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THE ANTHOLOGY AND THE SYSTEM OF ENVIRONMENTAL LAW OF THE REPUBLIC OF ARMENIA

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In general

"Sustainable development is the pathway to the future we want for all. It offers a framework to generate economic growth, achieve social justice, exercise environmental stewardship and strengthen governance".

Ban Ki-moon

As the famous words of Ban Ki-moon imply, the natural environment is highly sensitive to human activities, thus harmonized and sustainable approach should be followed at all spheres of life to ensure the right of every person to the healthy and favorable environment. This is the prospect to bring the environmental protection and the use of natural resources on the level of legal regulation. Moreover, as it might be observed legal frameworks governing the relationship between man and nature are emerging drastically involving more and more fields of legal and related science.

This is a basic overview of the environmental law of the Republic of Armenia. Beginning with a brief historical summary, the nature of the legal system and the state organizations are presented generally, emphasizing the bodies of state administration that have

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competencies in the field of environmental protection.

First, taking into account the hierarchies of legal norms, environmental protection enshrined within constitutional provisions is presented. Consequently, diverse as the environment itself, the laws subdivided according to the subject matter of the legislation, are presented in more detail. Being part of the administrative law branch, the environmental law of the Republic of Armenia is not codified in a dedicated code or framework law, but, instead, are regulated in many different legal acts. Attention is also paid to the ratified international environmental treaties, influencing the national law to a large extent.

With a hope to facilitate further legal research for practitioners or academics having a deeper interest in this topic, useful references to sources and legal databases concerning the law of the Republic of Armenia are added as well. Moreover, two cases at the end of the chapter aim to demonstrate the evolution of civic society, enforcement and further development of environmental law in practice.

Constitution

The Constitution of the Republic of Armenia, adopted in 1995 set the basis for the new state's democratic and republican character, as well as for completion of the complex social transformation following the declaration of Armenia's independence in 1991. The Constitution reflected quite a new stage of development of our society and statehood, displayed the improvement of the entire system of social administration, and underlined the status of Armenia as a full-right subject of international law. It established new constitutional order, as well as served as a guide in law-making and law-enforcement practices of the state[1].

On 6 December 2015, a Constitutional referendum was held in

[1] See Henrik M.Khachatryan. The First Constitution of the Republic of Armenia. Pub. "Gitutyun", Yerevan, 1998, p.19.

Armenia, and 62% voted "YES" to the Amendments to the Constitution which propose around 250 amendments, touch upon a broad spectrum of fundamental rights and freedoms, as well as safeguards of social and economic rights. The entire process of initiating the Constitutional Amendments was justified by the need for improvement of safeguards for the protection of fundamental rights and freedoms. The final text, as adopted at the referendum resolved some of civil society's critical concerns with lack of safeguards for fundamental rights and freedoms. Nevertheless, we believe the standard for protection of such rights as the right to live in the healthy and favorable environment, personal liberty, respect for the privacy of communication, right to fair trial (inadmissibility of evidence), the presumption of innocence and right to marry was reduced as compared to standard of the current Constitution.

Below we provide a brief overview of provisions related to the environmental protection, the right to a healthy environment and the respective functions of the state. These issues are considered in the context of Constitutional reforms.

Environmental protection as a core value. Protection of the environment is not only a fundamental value but is also recognized as a goal-principle, which is indispensable for establishing human environmental rights, and for the definition of competences of the relevant public authorities at the Constitutional level as well as in legislation.

Article 12 of the Constitution entitled "Environmental protection and sustainable development" reads as follows:

"1. The state promotes environmental protection and restoration, reasonable use of natural resources governed by the principle of sustainable development and taking into account responsibility towards future generations.

2. Everyone shall take care about the environmental protection."

The chapter within which Article 12 is reflected – namely the chapter providing the foundations for the Constitutional order – has fundamental importance in the context of the interpretation of other constitutional provisions. Given the importance of the provision, the article 12 does not stand scrutiny for some reasons.

First, the word "promote," is neither sufficiently clear nor strong enough to achieve the goal of environmental protection. It is not binding and, therefore, by using that verb the importance of the proactive role of the State in the sphere of environmental protection is significantly reduced.

Second, returning to the legal certainty of constitutional formulations, the use of the term "sustainable development" is problematic. Leaving aside the theoretical discourse on defense or criticism of the sustainable development concept some problems may arise. There is no generally accepted legal definition of the concept, and the content of sustainable development is therefore uncertain. So, in this case, fertile ground for contradictory interpretations is established through the use of this term. It is also not possible to form a clear understanding in the context of Article 12 as to whether sustainable development is perceived as a value (as environmental protection) or as a principle.

Third, the expression "taking into account responsibility towards future generations" in paragraph 1 of Article 12 is also vague and uncertain. The term "responsibility" in the legal sphere is endowed with certain content, which is further developed in the current legislation. However, the mentioned expression creates the amorphous perception of "responsibility" as an essential legal category and, therefore, some disruption from the general approach formed within the framework of national legislation.

It is understandable and quite acceptable, that this part of the provision at stake values the protection and restoration of the environment, the reasonable use of natural resources for future

generations from the perspective of not causing damage to the environment. That is why this approach is formulated in the text in wording, which in our opinion, is consistent with the general methodology of establishing constitutional values.

A final criticism of Article 12 is that the second part of Article 12 is not methodologically substantiated. It is just inappropriate to impose a constitutional obligation on citizens to protect the environment in the chapter "Basics of the constitutional order". There is an obvious asymmetry between the state and the individual regarding sharing the "burden" to protect the environment regarding Article 12 - "the state promotes" while "Everyone shall ...". This approach appears to be manifestly inappropriate.

The right to a healthy and favorable environment. The new Constitutional amendments do not envisage the right to live in a healthy and favorable environment which has raised serious concerns among civil society organizations and individual experts and are also shared by the academic community. The most worrying are tendencies of demonstrated approach, especially in the case that the initial text of the Constitution provided in Article 33.2 the right to live in a healthy and favorable environment. This omission is particularly puzzling given the fact that the decision to bring about constitutional reform was, *among other things,* based on the desire to strengthen and establish fundamental human rights.

Given these fundamental objectives of the reform, it is entirely unexpected and surprising that the authors of the Constitutional amendments stepped back from including the right to live in a healthy and favorable environment in the new Constitution. We deeply believe this to be a serious drawback of the new Constitution. Unlike the former Constitution, the new Constitution also does not incorporate the duty to protect and improve the environment individually or jointly with others, which, we consider to be of vital

importance to any society regarding valuation of public goods.

As a conclusion, we find that the new Constitutional solutions in the sphere of protection of the environment and the right to live in a healthy and favorable environment undermine the importance of the environment as a core value and are not efficient regarding the further progressive development of the current legislation.

Overview of the system of Environmental legislation of the Republic of Armenia

The environmental law of the Republic of Armenia is not consolidated and unified into one comprehensive code. To a great extent being part of the public law, its provisions may be found in a wide range of statutory laws.

The statutory legislation may be divided into general and sectoral legislation. In theory, the relationship between these two types of legislation corresponds to that between general and special legislation. For this reason, in cases concerning the interpretation of conflicts between legal norms, the maxim *lex speciali derogate legi generally* applies, that is, the special law takes precedence over the general law.

General legislation – Basics of the Environmental Protection Legislation of the Republic of Armenia

One of the first laws adopted shortly after the fall of the Soviet Union, and represents a basis for the general environmental legislation, was the Decision of the Supreme Council of the Republic of Armenia "On Adoption of Basics of the Environmental Protection Legislation of the Republic of Armenia"[1] (1991). Although this act was nullified afterward in 2007, it had formed the fundament for development of the system of environmental legislation of the Republic of Armenia.

[1] Decision of the Supreme Council of Armenia N0350-I from 09.07.1991.

The Basics of the Environmental Protection Legislation of the Republic of Armenia in its preamble referred to the establishment of environmental policy and was aimed to ensure environmental protection and sustainable use of natural resources. It was aimed at forming the legal basis for the development of legislation in the spheres of mining, forests and water resources management, protection of flora, fauna and atmospheric air. Even though this act had a rather short life, as a general framework law in the field of environmental protection, served as an interpretation tool.

Currently, the system of environmental legislation is composed of laws, including codes regulating the relationship in the sphere of protection and use of natural objects and resources.

Environmental Impact Assessment and Expertise

Discussion on Environmental Impact Assessment and Expertise in the Republic of Armenia should be started with a statement that this legal institution in its modern meaning was established only after independence, since during the Soviet period the natural resources were exceptionally owned by the state, and the state-owned entities ran almost all industrial activities and other projects.

The current legal regulatory regime of EIA in Armenia consists of the Law of RA "On Environmental Impact Assessment and Expertise"[1] (EIA Law), Governmental Decree of RA N1325 "On Defining the procedure of public notification and public discussions"[2] as well as methodological guidelines for impact assessment with regard to different types of activities.

The purpose of the EIA Law rests in ensuring a high level of environmental protection while contributing to the integration of environmental aspects in preparation and adoption of fundamental (strategic) documents as well as an assessment of the proposed

[1] Law of RA N110 from 21.06.2014.
[2] Governmental Decree of RA N1325 from 19.11.2014.

activities listed in the Article 14 of the Law. These strategic documents and proposed activities shall be evaluated concerning their impact on the environment. It presupposes the adoption of measures aimed at preventing pollution and damage to the environment. The state administrative body with EIA competency is the SNCO "Environmental Impact Expertise." One of the main features of this procedure is the involvement and participation of the public according to the requirements of the Aarhus Convention "On Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters" enshrined in national legislation. This creates a tool designed to realize the right to a healthy and favorable environment stipulated in the preamble of the Aarhus Convention.

The term "fundamental document" refers to a draft document which might have a possible impact on the environment (policy, strategy, concept paper, outline, the scheme of utilization of natural resources, a project, layout, urban development program document).

Concerning the fundamental document, it is important to mention that the respective authorities with functions in the sphere of environmental protection had already been consulted at an early stage. The person or entity responsible for elaborating the fundamental document shall notify the relevant authority. Many key documents represent in practice documentation concerning the urban planning procedure. The plan or program shall then be made public, in order to enable public comments, which may be from natural or legal entities as well as from any civic initiatives and informal groups. In cases where a fundamental document impacts a particular community, that municipality shall also be made part of the consultations.

The person responsible for the elaboration of a fundamental document shall make an impact evaluation of the fundamental document on the environment, after that integrating it into the

fundamental document's evaluation report. These documents shall integrate comments from the concerned parties, which are then evaluated by the respective environmental authority. Afterward the evaluation report is opened to consultations from the interested public as well as concerned communities, in line with the proceedings above. Consequently, the environmental authority may call upon an expert(s) to provide an opinion, forming part of the fundamental document's conclusion that which was compiled by the connected environmental authority. In this conclusion, taking into account both public consultations as well as the expert opinion, the environmental authority shall issue either a positive or negative expert conclusion. In the case of positive conclusion, it shall serve as the basis for the fundamental document's adoption. After the fundamental document has been adopted, its impact on the environment must be monitored.

The other spheres, the subject to EIA proceedings, are the activities enumerated in the Article 14 of the Law (e.g. energy sector, utilization of underground resource, chemical industry, production of the pharmaceuticals, production and processing of metals, waste utilization, industry of construction materials, light industry, sanitary-technical structures, infrastructures, water economy, urban development, forestry, agriculture etc.). The reasoning for this rests in the fact that these activities have, by their nature, a considerable impact on the environment. The Law classifies all activities subject of EIA into three groups (A, B, C) taking into consideration the level of their impact on the environment. This classification is linked to the legal regime of EIA, including the terms, duration, and requirements for documentation to be submitted to the environmental authority. All anticipated activities, not listed in Article 14 are subject to expertize if they are to be implemented in the specially protected natural areas and areas with forest coverage, within the borders of historical and cultural monuments, as well as in common use green areas.

When evaluating whether an activity shall be subjected to EIA, criteria such as the activity's scope, relation to other activities, logistical requirements (natural resources needed in order to realize the activity), the activity's environmental impacts, and health or quality of life need to be taken into account at the beginning of the procedure, within the so-called scoping stage (preliminary EIA). For this reason, the applicant is required to submit a preliminary report evaluating the proposed activity's impact on the environment. Following the scoping stage, the final, the expert conclusion becomes binding for authorities empowered to grant certain permissions, e.g., such as building permits within urban planning procedures. The final expert conclusion is thus an indispensable precondition for granting permits and completing other procedures, such as urban planning procedure. It is possible for an applicant to appeal the conclusion to the respective environmental authority or the administrative court, whereas challenging of expert conclusions by NGOs remains a legal issue to be addressed.

EIA proceedings encompass public involvement at all stages, by the requirements of the UNECE Convention "On Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters" (Aarhus Convention) and EIA Law. Thus, the respective environmental authority, the applicant, the regional administration and municipality are obliged to inform the public about activities falling under the scope of EIA and to provide all relevant related information on its web-page and other media. The public may express its concerns through written opinions and oral statements which shall be addressed by the relevant authority.

Sectoral legislation – Protection of Land

Protection of land in the Republic of Armenia is regulated by statutory legislation sprouting from the Land Code and related legislation. The state administrative bodies protecting land are the

Ministry of Environment, the Ministry of Agriculture, the Ministry of Energy and Natural Resources, including respective Inspection services, regional administrations, and municipalities.

The Land Code regulates the land relations on the territory of Armenia and intends to provide effective land management, environmental protection and improvement, creation of conditions for equal development of economic forms based on a variety of property, preservation of rights of citizens, enterprises and organizations and at legal reinforcement of the rule of law in the sphere of land relations. The provisions of the Land Code make use of basic principles of environmental law, such as the precautionary principle, when it requires that every person shall proceed with necessary caution when performing activities having the potential to endanger, damage or destroy the land. State administrative bodies must ban every activity potentially endangering the quality of land and ensure its use according to target purpose.

The Land Code bans the sale of the upper fertile layer of land, thus ensuring that it should be used for the improvement of less fertile lands at the consent of the municipality.

The state administrative competencies in the field of land protection are also reflected in procedures affecting environmental protection. Accordingly, their opinion is required in urban planning procedure, or the issuance of some permits for building or mining activities.

Specially Protected Nature Areas

The Law of RA "On Specially Protected Nature Areas"[1] distinguishes four levels of protection of the nature areas: state reserve, national park, state sanctuary, and a natural monument. These four levels of protection distinguish the extent of possible human impact and interference for the sake of environmental

[1] Law of RA N211, 27.11.2006.

protection required under the law.

Higher levels of protection are, in practice, applied in the protected areas. Protected areas in the Republic of Armenia shall be gradually attuned to the International Union for Conservation of Nature's (IUCN) categories of protected areas[1].

The Government of the Republic of Armenia may essentially declare protected areas through decrees.

State reserves are defined as areas of international or republican importance with exceptional scientific, educational, historical, cultural, environmental and esthetical value where the natural procedures flow without imminent human interference.

State sanctuaries are areas of scientific, educational, historical, cultural, economic importance where the protection and reproduction of ecosystems and their elements are ensured.

National parks are the areas of international and (or) republican importance with environmental, scientific, historical, cultural, esthetical, recreational value which by virtue of combination of natural landscapes and cultural assets might be used for scientific, educational, recreational, cultural and economic purposes and for which a special protection regime is established.

Natural monuments are natural objects with special scientific, historical, cultural and esthetical value.

Land needs not be under the state ownership in order to be declared a protected area, except for state reserves and national parks. For other cases, private landowners may continue possessing their lands under the condition to protect and undertake necessary measures to ensure due protection of specially protected natural

[1] International Union for Conservation of Nature's categories encompass Strict Nature Reserve, Wilderness Area, National Park, Natural Monument or Feature, Habitat/Species Management Area, Protected Landscape, Protected area with sustainable use of natural resources. Available online: http://www.iucn.org/about/work/progr ammes/gpap.home/gpap.quality/gpap.pacategories/.

areas.

The process of declaring a land plot a protected area requires a protection strategy that needs to be approved by the Government of RA and incorporated into the Charter of each specially protected natural area.

Wild fauna and flora species protection

The protection of the natural environment would not be fully realized without also focusing on protected species of wild flora and fauna.

State administrative bodies in the field of endangered species and plant protection are the Ministry of Nature Protection, Ministry of Agriculture, regional administrations and local self-government bodies. The Government of the Republic of Armenia determines which species fall under the category of protected species.

In order to put this protection into practice, several common rules apply. These rules encompass such things as the general obligation not to disturb species, not to destroy their natural area, and not to transport, sell or export the protected species and plants without permission. Moreover, all persons, natural and legal, having protected species or plants in their possession are obliged to keep records demonstrating, *inter alia*, the origin, and manner of how they were acquired.

In regards to species and plants protection, Government Decree N1281 of 2009 implementing the CITES Convention[1]. This act incorporates provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)[2]. Hence, it regulates specimen protection, freely living species and plants, trading in species, and the conditions of trade of seal products.

[1] Governmental Decree of RA N1281, 22.10.2009.
[2] Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973.

Special rules apply to the import of species by scientific institutions; however, this area is also supervised by the Ministry of Nature Protection. Moreover, scientific institutions, museums of natural science, botanical gardens and universities are obliged to keep records of the species and plants in their possession.

Forests

Protection of land and nature, as well as forests, are inextricably linked with the protection of trees. The broad obligation not to destroy or damage trees is supplemented by the landowner or administrator's obligation to take responsibility for it. The felling of trees requires, in many cases, prior permission from the respective regional administrative body (regional office of State Non-Commercial Organization for forest management "HayAntar"). Moreover, it is precondition for permission is consideration of ecological and esthetical aspects and impact on health that such felling would cause in particular cases. In state reserves and certain zones of national parks (reserve zones) felling of trees is explicitly forbidden. Permission to fell trees for enterprises (e.g., mining companies) is connected with the obligation to plant trees in some previously-determined regions in order to compensate for the loss, and at the applicant's expense.

Forest Code of the Republic of Armenia[1] regulates the relations connected with sustainable forest management – conservation, protection, rehabilitation, afforestation and rational use of forests and forest lands of the Republic of Armenia as well as with forest stock-taking, monitoring, control, and forest lands. According to this act "forest" is defined as interconnected and interacting integrity of biological diversity dominated by tree-bush vegetation and of components of natural environment on forest lands or other lands allocated for afforestation with the minimal area of 0,1 ha, minimal

[1] Law of RA N211, 24.10.2005.

width of 10m and with tree crowns covering at least 30% of the area, as well as non-forested areas of previously forested forest lands.

The state administrative bodies responsible for forest management are the Government of RA, the Ministry of Agriculture of the Republic of Armenia, in particular, "HayAntar" SNCO. Within the competencies of the Government fall: disposal of the state forests, safeguarding of state policy implementation, implementation of control in state and non-state forests, approval of state programs; coordination of the activities of the state management bodies in the sphere of sustainable forest management; approval of annual allowable cut for wood harvesting in state forests; classification of forests by main special-purpose significance; adoption of legal acts regulating the forest sector. The Ministry of Agriculture of RA is competent for: possession and use of the state forests; development of forests by functional significance; organization of the running of the state forest enterprises, approval of the forest management plans of the state forests; maintenance of the state forest cadaster and state stock-taking of forest lands; development of purposeful programs aimed at the improvement of forest productivity, forest rehabilitation, afforestation and tending; improvement and maintenance of forest lands fertility, safeguarding of their purposeful use; organization of the implementation of fire safety measures, fire spotting and prevention of forest fires, prevention of the harmfulness of forest pests and diseases; implementation of forest monitoring; organization of identification and prevention of activities having no connection with forest use, namely illegal loggings, damaging and destruction of trees, bushes, young plantations and forest cultures, pollution of forest by chemical, radioactive substances, wastewater, municipal-domestic waste and other infringements of forest legislation as well as immediate provision of information on those to law-enforcement bodies; implementation of international cooperation in the field of sustainable forest management; giving permit to change special-

purpose significance of lands and carry out engineer-geological studies for the activities on construction, blasting, extraction of useful minerals, installation of cables, pipelines and other communications, drilling and others having no connection with the running of forest economy and forest use on community forest lands; control over forest legislation enforcement etc.

Forest areas must be used primarily to fulfill normal forest functions, including the benefits which forests produce as a part of the natural environment. An exception may be granted by the state administrative body, whereby such exception shall be limited to what is necessary and may be granted only in cases when it is not possible to secure economic and social development in any other way. State administrative permission, and often positive EIA conclusion is also required in cases concerning construction or land use in the forest.

Depending on their functions, forests are divided into three categories: protective forests, forests of special significance and industrial forests.

The category of protective forests includes forests in the water protection zones of water bodies; forests located on steep slopes (more than 30 degree); forest zone with the width of 200m on the upper and lower timberline; forests growing in semi-desert, steppe and forest-steppe areas; forests within the radius of 100m surrounding botanical gardens, zoological parks and arboretums.

Forests of particular use are the following: forests included in the specially protected areas of nature; municipal forests and forests located close to cities; forests of recreational and health protection significance; border forests and forests of military significance; forests with historical and scientific value; forests protecting sanitary zones.

The primary functions of industrial forests in the production of wood and related products.

The precautionary principle finds its legal embodiment in the

provisions concerning forest protection. Hence a forest owner or administrator is obliged to undertake preventive measures in order to prevent forest damage as well as protect it from harmful pests. In case of damage, the owner or administrator is obliged to eliminate the damage and compensate for that.

Monitoring forest health falls under the competency of the Ministry of Nature Protection. The forest Protection service falls under the Ministry of Agriculture.

As a precondition for public forest use an obligation exists to respect and to protect the forests and their environments. For this reason, the Forest Code includes a list of activities that are essentially prohibited in the forests. These encompass, *inter alia,* the prohibition of open fires outside of designated areas, the obligation not to disturb the silence and peace in forests, and the obligation not to fell trees or create waste dumps in forests.

The mechanism aimed at securing sustainable forest care is the so called "Forest Management Plan". This plan contains all relevant data concerning forests, which may, *among other things*, include data concerning their exploitation or transportation networks connected to it. This program is regularly amended and is valid for a period of 10 consecutive years.

Water

Water use and protection are regulated by the Water Code of the Republic of Armenia[1] (2002), Law of RA "On National Water Program"[2] (2006) and the Law of RA "On Basics of National Water Policy"[3] (2005). The bodies of state administration in this field are the Ministry of Nature Protection of RA, the Ministry of Energy and Natural Resources, regional administrations. Municipalities also have

[1] Law of RA N373, 04.06.2002.
[2] Law of RA N232, 27.11.2006.
[3] Law of RA N96, 03.05.2005.

certain competence regarding protection of water resources.

Water is defined as an environmental substance that is a necessary precondition for life and has at the same time its strategic importance for the security of the State, lack of which may endanger life and health of a population or prevent the State from fulfilling its basic functions. This definition combines the environmental protection imperative with the strategic interests resting in the functionality and security of the State.

The Water Code divides water resource into two categories: surface and groundwater. The groundwater is preferentially used as a source of drinking water. The surface water is also intended for other purposes, such as recreation, irrigation, etc. The Ministry of Environment is responsible for monitoring the quality, regimes, and elements influencing the quality of water resources. A part of this process also requires an evaluation of the state of water. Taken together, it serves as a precondition for regulation for sustainable water use, its protection, and management as well as for the preparation of water policy, basin management plans and related documents. In this sphere, respective functions are shared also by the Ministry of Healthcare of RA and State Water Committee.

The amount of polluting substances in the water is not permitted to exceed certain limits set by individual water permits granted by the Ministry of Nature Protection. The list of polluting substances and their indicators is updated as necessary.

The National water program includes a list of environmental objectives concerning water protection and its sustainable use. These objectives are specifically determined for each of the categories, including surface water, groundwater and protected areas which are divided into subcategories based on the nature of the water use and specifically determined need for protection. These subcategories include drinking water, irrigation water, and water suitable for life and fish reproduction. Particular environmental objectives include

taking measures to prevent surface water contamination, protection, improvement, and restoration of water aiming to achieve satisfactory water conditions, prevention of groundwater pollution by polluting substances or gradual cessation of human activities which also may contribute to water pollution.

For water management, there are 14 water basins designed in the territory of the Republic of Armenia. And for each of 14 basins a specific basin management plan is required to set out the regime of use and protection.

The Water Code of RA includes a set of obligations with respect to water protection. Along with the general obligation to make a reasonable effort in preserving and protecting water, there are several obligations imposed specifically on agricultural and forest land owners, as the activities there might have negative environmental consequences.

Moreover, it introduces the concept of water management areas, which may be declared by the Government after showing that an area accumulates significant amounts of water due to its natural conditions. Only activities satisfying the water protection objectives may be performed in such an area.

Water supply sources enjoy similar protection. Based on a state health protection strategy, water supply sources shall meet the standards established for drinking water. They may range from 1 to 5, depending on the need for protection and importance.

Further categories include sensitive and vulnerable areas. Sensitive areas include water areas that have deteriorated water quality and water areas requiring a higher degree of purification from polluting substances. Vulnerable areas include mostly agricultural land. This is because, through the rainfall, the polluting substances may penetrate into a water source on the surface as well as into the groundwater.

The Water Code and related by-laws contain detailed regulation

concerning wastewater releases into surface water resources, groundwater, and public canals. As an essential rule wastewater discharges into surface water, require treatment, but the type of treatment may differ according to the size and characteristic of receiving water resource.

Releasing wastewater into groundwater is permitted if previous expert opinions and permits from the Ministry of Nature Protection are obtained, whereas the release of any polluting substances containing dangerous substances is strictly forbidden.

Waste

The relationship concerning waste management is regulated through the Law of RA "On Waste"[1] (2004). The main bodies of state administration in this field are the Ministry of Nature Protection, State Environmental Inspection, Ministry of Healthcare, Ministry of Territorial Administration and Development, regional administrations. Specific competence also rests with the municipalities.

The Law defines waste as remains of materials, raw materials, output, products and production derived from industrial activities and consumption, as well as goods (products) that lost their initial consumer attributes[2]. If a substance or movable thing can be characterized as an accessory product, a recycled item ready for further use or a waste meant for use in households, then it is not considered to be waste. Waste management is defined as the activities aimed at the prevention of waste production, waste collection, transportation, disposal, processing, reprocessing, recycling, removal, disinfection, and landfill[3].

The Law introduces the list of waste management principles as

[1] Law of RA N159, 24.11.2004.
[2] Ibid., "4.
[3] Ibid., "4.

follows: protection of human health and environment from adverse effects of waste; assurance or reasonable use of raw material and energy resources; balancing of environmental, economic and social interests of the public in the area of waste management. The main approaches of the state policy in the area of waste management are reduction of waste production and risk level through the use of modern scientific and technological achievements for implementation of non-waste or low-waste technologies; complex utilization of raw material resources for reduction of waste quantity; maximal consumption of waste which has a raw material value, through its direct, double and alternative utilization; assurance of safe removal of non-recyclable waste through development of waste disinfection and elimination technologies, environmentally safe methods and means; assurance of information accessibility in the area of waste management; provision of economic incentives' system[1].

The obligation of a holder of waste includes processing of waste according to the characteristic of the waste (including the level of danger) produced.

The Ministry of Nature Protection develops the state policy for the waste management and ensures its implementation which is subject to SEA. Consequently, the policy shall be adopted by the Government. One of the main aims of the policy is to eliminate the negative consequences of economic growth on the environment. Adopted policies are published on the web-page of the Ministry of Nature Protection of RA.

The Law imposes further obligations on people concerning waste processing. A general prohibition prevents people from processing waste in a manner potentially endangering health or environment. Specifically, waste processing shall not lead to water, air or land pollution, nor is it permitted to endanger the lives of plants and animals. Furthermore, it shall not cause unnecessary noises or

[1] Ibid., "6.

smells or have adverse effects on land or places of particular concern, such as protected areas. These obligations, including also the obligation to cover the cost of waste processing, shall apply to the originator of waste or the last holder of waste.

If waste was unlawfully placed on a piece of land, its owner, administrator or tenant is obliged to notify the municipality. The municipality is then responsible for investigating the matter as well as for determining whether this activity amounts to a criminal offense and determining the person responsible. If it constitutes a criminal offense, the respective body of state administration shall draft a report and refer the matter to the police.

The person deemed to be responsible for generating waste must remove and dispose of the waste. In case of responsibility is not determined, a respective body of state administration or a municipality is responsible for disposal if it is consequently characterized as communal waste.

The Law regulates the waste dump operators' businesses as well as that of waste collectors and disposal businesses and, thus, prevents the existence of illegal waste dumps along with the practice of illegal waste disposal. It also provides a framework for regulating hazardous waste processing and specific designations of waste therein, such as electronic waste, packaging, cars or tires. Persons seeking to carry out activities related to these types of waste need a specific permit issued by the Ministry of Nature Protection.

The transboundary waste transfer is supervised by the Ministry of Nature Protection. The Ministry must be duly notified of any expected, upcoming transfers. Waste imports from other countries are generally prohibited, except for situations when an international treaty expressly allows it. As an underlying principle, waste which originated in the territory of the Republic of Armenia shall also be destroyed within the same territory.

Conclusion

The environmental law of the Republic of Armenia is a dynamically evolving and complex field. It reflects and implements the binding obligations in international treaties. To some extent European Union law impacts the national environmental law and it is one of the critical factors of its development. At the same time, international treaties ratified by Armenia shape the agenda of legislative developments at the national level.

As in many countries in Armenia as well, there is also often a discrepancy between legal rules and their practical application. Powerful societal actors tend to exert their influence in order to interpret rules in their favor; the environmental law area is no exception. A functioning and civic society provide a necessary counterbalance to such tendencies. This proved to be a decisive factor in settling the issue with NGOs legal standing. As the society evolves, environmental issues have gained more prominence serving as a reason to believe that this development will continue.

To conclude, the Republic of Armenia is not exceptional when compared to the other post-Soviet countries and many CIS countries. It has a complex legal framework, enabling the desired level of environmental protection, simultaneously with specific challenges with its practical implementation. The nature of these challenges often reflects the state of the society and the growing interest for the environment and public interest. In general, the challenges serve as a precursor to the methods that shall later be developed to confront them.