

THE LAW OF THE REPUBLIC OF ARMENIA
ON ENVIRONMENTAL IMPACT ASSESSMENT

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Non official translation

The given law regulates the legal, economic and institutional bases for the environmental impact assessment of intended activities and concepts.

CHAPTER I
GENERAL PROVISIONS

Article 1. BASIC NOTIONS

1. Intended activities: envisaged economic, social and other activities (civil construction, reconstruction, expansion, technical refurbishment, disseverment).
2. Concept: ideas, programs, complex schemes and master plans.
3. Authorized body: authorized state body implementing the assessment of the impact on the environment by intended activities and concepts/ procedures.
4. Presenter: the one who works out and submits the concept.
5. Admissible concentration level: the allowable norm describing the capacity of the intended activity (productivity, capacity, surface area, scales, amounts, etc.).
6. Initiator: legal entity or physical person, as well as an enterprise without the status of legal entity which intends to implement certain intended activity.
7. Documents: documents submitted by the initiator for environmental impact assessment of the intended activity.
8. Authorized persons: institutions, groups, scientists, individual highly qualified specialists who received professional authorization from the authorized body to work out an expert conclusion.
9. Affected community: the populace of a province (provinces), community (communities) subject to the possible impact of the intended activity on the environment.
10. Public hearings: coverage of the intended activities and concepts in mass media, discussion in meetings and surveys of public opinion.
11. Expert conclusion: a conclusion worked out by the authorized persons on the documents and submitted to the authorized body.
12. Assessment conclusion: a positive or negative conclusion given by the authorized body to the initiator and the applicant concerning the intended activity or concept.

Article 2. THE GOAL AND PRINCIPLES OF ENVIRONMENTAL IMPACT ASSESSMENT

1. Environmental impact assessment is a mandatory activity conducted by the state; its main goal is to predict, prevent or reduce to the minimum the hazardous impact of an intended/ intended activity or procedure on human health, the environment, regular economic and social development.
2. Environmental impact assessment is based upon:
 - the right of human beings to have favorable environment for health, life and creative activity;
 - the requirement of efficient, complex and reasonable use of natural resources;
 - the necessity of maintaining the equilibrium of ecological systems, preserving all species of flora and fauna, taking into account the interests of the current and future generations.
3. Environmental impact assessment is based upon the principles of:
 - scientific justification,
 - legitimacy, and,
 - transparency of decision making.

Article 3. THE OBJECTIVES OF ASSESSMENT

The objectives of environmental impact assessment are as follows:

- analysis of intended activities, concepts and the possibility of their alternatives and expediency, taking into account all ecological restrictions.
- appraisal the possible effect and the degree of their danger of the intended activity, concept and their alternatives;
- inspection of the degree of the possible ecological effect of intended activities, concepts and the possibility of their alternatives; the integrity of consequence analysis and accuracy; the adequacy of measures for monitoring, prevention, elimination or minimization of consequences during operation and implementation processes as well as in emergency situations;
- to provide efficient and reasonable use of natural resources;
- to prohibit any intended activity which can have an irreversible hazardous effect on the environment, unless otherwise stipulated in the Armenian legislation;
- to provide participation and involvement of public in all phases of assessment.

CHAPTER II

ENVIRONMENTAL IMPACT ASSESSMENT OF THE INTENDED ACTIVITIES

Article 4. INTENDED ACTIVITIES SUBJECT TO ASSESSMENT

1. The following intended activities are subject to environmental impact assessment:

a) In the energy sector:

- nuclear power plants and other facilities with nuclear reactors;
- thermo power plants, heat and hot water producing plants;
- hydro power plants, other power plants using alternative sources of energy;
- geo-thermal power plants;
- nuclear fuel production and enrichment plants;
- intermediate nuclear fuel storage facilities;
- facilities for high radioactivity waste processing and their final deployment;
- processing and underground disposal of radioactive wastes from operating and shut-down nuclear power plants and facilities using radionuclides.

b) In the mining sector:

- extraction and processing of minerals;
- coal, oil and natural gas extraction and processing;
- extraction and processing of uranium ore, solid and liquid waste decontamination, and mine reclamation;

c) In the chemical industry:

- synthetic rubber, rubber items and other organic materials production and recycling;
- oil refineries;
- manufacture of non-organic acids, alkali and other substances;
- manufacture of detergents and other house-hold chemicals exceeding the admissible concentration limits;
- manufacture of poisonous and pharmaceutical materials;
- manufacture of poisonous chemicals and chemical fertilizers;

d) In the construction materials sector:

- cement, lime-stone and plaster production;
- production of tiles, construction stone, reinforced concrete and other civil construction goods;

e) In the metallurgy sector:

- production and processing of iron, steel and non-ferrous metals;
- surface processing of metals exceeding the admissible concentration limits;

f) In the electric and radio technical sector:

- intended activities exceeding the admissible concentration limits;

g) In the timber and paper-mill sector:

- intended activities exceeding the admissible concentration limits;

h) In the light industry:

- textile, shoe, etc. manufacture exceeding the admissible concentration limits;

i) In food-processing industry and fish farming:

- intended activities exceeding the admissible concentration limits;

j) In municipal construction:

- buildings, facilities, complexes and other intended activities exceeding allowable norms;

ja) In the urban utilities sector:

- waste-water treatment plants;

jb) In waste utilization sector:

- disposal or recycling of dangerous wastes;
- waste-disposal facilities;

jc) In environmental protection:

- improvement and reclamation of natural eco-systems upset by human activities;
- introduction of new species of flora and fauna;

jd) In the agro-sector:

- reclamation of areas exceeding the admissible concentration limit (including reclamation of salinated soils and construction of drainage networks, protection of fertile soils from erosion, salination and changes);

je) In the forestry sector:

- reforestation;
- improvement of the qualitative composition of forests;

jf) In the water sector:

- water reservoirs, dams, large canals, pumping stations and other water facilities;
- extraction of ground waters;

jg) In the infrastructure:

- construction of highways, tunnels, bridges, the underground, railways, airports and roads exceeding the admissible concentration limits;
- oil, gas, heat and water pipes exceeding admissible concentration limits, including their equipment (pumps, compressors and converters);
- power transmission lines exceeding the admissible concentration limits;

- fuels exceeding the admissible concentration limits (including natural and other gases) and underground and surface storages of chemicals;
- protective engineering facilities;
- super powerful means of communication;

jh) Services:

- shopping centers and fairs exceeding the admissible concentration limits;
- hotel and tourist compounds exceeding the admissible concentration limits;
- petrol stations;
- public catering facilities exceeding the admissible concentration limits (restaurants, cafes, dining rooms, etc.);
- bus stations, railway stations;
- crematoriums and cemeteries;

2. The admissible concentration limits for the intended activities are determined by the government of the Republic of Armenia.

3. Also are subject to assessment, the intended activities listed in paragraph 1 of this Article whose indicators do not reach the admissible concentration limits, but these activities will be implemented in such areas whose status is determined by legislation of the Republic of Armenia.

4. By decision of the authorized body, also subject to assessment are intended activities listed in paragraph 1 of this Article, not exceeding the admissible concentration limits:

- by initiative of the administrative unit in whose territory the activity is planned;
- by initiative of ministries and other bodies of state power;
- by initiative of those communities in whose territory or environs the implementation of the activity is planned;
- by initiative of NGOs and individual groups;
- by initiative of the authorized body.

Article 5. SCOPES OF ASSESSMENT

1. Assessment must at least cover:

a) forecasting, description and appraisal of possible direct and indirect impacts of intended activity related to:

- weather conditions, flora and fauna, individual elements of eco-systems, their inter-relations and stability, specially protected natural areas, landscapes, geomorphological structures, air, surface and ground waters, and soils;
- the health and well-being of the population;
- the environments of towns;
- use of natural resources;
- monuments of history and culture;

b) alternative solutions, including: zero option (rejection of the intended activity), their comparative analysis and selection of the most acceptable options.

c) measures for the elimination or minimization of the possible impact of the intended activity on the environment;

d) detailed appraisal of consequences for economic and social development and the environment in case of zero option due to hazardous impact of the intended activities.

2. During the assessment of the intended activity, possible impact on the environment is appraised: during the period of construction, operation, dissolution and after dissolution, as well as in emergency situations.

3. During the assessment of the impact of the intended activity, the social and economic, ecological and historical and cultural peculiarities of the area in question are taken into consideration.

Article 6. THE PROCEDURE OF NOTIFICATION ABOUT THE IMPLEMENTATION OF THE INTENDED ACTIVITY

1. The initiator willing to implement any intended activities listed in Article 4, paragraph 1 of this Law, must notify the authorized body about that.

2. The notification includes the following:

a) basic information on the intended activity, in particular: the title, location, the aim of the intended activity, description (specific features), starting and finishing dates;

b) the size of the plot of land necessary for the intended activity, power, water and raw materials requirements;

c) brief description of technical and technological solutions;

d) basic data on the impact of intended activity on the environment; the degree of possible impact and danger for individual components of the environment;

e) the decision of the affected community on the compliance of the intended activity with the development plans of the given administrative territorial unit;

f) the decision of the affected community on allotment of land;

g) the opinion of the relevant state body, and if necessary, a license;

3. Within 7 days after the receipt of the notification, the authorized body informs the head of the affected community and the general public about the initiative to implement the intended activity.

4. After the receipt of notification, within 15 days the heads of the affected community and the initiator organize the public hearings concerning the intended activity (its procedure is determined by the government of the Republic of Armenia), announcing through mass media about the place and time of the hearings and the intended activities.

5. If no proposals are sent to the authorized body from the affected community or the general public, the opinion of the affected community is considered positive.

6. Pursuant to Article 4, paragraph 4 of this Law, after submitting the initiative, the authorized body, within 30 days, decides to conduct or not to conduct environmental impact assessment, and informs the applicants and initiators.

In case of necessity of the environmental impact assessment, the initiator submits to the authorized body the documents pursuant to Article 7.

Article 7. DOCUMENTS REQUIRED FOR THE ASSESSMENT

1. The initiator submits the documents on the intended activities subject to environmental impact assessment to the authorized body by established procedure.
2. The documents and the list of data and its amount contained in them are established by proposal of the authorized body to the government of the Republic of Armenia.

Article 8. PUBLICIZING AND DISCUSSION OF DOCUMENTS SUBJECT TO ASSESSMENT

1. After the receipt of documents the authorized body immediately sends them to the heads of the province or the community, to the relevant state body and the affected community.

The heads of the affected community, within 5 days inform through mass media where and when it is possible to familiarize oneself with the documents and obtain data (oral or written).

2. The authorized body, the affected community leaders and the initiator within 30 calendar days organize the hearings and enable the public to familiarize itself with the documents. Within this period public opinion is submitted to the affected community leaders or directly to the authorized body.

If there is more than one affected community, the venue of the public hearings will be determined by the authorized body.

3. Within 10 days after expiration of the deadline specified in paragraph 2 of this Article, the leaders of affected communities submit the public opinion and their own opinions to the authorized body.

4. Whether the community is a stake-holder or not, is ultimately decided by the authorized body.

5. After the receipt of the documents, the relevant state bodies, within 30 days, send their opinion to the authorized body.

6. If no opinion has been submitted within the established period to the authorized body pursuant to paragraphs 2, 3 and 5 of this Article, then it is considered that there is no negative opinion about the documents.

7. The application of paragraphs 1, 2, 3, 5 and 6 is restricted due to state, manufacturing and commercial secrets and is regulated by the legislation of the Republic of Armenia.

Article 9. EXPERT CONCLUSIONS ON DOCUMENT ASSESSMENT

1. Expert conclusions can be made only by authorized persons who received professional competence certificates from the authorized body.
2. Professional competence certificates are issued to authorized persons as well as organizations.

The procedure of issuance of professional competence certificates is established by the government of the Republic of Armenia.

3. The authorized body provides public participation at all stages of selection of authorized persons.

4. The authorized body establishes and regularly reviews the data bank of authorized persons.

5. Within 70 days after the receipt of documents, the authorized body provides the preparation of the expert conclusion by authorized persons. During the preparation of authorized conclusion the opinions of the public, the affected community and relevant state bodies are taken into account. To make justifications, the authorized body can extend this period but not more than for 180 days.

6. In the adoption of the expert conclusion, it is prohibited to involve those authorized persons who participated in the preparation of the documents.

7. The following is subject to assessment during the adoption of an expert conclusion:

a) the validity of the documents;

b) the opinions of the general public, affected community and interested state bodies;

c) the whole complex of all positive and negative impacts of the intended activity on the environment, as well as their inter-relations;

d) the applied assessment methods and the completeness of data;

e) adequacy of the proposed technical solutions for the elimination or reduction of hazardous impact to the modern level of science and technology;

f) alternative solutions to the intended activity;

g) proposals concerning the elimination or reduction of dangerous impact of the intended activity on the environment, as well as implementation, operation measures and necessary conditions.

8. The expert conclusion contains a proposal concerning the positive or negative assessment conclusion.

Article 10. PROCEDURE FOR PUBLIC HEARINGS CONCERNING EXPERT CONCLUSIONS ON THE DOCUMENTS

1. After the receipt of the expert conclusion, within 30 days, the authorized body provides the public hearings for the public opinion, the opinions of affected community leaders, the opinions of affected communities and relevant state bodies.

2. At least 7 days prior to the event, the authorized body makes a written notification to the initiator, the provincial or community leadership, the affected communities, relevant state bodies and authorized persons about the date and venue of the public hearings.

Other experts and specialists can be invited to the public hearings.

3. In the announcement the authorized body informs the general public about the form and agenda of the public hearings.

4. The participants of the public hearings listed in paragraph 1 of this Article receive the minutes of the hearings from the authorized body.

Article 11. PROCEDURE OF EXPERT CONCLUSION ON THE INTENDED ACTIVITIES DOCUMENTS

1. After the public hearings, within 20 days, the authorized body makes a decision on the issuance of assessment conclusion based on the expert conclusion, public discussions and the minutes of the public hearings results.

2. The assessment conclusion is handed to the initiator at least within 120 days, unless other deadline is envisaged pursuant to Articles 9 and 14. If the authorized body does not hand the answer to the initiator within the established period, the assessment conclusion is considered positive.

3. The assessment conclusion is valid from the moment of issuance.
4. The assessment conclusion is null and void if the implementation of the intended activity does not begin with one year after the issuance of the assessment conclusion, after which a new assessment conclusion is necessary.
5. The authorized body can review or consider invalid the assessment conclusion if:
 - new environmental protection legislation has been adopted;
 - new ecological factors have emerged after the issuance of assessment conclusion.The conditions, deadlines and procedure of reconsideration or invalidation of assessment conclusion are established by the government of the Republic of Armenia.
6. In case of breach of the assessment conclusion conditions during the implementation of the intended activity, the authorized body must suspend or ban the implementation of intended activity until appropriate conditions will be created for the assessment conclusion.
7. When the intended activity concerns national security, the authorized body must issue the expert conclusion after discussion with relevant state bodies, based on the legislation of the Republic of Armenia.
8. The assessment conclusion is published within 7 days with written notification of stake-holder parties.

Article 12. MANDATORY NATURE OF THE ASSESSMENT CONCLUSION

Without positive assessment conclusion, the implementation of intended activity liable to environmental impact assessment is prohibited.

Article 13. FEES RELATED TO THE ASSESSMENT

1. All expenses related to the preparation of documents are paid by the initiator to the processor of the documents.
2. The expenses envisaged for the issuance of the assessment conclusion are paid by the initiator, as established in the legislative procedure of the Republic of Armenia.

Article 14. ASSESSMENT OF INTENDED ACTIVITY WITH TRANSBOUNDARY IMPACT ON THE ENVIRONMENT

If the environmental impact of the intended activity spreads beyond the state borders of the Republic of Armenia, the authorized body issues the assessment conclusion based on the requirements of the international agreement ratified by the Republic of Armenia. In such cases the assessment conclusion is approved by the government of the Republic of Armenia.

**CHAPTER 3
ENVIRONMENTAL IMPACT ASSESSMENT OF CONCEPTS**

Article 15. CONCEPTS SUBJECT TO ASSESSMENT

1. The concepts subject to assessment concern the development of the following spheres:- social and economic;- energy;- municipal construction;- transportation;- communications;- agriculture;- fish

farming;- mining;- industrial branches;- health;- social;- environmental protection,- recreation, tourism and services. The documents for territorial planning and complex schemes of resource use are also considered concepts.

2. The applicant when working out the concept must implement the appropriate scope of research specified in the legislation of the Republic of Armenia for the evaluation of environmental impact.

3. The applicant must, in coordination with the authorized body, publicize for the concept and the evaluation of its environmental impact, at 30 days prior to public hearings.

4. The applicant must organize public hearings of the concept and take into account the public opinion.

5. The applicant presents the concept to the authorized body which organizes environmental impact assessment and makes an appropriate decision within 90 days after the receipt of the concept.

6. The body approving the concept can not accept the concept without the positive assessment conclusion from the authorized body.

CHAPTER 4 THE AUTHORIZED BODY IMPLEMENTING ENVIRONMENTAL IMPACT ASSESSMENT OF INTENDED ACTIVITIES AND ITS RESPONSIBILITY

Article 16. THE BODY IN CHARGE OF ASSESSMENT AND ITS COMPETENCE

1. The status of the authorized state body performing the environmental impact assessment is determined by the government of the Republic of Armenia.

2. The authorized body has the following rights:

a) to implement activities specified in Article 4 of this Law and perform environmental impact assessment of concepts listed in Article 15 and issue assessment conclusions;

b) to perform the requirements pursuant to Articles 7 and 8;

c) to invite experts;

d) to form and maintain a bank for the materials and data of environmental impact assessment;

e) to supervise the observation of requirements to assessment conclusions;

f) to work out methodological documents for the implementation of environmental impact assessment.

3. The authorized body, within its competence, has the right to implement measures not contradicting to the acting legislation which are necessary for the implementation of environmental impact assessment. Article

17. THE RESPONSIBILITIES OF THE AUTHORIZED BODY

1. The authorized body when performing environmental impact assessment is responsible for:- the validity of the conclusion;- the observation of principles, procedures, norms and deadlines;- providing of necessary documents and materials;- providing of necessary working conditions;- publicity.

2. The authorized body is responsible for the decision following from paragraph 4, Article 4. Article

18. THE RESPONSIBILITY OF AUTHORIZED PERSONS

When working out expert conclusions, the authorized persons are responsible for:

- the validity of conclusions, suggestions and comments;

- for unbiased appraisal of documents;

- submitting the expert opinion to the authorized body on time.

Article 19. THE RESPONSIBILITIES OF THE INITIATOR, APPLICANT AND DOCUMENT PROCESSOR

The initiator, applicant and document processor are responsible for:

- observing all environmental protection requirements at all phases of designing and financing

necessary activities and research to that end;

- comprehensiveness, scientific validity, quality and accuracy of materials submitted to environmental impact assessment;
- ecological consequences of project solutions;
- integrity of materials and necessary additional documents submitted for assessment;
- meeting the requirements of assessment conclusions;
- presenting the intended activity or concept to the general public.

Article 20. RESPONSIBILITY FOR BREACH OF PROVISIONS OF THIS LAW

The offenders of the requirements of this law are liable to responsibility as established in the legislation of the Republic of Armenia.

Article 21. APPEAL

All disputable issues arising during environmental impact assessment are appealed in court as specified in the legislation of the republic of Armenia.

Article 22. VALIDITY OF THIS LAW

This law is valid since the moment of publication.

President of the Republic of Armenia

Levon Ter-Petrosian

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