Funded by the European Union

APPROXIMATION GUIDELINES IN THE SECTOR OF ENVIRONMENT AND CLIMATE ACTION

Ralf Jülich and Olympia Geghamyan

June 2025

APPROXIMATION GUIDELINES

In the sector of Environment and Climate Action

(Project Activity 1.2 Policy Development)

Ralf Jülich, Olympia Geghamyan

June 2025

ABBREVIATIONS

BAT	Best Available Technique
BREF	BAT Reference Document
CAFE	Cleaner Air for Europe (Air Quality Directive)
CEPA	Comprehensive Enhanced Partnership Agreement
CH4	Methane
CLP	Classification, labelling and packaging
DPMO	Deputy Prime Minister's Office
DRM	Disaster Risk Management
EC	European Community
EIA	Environmental Impact Assessment
ELD	Environmental Liability Directive
EMAS	Environmental Management and Audit Scheme
EPR	Extended Producer Responsibility
EPRTR	European Pollutant Release and Transfer Register
EU	European Union
EUD	Delegation of the European Union
F-gases	Fluorinated greenhouse gases
GBR	General Binding Rules
GD	Governmental Decision
GHG	Greenhouse Gases
GHS	Globally Harmonised System
HCFCs	Hydrochlorofluorocarbons
HFCs	Hydrofluorocarbons
HPMP	HCFC Phase-Out Management Plan
HTS	Hydraulic Treatment System
HW	Hazardous Waste
IED	Industrial Emissions Directive
IPPC	Integrated Pollution Prevention and Control
MAC	Maximum Allowable Concentrations
MCP	Medium Combustion Plants
MW	Mega Watt (thermal input)
MoEnv	Ministry of Environment

MoH	Ministry of Health
MoJ	Ministry of Justice
MPC	Maximum Permissible Concentrations
MRV	Measurement, Reporting and Verification
N2O	Nitrous Oxide
NEC	National Emissions Ceiling
NF3	Nitrogen Trifluoride
NH3	Ammonia
NMVOC	Non-methane Volatile Organic Compounds
NOx	Nitrogen Oxides
ODS	Ozone Depleting Substances
OPO	Air Consumption
PE	Population Equivalent
PFC	Perfluorocarbons
PIC	Prior Informed Consent
PM	Particulate Matter
POP	Persistent Organic Pollutants
PRTR	Pollutant Release and Transfer Register
RA	Republic of Armenia
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SF6	Sulphur Hexafluoride
SO_2	Sulphur Dioxide
SPA	Special Protection Areas
TAIEX	Technical Assistance and Information Exchange
ToC	Table of Compliance / Concordance
UNECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change
UWWTD	Urban Waste Water Treatment Directive
VOC	Volatile Organic Compounds
WHO	World Health Organisation

TABLE OF CONTENTS

1. INTRODUCTION

This document has been prepared within the framework of the EU funded Project "*Support to CEPA monitoring, implementation and communication"*.

The main beneficiaries are the Office of the Deputy Prime Minister, various line ministries and State institutions.

One of the main objectives of the Project is to support the reform process in Armenia via improved and progressed implementation of commitments under the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA), which fully entered into force on 1 March 2021. And specifically, to advise and assist on improving the policy and strategy formulation processes of the Government of Armenia.

The purpose of this document is to present an assessment to date in the sectors of Environment and Climate action on the progress of approximation and in environmental governance. It includes recommendations to achieve full approximation taking into account updated EU legislation in the sector.

1.1 *BACKGROUND AND CONTEXT OF THIS ASSIGNMENT*

The EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA), signed in November 2017, was provisionally applied in June 2018 and fully entered into force in March 2021. The CEPA provides a framework for Armenia and the EU to work together to strengthen democracy, the rule of law, human rights, economic and sustainable development, the environment and other spheres of bilateral cooperation. With the overall aim to enhance the regulatory environment in Armenia and provide an exchange of best practices between the EU and Armenia for the benefit of citizens, it encompasses both legislative approximation in important sectors as well as political commitments.

The Agreement requires the approximation of key aspects of the EU Acquis based on a specific schedule from 2019 to 2026 in the area of environment and on climate action. Annex III to Chapter 3 on environment lists a total of **24 pieces of legislation** from the EU Acquis in **7 environmental sub-sectors** which shall be partly approximated. All details of the EU directives and regulations to be approximated and the specific timetables are set out in the Annexes to the CEPA.

Annex IV to Chapter 3 has the same approach on **6 pieces of EU legislation in the field of Climate action.**

In order to assess the approximation progress made by Armenia in the environmental and climate fields properly, it is necessary to analyse **numerous pieces of today's Armenian legislation**. Where legislation is supposed to be amended in the near future and **legal drafts** have already been prepared, these drafts shall be examined, too.

However, the authors of this report faced the initial problem that very little Armenian legislation has been translated into English. As of today, there is not a single piece of environmental legislation which is **officially** translated into English. The authors obtained texts from various sources and translated more than 40 documents themselves so that a complete and coherent assessment can be provided.

Further, a number of **meetings with key stakeholders** from Armenian government (different ministries) have been conducted to get a clearer picture in certain areas on relevant policies and laws.

In addition, the findings which were summarised by the Armenian government in the Environment and Climate **draft monitoring report (CEPA Roadmap implementation table)** of December 2024 have been fully taken into account. However, it must be noted that findings in this draft table were sometimes not accurate and were not supported in this report.

1.2 *THIS REPORT*

This report provides an analysis of all approximation achievements in the seven environmental sub-areas of the CEPA Annex III and in the climate action area of CEPA Annex IV achieved by Armenia by today to the EU Environmental Acquis.

The report shall contribute to the identification of legal gaps and needs in existing and in draft environmental legislation in the Republic of Armenia (hereinafter: “RA” or “Armenia”) and thus help setting priorities for further legal approximation actions in the environmental and climate action fields. Insofar the assessment examines to which extent adequate legal approximation measures and steps in the areas of environment and climate change have already been taken or initiated and which major gaps remain.

Where it is not entirely clear to which extent approximation has been achieved, this will be mentioned. The overall aim of the report is to give a clear picture of the achievements, needs, challenges and obstacles of the approximation process in the environmental field. For each item (i.e. Article) under the CEPA Annexes a final conclusion is made by the authors.

The approximation assessment in this report is very detailed, in order to allow the competent law maker in each sub-area to have a good understanding what shall be achieved by legal approximation and what has been achieved in Armenia already. Project counterparts and project partners such as DPMO, EUD and line ministries which are not involved into thematic details may focus on the remarks, recommendations and conclusions made at the end of each piece of EU legislation (=sub-chapter) to be approximated.

This approximation conclusion of the authors per legal act is made through the terms: “approximated”, largely approximated”, “partly approximated”, “little approximated” or “not approximated”. Where approximation is unclear, it is also marked as “approximation unclear” or, where it is not entirely certain “(not/likely) approximation assumed”.

In the final chapter 5 of the report the authors also provide summarised conclusions per environmental (and climate) sectors as well as a number of approximation recommendations and suggestions for next steps to be proposed for Armenian policy and lawmaker. This chapter also contains some general recommendations on legal drafting and law making in order to secure a high quality of Armenian legislation.

The report starts with a brief overview on approximation requirements as such under CEPA (chapter 2, below). The main part (chapters 3 and 4) focusses on the 30 Directives and Regulations listed in Annexes III and IV and to which extent they have been approximated yet.

The timelines provided in the two CEPA Annexes have been ignored by the authors since almost all of them passed already since entry into force of CEPA.

Annexed to this Report are lists of all relevant Directives and Regulations in the Environment and Climate sector as they have been adopted in the EU today (30 May 2025). Note, that especially in the Climate sector most Regulations listed in CEPA have been repealed. Other Directives and Regulations (and Decisions) which might be considered for future revisions of the CEPA Annex through the Armenia-EU Partnership Council have been mentioned per environmental and climate sub-chapter.

2. Approximation requirements under CEPA

CEPA requires from the Republic of Armenia to “gradually approximate its legislation to the EU legislation” as agreed under the agreement. **Such approximation does not mean that Armenia must fully transpose the agreed provisions as it is required for EU Member States**. An alignment of national legislation to the EU provisions will be considered sufficient for fulfilling the CEPA obligations.

Each Directive taken up in CEPA Annexes II and IV begin with the requirement of “adoption of national legislation and designation of competent authority/ies”. The legislation to be adopted is further clarified with respect to each of the selected provisions that became part of the CEPA Annexes.

“Adoption of legislation” is understood that at last some basic legal acts on the respective topic are in place at all which are based on EU legislative concepts. This implies most of all, that the same terminology (definitions) is used in Armenia as in the EU, in order to have a common understanding as legal basis for approximation.

2.1 *What does “legal approximation” actually mean?*

Approximation can be best understood as “achieving compatibility of Armenian legislation with EU law” in those areas, which are mentioned in CEPA and listed in CEPA Annexes. Alternative terms for “approximation” are “to **align** Armenian legislation with EU law” or “to bring Armenian legislation into **consistency** with EU law”.

Generally speaking, “approximation” means less than “transposition” of EU law as to be done by EU Member States. Transposition in the EU requires EU Member States to bring their national legislation into **full conformity** with EU law (Directives). As for Armenia, considering the critical importance of the approximation activities in strengthening relations between the EU and Armenia and in helping to move forward the reform agenda in Armenia, the Armenian lawmaker should endeavour to reach the highest level of compatibility of national and EU law.

Technically speaking, “legal approximation” means not only “planning and preparation of legislation” and subsequent “Adoption of the new or amended Armenian legislation” but also its “**implementation**” and “**enforcement**” ((Article 372 (2) CEPA).

Implementation means, “to put legislation into practical effect” and enforcement means “to ensure observance of a piece of legislation” through appropriate measures taken by the authorities/civil servants in charge of implementation. In the EU, implementation and enforcement of EU law are within the competence of the Member States. Standard implementation measures include, for instance, the issuing of individual decisions (Administrative Acts) by competent authorities, such as licenses, permits or other authorisations, or the execution of a plan or programme.

Enforcement can be broadly defined as “all approaches of the competent authorities to encourage or compel others to comply with existing legislation” (e.g. monitoring, routine inspections, warnings, administrative fines, criminal penalties, withdrawal of authorisations etc.)

This means that, parallel to the drafting of legislation, **all necessary steps** must be taken to ensure that sufficient administrative and institutional capacities are in place in Armenia so that all new legislation can be implemented and enforced in daily practice by the competent bodies. This also includes awareness raising and the training of staff who shall implement any new legislation.

2.2 *Dynamic approximation*

The EU Acquis is not a static collection of legislation: Directives and Regulations are constantly amended or repealed according to new technical developments, legal needs and experience gained on its application. In other words, **EU legislation has a dynamic character and requires continuous updating,** as does that of the corresponding national legislation.

As a result, Article 371 CEPA requires the Partnership Council, which has been established by Armenia and the EU, to periodically revise and update the Annexes to CEPA to reflect the evolution of EU law (“dynamic approximation”).

If a Directive or Regulation has been repealed entirely, it makes no legal sense to approximate Armenian legislation to a legal act, which no longer is in force in the EU and the lawmaker should refer to the new legislation, even prior to updates the Partnership Council will make to the CEPA Annex. Where new legislation enters into force in a few years (like for instance the new Urban Waste Water Directive) the current legislation could be used as reference.

Generally, it is advisable to pay attention to the latest version of an EU Legal Act, in order to approximate Armenian legislation as accurately as possible to existing EU legislation. Therefore, it is advisable to first check as to whether there is a new “consolidated” version of a Directive/Regulation available on https://eur-lex.europa.eu/homepage.html.

2.3 *Gradual approximation*

According to Article 370 CEPA, Armenia shall carry out “gradual approximation” of its legislation to EU law as referred to in the Annexes, based on commitments identified in this Agreement, and in accordance with the provisions of those Annexes, bearing in mind that the entire approximation is a long-lasting step-by-step process.

Gradual approximation should depend on the complexity of the topic addressed by a Directive Regulation and the corresponding legal situation in the specific area:

If there is “good” legislation in an environmental field in place, which already addresses most of the aspects under a given Directive, that legislation should be kept and just amended where necessary.

However, where Armenian environmental legislation needs to be newly drafted or substantially revised so that new pieces of legislation (and repeals of existing Legal Acts) **the “umbrella approach”** seems the most suitable technique for approximation meaning that a “framework law” regulates major aspects (and terminology) and key rights and obligations of stakeholders. The legal mandates are given to the relevant competent body to adopt secondary legal instruments in due course. This allows for a “gradual” approximation process, which is also in line with CEPA requirements. This approach is also very much taken by the Armenian lawmaker in most environmental fields where basic laws take up an issue and details are regulated in subsequent GD.

When such “basic” law which is reasonably based on the concepts used in EU Directives / Regulations is in place, this is generally considered as a good first step towards full approximation in this report and hence at least assessed as “little / partly approximated”.

2.4 *Assessment in this report*

However, as for this Assessment Report **only the preparation and adoption of legislation will be assessed**, and only in few cases explicitly implementation shortcomings will be addressed in addition. It is understood though, that in several fields the implementation of formally well approximated Armenian legislation lacks proper implementation and enforcement in daily practice. Main reasons for that are unclear implementation competences (which are part of unclear legislation as addressed in this report but also a lack of human or financial or administrative resources.

Therefore, it is important that Armenian legislation is drafted not only very precise, accurate and transparent (compliance with international Rule of Law standards!) but also in a way that it can be realistically implemented and enforced. Potential implementation obstacles will be highlighted in some sectors addressed in this Report.

The authors want to stress that in 2020, within another EU funded project, **a handbook on legal approximation** had been developed in Armenian and in English language and provided to the Ministry of Justice (MoJ) and the EUD, which gives guidance and plenty of examples for “good legal approximation” as well as the use of legal approximation tools such as Regulatory Impact Assessments, Use of Tables of Compliance/Concordance (ToC) and Explanatory Notes.

3. Analysis of approximation achievements and gaps in Environment

Annex III of Chapter III CEPA consists of 7 sub-chapters, namely:

- Environmental governance and integration of environment into other policy areas
- Air quality
- Water quality and resource management
- Waste management
- Nature protection
- Industrial pollution and hazards
- Chemicals management

In each field extracts from key EU Directives and Regulations have been incorporated into CEPA Annex III. Those legal instruments which have not (yet) been included are also mentioned below bearing in mind that the CEPA will be amended in the future and additional EU legal acts might be included.

3.1 *Environmental governance and integration of environment into other policy areas*

In the field of environmental governance key elements of five Directives have been taken up by CEPA.

However, two instruments are not (yet) part of CEPA, namely the

- Regulation on the Environmental Management Scheme (EMAS, Regulation (EC) No 1221/2009) which is a voluntary tool for private entrepreneurs in the environmental field, and the substantially revised
- Directive on the protection of the environment through criminal law (2024/1203) of last year.

Especially the latter is expected to gain a high relevance in EU environmental law and it should be considered by the Armenian policy and law makers if this Directive should become part of CEPA in the future.

3.1.1 Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, as amended

The Directive 2011/92/EU has been substantially amended through Directive 2014/52/EU. The efforts taken by Armenia on legal approximation should take into account the update of the Directive in 2014.

In addition, Armenia has ratified the UN Espoo Convention on EIA in a Transboundary Context in 1997 and has to transpose the respective requirements under that Convention into national law (see below).

- **Adoption of national legislation**

A substantial revision of the “Law on Environmental Impact Assessment and Expert Examination” (hereinafter: EIA Law) of 2014 was adopted in Armenia in 2023. The revised law entered into force on 9 June 2023. It should be noted that the process of drafting and circulation of the new law was carried out with the participation of a wide range of stakeholders, including civil society, state administration bodies, businesses, and the private sector, and coupled with many public discussions.

In addition, four by-laws on EIA have been adopted in Armenia:

- GD 1325 of 2014 "on defining the content of the public notice and notification of public hearings, the procedure and time limits for presenting opinions, comments and suggestions of the interested public in the process of EIA and expert examination, expressing by the local self-government bodies their preliminary agreement or disagreement"
- GD 2343 N of 2023 "on making an amendment to decision 1325 of 2014"
- GD 43-N of 2024 "on approving the procedure for defining the necessity for assessment and expert examination of the environmental impact of the reconstruction or expansion or technical or technological re-equipment or re-profiling or conservation or relocation or termination or closure or demolition or design change of the types of the proposed activity
- Order 369 of 2022 of the MoEnv with a "Guideline for the development of EIA reports in order to evaluate the cumulative impact on the environment arising from the implementation of mining projects, including studies and development rights"

The above legislation addresses the relevant aspects of the EIA system very well. Only the screening procedure which is an important part of the EIA decision making process in the EU has not been taken up by Armenian legislation.

Approximated

- **Designation of competent authority/ies**

According to the revised EIA Law of 2023, the "authorised bodies" are in charge of various EIA relevant decision makings. This includes "authorised state bodies", "territorial administration bodies" and "local self-government bodies". The competences of the government (Cabinet of Ministers) are listed in Article 8. The competences of the "authorised body" (which is the MoEnv) are listed in Article 9.

The competences of the territorial administration are regulated in Article 10 and those of the local self-government bodies in Article 11 EIA Law.

Approximated

- **Establishment of requirements that Annex I of that Directive projects to be subject to environmental impact assessment and of a procedure to decide which Annex II of that Directive projects require environmental impact assessments (Article 4)**

Annex I and Annex II projects under the EIA Directive have been widely incorporated into Article 12 of the EIA Law which distinguishes between Category A (= Annex I) and Category B (= Annex II) projects. Obviously, the lists in Annexes I and I H have not just be copied but adapted to Armenian needs.

Notably the thresholds for projects in Category A (mandatory EIA) are often much stricter than provided by the EIA Directive. This concerns Thermal power stations (50 instead of 300 MW heat output), railway lines (500 instead of 2100 m length) groundwater abstraction (5 million cubic meter abstraction per year instead of 10 million).

As concerns Category B projects, the thresholds are also often lower than provided by the EIA Directive, for instance on wastewater treatment plants (50.000 instead of 150.000 population equivalent) pipelines (300 mm diameter and 1 km length instead of 800 mm diameter and 40 km length), poultry (20.00 instead of 60.000) and pigs rearing (1.000 instead of 3.000).

Notably, also the landfilling on non-hazardous waste shall be subject to an EIA as Category A project unlike the EIA Directive where it is an Annex II activity and also the construction of all (!) roads (which is incl.in Annex II EIA Directive). It remains to be seen, if this is practical, given the number of roads constructed.

As concerns the differentiation between Category A and B projects, there is no big differentiation in the EIA Law and its by-laws. Both categories seem to require a mandatory EIA in any case and there is no screening procedure as done under EU Law. The procedure “on the necessity of an EIA” as regulated in GD 43 N of 2024 makes a kind of individual screening **only applicable for changes of projects** but it does not at all differentiate between category A and B projects – it does not even mention these two categories explicitly anywhere, which means that GD 43 N of 2024 does not regulate a screening procedure as intended by Article 4 EIA Directive.

Therefore, it is not quite clear why there is a distinction of Category A and B projects done at all if both types require a mandatory EIA. Only minor procedural aspects are different for Category A and B projects.

Although the screening procedure, as it is stipulated in Article 4 EIA Directive is missing, there is no legal obligation to have such procedure as long as projects which are in Annex II of the Directive are largely subject to an EIA as it is formally the case in Armenia.

Approximated

- **Determination of the scope of the information to be provided by the developer (Article 5)**

The scope of the information to be provided by the developer in the EIA report as regulated in Article 5 EIA Directive has been well incorporated in Article 15 EIA Law. This Article stipulates lighter requirements for reports on Category B projects but is fully in line with the EIA Directive. For mining projects the Order 369 of 20222 of the MoEnv regulates more details on the content of the EIA report and the assessment.

Approximated

- **Establishment of a procedure for consultation with environmental authorities and a public consultation procedure (Article 6)**

There is a procedure established by Article 16 of the EIA Law with details regulated in the amended GD 1325 of 2014 as amended through GD 2343 in 2023. The amended GD 1325 requires the realisation of two public hearings - notably for both types of Categories A and B. This reads very ambitious and it is questionable if this works in practice. However, for a mere legal point of view the procedural details are regulated very clear and precise in the EIA Law and in amended GD 1325.

Approximated

- **Establishment of arrangements for exchange of information and consultation with Member States whose environment is likely to be significantly affected by a project (Article 7)**

Article 7 of the EIA Directive concerns the transboundary EIA. Of course, the wording has to be interpreted in a way that it is applicable to Armenia which is not bordering with any EU Member State. Instead, recourse should be taken to the requirements of the Espoo Convention on transboundary EIA to which Armenia is a Party since 1997.

Chapter 6 (i.e. Articles 24 – 27) of the EIA Law seems to stipulate all relevant details on the transposition of the transboundary EIA as required insofar well.

Approximated

- **Establishment of measures for notifying the public of the outcome of decisions on applications for development consent (Article 9)**

The decision on the outcome of the EIA in Armenia is not a “development consent” to be issued by the competent authority as under the EIA Directive but the “state expert opinion” to be approved by the authorised authority.

According to Article 19 (5) the state expert opinion shall be posted on the official website of the authorised body within seven working days. It is not fully clear if only the approved state expert opinion is published there or the official decision on that opinion, but it is assumed that the publication requirements are complied with.

Approximated

- **Establishment of effective, not prohibitively expensive and timely review procedures at administrative and judicial level involving the public and NGOs (Article 11)**

According to Article 19 (8) the state expert opinion can be appealed “as prescribed by the Armenian legislation”. However, it is unclear where it is regulated that such a decision on the state expert opinion is an administrative act which can be appealed like a permit / license - and it is unclear how it can be appealed and by whom (public, NGO). It is also unclear what such legal review procedure may cost.

In Armenia, there is a practice where a public organisation or an individual applied to the court to declare a positive expert conclusion invalid. However, the court issued a decision refusing to recognise the expert conclusion as an administrative act, reasoning that it is not a final document for carrying out the activity, but rather a basis for issuing a permit.

However, another judge, without any explanation, stated in their decision that the expert conclusion is an administrative act.

Little approximated (see explanation hereunder)

Final remark and recommendations:

The EIA Directive is well approximated formally, except for the legal review of EIA outcomes (i.e. State Expert Opinions), which is not regulated well, although it is a crucial part for the proper implementation of the EIA Directive.

In Article 19 (6) of the EIA Law it is stated that without a positive state expert opinion the carrying out of the proposed activity shall be prohibited. This means, that unlike the refused development consent under the EIA Directive, the EIA expert opinion cannot be overturned by other reasons such as economic or infrastructural needs.

This means that the instrument of EIA in Armenia is much stronger than in the EU where it is only a procedural tool to ensure the proper assessment of environmental concerns which can be overturned in final decision makings even if the outcome of the EIA is negative!

A screening procedure as requested under CEPA is not foreseen by Armenian legislation. It should be incorporated into EIA legislation to align it even more to the EIA Directive and also to make an EIA much better applicable in practice without having mandatory EIAs for too many projects (this is the intention of the “screening”, i.e. the identification of “smaller” projects which may or may not need an EIA on a case by case basis). It is doubtful that for all Category B project a proper EIA can be conducted as it likely far too many projects given the low thresholds. **This might be a severe implementation obstacle.**

3.1.2 Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

The Directive 2001/42/EC complements the assessment of project and requires a similar environmental assessment process, i.e. the strategic environmental assessment (SEA) also for legally binding plans and programmes which have may have an environmental impact.

- **Adoption of national legislation**

In Armenia the EIA Law as amended (see above, chapter 3.1.1) also regulates the implementation of the SEA requirements (although the title does not imply this), as Article 1 makes clear. Chapter 5 (Articles 21 – 23) of the EIA Law is focusing on SEA matters, whilst other provisions of the law are also applicable on SEA. In addition, there is

- GD 2294 of 2023 on the procedure for conducting SEA and approving requirements for the SEA report

which regulates a number of procedural details on SEA.

Approximated

- **Designation of competent authority/ies**

As for the competences of authorities it goes almost the same as for the EIA: the competences are distributed according to Articles 8- 10 between “the government”, “authorised bodies” and “territorial administration bodies”. Local self-government bodies, the Ministry of Health (MoH), and possibly other entities are also involved in the SEA process.

Approximated

- **Establishment of a procedure to decide which plans or programmes require strategic environmental assessment and of requirement that plans or programmes for which strategic environmental assessment is mandatory be subject to such an assessment (Article 3)**

Article 3 (2) SEA Directive makes certain plans and programmes subject to a SA in any case; according to paragraphs 4 and 5 of the Directive the EU Member States shall further decide on a case-by-case basis on according to criteria in Annex II which other plans / programmes require a SEA.

According to Article 21 EIA Law it is “fundamental documents” in a number of areas which are supposed to be subject to a SEA. The areas are very well aligned to the SEA Directive (e.g. agriculture, forestry, fisheries, energy, industry, transport).

However, whilst the SEA Directive only applies to plans and programmes the EIA Law in Armenia goes far beyond: Also “strategies, concept papers, schemes of utilisation of natural resources, layouts” are considered as potentially SEA relevant documents. **This is legally not a problem, but a real challenge for implementation in practice (see recommendations below).**

A “screening stage” is also not foreseen under GD 2294 N of 2023 – this by-law mainly focusses on the scoping stage, which is fine.

As concerns the legal character of the "fundamental document" Article 21 states that those documents must "contain **grounds** for carrying out EIA relevant activities" – according to the SEA Directive plans/programmes shall "set the **framework** for future EIA relevant activities" is they require a SEA. It is assumed that the wording means nearly the same.

Approximated

- **Establishment of a procedure for consultation with environmental authorities and a public consultation procedure (Article 6)**

According to Article 22(3) EIA Law competent authorities in all fields listed in Article 21 shall be involved. However, neither the Law itself, nor GD 2294 N of 2023 stipulate details of the procedure on how the environmental authorities will be involved. **Insofar procedural details are lacking.**

As for the public consultation procedure, the provisions of the EIA Law on EIA are also applicable on SEA, see Chapter 7 EIA Law (in particular Article 28). The procedure is well regulated

Partly approximated as concerns environmental authorities

Approximated as concerns public consultation

- **Establishment of arrangements for exchange of information and consultation with Member States whose environment is likely to be significantly affected by a plan or programme (Article 7)**

As for the EIA this CEPA requirement has to be interpreted differently, not for concerned neighbouring EU Member States but in the context of the "Protocol on SEA to the Espoo Convention" to which Armenia is also a Party since 2011.

The Protocol requires the transposition of a mechanism to involve neighbouring countries on relevant transboundary SEA documents. In Armenia the EIA Law does not distinguish on the transboundary rules for EIA and SEA, as both are regulated in Chapter 6. The reason is that both, EIA relevant projects and SEA relevant documents are called "fundamental documents". This is legally a bit tricky and ambiguous but seems acceptable from a legal point of view.

Approximated

Final remark and recommendations:

As with the EIA, there is no screening stage on potentially irrelevant "fundamental documents" for SEA. Given the broad, almost borderless definition of fundamental documents, especially the inclusion of "concept papers", **it is highly advisable to have certain criteria / a case by case screening in place** as suggested by the Directive in Annex II. It is questionable if a sound SEA can be implemented on all documents provided for by the EIA Law without their exclusion through a screening stage.

3.1.3 Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC

Directive 2003/4 on public access to environmental information transposes pillar I of the Aarhus Convention into EU Law. Armenia is also Party to the Aarhus Convention since 2001 and therefore has the obligation to regulate its details in national legislation.

- **Adoption of national legislation**

Access to information (including environmental information) in Armenia is regulated by the Law on Freedom of Information of 23 September 2003. There is no distinct legislation on public access to environmental information.

The current Law on Freedom of Information **does not** contain any specific provisions regarding environmental information; rather, it generally applies to **all types of information**, including environmental information. To have more transparency and clarity on this issue, several drafts of a specific Law on Environmental Information have been prepared (latest in 2022), but they have been withdrawn from circulation.

Approximation assumed

- **Designation of competent authority/ies**

The Law on Freedom of Information makes all information holders which are defined as "state bodies, local self-government bodies, state offices, state budget sponsored organisations as well as organisations of public importance and their officials" responsible for access to information – this obviously includes all governmental authorities which possess environmental information.

Approximated

- **Setting up of practical arrangements under which environmental information is made available to the public and the applicable exceptions (Articles 3 and 4)**

Articles 3 and 4 require accurate rules for the access to environmental information upon request (Article 4 of the Aarhus Convention). According to the Law on Freedom of Information each person has the right to enquire information from the information holder "as defined by the law". The Information holder works out and publicises the procedures according to which information is provided on its part, "as defined by legislation".

Article 9 of the Law on Freedom of Information regulates a number of procedural details on how access to information shall be requested and provided. Without having examined all details it is assumed that Article 9 takes up the key procedural elements and requirements of Article 4 Aarhus Convention and hence also complies with CEPA requirements.

The Law on Freedom of Information furthermore states in Article 8 restrictions on provision on information at request which also seems in line with Aarhus Convention and Article 4 EIA Directive.

Approximated

- **Ensuring that public authorities make environmental information available to the public (Article 3(1))**

This requirement from CEPA Annex reads redundant as it is already part of the requirement just above. In any case, given the broad application of the Law on Freedom of Information and the procedural details regulated compliance of Armenian legislation with the EU Directive is assumed.

Approximated

- **Establishment of procedures to review of decisions not to supply environmental information or to supply only partial information (Article 6)**

Article 11(4) of the Law on Freedom of Information states that the decision not to provide information can be appealed either in the state government body defined by Legislation or in the court. There are no further details regulated in that Law. However, Armenian administrative legislation fully provides for mechanisms both for submitting appeals through administrative procedures and for seeking judicial remedies in cases of violations of the right to access information.

Approximated

- **Establishment of a system for disseminating environmental information to the public (Article 7)**

This provision of the EU Directive is the transposition of Article Aarhus Convention.

Article 7 of the Law on Freedom of Information stipulates basic rules for the active dissemination of information through information holders, which includes environmental authorities and environmental information hold by them. Article 7 is very well ad precise written and includes even particular “influence on the environment” for all information holders, not just environmental authorities.

According to the MoEnv, the official website of that ministry provides the posting and update of information related to the quality of the Environment, including water, air, and soil monitoring data, EIA and SEA reports, national reports, international cooperation, licenses, and permits, forest management, and others. The management of the website regulates in accordance with the Order of the MoEnv "On approving the procedure for updating and posting information on the official website of the Ministry of Nature Protection of the Republic of Armenia" N338-A.

The e-draft.am website is operating, which is intended for the publication of drafts of legal acts. It enables everyone to get acquainted with the drafts of legal acts submitted by state bodies, download the drafts, and register users (as individuals or legal entities) to vote for or against and submit recommendations.

Approximated

Remark and recommendations:

It is remarkable that Armenia has a broad Law on Freedom of Information in place for a long period already which is well drafted. Although it includes environmental information it may still be advisable to regulate specific procedural details on access to environmental information and what can be considered as such accessible information is a separate by-law given the experience in the EU where there are lots of Court cases on these matters (nationally and to the European Court of Justice).

3.1.4 Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC

The Directive 2003/35 is not entirely a fully self-standing Directive of EU law. It has basically three elements:

- The self-standing aspect of public participation in drawing up of certain plans and programmes relating to the environment: These plans concern various waste plans, nitrates pollution of water from agriculture programmes and air quality plans/programmes (see Annex I of the Directive)
- The amendment of the EIA Directive (former 85/337EEC, now 2011/92/EU as amended)
- The amendment of the Directive on Industrial Emission, IED, 2010/75/EU (former IPPC Directive 96/61/EC

- **Adoption of national legislation**

In Armenia GD 2294 of 2023 "on approval of the SEA procedure and the requirements for the SEA Report regulates procedural details and responsibilities in an accurate manner.

Approximated

However, as concerns the public participation in the drafting of plans and programmes relating to the environment, one has to note that there is no

- waste management plan in place in Armenia yet (see below, chapter 3.4.1)
- action programme for nitrate vulnerable zones yet in place (see below, chapter 3.3.5),
- provision for the elaboration of air action plans (see below, chapter 3.2.1),

so there is also no public participation on all these key instruments which are required under this Directive.

There is also no legislation in place yet on industrial emissions (permitting and control of large industrial installations) as required by CEPA, see chapter 3.6.1) which requires public participation.

The situation reads different as concerns the public participation under the EIA Directive which is regulated in the Law on EIA – here the approximation reads fine.

Little approximated

- **Designation of competent authority/ies**

There are no authorities in charge in of the relevant policy plans or programmes yet as seen above. The same goes for public participation on industrial emissions, which is not yet regulated in Armenia. Only for EIA relevant projects the Law on EIA clearly regulates the competent authorities also for public participation matters.

Little approximated

- **Establishment of a mechanism for providing the public with information (Articles 2(2)(a) and 2(2)(d))**

There are no plans yet in place in Armenia addressed by the Directive 2003/35/EC (see above) and hence no such mechanism on information provision is possible.

Not approximated

- **Establishment of a mechanism for public consultation (Articles 2(2)(b) and 2(3))**

There are no plans in place in Armenia addressed by the Directive 2003/35/EC and hence no such mechanism on public consultation is yet possible.

Not approximated

- **Establishment of a mechanism for public comments and opinions to be taken into account in the decision-making process (Article 2(2)(c))**

There are no plans in place in Armenia addressed by the Directive 2003/35/EC and hence no such mechanism on decision making processes is yet possible.

Not approximated

- **Guaranteeing effective, timely and not prohibitively expensive access to justice at administrative and judicial level in these procedures for the public (including NGOs) (Article 3(7) and Article 4(4), environmental impact assessment and integrated pollution prevention and control)**

Article 3 (7) of Directive 2003/35/EC concerns the incorporation of Article 11 of the EIA Directive (former Article 10 a)) into the EIA Directive. To which extent the obligation under Article 11 EIA Directive has been transposed into Armenian law cannot yet be judged.

The legislation grants participants in the process the right to submit any written or oral suggestions, comments, and opinions to the authorised body and the initiator—both during public hearings and afterward in written or electronic form—within the timeframes defined by law, without the need to justify the reasoning behind them. In cases where the opinions are not accepted, the authorised body must provide a substantiated explanation (see for details the provisions of the EIA Law and GD 2343 of 2023 on […] defining the content of the public notice and notification of public hearings […]).

However, as seen above (see chapter 3.1.1), the judicial review procedure is not well regulated yet on EIA decisions.

As for integrated pollution prevention and control (now: Industrial Emissions Directive, IED) there is no legislation in Armenia in place yet and hence no access to justice for the public.

Little approximated

3.1.5 Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, as amended

The Directive on Environmental Liability (ELD) is another piece of horizontal environmental legislation of the EU. It concerns the prevention, identification and remediation of environmental damage, which can be damage to protected species and natural habitats, water damage or land damage. No other damage is addressed by the Directive, especially in damage to air.

The ELD establishes the concept of public liability which is carefully to be distinguished from the classic concepts of civil liability and criminal liability (or responsibility). Public liability means that a) the damage concerns the general public (and not a private / legal person) and is pure ecological damage, and b) that its remediation has to be ensured through public authorities. Criminal liability or traditional civil damage such as property damage or personal injury are not addressed by the ELD.

- **Adoption of national legislation**

In Armenia there is no legislation in place which regulates aspects of liability on environmental damage prevention and remediation as required under the ELD. In some laws the term "environmental damage" is mentioned (see, e.g. Subsoil Code, Article 27 of the Law on Environmental Control, Article 21 and 22 Law on Air Protection, Article 29 Law on Fauna, Article 30 Law on Flora, Article 4.3 Law on Garbage Collection - plus non-environmental damage in Water Code, Law on Waste), but it is not clear what an environmental damage can be at all, who determines it and if there are any remediation (not compensation) measures to be taken and by whom.

Not approximated

- **Designation of competent authorities**

The competent authority for the drafting of legislation on environmental liability is the MoEnv, in accordance with its Charter (Prime Minister Decision date 11.06.2018 N 745-L Sub-item 3 of Clause 11 of the Annex). Given the lack of relevant legislation in this field it is **unclear** which authority will have which **implementation competences** in the future.

According to Article 25 of the Law on Environmental Control of the competent inspection body has certain implementation and enforcement competences in case of environmental violations (which is not the same as damage under the ELD!) and related "damage compensation" but this is not what is addressed under the ELD.

Partly approximated

- **Establishment of rules and procedures aimed at preventing and remedying of damage to the environment (water, land, protected species and natural habitats) based on the polluter-pays principle (Articles 5, 6 and 7, Annex II)**

The focus of the ELD is on the prevention and remedying of environmental damage. According to Article 5 ELD the operator of an operational activity shall take certain preventive actions if there is a danger for an environmental damage. The competent authority may require such actions. According to Article 6 the same approach is on remedial actions in case of occurrence of an environmental damage: the operator must take certain measures, and the competent authority can legally demand them. Article 7 in combination with Annex II ELD stipulates which remedial actions might have to be taken and what are the criteria for selection.

There is no legislation in force in Armenia which takes up any of these requirements on damage prevention and remediation yet.

Not approximated.

- **Establishment of strict liability for dangerous occupational activities (Article 3(1) and Annex III)**

The ELD distinguishes like many international legal regimes between fault based and strict liability for damage caused. Fault based liability means that there must be some subjective element fulfilled when the damage was caused, i.e. the operator of the activity which led to the damage must have caused the damage with intention or at least with negligence. Strict liability on the other means that the operator of certain activities (which are listed in Annex III ELD) is under any circumstances liable for the damage, even if he did not act negligent, simply because of the dangerous character of that activity.

There is no legislation in place in Armenia which addresses strict liability for certain activities.

Not approximated.

- **Establishment of obligations for operators to take the necessary prevention and remediation measures including liability for costs (Articles 5, 6, 7, 8, 9 and 10)**

This provision of the CEPA Annex is a bit redundant as Articles 5, 6 and 7 are already addressed above. With respect to Article 8, 9 and 10 these articles concern different aspects of cost coverage and allocation for those costs which occur for remediation and remediating measures. As a general rule it is the operator who caused the damage who is responsible (legally liable). There are some potential exemptions addressed in Article 8. Article 9 addresses the case of multi-causation, i.e. if the damage was caused by more than just one operator. In case the competent authority itself paid first for the remediation of the damage it can reclaim those costs for up to 5 years (Article 10 ELD).

There is no legislation in place on cost recovery issues on environmental damage in Armenia yet.

Not approximated.

Final remark and recommendations:

There is no legislation in place yet, which takes up the requirement from the ELD. Almost all relevant definitions from the ELD are not yet well aligned (especially on environmental damage) and the entire concept of administrative (but not in the sense of administrative violations) liability in case of accidents and incidents which shall lead to remediation measures is new for Armenia. This also concerns "strict liability" for dangerous activities, rights of NGO to initiate legal action, proper remediation and many more aspects. It is strongly suggested to prepare a new "Law on Environmental Damage and Liability" and adjust existing legislation accordingly as concerns terminology used.

3.2 *Air Quality*

In the field of Air Quality, the CEPA Annex lists extracts from 5 Directives that shall be approximated by Armenia.

The Directive on National Emission Reductions of sulphur dioxide (SO2), nitrogen oxides (NOx), non-methane volatile organic compounds (NMVOC) and ammonia (NH3) (NEC Directive) is not part of CEPA as it stipulates in particular specific emission reduction targets per EU Member State. The NEC Directive also serves the purpose to transpose the requirements of the Gothenburg Protocol of 1999 to the UNECE Convention on Long-range Transboundary Air Pollution.

Although Armenia is a Party to that Convention since 1997 it never ratified the Gothenburg Protocol.

3.2.1 Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (repealed by Directive (EU) 2024/2881 with effect 12 December 2026)

The Directive 2008/50/EC on ambient air quality and cleaner air for Europe (also called CAFE Directive) is the main piece of legislation in this field. It deals with the following aspects of air protection which are relevant for legal approximation:

- defining and establishing objectives for ambient air quality
- assessing the ambient air quality in Member States on the basis of common methods and criteria;
- obtaining information on ambient air quality
- ensuring that such information on ambient air quality is made available to the public;
- maintaining air quality where it is good and improving it in other cases;

Note, that the CAFE Directive does not deal with emissions into the air but with air quality matters only.

The Directive 2008/50/EC, however, has been repealed in 2024 through new CAFE Directive (EU) 2024/2881 with effect from 12 December 2026. The new Directive takes into account new WHO air quality guidelines.

For the purposes of the present analysis recourse is still taken to the "old" (existing) Directive and not yet the new one as the new one takes effect only in 1,5 years.

- **Adoption of national legislation**

In Armenia the legislation on air quality consists of primary law:

- Law on Atmospheric Air Protection of 11 October 1994 as amended last time by Law HO-522-N of 07.12.2022

and the following two Governmental Decisions:

- GD 23-N of 2024 on approval of the procedure for summary, analysis and archiving of information on state calculation and accounting of emissions of air pollutants harmful substances
- GD N 32-N of 2024 on approval of the procedure for the development of draft regulations on (border) permitted emissions of air pollutants harmful substances and for the grant or renewal of emission permits to legal entities and physical persons engaged in entrepreneurial activities who have submitted draft regulations on (border) permitted emissions

According to the CEPA Roadmap draft implementation table of December 2024 it is also planned to develop a draft GD "On approving the order regarding the **critical level** of atmospheric air pollution and the **critical load threshold**, which is planned to be adopted by the end of 2025. It is also planned It is planned to develop a draft GD "On classification of zones and agglomerations" by the end of 2025 which shall be the legal basis to develop guidelines for the development of Air Quality Plans.

A challenge for Armenia is the use of new terminology as used in the CAFÉ Directive. Some terms have been aligned but others not yet. For instance the term "pollutant", "level" (in Armenia "pollution level") "critical level" (in Armenia called: "critical load", but it includes impact on humans, different from EU), whilst the definition of "critical level" in Armenia has no such equivalent term in EU law!), "zone" , "ambient air" (in Armenia: Atmospheric Air") are defined well, while others key terms are not really aligned ("agglomeration") or not defined at all: "level", "assessment" , "limit value", "target value", "upper and lower assessment threshold". Many other definitions which are used by the Directive are not required to be approximated.

Little approximated

- **Designation of competent authority/ies**

According to Article 6 the authorised body in the field of atmospheric air protection is in charge of matters addressed by the CAFÉ Directive such as:

- Development of maximum permissible concentrations of atmospheric air pollutants (harmful substances) (paragraph 2),
- Development of a procedure for the critical level of atmospheric air pollution and the critical load threshold (paragraph 7),
- State registration of emissions of atmospheric air pollutants (harmful substances) and inventory of greenhouse gas emissions (paragraph 9)
- Organisation and implementation of state monitoring of atmospheric air (paragraph 12),
- Development of a procedure for assessing atmospheric air quality, pollution measurement and standardised measurement methods, as well as unified criteria for the locations and quantities of pollution measurement facilities (paragraph 13)
- Development of a classification procedure for zones and agglomerations; (paragraph 16)

What is missing in these competences is the development of air quality plans and short-term action plans.

As defined in Article 4 (35) the authorised body is the one that develops and implements the Government's policy in the field of environmental protection in accordance with the Law "On the Structure and Activities of the Government", which is the Ministry of Environment.

According to Article 7 the territorial government bodies in the field of atmospheric air protection has a number of supporting **but rather generally formulated implementation competences**.

Largely approximated

- **Establishment and classification of zones and agglomerations (Articles 4 and 5)**

The establishment of zones and agglomerations is a starting point for air quality assessment and air quality management. According to the Directive each zone and agglomeration shall be classified in relation to assessment thresholds.

In Armenia, apart from the competence norm, stated above (paragraph 16 of Article 6) there is no such legislation in place yet and no establishment and classification of zones and agglomerations have yet taken place. Note, that the definition of "agglomerations" is not compliant with the wording of the Directive.

Not approximated

- **Establishment of upper and lower assessment thresholds and limit values (Article 5 and 13)**

The Directive requires the incorporation of upper and lower assessment thresholds specified in Section A of Annex II for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter (PM10 and PM2,5), lead, benzene and carbon monoxide.

There is no system yet foreseen by Armenian legislation for such "upper and lower thresholds" for air quality assessment on those pollutants. Limit values as stipulated in Article 13 CAFE Directive in conjunction with Annex XI are also not yet regulated by Armenian legislation – the term "limit value" has not been defined yet.

Not approximated

- **Establishment of a system for assessing ambient air quality in relation to air pollutants (Articles 5, 6 and 9)**

The CAFE Directive requires the establishment of a functioning ambient air quality assessment system. This system shall be done in zones and agglomerations (Article 5 as seen above) on the mentioned pollutants and based on criteria as set in Annex III of the Directive. There shall be fixed measurements in certain zones and agglomerations which can be supplemented by modelling techniques and indicative measurements to assess he air quality (Article 6). In addition, at rural background locations away from significant sources of air pollution, there shall also be specific measurements as set by Article 6. In addition, according to Article 9, in a zone or agglomeration, where the concentrations of ozone are very high in previous years, fixed measurements shall be taken.

The Law on Atmospheric Air Protection in Articles 6 (13) speaks of the governmental competence to develop a procedure for assessing atmospheric air quality, pollution measurement and standardised measurement methods, as well as unified criteria for the locations and quantities of pollution measurement facilities. Article 8 (4) further states that "Assessment of ambient air quality is carried out using pollution measurement, standardised measurement or modelling methods, as well as uniform criteria for the locations and quantities of pollution measurement facilities".

In Armenia there is no such air quality assessment system established yet by any law. The Law does neither address zones and agglomerations, nor does it state where "measurements stations" (term used in the Armenian Law) are to be installed, nor what and how and how often they shall measure. There is also no use of "modelling techniques" foreseen. The focus of the recently adopted GD is on emissions **but not on air quality matters**.

If the measurement of ozone concentrations and of concentrations of the other pollutants is required cannot be judged. The two by-laws focus only on "emission" control from certain industrial activities – **but not on air quality measurements**. It seems as if no measurement of air quality in Armenia is in place at all.

Not approximated

- **Establishment of air quality plans for zones and agglomerations where levels of pollutants exceed limit value/target value (Article 23)**

According to Article 23 there shall be "air quality plans" developed by Armenia for those zones and agglomerations where levels of pollutants exceed limit or target values. There is no such "plan" foreseen by Armenian legislation (limit and target values for pollutants are also not regulated) and no definition of these terms yet. It is planned to draft a by-law on "air quality plans" by the end of 2025.

Not approximated

- **Establishment of short-term action plans for zones and agglomerations in which there is a risk that alert thresholds will be exceeded (Article 24)**

The requirement to establish short-term action plans (**to be distinguished from air quality plans**) is relevant only for those zones and agglomerations where there is a risk that alert thresholds will be exceeded. Alert threshold is defined as a "level beyond which there is a risk to human health from brief exposure for the population as a whole and at which immediate steps (see Article 2 (10) Directive). The alert thresholds for single pollutants are set in Annex XII of the Directive. The short-term action plan shall indicate all measures taken to reduce the exceedance of the threshold. These plans shall be made publicly available.

In Armenia there is no short-term action plan defined nor any legislation in place or envisaged on such plans.

Not approximated

- **Establishment of a system to provide information to the public (Article 26)**

According to Article 26 CAFE Directive the public shall be informed on different air quality related matters. As for Armenia this concerns a) ambient air quality in accordance with Annex XVI and d) air quality plans and short-term action plans as provided for in Article 22(1). Annex XVI lists in detail what shall be published regularly.

In the CEPA roadmap draft implementation table of December 2024 it is claimed that no such provision is necessary given the wide scope of the Law on freedom of information. This seems questionable. First of all, the term "information" in that law is defined partly quite ambiguous including "records/data of facts, people, subjects, events, phenomena, processes that are received and formed as defined by legislation, […] notes, maps, etc.

It is not clear if “ambient air quality data” would fall into the scope of this definition, esp. with all the details listed in Annex XVI CAFE Directive. Plans are not mentioned explicitly either apart from the fact that such plans are not yet required.

In addition, according to the Article 7 of the Law on freedom of information it is the information holder who shall establish procedures how to publish information he holds. This is exactly what Article 26 of the Directive also requires. Such system / rules on how and what and when to publish “ambient air quality” data has not yet been established by the MoEnv. **Legally it would also be advisable a link with the Law on Ambient Air to the applicability of the provisions of the rules of the Law on freedom of information.**

Not approximated

3.2.2 Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (this Directive has been revised through Directive 2024(2881) with effect as of 12.12.2026)

Directive 2004/107/EC complements the CAFE Directive with regard to four heavy metals (arsenic, cadmium, mercury, nickel) and polyclinic aromatic hydrocarbons (PAH) in air. It has also been recast through Directive (EU) 2024/2881 with legal effect 12.12.2026. The objectives of Directive 2004/107/EC are similar to those of the CAFE Directive, namely:

- To establish target values for the concentrations of these pollutants in ambient air
- To ensure that the ambient air quality related to these pollutants is maintained and / or improved
- To determine common methods and criteria for the assessment of concentrations of these pollutants in ambient air as well as of the deposition
- To ensure that adequate information on concentrations of these pollutants in ambient air is available and made available to the public

- **Adoption of national legislation**

In Armenia the same legislation applies as in the previous sub-chapter, namely the Law on Atmospheric Air as amended and the 2 respective GD on emissions into air.

Neither the Law nor the GD mention address air quality matters on the substances addressed by the Directive. To which extent they set emission limits on heavy metals and on PAH cannot be judged but is irrelevant for the approximation of this Directive as it also deals with air quality maters only and not emissions.

As for the terminology, key terms to be defined are “target value”, “upper and lower assessment threshold”, “fixed measurements” plus all the other relevant definitions under the CAFE Directive which also apply.

As stated above (see 3.2.1) some relevant terms have been defined in the Armenian Law on Atmospheric Air but many not yet. Especially the term “target value” still needs to be defined and determined per pollutant.

Partly approximated

- **Designation of competent authority/ies**

As for the competent authorities it applies that same as stated above (3.2.1) central and territorial government bodies have defined competences in the field of atmospheric air protection. All relevant aspects are addressed in these competences.

Approximated

- **Establishment of upper and lower assessment thresholds (Article 4(6)) and target values (Article 3)**

The Directive requires the incorporation of upper and lower assessment thresholds specified in Annex II for all heavy metals and PAH. Target values shall be set as laid down in Annex I.

There is no system yet foreseen by Armenian legislation for such "upper and lower thresholds" nor for the determination of "target values".

Not approximated

- **Establishment and classification of zones and agglomerations (Articles 3 and 4(6))**

The establishment of zones and agglomerations is also the starting point for air quality assessment and air quality management according to this Directive.

In Armenia, apart from the competence norm, stated above (paragraph 16 of Article 6) there is no such legislation in place yet and no establishment and classification of zones and agglomerations have yet taken place. Note, that the definition of "agglomerations" is not compliant with the wording of the Directive.

Not approximated

- **Establishment of a system for assessing ambient air quality in relation to air pollutants (Article 4)**

Article 4 of the Directive 2004/107/EC requires the establishment of a functioning ambient air quality assessment system throughout Armenia based on criteria for determining the location of sampling points for the measurement of arsenic, cadmium, nickel and benzo(a)pyrene in ambient air in order to assess compliance with the target values set in Annex III.

This system shall be done in zones and agglomerations on the mentioned pollutants. The fixed measurements in certain zones and agglomerations which can be supplemented by modelling and estimation techniques and random sampling. In addition, background sampling points shall be established and bio indicators may be used (optionally).

In Armenia there is no such air quality assessment system established yet by any law. The Law does neither address zones and agglomerations, nor does it state where "measurements stations" (term used in the Armenian Law) are to be installed, nor what and how and how often they shall measure. There is also no use of "modelling techniques" foreseen or random sampling.

The two by-laws focus only on "emission" control from certain industrial activities – and not on air quality measurements. It seems as if no measurement of air quality in Armenia is in place at all.

Not approximated

- **Taking measures in order to maintain/improve air quality in respect of the relevant pollutants (Article 3)**

Article 3 of the Directive requires Armenia to take **all necessary measures not entailing disproportionate costs** to ensure that, concentrations of arsenic, cadmium, nickel and benzo(a)pyrene in ambient air, as assessed, do not exceed the target values laid down in Annex I of the Directive.

According to Article 7 of the Law on Atmospheric Air Pollution the territorial government bodies shall develop and implement atmospheric air protection measures in the environmental programmes of the regions and also implement measures to eliminate threats to human health and the environment in the event of adverse meteorological conditions for the dispersion of emissions into the atmosphere; furthermore they shall coordinate the implementation of measures aimed at protecting atmospheric air in the regions.

According to Article 13 the government shall also ensure the implementation of other measures aimed at preventing transboundary atmospheric air pollution.

Whilst the competences are well defined it is **unclear which** measures may be taken at all (at least an indicative catalogue of measures should be set in legislation) and how they relate to the pollutants addressed by the Directive.

Partly approximated

Final remark and recommendations on both Air Quality Directives' approximation:

The situation on the legal approximation of the two EU Directives on Air Quality (which have been merged with legal effect as of 12.12.2026) in Armenia is not satisfactory. The existing legislation falls short of using key terminology of the Directives and also conceptual approaches used by the Directives. Neither classification of agglomerations or zones for air quality assessment have a legal basis in Armenian law yet, nor upper and lower assessment thresholds or at least a legal basis for air quality plans and short-term action plans elaboration and adoption (such plans are not in place yet without any legal basis in Armenia anyway).

There is no air quality assessment system legislation in place yet, though it is required by the Law on Atmospheric Air as amended. Also, there is no legal basis in place for providing the public with information on air quality data on a regular basis.

It is therefore strongly recommended to do a substantial revision of the current Law on Atmospheric Air, incorporate fully the conceptual approach and terminology used in the EU and hence provide for a sound legal basis for any sub-legislation. As a second step such sub-legislation should be prepared. The focus of the Atmospheric Air Law should be on Air Quality and either not at all or in a separate chapter on emission standards for industries – the latter could be well done under a new law on "Integrated environmental permitting and control" as proposed in chapter 3.6.1, below).

3.2.3 Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC, as amended (no longer in force, new: Directive (EU) 2016/802)

The Council Directive 1999/32EC is no longer in force. It has been replaced by Directive (EU) 2016/802 relating to a reduction in the sulphur content of certain liquid fuels. https://eur-lex.europa.eu/eli/dir/2016/802/oj/eng. **The CEPA Annex needs to be amended accordingly.**

The Directive lays down the maximum permitted sulphur content of heavy fuel oil, gas oil, marine gas oil and marine diesel oil used in the EU.

- **Adoption of national legislation**

In Armenia the relevant legislation on this issue is GD 826 of 2011 "on the adoption of the Technical Regulation of the (Eurasian Economic Community) Customs Union on the requirements for automotive and aviation gasoline, diesel and fuel for ships, fuel for jet engines and fuel oil […] as amended, which sets also standards for the sulphur content in fuels. To which extent these standards comply with the Directive cannot be assessed here.

Approximation assumed

- **Designation of competent authority/ies**

According to the CEPA roadmap draft implementation table, the competent authority for fuels standards in Armenia is the MoEnv. However, the Ministry has only the explicit competence for the development of maximum permissible concentrations (MPCs) of pollutants (harmful substances) in the atmospheric air according to the Law on Atmospheric Air. But here the issue is the content of substances in fuel and not on emissions/air quality. As far as the authors know the National Body for Standards and Metrology is the primary authority responsible for developing and maintaining national standards, including those related to fuel quality.

Likely approximated

- **Establishment of an effective fuel sampling system and appropriate analytical methods of analysis to determine the sulphur content (Article 6)**

Article 6 of the former Directive has been replaced by Article 13 of the new Directive (EU) 2016/802. This provision requires the there is a functioning sampling and analysis system in place to determine the sulphur content in fuel. It is left up to Armenia how such sampling and analytical system is designed and applied as long as it works. In the EU the EU Commission shall adopt additional legislation on the frequency of sampling and the sampling methods.

GD 826 of 2011 contains a number of sampling and analysis requirements in Appendix 8. It cannot be assessed if these sampling/analysis methods work in practice.

Approximation assumed

- **Prohibition of use of heavy fuel oil and gas oil for land-based applications with a sulphur content greater than established limit values (Article 3(1) — unless exceptions apply as in Article 3(2) — and 4(1))**

As a general rule, but with some specific exceptions heavy fuel oils shall not be used within Armenia if their sulphur content exceeds 1,00 % by mass (Article 3 (1) of the Directive). According to Article 4 gas oils shall not be used if their sulphur content exceeds 0,10 % by mass (no exceptions).

GD 826 of 2011 contains a number of requirements on the determination of sulphur content in fuels but no limitations of sulphur content by mass at all and no prohibition as required under CEPA of application which exceed the limit values.

Likely not approximated

Final remark and recommendations:

The legal approximation to Directive on sulphur content of certain liquid fuels seems to be done at least partly through GD 826 of 2011. However, the GD does not contain any limitations of the sulphur content and no prohibitions as require by the EU Directive. To which extent such introduction of limitations can be done in line with the Eurasian Economic Community standards cannot be assessed.

3.2.4 European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations, as amended

There is a consolidated version of the Directive of 26.07.2019. (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01994L0063-20190726).

The focus of the Directive is on the determination of standards for the designation and operation of petrol storage installations and equipment as regards emissions of VOC.

- **Adoption of national legislation**

There is no national legislation in place in Armenia on VOC emissions resulting from the storage of petrol and its distribution. This Directive is also not addressed in the CEPA roadmap draft implementation table.

Not approximated

- **Designation of competent authority/ies**

It is unclear which national authority is in charge of VOC control from the storage of petrol in Armenia.

Not approximated

- **Identifying all terminals for storing and loading petrol (Article 2)**

Article 2 of the VOC Directive contains all relevant definitions. Based on this, all terminals for storing (definition c)) and loading (definition n)) can be identified. There are no such definitions regulated in Armenian legislation yet.

Not approximated

- **Establishment of technical measures to reduce loss of petrol from storage installations at terminals and service stations and during loading/unloading mobile containers at terminals (Article 3, 4 and 6 and Annex III)**

The Directive requires a number of technical measures to be taken to reduce the loss of petrol from storage installations at terminals and service stations and during loading/unloading of mobile containers at terminals. There is only an explicit reference in CEPA made to Annex III of the Directive but Annexes I and II are of equal importance as they set the technical measures referred to. CEPA should be corrected insofar.

Obviously, there is no legislation in force in Armenia addressing such technical measures on loss of petrol from storage installations.

Not approximated

- **Requiring all road tanker loading gantries and mobile containers to meet the requirements (Article 4 and 5)**

Article 4 (loading gantries) and 5 (mobile containers) of the Directive require a number of technical requirements to be taken for road tanker loading gantries and also mobile containers as set in Annex IV, of the Directive.

There is no legislation in force in Armenia yet, which addresses these aspects.

Not approximated

Final remark and recommendations:

There are no approximation efforts visible in Armenia on VOC emissions resulting from the storage of petrol and its distribution. There is no legislation in place on this topic, and it is even unclear which authority is considered to be responsible for this topic as the Directive is not even been addressed in the CEPA Roadmap draft implementation table of December 2024. It is recommended to discuss this issue in the MoEnv and incorporate it into the updated future CEPA Roadmap at least and determine the competent authority to draft relevant legislation.

3.2.5 Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC

Directive 2004/42/EC (also known as Paints Directive) addresses the limitation of emissions of volatile organic compounds (VOC) from solvents use in a) paints and varnishes and b) vehicle refinishing products. This is done to prevent or reduce air pollution resulting from VOCs contributing to the formation of tropospheric ozone. There is a new consolidated version of this Directive of 16.07.2021 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02004L0042-20210716).

- **Adoption of national legislation**

The products to which the Directive applies are listed in Annex I of the Directive.

There are a number of relevant definitions, most notably “VOC”, “organic solvent”, “VOC content” and “placing on the market”. The products are listed in two sub-categories in Annex I on paints varnishes and on vehicle refinishing products.

In Armenia a technical regulation for synthetic-based varnishes and paints was adopted by GD 916 of 2023. GD 916 of 2023 follows the concept of the Paints Directive and includes all relevant definitions. It would have been beneficial to include also a “purpose” into the GD but this is not essential.

Approximated

- **Designation of competent authority/ies**

According to the CEPA Roadmap (and in line with point 3 of GD 916) the competent authority on VOC regulation in these products in Armenia is the Ministry of Economy.

Approximated

- **Setting up maximum VOC content limit values for paints and varnishes (Article 3 and Annex II)**

According to Article 3 of the Directive paints and varnishes placed on the market in Armenia shall only be allowed if they have a VOC content not exceeding the limit values set out in Annex II. There are a number of specific exemptions possible.

GD N 916 Table IV sets VOC content limits for paints and varnishes which are reflecting those limits set by the Directive in Annex II.

Approximated

- **Establishment of requirements ensuring labelling of products placed on the market and placing on the market of products complying with relevant requirements (Article 3 and 4)**

All products listed in Annex I that are placed on the market in Armenia shall have some labels which inform on a) the subcategory of the product and the relevant VOC limit values in g/l as referred to in Annex II of the Directive and b) the maximum content of VOC in g/l of the product in a ready to use condition. Point 18 of GD N 916 establishes corresponding requirements as set by the Paints Directive.

Approximated

Final remark and recommendations:

The requirements of this Directive have been very well approximated through GD 916 of 2023. There is no need for further legal action insofar.

3.3 *Water quality and resource management*

The EU Acquis in the field of water quality and resource management consists of 8 main Directives of which extracts of 5 Directives have become part of CEPA. The Directive on marine environmental policy did not become part of CEPA for the obvious reason that Armenia is not a coastal state. Besides the Directive on environmental quality standards primarily amends the Water Framework Directive and there is no need to include it in CEPA. **What is missing**, however, for unknown reasons is **the Directive 2006/118/EC on the protection of groundwater against pollution and deterioration**. All other pieces of EU legislation shall be addressed also in Armenia.

3.3.1 Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, as amended

This Directive which is commonly known as the “Water Framework Directive” is a European Union law aimed at protecting and managing water resources across member states. It sets out to ensure the sustainable use of water by maintaining and improving the quality of rivers, lakes, groundwater, and coastal waters. The Directive establishes a framework for integrated water management based on natural river basins rather than political boundaries.

It requires member countries to achieve “good status” for all water bodies by preventing pollution, promoting sustainable water use, restoring damaged ecosystems, and involving the public in water management decisions. The Water Framework Directive plays a crucial role in safeguarding Europe’s water environment for future generations.

- **Adoption of national legislation**

In Armenia in the field of national water policy the following legislation has been adopted:

- Water Code of 2002 as amended
- Law on the National Water Programme of 2006 as amended
- Law on the Principles of National Water Policy of 2003
- Law on Lake Sevan of 2001

Especially the Water Code as the key instrument of national water legislation contains virtually all relevant definitions and concepts from the Water Framework Directive

There are certain differences in use of terminology, though, particularly regarding water basin management bodies and river basins. Specifically, by the Water Code in order to promote more efficient, targeted, and decentralized management of water resources, water basin management bodies are established within the structure of the Water Resources Management and Protection Body in accordance with the procedure defined by law. They implement the basin management plans and are vested with specific powers. A Basin Management Plan is a comprehensive document for basin management that outlines the management and protection actions to be implemented within the basin, which are necessary for achieving the objectives of the Code.

As for the term river basin, it is not defined in the Water Code, but it is used in water legislation to refer to the water resources located within the specific river basin area and its catchment.

The territory of Armenia is divided into 6 water basin management areas and 14 river basins.

Approximated

- **Designation of competent authority/ies**

The water management powers of the Armenian Government are defined in Article 3 of the Water Code. The body for the management and protection of water resources is vested with management authorities under Article 10 of the Water Code. The water basin management authorities are defined under Article 11 of the Water Code, and the Water Systems Management Body, which is the Water Committee, as defined in Article 12 of the Water Code.

Approximated

- **Identification of river basin districts and appropriate coordination for the preservation of international rivers, lakes and coastal water (Article 3(1)- 3(7))**

Article 3 Water Framework Directive requires various legal actions:

According to paragraph 1 individual river basins shall be assigned to individual river basin districts. Small river basins may be combined with larger river basins into joint river basin districts.

This has been done in Armenia on the basis of the Water Code (14 major river basins and water basin management areas, see Article 19 Water Code. According to paragraphs 2, 6 and 7 there must be appropriate competent national authority in place for the application of the rules of this Directive within each river basin district.

Articles 3 (3) and 3 (5) Water Framework Directive are not applicable to Armenia.

Article 3 (4) requires that all programmes of measures are coordinated for the whole of the river basin district. – This is part of the tasks of the Water Resources Management and Conservation Body (see Article 10 Water Code).

Although there are no established norms for the implementation of administrative measures by the competent authorities in the field of water basin management, these legal relations are largely regulated by Water / River Basin Management Plans and various legal acts existing in the legislation of Armenia, namely:

- Order 26 of 2023 of the MoEnv on approval of the content of the water basin management plan
- Prime Minister decision from 2003 on approval of the list of the water basin management bodies of the water resources management agency of the MoE. The regulations of activity and the schedule for transition of water basin management.
- While certain national legal and institutional frameworks exist for water basin management, the commitments under Article 3 and Annex III of the Water Framework Directive are primarily related to the delineation of international river basin districts, the development of joint river basin management plans, and the establishment of transboundary water management bodies.

Further efforts are needed to align fully with these requirements, especially in the context of international coordination and shared water resources.

Partly approximated

- **Analysis of the characteristics of river basin districts (Article 5)**

Article 5 of the Water Framework Directive requires that for each river basin district an analysis of its characteristics, a review of the impact of human activity on the status of surface waters and on groundwater, and an economic analysis of water use is undertaken according to the technical specifications set out in Annexes II and III. The parameters set there should serve for Armenia at least as a guideline.

Through Order 26 of 2023 the MoEnv adopted the content of the Basin Management Plan, which defines the scope of mandatory information and analyses to be included in the plan's content, including economic analyses. The characteristics, impact of human activity, and economic analysis requirements are included in management plans of each water basin territory, as for example:

- GD 1909 of 2022 on the Approval of the Management Plan for the Hrazdan River Basin for the Period 2022–2027,
- GD 1912 of 2022 on the Approval of the Management Plan for the Sevan River Basin for the Period 2022–2027.

Considering that not all river basin management plans are approved or currently in effect, there is still work to be done in this area to ensure the completeness of the process.

Partly approximated

- **Establishment of programmes for monitoring water quality (Article 8)**

Article 8 of the Water Framework Directive requires the national establishment of programmes for the monitoring of water status so to have a clear picture of the water status within each river basin district. **For surface waters such programmes shall concern the ecological and chemical status and ecological potential, and for groundwaters such programmes shall cover monitoring of the chemical and quantitative status**.

The Water Code defines the objectives of water resources monitoring. In 2003 a GD has been adopted to approve the procedure for its implementation and for the registration of related reports.

It is also important to note that the MoEnv's order approving the content of the Basin Management Plans includes a section titled "Results of Water Resources Monitoring and Assessment of the Status of Water Bodies in the Basin Management Area," which outlines the requirements for presenting monitoring data and evaluations of the condition of water bodies.

As for specific water basin management plans, for example, in GD 1912 of 2022 "on the Approval of the Management Plan for the Sevan River Basin for the Period 2022–2027" issues related to monitoring are regulated in detail, particularly in point 51, which presents the process of surface water quality monitoring, and in point 55, which outlines the process of groundwater quality monitoring. There are norms regarding measures aimed at improving the monitoring of groundwater and surface waters.

The same goes for GD 1909 of 2022 "on the Approval of the Management Plan for the Hrazdan River Basin for the Period 2022–2027": Points 41 and 42 include norms concerning the monitoring of the status and quality of surface waters, point 43 contains the legal regulation of surface water quantity monitoring, and point 49 includes a norm on groundwater monitoring. There are norms regarding measures aimed at improving the monitoring of groundwater and surface waters.

Largely approximated

- **Preparation of river basin management plans, consultations with the public and publication of these plans (Articles 13 and 14)**

Article 13 and 14 Water Framework Directive requires to produce a river basin management plan for each river basin district with information as provided for in Annex VII. encourage the active involvement of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the river basin management plans. For each river basin district, the river basin management plans shall be published and make available for comments to the public.

The Water Code of Armenia includes the recognition of the importance of public awareness and participation in the processes of water resource management and protection. Article 20, titled "Public Participation," establishes the areas in which the authorised public administration bodies are required to inform the public. However, there are no detailed provisions on the public participation requirements in the development of basin management plans.

Public participation mechanisms are also outlined in the basin management plans, such as GD 1909 of 2022 "on the Approval of the Management Plan for the Hrazdan River Basin for the Period 2022–2027". According to point 85, two public consultations are conducted. These take place through meetings with stakeholders and broader public consultations, as well as informational campaigns aimed at raising awareness about water issues. During the first phase, the consultation was focused on discussing and agreeing upon the main problems of the Hrazdan Hydroelectric Complex, and in the second phase, on the programme of measures. During the consultations, questionnaires are completed by the interested public.

Likewise, GD 1912 of 2022 "on the Approval of the Management Plan for the Sevan River Basin for the Period 2022–2027", point 79 states that two public consultations are conducted. These take place through meetings with stakeholders and broader public consultations, as well as informational campaigns aimed at raising awareness about water issues. Consultations with the public and stakeholders were organised during the development of the basin management plan, specifically during the two main phases of the basin management plan preparation process. During the first phase, the consultation was focused on discussing and agreeing upon the main problems of the Sevan Hydroelectric Complex, and in the second phase, on the programme of measures. During the consultations, questionnaires are completed by the interested public.

Still, in order to consider this aspect fully approximated, it is deemed necessary to have some general rules on public participation for all water/river basin management plans stipulated in the Water Code or through GD.

As first stage of basin planning process, three basin management plans for Araratyan, Akhuryan and Southern Basin Management Areas were adopted by the Government in 2016 and 2017 with validity period till 2021 and 2022. Now plans for Araratyan and Southern Basin Management Areas are undergoing the second stage of development with validity period 2025-2030. The draft plan for the Northern Basin Management Area for 2025-2030 is under development.

Largely approximated

Final remark and recommendations:

In fact, the legislation of RA well defines the powers of bodies responsible for water resources management, clearly establishes the legal framework for the functioning of basin management authorities and their plans within the basin management areas, ensures largely public participation in water resource management, and regulates the implementation of monitoring activities and can be considered almost fully legally approximated.

However, it must also be acknowledged that certain issues still require resolution. In particular, basin management authorities have not yet fully achieved the objectives for which they were established, as in practice their functions are largely limited to the issuance of water use permits.

Moreover, insufficient efforts to raise public awareness and understanding lead to limited implementation of water conservation and efficient water use measures at the community, enterprise, household, and individual levels.

Unfortunately, despite existing legislation and regulatory frameworks, it must be noted that several serious issues persist. These include the insufficient number of hydrobiological monitoring indicators, the inadequate number of monitoring stations for surface water, and the lack of comprehensive monitoring to assess the ecological condition of Lake Sevan.

These and other related problems represent significant challenges and require urgent solutions. Addressing them may necessitate legislative revisions and possibly the development and adoption of a sound strategy for the development of the water resources monitoring system.

And while certain national legal and institutional frameworks exist for water basin management, further efforts are needed to fully align with commitments primarily related to the delineation of international river basin districts, the development of joint management plans, and the establishment of transboundary water management bodies, especially in the context of international coordination and shared water resources.

3.3.2 Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks

Directive 2007/60/EC (EU Floods Directive) was created in response to increasing severe floods in Europe—especially in 1997 and 2002—and the lack of coordinated flood risk management. Its main origin lies in the need to protect people, property, and the environment, especially across transboundary river basins, and to address climate change risks. It complements the Water Framework Directive and promotes a proactive, EU-wide approach to flood risk assessment and management.

- **Adoption of national legislation**

The relevant Armenian legislation on flood risk issues are:

- Water Code of 2002 as amended
- Law on the National Water Programme of 2006 as amended
- Law on the Principles of National Water Policy of 2003
- GD 1158 of 2024 on "Approval of the Requirements and Content for Flood Hazard and Flood Risk Mapping"

The terms "flood" and "flood risk" are used in the EU Floods Directive. Both of these terms are also present in Article 1 of the Water Code of Armenia. Basic relevant legislation om flood risk assessment and management thus is in place. For further details see the assessment, below.

Approximated

- **Designation of competent authority/ies**

According to Article 19 of the Water Code, the state authorised body responsible for water resources monitoring ensures the provision of data related to forecasts of floods, mudflows, and droughts. To implement the defined priorities, **it is essential to clarify the roles and responsibilities** of all actors involved in the DRM (Disaster Risk Management) sector.

The overall coordination of the DRM sector is carried out by the Government of RA, while the Ministry of Internal Affairs is the authorised body responsible for the development, implementation, and coordination of DRM policies and processes (point 39 of GD 17017).

Little approximated

- **Undertaking preliminary flood assessment (Articles 4 and 5)**

Article 4 of the Floods Directive outlines the minimum requirements for the assessment, which include, among others: A description of significant past floods where significant adverse consequences of similar future events may be anticipated. The assessment should also include an assessment of the potential negative consequences of future floods on human health, the environment, cultural heritage, and economic activities, taking into account issues such as geography, river flow locations, and their overall hydrological and geomorphological characteristics, as well as the impact of climate change on flood occurrence.

The Annex of GD 1158 of 2024 on the "Approval of the Requirements and Content for Flood Hazard and Flood Risk Mapping" requires that an initial risk assessment must be carried out to identify potential flood risks and determine high-risk areas. This initial risk assessment is based on existing data such as long-term development studies, particularly on the impact of climate change on flooding risks (point 3 and 4). There is no explicit rule stated who shall do this preliminary flood assessment, but according to the GD it shall be part of the "river basin management plans" (which is not foreseen by Water Framework Directive, by the way).

However, as seen above the Water Code only provides explicitly for the preparation of "Water Basin Management Plans" (Article 17 Water Code) and not River Basin Management Plans. This is a legal ambiguity which leaves it legally unclear **who does this preliminary flood assessment**.

Largely approximated

- **Preparation of flood hazards maps and flood risks maps (Article 6)**

Article 6 of the Floods Directive requires the preparation of "flood hazard maps" and of "flood risk maps". Flood hazard maps shall cover the geographical areas which could be flooded with a low, medium or high probability. Flood risk maps shall show the potential adverse consequences of floods with regard to the indicative number of inhabitants potentially affected, the type of economic activity of the area potentially affected and of large industrial installations (IED installations, see below, chapter 3.6.1) potentially affected.

In Armenia, according to the Annex to GD 1158 of 2024 there shall be flood hazard maps prepared with the same flood risk scenarios as mentioned in the Directive. Flood risk maps should reflect the potential negative impacts of flooding according to the flood scenarios outlined in item 7 of this annex and include affected settlements, population, infrastructure and types of economic activities that may be affected.

The GD 1158 of 2024 (and also the Water Code (Article 91.1) leaves unclear **who shall prepare** the flood hazard maps and flood risk maps, though!

Largely approximated

- **Establishment of flood risk management plans (Article 7)**

Flood risk management plans to be prepared according to Article 7 shall take into account relevant aspects such as costs and benefits, the extent of the flood and flood conveyance routes and areas which have the potential to retain flood water, such as natural floodplains, soil and water management, spatial planning, land use, nature conservation, and navigation.

Flood risk management plans shall address all aspects of flood risk management focusing on prevention, protection, preparedness, including flood forecasts and early warning systems and taking into account the characteristics of the particular river basin or sub-basin.

GD 1158 of 2024 mentions the establishment of flood risk management plans but the aforementioned mandatory requirements to be considered in such plans have not been included in the GD at all – in general **there are no specific requirements on the content of such plans provided by law and also not who shall prepare such plans.**

Little approximated

Final remark and recommendations:

The approximation to the CEPA requirements of the Floods Directive gives a mixed picture. On one hand, the terminology of the Floods Directive is used and the concepts (preliminary flood risk assessment, flood hazard maps, flood risk maps, flood risk management plans) used in the EU are being used as well. But the legislation is partly not accurate, as it leaves open the clear responsibilities of the preparation of all these documents and partly also their content. In general, **it is necessary to clarify the roles and responsibilities of all actors** involved in the DRM (Disaster Risk Management) sector much more accurately including the prevention of flood risks mechanisms and tools. This may require also a revision of the Water Code and existing floods related GD.

3.3.3 Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment, as amended

The Urban Waste Water Treatment Directive (UWWTD) of 2001 has been amend last time in 2008. It will, however, been repealed entirely by the new UWWTD (EU) 2024/3019 with effect 1 August 2027 (see https://eur-lex.europa.eu/eli/dir/2024/3019/oj).

For the time being though, the requirements of the existing Directive will be taken as baseline for assessment of the legal approximation achievements since the new Directive only has legal effect in EU as of August 2027.

- **Adoption of national legislation**

In Armenia the legislation which concerns urban waste water treatment consists of the following legal acts:

- Water Code of 2002 as amended
- Law on the National Water Programme of 2006 as amended
- Law on the Principles of National Water Policy of 2003
- GD 982 of 2003 on "Approving the Procedure for the Use and Discharge of Sewage and Stormwater into Injection Wells, Depleted Mines, Boreholes, and Open Pits"
- Order No. 464-N of MoEnv on "Approving the Methodology for Calculating the Permissible Limit Discharge Volumes of Wastewater Discharged into Water Resources"

The UWWTD sets out requirements for the collection, treatment, and discharge of urban waste water and the treatment of biodegradable industrial waste water. It defines specific obligations related to agglomerations, including thresholds for population equivalents (PE), deadlines for implementation, and levels of treatment (primary, secondary, and more advanced).

Notably, the CEPA Annex on UWWTD does not require any specific treatment of waste water yet (no primary , secondary or even tertiary treatment) for Armenia but just basic initial legal steps on establishing a functioning waste water treatment system, including the use of proper legal terminology.

The assessment shows, that not much of the UWWTD key terminology has been incorporated into Armenian legislation yet. The main definitions from the UWWTD are “urban waste water” (which is further sub-defined as “domestic waste water” and “industrial waste water”), “collection system”, “agglomerations”. The terms “wastewater” “domestic wastewater” and “industrial wastewater” have been well defined in the Armenian Water Code, the wastewater collection system in Armenia is called “hydraulic treatment system (HTS) and “group drainage system” – while these definitions are very much aligned to the UWWTD the terms as such “drainage” is a bit misleading and should be renamed (wastewater collection system should be the proper terminology). There is no definition of “agglomeration”.

Largely approximated

To which extent specific UWWTD requirements have been approximated will be assessed below.

- **Designation of competent authority/ies**

According to Article 10 of the Water Code, the body responsible for the management and protection of water resources, in accordance with the National Water Programme, defines the maximum allowable concentrations (MAC) of water resources and the ecological minimum flow rates, and approves the qualitative and quantitative standards for the permissible limit discharge of wastewater.

According to Article 121 of the Water Code, the Government approves the procedure for the use of absorption wells, depleted mineral deposits, mine shafts, and open pits for the acceptance of wastewater and stormwater, and for issuing discharge permits. The Government also approves the procedure for the irrigation of agricultural lands with wastewater following the adoption of water quality standards. In the areas where the company Veolia Djur provides the service, payments are made to the company. In the communities where the service is carried out by local self-government bodies, the payments are made directly to them. The Regulatory Commission monitors wastewater treatment and also establishes regulations for the provision of wastewater treatment services (Article 14 Water Code)

Approximated

- **Assessment of the status of urban waste water collection and treatment**

The assessment of the existing status of urban waste water collection and its treatment is not a legal requirement of the UWWTD, but an initial practical step requested from the competent authority in Armenia to assess to which extent currently waste water in Armenia is collected and treated. It does not require any legal approximation measures. If such an assessment has already been conducted is unclear.

No approximation needed (but practical action)

- **Identification of sensitive areas and agglomerations (Article 5(1) and Annex II)**

Article 5 (1) in conjunction with Annex II UWWTD requires the identification of “sensitive areas” according to the criteria in Annex II. Urban waste water shall before discharge into sensitive areas be subject to more stringent treatment in the Member States. Sensitive areas as per the Annex II are in particular natural freshwater lakes and surface freshwaters used for drinking water. Agglomerations shall be defined as area where the population exceed 10,000 persons and urban waste water should be collected and treated (at least in the future).

In Armenian legislation, the terms “agglomerations” and “sensitive areas” are not explicitly used as defined in EU water legislation. However, functionally similar concepts exist.

Agglomerations are indirectly addressed through municipal wastewater management regulations, particularly the collection and treatment of wastewater in **populated areas** is regulated, aligning in practice with the concept of agglomerations, though not defined by that term.

As for sensitive areas, Armenian legislation does not formally designate them in the EU sense (e.g., eutrophic zones requiring stricter treatment). Nevertheless, certain environmentally important zones—such as Lake Sevan and ecologically vulnerable rivers—are protected under specific environmental laws and strategies. These areas hence receive special regulatory attention, but there is no official mapping or list equivalent to the EU’s “sensitive areas.”

Partly approximated

- **Preparation of technical and investment programme for the implementation of the urban waste water treatment requirements (Article 17(1))**

Article 17 (1) of the UWWTD required from the EU Member States to develop a programme for the implementation of the Directive. The corresponding requirement for Armenia is to establish a programme for urban waste water treatment. Since no treatment standards from the UWWTD are part of CEPA and hence directly relevant for Armenia it is the question what the programme shall contain. Given the fact that Armenia shall gradually approximate to EU environmental legislation it is advisable that at least measures and indicators will be outlined in such programme how to improve the waste water treatment system gradually in Armenia in the forthcoming years, what financial resources are needed, which obstacles exist etc.

The Law about National Water Programme of 2006 as amended states in Article 16 among others that

- the financial stability of wastewater companies shall be ensured;
- the private sector shall be involved in the operation of wastewater services,
- there shall be monitoring and supervision of the activities of companies providing wastewater treatment services,
- modern technologies in the process of rehabilitation, construction and operation of water supply and wastewater systems shall be used

However, all these are **merely declaratory intentions** for the time being as they are without any schedules, responsibilities, concrete measures and indictors as would be required in analogy to Article 17 (1) UWWTD.

Article 17 of the Law about National Water Programme states that “ways to solve problems in the wastewater sector are defined by **development strategies** for individual water use sectors, to be defined by the Government. Such “ways” should be part of a programme to align wastewater collection and treatment standards to the ones in the UWWTD. Such strategies have not yet been developed though.

According to Article 18 of the Water Programme Law necessary repairs of wastewater treatment plants and construction of new ones shall be a priority as regards drinking water (why only drinking water?) and new wastewater treatment technologies shall be introduced (this again is just declaratory, without any schedule or measures yet).

Not approximated

Final remark and recommendations:

In the case of Armenian legislation, some relevant aspects of the UWWTD are partially reflected in the national legal framework, including the Water Code and GD related to wastewater discharge standards. However, significant gaps remain:

- No clear classification of agglomerations based on population equivalent as defined in the directive
- Deadlines and progressive implementation plans for wastewater infrastructure are not harmonised with the directive’s requirements
- The competent authority has not approved, through any legal act, the general and individual permissible discharge limits for wastewater
- Institutional responsibility, infrastructural planning and regulatory enforcement are lacking

Beyond the CEPA requirements it should be noted that monitoring, reporting, and compliance mechanisms on urban wastewater are not sufficiently developed or standardised according to EU practices.

In order to better approximate to Directive 91/271/EEC, Armenia must update its legal framework, clarify institutional roles, and implement structured planning and monitoring. These steps are essential for meeting CEPA obligations and improving water quality and public health.

3.3.4 Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, as amended

Council Directive 98/83/EC, established the first EU-wide standards for the quality of water intended for human consumption. This directive aimed to protect public health by ensuring that drinking water across the European Union met consistent safety and quality criteria.

However, Directive 98/83/EC was repealed and replaced by Directive (EU) 2020/2184, which entered into force on 13 January 2023. (https://eur-lex.europa.eu/eli/dir/2020/2184/oj/eng). This recast directive introduces several significant updates to enhance water safety and public health protection

The CEPA Annex must be amended accordingly. **The approximation is assessed on the basis of the new Directive (EU) 2020/2184**

- **Adoption of national legislation**

In Armenia the relevant legislation consists of these acts:

- Water Code of 2002 as amended
- Law on the National Water Programme of 2006
- Law on the Principles of National Water Policy of 2003
- Decision No. 53-N of the Minister of Health (MoH) of 2023 "On the approval of Sanitary Rules and Hygienic Norms 2.1.4.001-23 'Requirements for the quality of water intended for human consumption' […]

The Drinking Water Directive uses a number of definitions but none of them is really relevant for the approximation to the Directive extracts under CEPA for Armenia.

Approximated

- **Designation of competent authority/ies**

According to Article 10 (5) of the Water Code, the body responsible for the management and protection of water resources shall participate in the development of water standards and monitor their implementation.

The implementation of the sanitary rules and hygienic norms 2.1.4.001-23 "Requirements for the quality of water intended for human consumption", approved by Decision No. 53-N of the MoH of 2023 is overseen by the MoH and the Health and Labour Inspectorate. The Water Code also stipulates that the state authorised body in the field of healthcare shall exercise control, in accordance with the procedure established by law, over the compliance of drinking water supplied to the population with the established standards. The competence of the Health and Labour Inspection Body is to ensure compliance with the requirements of legal acts in the field of healthcare, in cases and in the manner prescribed by law.

Approximated

- **Establishment of standards for drinking water (Articles 4 and 5)**

Article 4 of the Directive requires that water intended for human consumption is wholesome and clean. This is considered the case if the following requirements are met:

(a) that water is free from any micro-organisms and parasites and from any substances which, in numbers or concentrations, constitute a potential danger to human health;

(b) that water meets the minimum requirements set out in Parts A, B and D of Annex I.

Article 5 also refers to **Annex I,** stating that Member States shall set values applicable to water intended for human consumption for the parameters set out in Annex I. The parametric values set pursuant to paragraph 1 of this Article shall not be less stringent than those set out in Parts A, B, C and D of Annex I.

The Annex provides for thresholds for microbiological parameters (Part A), chemical parameters (Part B), Indicator parameters (Part C) and parameters relevant for the risk assessment of domestic distribution systems (Legionella and Lead, Part D).

According to Order No. 53 of the Ministry of Health (MoH), drinking water must be safe and comply with the requirements set forth in Tables 1 to 5 of these norms, which are fully aligned with the requirements defined by the Drinking Water Directive. Furthermore, pursuant to part 2 of the same article, taking into account the need to ensure the sanitary and epidemiological safety of the population, the MoH may establish additional indicators not included in Tables 1 to 5 of these norms.

Additionally, the Law of RA “On Public Health,” adopted in 2024, stipulates that state administrative bodies, territorial administration and local self-government bodies, as well as operators of water supply systems, are responsible for maintaining water supply systems and ensuring the population's access to drinking water in accordance with public health norms.

In order to ensure compliance with this this norm it is provided by a provision of the same law, that in the event that the quality of drinking water does not meet public health standards, the use of drinking water by institutions, legal entities, and individuals may be temporarily suspended by a decision of the Inspection Body.

Approximated

- **Establishment of a monitoring system (Articles 6 and 7)**

Article 6 (still the same number in the new Directive) lists the points of compliance, where the parameters being set shall be complied with (e.g. where the water emerges from the taps or where it is put into bottles). **Article 7 became Article 13** in the new Directive (on monitoring aspects). All measures necessary to ensure that regular monitoring of the quality of water intended for human consumption shall be carried out in accordance with Parts A and B of Annex II. **Samples of water** intended for human consumption shall be taken. Appropriate **monitoring programmes** shall be established in accordance with Part A of Annex II.

Annex II of the EU Directive prescribes **minimum requirements for monitoring programmes** (Part A) such as collection and analysis of discrete water samples; inspections of water abstraction areas etc. and also prescribe monitoring parameters and sampling frequencies (Part B).

In Armenia the responsibility for conducting regular monitoring of drinking water quality lies with the organisation operating the drinking water supply system (here: Veolia Djur CJSC).

For the purpose of regular monitoring, the organisation operating the drinking water supply system must develop a monitoring programme for each settlement’s drinking water supply system, which should include monitoring of the indicators established by Order No. 53, monitoring of additional indicators set by the authorised body, the results of measurements recorded during continuous monitoring, and a number of other data.

The organisation operating the drinking water supply system shall review and reconfirm the Drinking Water Monitoring Programme at least once every six years. The requirements correspond to those of the Drinking Water Directive. However, notably, there are no explicit drinking water monitoring programmes in place yet as of today and this legal requirement has been ignored!

The Ministry of Health, in turn, conducts risk assessment and independent monitoring, the results of which are submitted to the Water Committee, while deviations are reported to the Inspection Body.

It is necessary to note, though, that **Armenia still has a need for laboratory re-equipment** and strengthening in the field of drinking water sample testing.

Largely approximated (but not really implemented)

- **Establishment of a mechanism to provide information to consumers (Article 13)**

Article 13 became **Article 17 in the new Directive**. Member States shall ensure that adequate, up-to-date information on water intended for human consumption is available in accordance with Annex IV. Annex IV provides that the information on drinking water shall be accessible to consumers on-line, in a user-friendly and customised way. It shall include water monitoring results, hardness; minerals, anions/cations dissolved in water: calcium, magnesium, potassium, information on the potential danger to human health and more.

In Armenia Order No. 53 of the MoH stipulates that organisations operating the drinking water supply systems must provide accurate and up-to-date information on drinking water **at least once a year online**. This information must include data on:

- The organisation operating the drinking water supply system, the number of residents using the given drinking water supply system, as well as the production of drinking water, including drinking water treatment and disinfection;
- The results of monitoring of the indicators listed in Tables 1 to 3 of these Norms by the organisation operating the drinking water supply system, including monitoring results for calcium, magnesium, and potassium, along with their maximum allowable concentrations (MACs)/standards;
- Hardness, dissolved minerals, anions, and cations in the drinking water;
- Non-compliances recorded as a result of monitoring by the organisation operating the drinking water supply system, potential risks to drinking water quality and/or human health, and the preventive measures taken accordingly;
- Risk assessment and management of the drinking water supply systems.

Furthermore, organisations operating drinking water supply systems that supply at least 10,000 m^3 of drinking water daily or serve at least 50,000 people must provide more extensive information **on an annual basis.**

However, the legislation of RA does not enshrine requirements **for regularly and easily accessible and publicly available data** regarding drinking water quality and monitoring results. Up-to-date daily data on drinking water quality is not available on the website of the organisation operating the drinking water supply system (despite the above legal requirement), nor is there any mobile application available to access such information.

Little approximated

Final remark and recommendations:

It is important to emphasise that the standards set for drinking water quality in Armenia fully comply with the standards established by the EU Drinking Water Directive. It should also be noted that Armenian legislation stipulates the obligation of regular monitoring of drinking water quality by the organisation operating the drinking water supply system.

In this field, the MoH plays a significant and central role in conducting independent monitoring. Unfortunately, there are certain gaps in terms of the technical equipment of laboratories in Armenia. There is also a considerable deficiency in the publication and accessibility of data on drinking water quality and monitoring results.

Although the legislation formally places this obligation on the drinking water supply organisation, such information is not made accessible to consumers. There is no available website or mobile application that would allow consumers to access information on issues of interest to them. Moreover, the legislative requirement to provide certain data only once a year is insufficient—especially considering that even this obligation is not fulfilled properly in practice.

To enhance transparency and ensure consumer access to reliable information, it is recommended that the relevant authorities mandate the development and maintenance of a centralised, publicly accessible digital platform—such as a dedicated website and/or mobile application—by the drinking water supply organisations. This platform should provide real-time or regularly updated data on drinking water quality, monitoring results, and any identified risks. Additionally, the legal requirement to publish data annually should be revised to require more frequent updates (e.g., monthly or quarterly), accompanied by strict enforcement mechanisms to ensure compliance and data accuracy.

3.3.5 Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, as amended

The Nitrates Directive aims at protecting water quality from pollution by nitrates, primarily from agricultural sources. The Directive aims to reduce water pollution in both surface and groundwater caused by nitrates used in agriculture by:

- **monitoring** nitrate concentrations of water bodies
- **designating** nitrate vulnerable zones
- establishing **codes of good agricultural practices** and measures to prevent and reduce water pollution from nitrates.

- **Adoption of national legislation**

In Armenia the Nitrates relevant legislation is the following:

- Water Code of 2002 as amended
- Law on the National Water Programme of 2006 as amended
- Law on the Principles of National Water Policy of 2003
- Order 219 of 2024 of the MoEnv on "Approval of the Criteria for Identifying Nitrate-Vulnerable Areas of Water Resources and Measures for Reducing and Preventing Nitrate Pollution of Water Resources Resulting from Agricultural Activities."

In order to approximate to the Directive, Armenia needs to incorporate into its legislation key terms as defined by the Directive in order to later comply with the respective requirements per Directive rules.

These terms are: “groundwater”, “freshwater”, “livestock”, “fertiliser”, “pollution” “eutrophication” and “vulnerable zone”.

In Armenia the terms "groundwater" and "nitrate vulnerable areas" are very well defined in either Water Code or MoEnv Order 219 of 2024. The terms "freshwater", "livestock", "fertiliser", "eutrophication" and "(nitrates) pollution" are being used but not defined. It is advisable to also define these terms in order to avoid any misunderstanding on their meaning.

Largely approximated

- **Designation of competent authority/ies**

According to Article 69 Water Code, the norms limiting the impact on water resources are developed by the Water Resources Management and Protection Body under the MoEnv. The Water Resources Management and Protection Body also develops the criteria for identifying nitrate-vulnerable zones of water resources and implements measures aimed at reducing and preventing nitrate pollution of water resources resulting from agricultural activities.

Approximated

- **Establishment of monitoring programmes (Article 6)**

Article 6 of the Nitrates Directive requires to develop and implement a national nitrates monitoring programme in order to designate vulnerable zones. The nitrates monitoring programme / plan must address nitrates concentration in both, groundwater as well as freshwater. In the EU such programme must be repeated every 4 years by the Member States.

According to MoEnv decision 219 of 2024, point 5, 5. "nitrate-vulnerable areas are determined based on the statistical analysis of monitoring data from existing observation points". Based on the results, nitrate-vulnerable areas for each river basin are defined and included in the river basin management plans (which is unusual in EU – these plans should be kept separate). Based on monitoring data the review of nitrate-vulnerable areas is conducted once every six years (points 6 and 7 of the decision).

The legislation in Armenia thus just provides for the basic steps on nitrates monitoring but it does not require to establish **detailed monitoring system**, and no such programme has yet been established. For example, the Sevan Basin Management Plan presents in considerable detail the results of nitrate studies in various water bodies and identifies locations where nitrate concentrations in water samples exceeded the limits set by the EU Nitrates Directive. However, the plan does not include the adoption of a nitrate monitoring programme.

It should also be taken into account that the terms of some of those management plans have expired, no monitoring programmes have been adopted during that period, and new management plans have not yet been approved. This is an approximation shortcoming.

The revision period of 6 years for vulnerable zones (in relation to the 4 years in EU) is deemed sufficient for approximation.

Little approximated

- **Identification of polluted waters or waters at risk and designation of nitrate vulnerable zones (Article 3)**

According to Article 3 Nitrates Directive Armenia shall identify (nitrate) polluted water / water at such risk and also designate nitrate vulnerable zones.

As for the designation of nitrates vulnerable zones the MoEnv decision 2019 of 2024 determines well the criteria for such designation as to be formulated by the Water Resources Management and Conservation Body in accordance with Article 69 (2) Water Code.

Article 10 Water Code which lists all the competences of the Water Resources Management and Conservation Body including the responsibility for the development of water management plans, which include designated nitrate vulnerable areas (which is not done like this in EU Member States and it is questionable if this is appropriate).

As regards the identification of nitrates polluted waters there is no such identification required by Armenian legislation yet.

As for the designation of nitrates vulnerable zones the MoEnv Order 219 of 2024 determines well the criteria for such designation as to be formulated by the Water Resources Management and Conservation Body in accordance with Article 69 (2) Water Code, as well as the basis on which these zones are determined. Specifically, nitrate-vulnerable zones are determined based on statistical analysis of existing observational data from water resource monitoring stations. Based on the results of this analysis, vulnerable zones are identified for each river basin and are included in the respective basin management plans. (In the EU it is done like that, vulnerable zones are not determined within River Basin Management Plans.

In practice, however, the basin management plans in Armenia do not address nitrate-vulnerable zones effectively at all.

Partly approximated (but no implementation)

- **Establishment of action plans and codes of good agricultural practices for nitrate vulnerable zones (Articles 4 and 5)**

According to Article 4, Armenia shall establish “code(s) of good agricultural practice”, to be implemented by farmers on a voluntary basis, which should contain certain minimum requirements as mentioned in Annex II A, such as periods when the land application of fertiliser is inappropriate and the conditions for land application of fertiliser near water courses.

According to Article 5 “action plans” (which are called action programmes” in the Directive) shall be done by Armenia on all designated vulnerable zones. These action plans / programmes shall contain a number of mandatory actions, listed in Annex II, namely:

- periods when the land application of certain types of fertilisers is prohibited
- the capacity of storage vessels for livestock manure;
- limitation of the land application of fertilisers.

As for the establishment of **“codes of good agricultural practice”** which are a key tool in agricultural policy in all EU Member States, there is no provision in Armenian water protection legislation that requires the development of such codes In EU Member States such codes are usually developed under the auspices of the competent authorities on agriculture.

In Armenia the agricultural sector is incorporated within the Ministry of Economy, but to the knowledge of the authors of this report no “Code of good agricultural practice” has been developed yet.

Instead of a “code of good agricultural practice” the Order 219 of the MoEnv “to reduce or prevent the pollution of water resources with nitrates resulting from agricultural activities”, provides for a set of measures to be developed. These measures should include restrictions on the use of nitrogen fertilisers and the storage of livestock manure, taking into account the specific characteristics of the vulnerable area, particularly soil type and slope, climatic conditions, precipitation, irrigation, land use, and agricultural practices, including crop rotation.

The measures implemented in each vulnerable area must ensure a balance between the predictable nitrogen requirements of crops and the amount of nitrogen transferred to crops from the soil and fertilisers. The measures must ensure that, for each farm or livestock operation, the amount of manure applied to the land annually—whether by artificial or natural means—does not exceed the limit per hectare. The amount of manure is calculated based on the number of livestock, using internationally accepted coefficients. The internationally established limit is 170 kg of nitrogen-containing manure per hectare. At the initial stage, a different amount may be allowed, provided that it does not hinder the process of reducing and preventing nitrate pollution. Measures aimed at reducing and preventing nitrate pollution of water resources resulting from agricultural activities are once again to be defined in the basin management plans.

It is noteworthy that in the Sevan Basin there is no data available on the use of organic fertilisers. Around 2,000 kg of mineral fertilisers have been used per hectare. Manure is one of the pressure factors affecting the water resources of the Sevan Basin Management Area. Through runoff, manure can enter surface waters and infiltrate into groundwater, leading to increased concentrations of nitrogen, phosphorus, and organic compounds in the water.

There is also no legal requirement on **“action plans” for designated vulnerable zones** in Armenian legislation. Article 69 (2) only stipulated that the Water Resources Management and Conservation Body shall be responsible for “implementing measures to mitigate and prevent nitrate pollution from agricultural activities” but does not state how and when and for whom such measures shall be set. All this should be part of an action plan, taking into account the above-mentioned criteria.

Little approximated

Final remark and recommendations:

Armenia has adopted the legislation and defined authorities in the field of regulating relations concerning pollution resulting from agricultural activities in nitrate-vulnerable zones. It has also established how such areas should be identified and delineated.

However, regarding monitoring and implementing measures, the regulation of these matters has been assigned by Order of the MoEnv to basin management plans, which, unfortunately, have not demonstrated effectiveness in addressing these issues. There are no action plans for designated vulnerable zones foreseen by legislation nor any “codes of good agricultural practice” as standard tools on nitrates pollution prevention in EU. Insofar the legislation should be improved.

In addition, we propose a complete revision and update of the Soviet-era agricultural crop cultivation guide, as it does not include many new crops that are now successfully cultivated in Armenia, nor does it take into account issues related to climate change and innovations in irrigation systems.

3.4 *Waste management*

The Environmental Acquis of the EU on waste management consist of numerous Directives and Regulations / Decisions. The Directives can be distinguished between those which focus on waste management operations such as landfilling, recycling and incineration and those which target specific waste streams such as packaging, electric and electronic waste, batteries and end-of-life vehicles.

These directives are not (yet) part of CEPA. The Waste List Decision of 2000 (2000/532/EC) which ensures a uniform application of waste and hazardous waste in EU is also not part of CEPA.

Only the two key Directives in the waste field, namely the Waste Framework Directive and the Landfill Directive are part of CEPA plus the Directive on waste from extractive industries ("mining waste"), since the extraction of natural resources and the remaining waste is a major issue in Armenia.

3.4.1 Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

The Directive 2008/98/EC is the "mother" Directive in the waste sector. It has been amended substantially in recent years so that there is a **new consolidated version dated 18.02.2024** (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02008L0098-20240218)

The Directive stipulates all relevant definitions in the waste field, establishes the fundamental waste management hierarchy, introduces basic obligations on Extended Producer Responsibility (EPR), sets a number of waste management targets, sets key requirements on waste management (incl. permit and registration requirements) with a particular focus on hazardous wastes management and regulates waste management plans and programmes.

Not all these issues have been taken up by CEPA, though.

- **Adoption of national legislation**

There are two laws in Armenia on waste matters and a number of Governmental Decisions and one Order which have CEPA approximation relevance. The laws are:

- The Law on Waste of 2004 as amended
- The Law on Garbage Collection and Sanitation of 2011 as amended

The relevant by-laws are:

- GD 121 of 2003 on approving the Procedure for Licensing the Activities Related to Hazardous Waste Management
- GD 47 of 2006 on determining the waste registration procedure
- Order 07 of 20024 of the MoEnv on approving the list of waste categorized according to danger

Some aspects of the Waste Framework Directive are addressed by the waste legal regime in Armenia, including some relevant definitions such as "household waste", "hazardous waste", "waste recovery".

However, other **key definitions are either not yet defined** (see for instance no definition of "waste" and a "waste owner" is the opposite of what that waste terminology of the EU states , namely that an item becomes waste if the "holder wants to discard", which means he gives up any type of ownership), **or defined in a misleading manner** (e.g. "waste disposal", "recovery", "waste management") which is **not in compliance with EU law.**

Partly approximated.

- **Designation of competent authority/ies**

According to Article 7 Waste Law the Government is responsible for the development of waste policy in Armenia – it is assumed that this includes the development and adoption of relevant legislation. Several governmental bodies and institutions are responsible for CEPA relevant implementation task on waste management:

The MoEnv shall, among other, adopt waste programmes (but not plans), issue waste passports for waste generators, adopt the hazardous waste list, maintain a register of waste management facilities etc. (Article 8 Law on Waste). According to Article 4.2 of the Garbage Collection Law the MoEnv is also responsible for the development and coordination of programmes aimed at improving waste collection services.

The MoH is in charge (Article 9 Law on Waste) of waste management safety and health requirements.

Territorial management bodies and local self-government bodies (Art. 10 and 11 Law on Waste) are, among others, responsible for garbage collection monitoring. The latter also "support" the implementation of a system for the sorted collection of household waste in the community.

All existing competences are well allocated. If there is a risk of overlapping competences on "waste collection" matters cannot be judged.

Approximated.

- **Preparation of waste management plans in line with the five-step waste hierarchy and of waste prevention programmes (Chapter V)**

The waste framework directive requires the adoption of national waste management plans and waste prevention programmes with specific content and public participation. The plan shall outline, how measures are implemented per waste stream in line with the waste hierarchy, which requires prevention over reuse, over recycling, over other recovery and as last resort disposal.

No waste legislation in Armenia provides for the preparation and adoption of neither national waste management plans nor waste prevention programmes. According to Article 8 Law on Waste "targeted programmes in the field of waste management" shall be developed by the MoEnv but it is not clear what the content of these programmes shall be like and there has no programme yet been adopted.

The Government Resolution No. 464-L of 01.04.2021 approved the Strategy of the Waste Management System and the 2021-2023 Action Plan to ensure the Implementation of the Strategy. This may be considered as a first step towards a national Waste Management Plan. In June 2022 a project developed an initial E-waste management plan but without formal legal basis. The waste management hierarchy as such is not yet embedded in Armenian waste legislation.

Little approximated

- **Establishment of full cost recovery mechanism in accordance with the polluter pays principle and extended producer responsibility principle (Article 14)**

The cost recovery mechanism requires that all costs for waste management issues shall be borne by the waste producer or holder. In Armenia all costs related to the collection of waste are regulated in the Law on Garbage Collection. However, a recent study concluded that the current system includes only operating costs for collection and not for disposal, and also that fees for legal entities are still way below the full-service cost recovery level. In order to establish a full cost recovery mechanism the scope of the waste management fee in Armenia must be widened.

As for the extended producer responsibility (EPR) system, the is regulated in Article 8 a) Waste Framework Directive and not part of CEPA. It is not yet pat of Armenian legislation but some pilot projects on EPR are undertaken in the country.

Partly approximated.

- **Establishment of a permitting system for establishments/undertakings carrying out disposal or recovery operations with specific obligations for the management of hazardous wastes (Chapter IV)**

The Waste Framework Directive requires in Article 23 that all establishments / undertakings which are dealing with **waste treatment activities** require a permit. The minimum content of such permit is regulated in that provision.

According to Article 7 e) of the Armenian Law on Waste the processing, neutralisation, storage, transportation and disposal of hazardous waste require a licensing procedure. This is repeated (why?) in GD 121 of 2003 ("activities related to Hazardous Waste (HW) Management require a license"). As for the content of such license, GD 121 only regulates the application content but not the content of the license as such. Also, the application content falls short of what is required by Article 23 Waste Framework Directive which lists what shall be addressed in the permit. In addition, the license is only required for hazardous waste related activities and not to certain activities on non-hazardous waste.

Order 07 of 20024 of the MoEnv lists all HW. It is assumed that this list is largely compliant with Annex III of the Waste Framework Directive which list all hazardous properties and the EU waste list decision 200/532/EC. Insofar the approximation is good.

Persons who generate hazardous waste shall draw up and approve "waste passports". A waste passport is a document confirming the type of waste and the hazard class, containing information about its composition. This passport may be considered a step towards legal approximation. However, this will only be the case of the passport ensures **traceability from production to final destination**, which is not really clear, as the law does not say anything about this.

Little approximated

- **Establishment of a register of waste collection and transport establishments and undertakings (Chapter IV)**

According to Article 14 Law on Waste there is a Waste Cadastre in Armenia which includes "a classifier of waste, registers of facilities for the formation, processing and disposal of waste and disposal sites".

However, the current Waste Cadastre does not include information about waste collection and transport establishments, and this is not yet required by Art. 14 Law on Waste yet.

Not approximated

Final remark and recommendations:

There is some general waste legislation in place but esp. the Law on Waste focusses almost entirely on competence allocations and has large purely descriptive parts. It also just lists in a not very concrete manner rights and obligations of various actors and also describes economic incentives rather than really regulating them.

The two laws (Law on Waste and Law on Garbage Collection) also are not directly linked with each other but "stand alone" laws which has a risk of overlapping or contradictions. This already shows their titles "waste" and "garbage" which should actually by the same legal terms but are not.

As seen above, many key elements of a modern waste management system are not yet addressed properly in either law. This include in particular the waste permitting and registration system.

Notably, in Armenia "unsorted waste from household premises of organisations (excluding bulky waste)" is classified as hazardous waste in Armenia according to the Order N342-N of the MoEnv of 2006 under hazard class 4.

This should be revised – in no EU country mixed household waste is classified as "hazardous waste" – according to the EU Waste list decision which classifies all waste types in EU household waste is "non-hazardous" as it may only have small parts which are hazardous. (See EU List in Decision 2000/532/EC - https://eur-lex.europa.eu/eli/dec/2000/532/oj/eng), number 20 03 01 in that list.

The classification of municipal waste as HW in Armenia makes it virtually impossible to implement a waste management system in line with the EU Directive!

It is advisable to merge the two laws (or at least properly link them), to amend the definitions and incorporate basic key obligations as required by the Waste Framework Directive. There should be a uniform use of the legal term "waste" and not "garbage" (which is considered colloquial language also in Armenian language).

The comment from MoEnv, that a merging of the two laws is unrealistic, given that there are two different ministries competent for implementation (namely MoEnv on waste management and Ministry of Territorial Administration and Infrastructure (MTAI) for waste collection and sanitary cleaning) highlights exactly one of the main general problems of Armenian laws: that legislation are often "authority" related rather than focussing on the topic as such which may allocate implementing competences to several ministries and subordinated authorities. In EU Member States it is most common that one law addresses implementing competences of various governmental in one field. (also see remarks below in chapter 5.1.1, on "stand alone laws").

In any case, a harmonisation of the two laws is necessary at least on terminology and also waste management procedures from cradle to grave should at least be linked.

Details of procedures could well be regulated in GDs, of course.

3.4.2 Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, as amended

There is a consolidated version of the Landfill Directive of 04.08.2024 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01999L0031-20240804).

In the EU, the landfilling of waste is considered the last resort, i.e. stands at the very end of the waste management hierarchy, and landfilling shall be avoided as far as possible. The main reasons are the waste of resources which can be better utilized otherwise and climate protection through emissions from landfills. Notably, by 2035 no more than 10% of municipal waste generated shall be landfilled by EU Member States.

CEPA Annex III includes a number of requirements on landfill policy and legislation for Armenia.

- **Adoption of national legislation**

In Armenia, in addition to the Law on Waste (see above) there are a few by-laws in place which address landfilling:

- GD 2105 of 2023 on determining the procedure for implementing landfill monitoring
- GD 07 of 2024 on the approval of the procedure for the design, construction and operation of landfills
- GD 27 of 2024 on approval of minimum standards for the operation, reconstruction and closure of existing landfills

The Law on Waste does not define what is considered a "landfill" – instead it speaks of "waste disposal sites" which include landfills (and what else?). GD 27 of 2027 has a definition of "landfill" but that definition is not aligned to the definition in the EU Landfill Directive at all and needs to be amended. On the other side there is a kind of definition of "licensed landfill" in the law on Waste but that term does not re-appear in the Law, so it is useless. Other definitions are also missing such as "biodegradable waste" or "leachate", whilst "inert waste" is well defined in GD 27.

The by-laws which have been adopted by the Armenian lawmaker on "landfills", i.e. GD 2105 of 2023, GD 07 of 2024 and GD 27 of 2024 address several aspects of the Landfill Directive as will be shown below.

Partly approximated

- **Designation of competent authority/ies**

The competences of the different authorities (central, territorial and local) on landfills are reasonably set in Articles 9 -11 Law on Waste. The same goes for the landfill monitoring competences as set in GD 2105 of 2023.

Approximated

- **Classification of landfill sites (Article 4)**

Article 4 of the Landfill Directive requires the classification of landfills into three categories of landfills, namely landfill for hazardous waste (HW), for non-hazardous waste and for inert waste.

The Armenian legislation does not yet provide for such classification and there are no distinctions of landfills except between "licensed landfills" and "unauthorised landfills". Instead, the term "sanitary landfill" is still being used which could be avoided – this is a term not used in EU at all, landfills should be either (permitted) landfills or illegal dumpsites.

According to information taken from the CEPA roadmap draft implementation table of December 2024 the suggested landfill classification was removed from the originally proposed GD 27 of 2024 through intervention of the MoJ – the reason for this remains unclear.

Not approximated

- **Preparation of a national strategy reducing the amount of biodegradable municipal waste going to landfill (Article 5)**

Article 5 of the Landfill Directive requires the preparation of a national strategy to reduce the amount of biodegradable municipal waste being landfilled. Such strategy does not necessarily have to be a separate document but can be part of a larger waste strategy.

In Armenia a waste management system strategy and action programme to ensure the implementation of that strategy has been adopted through GD 464 of 2021. In Chapter VII of this strategy VII, there are solutions for the listed waste management, including "mechanisms that reduce the disposal of biodegradable waste in landfills". It is proposed to collect biodegradable waste separately from residential buildings, houses, and food establishments, and to introduce both aerobic and anaerobic fermentation technologies, including volume reduction technologies through drying (point 58 of the Strategy) but there are no further steps outlined how and when this shall be done.

Appendix 2 of the Strategy requires for the period 2021-2023 the development of proposals and procedures for the utilisation and treatment of biodegradable waste. However, nothing in this regard has yet been done obviously. According to a new Article 12 of the Law on Garbage Collection "the placement of biodegradable waste in landfills is restricted" – but it remains unclear how it is restricted, for whom and when.

Little approximated

- **Establishment of an application and permit system and of waste acceptance procedures (Articles 5 to 7, 11, 12 and 14)**

This CEPA clause contains numerous legal requirements to be incorporated into Armenian legislation:

According to Article 5 (3) Landfill Directive **certain waste types shall not be landfilled at all** and this has to be prohibited in national legislation: liquid waste, explosive, corrosive, oxidising, flammable waste, hospital or clinical waste, whole and shredded used tyres, waste that has been separately collected for preparing for re-use and recycling.

According to No.5 of GD 27 it is prohibited to place explosive and flammable materials, waste from medical institutions and slaughterhouses and other biological waste, waste from electronic and electrotechnical equipment, mercury-containing lamps and other products, electric accumulators and batteries, vehicles and their tires, as well as liquid waste stored without special containers in the landfill.

Approximated

According to Article 5 (5 and 6) Landfill Directive by 2040 no more than 10% of municipal waste should be landfilled in Armenia and by 2035 no more than 35%. There is no such target foreseen in the Waste Strategy. Given the situation in Armenia, where virtually all waste is being landfilled and there are little alternatives available yet, it is doubtful that such target can be formulated and achieved. For further aspects of Article 6 Landfill Directive, see below.

Article 7 Landfill Directive addresses the requirements on a **landfill permit application**. The application shall contain information on:

- the applicant / landfill operator,
- the description of the types and total quantity of waste to be deposited,
- the proposed capacity of the disposal site, the description of the site,
- the proposed methods for pollution prevention and abatement,
- the proposed operation, monitoring and control plan,
- the proposed plan for the closure and after-care procedures,
- an EIA,
- and the financial security for the operation of the landfill.

Notably, Articles 8 and 9, which deal with the landfill permit conditions and the permit content are not mentioned in CEPA which should be amended accordingly as it makes little sense to address just permit application but not content/condition requirements in national legislation.

In Armenia GD 07 of 2024 addresses the "Procedure for the Design, Construction, and Operation of Landfills". However, this GD does not really address "procedural matters" but rather sets a number of technical standards for landfills (which is good). One of the main shortcomings of the GD is that is does not say **who is responsible** for the fulfilment of the standards and requirements. There is no "application for a landfill permit" foreseen as in EU at all. It is not clear, which obligations the landfill operator has except for certain surveillance measures (points 72 and 74).

There are also no permit conditions or content foreseen by law: the operation of landfills shall just be done “in accordance with the project (unclear definition) observing the requirements of sanitary, urban planning, and environmental legislation”. This wording is far too general. In general, it is not clear WHO is the addressee of this GD 07, the operator of a landfill or the competent decision-making authority? The information which is to be provided (by whom?) on the landfill design and the landfill capacity the landfill operation, the monitoring, the EIA is very much in line with the EU Directive, however, aspects such as the pollution prevention, closure/after care and financial security are missing entirely.

Besides, certain provisions, such as on leachate treatment are redundant in GD 27 (point 17) and GD 07 (point 67).

Little approximated

Article 11 Landfill Directive addresses the topic of waste acceptance procedures. There must be a waste documentation per waste delivery which is to be checked by the landfill operator. In addition, there shall be a visual checking of the waste delivered, and a register been kept by the landfill operator on the quantities and characteristics of the waste deposited and as concerns HW also the precise location where this HW is deposited.

In Armenia GD 27 of 2024 as well as GD 07 of 2024 deal with some waste acceptance matters – partly they are redundant insofar-. According to point 20 of GD 27 and also point 69 of GD 07 a waste acceptance register shall be kept by the landfill operator (but it is unclear what information is in that register and why is it stated in both GD?). A list of waste types subject to acceptance and rejection at the landfill shall be kept by the operator. In addition, the landfill operator shall “monitor” the composition of waste entering the landfill – but there is no requirement how this is to be done, no waste documentation, visual waste checking nor any specific requirement on HW disposal.

Little approximated

Article 12 Landfill Directive requires the implementation of control and monitoring measures to be taken by the landfill operator during the operation of a landfill. Annex III lists the details of the monitoring programme to be done. All monitoring results shall at least once per year be reported to the competent authority.

In Armenia GD 2105 of 2023 regulates details on landfill monitoring in a very detailed manner. This includes the submission of monitoring results to the competent (authorised) body.

Approximated

As for Articles 12 and 14 Landfill Directive, see below.

- **Establishment of control and monitoring procedures in the operation phase of landfills and of closure and after-care procedures for landfills to be disaffected (Articles 12 and 13)**

Article 12 Landfill Directive requires the implementation of control and monitoring measures to be taken by the landfill operator during the operation of a landfill. Annex III lists the details of the monitoring programme to be done. All monitoring results shall at least once per year be reported to the competent authority.

In Armenia GD 2105 of 2023 regulates details on landfill monitoring in a very detailed manner. This includes the submission of monitoring results to the competent (authorised) body.

Approximated

Article 13 Landfill Directive regulates the closing and after-care of landfills. What is most important is that the landfill operator shall remain responsible for its maintenance, monitoring and control in the after-care phase for as long as may be required by the competent authority, and that he has to notify the competent authority of any significant adverse environmental effects revealed by the control procedures. The operator shall also remain responsible for monitoring and analysing landfill gas and leachate from the site when the site has been closed.

According to points 8 and 11 of GD 2105 of 2023 the monitoring of the landfill through the operator shall continue for at least five years after the end of operation (who decides if this period shall be longer than 5 years?). According to point 18 of the same GD the landfill operator "shall immediately inform the state administration, territorial administration, local self-government and inspection bodies about a fire in the landfill, other situations threatening human health and the environment". Although there is no explicit mentioning of landfill gas and leachate (as in other points on monitoring during the operation phase) this can be considered as sufficient for approximation.

Approximated

- **Establishment of conditioning plans for existing landfill sites (Article 14)**

Article 14 Landfill Directive deals with existing landfills, regardless of whether they have already a permit or are operated illegally. These landfills shall not continue to operate unless there is a conditioning plan for the site in place which prescribes if and how an existing landfill can continue to be operated in line with the required standards or must be closed. This requirement is very ambitious and also requires huge financial resources as the elaboration of conditioning plans is very expensive. Therefore, it is unrealistic that Armenia can fulfil it properly.

In Armenia the vast majority of landfills is operated without license (permit) and hence would require a conditioning plan or being closed directly. According to point 3 of GD 2105 of 2023 such illegal landfills may be temporarily operated until a positive conclusion of the expertise under the EIA law is obtained and a license obtained, or a new licensed landfill is constructed, and the existing landfill is closed.

In addition, according to point 26 of GD 27 of 2024 existing landfills are subject to closure if they do not "comply with environmental, urban development and sanitary norms" as soon as new "regional sanitary landfills" are constructed. According to this before closing the landfill, a **landfill closure plan** is developed (but by whom?), specifying the closure activities and deadlines, as well as "a description of the requirements for the quality characteristics and indicators of disturbed land restoration works" – it remains unclear what the latter means.

It remains unclear why both, GD 27 and GD 2105 regulate the closure of existing landfills – once again both by-laws are not well linked at all.

Given the enormous financial efforts necessary for conditioning plans and the uncertainty on financial resources the current provisions in GD 2105 and in GD 27 seem rather realistic and practical (if well implemented, including closure plan).

Largely approximated

- **Establishment of a costing mechanism (Article 10)**

According to Article 10 Landfill Directive it shall be ensured that all costs involved in the setting up and operation of a landfill site (including costs for landfill closure and after-care of the site for a period of at least 30 years) shall be covered by the price to be charged by the operator for the disposal of any type of waste in that site.

In Armenia there is no such costing mechanism yet in place for landfill costs and it remains completely unclear how the costs of a landfill are being covered. In the case of community landfills, the fee for waste disposal is set by the community council (according to Law on Garbage Collection) – but it remains unclear how this is set and who has to pay.

As a pilot project the landfill operation cost mechanism is expected to be introduced during the operation of the sanitary landfill built in the Hrazdan community.

Not approximated

- **Ensuring the relevant waste is subject to treatment before landfilling (Article 6)**

According to Article 6 (a) Landfill Directive only waste that has been subject to prior treatment is landfilled. This clause is essential and very challenging for the operation of landfills. In addition, Article 6 requires that inert, hazardous and non-hazardous waste shall only be disposed of in the respectively classified landfills.

In Armenia there is no such waste treatment requirement in the landfill legislation yet. There is also no classification of landfills.

Not approximated

Final remark and recommendations:

Legally, Armenia has done a big step forward with the adoption of recent Governmental Decisions. However, there is still a discrepancy as concerns the use of the **key term "landfill" which should be defined more accurately.** Also, there is no classification of the three different landfill types yet. Although it is understood that the implementation of having different landfill types (or at least cells on one landfill) for hazardous, non-hazardous and inert waste is challenging at least the legislation should provide for a clear legal distinction and make sure that new licensed landfills in the future are used solely for either of this waste types only. In the mid-long term, it should be avoided to mix hazardous with non-hazardous waste. There should also be clear measures envisaged with a timeline and indicators and responsibilities to target biodegradable waste and gradually ensure that it is not landfilled anymore.

The major challenge though (as in EU), will be to secure in a long-term that no waste is landfilled before prior treatment. Such legal clause could be inserted into the legislation with a clause on a transition period for implementation (see above, gradual approximation). A cost recovery mechanism should also be introduced gradually, probably starting with hazardous waste disposal. Once again, it must be emphasized that mixed household waste shall no longer be considered as HW.

3.4.3 Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC, developed by Decisions 2009/335/EC, 2009/337/EC, 2009/359/EC and 2009/360/EC

Directive 2006/21/EC deals with "mining" or "extractive" waste, i.e. waste that is the result from prospecting, extraction, treatment and storage of mineral resources and the working of quarries. This Waste Directive is considered a piece of legislation which is in addition but a bit "outside" of the other EU waste legislation which is on "waste operations" (landfilling and incineration) and waste streams (such as packaging, electronic waste, end of life vehicles, batteries, ships).

This purpose of the Directive is to provide for measures, procedures and guidance to prevent or reduce as far as possible any adverse environmental effects on water, air, soil, fauna and flora and landscape and to human health as a result of the management of waste from the extractive industries.

- **Adoption of national legislation**

In Armenia the issue of mining waste is very relevant given the large number of quarries. Mining waste related activities are regulated by the

Subsoil and all related waste facilities Code (HO 280 of 2011) plus the following GDs:

- GD 429 of 2017 on defining the cases and the procedure for implementing measures for the maintenance, monitoring of and control over the mining waste facility after the closure of the mining waste facility
- GD 661 of 2017 on establishing the procedure for carrying out monitoring in mining waste facilities
- GD 674 of 2017 on establishing the procedure for coordinating the amended plans of mining waste management and mining waste reprocessing […]
- GD 675 of 2017 on defining the content of mining waste management and mining waste reprocessing plans as well as for mining waste management and mining waste reprocessing
- GD 676 of 2017 on approving the model forms of the mining waste management plan and the mining waste re-processing plan
- GD 689 of 2017 on establishing the procedure for classification of subsoil waste and facilities of subsoil waste according to the degree of hazard
- GD 774 of 2017 on defining the procedure for inventory taking of closed mining facilities
- GD 906 of 2017 on defining the procedure for reprocessing of mining waste
- GD 984 of 2017 on setting the technical requirements and standards for the construction of mining waste facilities
- GD 985 of 2017 on defining technical requirements and standards for the management of mining waste facilities and for managing and reprocessing mining waste
- GD 990 of 2017 on defining the content of the financial guarantee and standards therefore, the procedure for evaluating the qualitative criteria therefore as well as for calculating the financial guarantee

The key term to be defined according to the EU Directive is that “waste facility”. In Armenia the Subsoil Code defines the term “subsoil waste facility” in a proper manner, although slightly different from the EU Directive. In the English versions of the GD the term “mining waste facility” is used (and not subsoil) which is definitely advisable - the term “subsoil” does not exist in EU legal terminology. The definitions of “waste” and of “hazardous waste” in the Mining Waste Directive are identical with those used in the Waste Framework Directive – especially the definition of “waste” should be aligned in Armenian legislation. The definition of all other terms of the Mining Waste is fine.

Largely approximated

- **Designation of competent authority/ies**

The State environmental authority, which is the MoEnv, is responsible for the control of all management matters related to mining waste according to the Subsoil Code and its sub-legislation.

Approximated

- **Establishment of a system to ensure that operators draw up waste management plans (identification and classification of waste facilities; characterisation of the waste) (Articles 4 and 9)**

Article 4 of the Mining Waste Directive requires in general terms to take measures that extractive waste is managed without endangering human health and without using processes or methods which could harm the environment. These measures shall be based on “best available techniques”. Furthermore, the abandonment, dumping or uncontrolled depositing of extractive waste shall be prohibited.

In Armenia the general conditions for the management of extractive waste is regulated in Article 60.1 and 60.6 Subsoil Code. Measures shall be implemented using the best available technology or the best economic activity in environmental terms.

By administrative code the accumulation of three or more cubic meters of waste in undefined and unauthorised locations, including outside of dumpsters, waste containers, as well as designated or officially organised transfer stations or landfills is considered an environmental violation and entails imposing a fine on the official in the amount ranging from one hundred to two hundred times the minimum wage.

Approximated

According to Article 9 of the Mining Waste Directive a waste facility shall be classified as Category A in accordance with the criteria set out in Annex III to the Directive. A Category A facility is defined as a facility which either:

- poses a threat of a major accident due to failure or incorrect operation, or
- if it contains hazardous waste or
- if it contains substances or preparations classified as dangerous (under EU Law).

In Armenia, according to Article 60.3 Subsoil Code there shall be “Subsoil waste management and subsoil waste recycling plans to be drawn up” by the subsoil users which shall include “characteristics of the classification of the subsoil use waste facility”. The procedure for classifying […] subsoil use waste facilities according to the degree of hazard shall be approved by the Government of RA.

GD 689 of 2017 regulates all procedural and technical details, in Annex 2 on the classification of subsoil waste use facilities which follows the EU standards. The GD just does not explicitly state who does the classification and when this classification is to be done.

Approximated

The preparation of Waste Management Plans by the operator of a waste management facility is regulated in Article 5 (not 4 or 9) of the EU Directive – insofar CEPA is not fully correct. But it is assumed that such plans shall also become mandatory in Armenia. According to the Directive the operator shall draw up a waste management plan for the minimisation, treatment, recovery and disposal of extractive waste – the minimum content of such plan is set in Article 5. In Armenia Article 60.3 Subsoil Code regulates the preparation of “Subsurface waste management and subsurface waste recycling plans” very well. In addition, GD 676 provide for a model of such plans, which is very good. However, once again it is not explicitly stated in neither the Subsoil Code nor in GD 676 who shall prepare such plan. GD 674 on amended plans of mining waste management imply that it is the “sub-soil user”, who shall prepare such plan (see Annex to the GD 674) – but it should not be the “subsoil user” but the operator of the waste management facility. **This should be amended.**

Largely approximated

- **Establishment of a permit system, of financial guarantees and of an inspection system (Articles 7, 14 and 17)**

Article 7 of the Mining Waste Directive requires that no waste facility shall operate without a permit granted by the competent authority. The permit shall only be granted if the operator complies with the "relevant requirements" under the Directive; these requirements concern in particular the proper construction and management of waste facilities including closure and after closure procedures.

According to Article 60.2 Subsoil Code subsoil waste management is carried out by subsoil users in accordance with the subsoil waste management plan – they have to submit a relevant application for this purpose. The Subsoil Code does not state explicitly that the plan needs to be approved by the competent authority. The only GD which deals with the decision of the competent authority following the submission of the plan is GD 674 of 2017 on the procedure for coordinating the amended plans of mining waste management - **it addresses amended plans only** and not original plans. Such amended plan shall enter into force after "coordination" with the competent authority which has the right to reject the plan (point 5) – the plan may also be subject to an EIA (it is unclear when and when not, though).

Though the provisions of the Subsoil Code and of GD are a bit ambiguous (no explicit permit, only amended plans need to be "coordinated" (and not approved) it reads as if no waste management facility shall be operated without green light from the competent authority (MoEnv). The waste management plan shall also contain information on closure and after closure procedures (see GD 675 of 2017 point 2).

Likely approximated

Article 14 requires that the competent authority, prior to the commencement of any operations involving the accumulation or deposit of extractive waste in a waste facility, requests from the operator of the waste facility a financial guarantee, for instance in the form of a financial deposit or the like.

The issue of financial guarantee for subsoil waste management is part of the submission of the plan, see Article 60.4 and 60.5 Subsoil Code. It is well regulated – further details on the calculation of the guarantee are set in GD 990 of 2017.

Approximated

According to Article 17 the competent authority shall at regular intervals conduct inspections of the waste facility. The operator of the waste facility shall keep up to date records of all waste management operations and make them available for inspection.

As for inspections, Article 60.9 Subsoil Code inspections by the authorised state administration body in the field of environment regarding the implementation of waste management and processing activities of subsoil users are carried out in accordance with the procedure established by the Law of the Republic of Armenia "On Inspection Bodies". It is not clear if this legal reference refers to the Law of 2000 "on the organisation and conduct of inspections in RA" or to the Law of 2005 "on Environmental Control" or another Law. There should be an explicit reference to the Law on Environmental Control at least although this law falls short on "record keeping".

In addition, point 27 of GD 661-of 2017 on monitoring of mining waste facilities requires periodic inspections of water quantity and quality and identifying significant negative impacts on surface waters as a result of operation of facility.

Largely approximated

- **Establishment of procedures for the management and monitoring of excavation voids (Article 10)**

Article 10 of the Mining Waste Directive addresses the refilling of extractive waste back into excavation voids for rehabilitation and construction purposes. Stabilisation of the waste, prevention of pollution and sufficient monitoring shall be secured by national law.

The refilling of excavation voids seems only partly addressed in the Subsoil Code, namely in Article 60.7 which addresses the construction and management of underground waste facilities but not for those voids which are surface excavations (like open-pit mines) refilled with waste. The content of Article 60.7 though reads fine.

Partly approximated

Notably, monitoring of waste management facilities in general is required explicitly by Article 11 of the Mining Waste Directive, which is not part of the CEPA Annex.

Armenian legislation, though, regulates monitoring of mining waste management facilities in very detail in GD 661 of 2017 and goes well beyond CEPA requirements insofar.

- **Establishment of closure and after-closure procedures for mining waste facilities (Article 12)**

According to Article 12 of the Directive a waste facility shall only start the closure procedure if the competent authority agrees and after a final on-site inspection which confirms that the land affected by a waste facility has been rehabilitated. The operator shall remain responsible for the maintenance, monitoring, control and corrective measures in the after-closure phase for as long as may be required by the competent authority. The operator shall also notify the competent authority of any events or developments likely to affect the stability of the waste facility, and any significant environmental effects he is aware of.

Concerning the closure of mining waste facilities Article 60.8 Subsoil Code is the relevant provision which regulates this aspect very well. Further details are stipulated in GD 429 of 2017 on the final closure of subsoil waste management facilities.

Approximated

- **Drawing up an inventory of closed mining waste facilities (Article 20)**

Article 20 of the Mining Waste Directive, as part of CEPA, requires from Armenia to draw up and periodically update an inventory of closed waste facilities, including abandoned waste facilities within Armenian territory.

According to Article 60.10 of the Subsoil Code the authorised state administration body in the field of environment shall carry out an inventory of closed (including abandoned) subsoil waste facilities. The procedure for inventorying the objects has been established with GD 774 of 2017 on defining the procedure for inventory taking of closed mining waste facilities. The MoEnv, in accordance with this GD has already undertaken the following actions:

- Assessed the level of environmental pollution at the sites of closed mining waste facilities,
- Evaluated the damage caused to the environment,
- Developed measures aimed at reducing, neutralizing, or eliminating the pollution.

To initiate these activities, an information database was created regarding abandoned/ownerless industrial dumps and closed waste facilities resulting from the extraction of metallic mineral resources. In addition, field inspections were carried out at 44 abandoned mining waste sites and 5 closed tailing dams. Based on the severity of negative environmental impacts, 10 sites and closed tailing dams were selected for further study.

At these selected sites, general activities were conducted, including sampling of mining waste and assessment of waste volumes. By Order No. 337-L of the MoEnv of 2019, a list and descriptions were approved for closed mining waste facilities, abandoned industrial dumps, and disturbed areas that were identified through the inventory process as requiring priority environmental impact mitigation programs.

Approximated

Final remark and recommendations:

Armenian legislation concerning the management of mining waste is very well approximated to CEPA requirements with the amendment of the Subsoil Code, chapter 5.1, Articles 60.1 – 60.10 and the numerous GD on the topic. There are just some very few shortcomings as identified above. The term “subsoil” should be replaced by “mining”, too. As stated in the introduction of this report this does not mean that the legislation is also implemented and enforced very well. A very positive implementation step, though, are all activities already taken by the MoEnv on the database (inventory) of closed facilities and corresponding measures.

3.5 *Nature protection*

The EU legislation on nature protection consists actually of five pieces of legislation of which the two most relevant are part of the CEPA Annex. The legislation which is not included in CEPA are

– Regulation (EU) No 995/2010 laying down the obligations of operators who place timber and timber products on the market
– Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species
– Regulation (EU) 2024/1991 on nature restoration and amending Regulation (EU) 2022/869

When amending CEPA it may be advisable to include in particular elements of the first two Regulations.

For long time, however, the key pieces of nature protection legislation in the EU are the “Wild Birds Directive” and the “Habitats Directive” which are parts of CEPA. Both Directives follow a similar legal approach.

3.5.1 Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds

The Birds Directive is the oldest piece of EU legislation on the environment adopted originally in 1979 and amended in 2009, when it became the Directive 2009/147/EC. It aims to protect all European wild birds and the habitats of listed species, in particular through the designation of Special Protection Areas (SPA) and provisions concerning the protection of species.

- **Adoption of national legislation**

In Armenia the protection of wild birds is regulated in the

- Law on Fauna of 2000 as amended in 2022, and
- the Red Book of Animals of 2010.

To which extent these two Laws take up all relevant commitments under CEPA on bird species and their habitats protection is analysed below. There can be no assessment conclusion if proper legislation is in place as such.

- **Designation of competent authority/ies**

The competent authority for the implementation of bird protection measures in Armenia is the MoEnv, according to GD 560 of 2000 and the Prime Minister's decision of June 11, 2018 745-L, paragraph 9, subparagraph 1.

Approximated

- **Assessment of bird species requiring special conservation measures and regularly occurring migratory species**

The requirement refers to Article 4 of the Birds Directive in connection with Annex I which lists all birds which require special conservation measures. Similar measures shall be taken for regularly occurring migratory birds not listed in Annex I. In order to comply with this requirement, it is necessary to incorporate the **list of special protected birds and other regularly migratory birds** which are not listed in Annex I into Armenian legislation.

In Armenia there exists no such list of bird species which require special conservation measures / migratory bird species. For compliance with this CEPA requirement it is necessary, though, to identify these birds (probably through a GD). According to the CEPA Roadmap, in practice the monitoring of migratory species is regularly carried out twice a year, in autumn and spring, with a focus on some 10 species. This is a good starting point but for approximation legislation which lists all relevant bird species is to be adopted.

Not approximated

- **Identification and designation of special protection areas for bird species (Article 4(1) and (4)**

The identification and designation of special protection areas (SPAs) as part of the Natura 2000 network in EU is a cornerstone of EU nature protection policy and legislation. However, in Armenia there will not be any Natura 2000 sites as long as the country is not a Candidate Country. Insofar the obligations under Article 4 (1 and 4) are not applicable as such. Instead, the provisions of the Bern Convention concerning the **identification and designation of "Emerald sites"** are applicable. Armenia is a full party to the Bern Convention on the Conservation of European Wildlife and Natural Habitats of 1979 since 2008. On Emerald Network see below, Habitats Directive approximation assessment.

The Law on Fauna defines the term "Important bird areas" which are areas of special environmental interest set aside for bird conservation (outside or included in specially protected areas of nature) that serve as nesting, wintering or resting places for birds. This definition is very good. According to Article 6 g3 of the law the MoEnv shall define the criteria for the designation of important bird areas. This has been done most recent through MoEnv Order 277 N of 2024 on determining the criteria for designating important bird areas.

According to the Roadmap an inventory has been carried out under the AEWA Convention (Agreement on the Conservation of African-Eurasian Migratory Waterbirds) at sites that may be of importance to waterfowl covered by AEWA. As a result, 15 sites were designated as important for the protection of AEWA waterfowl species and their staging areas.

Approximated

- **Establishment of special conservation measures to protect regularly occurring migratory species (Article 4(2)**

According to Article 4(2) Birds Directive regularly occurring migratory birds shall be subject to **special conservation measures**. Particular attention shall be paid to the protection of wetlands and particularly to wetlands of international importance. Which specific measures are taken is up to each EU Member State. Insofar, also Armenia has a wide margin of discretion which measures it takes for the protection of migratory birds.

Once again, the relevant piece of Armenian legislation is the Law on Fauna as amended. The law stipulates as one of its purposes in Article 3 d) the protection of animal migration routes. However, there are no rules in place which determine more concrete measures.

According to Article 14 of the Law on Fauna the Red Book of Animals (adopted through GD 71 of 2010) is supposed to determine conservation measures of rare and endangered animal species. The Red Book of Animals lists a number of measures taken and proposes many other measures ("it is necessary to do…") for almost 100 protected birds. It cannot be assessed to which extent these measures have been taken and are legally mandatory according to the Red Book.

Red Books in EU Member States generally serve **solely scientific purposes**, namely the collection of information through monitoring and assessment of species. It is the information basis meant for specialists on nature conservation for accomplishing their monitoring tasks, but these red books **do not contain** legally binding obligations for citizens. It depends on the legal character of the Red Book in Armenia if it can be used for legal approximation means by determining **legally binding conservation measures** for migratory bird species.

In the Criminal Code of RA the destruction of plants and animals listed in the Red Book is considered a crime as well the extermination of their populations but there are no legally binding conservation measures for migratory bird species regulated anywhere yet.

In general, it is advisable to have a specific chapter on bird species protection in either the revised Law on Fauna or a new "Nature Protection Law" including an Annex with all names of protected migratory species.

Approximation unclear, rather not approximated

- **Establishment of a general system of protection for all wild bird species of which the hunted species are a special subset and prohibition of certain types of capture/killing (Articles 5, 6(1), 6(2) and 8)**

Articles 5, 6 and 8 of the Bird Directive address the protection measures of wild birds to be taken for species directly, in in addition to the designation of protected areas.

According to Article 5 it shall be explicitly prohibited:

– the deliberate killing or capture by any method;
– the deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
– the taking their eggs in the wild and keeping these eggs even if empty;

- the deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant […];
- keeping birds of species, the hunting and capture of which is prohibited

According to Article 6 (1 and 2) for all wild bird species the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds shall be prohibited unless the birds have been legally killed or captured or otherwise legally acquired (exceptionally).

Article 8 Birds Directive regulates hunting aspects: For the hunting, capture or killing of wild birds the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species shall be prohibited as well as the use of certain modes of transport for hunting. The means are listed in Annex in Annex IV of the Directive.

In Armenia according to Article 6, point c3 of the Law on Fauna requirements and conditions for places where wild animals, including animals registered in the Red Book of Animals, their products and parts are bought and sold shall be established; no such requirements and conditions have already been legally established in order to comply with Article 6 Birds Directive.

According to Article 16 b) of the Law on Fauna the illegal use of wildlife objects shall be prevented. The Article does not state when the use of wildlife is considered illegal and how such prevention shall be done (it is merely declaratory).

According to Article 27 of the Law on Fauna the use of wild animals registered in the Red Book of Animals is permitted in exceptional cases for scientific research, environmental protection, health care and reproduction organisation purposes, based on contracts signed with an authorised state body. It is not clear to which extent the Red Book lists all wild bird species to be protected under the EU Directive. It is also not clear if "use" includes transport and sale as required under Article 6 of the EU Directive.

According to Article 27.2 of the Law on Fauna the purchase and sale of wild animals, including animals, their products and parts registered in the Red Book of Animals "shall be carried out in conditions that arise from the biological, individual and species characteristics of wild animals and meet the needs necessary for survival". There are no prohibitions stipulated in that Article.

Article 23 of the Law on Fauna list what use of faunal objects is allowed in Armenia (without stating if these "objects" are wild or not). It includes industrial purposes which include hunting, fishing, gathering, including the collection and storage of animal products. There are not explicit prohibitions as relates to the prohibitions in Article 5 and 6 Birds Directive.

The Law on Hunting and management of Hunting Enterprises Fauna regulates in its Articles 20, 21 and 21.1 the hunting periods as well as hunting methods and modes and tools to be used for hunting.

Approximated

3.5.2 Council Directive 92/43/EC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended

The Habitats Directive can be considered as the main piece of EU nature protection legislation. Like the Wild Birds Directive, it can be divided into two parts: the provisions for the designation and management of protected sites (Natura 2000 sites) in Articles 3-11 and those for the protection of animal species in Articles 12-16.

- **Adoption of legislation**

The relevant laws concerning the conservation of wild fauna and flora are, as above, the

- Law on Fauna of 2000 as amended in 2022, and the
- Red Book of Animals of 2010. In addition, the
- Law on Flora of 1999 as amended in 2023 has legal relevance.

To which extent these Laws take up all relevant commitments under CEPA is analysed below.

- **Designation of competent authority/ies**

According to the CEPA Roadmap the competent authority for the implementation of measure in the field of the Habitats Directive is the MoEnv, see GD 560 of 2000 and the Prime Minister's decision of June 11, 2018 745-L, paragraph 9, subparagraph 1.

Approximated

- **Preparation of inventory of sites, designation of these sites and establish priorities for their management (including completion of the inventory of potential Emerald sites and establishment of protection and management measures for these sites) (Article 4)**

According to Article 4 Habitats Directive EU Member States shall propose and designate Special Areas of Conservation (SAC) in a process determined by the Directive. These SAC later become part of the Natura 2000 network.

This is not possible for Armenia as it is not an EU Member State. However, the equivalent for the Natura 2000 sites are the Emerald sites under the Bern Convention on Biological Diversity to which Armenia is a party.

The Emerald Network is an ecological network made up of Areas of Special Conservation Interest and the equivalent to the EU Natura 2000 network for non-EU Member States. It was launched in 1989. Setting up the Emerald Network at national level is considered as one of the main tools for the Contracting Parties to comply with their obligations under the Bern Convention. Before being officially adopted as Emerald Network sites, all sites proposed to join the Network are thoroughly assessed at biogeographical level for their sufficiency to achieve the ultimate objective of the Network.

In order to comply with this CEPA requirement there should be provisions in Armenian nature protection legislation that link the national law to the Bern Convention and stipulate for the identification and designation of Emerald sites (in addition to nationally protected nature areas).

According to the website of the Bern Convention as of 6 December 2024 Armenia has 23 Candidate Emerald Sites but no officially adopted Emerald site yet (see https://rm.coe.int/pa18e-2024-draft-candidate-list-emerald-network-sites-2779-8956-4427-1/1680b27e33).

According to a EU4Environment project report of September 2024 there should even be some 30 areas designated as Emerald sites
(see https://www.eu4environment.org/app/uploads/2024/11/Recommendations-for-Review-of-the-Candidate-Emerald-Sites-in-Armenia.pdf).

The Law on Fauna does not address designation and management of Emerald sites at all – there is also no procedure stipulated under Armenian law how to designate and manage Emerald sites. This is a bit surprising as in GD 1059 of 2014 it is stated that the creation of the Emerald Network is one of the most important steps towards the implementation of the provisions of the Convention on Biological Diversity and is a precedent for the creation of an ecological network in Armenia and joining international ecological networks.

The Law on Fauna has a number of provisions related to the specially protected natural areas. In addition, a Law "On Specially Protected Nature Areas" is in place. However, this does not replace the obligation under CEPA to put legal rules in place for the designation and management of **Emerald sites. It is highly recommended to draft and adopt es special law/by-law on Emerald sites or make this a chapter of the Laws on Fauna and Flora (it is advisable to merge these two laws into one).**

Not approximated

- **Establishment of measures required for the conservation of such sites, including co-financing (Articles 6 and 8)**

Article 6 Habitats Directive requires basically to important measures for EU Member States. The first is the establishment of necessary conservation measures through either specific management plans per protected site or other development plans, or statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types. The equivalent text from the Bern Convention – which is more relevant for Armenia – reads in Article 4 (1): “Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats.” (→ those Habitats are Emerald sites)

The approximation under CEPA requires Armenia to establish a basic legal system which stipulates how Emerald sites are to be protected. However, there are no rules yet in place which state how Emerald sites shall be protected. Such legislation is missing completely yet. However, at least a guideline (which is not legally binding) for the preparation of management plans for the Emerald areas in Armenia (2023-2030) were developed within “EU4environment” programme as first step – but this is not enough for legal approximation.

Not approximated

The second part of Article 6 Habitats Directive requires the establishment of the “appropriate assessment mechanism” which shall guarantee that no project or plan which may have a significant impact on the protected site is implemented. This mechanism is very complex and demanding and **not** part of the Bern Convention. It is therefore assumed that the “appropriate assessment mechanism” must not be included in Armenian nature protection legislation.

No approximation necessary

As regards the question of co-financing under Article 8, EU Member States shall inform the EU Commission on co-financing needs for the implementation of tasks under Article 6. It is questionable, in how far this is also applicable to Armenia as a non-EU Member State. In any case, any request from Armenia for co-financing towards the EU would not require specific legislation to be adopted.

No approximation necessary

- **Establishment of a system to monitor conservation status of habitats and species (Article 11)**

According to Article 11 Habitats Directive there shall be a well-established surveillance system of the conservation status of the natural habitats and species protected under the Habitats Directive. According to Resolution No. 8 (2012) of the Standing Committee of the Bern Convention on the implementation of management, monitoring and reporting measures a monitoring system shall be established by the Parties and a monitoring framework forms an integral part of the management plans and/or other administrative measures taken for the designation of Emerald sites.

There are several provisions set in the Laws on Fauna as well as the Law on Flora which stipulate that a **monitoring system on wildlife shall be established** by the government but there is no further legislation is place as to the details of such monitoring system – in particular no clause refers to the conservation status of habitats (here: Emerald sites) or species. Until 2020, there was a Biodiversity Resources Management Agency within the MoEnv, which was responsible for conducting biodiversity monitoring. It has since been reorganised. There is no uniform monitoring system in place but there are separate Government Decisions on approving the procedures for organizing and conducting monitoring of the animal world (fauna), the plant world (flora), and of specially protected nature areas.

Approximated

- **Establishment of a strict species protection regime for species listed in Annex IV as relevant for the Republic of Armenia (Article 12)**

Article 12 of the Habitats Directive requires to establish a system of strict protection for the animal species listed in Annex IV, prohibiting:

- all forms of deliberate capture or killing of specimens of these species in the wild;
- deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;
- deliberate destruction or taking of eggs from the wild;
- deterioration or destruction of breeding sites or resting places.

Virtually the same provision is in Article 6 Bern Convention.
In the Armenian Law on Fauna there are no such detailed provisions (see above on Birds Directive) but just a rather general and partly ambiguous prohibition in Article 23 (almost all purposes of wildlife use are in principle allowed). Article 17 of the Law on Flora states that “any activity that leads to a reduction in the number of species registered in the Red Book of Plants of the RA and the deterioration of their habitats is prohibited.” This reads very far going but it is not clear if it includes what is stated in Article 12 Habitats Directive.

This cannot be considered as fully sufficient for approximation.

Largely unclear approximation

- **Establishment of a mechanism to promote education and general information to the public (Article 22)**

The approximation of Article 22 (3) Habitats Directive, i.e. the promotion of education and general information to the public does not necessarily require any legal means.

According to the CEPA Roadmap educational and public awareness activities are regularly carried out in Specially Protected Nature Areas of Armenia, as well as informal eco-educational courses are organised. This process is covered by the official social platforms of the MoEnv. Within the frame of Twinning project "Strengthened protection and sustainable use of biodiversity in Armenia” it is stated in the roadmap implementation table that the website https://biodiversity.am/hy/ was created – but such website seems not accessible any more unfortunately.

Approximated

Final remark and recommendations:

The Armenian nature protection provisions are only partly aligned to CEPA requirements.

The Armenian legislation on Nature Protection dates back to the early 2000s. Since it has been divided into flora and fauna protection laws and in addition the Red Book of Animals. The EU legislation (and also the Bern Convention) on the other side have a different approach, they distinguish between **habitats protection** (for birds / wild fauna and flora) on one hand, and specific **species** (birds/fauna/flora) related protection measures and requirements on the other.

As for the habitats protection and given that Armenia cannot designate Natura 2000 sites but is required according to the Bern Convention to designate and mange Emerald Sites it is important that it includes a special legal basis for their designation and management into nature protection legislation as legal basis and then adopts detailed sub-legislation on management procedures and management (plan) measures. For instance, Ukraine, which had nearly the same legislation in place (Fauna and Flora Laws and Red Book plus Law on nationally protected areas) did the same and introduced specific legislation on Emerald sites protection. Notably, in Armenia up to 30 candidate Emerald sites have been identified but given the lack of appropriate national procedures they cannot be designated formally in cooperation with the Bern Convention Secretariat and their management is unclear.

As for species protection, the current system protects all species listed in the Read Book in general terms but specific protection measures as provided in EU legislation is missing. Also lists of migratory birds as required by CEPA have not yet been identified.

In general, and in the long term it would be advisable to have a new combined Law on Nature Protection which has provisions on Fauna and Flora, habitats and species (chapters) and provides for a legal basis for Emerald sites protection basis.

3.6 *Industrial pollution and industrial hazards*

In the area of industrial pollution and industrial hazards there are basically 4 legal acts of the EU in place of which two are partly incorporated into CEPA.

Part of CEPA are extracts from the

- Directive 2010/75/EU concerning industrial emissions (IED), and the
- Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances (Seveso III Directive)

Not included in CEPA are

- Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register (EPRTR), and
- Directive (EU) 2015/2193 on the limitation of emissions of certain pollutants into the air from medium combustion plants (MCP Directive).

The EPRTR is largely a transposition of the PRTR Protocol to the Aarhus Convention under the UNECE Treaty. This PRTR Protocol has not been ratified by Armenia and as long as this is the case it makes no sense to include the EPRTR Regulation into CEPA. This is different for the MCP Directive which can be considered the small sister of the IED. Since most industrial installations in Armenia are rather medium sized then large (according to the criteria of the two Directives) it is strongly advisable to include in future amendments of CEPA also relevant parts of the MCP Directive. The focus of that Directive is on emission emissions limit values for SO2, NOx and dust into the air from medium combustion plants (plants which have a thermal input between 1-50 MW).

3.6.1 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 concerning industrial emissions (integrated pollution prevention and control)

There is a new consolidated version of the IED of 04.08.2024. This consolidation concerns in particular the inclusion of livestock rearing emissions into the scope of the Directive and has no real impact on the requirements under CEPA.

The IED is a cornerstone of EU environmental legislation. It has replaced the sectoral approach for permitting and control of large industrial installation through an integrated permitting and control system which based on best available techniques (BAT) and Emission Limit Values (ELV) for large combustion plants.

Notably not all relevant IED aspects are incorporated into CEPA and it is partly also inconsistent. For instance, Armenian authorities shall be required to periodically reconsider and update permit conditions (Artcile21) although the permit conditions itself as set in Article 14 (1) IED are not an explicit part of CEPA which makes no sense then. It is understood that Article 14 (1) must also be approximated as concerns permit conditions.

- **Adoption of legislation**

In Armenia there has no law been adopted yet on integrated industrial permitting and control. There exist certain licenses / permits according to the Law on Licenses of 2001 and in sectoral laws like the Law on waste (permit for landfills), the law on Garbage collection (license for numerous waste activities), the Law on Air Protection (air emission permit) or the Water Code (water use permit and water license). In addition, the instrument of EIA is used for the approval of industrial activities.

In addition, GD 32 of 2024 on "approval of the procedure of draft regulations on permitted emissions of air pollutants and for the grant or renewal of emission permits to legal entities and physical persons engaged in entrepreneurial activities […]" regulates how emission limits are to be calculated (very different from what is done in EU) for permits, details of the "emission permits" permitting procedure and potential revocation of that permit. However, several aspects in this GD are not in line with the EU approach on emission control from industries.

A draft law on integrated environmental permitting and control was jointly prepared by a team of German legal experts and counterparts from MoEnv in 2013, but this draft was never discussed in Parliament.

It is in particular necessary also to define key terms such as "Environmental Permit", "Emission", "Emission Limit Value", "General Binding Rules", "Substantial Change" and more in Armenian environmental legislation.

Not approximated

- **Designation of competent authority/ies**

According to the CEPA Roadmap the MoEnv is the competent authority for the development of legislation on industrial emissions. However, the precise legal basis is unclear. The Armenian lawmaker must be aware that a Law of Industrial Emissions requires the introduction of a new system on environmental permits which may be in contradiction to the existing system on licensing/permitting and requires substantial changes to this licensing/permitting system.

Approximated

- **Identification of installations that require a permit (Annex I)**

In Annex I of the IED all activities in industrial installations are listed. There does no such list exist yet in Armenian legislation, although an initial overview was done within a Twinning project in 2012. **For approximation it would be sufficient to just identify all relevant installations** in Armenia which fall within the scope of Annex I IED even without national legal basis but it is strongly recommended to adopt this list as Annex to a new law on integrated permitting (as in EU) or by means of a GD.

Not approximated

- **Establishment of an integrated permit system (Articles 4 to 6, 12, 21 and 24, and Annex IV)**

This is the most challenging part of the IED approximation requirement which consists of various aspects.

According to Article 4 IED no installation or combustion plant […] shall be operated without an integrated permit. A permit may cover two or more installations at the same site. Such permit shall only be granted if the installation complies with the requirements of the IED (Article 5). According to Article 6 IED it is possible to set requirements for certain categories of installations / combustion plants in so called "general binding rules" (GBR) so that a permit may simply include a reference to such rules without large individual permit conditions. This is just an option and not mandatory for approximation.

The application for an integrated environmental permit must include a description of many relevant aspects as listed in Article 12 IED. The permit conditions are prescribed in Article 14 (1) IED. According to Article 21 IED the competent authority shall periodically reconsider and update the permit conditions.

Article 24 in conjunction with Annex IV IED eventually, sets the conditions for the access to information on the decisions to be published by the competent authority and public participation in the permitting procedure.

In Armenia, given the sectoral approach, there is no integrated permit system in place yet. There are also no provisions for GBR foreseen (which is no must but highly recommendable in order to make the permitting system easier and more practical.

Not approximated

None of the sectoral laws contains any provisions for the content of permit applications (not even the Water Code which has a number of good provisions on water use permit application).

Not approximated

Also, there are just provisions on the permit content except for "maximum permissible emission standards for a stationary source of pollution" in the Law on Air Protection, on water use permit in Article 32 Water Code and in very general manner in Article 7 Law on Waste. All of this can be considered a good starting point but does not fulfil entirely CEPA requirements. None of the mentioned laws has any rules on the reconsideration and updating of permit conditions.

Little approximated

As concerns public participation in permitting procedures in Armenia this is limited to EIA but not part of the permitting procedure according any of the sectoral laws.

Not approximated

The Water Code in Article foresees the publicity of information on the licensee in Article 42 (but not publication of the license/permit as such), the Law on Air also does not provide for the access to the permit. The Law on Freedom of information does not mention explicitly permits/licenses as accessible information.

Not approximated

- **Establishment of a compliance monitoring mechanism (Articles 8, 14(l)(d) and 23(1)**

According to Article 8 IED the necessary measures shall be taken to ensure that the permit conditions are complied with. This includes the potential suspension of industrial activities if significant adverse effects on the environment or a danger to human health are threatening.

In Armenia according to Article 17 Law on Air Protection compliance with standards and emission conditions (does this mean permit conditions?) shall be ensured by the "State Control". According to Article 5 of that Law it is possible to revoke emission permits. In what cases this may happen at request of the inspector is well regulated in point 22 of GD 32 of 2024.

The suspension and revocation of water permits is also possible (see Articles 30 and 30.2 Water Code).

There is no legal link, though, to the provisions of the Law on Environmental Control of 2005 as amended as it should be as according to Article 12 of that law in case of violation of environmental legislation, the State Environmental Inspector may record the violations, and eventually even "suspend, terminate, prohibit their actions".

Largely approximated

Article 14 (1 d) IED requires that the competent authority has regularly information on self-monitoring results for the installation operators. Self-monitoring requirements shall be part of the permit conditions.

According to Article 33 of the Law on Environmental Control there is an obligation of "entities being inspected or monitored" to do "self-control". The procedure for implementing self-control for compliance with the requirements of environmental legislation shall be established by GD, but this has not happened yet. There is no mentioning that detailed self-monitoring obligations shall be part of the permit as it should be.

Partly approximated

Article 23 (1) IED requires the setting up of a functioning environmental inspection system.

Apart from the Law on Environmental Control of 2005 as amended in Armenia there is also the Law on the Organisation and Conduct of Inspections of 2000 as amended. Both laws together well regulate most aspects of "environmental inspections". However, what is missing are proper legal links between these two laws. What is well regulated are the summary of inspections, the programme of inspections (there could be added special clauses on multidisciplinary inspection teams on environment and that the inspection authority shall also already participate in the permitting process). According to Article 25 of the Law on Environmental Control there are also special cases of (non-routine) inspections foreseen.

Approximated

- **Implementation of best available techniques (BAT) taking into account the BAT conclusions of the Best Available Techniques Reference Documents (Articles 14(3) to (6) and 15(2) to (4))**

The IED requires the implementation of BAT and the taking into consideration of the BAT reference documents (BREFs) when setting permit conditions with relevant Emission Limit Values (ELV).

In Armenia there is a definition of BAT in the Law on Atmospheric Air but this definition falls short of that used in the IED. There shall be "technical standards" and "schedules" developed on BAT by the MoEnv (Article 6 of that law) but there is no mentioning that BAT shall be relevant for the permitting process which is the key element of the IED. There is also no reference to EU BREFs though it is questionable whether such reference can be legally done in Armenia as a non-EU country.

Little approximated

- **Establishment of emission limit values for combustion plants (Article 30 and Annex V)**

Article 30 IED in conjunction with Annex V IED requires the setting of ELV for large combustion plants (larger than 50 MW thermal input) and to make sure that these ELV become part of the respective permit. There are derogations possible from these requirements under certain requirements.

In Armenia the term "ELV" is not yet used but instead the term "maximum permissible emission standard for an atmospheric air pollutant (harmful) substance" defined in Article 4 of the Law on Atmospheric Air. These maximum permissible emission standards shall be established (by whom?) for all entrepreneurial activities whose air consumption (OPO) exceeds two hundred million cubic meters (Article 9). In addition, limit values for permissible emissions of polluting (harmful) substances shall be established (by whom? – it is unclear what the difference is between limit values for permissible emissions and maximum permissible emission standards is. There is no mentioning of large combustion plants and not that any standards/limit values shall become part of the permit.

Given the terminology and approach that is not in line with EU terminology at all used and the lack of mentioning of large combustion plants and permits this cannot be assessed as CEPA compliant.

Not approximated

- **Preparation of programmes to reduce total annual emissions from existing plants (optional to setting emission limit values for existing plants) (Article 32)**

This requirement from CEPA is unclear. Article 32 IED requires the preparation of transitional plans for old combustion plants for a period until end of 2020. There is no explicit mentioning of "programmes to reduce annual emissions from existing plants". The requirement must be interpreted with common sense that in Armenia a programme /plan shall be prepared for old large combustion plants how to gradually reduce emissions of nitrogen oxides, sulphur dioxide and dust. Alternatively, Armenia may set ELV for existing plants.

There is no such plan / programme in place yet for existing combustion plants on the reduction of emissions nor seem any specific emission limit values for such plants in place. The GD 32 of 2024 "on approval of the procedure for summary, analysis and archiving of information on state calculation and accounting of emissions of air pollutants" provides for a legal basis for maximum permissible emissions of atmospheric air pollutants and has some formula to calculate this but unlike the EU legislation there are no simple specific emission limit values set for different categories of plants.

Likely not approximated

Final remark and recommendations:

Armenian legislation has not yet taken up the EU concept on “integrated environmental permitting” at least for large industrial installations as required under the IED. Those large installations which should require an integrated environmental permit have not yet been identified in Armenia (an overview was done in 2012 but the results are no longer available, and the situation has certainly changed since).

An integrated permit system based on EU definitions, permit application and content/condition requirements has not been established legally. Instead, the sectoral permitting approach (air, water, waste) is still being used.

Best available technique has been defined in the Air protection field only but not fully adequate even there and not used for determining permit conditions. There are no ELV adopted for combustion plants larger than 50 MW thermal input and there is no legal basis for the use of GBR.

There are also no plans/programmes in place for the gradual reduction of emissions (into air and water) for industrial plants.

The picture is a bit different as concerns the “compliance monitoring and control”, i.e. enforcement rules. Insofar, the existing legislation provides for good rules on inspection and control and also on suspension of permits mechanisms. Only “self-monitoring” rules, which are considered an essential part of permits, are missing.

Given this situation, it is strongly recommended to take up the draft elaborated jointly by German and Armenian experts in 2012 on “integrated environmental permitting” in 2012. This draft law has been amended by the author of this report and translated into Armenian language. It contains all necessary provisions (including those on public participation, as required by Directive 200/35/EC, see above chapter 3.1.4) and the relation to the EIA system and other permits. The draft law goes beyond large industrial installations and introduces an integrated buts simplified environmental permit also for smaller installations as it is done in many EU Member States.

3.6.2 Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC

Directive 2012/18/EU (the Seveso III Directive) addresses the prevention and control of major accidents from large industrial installations. Only very few aspects of this Directive are part of CEPA. The Directive is called “Seveso” as this is a town in Italy where in 1976 a major disaster happened in a large chemicals factory which led to the adoption of the Directive which has been substantially amended two time since.

- **Adoption of legislation**

In Armenia there is a “Law on the protection of the population in emergency situations” from 1998 (hereinafter: 1998 Law) as amended in 2020. This Law is supposed to be replaced in the near future through a draft “Law on Disaster Risk Management and Protection of the Population” developed by the Ministry of Internal Affairs. The latter draft is still under discussion.

The existing 1998 Law does not address potential major industrial accidents with dangerous substances and their prevention. There is also no indication from the table of content of the new draft law, that this law will address specific aspects related to the control of major accidents from large industrial installations.

Not approximated

- **Designation of competent authority/ies**

The 1998 Law does not provide for a clear responsibility of specific State Institutions on major industrial accidents. According to Article 11 of the new draft law competent authorities are designated by sector as listed in the annex to the law.

The draft law does not use the term "(major) industrial accident"; instead, it uses the term “emergency situation”, which is defined as “a situation that arises in a specific […] facility as a result of a major accident […] which leads or may lead to human casualties, significant harm to human health and the environment, substantial material losses, and disruption of the normal living conditions of the population”.

This definition encompasses industrial accidents but does not distinguish them as a separate category, which can create legal and practical ambiguity when addressing specifically industrial risks and responsibilities. In an emergency situation, the responsibilities of all actors are defined by the law, though. It is therefore assumed that, once the Law is adopted, that competent authorities should be determined.

Likely approximated

- **Establishment of effective coordination mechanisms between relevant authorities**

According to Article 15 b) of the 1998 Law territorial bodies of state administration organise the development of programmes for the prevention of emergency situations, the reduction and elimination of their possible consequences in the territory of the region, **and coordinate** the work provided for in these programmes. There is no mentioning of any coordination mechanism between governmental bodies, nor any secondary legislation foreseen to regulate this.

According to the CEPA Roadmap, by Prime Minister Decision N934-Ա of 2019 an operational working group has been established in order to coordinate mechanisms between the relevant authorities. In this decision 17 (!) state administration bodies have been defined in the wide areas of disaster risk reduction, response, and post-disaster recovery. Complex administrative procedures and structures were the main challenges of coordination process. It cannot be assessed here to which extent this coordination also concerns industrial disasters management.

Chapter 4 of the draft Law which is on “System and Governance” is supposed to regulate details on the governmental bodies and their operation under routine, high readiness, or emergency modes, as well as powers disaster response structures, regulatory enforcement mechanisms, aspects of resource mobilization and the like. Under the draft, the authorities’ powers are defined far more extensively and comprehensively such as the authorised body’s powers in the field of disaster risk management, its authorities concerning post-disaster recovery, and so on. However, to which extent **coordination aspects** are regulated is unclear. Still, this can be considered as approximated if the new law is adopted.

Likely approximated

- **Establishment of systems for recording information about relevant installations and for reporting on major accidents (Articles 14 and 16)**

Article 14 Seveso Directive requires that the competent authority makes diverse information of large industrial establishments which handle chemicals available to the public, for instance, an explanation in simple terms of the activity or activities undertaken at the establishment and the generic names or the hazard classification of the relevant dangerous substances involved at the establishment which could give rise to a major accident and also how the public concerned will be warned in the event of a major accident.

According to Article 16 Seveso Directive the operator of an installation shall as soon as practicable following a major accident inform the competent authority of the accident including information on the circumstances of the accident and the dangerous substances involved and all relevant data an also the emergency measures to be taken.

All this must be recorded by the competent authority. As a basis to comply with these requirements Armenia, according to CEPA, shall at least establish a proper system for recording the information from the respective installations.

The current 1998 Law does not include any provisions that oblige certain industrial establishments to provide relevant information either before or after an accident. Also, there seems no provision in this direction at all in the new draft “Law on Disaster Risk Management and Protection of the Population.”

Not approximated

Final remark and recommendations:

There is no specific legislation in place in Armenia on the prevention and management of large industrial accidents. It is not fully clear to which extent the new draft “Law on Disaster Risk Management and Protection of the Population” addresses such potential accidents. However, the draft Law establishes clear competences on all kinds of risks and disasters management and likely (hopefully) also some basic coordination mechanism between all stakeholders. It is highly recommended to include specific rules and tools for the prevention and handling of industrial accidents in the new law.

This includes reporting obligations of operators of large industrial installations on the kind of dangerous substances they use and also proper reporting obligations in case of accidents.

3.7 *Chemicals management*

In the field of Chemicals management in the EU there are a number of Regulations (no Directives) of which only 2 have been partly addressed within CEPA, namely:

- Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures as amended through Regulation (EU) 2024/2865 (CLP Regulation)
- Regulation (EU) No 649/2012 concerning the export and import of hazardous chemicals (PIC Regulation)

Not within CEPA are:

- Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) […] which is the main piece of EU chemicals legislation
- Regulation (EU) 2019/1021 on persistent organic pollutants (POPs Regulation)
- Regulation (EU) 2024/1849 amending Regulation (EU) 2017/852 on mercury as regards dental amalgam and other mercury-added products subject to export, import and manufacturing restrictions

It certainly makes sense that no elements of REACH are within CEPA, as would not be realistic to implement any such requirements in Armenian legislation. However, Armenia is a Party to the international POPs Convention (Stockholm Convention) since 2004 and also to the Minimata Convention on mercury since 2017. Both EU Regulations on POPs and on mercury would therefore very well fit into CEPA, too, in the future.

3.7.1 Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals

This Regulation serves the transposition of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the PIC Convention. There is a consolidated version of this Regulation of 01.11.2023 applicable (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R0649-20231101).

The focus of the EU Regulation as well as of the PIC Convention is on the safe handling of chemicals imported and exported to and from Armenia. The EU Regulation goes partly beyond the requirements of the Convention, e.g. covers additional chemicals that are banned or severely restricted at EU level.

Like the EU, Armenia is a Party to that Convention since 2004 and should have transposed its rules into national legislation since. Notably, this has not happened since. However, a new draft Law on Chemical Substances has been prepared in recent years based on a concept approved by GD 1265 of 2018. According to the CEPA Roadmap the main legal difficulties laid down in this draft law are that the law must be consistent not only with the EU Regulation but also the technical regulation No.19 of 2017 of the EAEU which has not yet entered into force.

The **draft Law on Chemical Substances** will be assessed for conformity with CEPA (and PIC Convention) requirements. Especially the requirements of the PIC Convention are relevant insofar, as many aspects of the EU Regulation cannot be applied in Armenia (for instance all those aspects which are related to the involvement of the European Chemicals Agency).

The assessment below assumes that the draft Law on Chemical Substance would be adopted in the version made available to the author of this assessment.

- **Implementation of the export notification procedure (Article 8)**

First of all, it is essential that the new Law on Chemical Substances includes all relevant definitions from the PIC Convention. The main terms to be defined are: “chemical”, “banned chemical”, “severely restricted chemical”, “import”, export”, and “final regulatory action”. According to the EU Regulation also terms such as “substance”, “mixture”, “exporter” and “importer” should be defined at least.

Article 4 of the draft Law on chemical substances contains 48 definitions. However, except for “importer” and “mixture” no other relevant term has been defined. Instead of “chemical” the term “chemical product” is defined which is ok. However, there are two definitions of “chemical substances (in point 6 and point 18) which makes no sense. Importer is defined but not import and not export/exporter. There are no definitions of banned chemical, severely restricted chemical and final regulatory action.

The definitions’ part needs to be improved considerably in order to comply with PIC Convention and also align it to the EU Regulation.

Little approximated

According to Article 8 of the EU PIC Regulation a notification procedure for the export of chemicals which are listed in part1 of Annex I is required to be established nationally. According to this the exporter shall notify the designated national authority and provide certain information to that authority. All other steps according to Article 8 concern the European Chemicals Agency which as no relevance for Armenia.

Instead, the provisions of the Rotterdam Convention have to be applied here and which are stipulated in Article 12 of the Convention for all chemicals that are banned or severely restricted in the exporting country (here: Armenia).

Once the notification from the exporter has been obtained with the information set in Annex V, the notification shall be submitted by the competent authority to the importing Party.

Armenia, as the exporting Party shall provide an updated export notification after it has adopted a final regulatory action that results in a major change concerning the ban or severe restriction of that chemical. If the competent authority in Armenia as exporting Party does not receive the acknowledgement within thirty days of the dispatch of the export notification, it shall submit a second notification and make reasonable efforts that the importing Party receives it.

In the draft Law on Chemical Substances, Article 12 (2) (and also Article 13) states that the export (and import) of hazardous chemical shall be done according to the provisions of the Rotterdam Convention and "as provided for in the Regulation on the Export and Import of Hazardous Chemicals approved by the Government". However, the provisions of the Rotterdam Convention are not directly applicable and hence **such national GD is necessary** to regulate the details on the export procedure. It is good, though, that the draft Law on Chemical Substances provides for a proper legal basis for the GD on chemicals exports as a starting point.

Little approximated

- **Implementation of procedures for handling of export notifications received from other countries (Article 9)**

Article 9 of the EU PIC Regulation deals with the relations between the importing country and the EU Chemicals Agency in case of imports – it is not directly relevant for Armenia. But the respective provision in Article 10 of the Rotterdam Convention requires the national establishment of a national procedure for imports of chemicals listed in Annex III by means of appropriate national legislation or administrative measures. Although Article 10 of the Rotterdam Convention regulates many aspects details on the handling of the responses for import consents must be regulated in national legislation of Armenia.

The main provision in the draft Law on Chemical Substances are once again Articles 12 and 13 which states that a GD will regulate details on the import of (hazardous) chemicals for which a PIC procedure is necessary. This GD is still missing but he legal basis for it included in the draft law.

Little approximated

- **Setting up of procedures for drafting and submission of notifications of final regulatory action (Article 11)**

Article 11 of the EU PIC Regulation refers to the national drafting and submission to the PIC Convention Secretariat of a "final regulatory action" on banned or severely restricted chemicals. The equivalent to this provision is in Article 5 of the Rotterdam Convention which states that each party shall inform the Convention Secretariat on any national final regulatory action concerning banned / severely restricted chemicals.

There is no definition of the term "final regulatory action" in the Armenian draft Law on Chemical Substances which is no must but would be helpful, to have a better understanding what such "action" shall be. GD 293 of 2005 is on "Approving the List of Prohibited Chemical Substances and Pesticides in the Republic of Armenia" and it refers to Article 5 of the Rotterdam Convention. It would be strongly advisable, though, that the draft Law on Chemical Substances includes a clear reference to that GD so that this shall be considered the "final regulatory action" under Article 5. There seem no severely restricted chemicals in Armenia (which is legally no problem).

However, the **procedure for the submission** of the final regulatory action to the Secretariat of the Convention is not yet legally established and there is no legal basis for this in the draft Law.

Little approximated

- **Setting up of procedures for drafting and submission of import decisions (Article 13)**

Article 13 of the PIC Regulation relates to the relations between the EU Commission and the Rotterdam Convention Secretariat, so it has no relevance for Armenia insofar. It is questionable why it is part of CEPA.

The Rotterdam Convention regulates the import of chemicals listed in its Annex III in Article 10, see above. In Armenia the legal basis for a GD on procedures concerning chemicals import is set in Article 12 of the draft Law, but the GD is not yet drafted.

Partly approximated

- **Implementation of the PIC procedure for the export of certain chemicals, in particular those listed in Annex III to the Rotterdam Convention (Article 14)**

Article 14 of the PIC Regulation regulates the requirements for exports of chemicals which do not only require a simple notification but a full PIC procedure. The corresponding provision in the Rotterdam Convention is Article 11, which has to be transposed by Armenia into national law. It requires that a full PIC procedure is established (with response / interim response details) on the export of chemicals listed in Annex III of the Convention.

The draft Law on Chemical Substances provides for legal basis provisions on the PIC procedure for export of chemicals in Articles 12 and 13 but requires details to be regulated in a "Regulation on the Export and Import of Hazardous Chemicals approved by the Government" (see Article 13 (1) of the draft Law. **As long as this Regulation is not in place, there is only very little approximation done.**

Little approximated

- **Implementation of the labelling and packaging requirements for exported chemicals (Article 17)**

The issue of labelling of chemicals which are exported is addressed in Article 17 PIC Regulation. It contains in paragrpah1 a mere reference to the CLP Regulation which is addressed in the next sub-chapter. Optionally the expiry and production date of chemicals date can be indicated on the label, but it is no must (paragraph 2). A safety datasheet as required by REACH shall accompany chemicals when exported, but this is not applicable for Armenia

None of these provisions has direct relevance for Armenian legal approximation. However, this is different with respect to the Rotterdam Convention which requires in Article 13 (2) that Armenia must require that both chemicals listed in Annex III and chemicals banned or severely restricted in Armenia, when exported, are subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment.

According to Article 8 of the draft Law on Chemical Substances there shall be a "Regulation on the Classification, Marking, Labelling and Packaging of Substances and Mixtures to be established by the

Government". This Regulation is not yet drafted or adopted and just the legal basis would be provided through the draft Law.

Little approximated

- **Designation of national authorities that control the import and export of chemicals (Article 18)**

Both, Article 18 EU PIC Regulation and Article 4 Rotterdam Convention require the designation of one or more national authorities that shall have the responsibility of controlling the import and export of chemicals.

According to Article 12 (5) of the draft Law on Chemical Substances the MoEnv acts as the designated national authority responsible for implementing the obligations related to the implementation and management of the Rotterdam Convention.

Approximated

Final remark and recommendations:

As of today, there is no legislation in place in Armenia that serves the transposition of the Rotterdam (PIC) Convention into national law although Armenia has been a Party to that Convention since 2004. The new draft "Law on Chemical Substances" is intended to convert the necessary rules into national law but it **falls short** insofar as the analysis insofar shows. The Armenian lawmaker should review the draft law insofar – compliance with the Convention should have priority and approximation to the EU PIC Regulation requirements as per CEPA will then be achieved automatically.

3.7.2 Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006

The purpose of the Regulation on classification, labelling and packaging of substances and mixtures (CLP Regulation) is to ensure a high level of protection of human health and the environment as well as the free movement of hazardous substances, mixtures and articles. The Regulation sets out harmonised criteria for classifying substances and mixtures, and further establishes rules on labelling and packaging for hazardous substances and mixtures.

Moreover, the Regulation provides an obligation for: (i) manufacturers, importers and downstream users to classify substances and mixtures placed on the market; (ii) suppliers to label and package substances and mixtures placed on the market. The CLP approach is based on the United Nations' Globally Harmonised System (GHS). It has more than 1500 (!) pages technical Annexes

The CLP Regulation was amended most recently through Regulation 2024/2865 (see https://eur-lex.europa.eu/eli/reg/2024/2865/oj)

As seen in the previous chapter, there is no full legislation on chemicals in place, but a draft Law on Chemical Substances has been prepared. This draft law mentions in Article 4 (20) the "Regulation on the Classification, Marking, Labelling and Packaging of Relevant Substances and Mixtures" - but such Regulation has not been drafted yet.

For the time being the draft Law on Chemical Substances will be assessed as regards approximation.

- **Designation of competent authority/ies**

According to Article 43 CLP Regulation responsible national authorities shall be appointed for proposals for harmonised classification and labelling and also responsible for the enforcement of the obligations set out in the Regulation.

According to the draft Law on Chemical Substances the MoEnv, in addition to its responsibilities under the Rotterdam Convention (and related export classification, labelling and packaging) is also in charge of managing the Chemicals Register in Armenia. However, there is no explicit mentioning of its competence on classification, labelling and packaging of chemicals beyond export matters.

Not approximated

- **Implementation of classification, labelling and packaging of substances**

Articles 4 and 13 of the CLP Regulation require manufacturers, importers and downstream users to classify substances or mixtures in accordance with Title II before placing them on the market. This requires that a hazard classification system is in place and also the appropriate terminology used as provided by the Regulation.

As regards labelling requirements these are stipulated in Article 17 – 33 CLP Regulation in a very detailed manner.

The draft Law on Chemical Substances provides in the Definitions in Article 4 point 20 (why there?) basic classes for the classification of chemical substances and mixtures in categories a)-f). Manufacturers and importers shall, according to Article 7, identify and assess the hazardous properties of chemical substances and properties.

According to Article 8 of the draft Law chemical substances and mixtures must be classified and labelled according to the degree of hazard they present – but it is not stated who shall classify. Also, the Regulation on the Classification, Marking, Labelling and Packaging of Substances and Mixtures, still needs to be drafted and adopted.

According to Article 18 (4) chemicals shall be stored and preserved only in the packaging intended by the manufacturer, in accordance with the regulations on the classification, labelling and packaging of relevant substances and mixtures, approved by GD (which has not been drafted yet). There are no specific labelling requirements yet regulated in the draft Law.

In summary, the legal basis for detailed rules has been provided by the draft Law but all details still need to be regulated in GD.

Little approximated

- **Implementation of classification, labelling and packaging of mixtures**

As far as mixtures are concerned, the same applies as on chemical substances, above.

Little approximated

<u>Final remark and recommendations:</u>

As of today, there is no legislation in place in Armenia that deals with the proper classification, labelling and packaging of chemical substances and mixtures. The new draft "Law on Chemical Substances" is intended to serve at least as a legal basis for subsequent GD on CLP measures, which is good. It is necessary, though, not only to adopt that draft but also to draft proper GD on CLP obligations for all relevant stakeholders involved in the handling of chemicals in order to achieve approximation to CEPA requirements.

4. *Analysis of approximation achievements and gaps in Climate Action*

The Climate Action legislation of the EU consists primarily of the recently adopted Regulation (EU) 2021/1119 establishing the framework for achieving climate neutrality […]] – it is also called "European Climate Law". This Regulation, though, is **not part of CEPA**. In addition, the EU Climate Action legislation in a wide sense consists of those which are either partly part of CEPA Annex IV to Chapter IV or their preceding legislation (which no longer exists) is part of CEPA:

- Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union
- (Implementing) Regulation (EU) 2018/2066 on the monitoring and reporting of greenhouse gas emissions […] which repeals Regulation (EU) No 601/2012
- Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change (which replaced Regulation (EU) 2018/1999)
- Regulation (EU) 2024/573 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014
- Regulation 1005/2009 on substances that deplete the ozone layer

Not part of CEPA are these pieces of EU Climate relevant legislation:

- Directive 2009/31/EC on the geological storage of carbon dioxide
- Regulation (EU) 2023/956 establishing a carbon border adjustment mechanism (CBAM)
- Regulation (EU) 2018/841 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework
- (Implementing) Regulation (EU) 2018/2067 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC

4.2.1 Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC

This Directive establishes a greenhouse gases (GHG) emission allowance trading system within the EU, the Emission Trading Scheme (ETS). Its provisions are only applicable with the EU, especially those ones which concern the trading of emission allowances between actors in the EU Member States. However, there are some more general rules concerning GHG which can be also applied in Armenia and therefore became part of CEPA.

There is a new consolidated version of this Directive from March 2024: https://eur-lex.europa.eu/eli/dir/2003/87/2024-03-01/eng

- **Designation of competent authority/ies**

First of all, it is important that Armenia designates a competent authority in charge of climate matters / GHG.

According to the National Climate Change Adaptation Programme and the List of Activities for 2021-2025 as adopted by GD 749 of 2021, the national institution responsible for coordinating climate-related processes is the Inter-Agency Coordination Council for the implementation of the United Nations Framework Convention on Climate Change (UNFCCC) requirements and provisions. The council was established by the decision of the Prime Minister No. 955-A of 2012, The Council is chaired by the MoEnv.

Approximated

- **Establishment of a system for identifying relevant installations and for identifying greenhouse gases (Annexes I and II)**

Annex I of the Directive lists all industrial activities which are supposed to be supervised. These include energy activities which exceed a thermal input of 20 MW, production and processing of ferrous metals, mineral industry, and Industrial plants for the production of pulp from timber or other fibrous materials and paper and board with a production capacity exceeding 20 tonnes per day.

Annex II of the Directive lists the GHG which are to be supervised: Carbon dioxide (CO2), Methane (CH4), Nitrous Oxide (N2O), Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs) and Sulphur Hexafluoride (SF6).

In Armenia there seems no system in place which identifies these installations and GHG and makes them subject to supervision. The Armenian draft Law on Climate which is still under discussion does not mention at all climate relevant industrial installations to be identified.

According to Article 12 (13) of that draft law the authorised body shall develop procedures for the inventory and registry of GHG emissions and submission for further discussion by the Council and Government of Armenia. There shall also be developed an inventorying of GHG by legal entities and individual entrepreneurs holding greenhouse gas emission permits – but this is not what CEPA requires: a mere list of all relevant industrial activities supposed to be supervised from specific GHG emissions highly relevant sectors.

In addition to the draft Law on Climate (why?), the legal basis for the development of the GHG inventory is the Article 9 of the Law on Atmospheric Air. The draft for GHG emissions inventory procedure was developed according to the EU4Climate project report on the progress and gaps in the implementation of CEPA […] of 2023, page 18 ff. It is unclear, though, if this procedure has already been adopted and to which extent it includes private sector obligations.

Little approximated

- **Establishment of monitoring, reporting, verification and enforcement systems and public consultations procedures (Articles 14, 15, 16(1) and 17)**

The Directive requires the monitoring (see Article14 and also see below, chapter 4.2.2), verification (see Article 15) enforcement through penalties (see Article 16) and access of the public to emission reports of companies which fall into the scope of the Directive (see Article17).

Article 24 of the draft Law on Climate requires the Government of RA to develop and establish measurement, reporting, and verification (MRV) system on GHG emissions.

There is no mentioning of any enforcement mechanisms in the draft law.

Assuming that this draft law on Climate will be adopted as its stands at least the proper legal basis for further legislation on monitoring, reporting and verification of GHG emissions from relevant companies might be in place although the current wording of Article 24 makes not clear that there shall/can be any such obligations put in place (such as emission reports) to be fulfilled by operators of certain companies which could be made public.

Little approximated

The following two Regulations complement Directive 2003/87/EC insofar as they provide for **details on the establishment of a GHG monitoring and reporting system in the EU**. To which extent elements maybe incorporated into a future Armenian GHG monitoring/reporting system is up to the Armenian lawmaker as this is a Regulation and only those elements should be taken into account, which can be realistically implemented in Armenia.

4.2.2 Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (no longer in force), new: Regulation 2018/2066

Commission Regulation 601/2012 on monitoring and reporting of GHG is no longer in force but has been replaced through Regulation 2018/2066 (https://eur-lex.europa.eu/eli/reg_impl/2018/2066/oj/eng)

Its content is very similar. The Regulation requires the establishment of legal procedures on the monitoring and reporting of GHG emissions from relevant sources under the above Directive 2003/87/EC.

No such mechanisms and corresponding legal procedures are yet in place in Armenia. It remains to be seen which monitoring and reporting procedures will be established under Articles 24 and 25 of the draft Law on Climate which should serve as legal basis once adopted.

Little approximated

4.2.3 Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (no longer in force), new: Regulation 2018/1999

The Regulation (EU) 525/2013 is no longer in force. It had been repealed through Regulation 2018/1999.

- **Establishment of a national inventory system (Article 5)**

Instead of Article 5 of the former Regulation **it is now Article 37 of the new EU Regulation** which requires EU Member States to "establish, operate and seek to continuously improve national inventory systems to estimate anthropogenic emissions by sources and removals by sinks of GHG […] and to ensure the timeliness, transparency, accuracy, consistency, comparability and completeness of their greenhouse gas inventories." Details of the content of the national inventory systems are set in Annex XII of the Regulation.

This provision takes up the requirement from Article 7 a) of the 2015 Paris Agreement to the Climate Convention to which Armenia is a Party since 2017, which states that "every Party shall regularly provide the following information: A national inventory report of anthropogenic emissions by sources and removals by sinks of GHG."

Article 24 of the draft Law on Climate requires the establishment of a MRV System through the Government of RA as seen above. According to Article 25 of the draft Law there shall be a GHG emissions registry (database), which includes the volume of GHG emissions per sector and type, emission sources […]. In order to conduct the emissions inventory and manage the registry, data are provided by Government bodies, Local self-government bodies and legal entities and individual entrepreneurs emitting GHG.

Assuming that the draft Law on Climate will be adopted as its stands, at least the legal basis for a national inventory is in place. It remains to be seen to which extent the content of such inventory will be aligned to Annex XII requirements.

- **Establishment of a national system for policies and measures and projections (Article 12)**

The former Article 12 has been replaced through **Article 39 of the new EU Regulation**. It requires from the EU Member States to "operate and seek to continuously improve national systems for reporting on policies and measures and for reporting on projections of anthropogenic GHG emissions by sources and removals by sinks. Those systems shall include the relevant institutional, legal and procedural arrangements established."

There is no direct equivalence in the text of the Paris Agreement to this clause which might be legally binding to Armenia. According to Article 11.4 Paris Agreement **"Developing country Parties should regularly communicate progress made on implementing capacity-building plans, policies, actions or measures to implement this Agreement"**.

Armenia as a non-Annex I Party to the Climate Convention has to comply with that requirement. The CEPA provision should be interpreted accordingly and not require any further going "system" as Article 12 of the EU Regulation of 2018 implies.

According to Article 12 (8) of the draft Law on Climate the authorised body shall prepare an annual report on the country's climate policy goals and implementation progress and submit it to the Government of RA by May 15 of the following year.

Assuming that draft Law on Climate will be adopted as it stands, at least a sound legal basis for reporting regularly progress on policies and measures would be in place. This should do in order to consider this requirement legally approximated.

Approximated

4.2.4 Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (no longer in force), new: Regulation 2024/573)

Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (no longer in force), new: Regulation 2024/573)

The reduction of emissions of fluorinated greenhouse gases (F-gases) is a requirement under the Montreal Protocol on ODS to which Armenia is a so-called Article 5 Party (developing country) while the EU is a non-Article 5 Party. The management and reduction of the use of F-gases has been addressed in the Kigali agreement of 2016 which amended the Montreal Protocol on ODS with effect of 2019. Armenia accepted the Kigali agreement on 2 May 2019 which means that it became legally binding.

The EU legislation on F-gases goes partly beyond the requirement of the Montreal Protocol, including those provisions which have become part of including those provisions which have become part of CEPA Annex III.

Therefore, the approximation requirements for Armenia must be assessed in a very careful manner. It is done with respect to both, Montreal Protocol requirements and also those of the EU Regulation, as far as they can be applied to Armenia.

The objective of the EU Regulation of 2014 is to protect the environment by reducing emissions of fluorinated greenhouse gases (F-gases). These gases are hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF6), and nitrogen trifluoride (NF3).

The Regulation established rules on containment, use, recovery and destruction of F-gases, imposes conditions on specific use and on the placing on the market of specific products and equipment that contain F-gases and establishes quantitative limits for the placing on the market of HFCs.

However, the Regulation of 2014 is no longer in force. It has been repealed through Regulation 2024/573 on fluorinated greenhouse gases (see https://eur-lex.europa.eu/eli/reg/2024/573/oj/eng), which has the same goals and is in force since February 2024. CEPA needs to be amended accordingly.

- **Adoption of national legislation**

In Armenia the relevant legislation in this field consists of the

- Law on "Protection of the Ozone Layer" of 2006 as amended last time in 2023
- GD 754 of 2021 on establishing general establishing general quotas for the import of ozone-depleting substances and hydrofluorocarbons […]
- GD 1304 of 2021 on establishing the procedure for electronic processing of permits for the import of ozone-depleting substances and hydrofluorocarbons, and
- GD 1761 of 2021 on approving the procedure for reporting and accounting individual quantities of ozone-depleting substances and hydrofluorocarbons imported […]

The key definitions of the Montreal Protocol to be used also in Armenia are: “controlled substance”, “production”, “consumption” and “calculated levels”. The EU Regulation on F-Gases of 2024 also defines “HFCs”, “operator”, “recovery” which are of relevance for the approximation to the requirements examined below.

In Armenia there are two terms used (in the translated version of the Law on Protection of Ozone Layer), namely “controlled substances” and “regulated substances” – **it is assumed that both terms mean the same (see for instance the use of both terms in definition of application and applicant**).

HFCs are defined, operators are either legal entities or individual entrepreneurs (the use of a unified term “operator” would be advisable instead as the operator should have numerous obligations). There are no definitions for production and consumption. The production of all ODS is prohibited in Armenia but nut of HFCs which are falling into the definition on “production” under the Montreal Protocol so the term should be defined. As well as “consumption” which appears once in the Armenian law (see Article 9) but is not defined yet. There is no definition of “calculated levels” which is relevant for imports and exports – it should also be defined.

Partly approximated

- **Designation of competent authority/ies**

The competent body for coordinating and regulating policies related to the protection of the ozone layer and phasing out F-gases is the MoEnv (as per GD 448 of 2021).

Approximated

- **Ensuring a system for prevention of emissions (Article 3), establishing rules for leak checks in accordance with Article 4 and 5 an establishing a record keeping system in line with Article 6**

Article 3 of the former EU Regulation (now Article 4 in the new Regulation) would require from Armenia to prohibit the intentional release of F-Gases into the atmosphere where the release is not technically necessary for the intended use. In addition, operators of equipment that contains F-Gases shall take precautions to prevent the unintentional release ('leakage') of those gases. Where a leakage of F-Gases is detected, the operators shall ensure that the equipment is repaired without undue delay.

Article 4 of the former EU Regulation which has now become Article 5 in the new EU Regulation requires operators of equipment that contains F-gases in quantities of 5 tonnes of CO2 equivalent or more and not contained in foams to ensure that the equipment is checked for leaks.

Article 5 of the former EU Regulation which has now become Article 6 in the new EU Regulation requires operators of the equipment which contains F-gases in quantities of 500 tonnes of CO2 equivalent or more to have in place a functioning leakage detection system which alerts the operator of any leakage.

Article 6 of the former EU Regulation (now Article 7 in the new Regulation) requires operators of equipment which is to be checked for leaks to establish and keep records for each piece of such equipment, with some specific information on F-gases as prescribed in paragraph 1 of that Article.

In Armenia the import of ODS is generally prohibited as well as the import of HFCs from Parties which have not acceded the Kigali Amendment to the Montreal Protocol is prohibited (Article 6) but there are **no rules on prevention of releases of F-gases**. Given that potential leakages of F-gases are tackled in Article 8.1 Law on Protection of Ozon Layer it is likely that there are also potential intentional releases of F-gases which should be addressed but are not.

Not approximated

As for the checking of leaks and reporting obligations of entrepreneurs the mentioned provision of Article 8.1 is sufficiently precise to consider it largely approximated, although procedural details which are supposed to be regulated by GD (see Article 4(8) is not yet in place. To which extent large quantities of F-gases might be in place in some establishments so that a further going leakage detection systems should be in place cannot be judged.

Approximation largely assumed

- **Ensuring that recovery is carried out under the rules foreseen under Articles 8 and 9**

Article 8 of the old (and also new) EU Regulation requires that operators of equipment that contain F-gases, not contained in foams, shall ensure that those substances are recovered and, after the decommissioning of the equipment, they are recycled, reclaimed or destroyed. There are many further details on diverse product groups in this provision.

According to Article 9 of the old EU Regulation Extended Producer Responsibility (EPR) Schemes for the recovery of F-gases shall be encouraged to be developed. This provision does not apply as such any more - the new Regulation refers to EPR schemes under the Directive on Electrical and Electronic Waste – which is not applicable to Armenia - therefore **Article 9 has become obsolete for RA**. The issue of recovery of F-gases is not addressed by Armenian ODS related legislation, see above.

Not approximated

- **Establishment/adaptation of national training and certification requirements for relevant personnel and companies (Article 10)**

Article 10 (in both Regulations) as applicable to Armenia requires to legally ensure that there is some training available for natural persons who do leak checks (as above) and who do the recovery of F-gases (as above).

There are no training requirements in the Law on Protection of the Ozon Layer nor in any of the sub-GDs.

Not approximated

- **Establishment of system for the labelling of products and equipment that contain, or whose functioning relies upon, fluorinated greenhouse gases (Article 12)**

According to Article 12 of the EU Regulation which is also unchanged there shall be a labelling system established for the following products containing of functioning with F-Gases before they are placed on the market:

– refrigeration equipment;
– air-conditioning equipment;
– heat pumps;
– fire protection equipment;
– electrical switchgear;
– aerosol dispenser that contain fluorinated greenhouse gases, including metered dose inhalers;
– all fluorinated greenhouse gas containers;
– fluorinated greenhouse gas-based solvents;
– organic Rankine cycles.

Armenia should in principle establish such labelling requirements accordingly. There are no national labelling requirements on any of the products listed in the EU Regulation. However, it is questionable if any of these devices are produced in Armenia at all and not just imported. In the latter case a national labelling system would be irrelevant. Therefore, it is highly questionable whether this requirement from CEPA has any practical relevance for Armenia at all.

Approximation needs unclear

- **Establishment of reporting systems for acquiring emission data from the relevant sectors (Articles 19 and 20)**

According to **Article 19 of the old EU Regulation which has now become Article 26 in the new Regulation** within the EU there shall be some reporting system established by Member States for producers, importers and exporters of large amounts of F-gases towards the EU Commission. There cannot be such requirement for Armenia to the EU Commission as Armenia is not an EU Member States.

The Montreal Protocol does not foresee and direct reporting obligation of the industrial sector to the Secretariat but of its Parties. The reporting obligations under the Montreal Protocol are set in Article 7 for all Article 5 Parties. (see details in the Protocol reporting handbook (https://ozone.unep.org/sites/default/files/data-reporting-tools/data-reporting-handbook.e.pdf).

There are special data forms provided on ODS imports, exports and production under the Protocol to be used by the MoEnv as competent Armenian authority to report towards the Montreal Secretariat.

According to **Article 20 which has now become Article 27** of the new EU Regulation in addition a national reporting system in order to acquire, as good as possible, data on ODS emission data from relevant sectors.

In accordance with Article 7 Montreal Protocol Armenia shall provide to the Secretariat statistical data on its annual emissions of Annex F, Group II, controlled substances per facility […]. This concerns the emissions of CHF3 (Fluoroform) which is one type of HFCs.

The Law on Protection of the Ozone Layer has several clauses related to reporting requirements (import: Article 8, use of imported controlled substances: Article 4.7, details in GD 1761 of 2021) but there are no reporting obligations on annual emissions. Therefore, it is unclear how RA can get sufficient data on its emission of controlled substances to be reported to the Montreal Secretariat. This is likely to be an insufficient approximation.

Likely not approximated

- **Establishment of enforcement system (Article 25)**

Article 25 of the repealed EU Regulation required from EU Member States to have effective, proportionate and dissuasive penalties in its legislation for enforcement of all obligations (of private sector). The new EU Regulation in its Article 31 requires the same but in addition there shall be carried out checks by inspection bodies to establish whether undertakings comply with their obligations (Article 29).

According to Article 12 of the Law on Protection of the Ozone Layer “those who violate the provisions of that law shall be held liable in accordance with the procedure established by the law” of the RA. Although it is advisable to have a more precise legal reference to the applicable law/s (Penal Code? Administrative Law?) in place according to international Rule of Law transparency standards this is considered as sufficiently approximated.

Approximated

4.2.5 Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (consolidated version of 19.04.2017)

The gradual phasing out and management of ODS is a requirement under the Montreal Protocol on ODS to which Armenia is a Party. The EU legislation on ODS goes partly beyond the requirements of the Montreal Protocol, including those provisions which have become part of CEPA Annex III.

Therefore, the approximation requirements for Armenia must be assessed in a very careful manner. It is done with respect to both, Montreal Protocol requirements and also those of the EU Regulation, as far as they can be applied to Armenia.

Regulation No 1005/2009 (hereinafter: ODS Regulation) lays down rules governing the production, import, export, placing on the market, use, recovery, recycling, reclamation and destruction of ODS. The Regulation has been amended last time in 2017.

The ODS Regulation takes up the commitments of the EU under the Montreal Protocol on ODS. Since Armenia is an Annex 5 Party to that Protocol the EU Regulation requirements as set in CEPA need to be considered in a restrictive manner, insofar as applicable to Armenia.

- **Adoption of national legislation**

In Armenia the relevant legislation on ODS is the following:

- Law on "Protection of the Ozone Layer" of 2006 as amended last time in 2023
- GD 754 of 2021 on establishing general establishing general quotas for the import of ozone-depleting substances and hydrofluorocarbons […]
- GD 1304 of 2021 on establishing the procedure for electronic processing of permits for the import of ozone-depleting substances and hydrofluorocarbons, and
- GD 1761 of 2021 on approving the procedure for reporting and accounting individual quantities of ozone-depleting substances and hydrofluorocarbons (HCFCs) imported […]

The EU ODS Regulation contains 31 (!) definitions related to ODS. This is far more than the 8 definitions set in the Montreal Protocol. In order to align national legislation in Armenia as far as possible (and appropriate) to the EU Regulation some key terms should be defined, too.

Key terms that are used in the EU Regulation which should be relevant for Armenia in the light of CEPA are “controlled substances”, “CFCs”, “HCFCs”, “halons”, “feedstock”, “production”, “use”, “export”, “import”, “recover”, recycling”.

The Armenian Law on Protection of the Ozone Layer is the law which should take up all these definitions if below requirements under CEPA shall be approximated. However, several terms are not defined and used yet (such as HCFCs, halons, feedstock, recycling, recovery).

Partly approximated

- **Designation of competent authority/ies**

The competent body for coordinating and regulating policies related to the protection of the ozone layer and phasing out F-gases is the MoEnv (as per GD 448 of 2021).

Approximated

Establishment of a ban on the production of controlled substances, except for specific uses and, until [1 January 2019], of hydrochlorofluorocarbons (HCFC) (Article 4)

Article 4 of the EU ODS Regulation states that the production of controlled substances shall be prohibited. Controlled substances are listed in Annex I, grouped into 8 different groups on which group 8 is on HCFC.

The Montreal Protocol also formally banned the production of HCFC in developed countries since 2020 and in developing countries (like Armenia) with effect as of 2030 (see Article 2 F in conjunction with Article 5 Montreal Protocol). Given its complexity it cannot be assessed to which extent other ODS production which are listed in Annex I of the EU Regulation have also been banned by the Montreal Protocol.

The Armenian Law on Protection of the Ozone Layer prohibits the production of ODS (Article 6). It is not clear though if also the production of HCFC is prohibited as it is no mentioned in any of the Armenian ODS related legislation

Approximation unclear

- **Definition of the conditions for the production, placing on the market and use of controlled substances for exempted uses (as feedstock, process agents, for essential laboratory and analytical uses, critical uses of halons) and individual derogations, including emergency uses of methyl bromide (Chapter III)**

Chapter III of the ODS Regulation of the EU which consists of Articles 7 – 14 regulates all potential derogations as concerns restrictions on the production, placing on the market and use of controlled ODS substances as listed in Annex I, as follows:

According to **Articles 7 and 8** respectively certain controlled substances may be produced, placed on the market and used as feedstock or as process agents.

Article 9 has no legal relevance for Armenia as it refers to destruction of ODS within the EU.

Article 10 allows for the exceptional production, use and placing on the market of controlled substances for essential laboratory and analytical uses.

Article 11 allowed for the exceptional production, use and placing on the market of HCFC until 2019, so that it has no legal relevance anymore.

Article 12 concerns the exception use and placing on the market of methyl bromide until 2010 and hence has no legal relevance either.

Article 13 allows that halons may be exceptionally placed on the market and used for so-called critical uses.

Article 14, finally, allows the transfer of derogations from one producer/importer to another.

In Armenia there is **no legislation in place on the production, placing on the market and use of controlled substances**. The Law on Protection of the Ozone Layer and the subsequent GDS regulate imports of ODS / controlled substances but not any production or use matters. This is surprising as leakages are being addressed in Article 8.1. It is therefore unclear if production of controlled substances is an issue at all, which should be regulated.

Approximation needs unclear

- **Establishment of a licensing system for the import and export of controlled substances for exempted uses (Chapter IV) and reporting obligations for undertakings (Articles 26 and 27)**

Articles 15 - 18 of Chapter IV of the ODS Regulation requires the installation of a licensing system for the import and export of controlled substances for exempted uses. Such licenses are to be issued by the EU Commission. CEPA requires that in Armenia there shall be some sort of licensing system established for the export and import of ODS for exempted use accordingly without setting any detail on such system.

Article 26 of the ODS Regulation concerns **reporting obligations of EU Member States** on halons. It is unclear how such reporting obligation can apply for Armenia as a non-EU Member State – Article 26 does not concern any in-country reporting.

This is different from **Article 27 which concerns the reporting of undertakings** for each controlled substance […] for the previous calendar year on all kinds of details concerning the production, export and import of these substances. It means that at least some basic reporting obligations of entrepreneurs should be in place on ODS in Armenia, too, in order to be compliant with CEPA.

The import and export of controlled substances is well regulated in the Law on Protection of the Ozone Layer and in addition the corresponding GD 1304 of 2021 "on Establishing the Procedure for the Electronic Issuance of Permits for the Import of ODS and HFCs.

Reporting requirements for relevant entrepreneurs are also well addressed in Article 8.4 of the mentioned Law and GD 1761 of 2021 "on Approving the Procedure for Reporting and Accounting Individual Quantities of OGS and HFCs imported".

Approximated

- **Establishment of obligations to recover, recycle, reclaim and destruct used controlled substances (Article 22)**

Article 22 of the ODS Regulation requires that controlled substances contained in refrigeration, air-conditioning and heat pump equipment, equipment containing solvents or fire protection systems and fire extinguishers shall, during the maintenance or servicing of equipment or before the dismantling or disposal of equipment, be recovered for destruction, recycling or reclamation. The destruction of such substances shall only be done by means of the technologies listed in Annex VII.

Similar obligations should be set in Armenian legislation but there are no rules in place on any of these matters. Armenia has just got its HCFC Phase Out Management Plan (HPMP) Stage III Project approved by the Multilateral Fund for the Implementation of the Montreal Protocol which will assist in establishing the recycling and reclamation capacities in the country. Necessary rules on the recycling and reclamation will be introduced along with the establishment of the relevant capacities.

Rules on destruction liabilities have not been introduced in legislation for the time being, as there are simply no destruction capacities in the country. Also, exporting to other countries for destruction purposes cannot be considered as a viable option due to its extremely complicated logistics and land-locked geographic position of Armenia.

Not approximated

- **Establishment of procedures for monitoring and inspecting leakages of controlled substances (Article 23)**

According to Article 23 ODS Regulation undertakings in EU shall take all precautionary measures practicable to prevent and minimise any leakages and emissions of controlled substances. This includes that refrigeration, air conditioning or heat pump equipment, or fire protection systems, which contain controlled substances shall be regularly checked by these persons for potential leakage (intervals are prescribed by Article 23).

In Armenia Article 8.1 has a basic clause in place on leakages monitoring and in Article 4(8) 8) foresees the adoption of a "procedure for monitoring leakages in the field of use of regulated (controlled) substances […]. This procedure has not yet been adopted.

Partly approximated

- **Establishment of a ban on the placing on the market and use of controlled substances, except for reclaimed HCFC which might be used as refrigerant until 1 January 2030 (Articles 5 and 11)**

Article 5 / 11 EU Regulation prohibits the placing on the market of controlled substances as of 2019. According to the Montreal Protocol for Article 5 Parties (including Armenia) such prohibition for ODS and in particular reclaimed HCFC shall be in place latest on 1 January 2030 (as seen above).

The ODS related legislation does not speak of "placing on the market" of ODS (including HCFC) but of production and import only.

There are no rules in place in Armenia concerning the placing in the market and use of controlled substances yet.

Not approximated

Final remark and recommendations on ODS / F-gases regulation

As regards the (potential) emissions of F-gases many but not all necessary definitions are in place. There are no rules on prevention of releases of F-gases which is required under the EU Regulation, but rules for leak checks are partly in place. Neither F-gases recovery nor training and certification of competent staff is regulated yet, as required. The basics for a reporting system on F-gases emission data has also not yet been addressed.

Rules on the destruction, recycling or reclamation of controlled substances are not yet in place. Neither are provisions on the placing on the market and use of controlled substances.

However, it is not clear if all these aspects require regulation in Armenia, i.e. if they are practically relevant.

Given the mentioned shortcomings, it is strongly recommended to amend the Law on Protection of the Ozone Layer (or adopt additional GDs on above mentioned aspects) as far as legally required.

5. CONCLUSIONS, RECOMMENDATIONS and proposed NEXT STEPS

The comprehensive approximation assessment of the CEPA requirements on Environmental and Climate Action show a quite diverse picture on the approximation progress in Armenia in the 7 sub-areas of the Environmental Acquis and also the Climate Action Acquis as far as it has been taken up by the CEPA Annexes III and IV.

5.1 CONCLUSIONS AND RECOMMENDATIONS (SUMMARY)

The overall evaluation of the detailed approximation assessment in the environmental and climate field shows that in all areas and on virtually all pieces of EU environmental and climate legislation competent authorities for law making (and also largely their implementation) have been established and at least some basic national legislation is in place.

5.1.1 General conclusions and recommendations on existing environmental legislation in Armenia

There can be made a few general conclusions and recommendations on environmental law which affect their quality and potentially hamper their implementation:

- **Interrelation of Environmental Legislation**

All Environmental Laws and GDs are hardly at all interrelated but stand-alone legal acts. There are links between primary laws and secondary GDs but apart from that legislation is hardly interrelated legally. This is particularly obvious on waste (Waste Law and Law on Garbage Collection and Sanitation) and also on Inspection and Control (Law on the Organisation and Conduct of Inspections and the Law on Environmental Control) but also on the missing accurate links between sectoral laws - often there is a clause which just states “and other legislation” which is not transparent and does not comply with international Rule of Law standards”.

Generally, much more attention of the lawmaker should be given to establish a coherent legal system not only within an environmental sub-sector bit also related to those legal acts which may be connected in order to avoid redundancies and potential contradictions.

- **Legal style of Laws**

Much of the content of Armenian environmental laws (or draft laws) has mostly declaratory and partly even narrative or explanatory style. This should be avoided to the extent possible. The focus of the law making should be to introduce **clearly normative rule**s which determine **“WHO” shall do “WHAT” and “WHEN” and “HOW”** – these questions should be well targeted but not “WHY” which should be addressed in policy papers or explanatory notes to new legislation.

The cornerstone of environmental Directives are those provisions, which grant precise rights and obligations (not just competences) to persons and authorities. Such clauses must be approximated very carefully, so that authorities but also normal people can determine the full extent of their rights and properly understand their obligations.

In general, it should be observed that all legal rules drafted are **applicable** (practical and realistic) and **enforceable, transparent** (clear and accurate wording), **consistent** and **proportionate to the purpose** to be achieved. The most ambitious and advanced law is not worth anything if it cannot be implemented due to high demands, complexity, unrealistic targets, low institutional capacity etc – insofar the use of transition clauses for implementation of challenging requirements in legal acts should be an option.

- **Definitions**

Specific attention should be given to the use of EU legislation terminology in EU Directives and Regulations. The more is well incorporated into Armenian legislation (or adjusted to national needs). This goes in particular for new legal concepts such as integrated environmental permitting or environmental liability. Also pay attention that only those terms are being defined which are later used in the main body of the respective Law (e.g. for instance even in the well-developed Water Code terms are defined which are not being used in the main body of the text at all later on).

- **Structure of laws / technical Annexes**

If legally possible, the readability of laws (and GDs) should be secured and partly improved to ensure user-friendly normative texts. Larger legal texts should be divided in chapters and especially the use of technical Annexes should be considered in law making (as it is done in the EU) in order not to mix normative provisions and large technical details or standards. Thus, in many GDs in Armenia this is already done.

In order to have a good picture of the approximation progress achievements it is necessary not to make any general but **sector specific short conclusions**. Climate Action achievements and shortcomings are addressed within this following sub-chapter.

5.1.2 Environmental governance and integration of environment into other policy areas

In the field of good environmental governance substantial progress has been made towards the approximation of the EIA and SEA Directive requirements. However, two aspects require particular attention here: there is no screening process stage foreseen at all to determine the EIA and SEA necessity of small projects and plans (in EU Annex II projects in Armenia Category B projects) on a case-by case basis. Instead, even for very small projects and all “fundamental documents” with environmental relevance an EIA and SEA is mandatory in Armenia. This raises doubts on the proper implementation since both EIA and SEA are complex processes. The second slightly unclear issue is to which extent EIA / SEA conclusions can be subject as administrative acts to a judicial review. The legislation is not precise insofar.

As regards Access to Information, it appears that the overall and far going Law on Access to Information which regulates well also the procedures includes all kind of environmental information, so that the Armenian lawmaker did not see any needs to adopt a specific law on Access to Environmental Information. It should be observed if the far going Law is implemented well in order to guarantee access to environmental information on request.

As for Directive 2003/35/EC which is on public participation in respect of the drawing up of certain environmental plans and programmes and on integrated permitting there are no such plans in air, water (action programme for nitrate vulnerable zones) and waste sector foreseen yet and also there is no integrated environmental permitting in place yet. The requirements of this Directive are hence not yet approximated.

There is no legislation in place yet, which takes up the requirements from the ELD. Most definitions are not yet in place or not well aligned (such as the three different types of environmental damage). Damage is misunderstood in Armenia as violation or even just impact on the environment. Damage in Armenia is mainly sanctioned (administrative violation or criminal sanction) or financially compensated but here are no provisions for “remediation” and the potential remediation measures as is the purpose of the

ELD. There is no liability in case of accidents and incidents, no “strict liability” for dangerous activities, there are no rights of NGO to initiate legal action on environmental liability, and several more aspects (insurance, causality between action and damage, multi-party causation, potential excuses)

It is strongly suggested to prepare a new “Law on Environmental Damage and Liability” and adjust or take out existing legislation accordingly as concerns terminology used in sectoral laws. A Law on environmental liability would be a horizontal law which is carefully legally linked with other sectoral Armenian environmental laws.

5.1.3 Air quality

As regards the two EU Directives on Air Quality, which have recently been merged in EU (see above, chapter 3.2.2) with legal effect as of 12.12.2026) the legal situation in Armenia is not satisfactory. The existing legislation falls short of using key terminology of the Directives and also conceptual approaches used by the Directives (classification of agglomerations or zones for air quality assessment, upper and lower assessment thresholds, air quality plans and short-term action plans, clear air quality assessment system, information of the public on air quality data).

It is therefore strongly recommended to do a substantial revision of the current Law on Atmospheric Air, incorporate fully the conceptual approach and terminology used in the EU and hence provide for a sound legal basis for any sub-legislation. As a second step necessary sub-legislation (GDs) should be prepared.

The focus of the Atmospheric Air Law should be on Air Quality and either not at all or in a separate chapter on emission standards for industries – the latter could be well done under a new law on “Integrated environmental permitting and control”).

The Directive on sulphur content of certain liquid fuels seems to be done at least partly through GD. However, the GD does not contain any limitations of the sulphur content, and no prohibitions as require by the EU Directive. It should be reviewed insofar.

There are no approximation efforts visible in Armenia on VOC emissions resulting from the storage of petrol and its distribution from terminals to service stations (Directive 94/63/EC) at all. This topic needs attention to be addressed by GD. It is even unclear which authority may be in charge of this topic.

The requirements of the Directive 2004/42/EC on VOC in paints and varnishes have been well approximated through GD and there is no need for further legal action.

5.1.4 Water quality and resource management

The legislation of RA (especially the Water Code) defines well competences for water resources management on the basis of water basin management areas. The preparation of water basin management plans is legally regulated, including the content of plans, largely also public participation issues and also monitoring activities. Formally it can be considered almost fully legally approximated.

However, it must also be acknowledged that certain issues still require resolution in order to improve implementation: In particular, basin management authorities have not yet fully achieved the objectives for which they were established, as in practice their functions are largely limited to the issuance of water use permits. Moreover, insufficient efforts to raise public awareness and understanding lead to limited implementation of water conservation and efficient water use measures at the community, enterprise, household, and individual levels. Unfortunately, despite existing legislation and regulatory frameworks, it must be noted that several serious issues persist. Addressing them may necessitate legislative revisions and possibly the development and adoption of a sound strategy for the development of the water resources monitoring system.

The approximation to the CEPA requirements of the Floods Directive gives a mixed picture. On one hand, the terminology of the Floods Directive is used and the concepts (preliminary flood risk assessment, flood hazard maps, flood risk maps, flood risk management plans) used in the EU is in place. But the legislation leaves open the clear responsibilities for the preparation of all these documents and partly also their content. In general, it is necessary to clarify the roles and responsibilities of all actors involved in the DRM (Disaster Risk Management) sector much more accurately including the prevention of flood risks mechanisms and tools. This may require also a revision of the Water Code and existing floods related GD.

As regards Urban Wastewater treatment, some relevant aspects of the UWWTD are partially reflected in the national legal framework, including the Water Code and GD related to wastewater discharge standards. However, significant gaps remain, as there is no clear classification of agglomerations based on population equivalent as defined in the directive, deadlines and progressive implementation plans for wastewater infrastructure are not harmonised with the directive's requirements, permissible discharge limits for wastewater have not been approved yet and in general the institutional responsibility, infrastructural planning and regulatory enforcement are not really clear yet. Beyond the CEPA requirements it should be noted that monitoring, reporting, and compliance mechanisms on urban wastewater are not sufficiently developed or standardised according to EU practices. In general, the legal framework on wastewater should be updated.

On the other side the standards set for drinking water quality in Armenia fully comply with the standards established by the EU Drinking Water Directive. It should also be noted that Armenian legislation stipulates the obligation of regular monitoring of drinking water quality by the organisation operating the drinking water supply system.

Unfortunately, there are certain gaps in terms of the technical equipment of laboratories in Armenia. There is also a considerable deficiency in the publication and accessibility of data on drinking water quality and monitoring results, which should be secured through drinking water supply organisation, but is not implemented at all. To enhance transparency and ensure consumer access to reliable information, it is recommended that the relevant authorities mandate the development and maintenance of a centralized, publicly accessible digital platform—such as a dedicated website and/or mobile application—by the drinking water supply organisations.

Additionally, there should be legally required more frequent updates on water quality data (e.g., monthly or quarterly), accompanied by strict enforcement mechanisms to ensure compliance and data accuracy.

As regards water pollution resulting from agricultural activities in nitrate-vulnerable zones, proper legislation and implementation competences are theoretically in place. Legally it is also well determined how such vulnerable zones areas should be identified and delineated. However, all implementation matters have been combined with the implementation of water basin management plans, which, unfortunately, have not demonstrated effectiveness in addressing these issues. There are also no action plans for designated vulnerable zones foreseen by legislation nor any "codes of good agricultural practice" as standard tools on nitrates pollution prevention in EU. Insofar the water legislation should be improved.

5.1.5 Waste management

There is some general waste legislation in place but especially the Law on Waste focusses almost entirely on competence allocations which are just listed and has little precise (normative) rights and obligations of stakeholders; also, economic incentives for waste minimisation are rather described only and not regulated.

The Law on Waste and the Law on Garbage Collection use different legal terms (garbage, waste) for the same legal matter (inconsistency). As seen above, many key elements of a modern waste management system are not yet addressed properly in either law. Mixed municipal waste in practice in Armenia is classified as hazardous waste (according to MoEnv Order N342 of 2006) which makes waste management in line with EU requirements virtually impossible (also see EU List in Decision 2000/532/EC).

It is advisable to merge the two laws (or at least properly link them), to amend the definitions and incorporate basic key obligations as required by the Waste Framework Directive. The laws, including their different implementation competences (which are fine!), in any case must be aligned carefully with each other.

As regards the approximation to the Landfill Directive Armenia has done a big step forward with the adoption of recent Governmental Decisions. However, there is still a discrepancy as concerns the use of the key term “landfill” which should be defined more accurately. Also, there is no classification of the three different landfill types yet (HW, non-HW, inert waste). It is understood that the implementation of having different landfill types (or at least cells on one landfill) is challenging for implementation but at least the legislation should provide for a clear legal distinction and make sure that new licensed landfills in the future are used solely for either of this waste types only. The revised waste legislation could provide for transition clauses for implementation.

In the mid-long term it should be avoided to mix hazardous with non-hazardous waste. There should also be clear measures envisaged with a timeline and indicators and responsibilities to target biodegradable waste and gradually ensure that it is not landfilled anymore.

The major challenge though (as in EU), will be to secure in a long-term that no waste is landfilled before prior treatment. Such legal clause could be inserted into the legislation with a clause on a transition period for implementation (see above, gradual approximation). A cost recovery mechanism should also be introduced gradually, probably starting with hazardous waste disposal.

Armenian legislation concerning the management of mining waste is very well approximated to CEPA requirements with the amendment of the Subsoil Code, chapter 5.1, Articles 60.1 – 60.10 and the numerous GD on the topic. There are just some very few shortcomings as identified above. The term “subsoil” should be replaced by “mining”, too. As stated in the introduction of this report this does not mean that the legislation is also implemented and enforced very well.

5.1.6 Nature protection

The Armenian nature protection provisions are only partly aligned to CEPA requirements (and the Bern Convention which is relevant here).

Armenia is required according to the Bern Convention to designate and manage Emerald Sites (which is the equivalent to the Natura 2000 sites required under the EU Directives in CEPA.

It is important that it includes a special legal basis for their designation and management into nature protection legislation as legal basis and then adopts detailed sub-legislation on management procedures and management (plan) measures. Notably, in Armenia up to 30 candidate Emerald sites have been identified but given the lack of appropriate national procedures they cannot be designated formally in cooperation with the Bern Convention Secretariat and their management is legally unclear.

As for species protection, the current system protects all species listed in the Read Book in general terms, but specific protection measures as provided in EU legislation is missing. Also lists of migratory birds as required by CEPA have not yet been identified.

In general, and in the long term it would be advisable to have a new combined Law on Nature Protection which has provisions on Fauna and Flora, habitats and species (chapters) and provides for a legal basis for Emerald sites protection basis. The Red Book in the long term should be used for scientific purposes only as in the EU.

5.1.7 Industrial pollution and hazards

Armenian legislation has not yet taken up the EU concept on “integrated environmental permitting” at least for large industrial installations as required under the IED. Large installations which should require an integrated environmental permit have not yet been identified (an overview was done in 2012 but the results seem no longer available, and the situation has certainly changed since).

An integrated permit system based on EU definitions, permit application and content/condition requirements has not been established legally. Instead, the sectoral permitting approach (air, water, waste) is still being used. Best available technique has been defined in the Air protection field only but is not used for determining permit conditions. There are no ELV adopted for combustion plants larger than 50 MW thermal input and there is no legal basis for the use of GBR. There are also no plans / programmes in place for the gradual reduction of emissions (into air and water) for industrial plants.

Compliance monitoring and control is regulated rather accurately especially as regards inspection mechanisms also potential suspension of permits. Only “self-monitoring” rules, which are considered an essential part of permits, are missing legally.

Given this situation, it is strongly recommended to take up the draft elaborated jointly by German and Armenian experts in 2012 on “integrated environmental permitting” in 2012. This draft law has been amended by the author of this report and translated into Armenian language. It contains all necessary provisions (including those on public participation, as required by Directive 200/35/EC, see above chapter 3.1.4) and the relation to the EIA system and other permits. The draft law goes beyond large industrial installations and introduces an integrated buts simplified environmental permit also for smaller installations as it is done in many EU Member States.

The new draft “Law on Disaster Risk Management and Protection of the Population” is likely to serve as a sound basis to addresses potential large industrial accidents as required by the Seveso Directive. The draft Law establishes clear competences on all kinds of risks and disasters management and likely (hopefully) also some basic coordination mechanism between all stakeholders. It is highly recommended though, to include specific rules and tools for the prevention and handling of industrial accidents in the new law. This includes reporting obligations of operators of large industrial installations on the kind of dangerous substances they use and also proper reporting obligations in case of accidents as required under CEPA.

5.1.8 Chemicals management

There is no legislation in place in Armenia that serves the transposition of the Rotterdam (PIC) Convention into national law although Armenia has been a Party to that Convention since 2004. The new draft "Law on Chemical Substances" (as of 2022) is intended to convert the necessary rules into national law but it falls short insofar as the assessment has shown. The draft law should be substantially reviewed in order to comply with the PIC Convention. If aligned to the Convention approximation to the EU PIC Regulation requirements as per CEPA will then be achieved automatically.

The proper classification, labelling and packaging (CLP) of chemical substances and mixtures is also not yet regulated in RA. The new draft "Law on Chemical Substances" is intended to serve at least as a legal basis for subsequent GD on CLP measures, which is good. It is necessary, though, not only to adopt that draft but also to draft proper GD on CLP obligations for all relevant stakeholders involved in the handling of chemicals in order to achieve approximation to CEPA requirements.

5.1.9 Climate Action

In the Climate Action field, firstly it has to be noted that out of the 6 EU legal acts, 5 are no longer in place as they were legally repealed. CEPA Annex IV has to be amended accordingly. The main acts to be approximated with in Armenia in any case should be the international agreements (UNFCCC plus Paris Agreement and Montreal Protocol on ODS as amended). The EU Regulations should be approximated as far as this makes sense for Armenia and is legally possible.

The Law on the Protection of the Ozon Layer and the draft Law on Climate which is still under discussion are the main legal instruments in this field in Armenia. Notably the draft Law on Climate bears only to some extent the character of a "Law" as it has almost no normative elements but is often purely descriptive (it rather reads like a policy paper), includes numerous competences but some legal basis for further legislation. Insofar it can only be considered as a starting point. Remaining path have to be closed such as the establishment of a system for the dentification and supervision of certain industrial installations and their GHG emissions, monitoring, reporting and verification of GHG emissions from relevant companies (including emission reports), the concrete establishment and maintenance of a GHG inventory and further progress on policies and measures concerning GHG emissions control.

The draft Law on Climate is accompanied by a number of revisions of other Armenian laws, especially on organisational matters and general horizontal aspects (such as education, scientific activities, EIA and supervision). However, these proposed amendments have not been published yet, and it is unclear to which extent they will contribute to CEPA approximation matters on GHG emissions control. It shall be noted, though, that a number of secondary legislative acts are to be developed which shall determine concrete obligations of both private and public sector to implement the (draft) Law on Climate.

The authors of this report are fully aware of the Armenian legislative hierarchy and the fact that often, laws have a rather declaratory or even narrative character and made implementable through subsequent secondary legislation only. However, this is considered a shortcoming of Armenian primary environmental legislation in general (see above, chapter 5.1.1).

As regards the (potential) emissions of F-gases (as addressed under the Montreal Protocol and two legal acts in CEPA Annex IV) some definitions should be added to the Law on Protection of the Ozone Lawyer. Rules on prevention of releases of F-gases, their recovery, training and certification of competent staff should all be regulated as well as a reporting system for F-gases emissions (through certain installations) introduced. Missing are also rules on recycling or reclamation of controlled substances, and in general provisions on the placing on the market and use of controlled substances.

However, necessary rules on the recycling and reclamation of HCFC will be introduced along with the establishment of the relevant capacities under the HPMP Stage III project which has recently been approved.

No rules on destruction liabilities have been introduced in legislation so far, as there are no destruction capacities in the country (which has been pointed out several times during various meetings and discussions). Also, exporting to other countries for destruction purposes cannot be considered as a viable option due to its extremely complicated logistics and land-locked geographic position of Armenia.

Given the mentioned shortcomings, it is strongly recommended to revise the draft Law on Climate and prepare necessary GDs and to amend the Law on Protection of the Ozone Layer (or adopt additional GDs on above mentioned aspects) as far as legally required.

5.2 *PROPOSED NEXT STEPS*

Below are some suggestions for the next steps to be taken by the Armenian policy and law maker in the field of Environmental and Climate Action in order to achieve full compliance with CEPA requirements.

As first next step a new and much more concrete CEPA Roadmap should be prepared, which provides for precise actions to be taken, a realistic time schedule, (interim and relevant) indicators for achievement, responsible governmental actors for drafting and -optionally – also required donor support.

5.2.1 Environmental governance and integration into other policies

The suggested amendments to the Law on EIA in order to include a screening stage for Category B activities and to set criteria in order to determine those “fundamental documents” which may not have a significant environmental effect and hence does not need an EIA/SEA ca be done any time.

As for the ELD it is strongly suggested to get international donor support with legal expertise in the nearest future in order to **develop jointly** a new Law “on Environmental Liability and Damage Remediation”. Given the authors experience on this topic this may take about 10-12 months. Alternatively, at least a special chapter will be drafted on this topic to include it into the law on Environmental Control. Still, terminology related to damage, liability, compensation etc. in several other laws needs to be adjusted accordingly. This should be a priority for action as there has been almost no approximation achieved so far on this topic.

5.2.2 Air quality

The **complete revision of the existing Law on Atmospheric Air** should also be done in the near future with appropriate international donor support. This support should include both, legal as well as technical expertise (how to design a functioning air quality monitoring system). The terminology used in the EU legislation should be fully aligned, legal basis for necessary plans (with public participation) prepared and later those plans prepared. Such a revision and preparation of plans may take about a year. Naturally, it would be good if any such support could be accompanied with the provision of some technical equipment for air quality monitoring.

A GD on VOC matters at petrol stations might be done by Armenian lawmakers alone.

5.2.3 Water quality and resource management

The initial step in the water sector should be the **preparation of an overall water strategy** to tackle existing shortcomings in both, legislation and it is implementation. The focus should be on the current use and content of Water Basin Management Plans and their relation to Water Permits, defining international river basin boundaries, the management of shared water resources. Waste Water treatment issues as well as nitrates pollution should be addressed in such strategy in order to determine more precisely how to revise the Water Code and adopt necessary GDs and tools such as water management plans and Codes of Conduct for Good Agricultural Practice. Subsequently the necessary legal amendments should be initiated.

5.2.4 Waste management

In the waste sector a complete and **fundamental revision of the Law on Waste** should be done as priority **jointly with international donor support (**legal and technical expertise) is necessary. The definitions and tools (such as waste management plan, waste prevention programme, biowaste strategy) should be legally incorporated, the permitting system improved, a better classification of waste introduced, a data collection system for waste introduced, the law aligned with the Law on "Garbage Collection and Sanitation" etc.

Necessary amendments on the landfill legislation should also be tackled within such project – the focus should be on realistic legislation to ensure a step-by-step introduction of different types of landfills where only treated waste is being disposed and management costs are well recovered, also in order to attract potential investors on waste recovery and disposal activities.

5.2.5 Nature protection

As for Nature protection legislation in the short term there should be a legal basis for the designation of **Emerald Sites** introduced into legislation (likely: Law on Fauna) and sub-legislation prepared on both, designation procedure of Emerald Sites and protection management rules for these sites established. For both, **some international expert support** should be requested. The list of protected migratory birds in Armenia should be prepared as aligned to the Annex of the EU Wild Birds Directive.

5.2.6 Industrial pollution and hazards

The introduction of a "Law on integrated Environmental Permit and Control" should be a legislative priority as this requires a fundamental change to the current sector specific "command and control" approach for industrial activities and given that a jointly prepared draft law text has already been re-tabled. The further fine-tuning and adjustment of this draft law (and potential sub-legislation on ELV and detailed procedural steps and GBR and BREFs use) should be done with **substantial legal and practical national and international expert support as a priority**.

The draft Law on Disaster Risk Management and Protection of the Population should be checked for a proper coordination mechanism as regards potential industrial accidents prevention and handing. In general, it is necessary to clarify the roles and responsibilities of all actors involved in the DRM (Disaster Risk Management) sector much more accurately in the Law (this also goes, for instance, on flood risks).

5.2.7 Chemicals management

The **draft Law on Chemical Substances** (which should also address mixtures) **should be revised** so that it contains all relevant aspects and procedures as identified above on alignment PIC Convention and CLP

EU Regulation requirements. To which extent international expertise is necessary to support this cannot be judged.

5.2.8 Climate Action

We recommend to do a **revision of the draft Law on Climate** in order to give it a more normative "legal" character and strengthen it accordingly. At least some key provisions on obligations of the private sector as well as of the competent authorities (not just competences) should be added as legal basis.

The Law on Protection of the Ozone Layer should be amended slightly. An EU TAIEX support mission may be an appropriate way of donor support, as this task requires limited additional expertise.

ANNEXES

Annex I: CEPA ANNEX III to CHAPTER 3: ENVIRONMENT

Environmental governance and integration of environment into other policy areas

- **Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, as amended**
- **Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment**
- **Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC**
- **Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC, as amended**
- **Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, as amended**

Air quality

- **Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe**
  (this Directive has been repealed through Directive 2024(2881) on ambient air quality and cleaner air for Europe with effect as of 12.12.2026)
- **Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air**
  (this Directive has been repealed through Directive 2024(2881) on ambient air quality and cleaner air for Europe with effect as of 12.12.2026)
- **Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC, as amended.**
  (No longer in force, new: Directive (EU) 2016/802)

- **European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations, as amended (consolidated version of 26.7.2019)**
- **Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (consolidated version of 16.7.2021)**

Water quality and resource management

- **Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, as amended**
- **Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks**
- **Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment, as amended**
  Repealed with effect 1 August 2027 through Directive 2024/3019 of the European Parliament and of the Council of 27 November 2024 concerning urban wastewater treatment
- **Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, as amended**
  (no longer in force, New: Directive (EU) 2020/2184)
- **Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, as amended**

Waste management

- **Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (consolidated version of 18.2.2024)**
- **Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, as amended (consolidated version of 4.8.2024)**
- **Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC, developed by Decisions 2009/335/EC, 2009/337/EC, 2009/359/EC and 2009/360/EC**

Nature protection

- **Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds**

- **Council Directive 92/43/EC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended**

Industrial pollution and industrial hazards

- **Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 concerning industrial emissions (integrated pollution prevention and control), (recast as of 04 August 2024: Directive 2010/75/EU on industrial and livestock rearing emissions)**
- **Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC**

Chemicals management

- **Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals**
  (consolidated version of 1.11.2023)
- **Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006**
  (consolidated version of 1.12.2023)

Annex II: CEPA ANNEX III to CHAPTER 4: CLIMATE

- **Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC**
  (consolidated version of 1.3.2024)
- **Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council**
  (no longer in force, new: Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC […]
- **Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council**
  (no longer in force, new: Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council)
- **Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC**
  (no longer in force, new: Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action […] repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council)
- **Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006**
  (no longer in force, new: Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases […] repealing Regulation (EU) No 517/2014
- **Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer**
  (consolidated version of 19.04.2017)