

**LAW OF THE REPUBLIC OF ARMENIA  
ON THE FUNDAMENTALS OF ADMINISTRATION AND  
ADMINISTRATIVE PROCEDURE**

**Adopted on 18.02.2004**

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**SECTION I.  
FUNDAMENTALS OF ADMINISTRATION**

**CHAPTER 1.  
GENERAL PROVISIONS**

**Article 1. Matters Regulated by the Law**

This law prescribes the fundamentals of administration, regulates relations between administrative bodies and physical or legal persons (hereinafter persons) related to the adoption of administrative acts, appeals from administrative acts, actions and omission of administrative bodies, enforcement of administrative act, administrative expenses, as well as compensation for the damage caused by administration.

**Article 2. The Sphere of Application of This Law**

1. The parts I and VII of this law apply to any activity of administrative bodies in the field of public law.

**Added by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

2. Parts II to VI of this law apply to any activity of administrative bodies resulting in the issuance of administrative act, Parts IV to VI of this law apply to acts and omissions of administrative bodies that have actual consequences for persons.

**Deleted by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

3. Particularities of special types of administrative proceedings shall be prescribed by the laws and international treaties of the Republic of Armenia.

**Edited by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

4. This law does not apply to relations regulated by the norms of judicial-procedural law.

**Article 3. The Main Concepts**

The main concepts used in this law have the following meaning:

1) **administrative bodies** – republican and regional government bodies of executive power of the Republic of Armenia, as well as local self-government bodies;

a) republican bodies of executive power of the Republic of Armenia – ministries of the Republic of Armenia and other state bodies exercising administration in the whole territory of the Republic,

b) bodies of regional government – marz governor (marzpet)<sup>1</sup>, mayor of Yerevan,

c) bodies of local self-government – council of elders of the community and community head<sup>2</sup>;

community head in City of Yerevan, mayor in urban community, village head in rural community, If state bodies other than those listed above exercise administration, then they also shall be deemed as administrative bodies for the purposes of this law.

2) **administration** – activity of administrative bodies having external effect resulting in the issuance of administrative or normative act, as well as action or omission, which have actual consequences for persons.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

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<sup>1</sup> Armenia is divided into administrative-territorial units called “marz”, which exercise executive power in the regional level. The term “marzpet” means governor of a marz.

<sup>2</sup> Council of elders of the community and head of the community are the decision-making bodies of local self-government.

## **CHAPTER 2. FUNDAMENTAL PRINCIPLES OF ADMINISTRATION**

### **Article 4. Legality of Administration**

1. Administrative bodies shall assure compliance with laws.
2. Administrative bodies shall have the powers defined by law or other legal acts as prescribed by laws.

### **Article 5. Prohibition on the Abuse of Formal Requirements**

If the obligations of persons are fulfilled in substance, then administrative bodies shall be prohibited from burdening persons with obligations or refusing to honor the person's rights on purely formal grounds.

### **Article 6. Restriction of Discretionary Powers**

1. Discretionary power is a right granted to administrative body by law to choose any one of several possible legitimate solutions.
2. In the exercise of discretionary power administrative body shall be guided by the necessity to protect human and citizens' rights and freedoms prescribed by the Constitution of the Republic of Armenia, their equality, the principles of proportionality of administration and prohibition of arbitrariness, as well as pursue other goals prescribed by law.

### **Article 7. Prohibition of Arbitrariness**

1. Administrative bodies shall be prohibited from manifesting unequal treatment towards the similar factual circumstances, unless there is any ground for their differentiation. Administrative bodies are obliged to manifest individualized treatment towards essentially different factual circumstances.
2. If administrative body has exercised its discretionary power in a particular manner, then, in similar cases in the future, it is obliged to exercise the discretionary power in the same manner. Administrative body may derogate from that restriction if, on the grounds of supervening interest, it intends to consistently adopt this other approach to the exercise of its discretion.

### **Article 8. Proportionality of Administration**

Administration shall pursue the aims set by the Constitution and laws of the Republic of Armenia, and the means for achieving these aims shall be useful, necessary and moderate.

### **Article 9 The Principle of Prior Fulfillment**

1. Administrative bodies do not have the right to compel persons to carry out actions that that these persons have already carried out in other contexts or whose substance has been included or could be included in those other contexts.
2. If the documents already submitted by a person contain the necessary information (data) required in other documents then administrative bodies shall not require persons to submit additional documents or documents with the same information in a different form.

### **Amended HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

3. If the permits issued to persons by administrative bodies in substance include other permits, then such other permits shall also be deemed to have been issued.

#### **Article 10. Presumption of Trustworthiness**

1. The data or information pertaining to factual circumstances that persons have presented to administrative bodies for consideration shall be deemed trustworthy in all cases, unless administrative body proves otherwise.

Persons shall not be required to submit documents or additional information proving the trustworthiness of the data or information they have submitted, except as prescribed by law.

If as administrative body has a reasonable doubt regarding the trustworthiness of the data or information submitted by persons, then administrative body on its own and at its own expenses shall take measures to ascertain the trustworthiness of the data or information.

2. Persons shall be liable for submitting fraudulent data or information to administrative bodies.

#### **Article 11. Efficient Operation**

In the exercise of its powers, an administrative body shall act so that it secures it secures the maximally efficient use of the means at its disposal for the achievement of maximally favorable results, without impairing the fulfillment of its duties.

#### **Article 12. Application of Other Principles**

The fundamental principles of administrative law prescribed by this chapter are not exhaustive and shall not preclude the application of other principles of administration.

### **CHAPTER 3 JURISDICTION OF ADMINISTRATIVE BODIES, MUTUAL ASSISTANCE OF ADMINISTRATIVE BODIES**

#### **Article 13. Territorial Jurisdiction of Administrative Bodies**

1. Disposition of matters concerning real property shall be reserved to the administrative body having jurisdiction over the place where the real property is located.

2. The granting of any right and the imposition of any obligation on legal person or sole proprietor shall be reserved to the administrative body having jurisdiction over the place where the legal person or the sole proprietor conducts its activities.

3. Disposition of matters concerning physical persons shall be reserved to the administrative body having jurisdiction over the place where the physical person is registered or where that person's permanent or principal place of residence is located.

4. If the disposition of a matter is subject to the concurrent jurisdiction of two and more administrative bodies, then jurisdiction shall be reserved to the administrative body to which the person applied or at whose initiative proceedings were commenced.

5. When circumstances pose imminent danger or have caused actual damage, matters requiring urgent resolution by administrative bodies shall be reserved to the administrative body exercising jurisdiction over the territory where the necessity to take action or to adopt decisions due to those circumstances emerged, but if it is impossible, then the administrative body having jurisdiction over the adjacent territory shall exercise jurisdiction, unless otherwise prescribed by law.

6. In case other laws prescribe different rules for determining the territorial jurisdiction over a matter, those rules shall prevail.

#### **Article 14. Subject Matter Jurisdiction of Administrative Bodies**

The laws concerning the factual circumstances mentioned in these cases shall solve the question of subject matter jurisdiction of administrative bodies to consider cases.

### **Article 15. Administrative Bodies' Duty of Mutual Assistance**

1. Administrative bodies have a duty to provide mutual assistance to each other (hereinafter mutual assistance) for the fulfillment of their authority. Mutual assistance shall be provided based on the petition of the requesting administrative body.
2. Assistance between administrative bodies that are in hierarchical relations with each other shall not be considered mutual assistance.

### **Article 16. Applying For Mutual Assistance**

If more than one administrative body can provide the mutual assistance, then the requesting administrative body shall request mutual assistance from the administrative body (petitioned administrative body), which, in its opinion, will provide the necessary mutual assistance more efficiently and within shorter time periods.

### **Article 17. Grounds for Refusing the Provision of Mutual Assistance**

1. The petitioned administrative body shall not have a right to provide mutual assistance if;
  - a) the unlawfulness of the measures required for the mutual assistance are obvious for the petitioned administrative body,
  - b) the actions necessary for the provision of mutual assistance is out of the jurisdiction of the requested administrative body,
  - c) the documents (data, information) necessary for rendering mutual assistance are classified as secrets protected by law, and providing those documents to the petitioning administrative body, even in a way that guarantees the secrecy of their delivery, is prohibited by law.

#### **Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

2. The petitioned administrative body shall have the right to refuse to render mutual assistance, if;
  - a) another administrative body is able to render the mutual assistance with substantively less efforts,
  - b) rendering the mutual assistance would require making disproportionate efforts,
  - c) provision of mutual assistance may significantly impair fulfillment of its own duties.
3. The petitioned administrative body shall not refuse to render mutual assistance based on grounds not prescribed by parts 1-2 of this Article.
4. If the petitioned administrative body refuses to render mutual assistance based on any ground prescribed by parts 1-2 of this Article, then within three days it shall notify the administrative body requesting mutual assistance, which may challenge the refusal before the superior administrative body of the petitioned administrative body. The superior administrative body shall expeditiously make a final decision on the dispute concerning the refusal to render mutual assistance. If the superior administrative body finds the refusal ungrounded, it shall order the petitioned administrative body to immediately render the mutual assistance.

### **Article 18. Lawfulness of the Measures taken in Mutual Assistance**

1. The lawfulness of the petition for mutual assistance shall be determined according to the legal acts applicable to the petitioning administrative body. The lawfulness of the rendering of mutual assistance shall be determined according to the legal acts applicable to the petitioned administrative body.
2. **Eliminated by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**
3. As between the petitioning and petitioned administrative bodies the petitioning administrative body shall be liable for the lawfulness of the petition. The petitioned administrative body shall be liable for the measures taken in rendering mutual assistance.

**SECTION II.  
ADMINISTRATIVE PROCEEDINGS**

**CHAPTER 4.  
GENERAL PROVISIONS**

**Article 19. Definition of Administrative Proceeding**

An administrative proceeding is the activity of administrative body directed to the adoption of administrative act.

**Article 20. Stages of Administrative Proceedings**

1. Administrative proceeding consists of interconnected stages of commencement, deliberation and conclusion.
2. Administrative proceeding shall be commenced pursuant to the application of person (persons) or at the initiative of administrative body (stage of commencement).
3. Pursuant to application or initiative of administrative body legal actions connected with the examination of the administrative case shall be carried out (stage of deliberation).
4. Administrative proceeding shall be concluded by the adoption of administrative act (stage of conclusion).
5. In order to prevent immediately imminent danger or eliminate the consequences of damage that has already occurred, as well as in other cases prescribed by law, administrative proceedings may be limited to the stage of conclusion.

**Article 21. Participants in an Administrative Proceeding**

1. Participants in administrative proceedings (proceeding participants hereinafter) are:
  - a) addressee of administrative act; the person who applied for administrative act (applicant), or the person with respect to whom the administrative body adopted administrative act on its initiative, **Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**
  - b) third parties; those persons whose rights or legitimate interests may be affected by administrative act to be adopted as a result of the proceeding.
2. Proceeding participants mentioned in sub-paragraph “b” of part 1 of this Article shall be joined in administrative proceeding on the basis of their application or at the initiative of administrative body. **Added by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

**Article 22. Other Persons in an Administrative Proceeding**

Other persons, such as witnesses, experts, translators, as well as representatives of state and local self-governance bodies (other bodies hereinafter), may also take part in an administrative proceeding.

**Article 23. Representation in an Administrative Proceeding**

1. Proceeding participants may take part in an administrative proceeding independently, through their representatives or together with them.
2. Persons, including advocates, authorized according to the Civil Code of the Republic of Armenia may act during administrative proceeding as representatives of proceeding participants. Proceeding participants lacking dispositive capacity may be represented in administrative proceeding by their legal representatives as prescribed by the Civil Code of the Republic of Armenia.
3. Upon the demand of administrative body authorized persons or legal representatives shall submit power of attorney or document affirming their legal representative status.

Notarization shall not be required for the power of attorney.

4. If, as set forth in law, the power of attorney is no longer effective, the authorizing or authorized person shall in writing notify the body conducting the proceeding.

5. Witness, expert, translator and representatives of other bodies shall participate in the administrative proceeding only in person.

#### **Article 24. Preclusion of an Administrative Body Official from Considering and Solving the Case**

An administrative body official shall not have the right to consider and solve the case, if he;

- a) is a proceeding participant;
- b) is a representative of a proceeding participants;
- c) is a relative of a proceeding participants or the representative of a participant, such as child, parent, natural mother or father, brother or sister or their child, uncle<sup>3</sup> or aunt<sup>4</sup> or their child, uncle<sup>5</sup> or aunt<sup>6</sup> or their child, spouse (divorced status notwithstanding), son-in-law<sup>7</sup>, daughter-in-law<sup>8</sup>, parents of spouse or their child or their brother or sister.

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- d) participated in prior deliberation on the case.

#### **Article 25. Grounds and Procedure for Recusal**

1. Proceeding participants of proceeding file a motion for recusal of the administrative body official conducting administrative proceeding, and, when the law specifies that the administrative proceeding be heard by a panel of officials, a motion for recusal may be made against any member of the panel, if;

- a) any of the grounds prescribed by Article 24 of this law obtains,
- b) the official or member of panel has made a public statement about possible outcome of the case prior to conclusion of the case or made a factual determination or given an evaluation of any evidence before examining such evidence.
- c) the official or member of panel ever acted in the interest of any proceeding participant,
- d) there are other circumstances that attest an official's or panel member's direct or indirect interest in the outcome of the case or that raise suspicions about his impartiality in the case.

2. A recusal motion may be filed at the stage of proceeding before conclusion, during which the movant, became aware of the presence of any grounds prescribed by this Article.

3. A recusal motion may be filed more than once against the same official, if it alleges new grounds or new facts.

4. The decision on the recusal motion shall be issued no later than the first working day following the day the motion was filed.

Final decision on the recusal motion shall be made by the immediate superior of the official against whom the recusal was filed, and for panels, by simple majority vote of the members of the panel, the member in question abstaining from voting.

In the event that the recusal motion relates to the head of administrative body, the decision shall be made the head of administrative body.

In the event that the recusal motion is granted against the head of an administrative body, the administrative proceeding shall be conducted by the deputy head, or in the absence of a deputy by other official having authority to substitute the head.

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<sup>3</sup> Father's brother

<sup>4</sup> Father's sister

<sup>5</sup> Mother's brother

<sup>6</sup> Mother's sister

<sup>7</sup> Daughter's husband

<sup>8</sup> Son's wife

### **Article 26. Self-Recusal of an Official Conducting an Administrative Proceeding**

1. In the presence of any ground prescribed by Article 24 and by part 1 of Article 25 the head of administrative body, the official conducting administrative proceeding (if administrative proceeding is conducted by a panel, then the member of the panel) shall recuse himself.

In case of self-recusal of the head of administrative body, official defined by law shall conduct administrative proceeding. In the event that the law does not designate the relevant official, the deputy of the official that recused himself shall conduct the administrative proceeding. In case of absence of the latter, another official having authority to act in place of the head shall conduct the administrative proceeding.

If official conducting administrative proceeding recused himself, then the head of administrative body shall replace him with another competent person within three days.

If member of panel recused himself, then that panel shall conduct the administrative proceeding with its remaining members. 2. Self-recusal shall be filed in written form, setting for the reasons for the self-recusal. A copy of self-recusal shall be duly sent to proceeding participants for their information.

3. If a grounds for self-recusal by persons defined in part 1 of this Article became known after the commencement of the proceeding, then they shall present self-recusal at the stage of proceeding when the relevant ground arose, assuring satisfaction of the requirements of part 2 of Article 25 of this law.

### **Article 27. Language of Administrative Proceeding**

1. Administrative proceeding shall be conducted and administrative act shall issued in Armenian language.

2. persons knowing languages of national minorities in the Republic of Armenia may submit, in accordance with RA law or the international treaties of the Republic of Armenia, application and supporting documents in the language of such national minority in connection with the administrative proceeding.. In that case the administrative body shall require that the documents be accompanied by an Armenian translation.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

3. The documents related to the administrative proceeding and the records relating to the proceedings shall be in the Armenian language.

If proceeding participants submit documents in another language, then upon the demand of administrative body they shall submit also the Armenian translations as prescribed by law.

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4. In the course of administrative proceeding participants may use foreign languages, provided that these persons shall ensure Armenian translation through their own translator, in the event that administrative body is unable to secure such translation.

**Article 28. Conducting and Documenting Administrative Cases** 1. From commencement of an administrative proceeding, the administrative body shall compile a separate case in which all documents of the proceeding shall be kept, including the administrative act (certified copy) issued in conclusion of the proceeding.

Throughout administrative body shall maintain chronological and subject-matter documentation registers, as well as separate register for documentation of administrative acts issued at the conclusion of the administrative proceeding.

2. The procedure and requirements for maintaining such registers for administrative cases and related documents, as well as register of administrative acts shall established by administrative body based on the standards set by the Government of the Republic of Armenia.

3. Administrative case files shall be maintained according to rules for maintaining public documents set forth by law and shall be archived in the manner set forth by law.



4. Unless otherwise required by law, records and registration of administrative acts issued orally or in other non-verbal media shall not be maintained.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

#### **Article 29. Record of Administrative Proceeding**

1. If proceeding participants, witnesses, experts or representatives of other bodies take part in the consideration of the case, then administrative body shall make a record of the deliberations.

2. The record shall contain;

- a) name of administrative body conducting the proceeding
- b) place, year, month and day of the proceeding
- c) name and surname of persons mentioned in part 1 of this Article, noting their status in the case (applicant, third party, witness etc.)
- d) substance of the question under consideration
- e) summary of presentations by proceeding participants and other persons at the proceeding
- f) conclusory section of the issued decision.

The record may also contain additional information.

3. If the deliberation was conducted in more than one session, then reasons for the adjournments shall be noted. If the deliberations are conducted in several sessions, a separate record shall be made for each.

Appendixes may be attached to the record, including list of all documents presented, noting the submitting party.

### **CHAPTER 5.**

#### **COMMENCEMENT STAGE OF ADMINISTRATIVE PROCEEDINGS**

#### **Article 30. Bases for Commencement of Administrative Proceedings and Commencement of Proceedings**

1. An administrative proceeding may be commenced based on:

- a) the application or complaint of a person
- b) the initiative of administrative body.

2. In cases provided by paragraph (a) of part 1 of this Article administrative proceedings shall be considered commenced from the day when administrative body received the application or complaint, except for the cases when application or complaint was forwarded to competent administrative body or was returned to applicant (complainant) according to Article 33 of this law.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

3. In cases provided by paragraph (b) of part 1 of this Article administrative proceedings shall be deemed to have commence from the day of the start of action (actions) for the purpose of issuance of an administrative act by the initiative of administrative body.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

**4. Repealed by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

5. In cases prescribed by paragraphs (a) and (b) of part 1 of this Article the provisions of Section II of this law shall be applicable, while in case prescribed by the part of paragraph (a) concerning filing a complaint, provisions of Section IV shall also be applicable.

#### **Article 31. General Requirements of Application**

1. Application to administrative body shall be submitted in writing and shall contain;

- a) name, surname of applicant, full name in case of legal person
- b) address of applicant (place of location of legal person)

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- c) name of administrative body to which application is submitted
- d) claim advanced by application (object of application)
- e) list of documents attached to application (if any)
- f) year, month and day of preparation of application
- g) signature of applicant, while in case of legal entity signature of competent official and seal of legal entity.

If law requires payment of state or local duty or payment of other mandatory fee for administrative act, then document evidencing the payment shall also be submitted.

If application is submitted through a representative, then the representative's duly issued power of attorney shall also be submitted.

2. A Record prepared by administrative body as a result of meetings with persons shall be deemed an application for the purposes of this Article, if it contains the information required by paragraphs (a)(b)(d) of part 1 of this Article and an application is not otherwise required by law pursuant to the other paragraphs of part of 1 of this Article.

### **Article 32. Correction of Errors in Form**

If application contains errors in its form that can be corrected, then administrative body shall inform the applicable of those errors and give the applicant the opportunity to correct those errors or, upon prior or later notice to applicant, may itself correct errors. If the supporting documents submitted is incomplete, then administrative body shall give the applicant a period of time to provide the missing documents.

### **Article 33. Forwarding and Returning Application**

1. If application was submitted to the incorrect administrative body, then within three days the administrative body that received application shall forward the application to the correct administrative body and shall notify applicant accordingly.

2. If one or more issues raised in the application are within the jurisdiction of another administrative body, the administrative body that received the application shall forward the application to the appropriate administrative body, notifying the applicant accordingly. As to the part of the application within its jurisdiction, the administrative body shall commence proceedings as set forth in Article 31 hereof.

#### **Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

3. If the claim raised in the application is neither within the jurisdiction of administrative body that received the application, nor within the jurisdiction of any other administrative body, then the administrative body shall return the application with any supporting documents to applicant within three days after receipt, stating the reasons for return. 4. In cases prescribed by this Article the administrative body shall retain copies of forwarded or returned applications, while in case of necessity administrative body shall also retain copies of supporting documents, in whole or part, or a list of the same.

### **Article 34. Bases for Commencement of Administrative Proceedings at the Initiative of Administrative Body**

Commencement of administrative proceeding at the initiative of administrative body may be based on the requirement of law that administrative act be issued, the necessity emanating from it or the discretionary power reserved to administrative body by law.

### **Article 35 Notice of Administrative Proceeding**

1. Within three days after the commencement of administrative proceedings the administrative body shall give the proceeding participants or their representatives notice of the commencement of the administrative proceedings. Administrative body shall give the above-mentioned persons, and as

necessary, also witness, expert, translator and representatives of other bodies, notice of place, day, time and other conditions for actions required for the proceedings.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

2. Administrative body, when commencing administrative proceedings at its own initiative, shall give the proceeding participants or their representatives due notice of commencement of administrative proceedings, if the time period between commencement of administrative proceedings and issuance of the administrative act exceeds three days.

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## **CHAPTER 6. DELIBERATION STAGE OF ADMINISTRATIVE PROCEEDINGS**

### **Article 36. Duty of Administrative Body to Act Speedily**

1. Administrative proceeding shall be conducted in the shortest time possible

2. Administrative body shall conduct administrative proceeding without complicating it, such as additional hearings, additional expert reports or examinations, if the factual circumstances of the case do not require further clarification.

**Amended HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

3. If after initiation of administrative proceeding the documents necessary for issuance of the administrative act are at the disposal of administrative body, the, factual circumstances of the case are sufficiently clarified and verified, then administrative body, shall, within reasonable time period after the aforementioned conditions are met, issue an administrative act, without waiting for the expiration of general or special deadlines for issuance provided by statute.

### **Article 37. Comprehensiveness, Completeness and Objectivity of Administrative Proceeding**

1. The administrative body shall ensure comprehensive, complete and objective consideration of factual circumstances revealing all circumstances of the case, including those in favor of proceeding participants.

2. The administrative body shall not have the right to refuse to receive submissions and documents filed by proceeding participants concerning the proceeding, consideration of which is within its jurisdiction.

### **Article 38. Proceeding Participant's Right to be Heard**

1. During administrative proceeding administrative body shall ensure that proceeding participants and their representatives have the opportunity to be heard and regarding the factual matters examined during administrative proceeding.

2. Hearings shall not be required, if:

- a) favorable administrative act will be issued during administrative proceeding, which does not interfere in the enjoyment of the rights of other persons, or the addressee of administrative act does not demand hearings be held,
- b) petition is manifestly unfounded;
- c) the administrative act is issued orally.

3. Hearings shall not be held, if:

- a) immediate issuance of administrative act is necessary and delay may pose a public danger,
- b) the administrative act is issued in another form.

4. In other cases prescribed by law, holding of hearings shall not be required, but may be optional.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

**Article 39. Availability of Administrative Proceeding Records**

1. For the purposes of ensuring that the operations of the administrative body are public and impartial throughout the administrative proceedings the proceeding participants shall have access to records of administrative proceeding held by the administrative body conducting the proceeding.
2. The access to records of administrative proceeding shall be granted within three days after a request is duly submitted.

Proceeding participants may make copies, photocopies, excerpts of records of administrative proceeding.

3. In the granting of access to records, the administrative proceeding administrative body shall not disclose state and official secrets, as well as other secrets protected by law, and in case of disclosure, the administrative body shall take the measures relating to the respective secret as provided by law.

**Article 40. Assisting the Proceeding Participants**

1. The administrative body shall explain to physical persons their rights and obligations in administrative proceeding in connection with the matter set forth in their petition, assist in drafting petitions and supporting documents, and when possible, draft them itself.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

2. The administrative body shall assure that persons have access to normative legal acts issued by the administrative body, as well as laws and other legal acts related to the activity of the administrative body.

**Article 41. Elimination of Errors in Documents of the Administrative Proceeding**

1. If errors, deletions, scratch-outs, typos are found in the documents submitted by proceeding participants, the administrative body shall draw the participants' attention to the documents with the intent of correcting them, or, the administrative body itself shall correct patent errors and typos of submitted documents in the presence of proceeding participants. The administrative body shall not have the right to refuse to receive such documents solely on the grounds that they contain such errors, deletions, scratch outs or typos.
2. The provisions of part 1 of this Article do not apply to the correction of such errors, deletions, scratch outs, typos or elimination of other documentary defects, if the right to make corrections is reserved by law to the bodies that issued or provided the documents.

**Article 42. Evidence in Administrative Proceeding**

1. In an administrative proceeding administrative body shall consider as evidence explanations, testimony, expert opinions, documents, materials, and other things, as well as those circumstances, which the body considers useful and necessary for discovering and assessing factual circumstances of the case.
2. An administrative body shall not have the right to require documents or notarizations or certifications, except as required by law.

**Article 43. Allocation of Burden of Proof**

1. In the relationship between person and the administrative body the burden of proof shall rest upon:
  - a) the person with respect to factual circumstances favorable for him, if any,
  - b) administrative body with respect factual circumstances unfavorable for a person, if any.

2. Notwithstanding, paragraph “a” of part 1 of this Article, if a person can become aware of the data (information) related to such factual circumstances only from that administrative body, then the burden of proof shall rest upon the administrative body.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

3. Notwithstanding paragraph “b” of part 1 of this Article, if the administrative body can become aware of the data (information) related to such factual circumstances only from the person, then burden of proof shall rest upon the person.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

#### **Article 44. Witness Testimony**

1. The administrative body shall invite and hear testimonies of such persons that may be aware of information related to the case either by at the request of proceeding participants or of its own initiative. Witnesses may choose to present testimony in writing without appearing before the administrative body. Witnesses shall sign each page of written testimony, which shall specify the year, month and day of signature and be certified by the seal of administrative body. If it is necessary to ask the witness questions, the administrative body shall summon the witness.

#### **Article 45. Appointment of Expert, Conduct of Examination**

1. If appointment of an expert to examine factual circumstances is necessary, then the administrative body shall apply to the head of the relevant organization or to the relevant person and shall notify the proceeding participants accordingly..

2. Only a person possessing knowledge in the relevant field may be appointed as expert.

The expert shall presents an opinion based on his examination..

3. Proceeding participants may be present during the examination, if their presence will not interfere with the examination..

4. At the request of the administrative body or proceeding participants, the expert shall provide additional explanations concerning his expert opinion.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

5. The administrative body may also designate examination of physical person, site, object or material, if necessary. Proceeding participants may present for the examination, in accordance with the decision of administrative body.

**Deleted by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

#### **Article 46. Time Periods for Administrative Proceedings**

1. The time period for an administrative proceeding shall not exceed thirty days, unless otherwise prescribed by law. 2. Time period for an administrative proceeding shall commence from the day of registration of petition by the administrative body, while for administrative acts to be issued at the initiative of administrative body time period shall commence from the day of the initiative.

3. Time periods prescribed by this law shall be calculated in calendar days. If time period expires on non- working day, then the time period shall be considered to have expired on 18<sup>00</sup> of the first working day following the non-working day.

#### **Article 47. Extension of Time Period for Administrative Proceedings**

1. Time period of administrative proceeding may be extended, if

- a) more time is needed to obtain additional information or documents for the purpose of ascertaining circumstances that are substantial for the deliberation of the case, which is the obligation of the applicant to present according to part 3 of Article 43 of this law, and it is

impossible to make a decision on the merits during the remainder of time period allotted for the proceeding,

- b) more time is needed for the expert to issue his opinion than the time period allotted for the proceeding by law.
- c) more time is needed to take measures for mutual assistance (among administrative bodies) than the time period allotted for the proceeding by law..
- d) the issuance of the administrative act involves several administrative bodies.

2. In cases described by paragraph “a” of part 1 of this Article, the time period for the administrative proceeding may be extended up to 10 days, but not more than two times. In case described by paragraph “b” of part 1 of this Article, the time period for the administrative proceeding may be extended until the expert opinion is received.

In cases described by paragraphs “c” and “d” of part 1 of this Article, the time period for the administrative proceeding may be extended up to 30 days.

3. If more than a ground for extension of time period for the administrative proceeding described by part 1 of this Article applies, then administrative body shall apply only the one that assures a more speedy and efficient proceeding and issuance of a decision on the merits.

4. On the extension of time period of an administrative proceeding, the administrative body conducting the proceeding shall determine which proceeding participants or their representatives, as well as other persons taking part in the proceeding, shall be entitled to due notification of the proceedings.

#### **Article 48. Consequences of Failure to Issue an Administrative Act within the Time Period for the Administrative Proceeding**

If the administrative body competent to issue an administrative act fails to issue such act within the time period prescribed by law with respect to an administrative proceeding commenced a person's petition:

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

- a) administrative act shall be considered to have been issued and the applicant may take steps in the enjoyment of the right requested,
- b) if petition requires provision of a document prescribed by law in regard to affirmation or recording of a fact (birth, death, absence of a person etc.), then the person that did not receive the relevant act pursuant to his petition or the persons that petitioned that act shall be exempted from such obligations or any liability prescribed by law for not having these documents.

#### **Article 49. Suspension of Administrative Proceeding**

1. The administrative body shall suspend the administrative proceeding, if;

- a) it is impossible to issue the administrative act expected at conclusion of the proceeding, until decision (judicial act) is made on the case pending in a constitutional, administrative, civil or criminal action,
- b) addressee of administrative act is has not appeared in the proceeding and the law requires his presence for the issuance of relevant administrative act,
- c) issuance of administrative act is possible only if the addressee of administrative act is found.

2. An administrative body may suspend an administrative proceeding, if:

- a) the addressee of the administrative act is absent, and prior to issuance of the administrative act the administrative body finds that his presence is necessary for the purpose of ascertaining from him certain circumstances important for the proceeding,
- b) the legal person, which is the addressee of the administrative act to be issued, is in reorganization.

An administrative proceeding may also be suspended in other cases defined by law.

3. In cases prescribed by paragraph "a" of part 1 of this article, the administrative proceeding shall be resumed after the grounds for suspension no longer obtain. In cases prescribed by paragraphs "b" and "c" of part 1, as well as by part 2 of this article, the administrative proceeding shall be resumed after the grounds for suspension no longer obtain, but not later than the 60<sup>th</sup> day from the day the decision on suspension was made.

4. The administrative body shall issue a decision on the suspension of administrative proceeding, which shall be duly sent to the proceeding participants within three days.

A decision on suspension of the administrative proceeding may be made at any stage of the proceeding.

**Deleted, Amended, Added by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

#### **Article 50. Termination of Administrative Proceeding**

1. Administrative proceeding commenced pursuant to petition shall be terminated, if;

- a) petition was submitted without signature and administrative body took the necessary measures in order to reveal the petitioner, but could not find out the person requesting issuance of the administrative act,
- b) petitioner renounced from his application in writing,
- c) there is administrative or judicial act into force concerning the same person, on the same subject matter and on the same grounds,
- d) there is case pending court proceeding concerning the same person, on the same subject matter and on the same grounds,
- e) the status of applicant has changed, which, according to law, excludes issuance of administrative act requested in the petition,

e<sub>1</sub>) time period prescribed by the second subparagraph of part 3 of Article 49 of this law has expired, during which the ground that served basis for suspension of administrative proceeding did not disappear, **Added by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

- f) the petition is impermissible.

Administrative proceeding commenced pursuant to petition shall be terminated also in cases provided for by Article 70 of this law.

2. Administrative proceeding commenced at the initiative of administrative body may be terminated, if;

- a) the future addressee of administrative act eliminated violations of requirements of law or other legal act or took the necessary measures for the prevention of violations, and in similar cases law does not require issuance of administrative act concerning the violations,
- b) the necessity to issue administrative act on the ground of violations of requirements of law or other legal acts or on the question of change in situation not related to the prevention of such violation or on other ground prescribed by law has disappeared.

3. Administrative body makes a decision on termination of administrative proceeding, which shall be duly sent to proceeding participants within three days.

4. In case administrative proceeding is terminated on grounds prescribed by paragraphs "c", "d", "e" and "f" of part 1 of this law resumption of the proceeding and issuance of the administrative act on the same question shall not be allowed unless otherwise prescribed by law.

5. Decision on termination of administrative proceeding may be disputed according to the general procedure prescribed by this law.

#### **Article 51. Resumption of Administrative Proceeding**

1. Pursuant to petition of proceeding participant administrative body shall make a decision regarding amendment, invalidation or declaring as having ceased to be in effect of administrative act not subject to appeal, if;

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

- a) after issuance of administrative act the factual circumstances on which it is based or the status of the addressee of administrative act have changed in favor of a person that submitted the petition for the resumption of proceeding,
- b) there are new evidences that may lead to the adoption of more favorable decision for the person that petitioned for the resumption of the proceeding,
- c) new circumstances that have substantial significance for the case have appeared, which were not and could not be known to persons applying for the resumption of the proceeding, or, even if they were known to them, they were not presented to administrative body that issued administrative act due to the circumstances not depending on them,

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

- d) there are other grounds prescribed by law.

In cases prescribed by this part administrative proceeding shall be resumed. During that proceeding general norms on administrative proceeding prescribed by this law shall apply.

2. Petition shall be submitted within 3 months from the day the person that applied for the resumption of proceeding became aware of any ground(s) for resumption of administrative proceeding prescribed by part 1 of this Article.

3. Decision on the petition shall be made by the administrative body that issued administrative act subject to amendment, invalidation or declaring as having ceased to be in effect, or by relevant superior or other competent administrative body whom the law empowered with the jurisdiction to invalidate that act or declare it as having ceased to be in affect through the resumption of administrative proceeding.

**Article 52. Participation of Several Administrative Bodies in the Issuance of Administrative Act**

1. If permission or consent of other administrative bodies is also required for the issuance of administrative act, then the necessary action for requesting and obtaining those, including collection of additional documents, shall be taken by the administrative body that commenced the administrative proceeding.

2. Permissions and consents obtained by administrative body according to the procedure prescribed by part 1 of this Article are not subject to appeal separately; they may be appealed against together with the administrative act.

**SECTION III  
ADMINISTRATIVE ACT  
CHAPTER 7.  
ADMINISTRATIVE ACT, TYPES AND FORMS**

**Article 53. Definition and Types of Administrative Act**

1. Administrative act is the decision, instruction, order or other individual legal act having external effect that administrative body adopted for the purpose of regulating a concrete case in the field of public law, and is directed to the prescription, amendment, elimination or recognition of rights and obligations for persons.

Administrative act can also be directed to a group of persons classified according to a certain individual criteria.

2. According to the meaning of this law



- a) favorable administrative act is the administrative act through which administrative bodies grant rights to persons or create for them any other condition that improves the legal or factual situation of those persons,

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

- b) unfavorable administrative act is the administrative act through which administrative bodies refuse, interfere, up to restrict the enjoyment of the rights of persons, impose any obligation on them or in any other way worsen their legal or factual situation.
- c) **combining** administrative act is the administrative act in which both favorable and unfavorable provisions applied/mentioned?? by administrative acts for person are combined.

**Article 54. Forms of Administrative Act**

1. As a rule, administrative act shall be adopted in writing in the form of decision, order, instruction or in other form prescribed by law.

In conclusion of administrative proceeding commenced pursuant to petition only written administrative act shall be issued.

2. In cases prescribed by law administrative act may be issued orally. Pursuant to oral or written demand of the addressee of the act, the oral administrative act shall later be formulated in writing in cases prescribed by law, as well as in case the addressee of the act has justified interest.

In that case the requirements for written administrative act prescribed by this law shall be followed.

3. Administrative act may also be issued in the form of light, sound, image, signals or signs, as well as in other forms prescribed by law (hereinafter administrative act of other form).

**Edited by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

**Article 55. Requirements for Written Administrative Act**

1. Written administrative act shall meet the following requirements;

- a) the content of administrative act shall be in conformity with the requirements prescribed by law for the issuance of such act, it shall contain notice about all those substantial factual and legal circumstances that served basis for making the decision by administrative body,
- b) administrative act shall be formulated on the paper of a defined form and standard.

2. As a rule, administrative act shall also contain information on the expenses and those who bear them, which were incurred in connection with the adoption of the act. In case of issuing act on returning the expenses, the sum to be returned and conditions and procedure of return shall be mentioned.

3. Administrative act may include enclosures, appendixes or other additional documents operation of which shall not exceed the time period of operation of administrative act. Enclosures, appendixes and other additional documents in separate are not administrative acts, but are component parts of administrative act and shall operate to the extent the administrative act operates.

4. Administrative act shall contain;

- a) full name of administrative body that conducted the proceeding,
- b) full name in case of legal person, name, surname of the addressee of administrative act,
- c) full name of the act, year, month, day and number of issuance,
- d) description of the matter solved by the act (descriptive part),
- e) justification of the issuance of the act (justificatory part),
- f) description of the decision made (conclusive part),
- g) time period of the operation of the act, if act is adopted for specific time period,
- h) time period and appellate body, including the court where the act may be disputed,
- i) position, name, surname, signature of the official of administrative body that issued the act,
- j) official stamp of administrative body that issued the act.

5. Administrative act regulating similar questions may have unified sample form (blank/letterhead) (or common standard form).

**Article 56. Certainty of Administrative Act**

1. Administrative act shall be formulated clearly and comprehensibly.
2. The content of administrative act shall be formulated in such way that is apparent for the addressee of the act what right is granted to him, which of his rights is restricted, which of his rights he is deprived of, or what obligation is imposed on him.

**Article 57. Justification of Administrative Act**

1. Written administrative act or administrative act confirmed in writing shall contain justification where all substantial factual and legal grounds for the issuance of the decision shall be mentioned. From the justification of administrative act issued as a result of exercise of discretionary power of administrative body those considerations on the basis of which administrative body chose that solution, shall be mentioned.

2. Justification shall not be required, if;

- a) administrative body satisfies a petition, and administrative act does not concern the rights of third persons,
- b) the addressee of administrative act or the person whose interests are concerned by administrative act is already aware of the position of administrative body in regard to factual or legal consequences, or that position apparently derives from the text of the act,
- c) administrative body issues similar administrative acts in large quantity or publishes administrative acts by using technical means, and there is no necessity for justification in every separate case.

3. Justification of administrative acts issued by administrative body by arguments not related to the jurisdiction of that body shall be prohibited.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

**CHAPTER 8.**

**ISSUANCE OF ADMINISTRATIVE ACT, NOTICE ON ADMINISTRATIVE ACT,  
ENTRANCE INTO FORCE OF ADMINISTRATIVE ACT**

**ISSUANCE, NOTICE, ENTRANCE INTO FORCE OF ADMINISTRATIVE ACT**

**Article 58. Issuance of Administrative Act**

1. Written administrative act shall be considered to have been issued from the day the competent official of administrative body signed it.
2. Oral and other forms of administrative acts shall be considered to have been issued from the moment of their promulgation.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

**Article 59. Notice on the Issuance of Administrative Act (Delivery and Promulgation of Administrative Act)**

1. Administrative body shall inform the proceeding participants about the issuance of administrative act by the means of delivery or promulgation prescribed by this Article.

2. Written administrative act shall be delivered to the proceeding participants within three days after issuance. Delivery may be conducted through ordered mail, including notice on receipt, handing over the addressee by signature, as well as by other ways prescribed by law.

As a rule, delivery of written administrative act shall be conducted through handing the act over the proceeding participants by signature.

Other means of delivery prescribed by this part shall be used in case when handing over by signature is impossible due to any justified reason, including when the addressee requested to use other means of delivery.

While delivering administrative act to the addressee administrative body shall also deliver the documents that are considered as component part of that act together with the act.

The fact that the mentioned documents are not delivered simultaneously with administrative act or they are delivered with delay shall not affect the operation of administrative act and shall not become ground for disputing the lawfulness of the act for that reason.

3. In case of making amendments and additions in written administrative act, as well as in the documents that form its component part according to the procedure prescribed by law, administrative body making the amendments and additions shall hand them over the addressee of administrative act according to the procedure prescribed by this Article.

4. Pursuant to the request of the addressee of written administrative act administrative body that issued the administrative act may also provide copy of administrative act translated into foreign language, which shall be affirmed by the official seal of the administrative body.

Only the text of administrative act in the language of which administrative proceeding was conducted shall have legal effect. The copy translated into foreign language shall not be ground for interpretation or explanation of the meaning or content of the act, while in case when dispute emerged or complaint lodged, the text of administrative act issued in Armenian language shall be considered the original.

5. Promulgation of administrative act shall be conducted by publishing it in the gazette of administrative body or in other official gazette or by publishing it through other mass media.

Written administrative act shall be subject to mandatory promulgation, if the information concerning persons immediately affected by the act is not known to the administrative body, as well as in other cases prescribed by law.

Written administrative act may also be promulgated at the initiative of administrative body, if administrative body considers that promulgation of the act is appropriate for the interests of state and public, as well as due to the necessity of effective protection of the rights of persons.

In the press, in other means of mass media or in other means of spreading information the conclusive part of written administrative act shall be promulgated. This means of promulgation shall contain notice on the place where the whole administrative act is available, including its justification.

6. Oral administrative act shall be promulgated in oral form, by stating it to the addressee (addressees).

Oral administrative act may be promulgated in a foreign language comprehensible for its addressee.

7. Administrative act of other form shall be promulgated in a way prescribed by law, which makes it immediately visible or perceivable for the addressee (addressees) or which makes it accessible in any other ways.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

#### **Article 60. Entry Into Force of Administrative Act**

1. Administrative act shall enter into force on the next day of notice made in a procedure prescribed by Article 59 of this law on the issuance of the act, unless otherwise prescribed by law or by that act.

2. If administrative act contains such provisions, which connects entry into force of a part of the act with the emergence of certain conditions and circumstances, then that part of administrative act shall enter into force from the moment of the emergence of relevant condition or circumstance (act with condition).

3. Oral and other forms of administrative acts shall enter into force from the moment of their promulgation.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

#### **Article 61. Time Period of Operation of Administrative Act**

1. The operation of administrative act may have specific or unspecified time period.

Written administrative act shall operate until it is replaced by other administrative act or invalidated or declared as having ceased to be in effect by the procedure prescribed by this law, or its operation is terminated on the basis of other ground prescribed by law.

Administrative act adopted for specific time period shall operate until the expiry of the time period prescribed by that act. Until the expiry of the time period of administrative act adopted for specific time period or within 15 days after the expiry of the time period, the time period of administrative act may be extended by other administrative act for new time period or for unspecified time period.

2. In cases prescribed by law administrative act may lack notice about time period of its operation, if the solution of matter regulated by administrative act is connected to the fulfillment of a certain or several activities or emergence of events end of fulfillment or emergence of which predetermines the time period of operation of that act (act with condition).

From the moment of fulfillment of the condition prescribed by the act the time period of operation of that act shall terminate.

3. Oral administrative act shall operate from the moment of its entry into effect until the moment, when administrative body that adopted the administrative act accomplishes the activities in connection with that act prescribed by law or in any way prescribed by law informs the addressee about the termination of the operation of time period of the act.

4. Administrative act of other form shall operate until the moment when the addressee of the act is made aware of the termination of the act in visible, audible or in any other accessible way prescribed by law.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

### **CHAPTER 9.**

#### **VOID ADMINISTRATIVE ACT, GROUNDS, PROCEDURE AND CONSEQUENCES OF INVALIDATION OR DECLARING AS HAVING CEASED TO BE IN EFFECT OF ADMINISTRATIVE ACT**

#### **Article 62. Grounds for Confirming Administrative Act As Void**

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

1. The administrative act, which contains, in particular, the following apparent errors shall be void;

- a) it is not clear or unequivocally clear from the act who is the body that adopted the act,
- b) act was adopted by incompetent administrative body,
- c) it is not clear from the act who is the addressee of the act, or the matter regulated by the act is unknown,
- d) an obviously unlawful obligation is imposed on the addressee of the act or an obviously unlawful right is granted to the addressee.

2. Void administrative act shall not have legal effect from the moment of its adoption and shall not be subject to implementation or application.

3. Incompliance with void administrative act shall not entail any responsibility for persons to whom it is addressed.

Implementation or application of void administrative act shall entail in responsibility prescribed by law.  
4. Pursuant to its own initiative or application of the person that has justified interest administrative body shall immediately confirm the act as being void.

### **Article 63. Invalidation of Unlawful Administrative Act**

1. Invalid shall be the unlawful non-void administrative act, which was adopted;

#### **Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

- a) in violation of law, including as a result of incorrect application or incorrect interpretation,
- b) on the basis of false documents or information, or if it is apparent from the documents submitted that in substance other decision should have been made.

2. Unlawful administrative act prescribed by part 1 of this Article may be invalidated by the body that adopted it or by its superior body, as well as through judicial procedure.

3. Unlawful administrative act may not be invalidated, if the addressee of the act has the right to trust in the existence of administrative act, and operation of which cannot cause damage to the rights of any third persons, to the Republic of Armenia or to any community.

Addressee of administrative act shall have the right to trust in the existence of administrative act, if he has already used or disposed of what he obtained based on administrative act, as well as if the returning of what was obtained pursuant to administrative act will cause damage to the addressee of administrative act.

4. Addressee of administrative act shall not have the right to trust in the existence of administrative act, if he;

- a) achieved the adoption of the relevant administrative act through bribe, threat, or intentionally led the official of administrative body into delusion,
- b) achieved the adoption of the relevant administrative act through submission of false or incomplete documents,
- c) knew in advance about the unlawfulness of administrative act or, on the basis of information available to him, should have known about it.

5. As a rule, administrative act shall be invalidated on the whole.

Administrative act may be invalidated in part, if the valid part may be effective without invalid part.

If administrative act was invalidated in part, then the rules of this Article shall apply only to the invalidated part of the act.

### **Article 64. Consequences of Invalidation of Unlawful Administrative Act**

1. Unlawful administrative act shall cease to be in legal effect from the moment of adoption of decision on its invalidation, as well as from the moment of adoption of administrative act, with the exceptions prescribed by the second paragraph of this part and by the 2<sup>nd</sup> part of this Article.

In cases prescribed by part 4 of Article 63 of this law unlawful act shall be invalidated from the moment of its adoption, unless otherwise prescribed by law.

Invalidated unlawful administrative act shall not entail in legal consequences. However, if, before its invalidation the unlawful administrative act caused damages to any person or to the Republic of Armenia or to any community as a result of its implementation or application, then it shall be subject to compensation according to the provisions prescribed by Section VII of this law.

2. The favorable unlawful administrative act, which gives rise to simultaneous or current property obligations, or which serves as background for such obligations, may cease to be in effect only from the moment of its invalidation, if the person that benefits from that act on the basis of his right to trust in the existence of administrative act has already acquired the granted benefits or has already disposed of property, as a consequence of which those cannot be returned, or there may be substantial damage to the

person that obtained the benefit in case of return. In this case provisions of the civil code of the Republic of Armenia concerning unjust enrichment shall apply.

The administrative body that invalidated the unlawful administrative act shall determine the amount of benefit subject to compensation.

In this case, the person that obtained the benefit cannot refer to the right to trust, if administrative body has sufficient evidence proving that the person that obtained the benefit reached to the adoption of the relevant administrative act through the violations prescribed by part 4 of Article 63 of this law.

3. If unlawful administrative act was invalidated only in part, than the consequences prescribed by this Article shall apply to the invalidated part of administrative act.

#### **Article 65. Time Period for Invalidation of Illegal Administrative Act**

Unlawful administrative act, which was not disputed according to the procedure prescribed by this law, may be invalidated within 6 months from the day when the competent administrative body became aware of the facts that could serve as ground for invalidating administrative act.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

Administrative act shall become undisputable, and administrative body shall cease to have the right stipulated in this Article, if 10 years passed from the day of adoption of administrative act, except for the cases provided for by law.

**Added by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

#### **Article 66. Ceasing to be in Effect of Administrative Act**

1. Lawful administrative act is the administrative act, which was adopted in accordance with the requirements of law.

2. Lawful unfavorable administrative act may cease to be in effect, except for the cases, when new administrative act with the same content must be adopted again, or if declaring the act as having ceased to be in effect is prohibited on the basis of other reasons prescribed by law.

3. Lawful favorable administrative act may cease to be in effect, if;

- a) the necessity of such administrative act disappears due to the amendment in law, or operation of that act is terminating,
- b) declaring as having ceased to be in effect is permitted by law or is due to such stipulation in lawful administrative act,
- c) the addressee of the act was under obligation to fulfill an obligation prescribed by law in connection with that administrative act, but did not fulfill or fulfilled improperly,
- d) administrative body would have the right not to adopt the administrative act as a result of change in factual circumstances after adoption of the act, and if prevalent public interest may be violated in case administrative act does not cease to be in effect,
- e) administrative body would have the right not to adopt the administrative act as a result of amendment in normative legal act, if the addressee of administrative act have not yet disposed of the benefits granted by the administrative act, or the activities guaranteed by the administrative act have not yet been implemented towards the addressee, and if prevalent public interest may be violated in case administrative act does not cease to be in effect,
- f) there is necessity to eliminate significant consequences for the protection of life, health or property of other persons, as well as state security or especially important public interests, or to avoid emergence of such consequences.

#### **Article 67. Review of Administrative Act By Superior Body**

In case of absence of complaint in regard to administrative act adopted by administrative body the superior administrative body (official) of the administrative body that adopted the act, pursuant to its

initiative and in a procedure of review, shall have the right to review administrative act adopted by inferior administrative body.

**Amended, Deleted by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

#### **Article 68. Returning Documents and Objects**

1. The documents and object given pursuant to the administrative act that was invalidated or declared as having ceased to be in effect shall be subject to return by the persons disposing them, unless otherwise prescribed by law.

If documents are not returned according to this Article, then the body that adopted the act shall have the right to declare that the administrative act is not valid any longer through the means of official promulgation.

2. While returning the documents pursuant to the request of the owner of document, administrative body shall give the copy of the document by putting relevant notice on it and verifying it by its seal.

### **SECTION IV. APPEALS PROCEDURE CHAPTER 10 GROUNDS AND ORDER FOR LODGING ADMINISTRATIVE COMPLAINT**

#### **Article 69. The Right of Appeal**

For the purpose of protection of their rights, the persons shall have the right to lodge complaint against administrative acts, action or inaction of administrative body (act hereinafter).

#### **Article 70. Procedure of Appeal**

1. Act may be appealed against according to administrative or judicial procedure.

2. Administrative complaint may be lodged with the;

a) administrative body that adopted the act,

b) superior administrative body of the administrative body that adopted the act.

If the complaint was lodged with the administrative body that adopted the act and (or) in the superior administrative body of the administrative body that adopted the disputed act, then the complaint shall be considered by the superior administrative body of the administrative body that adopted the disputed act.

In that case, the proceeding in regard to the complaint commenced in the administrative body that adopted the disputed act shall be terminated.

3. If the complained against the act was lodged in both administrative and judicial procedure, then the complaint shall be considered through judicial procedure, in which case the proceeding commenced in administrative body shall be terminated.

**Amended HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

#### **Article 71. Time Periods for Appeal**

1. Administrative complaint may be lodged;

a) within 6 months following the day of entry into force of administrative act,

b) within a month following the day of commission of act by administrative body,

c) within 3 month following the day of inaction of administrative body,

d) within a year following the day of entry into force of administrative act, in case the time period of appeal is not mentioned in the written administrative act.

2. After expiry of the time periods prescribed by part 1 of this Article the act shall become undisputable. Time period of appeal may be recovered in case of missing the time period due to justified reasons.

Ground for considering whether missing the appeals time period was justified may be due to reasons independent of the proceeding participants.

After eliminating the reason (reasons) due to which appeals time period was missed the proceeding participant may appeal within 15 days by mentioning the reason (reasons) of missing the time period. Administrative body conducting administrative proceeding shall recover the missed time period and shall consider the merits of the complaint and solve it, if the appellant provides proofs in the complaint or proves during the consideration of the complaint that the fact of missing time period of complaint was due to reasons independent of the appellant (the absence of the appellant's fault). One year after expiry of the appeals time period the participant of proceeding shall cease to have the right to appeal on the ground of missing the time period due to justified reasons, except for the cases, when the missing of appeals time period is due to the consequences created by *force major*.

#### **Article 72. Requirements for the Complaint**

The complaint shall contain;

- a) the name of administrative body to which the complaint is submitted,
- b) the name, surname, address of physical person lodging complaint, while in case of legal person the name, place of location of legal person, name, surname and position of person that lodges complaint on behalf of the legal person,
- c) the object of appeal,
- d) the claim of appellant,
- e) the list of documents enclosed to the complaint,
- f) the year, month and day of forming the complaint,
- g) the signature of the appellant, while in case of legal person the signature of the person that lodges the complaint on behalf of the legal person and the seal of the legal person.

#### **Article 73. The Decision of Administrative Body Concerning the Complaint**

1. Administrative proceeding conducting pursuant to complaint shall commence on the day of registration of the complaint in the administrative body.
2. When accepting the complaint administrative body shall check the compatibility of the complaint with the requirements of Article 70 of this law and ascertain whether the complaint have been lodged within the time limits specified in Article 71 of this law.
3. While making decision concerning the complaint it shall be left without consideration, if it is lodged after the expiry of the time limit specified by this law, and missing the time period was not recognized as justified according to the procedure prescribed by part 2 of Article 71 of this law. In other cases the general rules defined for the decisions of administrative body concerning applications shall apply.
4. Pursuant to commencement of administrative proceeding superior administrative body shall immediately demand the case (materials) concerning administrative proceeding from the inferior administrative body.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

#### **Article 74. Legal Consequences of Lodging Administrative Complaint**

1. Lodging administrative complaint shall suspend the enforcement of the disputed administrative act, except for;

- a) such cases prescribed by law, when administrative act is subject to immediate enforcement,
- b) such cases, when immediate enforcement is necessary for the public interests.

In the cases prescribed by this part the necessity (interest) of immediate enforcement of administrative act shall be justified in writing. Justification shall not be required, if suspension of enforcement of administrative act may result in immediate danger to life, health, or property of persons, and for the



prevention of such danger administrative body will have to take extraordinary measures, as well as when the danger has already emerged.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

In the case prescribed by paragraph “b” of this part, the enforcement of administrative proceeding may be **left without suspension**, pursuant to the initiative of administrative body or the application of respondent.

2. Administrative body may adopt justified decision concerning not suspension of administrative act, if the complaint is lodged only for the suspension of administrative act.

## **CHAPTER 11. CONSIDERATION AND SOLUTION OF ADMINISTRATIVE COMPLAINT**

### **Article 75. Order and Boundaries of Consideration of Administrative Complaint**

1. Consideration of administrative complaint shall be conducted according to the provisions prescribed by Section II of this law, unless otherwise prescribed by this Section.

2. Administrative complaint shall be considered from the perspective of legality of the disputed administrative act, while in case of exercise of discretionary power administrative complaint shall also be considered from the perspective of appropriateness.

3. While considering the administrative complaint administrative body shall consider the evidence before it, as well as evidence to be presented additionally.

### **Article 76. Making Decision on the Merits of Administrative Complaint**

1. Considering administrative complaint lodged against administrative act administrative body that adopted the disputed administrative act shall be competent to;

- a) satisfy the complaint in whole or in part by invalidating or declaring administrative act as void from the moment of its adoption or adopting new administrative act,
- b) reject the complaint and leave administrative act unchanged.

2. Considering administrative complaint lodged against administrative action administrative body, whose action is disputed, shall be competent to;

- a) satisfy the complaint in whole or in part by recognizing the disputed action as unlawful in whole or in part and stopping that action, if the action continued on the moment of admission of application concerning the complaint,
- b) reject the complaint because of the lawfulness of the action.

3. Considering administrative complaint lodged against inaction of administrative body, administrative body against whose inaction complaint is lodged shall be competent to;

- a) satisfy the complaint in whole or in part and commit the action requested in whole or in part, respectively,
- b) reject the complaint because of the lawfulness of inaction.

4. In cases provided for by parts 1, 2 and 3, if the relevant complaint is considered according to this law by the superior administrative body of the administrative body that adopted the administrative act, then in case of considering the complaint as subject to satisfaction in whole or in part, superior administrative body may adopt one of the decisions prescribed by the mentioned parts or reverse administrative act in whole or in part and order the inferior administrative body that adopted the administrative acts to adopt new administrative act or stop unlawful action or commit requested action.

**Edited by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

### **Article 77. Grounds for Amendment or Reversal of Administrative Act**

1. The grounds for amendment or reversal of administrative act shall be;
  - a) the grounds prescribed by Articles 63-64 of this law,
  - b) administrative proceeding was conducted by official who was not competent to conduct it, as well as in case administrative proceeding was conducted by collegial body in which there was official who did not have the right to participate in the proceeding,
  - c) administrative act is not signed by the official (officials) that conducted the proceeding or administrative act is signed by official (officials) that did not have the right to sign it.
2. Violation of procedural norms may be ground for reversal of administrative act only in case when administrative body considering the complaint is not competent to adopt the disputed administrative act.
3. Administrative act may be reversed in part, if the administrative act contains the grounds prescribed by part 1 of this Article, and after such reversal the part not reversed may be effective independently.

**Added, Deleted, Edited by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

## **SECTION V PROCEEDING OF COMPULSORY ENFORCEMENT OF ADMINISTRATIVE ACT CHAPTER 12. COMPULSORY ENFORCEMENT OF ADMINISTRATIVE ACT**

### **Article 78. Administrative Compulsion**

1. Administrative act requiring commission of an action or abstaining from commission of an action may be compulsorily enforced through applying the means of compulsion prescribed by part 2 of this Article.
2. The means of compulsion are;
  - a) commission of action by another person (substitutive action),
  - b) fine,
  - c) immediate compulsion.
3. The means of compulsion shall be proportionate to the aim pursued. The means of compulsion shall be chosen so that the damages of the debtor or the public are minimum.

### **Article 79. The Debtor**

The debtor is the addressee of the administrative act, which obligates commission of certain action or abstaining from commission of an action.

### **Article 80. Enforcement Body**

1. Compulsory enforcement of administrative act shall be conducted by the administrative body that adopted that act, except for the cases prescribed by law.
2. Administrative body shall also enforce the administrative acts adopted by the superior administrative body in regard to complaints.

### **Article 81. Substitutive Action**

If the debtor does not fulfill with the obligation prescribed by the administrative act obliging commission of an action, but its implementation is possible by another person, then enforcing body may order the latter to commit the action at the expense of the debtor.

Enforcing body itself may commit that action at the expense of the debtor, if it is possible, and unless otherwise prescribed by law.

**Article 82. Fine**

1. If the action was not implemented, then fine may be imposed on the debtor.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

2. Fine may also be imposed on the debtor, if the debtor does not abstain from commission of an action in regard of which the relevant administrative act was adopted.

3. In cases defined by this Article fine may be imposed for up to fifty to five hundred times of the amount of minimum salary.

4. Fine may be imposed only by the decision of court pursuant to the claim of administrative body.

**Article 83. Immediate Compulsion**

If substitutive action or fine cannot fulfill their purpose or cannot be used due to objective circumstances, then administrative body that has the relevant power by law may immediately compel the commission of relevant action or forbid commission of certain action.

**Article 84. Warning About Implementation of the Means of Compulsion**

1. The debtor shall be warned about implementation of the means of compulsion. The warning shall contain the time period of fulfillment of the relevant obligation, during which the debtor may be given opportunity to fulfill the obligation in a way acceptable for him and not prohibited by law.

2. The warning regarding substitutive action shall contain estimate of expenses, which shall not hinder the submission of further claims, if the implementation of substitutive action give rise to much greater expenses.

3. The warning regarding imposition of fine shall contain the certain amount of fine.

4. The warning may be repeated until the fulfillment of obligation, or application of immediate means of compulsion by enforcing body. During that period the warning may undergo changes.

5. The warning shall be formed in written and delivered to debtor according to procedure prescribed by this law for the delivery of administrative acts.

**Article 85. Imposing Means of Compulsion**

The means of compulsion shall be imposed in case the debtor does not fulfill the relevant obligation during the time period specified by the warning about enforcing the means of compulsion.

**Article 86. Enforcement of the Means of Compulsion**

1. The means of compulsion shall be enforced according to its imposition.

2. If the debtor shows resistance during enforcement of substitutive action or immediate compulsion, then the resistance may be suppressed by using force according to the procedure prescribed by law.

In that case, the relevant bodies, upon the demand of enforcing body, shall provide assistance in suppressing the resistance.

3. When enforcement reaches its purpose, enforcement proceeding shall cease.

**CHAPTER 13.  
IMPLEMENTATION OF MONETARY CLAIMS**

**Article 87. Public Law Monetary Claims**

Public law monetary claims are those claims on payment of mandatory monetary sum that, according to the procedure prescribed by law, are paid to the state or community budget of the Republic of Armenia (monetary claims hereinafter) based on administrative acts.

#### **Article 87. Procedure of Implementation of Monetary Claims**

Monetary claims shall be subject to implementation pursuant to judicial acts according to the procedure prescribed by the law of the Republic of Armenia on the compulsory enforcement of judicial acts.

#### **Article 89. Debtor**

The obligation of paying sums prescribed by monetary claims shall be borne by the person, who bears the obligation to pay the sum;

- a) for the violations committed for him or by him
- b) instead of other person.

## **SECTION VI ADMINISTRATIVE EXPENSES CHAPTER 14. TYPES OF ADMINISTRATIVE EXPENSES**

#### **Article 90. Administrative Expenses**

Administrative expenses are the state or local duty paid in cases and according to procedure prescribed by law for the consideration of a case in administrative proceeding, as well as other expenses specified by this Chapter.

#### **Article 91. Payment of Duty for the Cases Concerning Administrative Proceeding**

1. Applicant, as well as third persons in cases prescribed by law, shall pay state or local duty in the amount and according to the procedure prescribed by law for consideration of a case concerning administrative proceeding.
2. The matters concerning payment of state and local duty, amount, procedure of its return, release from paying duty, prolongation of payment of duty and reduction of amount of duty during administrative proceeding shall be regulated by law.

#### **Article 92. Other Expenses in Administrative Proceeding**

1. Other expenses during administrative proceeding are the expenses, which are connected with;
  - a) delivery of administrative act or other documents to the addressees, as well as invitation of witnesses, experts and translators,
  - b) making public statements, promulgation of administrative act,
  - c) provision of additional copies of administrative act and other documents related to administrative proceeding, making and providing copies (photocopies) or excerpts of those documents,

#### **Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

- d) sending telegrams and intercity telephone calls for securing participation in the proceeding or for other purpose connected with proceeding,
- e) covering expenses of business trips,
- f) payments made for the services or assistance provided by other administrative bodies or other persons,

**Amended, Deleted by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

- g) transportation and maintenance of objects,
  - h) conduction of enforcement proceeding by administrative body,
  - i) remuneration of experts and translators during administrative proceeding.
2. The expenses prescribed by part 1 of this Article shall be borne by the body conducting the administrative proceeding, while the expenses connected with invitation of expert or translator shall be compensated according to the procedure prescribed by Article 93 of this law.  
The expenses connected with making copies, photocopies, excerpts from materials of administrative case shall be borne by a person that advanced such requirement. In that case the amount of the expenses shall not exceed the amount of actual expenses incurred by administrative body made for copying, photocopying or making excerpt.

**Article 93. The Amounts Paid to the Witnesses, Experts and Translator During Administrative Proceeding**

1. Experts and translator shall be paid for the work conducted during administrative proceeding, if such work is not part of their official or employment obligations in the administrative body.
2. Payments to witnesses, experts and translators shall be given from the budget of the Republic of Armenia or from the budget of respective community, depending on which administrative body has invited those persons (state or local self-governance body).  
If a participant of administrative proceeding has invited expert or translator, then the relevant expenses shall be borne by that participant.
3. The relevant payments to the persons specified in this Article shall be made according to the procedure and amount prescribed by the government of the Republic of Armenia, while in case of being invited by one of the participants of administrative proceeding the relevant payments to the persons specified in this Article shall be made according to the procedure and amount specified in the agreement reached between inviting and invited persons.

**Article 94. Expenses of Mutual Assistance**

The expenses regarding provision of mutual assistance shall be borne by administrative body providing mutual assistance.

**SECTION VI  
LIABILITY FOR THE DAMAGE CAUSED BY ADMINISTRATION  
CHAPTER 15.**

**THE LIABLE PARTY, GROUNDS AND PROCEDURE OF LIABILITY, COMPENSATING  
THE DAMAGE**

**Article 95. The Liable Party and Grounds of Liability**

1. The damage caused to persons as a result of administration conducted by administrative bodies shall be subject to compensation according to the provisions of this Section.
2. The liability for the damage caused to persons as a result of illegitimate administration, and in cases prescribed by this law also the damage caused to persons as a result of legitimate administration, shall be borne by:
  - a) the Republic of Armenia, in cases of administrative bodies prescribed by subparagraphs “a” and “b” of part 1 of Article 3 of this law,

b) the relevant community, in cases of administrative bodies prescribed by subparagraph “c” of part 1 of Article 3 of this law.

3. In the case prescribed by subparagraph “a” of part 2 of this Article compensation for the damage shall be carried out by the means of state budget, while in the case prescribed by subparagraph “b” of part 2 of this Article compensation for the damage shall be done by the means of the budget of relevant community.

4. In cases prescribed by Articles 106-108 and part 1 of Article 109 forgone benefit shall not be subject to compensation.

#### **Article 96. Precondition for Compensating the Damage**

Compensation for damage shall not commence until the legal act, action or inaction of administrative body that caused damage to person is declared as illegitimate according to the defined procedure, except for the cases prescribed by Article 109 of this law.

#### **Article 97. Methods of Compensating the Damage**

The compensation shall be carried out by the means of elimination of the consequences created by administration or by monetary compensation.

#### **Article 98. Eliminating Consequences**

1. If the damage is displayed in the unfavorable change of person’s factual situation, then bearer of responsibility shall eliminate the created consequences through restitution in prior situation, but if it is impossible or ineffective, then through restitution in other situation equivalent to that situation.

The mentioned rule shall also be applied in case when the situation created by the administration of the bearer of responsibility becomes illegitimate later pursuant to adoption or amendment of law or other legal act, and the consequences of the situation may be attributed to the bearer of that responsibility and are not subject to elimination in other way.

2. Elimination of consequences shall be excluded, if due to factual or legal grounds restitution in prior situation is impossible, as well as in case when the existing situation corresponds to the administrative act, which became undisputable for the person.

3. If a person has fault in the creation of illegitimate situation, then he may demand elimination of consequences, if he wishes and is able to bear his part of expenses for the elimination of consequences created by his fault.

If the expenses that emerged due to person’s fault exceed the amount of expenses that emerged due to the fault of the bearer of responsibility, then the demand on elimination of consequences shall not be presented, while person may demand compensation according to the provisions of part 2 of Article 99 if this law.

#### **Article 99. Compensation for Damages By Monetary Means**

1. The bearer of responsibility shall compensate by monetary means, if elimination of consequences is impossible or insufficient, or more expenses are necessary for the elimination of consequences, then the inflicted proprietary damage.

2. Person claiming compensation of damage shall bear the expenses of elimination of consequences so far as those expenses emerged due to his fault.

If person is not able to bear the expenses, then he shall restrict the claim of compensating the damage to the amount that emerged due to the fault of the bearer of responsibility.

#### **Article 100. Submission of Claim on Compensation of Damage**

1. The claim on compensation of damage shall be submitted to the administrative body, which caused the damage as a result of administration.
2. The claim on compensation of damage shall be submitted by application to which the rules of Article 31 of this law shall apply.

#### **Article 101. Time Period of Submitting Claim**

The claim on compensation of damage may be submitted within 3 years from the moment, when person knew or ought to know about the damage caused to him, but not later, than 10 years from the moment of taking such action or inaction or entrance into force of such legal act that caused him the damage.

#### **Article 102. Consideration and Solution of Claim**

1. The claim on compensation of damage shall be considered and solved in administrative body according to the general rules prescribed by this law for consideration of application.
2. In case of **full** or partial denial or non-consideration of claim on compensation by administrative body the person that suffered the damage may appeal according to the general rules prescribed by this law for appealing administrative act, action or inaction of administrative body.

#### **Article 103. Several Liability**

If more than one liable party caused the damage, then they shall be severally liable before the person that suffered the damage.

#### **Article 104. Grounds and Procedure of Compensation for Non-property Damage**

1. In cases of causing non-property damage to physical person by illegitimate administration through restriction of freedom, violation of security of home, private or family life, harming the person's honor, good name or reputation, the person shall have the right to claim monetary compensation or elimination of entailed consequences by the amount equivalent to the non-property damage caused.

**Deleted by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

2. If, in cases prescribed by part 1 of this Article, damage was caused to the health of physical person, then the person may claim monetary compensation. The scope of compensation shall be determined according to parts 1 and 2 of Article 1078 of the Civil Code of the Republic of Armenia.

**Deleted by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

3. In case of full or partial loss of professional working capacity by physical person the amount of sum subject to compensation shall be determined in the following way;

- a) in case of full loss of professional working capacity compensation shall be paid to physical person in the amount of at least 70 per cent of his last year salary in the primary workplace until the person reaches his maximum age prescribed for such profession, but if such age is not prescribed, then the compensation shall be paid until the person reaches the age, when working relations in such profession may usually be terminated with him,
- b) in case of partial loss of working capacity compensation shall be paid to physical person in the amount of not more than 70 per cent of his last year salary in the primary workplace proportionate to the degree of loss of professional working capacity, until the person reaches the age specified in subparagraph "a" of this paragraph,

If the professional working capacity of a person recovers, then the compensation paid to him shall be reduced according to the degree of recovery of professional working capacity.

4. In case of absence of professional working capacity the amount of sum subject to compensation shall be determined in the following way;

- a) in case of full loss of general working capacity, if the person had worked, then in the amount of at least 85 per cent of his last year salary in the last workplace, until the person reaches retirement age,
- b) in case of partial loss of general working capacity, if the person had worked, then, according to the degree of loss of general working capacity, in the amount of not more than 85 per cent of his last year salary in the last workplace, until the person reaches retirement age,
- c) in case of full loss of general working capacity, if the person had not worked, then in the amount of thousand times of minimum salary,
- d) in case of partial loss of general working capacity, if the person had not worked, then, according to the degree of loss of general working capacity, in the amount of not more than five hundred times of minimum salary.

In case of recovery of general working capacity the rules prescribed by the fourth paragraph of part 3 of this Article shall apply.

5. In case of full recovery of professional or general working capacity the payment of sum subject to compensation shall cease.

6. The property damage caused to sole proprietor or legal person through harming their business reputation, including foregone benefit, shall be subject to compensation according to Articles 98-99 of this law.

In the meantime, sole proprietor or legal person may apply for the protection of their business reputation according to the 1-3, 5-6 parts of Article 19 of the Civil Code of the Republic of Armenia.

7. The claim for compensation of damages prescribed by this law may not be denied on the ground that, besides bearer of responsibility, also other person or body or organization has to pay insurance payment or leaving or other means to the person that suffered such damage.

#### **Article 105. The Forms of Compensating Non-property Damage by Monetary Means**

1. In the case prescribed by Article 104 of this law, when non-property damage may be compensated by monetary means, such compensation may be conducted by monthly or one-off payments.

2. Monthly payments are subject to payment in every month. The amount of monthly payments shall be determined by dividing the total sum subject to compensation by the number of months of the payment period.

Monthly payments are subject to payment also for the month when the person died.

3. Instead of monthly payments, the person that suffered the damages may claim compensation of the damage by one-off payment of the total sum subject to compensation, if there is grounded reason.

#### **Article 106. Compensation of the Damage in Case of Death of a Person**

1. In case of death of a person as a result of illegitimate administration, one-off compensation in the amount of not less than thousand times of minimum salary shall be paid to the heirs of first order of the person, while in case of absence of heirs of first order the compensation shall be paid to the heirs of second order.

2. If the death of the person entails in such consequences as the losing of the breadwinner, then the scope of persons that have the right to claim compensation for damage based on that ground shall be determined according to part 1 of Article 1081 of the Civil Code of the Republic of Armenia, while the damage shall be compensated to the persons mentioned in points 1, 3, 4 and 5 of part 2 of the same Article.

If, according to the first paragraph of this part, the person that has the right to compensation for the damage is a juvenile and before reaching the age of eighteen was admitted to and has been studying in the specialized secondary or higher educational institution, then the compensation for the damage shall be paid before his graduation from the relevant institution.



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But if, according to the first paragraph of this part, the person that has the right to compensation for the damage was admitted to specialized secondary or higher educational institution before reaching the age of 22, then the payment of compensation shall restart from the day of admittance to the relevant educational institution for every educational year completed with excellent grades, and shall end on the moment of graduation from the relevant educational institution.

**Amended by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

Monthly compensation shall be paid to the persons specified by this part in the amount of 70 per cent of the monthly average salary the dead person had been paid during the period of one year prior to his death.

3. In case of death of person compensation in the amount of five hundred times of minimum salary shall be paid to the person (persons) that have borne the expenses of his funeral.

4. The sums of compensation prescribed by this law may be reduced, but in the amount not exceeding half of the sum subject to payment, if the person's illegitimate actions partly also served as reason for his death. Moreover, the burden of proof of illegitimacy of actions of the dead shall rest on the administrative body whose administration entailed in the person's death.

**Article 107. Compensation in Case of Other Damage Non-property**

If the person that suffered non-property damage had obligations towards other persons pursuant to law, and those persons also indirectly suffered damage as a consequence of causing him non-proprietary damage, then that damage shall be subject to compensation by the ways prescribed by Articles 98-99 of this law, in the actual amount of indirect damage, unless otherwise prescribed by this law.

**Article 108. Submission of Regressive Claims**

1. The Republic of Armenia or the community, which compensated the damage, shall have the right to present regressive claims to the official of administrative body whose actions or inaction resulted in illegitimate administration, and as a consequence of which damage was caused to the person.

2. The ground for presenting regressive claims shall be the presence of intention or negligence in the action or inaction of official.

**CHAPTER 16.  
SPECIAL RULES OF LIABILITY**

**Article 109. Liability for Damage Caused by Legitimate Administration**

1. Damage caused as a result of legitimate administration shall be subject to compensation only in cases prescribed by the Constitution and laws of the Republic of Armenia, as well as in cases, when, pursuant to part 3 of Article 63 of this law, the person has vested trust.

**Deleted by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

In case of possibility of receiving compensation from other subjects of law compensation from the bearers of responsibility prescribed by part 2 of Article 95 shall not be claimed.

2. If favorable legitimate administrative act has ceased to be in effect, as a result of which damage has been caused to its addressee or third person, then the damage shall be subject to compensation based on the application of the addressee or third person to the extent that the person, trusting to the existence of the administrative act, has suffered damage as a result of its adoption or implementation.

**Article 110. Compensating for the Damage Caused as a Result of Issuance of Illegitimate Administrative Act**

1. If illegitimate administrative act was adopted, which is void or has been recognized as invalid, then the administrative body, based on the application of interested person, shall compensate the property damage, which the person suffered as a result of trusting to the existence of illegitimate administrative act, except for the cases prescribed by part 4 of Article 63 of this law.

Administrative body shall define the amount of compensation. The amount of compensation shall be proportionate to the amount of the benefit, which the interested person could enjoy in case of implementing the administrative act.

2. The claim for compensation may be submitted within three years starting from the day when administrative body, according to the procedure prescribed by this law, has notified the participants of administrative proceeding about recognizing administrative act as invalid or confirming administrative act as being void.

#### **Article 111. Liability for Unjust Enrichment**

1. Unless otherwise prescribed by law, in the public law relations the property that went under possession of administrative body without legal ground shall be returned.

2. The relevant rules of Civil Code of the Republic of Armenia shall apply to unjust enrichment in public law relations, if application if these rules do not contradict to this law.

3. In cases of unjust enrichment in public law relations the person, along with the claim prescribed by part 1 of this Article, shall have the right to claim also the whole income (sum) made during the period of usage of the property while the property was under unjust possession, as well as 6 per cent of that income (sum) for every year.

4. The claims concerning compensation of damage caused as a result of unjust enrichment in public law relations shall be decided by the administrative body that actually possesses the property acquired without legal ground.

Through administrative act the matters connected with the way of returning the property and amount of compensation shall also be decided.

## **SECTION VIII TRANSITIONAL AND CONCLUDING PROVISIONS**

### **CHAPTER 17. TRANSITIONAL PROVISIONS**

#### **Article 112. Transitional Provisions**

Administrative proceedings initiated before the entrance into effect of this law, but not yet concluded after the entrance into effect of this law, shall be conducted according to the current legislation before the entrance into effect of this law, if the applicant, while in case of administrative proceeding initiated pursuant to the initiative of administrative body the addressee of administrative act to be adopted, do not demand in writing that the remaining part of administrative proceeding be conducted according to this law.

**Deleted by HO-10-N 05.01.05, HHPT 4 (376), 19.01.05**

### **CHAPTER 18. CONCLUDING PROVISIONS**

**Article 113. Entrance Into Effect of The Law**

1. This law enters into effect nine months after the day of official promulgation.
2. During the time period prescribed by part 1 of this law the administrative bodies mentioned in part 1 of Article 3 of this law are obliged to ensure that their legal acts that contain provisions concerning administration and administrative procedure are brought into conformity with this law.
3. After the entrance into effect of this law only the part concerning proposals of citizens of the law of the Republic of Armenia on the “Procedure of Consideration of Citizens’ Proposals, Applications and Complaints” (22 December 1999, HO-24) shall have effect.

**THE PRESIDENT OF THE  
REPUBLIC OF ARMENIA  
R. KOCHARYAN**

**16.03.2004  
HO-41**