

**THE LAW
OF THE REPUBLIC OF ARMENIA**

ON ENVIRONMENTAL IMPACT ASSESSMENT

The present Law regulates legal, economic and organizational bases of environmental impact assessment of the planned activity and the concept.

**Chapter 1
GENERAL PROVISIONS**

Article 1. The basic concepts

1. Planned activity - planned economic, social and other activity (construction, reconstruction, expansion, modernization, liquidation).
2. Concepts – the concepts, programs, integrated schemes and general layouts.
3. Authorized body - the representative state body, which carries out environment impact assessment of the planned activity and of the concept.
4. Representing person – the person developing and representing the concept.
5. Ultimate level - ultimate level describing capacity of the planned activity (productivity, capacity, area, volume, amount, etc.).
6. Undertaking person – the legal or physical person, as well as the enterprise not having the status of legal person, intending to realize any planned activity.
7. Documentation - the documentation represented by the undertaking person for environment impact assessment of the planned activity.
8. Authorized persons – the organizations, groups, scientists, individual qualified professionals, who have received from the authorized body the certificate of the professional competence for development of the professional conclusion.
9. Impacted municipality – the population of area (areas), municipality (municipalities), subjected to possible impact on the environment of the planned activity.
10. Public hearing - representation of the planned activity and the concept through mass media, discussion on meetings and poll.
11. Professional conclusion - the conclusion on documents developed by the authorized persons and submitted to the authorized body.
12. Expert decision - positive or negative conclusion about the planned activity and the concept given by the authorized body to the undertaking and representing persons.

Article 2. The purpose and principles of the environment impact assessment

1. Environment impact assessment is obligatory activity carried out by the state, which basic purpose is to predetermine and warn or reduce to minimum the harmful impact of the concept and the planned activity on health of a man, the environment, normal economic and social development.
2. Environment impact assessment proceeds from:
 - the human right to live in the environment favorable for health, normal living and creation;
 - the requirements of rational integrated and reasonable use of natural resources;
 - the necessity of balance of environmental systems and preservation of all species of plants and animals existing in the nature in view of interests of the present and future generations.
3. Environment impact assessment is based on the principles of:
 - scientific validity;
 - legality;
 - publicity of decision-making.

Article 3. Objectives of assessment

The objectives of the environment impact assessment are:

- analysis of possibility and expediency of the planned activity, the concept and their alternatives taking into account all environmental restrictions;
- assessment of the possible impact on the environment of the planned activity, the concept and their alternatives and a degree of danger thereof;
- check of a degree of possible environmental impact of the planned activity, the concept and their alternatives on the environment; integrated approach and reliability of the analysis of consequences, sufficiency of actions envisaged for prevention, liquidation or reduction of these consequences as while in service and realization, and at the extreme situations;
- provision of rational and reasonable use of natural resources;
- prohibition of any planned activity rendering irreversible harmful impact on the environment if other is not envisaged by the legislation of the Republic of Armenia;
- provision of attraction and participation of the public at all stages of assessment.

Chapter 2

ENVIRONMENT IMPACT ASSESSMENT OF PLANNED ACTIVITY

Article 4. The planned activity subject to assessment

1. The planned activity in the following spheres is subject to environment impact assessment:

a) in power engineering:

- nuclear stations and other constructions with nuclear reactor;
- thermal power stations, installations for generation of steam and hot water;
- hydroelectric power stations, stations of alternative power;
- geothermal stations;
- modification installations on manufacture and enrichment of nuclear fuel;
- constructions of intermediate storage of nuclear fuel;
- constructions on processing and final disposal of highly radioactive wastes;
- processing and burial ground disposal of radioactive wastes of the working and closed atomic power stations and of the installations using radionuclides.

b) in the mining industry:

- extraction and processing of ore;
- extraction and processing of coal, oil and natural gas;
- extraction and processing of uranium ore, neutralization of solid and liquid wastes and restoration of ore deposit;

c) in the chemical industry:

- manufacture and processing of rubber, mechanical rubber products and other organic materials;
- oil refining manufacture;
- manufacture of inorganic acids, alkalis and other substances;
- manufacture of washing, cleaning and other substances of household chemical goods exceeding the ultimate level;
- manufacture of poisonous substances and pharmaceutical materials;
- manufacture of pesticides and chemical fertilizers;

d) in the industry of building materials;

- manufacture of cement, limestone and plasterboard;
- manufacture of plates, building stones, ferroconcrete constructions and other building materials;

e) in metallurgy:

- manufacture and processing of iron, steel and nonferrous metals;

- superficial processing of metals exceeding the ultimate level;
- f) in electro-technical and radio-electronic manufacture:
- the planned activity exceeding the ultimate level;
- g) in woodworking and paper industry:
- the planned activity exceeding the ultimate level;
- h) in light industry:
- spinning, weaving, footwear and other enterprises, exceeding the ultimate level;
- i) in food industry and fish industry:
- the planned activity exceeding the ultimate level;
- j) in town-planning:
- buildings, constructions, complexes and other planned activity exceeding the ultimate level;
- k) in municipal economy:
- stations of sewage treatment;
- l) in the sphere of use of wastes:
- removal of harmful and other wastes or their recycling in these purposes;
 - objects of removal of wastes;
- m) in the sphere of nature protection:
- improvement and restoration of the natural ecosystems, damaged by impact of a man;
 - import of new species of animals and plants;
- n) in agriculture:
- improvement of territory exceeding the ultimate level (including improvement of the saline soils, construction of irrigation and drainage systems, drainage of bogs, protection of the fertile lands from erosion, salinization and change of quality);
- o) in the forestry:
- reforestation;
 - improvement of qualitative structure of a forest;
- p) in water industry:
- water basins and dams, dikes, large water channels, delivery stations and other water facilities;
 - extraction of underground waters;
- q) in infrastructure:
- construction of highways, tunnels, bridges, underground, railways, the airports and roads exceeding the ultimate level;
 - exceeding the ultimate level gas-, oil-, steam-pipelines and water-pipes, including the equipment accompanying them (force pumps, transfer pumping stations and compressor stations);
 - electric power lines exceeding the ultimate level;
 - exceeding ultimate level ground and underground storehouses of fuel (including natural and other gases) and chemicals;
 - protective engineering constructions;
 - super-power communication facility;
- r) in the sphere of service:
- shopping centers and fairs exceeding the ultimate level;
 - hotel and tourist complexes exceeding the ultimate level;
 - filling stations;
 - Objects of public catering (restaurants, cafe, dining rooms and others) exceeding the ultimate level;
 - autostations, railway stations;
 - mortuaries and cemeteries.

2. The ultimate level of the planned activity is determined by the government of the Republic of Armenia.
3. The planned activity in the spheres listed in the first item of the present Law, which parameters does not reach the ultimate level, but which will be realized on such territories, which status is determined by the legislation of the Republic of Armenia also is subject to assessment.
4. Under the decision of the authorized body the planned activity not exceeding the ultimate level in the spheres listed in the first item of the present Law is also subject to assessment:
 - By the initiative of that administrative and territorial unit, on which territory it is planned to realize the activity;
 - By the initiative of the ministries and other governmental bodies;
 - By the initiative of those communities, on which territory and in vicinities realization of planned activity is designed;
 - By the initiative of the public organizations, and separate groups;
 - By the own initiative of the authorized body.

Article 5. Limits of assessment

1. The assessment at least should include:
 - a) Forecasting, description and estimation of possible direct and indirect impact of the planned activity:
 - On climatic conditions, flora and fauna, separate elements of the ecosystem, their interrelations and stability, on specially protected natural areas, landscapes, geomorphological structures, air, surface and underground waters, bowels, land;
 - On health and well-being of the population;
 - On the environment of settlements;
 - On use of natural resources;
 - On the monuments of history and culture;
 - b) Alternative decisions, including alternative of zero action (exclusion of the planned activity), their comparative analysis and the choice of the most acceptable variant;
 - c) Measures on liquidation or decrease of the possible impact of the planned activity on the environment;
 - d) A detailed estimation of consequences of economic and social development on the environment in case of the chosen zero variant owing to environmentally harmful impact of the planned activity.
2. During assessment of the planned activity a possible impact on the environment is estimated during construction, operation, liquidation and after liquidation, and also in the extreme situations.
3. During assessment of the planned activity social and economic, environmental and historical and cultural features of the given territory are taken into account.

Article 6. The order of notification at realization of the planned activity

1. The undertaking person, intending to realize some planned activity in the spheres listed in the first item of the Article 3 of the present Law, is obliged to inform on it the authorized body.
2. The notice should contain:
 - a) A specification of the planned activity, in particular the name, the place of location, the purpose of the planned activity, the characteristic (features), volume, terms of the beginning and end;
 - b) The size of the land plot necessary for the planned activity, need for electric power, water and raw material;
 - c) The brief description of technical and technological decisions;
 - d) A specification of impact of the planned activity on the environment, a degree of possible impact on separate components of the environment and a degree of its danger;

- e) The decision of the impacted municipality that the planned activity complies with the plan of development of the administrative and territorial unit;
 - f) The decision of the impacted municipality on allocation of the land plot;
 - g) Opinion of the corresponding state body, and in case of need - the license.
3. In 7-day term after reception of the notice the authorized body informs officials of the impacted municipality and the public on the initiative of realization of planned activity.
 4. In 15-day term after reception of the notice officials of the impacted municipality and the undertaking person organize public hearings on the planned activity (which procedure is established by the government of the Republic of Armenia), informing through mass media about the planned activity, the place and term of hearings;
 5. If within 30 days the impacted municipality or the public does not submit to the authorized body its proposals, the opinion of the impacted municipality is considered to be positive.
 6. In 30-day term after the initiative following from the Article 4 (4) of the present Law, the authorized body makes a decision about realization or non-realization of the environment impact assessment and informs initiators of the assessment and the undertaking person.
- In case of need of carrying out of the environment impact assessment the undertaking person submits to the authorized body the documentation following from the Article 7.

Article 7. The documentation necessary for the assessment

1. The undertaking person in accordance with established procedure submits to the authorized body the documentation on the planned activity subject to the environment impact assessment
2. The list and volume of the documentation and information contained in it are established by the government of the Republic of Armenia under the proposal of the authorized body.

Article 8. Publication and discussion of the documentation subject to assessment

The authorized body after reception of the documentation directly gives its copies to the officials of the area or the municipality, corresponding state body and the impacted municipality.

1. In 5-day term officials of the impacted municipality inform through mass media on where and when it is possible to familiarize with the documentation and to receive information on it (in the written or oral form).
2. Within 30 calendar days the authorized body, officials of the impacted municipality and the undertaking person organize and provide studying the documentation and public hearing. In the specified time interval the opinion of the public is submitted to the officials of the impacted municipality or directly to the authorized body.
If a number of impacted municipalities is more than one, the place of public hearings is determined by the authorized body.
3. In 10-day term after the expiration of term following from the Article 8 (2) officials of the impacted municipality submit the opinion of the public and their opinion to the authorized body.
4. The question whether the municipality is exposed or is not exposed to the impact is finally solved by the authorized body.
5. Corresponding state bodies in 30-day term after reception of the documentation direct their opinion to the authorized body.
6. If according to the Articles 8 (2), 8 (3), and 8 (5) none opinion is submitted to the authorized body in the established term, it is thought the negative opinion concerning the documentation to be absent.
7. Application of the items 1, 2, 3, 5, 6 of the present Article is limited in connection with the state, industrial and commercial secrets and is regulated by the legislation of the Republic of Armenia.

Article 9. Provision of professional conclusion on documentation assessment

1. The professional conclusion may be developed only by authorized persons whose professional competence is certified by the authorized body.
2. The certificate of the professional competence is given out to the authorized persons as well as to organizations.
The order of delivery of certificates of professional competence is established by the government of the Republic of Armenia.
3. The authorized body provides participation of the public at all stages of selection of authorized persons.
4. The authorized body creates and periodically reconsiders a databank of the authorized persons.
5. In 70-day term after reception of the documentation the authorized body through authorized persons provides development of the professional conclusion about the documentation. During development of the professional conclusion the public opinion, opinion of the impacted municipality and corresponding state bodies is taken into account; at a substantiation the authorized body can prolong the specified term, but no more than up to 180 days.
6. It is forbidden to involve in the work on development of the professional conclusion those authorized persons who participated in development of the documentation.
7. In preparation of the experts' conclusion the following is assessed:
 - a) Validity of the documentation;
 - b) The opinion of the public, of the impacted municipality and of the interested state bodies;
 - c) Presence of integrity of all positive and negative impacts of the planned activity on the environment, and also their mutual impact;
 - d) The applied methods of assessment and integrity of information;
 - e) Conformity of the proposed technical decisions to the modern scientific and technological level taking into account elimination or decrease of harmful impact on the environment;
 - f) Alternative decisions on the planned activity;
 - g) Proposals on actions and necessary conditions on exclusion or decrease of harmful impact of the planned activity on the environment, and also realization and operation of the planned activity.
8. The conclusion of a commission of experts comprises proposal on the positive or negative expert conclusion.

Article 10. The order of public hearings on professional conclusion on the documentation

1. In 30-day term after reception of the professional conclusion the authorized body provides public hearings of the professional conclusion, public opinion, the opinions of officials of the impacted municipality, of impacted municipalities and the corresponding state bodies.
2. Not earlier than for 7 days the authorized body in writing informs the undertaking person, officials of area or the impacted municipality, the corresponding state bodies and the authorized persons on terms and the place of carrying out of public hearings. Other experts and specialists may be invited to public hearings.
3. The authorized body in the message informing the public specifies the form and procedure of public hearings.
4. The participants specified in the Article 10 (1) receive from the authorized body the report of results of public hearings.

Article 11. The order of giving out of the expert conclusion on the planned activity

1. In 20-day term after public hearings on the basis of the professional conclusion and reports of results of public hearings by the authorized body it is made a decision on giving out of the expert conclusion.

2. The expert conclusion is given to the undertaking person not later than in 120-day term after reception of the documentation if according to the Articles 9 and 14 other term is not stipulated. In a case of non-submission of answer by the authorized body to the undertaking person in the term established by the present Law the expert conclusion is considered to be positive.
3. The expert conclusion comes into effect from the moment of its giving out.
4. The expert conclusion becomes invalid if realization of the planned activity is not started within one year after giving out of the expert conclusion, after which the new expert conclusion is required.
5. The authorized body can reconsider or cancel the expert conclusion, if:
 - The new nature protection legislation is accepted;
 - After giving out of the expert conclusion new environmental factors were found out.The government of the Republic of Armenia establishes conditions, terms and procedure of revision or cancellation of the expert conclusion.
6. In case of infringement of conditions of the expert conclusion during realization of the planned activity the authorized body is obliged partly or completely to close, suspend or forbid realization of the planned activity before provision of corresponding conditions for the expert conclusion.
7. If the planned activity concerns defense of the state, the authorized body, being based on the legislation of the Republic of Armenia, is obliged to give the expert conclusion after discussion with the corresponding state bodies.
8. The expert conclusion is published in 7-day term, and the interested parties are informed on it in writing.

Article 12. Obligation of the expert conclusion

Realization of the planned activity subject to environment impact assessment without positive expert conclusion is forbidden.

Article 13. The payment related to carrying out of assessment

1. The undertaking person pays all expenses of the developer of documentation related with preparation of the documentation.
2. The undertaking person pays expenses envisaged for reception of the expert conclusion in the order established by the legislation of the Republic of Armenia.

Article 14. Assessment of the planned activity having transboundary impact on the environment

If the impact of the planned activity is applied to the beyond the limits of the frontier of the Republic of Armenia the authorized body at making of the expert conclusion proceeds from requirements of the international agreements ratified by the Republic of Armenia. In this case the government of the Republic of Armenia approves the expert conclusion.

Chapter 3

ASSESSMENT OF IMPACT OF CONCEPTS ON ENVIRONMENT

Article 15. The concepts subject to assessment

The concepts concerning with development of the following areas are subject to assessment:

- Social and economic;
- Power;
- Town-planning;
- Transport;
- Communications;

- Agriculture;
 - Fish industry;
 - Mining industry;
 - Industrial branches;
 - Public health services;
 - Social;
 - Nature protection;
 - Places of rest, tourism and sphere of service.
1. Documentation of territorial planning and the scheme of complex use of resources are also considered as concepts.
 2. The representing person during development of the concept is obliged to carry out the corresponding scope of researches on the environment impact assessment established by the legislation of the Republic of Armenia.
 3. The representing person with the consent of the authorized body not less than 30 days prior to public hearings in the established order is obliged to provide publication of the concept and the assessment of its impact on environment.
 4. The representing person is obliged to organize public hearings of the concept and to take into account the public opinion.
 5. The representing person represents the concept to the authorized body organizing environment impact assessment and in 90-day term after reception of the concept makes the corresponding decision.
 6. The body approving the concept, has no right to accept the concept without positive expert conclusion of the authorized body.

Chapter 4

AUTHORIZED BODY WHICH CARRIES OUT ENVIRONMENT IMPACT ASSESSMENT OF PLANNED ACTIVITY, RESPONSIBILITY

Article 16. The body which carries out assessment and its competence

1. The status of the state authorized body, which carries out environment impact assessment, is established by the government of the Republic of Armenia.
2. The authorized body is competent:
 - a) To carry out environment impact assessment of the planned activity established by the Article 4 of the present Law, and the concepts listed in Article 15, and to give the expert conclusion;
 - b) To execute the requirements following from the Articles 7 and 8;
 - c) To invite experts;
 - d) To create and to conduct bank of materials and the data on environment impact assessment;
 - e) To carry out supervision of execution of requirements of the expert conclusion;
 - f) To develop methodical materials on realization of the environment impact assessment.
3. The authorized body within the limits of the competence has the right to carry out other actions necessary for realization of environment impact assessment not contradicting to the current legislation.

Article 17. The responsibility of the authorized body

1. The authorized body bears the responsibility:
 - For validity of the conclusion;
 - For observance of the principles, rules, norms and terms;
 - For provision with necessary documents and materials;
 - For provision of necessary working conditions;

- For publicity of the environment impact assessment.
2. The authorized body bears the responsibility for the decision following from the Article 4 (4).

Article 18. The responsibility of the authorized persons

The authorized persons in development of the professional conclusion bear the responsibility:

- For validity of the conclusion, proposals and notes;
- For impartial estimation of documents;
- For submission of the professional conclusion to the authorized body in the established term.

Article 19. The responsibility of the undertaking person, representing person and the developer of the documentation

The undertaking person, the representing person and the developer of the documentation bear the responsibility:

- For observance of nature protection requirements at all stages of design and for financing in these purposes of necessary works and researches;
- For completeness, scientific substantiation, quality and reliability of the materials submitted to the environment impact assessment;
- For environmental consequences of design decisions;
- For performance of requirements of the expert conclusion;
- For integrated approach of materials represented for assessment, and also representation of necessary additional materials and documentation;
- For representation of planned activity or the concept of the public.

Article 20. The responsibility for infringement of requirements of the Law

The persons, who have broken the requirements of the present Law, are made responsible in the order established by the legislation of the Republic of Armenia.

Article 21. The appeal

All points at issue which have arisen during environment assessment will be appealed in the judicial order according to the legislation of the Republic of Armenia.

Article 22. The coming into effect of the Law

The present Law comes into effect from the moment of publication

President of the Republic of Armenia

L.Ter-Petrosyan

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Yerevan

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