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PERMANENT MISSION OF THE REPUBLIC OF ARMENIA

312/125/2013

The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and in response to the joint allegation letter ARM 2/2012 of the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Special Rapporteur on the right to food, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, the Special Rapporteur on the human right to safe drinking water and sanitation, dated 03 December 2012 has the honour to inform that the Government of the Republic of Armenia has thoroughly examined the questions raised by the abovementioned Special Procedures regarding the Teghut copper-mining project.

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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
Geneva

The Government of the Republic of Armenia highly appreciates the OHCHR involvement in Human Rights protection worldwide and assures its sturdy commitment to cooperate with the Office.

Responding to the abovementioned questions, the Ministries of Nature Protection, Health, Agriculture and Justice of the Republic of Armenia have shared their valuable expertise on the issues concerning the Teghut copper-mining project, which is respectively presented below:

1. According to the Ministry of Nature Protection the presented materials mainly do not identify what are the sources, whether they are trustworthy. Meanwhile, the Aarhus Convention Focal Point in Armenia also states that it is not clear from the content of the OHCHR letter, what is the source of the presented information.
2. According to the Ministry of Nature Protection the report on environmental impact assessment provided by “Armenia Copper Program” CJSC, presents the impact of the given activities on all environmental components (air, water, biodiversity, etc.). The environmental impact assessment and expertise have been implemented in accordance with the Armenian Jurisdiction and before the implementation of the planned activities. Meantime Aarhus Convention Focal Point in Armenia states that the possible impacts of the project on human rights and local population have been considered within the framework of the state environmental expertise (the Expert Opinion on Environmental Effects). According to the National legislation there are no requirements for special, separate studies. The Law of the Republic of Armenia “On Environmental Impact Expertise” envisages that mitigation measures should be defined in the positive conclusion of environmental expertise.
3. As reported by the Ministry of Nature Protection, it is obvious that such kind of activities lead to negative impact on environment and health. These matters are to be solved through the application of modern technologies and appropriate environmental activities. Both the environmental impact assessment report and the draft have provided detailed research and assessment of social economic results of the activities held. According to the researches positive results on social-economic situation have prevailed negative ones. Meanwhile, the Aarhus Convention Focal Point in Armenia considers that it is obvious that any activities of such scale may have a negative impact. However, the existence of the positive conclusion of environmental

expertise proves that adverse environmental and social effects are not disproportionate. (Please see the Expert Opinion on Environmental Effects).

4. According to the Ministry of Nature Protection in the draft of Teghut Case, in accordance with the expertise the environmental impact assessment on all environmental components (air, water, biodiversity, etc.) is in permissible norms, which means there will not be any negative impact on food consumed by the population. At the same time the Ministry of Agriculture and the Ministry of Health have been actively participating in the process of the expertise and have provided the positive feedback concerning implemented activities. The Ministry of Agriculture states that the impact of the planned activity on all components of environment has been evaluated during expert examination of Teghut copper-molybdenum mining project. As a result, it was found that the implementation of the project can not in any way limit the right of population to adequate food. The preparatory works of mining exploitation show that as a result of the project it can be expected even to expand opportunities for people engaged in agricultural activities. The number of arable agricultural land in surrounded communities has already significantly increased, which resulted in growth of food volumes received by the population. It is obvious that this tendency will contribute to increasing the food security level of the population. The Ministry of Agriculture of the Republic of Armenia considers that the economic activity in the region during project implementation will lead to the increase of the level of usage of the agricultural land in the surrounding communities.

At the same time the Aarhus Convention Focal Point in Armenia considers that the possible impact of the mining activities will expand on local agriculture but not the food consumed generally. These impacts are also considered within the state environmental expertise.

5. In accordance with the Ministry of Nature Protection the detailed assessment of the impact on water resources, appropriate activities, justifications and the levels of pollution are presented in the report on environmental impact assessment. According to the assessments the main regional drinking water resources (Shnogh River) will not be affected in the result of the mining activities, because all possible appropriate measures have been taken in order to keep water resources clean. In order to prevent the pollution of the water basin, the closed circulatory systems are designed for both the open waters of the mine and the industrial waters of the fabric. At the same time the cleaning systems with the necessary capacity and power have been set. According to the draft, two dams which are planned for tailings dump must

serve as a territory for the infiltrative waters. The volume will be completely isolated by clay layer, which will exclude infiltrative tailings water flow in the environment, and, meanwhile the accumulated water will return to the working system. According to the calculations and planned activities of the draft, the breach of regional water balance, the pollution of groundwater, and the pollution of rivers are greatly not presupposed.

The Aarhus Convention Focal Point in Armenia states that the possible impact of the mining activities on the access to drinking water is also considered within the state environmental expertise.

The Ministry of Health states that it exercises control over the quality and security of the water provided to the population based on sanitary norms and rules - “Drinking water: Hygienic requirements for the water quality of water supply central systems: Quality control” N2-III-U2-1 and “Sanitary protection zones of aqueducts of economic-drinking importance and water supply sources” N2-III-U2-2. Based on the results, appropriate measures have been taken, as well as analyses and suggestions on situation are introduced to appropriate agencies. Several drawbacks were fixed as a result of studies in Shnogh and Teghut communities neighboring Teghut’s mines, but they are not connected with water pollution in results of mining activity, because the water’s bacteriological structure is exposed to some changes because of technical drawbacks of water supply system and the absence of continued disinfection of water. During the recent years tense situation in the mentioned villages in connection with water the issue was not fixed. As to the possibility of pollution of drinking water sources provided to mentioned communities, it should be mentioned, that the absence of such kind of risk is affirmed in the “Environment protection” section of Teghut’s Copper-Molybdenum Plant’s working project.

6. The Ministry of Nature Protection states that there has been no research held for checking the impact of the activities on population’s health by the Ministry. The impact on people’s health is regularly evaluated by the Ministry of Health of the Republic of Armenia by means of checks of specific concentrations in the water and the atmosphere. Thus, the Ministry of Nature Protection of the Republic of Armenia has been guided by the findings of the abovementioned researches. According to the calculations and assessments of the draft, the impact on residential areas and all the environmental components correspond to the established norms.

Simultaneously, the Ministry of Health of the Republic of Armenia expressed its positive feedback concerning all the planned activities.

The Aarhus Convention Focal Point in Armenia considers that the possible impact on the health of population is also a subject to state environmental expertise, which envisages respective mitigation measures. (The Conclusion includes the respective results of this assessment).

The Ministry of Health states that for the estimation of the impact of environmental harmful and dangerous factors on human health, security norms of maximum permissible concentrations are defined in the Republic of Armenia. Thus, standards for the pollution of atmospheric air in result of industrial activity are defined in the Government's decision N 160-Ն- "On confirming the standards of maximum permissible consistence of the substances polluting atmospheric air in dwelling places". Taking into consideration the above mentioned facts and guided by the Government's decision N 953-Ն "The order of giving permission to performing emissions and examining normative projects of maximum permissible emissions of the organizations having stationary sources polluting atmospheric air", "Projects for maximum permissible emissions" of enterprises having emissions are in appropriate form elaborated and agreed in the Republic of Armenia. The project for maximum permissible emissions of Teghut's Copper-Molybdenum Plant has not been presented to the Ministry of Health of the Republic of Armenia. It is worth mentioning that the estimations of emissions of dangerous substances are the mandatory component of construction project's environmental section of enterprises having any kind of emissions. Particularly, in the "Environment protection" section of Teghut's Copper-Molybdenum Plant's working project, which was presented to the Ministry of Health of the Republic of Armenia in 2007 for opinion, appropriate estimations on emissions into atmosphere have been done, according to which the pollution of the air of neighboring settlements would be within the frameworks of defined norms.

7. The Government of the Republic of Armenia has not required human rights impact assessment from the Armenian Copper Program (ACP) CJSC as the domestic legislation does not impose such an obligation on the business entity. Alternative versions have not been discussed as the license was granted in 2001 for exploitation of the open mine. Therefore, the EIA focused on this version.
8. The Guiding Principles on Business are reflected in Armenia's legislation. Particularly, the point 3 of the paragraph 1 of article 3 of the Labor Code of

Armenia prescribes legal equality of parties of labor relations irrespective of their gender, race, nation, language, origin, citizenship, social status, religion, marital and family status, age, philosophy, political party, trade union or public organization membership, other factors unrelated to the employee's professional qualities. Moreover, Armenia is party to several international treaties on employment, which regulate protection of employees' rights, such as, *inter alia*, the ILO Equal Remuneration Convention and the ILO Convention on Discrimination (Employment and Occupation), that entered into force for Armenia on July 29, 1995.

9. The Ministry of Nature Protection of the Republic of Armenia, in accordance with the implementation of Aarhus Convention rules, has started the adoption of legislative acts on public notice and public hearings, which have been fully implemented during the process of the expertise of the Teghut exploitation project.

Please also see the progress reports submitted by Armenia to the Secretariat of the Aarhus Convention:

<http://www.uncece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppcc/envppccimplementation/fourth-meeting-of-the-parties-2011/armenia-decision-iv9a.html> .

The Permanent Mission of the Republic of Armenia strongly hopes that the responses of the Republic of Armenia would essentially answer the OHCHR questions.

Meanwhile, in case of further inquiries the Armenian Government would be ready to provide the Office of the United Nation High Commissioner for Human Rights with additional. The national legislation on the Entrails of the Earth and Lithosphere is currently being overviewed by the legislative authorities of the Republic of Armenia, which will certainly affect the legal framework of the Human Rights and Environment.

The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations at Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Annex: 9 pages.

Geneva, 02 April 2013

Translated from Armenian

AUTHORIZED

By the President of "Commission for Certification
of Professional Competence of Expert
Examination for Environmental Effects and
Approval of the Respective Expert Opinion",
Ministry of Nature Protection,
Republic of Armenia
/signature/ V. Ayvazyan

S E A L

November 07, 2006

Minutes № 07 of October 30, 2006

**EXPERT OPINION № 33-135
ON ENVIRONMENTAL EFFECTS**

November 07, 2006

*Regarding the working project of exploitation of the 1st stage (8 years) of
Teghout Copper-Molybdenum Plant and the copper-molybdenum deposit, produced
by ARMENIAN COPPER PROGRAM, Closed Joint-Stock Company.*

Teghout deposit is located in Tumanyan area of Lori region, Armenia, 29 kilometers southwest from town of Alaverdi. The nearest settlements are villages of Teghout and Shnogh, which are 4 and 6 km away from the deposit.

The deposit reserves were approved in 1991 as equal to 453.8 million tons with an average content of copper equal to 0.355 % and an average content of molybdenum equal to 0.021 % in the ore.

Proceeding from the technical mining conditions of the deposit and from the position of the ore body, the deposit is to be operated by a method of open mining.

During the first phase of exploitation (8 years) the productivity of the plant will be 7 million tons a year. It is planned to extract and process ore having an average content of copper equal to 0.472 % and an average content of molybdenum equal to 0.0166 %.

The basic constructions of the plant are:

- the open-cast mine and dumping facilities;
- an office building and a parking place for autodumpers on the industrial site of the open-cast mine;
- concentration factory;
- tail facilities;
- electrical substation;
- subsidiary constructions: a mechanical workshop, an office building, two boiler-houses, warehouses;
- a hostel and a recreation area near village of Teghout;
- construction of a base near Akhtala railway;
- a water inlet and a pump station on river of Debed;
- a warehouse for explosives having a capacity of 120 tons.



An area necessary for construction of the industrial objects of the plant and for final exploitation of the deposit is about 670 ha, which area includes 510 ha covered with wood.

During the first 8 years of operation, it will be necessary to use an area of about 280 ha, which area includes 190 ha covered with wood.

During the 8 years of operation of the 1st stage of Teghout Copper-Molybdenum Plant, the following areas will be occupied with industrial sites and constructions:

- opencast mine - 65.0 ha;
- dumps - 52.4 ha;
- an industrial site of the opencast mine - 1.8 ha;
- an industrial site of the concentration factory - 5.5 ha;
- a warehouse for explosives - 1.0 ha;
- tailing dump - 54.0 ha;
- tail conduit and a drainage water canal - 20.0 ha;
- an entry motorway - 28.5 ha;
- a dump motorway and a motorway for transportation of the ore - 20.0 ha;
- an office building with a hostel - 1.0 ha;
- a water inlet unit on river of Debet - 0.2 ha;
- a power transmission line of 110 kW - 30 ha,

A technology of processing the ore will include the following phases:

- crushing the ore in a coarse conic crusher;
- two-stage crushing of the ore: the first stage - crushing in damp semi-grinding mills; and the second stage - regrinding in ball mills;
- basic complex and control concentration, regrinding and ball crushing of the collective concentrate, cleaning in a pneumomechanical flotator;
- steaming, basic and control selective concentration of the concentrate (molybdenum concentration) and a many-stage flotator cleaning of the concentrate that has passed a molybdenum concentration;
- washing and crushing of selectively concentrated tails, many-stage cleaning in a pneumomechanical flotator of tails and copper concentrate that have been washed and passed basic and control concentration;
- dehydration of the molybdenum concentrate (condensation, filtration and drying);
- dehydration of the copper concentrate (condensation, filtration).

The tail facilities are planned to be placed at a distance of 3.5 km from the factory in the gorge of river of Kharatanots, which facilities will take an area of about 110 ha. The total capacity of the tailing dump is accepted to be 174 million cubic meters, so, at a productivity of 7.0 million tons, the tailing dump will serve for the factory for about 28 years. The final area of the tailing dump will be 214 ha. The tail facilities will also include an initial dam: a collector for cleaned water with the water-intake wells, a safety earth embankment with an additional capacity, self-flowing tail conduit, a drainage construction, a motorway for exploitation of the drainage channel.

The overburden elements, which are friable deposits, an oxidized ore and hard rock, are to be placed in separate dumps.

The hard rocks are planned to be placed first in the gorge of river of Dukanadzor, in the northwest of the opencast mine. The oxidized ore with a 0.2 per cent contents of copper will be set aside at a distance of 800 m from the border of the opencast mine. The total volume of the ore within the final border of the 1st stage of the opencast mine will make 3.0 million cubic meters.

The friable deposits of the overburden will be placed between the northwestern and the western dumps.

The capacities of the dumps during the exploitation of the 1st stage of the opencast mine will be as follows: the northwestern dump – 24.0 million cubic meters, the western one – 23.0 million cubic meters, and the eastern one (oxidized ore) – 3.0 million cubic meters.

Within the border of the opencast mine there are also turquoise-bearing rocks that will be set aside separately for the purpose of further processing.

Gasification of village of Teghout and gas supply of the plant are planned to be carried out by Chochkan village gas-distributing station through a pipeline of an average pressure having a length of 13 km and a diameter of 150 m.

To provide the plant with power supply, it is necessary to reconstruct "Alaverdi-2" substation, by stretching a power transmission line of 110 kW having a length of 28 km to a substation having an output of 110/6 kW and placed on the middle industrial site.

Along the whole way from the valley of river of Debed to the industrial site of the concentration factory, it is planned to build an entry motorway having a length of 9.5 km and a motorway for transportation of the ore and dead rocks having a length of 7.5 km.

The main source of water to be used for industrial purposes will be river of Debed, and during the intervals between irrigating seasons – river of Pakasajur as well.

The main user of the industrial water is the concentration factory that will use water during the concentration processes, for technological needs, preparation of reagent solutions, freezing the equipment, cleaning the shops and so forth. A certain amount of water will be used in the opencast mine as well. The total annual volume of fresh industrial water will make 7,125.0 thousand cubic meters (20,650 cubic meters a day, 860 cubic meters an hour), which volume will be provided by two reinforced concrete storage tanks situated on the industrial site of the concentration factory, each having a capacity of 1,200 cubic meters. That makes 30 % of the concentration factory's demand for water. The remaining 70 % will be provided by the circulating water supply system of the tailing dump (2 tanks, each having a capacity of 2,500 cubic meters) by using a pump station.

The opencast mine's demand for fresh industrial water will be satisfied with two reinforced concrete storage tanks situated on the industrial site, each having a capacity of 200 cubic meters.

The tailing dump's annual consumption of circulating water will make 14,430.0 thousand cubic meters (42,750 cubic meters a day), and a calculated annual consumption of the reuse water will make 1,085.0 thousand cubic meters (3,150 cubic meters a day). An annual consumption of fresh drinking household water will be 108.0 thousand cubic meters (320 cubic meters a day).

There are two reinforced concrete storage tanks for fresh drinking water, each having a capacity of 100 cubic meters, on the industrial site of the concentration factory, and two reinforced concrete storage tanks, each having a capacity of 50 cubic meters, on the industrial site of the opencast mine.

A demand for water necessary for the purposes of firefighting, will be satisfied by the fresh industrial water system. For that purpose, an inviolable 3-hour stock of water will be constantly kept in the tanks on the industrial sites of the concentration factory and the opencast mine (800 and 216 cubic meters respectively). Automobiles will be washed with circulating water.

The project solutions exclude outlet of waste industrial waters into water basins. The enterprise will work under a full circulation system.

The plant's and the future settlement's demand for drinking water will be satisfied due to upstream water of river of Shnogh, for which purpose a cleaning station has been planned having a capacity of 400 cubic meters a day, respective sanitary and security zones and water-inlet constructions.

Household waste waters generated in the territory of the plant and the settlement will flow by a self-flowing way into a biological cleaning station having a capacity of 400 cubic meters a day, and then the cleaned water will flow into river of Shnogh.

Rain water will be drawn from the territory into the tailing dump by means of a system of torrent stream conduits.

For the purpose of exclusion of outflow of waste industrial waters into open water basins and underground waters, the following nature protection measures have been planned:

- creation of a closed circulating system;
- construction of a biological cleaning station;
- collecting rain water and thawed snow by means of a drainage system and drawing them by a self-flowing way through the tail conduit into the tailing dump;
- drawing waste waters from the subsidiary shops to the tailing dump;
- removing water of river of Kharatadzor from the territory of the tailing dump;
- drawing water from the territory of the mining field to the concentration factory for the purpose of using it in the technological process;
- cleaning and reuse of waste water after washing automobiles;
- creation of an independent drainage system to collect and return leaks, emergency outflows and overflows;
- placing oil products warehouses and fuel stations having a due drainage system on the concrete sites of Shnogh station;
- placing pipes for removing rain and torrent streams under the roads;
- traffic prohibition on the shallow parts of the rivers and the streams and construction of respective bridges;
- self-flowing drive of the tails.

Emissions will be during the plant operation discharged into the atmosphere from:

- the opencast mine (drilling, cargo handling works, explosive works);
- the access roads of the mine;
- the transport facilities;
- the dumps.

Inorganic dust, nitrogen and carbon oxides and hydrocarbons will be discharged into the atmosphere from the territory of the opencast mine.

A calculated annual amount of the dust discharged into the atmosphere from the opencast mine and the dumps will make about 890 tons a year.

An amount of harmful substances discharged into the atmosphere from the concentration factory will make 13 tons a year.

As it has been calculated, all the emissions are within the allowed norms. The emissions will be also discharged into the atmosphere from the boiler-houses, transport facilities and as a result of construction processes.

The total amount of the dust discharged due to the work of the motor transport facilities will make 24.9 tons a year.

An amount of gases discharged into the atmosphere by automobiles and mechanisms will make 15.69 tons a year. The boiler-houses emissions will make 10.06 tons a year.

For the purpose to reduce the amount of the atmospheric emissions, it is planned to:

- spray the area to reduce the amount of dust emission by 40-50 %;
- enclose the building site by a cellophane film to prevent spread of the dust;
- control technical condition of the machines, install filters on the exhaust pipes;
- mount a canopy above the unit while an on-site preparation of concrete;
- spray the rubble and the sand during the cargo handling works;
- regulate work of engines.

At a productivity of 7 million tons a year, 4.65 million cubic meters of dead rock will be transported into the dumps. Some part of the waste products will be used for constructing dams, roads and the plant, and the remainder (the larger part) will be transported into the dumps.

The total output of the concentrate (copper and molybdenum) during the ore concentration process is 1.25 per cent. The remaining 98.75 per cent are tail substances to be stored in the tailing dump. Solid tail substances, annually driven into the tailing dump, will make 6.91 million tons. The tail substances are not flammable and relate to the 4th category of harmfulness.

As a result of wear and breakdown of technical facilities, equipment and various units thereof, scrap ferrous metal will be formed during the operation of the plant, which metal is planned to be stored on sites specially intended for that purpose and transported by rail to ferrous metal processing factories.

The autotrucks worn out are to be stored on sites specially intended for that purpose by stacks up to 1.5 meters high. Mechanical rubber waste products relate to a nonpoisonous category and will be transported by railway for subsequent processing.

The oils used will be placed in a barrel-shaped container and transported to a separate site in the warehouse, and then sent periodically to an oil products restoring factory.

Household solid waste products and construction waste will be transported from the territory of the plant to special yards located where it is allowed by the local authorities.

Only 70 % of sediment will be taken out from the station of biological cleaning, and the rest will be left as rennet. The dehydrated sediment will be transported to the tailing dump. The sediment formed in the circulating water cleaning system of the collecting unit of the opencast mine will be stored in portable containers for subsequent transportation to the tailing dump.

The following anti-wreck actions have been stipulated by the project:

- each shop of the concentration factory will be provided with an independent drainage system to collect emergency outflows and overflows and return them to the relevant technological process;
- downward from the basic dam of the tailing dump, it is planned to build a protective earth dam and a relevant volume with a completely detached layer of clay;
- tail substances will be drawn by a self-flowing way by means of reinforced concrete chutes, which will reduce manifold probability of an accident;
- a three-hour stock of water will be constantly kept in the industrial water basins of the factory for fire-prevention purposes;
- oil products warehouses are to be located on concrete sites and provided with an outflow and overflow collecting system;
- the explosives warehouse is to be fenced, with two exits and a separate guard post. The warehouse should be provided with a lightning rod and protected from atmospheric precipitation, direct sunbeams and penetration of subsoil waters;
- the water inlet for drinking water and the water basins should have a sanitary zone and a guard post;
- the waterpipe for drinking water and the sewage system are designed in such a way that the waters thereof do not mix in case of an accident;
- all the buildings will have an earth connection and a lightning protection;
- special transitions, such as a pipe in a pipe, overpass, a pipe in a reinforced concrete chute and so forth, have been planned at places where pipelines cross roads.

To prevent pollution of the ground around the areas of the tailing dump and the dump, as well as to restore those areas, it is necessary to take the following measures.

While constructing the opencast mine and the ore-dressing factory, fertile soil of about 50 cm thick will be taken out from those areas. The soil will be transported to appropriate territories

and a mixed grass crop of papilionaceous plants and cereals will be sown there. That will create turf, raise the erosion resistibility of the ground and save its basic water-physical properties. Subsequently, the ground will be used to cover the area of the tailing dump and the dump with a layer of ground up to 30-50 cm thick. That will prevent wind exposure and wind spreading of minerals rich with heavy metals.

It is planned to reclaim the overburden: the northwestern dumps - 40 ha, and the western dumps - 23 ha. The reclamation works will start in the fifth year of operation. The sites of the dump floors will be leveled and covered with a 50-centimeter layer of ground that was taken out earlier while constructing.

A stage-by-stage reclamation of the tailing dump has been planned. Reclamation of the slopes of the dam will be carried out throughout the whole period of operation, in parallel with the growth of the dam, and reclamation of the area of the beach will be carried out after preservation of the tailing dump. The reclamation will include covering with a 30-centimeter layer of ground and sowing grass there.

Forest reclamation works to improve and increase productivity of the soil on the slanting slopes of the edges of the opencast mine, the ore-dressing factory and the roads will be carried out. Young trees and bushes will be planted to promote accumulation and preservation of moisture in the ground and create a favorable microclimate for vital functions of plants and animals. Forest reclamation is not only a soil-protective, but also a soil-creating action. As a result of the forest reclamation works, spread of noise and dust from that area to the neighborhood will be reduced.

The environment monitoring has been planned by the project. A periodical monitoring of open water basins, subsoil waters and the quality of the atmospheric air will allow to respond quickly and undertake appropriate measures to prevent the environment pollution. A program of the monitoring process is brought in the project.

Upon completion of the plant work, a preservation of the enterprise will be done, which preservation will include:

- neutralization of all the equipment that has been in a direct contact with poisonous substances;
- sale or return of the remainder of the reagents and chemicals to the supplier after the preservation. Fuel and oils are also subject to sale;
- transportation of the poisonous waste products accumulated in the territory of the enterprise and the infected ground into the tailing dump and burial thereof.

The equipment, buildings and structures will be demounted, the bases will be leveled to the ground, the natural drainage will be restored. The access roads are to be dismantled, the territory is to be cleaned and planted and the natural landscape is to be restored. As an alternative, a variant of selling or giving for rent buildings and structures after cleaning them from the scrap and waste products and neutralization of the territory can be considered, which buildings and structures will be used by a way corresponding to sanitary and ecological requirements.

REQUIREMENTS OF THE EXPERT EXAMINATION

1. Prior to start of the activities, it is necessary to receive in a manner established by the RA laws appropriate permissions and sanction (including the RA Government's Resolution on changing the operational destination of the lands).
2. It is necessary to present for an expert examination concerning environmental effects the following documents in a manner established by the RA laws:
 - a program of extraction of Teghout turquoise from the mine located in the territory of the deposit;

- project documentation for an infrastructure and a recreation area in the territory of village of Teghout (artificial lake, cottages and so forth);
 - project documentation for operation of the 2nd stage of the deposit;
 - project documentation for reclamation and preservation of the area (the deposit, the dump, the tailing dump and so forth).
3. It is necessary to develop and coordinate with the concerned authorities a program of actions aimed at forest restoration and compensation.
 4. To carry out deforestation gradually, in parallel with the program of development of the mining works.
 5. During the operation of the plant, it is necessary to monitor periodically the components of the environment (water, air, ground and so forth), to make reports on implementation and analysis of post-project actions, accessible for the concerned state authorities and the public.

CONCLUSION

The Commission for Certification of Professional Competence of Expert Examination for Environmental Effects and Approval of the Respective Expert Opinion, Ministry of Nature Protection of the Republic of Armenia, has formed a favourable opinion on the working project of exploitation of the 1st stage (8 years) of Teghuot Copper-Molybdenum Plant and the copper-molybdenum deposit, produced by ARMENIAN COPPER PROGRAM, Closed Joint-Stock Company, provided that the requirements stated above are necessarily met.

Experts

/signature/

A.Drnoyan

/signature/

K.Movsisyan

SEAL /Republic of Armenia, Yerevan, "ENVIRONMENT PROTECTION EXPERT EXAMINATION" State Non-Commercial Organization, Expert opinion, 02543163/

The translation is accurate and complete

Notarial translator **INNA GASPARYAN**

On this *Eighteenth day of August, year Two Thousand and Nine*,
I, *Emma Shaboyan*, acting in a capacity of Notary public of Kentron Notarial Territory, do hereby witness the signature of the person who translated the text above from *Armenian* into *English*.
Pursuant to the RA Notariate Law, Section 68, I do only certify that the translation above has been done by a translator known by me, and not the authenticity of the facts set forth in the document.

Registration №. _____

State duty and service fee have been levied pursuant to State Duty Law and Notariat Law.

Notary public (signature, seal)

Երկու հազար ինը թվականի օգոստոսի տասնութին

Ես, Կենտրոն Նոտարական Տարածքի նոտար *Էմմա Շաբոյան*, վավերացնում եմ տվյալ տեքստի *հայերեն* լեզվից *անգլերեն* լեզվով թարգմանչի ստորագրության ճշտությունը: «33 Նոտարիատի մասին» օրենքի 68 հոդվածի համաձայն հաստատում եմ, որ փաստաթղթի թարգմանությունը կատարել է իմ կողմից վստահված թարգմանիչը, այլ ոչ թե որևէ ուրիշ շարադրված փաստերը:

Գրանցված է սեղանամատյանում *20361* -ով

Գանձված են պետական, ծառայության տնային համաձայն «Պետական տուրքի մասին» և «Նոտարիատի մասին» 33 օրենքների

Նոտար



PROGRESS REPORT

concerning Decision IV/9a on compliance by Armenia with its obligations under the Convention (ACCC/C/2009/43)

Taking note of the Decision IV/9a of MoP on compliance by Armenia with its obligations under the Convention Armenia is pleased to provide relevant information according to paras. 4 and 6 of the mentioned Decision.

1. On 1 November 2011 the Ministry of Nature Protection of RA has submitted the draft of the Law of RA «On amendments and addendums to the Law of RA «On environmental impact expertise»» to the National Assembly of RA. According to the draft law activities subject to EIA are classified into three categories (A, B, C) based on the level of adverse impact and the threshold for each activity is established. This classification is new to Armenian EIA legislation. Also, the approach is incorporated to the draft that public participation procedures should vary in scope and terms depending on the category of certain activity. It is principal to the draft that the expertise procedure is divided into two stages (initial and major stages) which include certain activities envisaged by the draft. The time-frames also vary (with possible extension period) for each stage depending on the category of certain activity.

To this point the draft has passed the first hearing at the National Assembly of RA and public hearing has been conducted.

2. The new draft law establishes reasonable time-frames for early notification of the public on proposed activity when all options are open as well as sets up responsibilities of different actors (public authority, local authority and developer) in organizing and conducting public hearings. Also, the draft defines the contents of notification for each phase of public hearings.

Concerning the phases of public involvement the law draft establishes the following time-frames for public participation.

The *head of community* is obliged to disseminate information via Mass Media within 3 days after receiving the information from the public authority. Then 7-day period is set up for submitting opinions and suggestions to the municipality. Public consultation rounds and discussions might be conducted at this stage upon necessity.

The *public authority, head(s) of concerned community (communities) and the developer* should disseminate information on documentation via Mass Media within 3 days after receiving the information from the public authority. Time-frames for public hearings are established 20 days for category A and 10 days for category B activities.

Public authority organizes and conducts public hearing of the EIA report within 20 days after the EIA report is submitted.

A proposal is submitted to the Ministry of Justice of RA to incorporate new provisions in the Draft of the Code of RA «On Administrative Infringements» establishing administrative

liability for actors (public authority, local authority and developer) for infringements in the process of environmental expertise.

3. The Ministry of Nature Protection of RA has initiated the process of modernization of notification system on its official web-site (www.mnp.am). Currently information on proposed projects, public hearings as well as the annual reports of the Ministry of Nature Protection on provided positive expertise conclusions and ongoing processes is available. At this point only one EIA conclusion is available online but in meantime the list will be completed. However, the Ministry of Nature Protection provides the expertise conclusions upon request according to provisions of Aarhus Convention and national legislation.

4. As the draft of the Law of RA «On amendments and addendums to the Law of RA «On environmental impact expertise»» was introduced only on 1 November 2011 by the Ministry of Nature Protection of RA, its English version is not available yet. It will be submitted to the Committee as soon as it becomes available. As the Ministry of Nature Protection does not usually translate the law drafts into English (official translations are made by the National Assembly of RA after the drafts are approved and published in Official Journal), we will make efforts to proceed with it in good time.

5. On 10 November 2011 the Government of RA approved Decree N1594 «On approval of the list of measures for fulfilling obligations rising from a range of international environmental treaties». The Governmental decree also includes the recommendations of the Aarhus Convention Compliance Committee concerning ACCC/2009/43.