

FOUNDATIONS FOR LEGISLATION ON NATURE PROTECTION OF THE REPUBLIC OF ARMENIA

These Foundations determine the nature protection policy of the Republic of Armenia. They aim to provide the protection of nature environment and the regulation of use thereof, on the Armenian territory. These Foundations also seek to create a necessary legal basis for the development of the legislation on nature protection, with the intention to regulate the protection and to use relationships of entrails, forests and waters, flora and fauna, and of atmospheric air.

SECTION 1. GENERAL PROVISIONS

Article 1. Essence And Purposes Of Nature Protection

Nature protection represents the fulfillment of practical actions to prevent the harmful influence of human activity on environment, the maintenance of biosphere stability, the preservation of harmony between nature and human pursuit, rational use and reproduction of natural resources.

The purposes of nature protection are, as follows:

- The maintenance of natural environment, suitable for life and activity of a man,
- The preservation of natural gene pool, assistance to reproduction of wealthy of fauna and flora,
- The preservation of general ecological balance of natural-territorial systems and diversity of landscapes,
- The preservation and effective utilization of stocks of minerals, maintenance of their complex operation without waste,
- The safeguarding of unique natural complexes, historical, cultural and aesthetic natural values as a common national property.

Article 2. Natural Units Subject To Protection

The land and its entrails, plants and animals, atmospheric air, waters, especially protected natural territories, reserves, sanctuaries, typical or unique natural units, resort zones, the localities related to major historical events, and also landscapes are under the state protection against pollution, damage, contamination, degradation, extinction and subject to the regulation of the use thereof, on the territory of the Republic of Armenia.

Article 3. Essence, Purposes and Terms of the Use of Nature

The use of nature stands for the relationships tied between person and nature. In these relationships, person is satisfying spiritual, physical and material requirements of him/herself.

The use of nature is only allowed, provided the maintenance of its protection and reproduction is observed.

Article 4. Legislation to Control Nature Protection and The Use of Natural Resources in the Republic of Armenia

These Foundations regulate the relations in regards to the nature protection and the use of natural resources in the Republic of Armenia. These Foundations also control other acts of the Republic of Armenia adopted according thereto

Article 5. Economic Guarantee Mechanism Protection of Nature

The economic mechanism guaranteeing nature protection is established by separate by-laws and includes the following:

- Collection of payments for the use of natural resources, environmental pollution and other harmful influence on nature, in tolerance limits,
- Collection of penalties for the infringement of the nature protection legislation,

- Application of increased taxes, and other economic sanctions for failure to introduce scientific and technical achievements, as well as new, more effective instrument of nature protection, some technologies and equipment, or the improper use thereof,
- Collection of additional tax for application of environmentally harmful technologies,
- Granting tax, credit and other privileges for the introduction of small waste, without the employ of waste and resource-saving enterprises and technologies, for the activity promoting the protection and restoration of the nature, for high environmental discipline, granting of the licenses giving the right on inevitable emissions and discharges, polluting natural environment,
- Compensation of the loss caused by damage and destruction of natural units,
- Establishment of obligations, as regards for the restoration of the violated status of environment or separate components thereof.

The republican and local nature protection funds are established for the realization of nature protection actions.

Public organizations can institute public funds of nature protection.

Article 6. State Obligations In The Sphere Of Nature Protection

Combining nature protection with other basic problems of the national state policy, the Republic of Armenia undertakes the following actions to:

- Offer safe, healthy and favorable environment to all citizens of the republic, in order to satisfy social, aesthetic and cultural requirements thereof,
- Accomplish more effective utilization of the natural environment, excepting its deterioration, emerging of threat to health of people and ecological safety,
- Poise the balance between an increase in population and the use of natural resources, in view of the general ecological balance of separate or several components of nature,
- Unite national and international interests, in this sphere.

Article 7. Withdrawn 25/04/1996.

Article 8. Competence of the Government of the Republic of Armenia in the Realm of Nature Protection

The competence of the Government of the Republic of Armenia includes development and realization of nature protection actions, development of foreign relations in this sphere, regulation of the use of natural resources, taking under state protection of the monuments of nature, history and culture, prevention of ecological crisis and the liquidation of consequences of natural disasters and large-scale emergencies.

Article 9. Competence of Local Governance Bodies In Nature Protection

The competence of local governance bodies includes the conclusion of agreements, after the coordination with nature protection departments determining volume and ways of the use of nature, the transfer of the territory to the using, the protection of landscapes, ecosystems and separate elements of nature, and also, the realization of control, respectively.

Article 10. Competence of the State Authorized Body In Nature Protection

The Realization of the state control over nature protection and the use of nature resources are regulated by the state authorized body which competence is established by regulations on state body authorized for the nature protection of the Republic of Armenia.

Nature protection authorized state body is obliged to duly inform the population, in terms of the reliable data on the state of environment.

Article 11. Rights and Duties Of Citizens In Nature Protection

Each citizen of the Republic of Armenia has the right to:

- Use sanitary properties of nature,
- Use the benefits of nature, in the order stipulated by law,

- Receive full indemnification for the harm caused to health as a result of environmental contamination, environmental emergency or disaster,
- Demand and receive universal and trustworthy information on the state of environment, in due time,
- Live in pure environment, and in the case of its infringement, that is, to receive the status of ecologically distressed, whom the system of equivalent indemnification established by the Council of Ministers of the Republic of Armenia is applied to,
- Participate in the development of laws and decisions about nature protection and the control over their performance,
- Be involved in the public environmental organizations,
- Have other rights that do not contradict the nature protection legislation.

Each citizen of the Republic of Armenia is obliged to strictly carry out the requirements of the nature protection legislation and to promote nature protection.

SECTION II. NORMALIZATION OF QUALITY OF NATURE ENVIRONMENT AND ENVIRONMENTAL REQUIREMENTS TO ECONOMIC ACTIVITIES ON THE TERRITORY OF THE REPUBLIC OF ARMENIA

Article 12. Normalization of Quality of the Nature environment

The Normalization of quality of nature environment is performed with the purpose of the establishment of scientifically proved maximum permissible specifications of the influence, as far as the environment, and assuring the safety of the population and the general ecological system.

Maximum permissible specifications of harmful influence on environment and health of individuals are changed, taking into account the international standards in the process of the development of science and technology. The state authorized body of the Republic of Armenia, in charge of nature protection and Ministry of Health of the Republic of Armenia which, proceeding from the features of given area and in coordination with local Councils, can make the established specifications tougher.

The system of normative and technical and meteorological ensuring of nature protection includes the following specifications:

- Specifications of maximum permissible concentration of the harmful substances polluting air, water and entrails,
- Specifications of maximum permissible emissions and discharges of harmful substances,
- Specifications of application of the chemical substances rendering harmful influence on the nature,
- Specifications of maximum allowable levels of noise, vibration, magnetic fields, radiation and other harmful physical influences,
- Specifications of maximum acceptable residual quantities of chemical substances in food,
- Maximum tolerable specifications of application of chemicals in agriculture,
- Specifications of maximum permissible levels of loading on the natural environment,
- Specifications of sanitary and protective zones,
- Parameters describing status of health of the population and its separate groups.

Article 13. Research of Environment Status

Quality of the nature environment should meet the existing specifications in this area.

Research and estimation of the nature environment are constantly made. The state bodies of nature protection perform it, by the means of monitoring.

In the case of non-observance of existing ecological specifications the state bodies of nature protection can limit or stop polluting emissions, discharges and other forms of harmful influence, right down to shutting the respective enterprise or institutions down.

Article 14. Development and Realization of the Ecological and Other Projects Influencing on Environment

The town-planning projects, economic and other activity should have ecological substantiation you se submitted by customer to the state authorized nature protection body, prior to the approval of projects, with the purpose of prevention of harmful influence on environment.

The development and realization of those projects, which can upset natural balance and ecological systems, or destroy gene pool of plants and animals, or cause other irreparable consequences for health of persons and nature environment, are forbidden.

Article 15. Ecological Requirements at Operation of the Enterprises, Constructions and Other Units

The enterprises, associations and organizations the activity of which can exert harmful influence on environment, are obliged to accept the effective measures for preservation of the healthy nature environment and the observance of ecological norms.

The enterprises are obliged to provide the protection of nature environment, by the maintenance of uninterrupted and effective work of waste treatment facilities, constructions and installations, neutralization of harmful wastes, the introduction of ecologically safe technologies and systems of water recycling, according with the working specifications.

It is forbidden to accept the units, which are not offering performance of all ecological requirements at the operation stage. Chairman and members of the commission who have accepted in operation similar units are instituted criminal proceedings against, under the administrative and criminal norms.

Re-profiling of ecologically harmful units is made with the consent of the state bodies of nature protection and of local governance bodies.

Article 16. Expert Examination of Influence on Environment

Examination of influence on environment is obligatory activity carried out by the state which purpose is to predict, prevent or reduce to a minimum the concept and planned economic, social and other activity/construction, reorganization, expansion, modernization, liquidation and other, exerting harmful influence on environment.

Examination of influence on environment is carried out, according with Law of the Republic of Armenia "On Expert Examination of Influence on Environment".

Article 17. Withdrawn 25/04/1996.

SECTION III. PROTECTION OF SEPARATE UNITS OF NATURE

Article 18. Land Conservation

The land belonging to citizens, cooperative societies and villager's economies on the property right are subject to conservation as well as the land of the state fund. Landowners and land users are obliged to use the land to destination, rationally and effectively, care for it and do not tolerate its salivation, bogging and deterioration, development of erosion, pollution by chemicals and elements over maximum permissible concentration, etc.

In the case of the failure to meet the requirements on land conservation it may be deprived of his rights to land use or own the land.

Land is transferred to land user only after the issuing of the document (certificate) to state its ecological condition.

Land use is regulated by the land legislation of the Republic of Armenia.

Article 19. Protection of Entrails

All entrails of the Republic of Armenia are subject to protection.

The entrails and minerals are used according to full complex geological studying with provision of rational and complex use of entrails and minerals and observance of the established order of their use.

The law of the Republic of Armenia "On Entrails" regulates the use of entrails.

Article 20. Water Protection

Surface and subsurface waters are subject to protection from pollution, contamination and degradation. Waters are used with a condition of preservation in natural circulation of necessary amount of water, provision of normative bacteriological and chemical purity of water, safety of aquatic flora and fauna.

Water use is regulated by the water legislation of the Republic of Armenia.

Article 21. Air Protection

Atmospheric air is one of the basic vital elements of natural environment.

The norms of maximum permissible concentration of pollutants and levels of harmful physical influences on atmosphere are established. These norms should meet interests of health protection of people and environment, or the estimation of the status of atmospheric air.

At allocation, designing, construction and use of a new and reconstructed enterprises, constructions and other units, perfection of working and introduction of new technological processes and equipment it is necessary to provide observance of norms of harmful influences on atmospheric air.

Commissioning of a new and reconstructed enterprises, constructions and other units, which do not meet the requirements of atmospheric air protection is forbidden.

The law of the Republic of Armenia "On Protection of Atmospheric Air" regulates protection of atmospheric air.

Article 22. Protection of Forests, Hardy-Shrub Species and other Useful Vegetation, Not Included in the State Forest Fund

Forests of the Republic of Armenia, trees and groups of trees, and also other hardy-shrub species, that are not included in the state forest fund, in towns and other settlements, on strips of allotment of roads and channels, as having improving, protective and aesthetic value, and also separate decorative trees and groups of trees, any useful vegetation on the agricultural lands are subject to protection.

Relations in the sphere of use, reproduction and protection of flora are regulated by the legislation of the Republic of Armenia on flora.

Article 23. Protection of Wildlife

The wild animals living in the condition of natural freedom on the territory of the Republic of Armenia (in air, water, on land) are subject to protection and regulation of use. Actions interfering with natural reproduction, preservation of animal biological diversity and damaging the habitats thereof, as well as those to lead to biological pollution of nature, are forbidden.

Protection and the use of wildlife are regulated by the legislation of the Republic of Armenia on wildlife.

Article 24. Specially Protected Natural Areas

State reserves, state sanctuaries, national natural parks, and monuments of nature are subject to state protection, in the Republic of Armenia.

The Law of the Republic of Armenia "On protection of specially protected natural area" regulates relations in the field of protection of specially protected natural areas.

Article 25. Protection of rare and endangered plants and animals

The Red book of the Republic of Armenia authorized by the decision of the Council of Ministers of the Republic of Armenia is a basis for protection of rare and endangered plants and animals.

Any and all activities resulting in the reduction of number of those plants and animals included in the Red Book, to deterioration of habitats thereof is forbidden. The order of the permit of cultivation, and reproduction in the scientific purposes of these plants and animals, and also shooting of animals in the case of threat to the life of people is established by the state-authorized body on nature protection.

Enterprises, organizations and other land users in which territory there are plants and animals included in the Red Book, are obliged to take measures on their protection and reproduction.

The persons guilty in destruction of plants and animals included in the Red Book are called to account for material, administrative and criminal responsibility.

The order of conducting the Red Book of the republic is established by the regulations approved by the State authorized body of the Republic of Armenia on nature protection.

Article 26. Protection of Health Resorts, Resort and Recreational Zones

With the purpose of preservation of natural properties and medical means of health resorts, resort and recreational zones, protection from damage, pollution and degradation thereof the locations of sanitary protection are established, within the limits of which any activity rendering harmful influence on the environment is forbidden.

The order of the announcement of natural territories as towns - health resorts, resort and recreational zones, the relations related to their use and protection, are regulated by special legal acts for these zones.

Recreational zones are created by bodies of local governance for the organization of recreation of the population. Any activity interfering the realization of this purpose in these zones is forbidden.

Article 27. Liquidation of Industrial and Household Wastes

Industrial and household wastes are liquidated by their secondary use, storage and burial.

The industrial, agricultural and municipal units producing waste products are charged with their neutralization and liquidation.

Bodies of local governance organize liquidation of household wastes.

SECTION IV. STATE ECOLOGICAL CONTROL AND RESPONSIBILITY FOR INFRINGEMENT OF ENVIRONMENTAL LEGISLATION

Article 28. Aims of State Ecological Control

Aim of the state ecological control is guaranteeing of performance of requirements of the nature protection legislation by all state bodies, enterprises, organizations, public officers and citizens.

The ecological Office of Public Prosecutor carries out the supreme supervision of exact and uniform execution of the nature protection legislation. The main health officer of the republic and environmental police carries out the control over protection of the nature environment also.

Article 29. Responsibility for Infringement Of The Environmental Legislation

The persons breaking the nature protection legislation are brought to civil, administrative and criminal responsibility.

The person brought to administrative and criminal responsibility is not exempted from a liability of compensation of the material damage caused to the nature as a result of infringement of the environmental legislation.

The persons regularly breaking the nature protection legislation can be deprived of the right of economic use of the object of nature protection.

Article 30. Disputes Related To Nature Use And Protection

The disputes related to the protection and use of nature should be taken institute proceedings to by the court or arbitration.

SECTION V. INTERNATIONAL OBLIGATION IN THE SPHERE OF NATURE PROTECTION

Article 31. International Agreements

In the event that under the international agreement the nature protection requirements are applied to the Republic of Armenia, that differ from requirements of the legislation of the Republic of Armenia about nature protection, the requirements of the international agreement are to be applied.

Foreign citizens, legal entities and physical persons without citizenship are obliged to protect the nature of the Republic of Armenia, and to observe the requirements of the nature protection legislation of the republic of Armenia.

Chairman of Supreme Soviet of the Republic of Armenia
Secretary of Supreme Soviet of the Republic of Armenia

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