

GOVERNMENT OF THE REPUBLIC OF ARMENIA

DECISION

No 1325-N of 19 November 2014

**ON DEFINING THE PROCEDURE FOR PUBLIC NOTIFICATION AND HOLDING
OF PUBLIC CONSULTATIONS**

In accordance with part 9 of Article 26 of the Law of the Republic of Armenia "On environmental impact assessment and expert examination", the Government of the Republic of Armenia **decides**:

1. To define the procedure for public notification and holding of public consultations, in accordance with the Annex.
2. This Decision shall enter into force on the tenth day following the day of its official promulgation.

**Prime Minister
of the Republic of Armenia**

H. Abrahamyan

27 November 2014

Yerevan

Annex
to Decision of the Government
of the Republic of Armenia
No 1325-N of 19 November 2014

PROCEDURE
FOR PUBLIC NOTIFICATION AND HOLDING OF PUBLIC CONSULTATIONS

I. GENERAL PROVISIONS

1. This Procedure shall regulate the relations connected with the procedure for public notification, consultations and hearings (hereinafter referred to as “the consultations”) for strategic assessment of the environmental impact of the fundamental document and for the assessment and expert examination of the environmental impact of all categories of proposed activity.
2. The public shall be notified and consultations shall be held during the preliminary and basic assessments of environmental impact and in the preliminary and basic stages of expert examination of environmental impact.
3. The public shall be notified and consultations shall — in accordance with Articles 12-13, point 3 of part 2 and points 2 and 3 of part 5 of Article 26 of the Law of the Republic of Armenia "On environmental impact assessment and expert examination" (hereinafter referred to as "the Law") — be held in the first and third stages, jointly with the initiator:
 - (1) in case of the fundamental document — by the marzpet [regional governor], in Yerevan — the mayor of Yerevan or the head of the corresponding affected administrative district, and in case of the proposed activity — the head of the affected community (hereinafter referred to as "the person responsible for consultations").

4. The second and fourth stages of public notification and consultations shall, pursuant to point 9 of part 1 of Article 10 and point 6 of part 1 of Article 11 of the Law, be held by the Centre for Environmental Impact Expert Examination (hereinafter referred to as "the expert examination centre") and the person responsible for consultations, together with the participation of the initiator.
5. In case there is more than one affected community, the organising of public notification and consultations shall — jointly with the initiator — be ensured by the head of the community, within the administrative boundary of which the activity is envisaged, by ensuring participation of representatives of all the affected communities.
6. The affected communities shall be determined by the expert examination centre in the preliminary expert examination stage, which shall be stipulated in the terms of reference.
7. In case the proposed activity is carried out within the administrative boundaries of more than one community, public notification and consultations shall be organised jointly by the initiator and the heads of communities.
8. In case of change of venue, date and hour for holding public consultations, the organiser shall inform the public in advance within the time limits prescribed by this Procedure.
9. The public may register for participating in the consultations by sending an e-mail in advance. All registered persons shall be notified about the change of venue, date and hour of consultations by e-mail.
10. Public opinions on the fundamental document and the proposed activity shall be obtained through public consultations. The public may also submit written comments and suggestions (opinions) as prescribed and within the time limits provided for by this Procedure.

II. PROCEDURE FOR PUBLIC NOTIFICATION AND HOLDING OF PUBLIC CONSULTATIONS

11. The public shall be notified through mass media, e-mail and announcements.
12. The notification shall contain data regarding the initiator, the venue for implementation of the fundamental document or the proposed activity, the potential impact on the components of the environment, the venue, date and hour for getting acquainted with documents, the time limits for submission of comments and suggestions, as well as the address and phone number of the person responsible for consultations.
13. Upon receiving the documents of the corresponding stage, the person responsible for consultations shall, pursuant to Articles 12-13 and point 3 of part 2 of Article 26 of the Law, within three working days, post the notification on his or her official website, place on boards of announcements of the building of his or her seat and of public buildings, and publish it in the Official Journal of the Republic of Armenia at least seven working days prior to the consultations.
14. The electronic versions of the relevant documents for each stage shall be posted on the website of the person responsible for consultations, the print version — made available at the seat of the person responsible for consultations, in the expert examination stages — on the website and at the seat of the expert examination centre.
15. The public may submit written comments and suggestions:
 - (1) in the preliminary expert examination stage — within seven working days following notification;
 - (2) in the preliminary assessment, basic assessment and basic expert examination stages:
 - a. for the fundamental document and types of activity of Category A — within 15 working days following notification;

- b. for Category B — within 10 working days following notification;
- c. for Category C (preliminary assessment stage) — within 10 working days following notification.

16. The venue, date and hour for consultations in the first and third stages shall be determined by the person responsible for consultations, jointly with the initiator; in case of the second and fourth stages — by the expert examination centre, jointly with the person responsible for consultations.

17. In the stages of environmental impact expert examination, the expert examination centre shall post on its official website the electronic versions of the documents relating to the fundamental document or the proposed activity and the brief contents of the documents written in a non-technical language.

18. Public consultations shall be moderated by the person responsible for consultations or a person designated by him or her, who shall ensure the proper video and audio recording and recording the minutes of the entire process of the consultations. Public consultations may be video and audio recorded by other participants and presented to the expert examination centre.

19. Specialists in the sphere may be invited to the public consultations.

20. The venue, date and hour for consultations, the composition of the participants, as well as all the comments and suggestions made during the consultations shall be indicated in the minutes of public consultations. The minutes of public consultations shall be signed by the moderator, the recorder, the person responsible for consultations and the initiator. The list of participants with their signatures shall be attached to the minutes.

21. Responses to all the verbal questions raised by the public during the consultations shall be immediately furnished by the initiator, the person responsible for consultations and an expert of the expert examination centre, and the responses to

the written questions submitted within the time limits prescribed by point 15 of this Procedure shall be furnished within 10 working days.

22. The person responsible for consultations shall, within five working days following the consultations, submit to the expert examination centre the minutes and video and audio records of the public consultations.

23. After receiving the minutes and video and audio records of the public consultations, the expert examination centre shall post them on its official website within three working days.

24. The initiator and expert examination centre shall take into consideration the substantiated comments and suggestions of the public. The comments and suggestions contradicting the requirements of existing legislation and not relating to environmental impact, as well as the comments and suggestions containing wrong calculations or data shall not be taken into consideration, and substantiated explanations thereon shall be furnished.

25. The minutes and the carrier of the video and audio recording of consultations held in the preliminary assessment process, the substantiated responses to the comments of the public shall be attached to the application.

26. The minutes and the carrier of the video and audio recording of consultations held in the basic assessment process, the substantiated responses to the comments of the public shall be included in reports.

27. The minutes and video and audio records of the consultations, the comments and suggestions of the public, along with the relevant documents, shall be kept within the time limits and as prescribed by the Law of the Republic of Armenia "On archives".

28. Public consultations on the fundamental document or the proposed activity relating to a marz [region] shall be held at the building of the relevant marzpetaran [regional governor's office]. Where the public consultation relates to environmental impact on a community, it shall be organised at the seat of the head of the given

community or — by the choice of the person responsible for consultations — in a public area of the relevant marz or community or another venue. Public consultations in the fourth stage may also be held in the city of Yerevan.

29. Public opinion shall be considered as positive, where nobody appears at the consultations or no comments or suggestions are submitted.

**III. ORGANISING OF NOTIFICATION AND PUBLIC CONSULTATIONS FOR
FUNDAMENTAL DOCUMENT AND PROPOSED ACTIVITY (CATEGORIES A, B AND C)
IN PRELIMINARY ASSESSMENT STAGE
(FIRST STAGE)**

30. During the preliminary assessment, the initiator shall, in case of intention to draft or order a fundamental document or envisage an activity, request the person responsible for consultations to jointly organise public consultations pursuant to Articles 12-13, point 6 of part 4 of Article 16 of the Law.

31. During the preliminary assessment, the initiator shall hold public consultations with the support of the person responsible for consultations no earlier than the seventh working day following notification.

32. Public consultations for preliminary assessment shall be held in the affected community, in the administrative territory of which the provisions of the fundamental document or the proposed activity will be carried out.

33. During public consultations, the initiators or their representatives shall present in detail their intention to carry out an activity and shall respond to questions pertaining thereto.

34. The minutes and the carrier of the video and audio recording of consultations held during the process of preliminary assessment, as well as the summary drawn up by the initiator, together with substantiations for approval or disapproval of the

comments and suggestions received, shall be attached to the application, and the substantiated responses to the comments of the public shall be included in the application and submitted to the expert examination centre for preliminary expert examination.

**IV. ORGANISING OF NOTIFICATION AND PUBLIC CONSULTATIONS FOR
ADOPTION OF RELEVANT DECISION ON FUNDAMENTAL DOCUMENT AND
PROPOSED ACTIVITY IN PRELIMINARY EXPERT EXAMINATION STAGE
(SECOND STAGE)**

35. After expert examination of the preliminary assessment application, in the preliminary expert examination stage for the fundamental document and proposed activity (A, B, C), the expert examination centre shall adopt the draft of the decision provided for by part 5 of Article 16 of the Law, notify about the venue, date and hour for relevant public consultations at least seven working days prior to the discussions via its official website, pursuant to point 1 of part 2 of Article 26 of the Law.

36. The expert examination centre shall — with the support of the initiator and the person responsible for hearings and at least seven working days following notification — hold a public consultation on the draft of the decision adopted as a result of preliminary expert examination.

37. During public consultations, the draft of the relevant decision and the relevant information regarding expert examination of the application for the proposed activity included in Category C shall be presented by the experts of the expert examination centre carrying out the preliminary expert examination of environmental impact of the given fundamental document or the application for the proposed activity.

38. The comments and suggestions received during public consultations shall be taken into consideration in decisions, terms of reference, the draft of the expert

opinion on the proposed activity included in Category C, and substantiated responses shall be furnished where those are not taken into consideration.

**V. ORGANISING OF NOTIFICATION AND PUBLIC CONSULTATIONS FOR
STRATEGIC ASSESSMENT OF FUNDAMENTAL DOCUMENT AND ENVIRONMENTAL
IMPACT ASSESSMENT IN CATEGORIES A AND B OF PROPOSED ACTIVITY
(THIRD STAGE)**

39. During the basic assessment stage, in accordance with the terms of reference issued by the expert examination centre following expert examination in the preliminary stage, the initiator shall carry out strategic assessment of the environmental impact of the fundamental document or an environmental impact assessment of the proposed activity. With the view of engaging the public in the process of assessment, the initiator shall refer to the person responsible for consultations for jointly organising notification and public consultations, pursuant to Articles 12-13, point 3 of part 3 of Article 18 and part 5 of Article 26 of the Law.

40. During the basic assessment, the initiator shall hold a public consultation with the support of the person responsible for consultations at least seven working days following notification.

41. During public consultations, the presenter shall provide proper and complete information about the environmental impact assessment of the fundamental document or the proposed activity and shall respond to all the questions raised by the public.

42. The minutes and the carrier of the video and audio recording of consultations held in the basic assessment process, the substantiated responses to the comments of the public shall be included in the report.

**VI. ORGANISING OF NOTIFICATION AND PUBLIC CONSULTATIONS ON EXPERT
EXAMINATION OF STRATEGIC ASSESSMENT OF FUNDAMENTAL DOCUMENT AND
ENVIRONMENTAL IMPACT ASSESSMENT IN CATEGORIES A AND B OF
PROPOSED ACTIVITY IN BASIC EXPERT EXAMINATION STAGE
(FOURTH STAGE)**

43. The initiator drafting, ordering a fundamental document and/or envisaging an activity shall — as prescribed by the Law — submit to the expert examination centre the report drawn up in accordance with the terms of reference, together with the attached documents.

44. The expert examination centre shall, no earlier than the 20th day after receiving the opinions and conclusions on the reports and attached documents, post the electronic versions of the reports on its official website and, within the same time limits — in accordance with the prescribed procedure — send them to the person responsible for consultations for organising public notification and consultations, pursuant to Articles 12-13, part 2, point 5 of part 3 of Article 19 and Article 26 of the Law.

45. In case of need for modifications in the reports on strategic assessment of the environmental impact of the fundamental document and environmental impact assessment of the proposed activity, the time limits of public notification and consultation shall respectively be extended. In this case, public notification and consultations shall be carried out after the submission of the modified documents.

46. The expert examination centre shall hold a public consultation with the support of the person responsible for consultations and the initiator, at least seven working days following notification.

47. During public consultations, the experts of the expert examination centre shall provide proper and complete information about the fundamental document or the proposed activity, their environmental impact assessment and shall respond to the questions raised by the public.

48. The person responsible for consultations and the expert examination centre shall accept written comments and suggestions of the public within time limits provided for by this Procedure. The person responsible for consultations shall provide the opinions and conclusions received along with the minutes and video and audio records to the expert examination centre within three working days.

49. The expert examination centre shall post the expert opinions on the environmental impact of fundamental documents and proposed activities of all categories on its official website after having provided them to the initiator, within seven working days.

**Minister-Chief
of Staff of the Government
of the Republic of Armenia**

D. Harutyunyan