

**DECISION OF THE GOVERNMENT  
OF THE REPUBLIC OF ARMENIA**

No 429-N of 27 April 2017

**ON DEFINING THE CASES OF AND THE PROCEDURE FOR IMPLEMENTING  
MEASURES FOR THE MAINTENANCE, MONITORING OF AND CONTROL OVER  
THE MINING WASTE FACILITY BY THE AUTHORISED STATE ADMINISTRATION  
BODY OF NATURE PROTECTION SPHERE IN THE FIELD OF ENVIRONMENTAL  
PROTECTION RELATED TO SUBSOIL USE FOR THE SUBSOIL USER AFTER  
THE FINAL CLOSURE OF THE MINING WASTE FACILITY**

Based on part 4 of Article 60.8 of the Subsoil Code of the Republic of Armenia, the Government of the Republic of Armenia ***decides to:***

1. Define the cases of and the procedure for implementing measures for the maintenance, monitoring of and control over the mining waste facility by the authorised state administration body of nature protection sphere in the field of environmental protection related to subsoil use for the subsoil user after the final closure of the mining waste facility, pursuant to the Annex.
2. This Decision shall enter into force from 4 May 2017.

**Prime Minister  
of the Republic of Armenia**

**K. Karapetyan**

28 April 2017

Yerevan

**Annex**  
**to Decision of the Government**  
**of the Republic of Armenia**  
No 429-N of 27 April 2017

**CASES OF AND PROCEDURE FOR IMPLEMENTING MEASURES**  
**FOR THE MAINTENANCE, MONITORING OF AND CONTROL OVER**  
**THE MINING WASTE FACILITY BY THE AUTHORISED STATE ADMINISTRATION**  
**BODY OF NATURE PROTECTION SPHERE IN THE FIELD OF ENVIRONMENTAL**  
**PROTECTION RELATED TO SUBSOIL USE FOR THE SUBSOIL USER AFTER**  
**THE FINAL CLOSURE OF THE MINING WASTE FACILITY**

**I. GENERAL PROVISIONS**

1. This Procedure shall regulate the relations pertaining to the implementation of measures for the maintenance, monitoring of and control over the mining waste facility by the authorised state administration body of nature protection sphere in the field of environmental protection related to subsoil use (hereinafter referred to as "the authorised body") for the subsoil user after the final closure of the mining waste facility.

**II. CASES OF UNDERTAKING IMPLEMENTATION OF THE MEASURES**

2. The subsoil user shall, as prescribed by law, be responsible for implementing measures for the maintenance, monitoring of and control over the mining waste facility after the closure of the mining waste facility within the time limits prescribed by the mining waste management and mining waste re-processing plans.

3. Where the subsoil user fails to implement the measures for the maintenance, monitoring of and control over the mining waste facility after the closure of the mining waste facility within the time limits prescribed, the authorised body shall, within one month, require from the subsoil user, through a notification in writing, to implement the mentioned measures within a period of 90 days.
4. In case of failure by the subsoil user to fulfil the mentioned requirement within the time limits prescribed, the authorised body shall, on its own initiative and for the purpose of ensuring the compensation for operation of mining waste facilities and mining waste processing facilities, closure thereof, implementation of the measures provided for by law after the closure, waste processing, use or neutralisation, as well as compensation for the defects or damages caused as a result of the mentioned actions envisaged by the mining waste management or mining waste re-processing plans, undertake the measures for the maintenance, monitoring of and control over the mining waste facility after the closure of the mining waste facility at the expense of the funds of the financial guarantee prescribed by point 28.2 of part 1 of Article 3 of the Subsoil Code of the Republic of Armenia, by notifying the subsoil user in advance.

### **III. PROCEDURE FOR IMPLEMENTING THE MEASURES**

5. The authorised body shall, at the expense of the amounts envisaged by the financial guarantee transferred to the extra-budgetary account, implement the measures for the maintenance, monitoring of and control over the mining waste facility envisaged by the mining waste management or mining waste re-processing plans for the post-closure stage.
6. The authorised body shall, during the period following the stage of closure of the mining waste facility according to the mining waste management or mining waste re-processing plans — immediately after the notification to the subsoil user by

the authorised body referred to in point 4 of this Procedure, draw up a terms of reference for the performance of works with regard to the measures envisaged by the plans, which must include the following:

- (1) facilities of the performance of works;
- (2) name, brief description of works;
- (3) requirements for the performance of works;
- (4) time limit for the performance of works;
- (5) objective, form and content of works;
- (6) structure of the work and procedure for the performance thereof;
- (7) requirements for drawing up documents;
- (8) requirements for the quality of the work (service);
- (9) list of the legal acts to be guided by when performing the works.

7. The authorised body shall organise the process of performing works of the maintenance, monitoring of and control over the mining waste facility after the closure thereof, according to the requirement of the Law of the Republic of Armenia "On procurement". The successful bidder of the procurement procedure shall, according to the mining waste management and mining waste re-processing plans and terms of reference, perform the works envisaged by the mining waste management and mining waste re-processing plans after the closure of the mining waste facility, at the expense of the financial guarantees.
8. No advance payment shall be provided for the performance of works. Payments for the works and services shall be made within 30 days after signing the act of completed works. Payments may be made upon completion of any stage according to the approved schedule for the performance of works and provision of services, and the terms of the written contract of the transaction concluded

for the purpose of carrying out procurement, the procedure for the conclusion whereof is prescribed by the Law of the Republic of Armenia "On procurement".

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

**D. Harutyunyan**