

Ոչ պաշտոնական թարգմանություն

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**REPUBLIC OF ARMENIA
LAW**

**ON ENVIRONMENTAL IMPACT ASSESSMENT AND EXPERT EXAMINATION**

**CHAPTER 1.
GENERAL PROVISIONS**

***Article 1. Scope of the Law***

1. This law regulates public relations pertaining to environmental impact assessment in the Republic of Armenia(assessment), includingstate expert examination of transboundary and environmental impact assessment.

***Article 2. Operation of the Law***

1. This law applies to subjects defined by the Republic of Armenia legislation, which are responsible for development, approval or implementation of mainframe paper, which entailspotential impact on human health and environment.

***Article 3. Legislation on Assessment and Expert examination***

1. Legislation on assessment and expert examinationconsists of the Republic of Armenia Constitution, international treaties signed by the Republic of Armenia, this law and other legal acts.

***Article 4. Basic Mainframes Used in the Law***

1. The basic concepts used in this Law have the following meaning:

1) *environment* - integrity of factors, materials, phenomena and processes of natural and anthropogenic elements (air, water, land, underground resources, landscapes, fauna and flora, including forests, protected areas, areas of green space, facilities, historical and cultural monuments) and social environment (health and safety), and their interaction with each other and the whole people.

2) *environmental impact assessment*- possible changes in the environment and human health caused by the effects of mainframe paper or implementation of planned activity.

3) *transboundary impact* - environmental impact taking place in the area under state control caused by mainframe paper or implementation of planned activity, whereas its physical source is fully or partially situated in the territory under jurisdiction of other state.

4) *affected country* – country,which may be subject to environmental impact caused by implementation of mainframe paper or planned activities in the area under the jurisdiction of another country.

5) *country of origin* - country under whose jurisdiction provisions of mainframe paper or planned activities are planned to be implemented.

6) *mainframe paper*– draft paper that can entail possible environmental impact (e.g. policy, strategy, concept paper,outlook, scheme on use of natural resources, program, layout, urban development programmatic paper).

7) *planned activity* – study, production, construction, exploitation, reconstruction, expansion, technical and technological upgrading, profiling, conservation, transfer, liquidation or closure that can entail possible environmental impact.

8) *draft paper* – technical report, feasibility study, calculation of costs and benefits, engineering project associate with the planed activity.

9) *strategic assessment*- process of comprehensive cumulative assessment of the impact ensuing from implementation of mainframe paper.

10) *assessment -*process of comprehensive cumulative assessment of the expert impact ensuing from implementation of the planned activity.

11) *expert examination* – process of issuing state expert examinationconclusion on validity of mainframe paper, application for planned activity or environmental impact assessment report based on their review and analysis (expert examination).

12) *initial stage of environmental impact expert examination* –decision making process after review and analysis of mainframe paperor planned activity;

13) *primary stage of environmental impact expert examination* – process on state expert examinationconclusion on validity of mainframe paper, or environmental impact assessment report of application for planned activity after their review and analysis.

14) *center for issuingenvironmental impact expert examination conclusion*– institution established by the Republic of Armenia government in accordance with this law.

15) *stateexpert examinationconclusion*– official document issued by the authorized entity on validity of provisions of mainframe paperand (or) planned activity with appropriate justifications.

16) *the authorized entity* - public administration body authorized by the Republic of Armenia government in the field of environmental protection as per this law.

17) *initiator* – central or territorial government bodies, legal person or individual responsible for development, approval implementation of mainframe paper and (or) conducting or delegating activity as per this law.

18) *expert* – legal person or individual involved in the process of expert examination in accordance with the decision of the authorized entity.

19) public – *more than one individual or legal person.*

20) *affected community* – population of community (communities), including individuals and/or legal persons, which may be potentially affected byenvironmental impact of mainframe paper or planned activity.

21) *stakeholder community*-individuals and legal persons,which are interested in the endorsement of the mainframe paper subject to expert examination and (or) implementation of planned activity.

22) *process participants*- central or territorial government bodies, individuals and legal persons, including affected community, stakeholder community, which, in accordance with this law, participate in the process of assessments and/or expert examination.

23) *application*–notice portfolio on development of mainframe paper by the initiator or at its order and (or) initiation of planned activity.

24) *terms of reference* – document, which summarizes assessment requirements as well as establishes content of the report and framework of the process participants.

25) *report* - document, which consolidates results of strategic assessment and assessment.

26) *program of monitoring of environmental impact* – integrity of activities aimed at evaluation of environmental impact, follow up analysis, implementation of the requirements of expert examinationconclusion or output control (self-control) during the period of validity of provisions of mainframe paper and (or) planned activity.

***Article 5. Approaches and Principles of Assessment and Expert Examination***

1. Assessment and expert examination are carried out taking into account:

1) human rights of benefiting from environment, which is favorable for health, decent life and creative work;

2) requirements of efficient, effective and sustainable use of natural resources;

3) necessity of maintaining balance of ecological systems, flora and fauna, taking into account interests of present and future generations;

4) recognition of the imperative need to compensatedamage to environment and human health.

2. Principles of environmental impact assessment and assessment calculation include:

1) acknowledgement of the possibility of environmental impact of the activities;

2) complex review of impacts (including transboundary) during assessment;

3) considering the possibility of alternative approaches for the planned activity, including “zero” option (no activity);

4) ensuring completeness, accuracy and theoretical soundness of the reports;

5) ensuring validity, legality and objectivity of the expert examination conclusion;

6) ensuring transparency and public disclosure of the assessment and expert examination processes;

7) ensuring public participation in the assessment and expert examination processes;

8) compensation for the damage caused to the environment by the initiator.

3. In the event of a possible risk to human health or environment caused by implementation of planned activity or mainframe paper, the initiator shall be held responsible, unless the lack of harm of the respective activity is scientifically justified.

***Article 6. Goal and Objectives of Assessment and Expert Examination***

1. The goal of assessment is to forecast, prevent, mitigate or exclude potential negative environmental and human health impact ofimplementation of mainframe paper andplanned activity.

2. The goal of expert examinationis to check accuracy of the application or assessment and take a decision on validity ofmainframe paper orplanned activity.

3. Objectives of the assessment and expert examination are:

1) enhance sustainable development based on the requirements of ecological safety and environmental restrictions;

2) ensure maintenance of the positive impacts of mainframe paper andplanned activity; prevent, mitigate or exclude negativeimpacts and their consequences;

3) ensure assessment of potential risks of emergency situations.

***Article 7. Environmental Objects and Parameters Reviewed within the Process of Environmental Impact Assessment and Expert examination***

1. Environmental impact assessment and expert examinationprocess entails review of:

1) qualitative and quantitative indicators of atmospheric air, air pollutants, pollution levels;

2) surface and groundwater, their category, flow regime, qualitative and quantitative indicators, water use, sanitation, water system or its individual parts and other characteristics;

3) land - target value, soil type, functional significance, procedures, quality, condition, composition, pollution, degradation, use of fertile layer of soil and other characteristics;

4) geological structure, formations, minerals, other characteristics of natural resources conservation and use;

5) terrain, landscape, nature conservation areas, green areas, migration routes and zones;

6) flora and fauna, their species and conditions of existence, use of the flora and fauna, the use of living modified organisms, animals or plants registered in the Republic of Armenia Red Books;

7) functional significance of forests, composition and condition of forest species and other characteristics of forests;

8) structures, monuments of history and culture;

9) waste composition, level of risk, volume, use, processing, transportation, clearance, storage, disposal, storage, maintenance;

10) physical effects, such as noise, vibrations, ionizing and non-ionizing radiations;

11) health consequences associated with environmental impacts;

12) social factors demographic composition and population;

13) emergency probability.

**CHAPTER 2.**
**MANAGEMENT OF ASSESSMENT AND EXPERT EXAMINATIONPROCESS**

***Article 8. Public Administration Agencies of Assessment and Expert examination Process***

1.Public administration of assessment and expert examination must be carried out by the Republic of Armenia government and authorized body in the area of environmental impact.

***Article 9. Authorities of the Republic of Armenia Government in Assessment and Expert examination Process***

1.Authorities of the Republic of Armenia Government in assessment and expert examinationprocess include:

1) ensuring implementation of policies relating to assessment and expert examination processes;

2) adoption of legal acts regulating assessment and expert examination process within the scope of its competence;

3) approval of expert examination conclusionof mainframe paper orplanned activities, which entail transboundary environmental impact.

***Article 10. Authorities of the Authorized Entity in the Process of Expert Examination***

1. Authorities of the authorized entity in the process of expert examination include:

1) development of policies on expert examination and their implementation within the scope of its competence;

2) development of legal acts regulating process of expert examination;

3) international cooperation associated with process of expert examination within the scope of its competence;

4) issuing expert examinationof mainframe paper orplanned activities, which entail transboundary environmental impact;

5) based ongrounds and in the manner prescribed by this Law,submission to the approval of the Republic of Armenia government draft decree of the Republic of Armenia government on suspension or repeal ofexpert examinationconclusion of mainframe paper or planned activities, which entail transboundary environmental impact;

6) implementation of the expert examination of mainframe paper or planned activities or organization of its delegation;

7) involvement of experts in the process of expert examination of mainframe paper or planned activities, which entail transboundary environmental impact;

8) performance of control over compliance with the expert examinationconclusion requirements in accordance with procedure established by law;

9) in cases and in manner prescribed by law, ensuring public awareness and participation in the process of expert examination;

10) implementation of other functions established by the Republic of Armenia legislation.

***Article 11. Authorities of Environmental Impact Assessment Center***

1. Authorities of Environmental Impact Assessment Center in terms of expert examination include:

1) participation in the process of policy making and implementation in the area of expert examination;

2) participation in the development of legal acts governing expert examination;

3) carrying out expert examinationconclusion within the scope of its competence, issuing and disseminating expert examination report;

4) contracting experts for expert examination;

5) coordination of mainframe paper andplanned activitywith the respective authorities as necessary,

6) ensuring participation of its representative in public hearings;

7) preparation of terms of reference and its submission to initiator.

***Article 12. Authorities of Territorial Government Bodies in Assessment and Expert examination Process***

1. Authorities of territorialgovernment bodies in assessment and expert examinationprocess include:

1) provision of opinion on terms of mainframe paper and (or) planned activity, relating to the respective territory, unless legislation prescribes otherwise;

2) within the scope of its competence, in manner prescribed by this law, ensure public disclosure, organization of public hearings and public participation in the processes of environmental impact assessment and expert examination of mainframe paper and (or)planned activity;

3) submission of information on area associated with mainframe paper at the request of the initiator;

4) within the process of assessment, provision of advice or any other informationto the initiator that is necessary for performance of the impact assessment.

***Article 13. Authorities of Local Governments in Assessment and Expert examination Process***

1. Authorities of local governments in assessment and expert examination process include:

1) provision of opinion on terms of mainframe paper and (or) planned activity relating to the respective community, unless legislation prescribes otherwise;

2) within the scope of its competence, in manner prescribed by this law, ensure public disclosure, organization of public hearings and public participation in the processes of environmental impact assessment and expert examination of mainframe paper and (or) planned activity;

3) submission of information on area associated with mainframe paper at the request of the initiator;

4) within the process of assessment, provision of advice or any other information to the initiator, which is necessary for performance of the impact assessment.

**CHAPTER 3.**
**TYPES OF MAINFRAME PAPERS ANDPLANNED ACTIVITiesSUBJECT TO ENVIRONMENTAL IMPACT ASSESSMENT AND EXPERT EXAMINATION**

***Article 14. Types of Mainframe Papers and Planed Activities Subject to Environmental Impact Assessment and Expert examination***

1. Subject to strategic assessment and expert examination are:

mainframe papers relating to socio-economic, energy, urban development, transport, communications, agriculture, mining, tourism, health care. environment, recreation, maintenance, forestry, waste utilization, watersectors.

2. Subject to assessment and expert examination are:

1) draft documents of the types of planned activities defined under paragraph 4 of this Article;

3. Types of planned activities subject to environmental impact assessment and expert examination (assessment) shall by grouped by sectors into three categories: “A”, “B” and “C” by severity of environmental impact in diminishing order:

4. Category “A” includes:

1) Energy sector:

a. nuclear power plants or nuclear reactors and other facilities;

b. processed nuclear fuel storage installations and aquifers;

c. production of nuclear fuel enrichment,

d. thermal power plants;

e. oil or gas or chemical pipelines of 800 mm diameter and 40 km or more length;

f. hot water or steam producing plants of 50 MW and more thermal capacity;

g. hydro power plants of 30 MW and more capacity.

2) Mining sector:

a. geological surveys with:

500 meter or more underground mountain bores; or

more than 1500 meter deep exploration drillings;

b. metal extraction, including radioactive minerals and/or ore, ore processing, including mining residues and tailings;

c.oil and gas extraction and/or processing of ore;

d. creation of underground facilities fordisposalof oil, gas or industrial waste or toxic or radioactive materials;

e. creation of ground transportation routes or structures;

f .reclamation of mineral extraction lands (re-cultivation);

3) Chemical industry:

a.production and processing of synthetic rubber, rubber products and other organic materials;

b. oil refining;

c. fuel oil production,

d. explosives production;

e. inorganic acids or alkalis and other substances,

f. Manufacture of pesticides or chemical fertilizers;

g. wood and paper production, with the daily volume of 20 tons or more.

4) Production and processing of metals:

a. firing and agglomeration of metal ore (including sulphide ore);

b. production of ferrous, noble, rare, black metals or alloys from ore or concentrates or secondary raw materials.

c. processing of non-ferrous metals, including alloying, product recovery (distillation, smelter production, etc.);

5) Waste utilization `

a. hazardous waste collection, storage, use, processing, recycling, removal, decontamination, installation, disposal.

6)Sanitary facilities:

a. cemeteries or crematoriums, mortuaries, autopsies or morgues;

b. cremation or burial օֆ animals in slaughterhouses, 500 and more per day.

7) Infrastructures:

a. airports runway length of 2100 m and more;

b. power transmission lines at least 15 km long and 220 kV voltage;

8) Water sector:

a. reservoirs, artificial lakes, ponds with 1 million cubic meters and more capacity;

b. waste water treatment plants, with capacity of at least 50.000 persons equivalent.

9) Urban development:

a. anti-landslide or mudflow measures for at least 10 ha of land,

10) Forestry:

a. woodcutting.

5. Category “B” includes:

1) Energy sector:

a. hot water or steam producing plants, with 30 MW to 50 MW capacity;

b. hydropower plants with 10 MW to 30 MW capacity;

2) Chemical industry:

a. household chemistry (detergents, cleansers or other substances) production of 50 tons or more per month;

b. underground facilities for storage of gas, oil, petrochemical or chemical substances with at least 50 thousand tons capacity.

3) Production and processing of metals:

a. production of recycled iron or steel (primary or secondary fusion) including continuous flow of melting, which exceeds the capacity of 2.5 tons per hour;

b. processing or galvanization of metals or plastic materials through electrolytic or chemical processes in reservoirs of at least 30 cubic meters volume;

4) Extraction of minerals:

a. non-metallic mineral mining and/or processing of ore;

b. exploitation of deposits of mineral or groundwater;

5) Infrastructures:

a. construction of tunnels or bridges or subways or railways of at least 1 km length;

b. pipelines of gas, oil or chemicals with at least 300 mm diameter and 20 km length;

c. transmission lines with at least 110 kv voltage;

interstate and republican roads of at least 10 km length;

6) Water sector or land melioration:

a. wastewater treatment plants or receiving terminals with population from 5,000 to 50,000 people.

7)Waste utilization:

a.landfill and/or recycling of household waste in settlements with at least 20 thousand population.

8) Building materials industry:

a. glass, fiberglass, glass production – at least 20 tons per day;

b. cement, lime and plaster production – at least 100 tons per day;

c. 20 tons defrosting of mineral substances, including production of mineral fibers – at least 20 tons per day;

d. production of ceramic products through firing, including roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain ware at least 75 tons per day.

9) Light industry:

a. natural leather manufacturing or processing 10 tons or more per day.

6. Category “C” includes:

1) The following types of activities or production units in the energy sector or all their structures or infrastructures:

a. production of biogas or biogas energy with at least 1 MW capacity;

b. hydropower plants with at least from 1 to 10MW capacity;

c.wind power plants;

d. extraction of geothermal waters or energy production.

2) Use of Natural Resources:

a. geological surveys.

3) Agriculture:

a. poultry – at least 40,000 chicken;

b. pigs, fattened, weight at least 30 kg, at least 2,000 pigs;

c.milk processing, dairy production factories with production capacity of at least 200 tons daily.

4) Forestry:

a. reforestation, afforestation.

5) Food industry:

a. production of meat or meat products (finished products)- at least 50 tons per day;

6) Recreation and tourism:

a. parks or gardens or coppices, recreation zones not defined in mainframe paper;

b. cableways.

7) wood and paper industry:

a. cardboard, paper, wood products with at least 20 tons daily output.

8) Water sector or land melioration:

a. desalination of 100 or more hectares of saline land with chemical solutions;

b. drying or collector systems with at least 5 km of length.

9) Infrastructures:

a. petrol/gas stations, other vehicle filling stations.

7. Measures aimed at protection of state security and liquidation of consequences of emergency measures shall not be subject to expert examination.

8. Subject to expert examinationshall be all activities not listed under Article 3 above, which shall be carried out in protected forest areas, within the boundaries of historical and cultural monuments and green areas of public use. In such case expert examinationshall becarried out through Category “B”procedure.

9.Draft documents of the types of planned activities defined in paragraph 3 of this Article, shall be subject to expert examination through different procedure established by the Republic of Armenia government, if the equipment required for implementation of planned activity conforms to international quality standards.

**CHAPTER 4.**
**PROCESSES OF ENVIRONMENTAL AND HUMAN HEALTH IMPACT ASSESSMENT AND EXPERT EXAMINATIONAND REQUIREMENTS THERETO**

***Article 15. Environmental and Human Health Impact Assessment and Expert examination***

1. Assessment and expert examinationshall be carried out prior to adoption of mainframe paper and (or) implementation of planned activity.

2. Assessment and expert examination shall be carried out based on the type, scope and position of planned activity and the full extent of the associated impact.

3. Expert examination shall be carried out in two phases:

1) initial phase, during which application for preliminary assessment shall be reviewed;

2) primary phase, during which the main assessment report shall pass expert examination.

***Article 16. Initial Phase of Expert examination***

1. Initial phase of expert examination shall be carried out within 30 days after submission of the preliminary assessment application by initiator to the authorized entity.

2. Preliminary assessment application of planned activity in mining sector shall be submitted toexpert examination by the initiator through the authorized entity of the sector.

3. In the initial phase of assessment:

1) completeness of the submitted preliminary assessment application shall be checked;

2) the scope of potential environmental impact of themainframe paper and (or) planned activity shall be determined, content and terms of the assessment report shall be established, list of the participants of the process shall be prepared and, based on all these activities, terms of reference for preparation of consolidated impact assessment report shall be prepared and submitted to the initiator.

4. The application submitted for expert examination shall contain:

1) name (corporate name) and address (business address) of the initiator;

2) name and purpose of mainframe paper and or planned activity;

3) brief description and status of area covered by mainframe paper and (or)subject to planned activity, including its ecological situation;

4) technical characteristics of mainframe paper and (or)planned activity (production capacities, and used natural resources and materials, technical and technological solutions);

5) program of environment protection measures aimed at prevention, mitigation and compensation of damage incurred to environment;

6) information on public dissemination, public hearings and local authorities prior consent, unless otherwise provided by law.

5. After reviewing the application the authorized entity shall make one of the following decisions:

1) inadmissibility of provisions of mainframe paper orplanned activity, which is made ​​on the basis of environmental laws and legal acts of the Republic of Armenia;

2) returning the application to the initiator for revision, if the application contained errors or inaccuracies and did not conform to requirements of paragraph 3 of this Article;

3) on the need to issue expert examination with regard to transboundary effects of mainframe paperor planned activity;

4) in case of mainframe paperor categoriesAand B - on the need to issue expert examinationof the planned activity in line with the terms of reference;

5) in case of activities included under category C – on the need to issue conclusion.

6. Terms of reference areprepared in accordance with provisions of this law.

7. If the application is incomplete and (or) its information contains errors, within 5 days after receiving the application, authorized entityshall return it to the initiator for revision. After return of the application, the period of the initial phase shall be deemed terminated until initiator submits the revised application to authorized entity.

8. Terms of reference shall be prepared taking into account environmental impacts and characteristics of the objects reviewed in accordance with Articles 7 and 18 of this law, furthermore terms of reference shall define content of the report and scope of the process participants, including requirement on conclusion of the state authorized entity of the respective sector.

9. Form of terms of reference shall be established by the authorized entity:

***Article 17. Processes of Primary Environmental and Health Impact Assessment***

1. Primary assessment shall be carried out by the initiator through the respective individuals or legal persons.

2. Impact assessment phase includes:

1) assessment of potential environmental impact of provisions of mainframe paperandplanned activity;

2) review of the alternative solutions for the approaches of mainframe paperandplanned activityand assessment of their environmental, human health and socio-economicimpacts;

3) environmental-economicanalysis of the alternatives to planned activityand justification of the selected option;

4) development of environmental measures, including environmental impact monitoring program with the view to preventing, reducing or eliminating it;

5) evaluation of the impact level based on geographical position of the affected area, size of the community, probability of impact, its complexity, level, duration, frequency and cumulative effect of various impacts;

6) during assessment, cumulative environmental impact of all other activities in the area of planned activity shall be taken into account.

3. The assessment shall be carried out in accordance with this law, other legal acts and terms of reference. : While carrying out the assessment, comments and recommendations of participants of the process shall be taken into account in case of their rejection, the respective explanations shall be provided. Methodology of assessment shall be approved by the Government of the Republic of Armenia.

4. Rules on assessment and compensation of economic damage to environment shall be established by the Government of the Republic of Armenia.

5. As a result of impact assessment, the initiator or person whom this task was outsourced shall issue a report in accordance with Article 18 of this Law and submit it to expert examination.

6. In the framework of the process of environmental impact assessment, the initiator may seek advice from the authorized entity, relevant authorities, heads of the affected communities, and civil society stakeholders.

***Article 18. Content of Environmental and Human Health Impact Assessment Reports***

1. General requirements to mainframe paperof strategic environmental impact assessment include:

1) mainframe papersummary, description of goal, relevance and (or) conformity to other mainframe papers approved for that area;

2) international treaties ratified by the Republic of Armenia and other relevant legal acts relating to mainframe paper, environmental issues relating to the potentially affected area and their reflection in mainframe paper,

3) physical parameters and resource requirements of activityplanned under mainframe paper, description of theusedmaterials, technological processes, emissions, discharges, waste, industrial waste accumulation, physical effects and potential risks of the emergency and breakdown situations;

4) environmental and socio-economic description of the area that may be potentially affected as well as environmental and socio-economic description without implementation of mainframe paperprovisions,

5) comparison of all possible options of mainframe paper (including “zero” option) and justification of the chosen preferable option;

6) measures aimed at maintenance and enhancement of potential positive outputs, prevention, mitigation and liquidation of negative outputs, measures for compensation of environmental damage, their efficiency, effectiveness and costs;

7) program of mainframe paperperformance monitoring and follow up analysis;

8) information on assessment methods, obstacles that emerged during their application and difficulties, including information on lack of data;

9) information on sources of data included in the report;

10) summary of the report content.

2. General requirements to the report on assessment of environmental impact of planned activity include:

1) description and purpose ofplanned activity, physical, technical and technological characteristics, description of the potential risks associated with the required natural resources and raw materials used, emissions, discharges, waste, industrial waste accumulation, physical influences and emergencies;

2) description of all possible options, including scenario of non-conducting planned activities (“zero” option);

3) assessment of possible economic damage to environment. Cost of compensation of environmental damage and payment schedule;

4) description of environmental situation, natural conditions, resources and their use in the area that may be potentially affected;

5) description of possible changes of separate elements of environment, natural resources, and conditions ensuing from implementation of planned activity (construction and operation phase, risk assessment), including in case of implementation of the alternative, as well as their separate, cumulative and aggregate assessment;

6) potential social impacts, risks, benefits, analytical parameters;

7) the size and the degree of exposure to emergenciespossibilities, ways and means of impact mitigation or elimination;

8) conformity of planned activityto mainframe papers adopted for the respective area;

9) justification of the option selected after analysis of all the alternatives in terms of environment protection, and socio-economic feasibility.

10) measures planned for preservation and strengthening of positive effects of planned activities, mitigation, elimination, reduction of negative effects, compensation of environmental damage (construction, operation and closure phases, risky situations), their validity and sufficiency, cumulative cost assessment.

11) program of monitoring and follow up analysis of planned activity;

12) summarized materials creating general understanding of information presented under the report of planned activity, e.g. maps, graphs, diagrams, tables, etc.;

13) basic environmental data sources;

14) information on problems, which took place during assessment and preparation of the report, such as lack of data;

15) summary of report content.

3. Documents attached to the report for assessment analysis include:

1) daft mainframe paper, other relevant approved mainframe papers;

2) draft papers on planned activity.

3) documents relating to participation of the stakeholders (copy of the notice letter, received comments and recommendations, minutes of public hearings, audio and video records);

4) in case of legal person - copies of the charter and its insert; in case of individuals – copy of the state registration certificate;

5) copy of license or permission for conducting the respective type of activity, as provided by the Republic of Armenia legislation;

6) stampdutyreceipt.

***Article 19. Primary Phase of Expert examination***

1. Primary phase of expert examination begins from the moment wheninitiator submits to authorized entity report prepared in line with the terms of reference together with the attached documents.

2. During primary phase of assessmentconclusion, the authorized entity shall involve participants of the process in the process.

3. Expert examinationconclusion shall be issued based on the analysis of the following indicators:

1) completeness, accuracy, satisfactory quality, fresh information, validity, integrity of the reports;

2) alternative approaches and solutions in mainframe paperor planned activity;

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

4) efficiency of environmental protection measures and environmental impact monitoring program;

5) efficiency and soundness of processes on participants’ notice organization of discussions and review of comments.

4. Periods of the primary phase of expert examination shall not exceed:

1) mainframe paper - up to 60 working days;

2) planned activity of category A - up to 60 working days;

3) planned activity of category B - up to 40 working days.

5. If completeness of the expert examination process requires additional work and acquisition of other information, pursuant to decision of the authorized entity, period of the primary phase of expert examination can be extended for each category by not more than half of the period established under paragraph 4 of this Article, but not more than once, with notice of initiator in writing.

6. If the initiator fails to comply with the requirements of the law, the authorized entity shall notify the initiator thereof, pointing out the identified discrepancies and failures and providing up to 10 days for their remedy, whereas this period shall not be calculated within the periods established in paragraphs 4 and 5 of this Article.

7. Failure to submit documents and information defined by the authorized entity, or their incompleteness and inaccuracy shall entail negative expert examination.

***Article 20. Expert examinationconclusion***

1. The expert examinationconclusion shall consist of introductory, descriptive, argumentative and concluding parts.

1) introductory – brief information on the initiator, mainframe paperorplanned activity;

2) descriptive - description of potential negative environmental impact, based on the submitted mainframe or design paper;

3) argumentative–reasonable findings onadequacy or inadequacy of provisions of mainframe paperorplanned activity;

4) concluding – positive or negative expert examination conclusion.

2. Positive expert examinationcan contain binding requirements or conditions, for which time limits are established. In case of failure to comply with the specified requirements or conditions within the time limit expert examination shall be repealed.

3. Positive expert examinationshall be issued for the period specified in mainframe paper or planned activitydocuments, if another period is not defined in the conclusion, which should have a reasonable excuse.

4. While preparing expert examination conclusion, findings or opinions of participants of the process shall be taken into account. If the authorized entity does not accept opinions of the process participants, it shall provide reasonable justifications. Expert examinationconclusion shall be approved by the authorized entity.

5.Expert examinationconclusion shall be placed on the official web-site of the authorized entity.

6. It is prohibited to adopt mainframe paper or implement planned activity without positive expert examination conclusion.

7.Expert examinationconclusion shall be repealedif implementation of planned activitydoes not begin within 1 year after issuing expert examination conclusion.

***Article 21. Repeal of the Expert Examination*Conclusion**

1. In case of changes in the requirements of environmental protection and (or) ecological regulation legislation, the authorized entityshall notify the initiator about new environmental conditions and periods of their implementation. If after receiving notice, the initiator fails to comply with the new conditions within the established period, authorized entityshall repeal expert examination conclusion, which it issued.

2. The expert examinationshall be repealed, if:

1) carried out activities do not conform to the requirements of the draft documents that passed expert examination and requirements of the expert examination conclusion;

2) changes made in design documents andmainframe papers that passed expert examinationentail potential environmental impact and the authorized entity was not informed thereof;

3) provisions of paragraph 1 of this Article were not fulfilled in the established period;

4) new environmental legislation was adopted;

5) new ecological factors emerged after issuing the expert examination conclusion.

3. After receiving the notice as per paragraph 1 of this Article, the initiator must bring into conformity its activities to the requirements established by the authorized entity; whereby in case of failure, the authorized entity shall suspend its activities till the requirements are complied with.

4. Initiator may appeal decision of the authorized entity to repeal expert examinationconclusion through administrative or judicial procedure.
5. Procedure on repeal of expert examinationconclusion shall be established by the Republic of Armenia government.

**CHAPTER 5.**
**ASSESSMENT AND EXPERT EXAMINATIONOF MAINFRAME PAPERORPLANNED ACTIVITYWITH POTENTIAL TRANSBOUNDARY EFFECT**

***Article 22. General Requirements to Mainframe PaperorPlanned Activitywith Potential Transboundary Effect***

1. If mainframepaperor planed activity in the territory of the Republic of Armenia or mainframe paper or planed activity in the territory of other states entail potential transboundary effect, environmental impact assessment and expert examination shall be carried out in line with theConvention on Environmental Impact Assessment in a Transboundary Context, other international treaties ratified by the Republic of Armenia, international health regulations and the requirements of this law.

2. Expert examinationconclusion on transboundary effects shall be approved by the Republic of Armenia government.

3. In order to ensure completeness of procedures on assessment of transboundary effects of mainframe paperorplanned activityand consolidate results of the assessment, the authorized entity may extend periods established by this law as necessary with the respective substantiation.

***Article 23. Expert examination of Transboundary Effect of Mainframe Paper or Planned Activity in the Republic of Armenia***

1. If any mainframe document or planned activity in the territory of the Republic of Armenia established under Articles 4 or 14 of this Law, may have significant environmental transboundary impact, the authorized entity shall notify thereof in manner prescribed by this law and other legal acts to the respective authorized entity of the affected state and request information about documents required for expert examination of environmental impact in that state as well as its rules of public hearing.

2. Unless otherwise provided by the respective international treaties of the Republic of Armenia, the notice must contain the following information:

1) mainframe paperorplanned activity, including their potential transboundary effect;

2) characteristics of possible decision making on mainframe paperorplanned activity;

3) procedures and periods of expert examination;

4) periods for response of the respective state on its intent to participate in expert examination.

The initiator shall support to the process of preparation of notice and inquiry by the authorized entity.

3. Period of the response of the affected state on its intent to participate in expert examination shall not exceed 45 days from the day of receiving the notice, unless international treaties of the Republic of Armenia establish different period.

4. If the notified state hasofficially refused to participate in the expert examination or did not respond within the time limit of its intention to participate, the expert examinationshall be carried out in manner prescribed by this Law.

5. After receiving official letter from the notified country about its intent to participate in the tender, the authorized entity shall submit to the affected state documents necessary for impact assessment in manner prescribed by the Republic of Armenia legislation, indicating the period for provision of opinion on them, which may not exceed 60 working days from the date of receiving the documents, unless international treaties of the Republic of Armenia establish different period.

6. The authorized entity and the initiator shall assist the respective authorized entity of the affected state in dissemination of information on mainframe paper or planned activity among the respective authorized entities and public of the areas which will be most likely affected.

7. The authorized entity and the initiator shall coordinate with the respective authorized body of the affected state the form and procedures on conducting consultations around mainframe paper or planned activity with potential transboundary effect, measures to prevent or mitigate the impacts and assist in conducting such consultations.

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

9. If the potential transboundary effect is identified during expert examination, the authorized entity together with the initiator shall ensure compliance with the requirements established by this Article.

***Article 24. Expert examination of Transboundary Effect of Mainframe Paper or Planned Activity on the Environment of the Republic of Armenia***

1. If the Republic of Armenia receives notice on potential transboundary effect of mainframe paper or planned activity on the Republic of Armenia and the receiver is not the authorized entity, within 10 days after receiving the notice, it shall be sent to the authorized entity.

2. The authorized entity shall notify the respective authorized entity of the country of origin in manner prescribed by the Republic of Armenia legislation about its intent to participate or not to participate in the expert examination.

3. The authorized entityof the Republic of Armenia shall notify about its decision to participate or not to participate in the expert examinationto the respective authorized entity of the country of origin within 10 working days after receiving the notice.

4. Unless bilateral or multilateral international agreements of the Republic of Armenia provide otherwise, the authorized entity shall ensure discussion of the notice in accordance with Articles 6, 8 and 10 of this law.

5. If the authorized entity decides to participate in the expert examination, it shall be conducted in accordance with the procedure established by this law, taking into account requirements of the Republic of Armenia international treaties, and at the same time notifying the authorized entity of the country of origin about requirements of this law, including necessary funding for testing, documentation, translations, public participation and other expenses required by law.

6. The authorized entity shall coordinate with the authorized entity of the country of origin the scope and content of the necessary documents, form and rules of consultations on mainframe paperorplanned activity, which entail potential transboundary effect and measures of impact prevention or mitigation.

7. Unless bilateral or multilateral international agreements of the Republic of Armenia or paragraph 4 of this Article provide otherwise, after receiving the documents, the authorized entity shall ensure their review and discussion of in the prescribed manner and send the expert examinationconclusion approved by the Republic of Armenia government to the notifying country.

8. If the authorized entity was notified about mainframe paperorplanned activityin the territory of other country, which may entail transboundary environmental impact in the Republic of Armenia, whereby notification thereof was not received from the country of origin, the authorized entity, after sending notice to the Republic of Armenia government, shall apply to the respective the authorized state entity of the country of origin in manner prescribe by law, with the view to receiving notice on transboundary effects of the framework paper or planned activity.

***Article 25 International Cooperation in the Area of Transboundary Effects***

1. In order to fulfill the obligations under Convention on Environmental Impact Assessment in a Transboundary Context, Republic of Armenia may sign bilateral or multilateral international agreements or reach other agreements.

2. In order to increase the efficiency of the process of assessment of transboundary effects, Republic of Armenia in cooperation with other countries can create temporary or permanent bodies whose activities shall be determined in accordance with bilateral agreements or other written agreements.

**CHAPTER 6.**
**PUBLIC NOTICE, Public Consultations AND REQUIREMENTS THERETO**

***Article 26. Public notice and Public Consultations***

1. In order to ensure public disclosure and participation, processes of assessment and expert examination shall be subject to public notification and public consultations.

2. Public notice shall be conducted by:

1) authorized entity – at least 7 working days before hearings of the application and reports submitted by initiatorand draft expert examination conclusion;

2) initiator -at least 7 working days before hearings of the mainframe paperand planned activityand assessments of their impacts;

3) territorial government bodies and head of community of the affected community at least 7 working days before hearings of the mainframe paper and planned activity and assessments of their impacts.

3. Notification shall contain information on the initiator, brief description of mainframe paperorplanned activity, place of implementation, place where public can read and discuss those, conditions, periods for submission of comments and recommendations and other information.

4. Furthermore, notification, together with mainframe and design papers shall be placed on the official web-site of the authorized entityat least 7 working days before hearings.

5. Public hearings shall be conducted:

1) by the initiator – on processes of assessment of mainframe paper, planned activityand their impact assessment;

2) territorial body of state administration, initiator – on mainframe paperand draft report on strategic assessment of its impact,

3) territorial government body, initiator – on planned activity and report on impact assessment.

6. Authorized entity shall ensure participation of its representative in public consultations.

7. As a result of public consultations, initiator shall prepare minutes with the attached video recording.

8. Reasonable community comments and recommendations shall be taken into consideration by the initiator and the authorized authority, otherwise reasonable substantiation shall be provided.

9. Procedure on public notice and public consultations shall be established by the Republic of Armenia government.

**CHAPTER 7.**
**INITIATOR’S POWERS AND DUTIES IN THE PROCESS OF ENVIRONMENTAL IMPACTASSESSMENT AND EXPERT EXAMINATION**

***Article 27. Initiators powers and duties in the process of environmental impact assessment and expert examination***

1. Initiator has the following powers in the process of impact assessment and expert examination:

1) receive information from the authorized entity on the process of assessment and expert examination:

2) receive from state and local governmental bodies mainframe papers relating to the area, as well as any other information that is necessary for the assessment;

3) appeal against expert examinationconclusion in manner prescribed by law and decision of the authorized entity on repeal;

4) The initiator shall have other powers established by the Republic of Armenia legislation.

2. Initiator has the following duties in the process of impact assessment and expert examination:

1) comply with requirements of this law;

2) submit documents and information established by this law to the authorized entity;

3)ensure integrity, reliability and validity of the provided materials;

4) carry out public notice and public consultation during expert examination;

5) submit the respective materials and documents to organizers of public consultations;

6) approve or submit for approval mainframe paper and implement planned activity solely subject to positive expert examination.

**CHAPTER 8.**
**Involvement of experts in expert examination process**

***Article 28. Requirements to Involvement of Experts in Expert examinationProcess***

1. Authorized entitymay involve in the expert examinationprocess as experts the respective legal person and individual expert(s).

2. Expert may be the legal entity which by its statutory functions meets the requirements of the respective expert examination.

3. Individual expert shall have relevant higher professional degree and at least 10 years of professional work experience.

4. Experts shall be involved in expert examination process on contractual basis, in accordance with procedure established by law.

5. Contract shall define powers and duties of the parties, content of the work of experts, its volume and time-frame, rules and size of remuneration, and, at the consent of parties, other conditions, which do not disagree with the Republic of Armenia legislation.

6. Persons that participated in the development of the respective mainframe paper or planned activity and (or) cannot be involved in expert examination process as experts.

**CHAPTER 9.**
**POWERS AND DUTIES OF EXPERT IN THE PROCESS OF EXPERT EXAMINATION**

***Article 29. Powers and duties of expert in the process of expert examination***

1. Expert involved in the process of expert examination may:

1) receive from the authorized entity all documents submitted toexpert examination;

2) receive from authorized entity and state and local government bodies all materials relating to papers subject to expert examination;

3) participate in discussion draft opinion or judgment or expert examination conclusion issued by it;

4) participate in public consultations of documents which pass its expert examination;

5) present dissenting opinion in case of disagreement with the expert examination conclusion or its separate provisions.

2. Expert involved in the process of expert examination shall:

1) carry out expert examination of mainframe paperandplanned activityin conformity to this law and other legal acts;

2) ensure reasonability of its conclusion;

3) maintain the confidentiality of confidential information defined by law;

4) demonstrate impartial, independent and objective approach;

5) ensure fulfillment of contractual requirements.

**CHAPTER 10.**
**FINANCING AND CHARGES OF EXPERT EXAMINATION OF ENVIRONMENTAL IMPACT ASSESSMENT PROCESS**

***Article 30. Financing of Expert examination process***

1. For carrying out expert examination process stamp duty shall be levied.

2. Costs on maintenance of environmental impact assessment center, expert, local government and public awareness and hearingscan be financed from the state budget of the Republic of Armeniain manner and in cases prescribed by the legislation.

**CHAPTER 11.**
**CONTROL AND RESPONSIBILITY IN EXPET EXAMINATION PROCESS**

***Article 31. Responsibility in Expert Examination Process***

Infringement of requirements of this law shall give rise to liability in manner prescribed by law.

***Article 32. Control in Expert Examination Process***

Control over compliance with requirements of this law shall be carried out by theauthorized entityand public in manner prescribed by law.

**CHAPTER 12.**
**TRANSITIONAL AND FINAL PROVISIONS**

***Article 33. Transitional Provisions***

Before the enactment of this law, initiated and still unfinished relations pertaining to expert examination process shall be governed by the legal acts, which are in force at the moment of beginning expert examination process.

***Article 34. Final Provisions***

This Law shall enter into force on the tenth day after promulgation.

From the date of entering this law into force repeal Republic of Armenia law LA-21 “On Environmental Impact Expert Examination” from November 20, 1995.