorised body shall ensure discussion of the notification as prescribed by Articles 6, 8 and 10 of this Law, unless otherwise provided for by bilateral or multilateral international treaties of the Republic of Armenia.

5. Where the authorised body has made a decision to participate in the expert examination, the expert examination shall be carried out as prescribed by this Law, taking into consideration the requirements of the international treaties of the Republic of Armenia, at the same time informing the authorised body of the state of origin about the requirements of this Law, including provision of the necessary funding thereby for the expert examination, translation of the documents, ensuring public participation and other costs required by this Law.

6. The authorised body shall coordinate the volume and content of the necessary documents, the format and procedure for consultations with regard to the fundamental document or proposed activity having a potential transboundary impact, the means for prevention or reduction of the impact with the relevant authorised body of the state of origin.

7. Unless otherwise provided for by the bilateral or multilateral international treaties of the Republic of Armenia or part 4 of this Law, the authorised body, after receiving the documents, shall ensure the study and discussion of the documents as prescribed by this Law and other legal acts, and shall send the expert opinion approved by the Government of the Republic of Armenia to the notifying country.

8. Where the authorised body has been informed about a fundamental document or a proposed activity on the territory of another country that might have transboundary impact on the environment of the Republic of Armenia, and where no notification has been received from the given country, the authorised body, giving prior notice thereon to the Government of the Republic of Armenia, shall — as prescribed by the legislation of the Republic of Armenia — request the relevant authorised body of the given country to provide a notification on the transboundary impact assessment process of the concept or the proposed activity.

Article 25 International co-operation in transboundary impact sphere

1. For the purpose of fulfilling the obligations assumed by the Republic of Armenia under the Convention on Environmental Impact Assessment in a Transboundary Context, the Republic of Armenia may sign bilateral or multilateral international treaties or acquire other agreements.

2. For the purpose of increasing the effectiveness of the management of transboundary impact assessment, the Republic of Armenia may, together with other countries, create temporary or permanent acting bodies, the procedure of activity of which shall be defined by relevant bilateral treaties or other written agreements.

CHAPTER 6

PUBLIC NOTIFICATION, HOLDING CONSULTATIONS AND REQUIREMENTS THEREFOR

Article 26 Public notification and holding consultations

1. The assessments and expert examination processes shall be subject to public notification and consultation for ensuring awareness and participation of the public.
2. Notification of the public shall be carried out by the following persons:
 - (1) the authorised body — on the application, reports and the draft expert opinion submitted by the initiator at least seven working days prior to the hearings;
 - (2) the initiator — on the fundamental document and the proposed activity and implementation of their impact assessment activities at least seven working days prior to the hearings;
 - (3) the territorial government bodies of the affected community and the head of the community — on the fundamental document and the proposed activity and implementation of their impact assessment activities at least seven working days prior to the hearings;
3. The content of notification shall include data about the initiator, the summary of the fundamental document or the proposed activity, the location of implementation, the place where one can learn thereabout and the place for consultations, conditions, the time limits for submission of comments and suggestions and other information.
4. The notification, the fundamental and design documents shall also be posted on the official website of the authorised body at least seven working days prior to the hearings.
5. Public consultations shall be carried out by the following persons:

- (1) the initiator — about the fundamental document, the proposed activity and impact assessment processes thereof;
 - (2) the territorial body of public administration, the initiator — about the fundamental document and the draft report on strategic assessment of its impact;
 - (3) the local self-government body, the initiator — about the proposed activity and the report on its impact assessment.
6. The authorised body shall ensure the participation of its representative in the consultations.
7. As a result of public consultations the implementer shall draw up a relevant protocol to which video and audio records shall be attached.
8. The initiator and the authorised body shall take into account the substantiated comments and suggestions of the public. In case those are disregarded, substantiated reasoning shall be provided.
9. The procedure for public notification and holding of public consultations shall be prescribed by the Government of the Republic of Armenia.

CHAPTER 7

RIGHTS AND OBLIGATIONS OF INITIATOR IN ENVIRONMENTAL IMPACT ASSESSMENT AND EXPERT EXAMINATION PROCESSES

Article 27 Rights and obligations of initiators in environmental impact assessment and expert examination processes

1. In the assessment and expert examination processes the initiator shall be entitled to:
 - (1) receive from the authorised body information about the assessment and expert examination process;

(2) receive from the public administration and local self-government bodies the effective fundamental documents related to the territory, as well as any other information necessary for carrying out impact assessment;

(3) appeal — as prescribed by law — the expert examination opinion and the decision adopted by the authorised body declaring it ineffective;

(4) other rights prescribed by the legislation of the Republic of Armenia.

2. In the expert examination process the initiator shall be obliged to:

(1) follow the requirements prescribed by this Law;

(2) provide the documents and information prescribed by this Law to the authorised body;

(3) ensure the completeness, authenticity and substantiation of the materials to be submitted;

(4) carry out public notification and consultations during the expert examination process;

(5) provide the public consultation holders with the relevant materials and documents;

(6) adopt or submit for approval the fundamental document and carry out proposed activity only in case of a positive expert opinion.

CHAPTER 8

INVOLVEMENT OF EXPERTS IN EXPERT EXAMINATION PROCESS

Article 28 Requirements for involvement of expert in expert examination process

1. The authorised body may, as an expert, involve relevant legal and natural persons that are experts in the expert examination process.

2. The legal person may be [act as] an expert where its statutory functions correlate with the object that is subject to expert examination.
3. An expert that is a natural person must have a relevant professional higher education and at least 10 years of professional work experience.
4. The involvement of the experts in the expert examination process shall be carried out on contractual basis as prescribed by the legislation.
5. The contract shall define the rights and obligations of the parties, the content, scope and time limits of the activities of experts, the procedure and the amount of remuneration and other terms and conditions upon the agreement of the parties not contradicting the legislation of the Republic of Armenia:
6. The persons who have participated in the drafting of the given fundamental document or the design document of the proposed activity and/or in the impact assessment process thereof may not — as experts — be involved in the expert examination process.

CHAPTER 9

RIGHTS AND OBLIGATIONS OF EXPERT IN EXPERT EXAMINATION PROCESS

Article 29 Rights and obligations of expert in expert examination process

1. The expert involved in the expert examination process shall be entitled to:
 - (1) receive from the authorised body all documents submitted for expert examination;
 - (2) receive from the authorised body or the bodies of public administration or local self-government bodies all the materials related to the documents subject to expert examination;

- (3) participate in discussions on the opinion or conclusion rendered by him or her and on the draft expert opinion;
 - (4) participate in public discussions on the documents being examined by him or her;
 - (5) present a special conclusion in case of disagreement with expert opinion or separate provisions thereof;
2. The expert involved in the expert examination process shall be obliged to:
- (1) carry out expert examination of the fundamental document and the proposed activity in accordance with the requirements of this Law and other legal acts;
 - (2) ensure that the expert opinion drawn up by him or her is substantiated;
 - (3) maintain the confidentiality of the information comprising a secret as prescribed by law;
 - (4) demonstrate an impartial, independent and objective approach;
 - (5) ensure implementation of the contractual requirements.

CHAPTER 10

FINANCING AND FEES OF ENVIRONMENTAL IMPACT EXPERT EXAMINATION PROCESS

Article 30 Financing of expert examination process

1. A state duty shall be paid for carrying out the expert examination process.
2. The costs related to the maintenance of the Centre for Environmental Impact Expert Examination, expert, carrying out public awareness and holding hearings by local self-government bodies shall be financed by means of the State Budget of the Republic of Armenia.

(Article 30 amended by HO-144-N of 11 September 2014)

CHAPET 11

LIABILITY AND OVERSIGHT IN EXPERT EXAMINATION PROCESS

Article 31 Liability in expert examination process

1. Violations of the requirements of this Law shall entail liability as prescribed by law.

Article 32 Oversight in expert examination process

1. The oversight over execution of the requirements prescribed by this Law shall be carried out by the authorised body and the public, as prescribed by law.

CHAPTER 12

TRANSITIONAL AND FINAL PROVISIONS

Article 33 Transitional provision

1. The relations with regard to expert examinations having been launched and pending prior to entry into force of this Law shall be regulated by legal acts effective at the moment of launching the expert examination process.

Article 34 Final provisions

1. This Law shall enter into force on the tenth day following the day of the official promulgation.
2. Upon entry into force of this Law, the Law of the Republic of Armenia HO-21 of 20 November 1995 “On environmental impact expert examination” shall be repealed.

**President
of the Republic of Armenia**

S. Sargsyan

22 July 2014

Yerevan

HO-110-N