Law drafting guidelines

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Effective legal regulation system is essential for the development of the rule of law in any country. Legislative drafting techniques, including the language of legal acts, are critical from this point of view.

The “Law drafting guidelines” (hereinafter Guidelines) are designed to provide predictable and definite legal regulations for participants of public relations, therefore facilitating the practical use of the legal acts.

These Guidelines have been developed on the basis of:
2. Decree of the President of Armenia “On establishing the procedure for arranging the activities of the Government of the Republic of Armenia and other public administration bodies adjunct thereto” (№ NH-174-N), adopted on July 18, 2007;

The Guidelines are designed to clarify and concretize (including, with the use of examples) the rules of the legislative technique, defined by the above-listed legal acts, the cases of their use, the manner of use, taking into consideration of all those situations, which may emerge during the drafting of a legal act regulating various social relations.

The Guidelines are also aimed at developing legislative techniques, especially in the cases when the extant imperative rules are insufficiently detailed or allow for a certain level of discretion. However, the Guidelines should be interpreted in light of the rules of legislative technique as established by other regulatory acts, and in conjunction with them. The rules defined in the Guidelines cannot be interpreted in contradiction to the imperative standards as defined in the legal norms.

The Guidelines do not provide detailed reference on the assessment of the impact of regulatory acts, including preliminary analysis and assessment of the impact of the concept of the draft, issues related to assessing the impact of the main alternative solutions chosen to address the problem, and the impact of the given problem, as far as such issues are supposed to be regulated within a relevant handbook, to be prepared by the Ministry of Economy of the Republic of Armenia.

The Guidelines refer to drafting of the following legal acts of the Government and administrative bodies adjunct thereto:

- laws,
- regulatory decrees and executive orders of the President of the Republic of Armenia,
- regulatory decisions of the Government of the Republic of Armenia,
- regulatory decisions of the Prime Minister of the Republic of Armenia,
- agency-level regulatory acts of the Republic of Armenia and regulatory acts of the local self-government bodies.

The principles envisaged by the Guidelines, with some reservations, may also apply to
individual legal acts as far as the general rules on regulatory act drafting are applicable to individual legal acts.

The effects of Guidelines are not applicable to drafting the Law on the State Budget of the Republic of Armenia, as well as draft decisions on amending, supplementing or redistribution of the State Budget of the Republic of Armenia, which is vested by law to the authority of the Government.

As for the drafts of the regulatory acts, the Guidelines are limited to the phase of legal act drafting and submission by the Government of the Republic of Armenia for the consideration of the National Assembly. The Guidelines do not cover either the subsequent legislative processes within the National Assembly, or drafting of regulatory acts by the Deputies of the National Assembly, vested with the power of legislative initiative.

However, following these Guidelines in the process of legal act drafting not only by the national executive bodies, but also other state and local self-government bodies and the bodies, created by law, will greatly contribute to streamlining approaches to regulatory acts drafting and ensuring legal clarity.

Adherence to the rules of the legislative techniques as envisaged by the Guidelines allows to ensure that legislation is properly incorporated and that legal acts do not repeat or contradict each other.

Generally, the Guidelines are aimed at:

- implementation of the integrated policy in the legal sphere,
- predictability and stability of legal regulation,
- transparency of the state policy for society,
- fairness and unity of the law-enforcing practice,
- harmonization of the legal system with the development of social relations.

At the same time, it should be stressed that the practical use of the guidelines should be continuously monitored, reviewed and improved in harmony with the challenges of time.
The “Drafting Legal Acts” Guidance consists of a preface and five sections covering the law-making process, legislative drafting, the package of documents, accompanying legal acts, public consultations and expert review of the legal acts.

Section “Law-Making Process” provides a general overview of the mentioned process, its stages, (development of the concept of the law, the law drafting, endorsement of the draft by national executive bodies, public and other bodies, created by law, submission of the draft to the Ministry of Justice of the Republic of Armenia for its state legal expert review, receiving opinions from the relevant state bodies in the cases, prescribed by the law, submission of the draft by the Government of the Republic of Armenia to the National Assembly of the Republic of Armenia and its adoption by the National Assembly, submission of the law, passed by the National Assembly, to the President of the Republic of Armenia, signing and promulgation of the law by the President of the Republic of Armenia, the processes of adoption of decrees and executive orders of the President of the Republic of Armenia, decisions of the Government of the Republic of Armenia, decisions of the Prime Minister of the Republic of Armenia, agency-level regulatory acts and regulatory acts of the local self-government bodies.

Section “Legislative drafting techniques” presents general provisions, related to legal acts drafting, the use of references in legal acts, techniques for drafting legal acts, techniques for drafting decisions of the Government of the Republic of Armenia and the Prime Minister of the Republic of Armenia, techniques for drafting agency-level regulatory acts and regulatory acts of the local self-government bodies, as well as the techniques for amending, supplementing and repealing of the legal acts.

Section “Package of documents accompanying a draft legal act” presents the package of documents, accompanying draft regulatory acts to be submitted for consideration of the Government of the Republic of Armenia; the package of documents, accompanying agency-level regulatory acts, regulatory acts of the local self-government bodies and the draft individual legal acts.

Section “Public consultations” presents the overview of public consultations, the terms of public consultations and summary of their results, composition of participants of public consultations and the ways of conducting public consultations.

Section “Expert review of legal acts” presents the types of expert review of legal acts, the procedure and terms of the state legal expert review of legal acts, agency-level regulatory acts
and regulatory and legal acts of the local self-government bodies.

The annexes to the Guidelines present samples of tables of contents for laws and checklists used at the stage of mandatory state legal expert review of legal acts.
SECTION 1. LAW-MAKING PROCESS

CHAPTER 1. General overview of the law-making process

1. The law-making process is an aggregate of interconnected and continuous procedures.

2. The quality of legal acts is contingent on close and multifaceted collaboration of the drafting body and other bodies involved in the process of drafting the legal act in question.

3. Drafting of the legal acts, especially when the case is the legislative acts, is carried out in two stages, as a rule:
   1) Policy development;
   2) Drafting of the text of the legal act.

4. *The first stage* refers to making of the political decision. It addresses the following key issues:
   - What is the essence of the problem that requires solution, and what are the objectives of the policy that aims to address it?
   - What alternatives are there for the solution of the given problem and which is the preferable solution?
   - Is legal regulation the only way of implementation of the policy chosen for the solution of the problem, or there are alternative ways?
   - Which state or local self-government body or another body created by law, should be responsible for drafting a regulatory act?
   - What conceptual ideas will the legal act have?
   - What legal and administrative mechanisms should be used to implement the regulatory act in practice?

5. At *the second stage* the relevant state, local self-government or other body, created by law, starts drafting the text of the regulatory act, implementing the political decision.

6. It bears mention that the decision makers at the first stage may be different from the bodies or persons to execute the decision in the second stage: high-ranking officials vested with the authority to make political decisions (e.g. Minister, Deputy Minister,
Head of Agency) are involved at the first stage, meanwhile employees of the relevant state, local self-government or other bodies created by law are involved at the second stage.

7. The need for a regulatory act may be justified by a number of factors, in particular:

- gaps in the law, emerging in practice in any sphere,
- ambiguous interpretation of the law in caselaw,
- acts adopted by the European Court of Human Rights or the Constitutional Court of the Republic of Armenia,
- international obligations by the Republic of Armenia,
- inefficiency of the legal regulation identified through monitoring of the use of a regulatory act,
- requirements of the legal act with a superior legal force,
- other factors.

8. Drafting of a regulatory act can be stipulated by:

- plans for the development of draft regulatory acts, adopted before drafting the given act,
- assignments of the Government or the Prime Minister,
- acts of superior legal force.

9. The legal acts drafting can also be initiated by a relevant state, local self-government or other body, created by law, out of the necessity to solve the problems, found out in the concrete sphere.

**Plans for development of draft regulatory acts**

10. Legal act drafting plans are action plans of the Government, national executive bodies (hereinafter, NEBs), state, local self-government bodies and the bodies, created by law, covering the coming year or years, as well as summaries of such action plans. Drafting plans for the development of draft regulatory acts is stipulated by Article 26 of the Law on Legal Acts of the Republic of Armenia.

11. Such draft developing plans can be short-term or long-term.

12. Short-term plans are current plans, on the basis of which regulatory acts are mostly drafted, and which are designed for one-two years.

Long-term plans are usually designed for three and more years. For example, the measures, stipulated by Decision “On approval of the anti-corruption strategy of the Republic of Armenia and its implementation action plan” of the Government of Armenia (#1522, adopted on November 6, 2003), are designed for the period 2003-2006.

Plans shall be approved in the form of legal acts by the authorized state body. For example, the annual Action Plan of the Government of the Republic of Armenia is approved by the decision of the Government of the Republic of Armenia.

Plans make the law-making activity well-programmed and fully considered.

Plans set a timeline and consistency for legal act drafting, to the maximum extent ensuring that a situation does not occur wherein an act would be impossible to adopt due to a gap in the legislation. Plans provide a complex of various interconnected legal acts, necessary for the regulation of relevant legal relations, and the progression of their adoption.

Plans also facilitate the process of coordination among various bodies involved in the legal act drafting process.

Plans specify the following:

- types of legal acts to be adopted, preliminary titles of drafts,
- implementing body or implementing bodies, and co-implementing bodies, if available, in charge of the legal act drafting,
- terms of the submission of drafts to the law-making body,
- financing needs and possible sources of funding.

Some legal acts, envisaged by plans, may no longer be needed after some period of time. In this case drafting of the legal acts should not become an end in itself. The relevant body has to present a written explanation why it does not implement the planned action, providing alternative ways of regulation. In such a case, as a rule, the NEB, state or local self-government body or another body created by law has to develop a draft legal act on amending the legal act that approved the plan. The above-mentioned draft should contain repealing the point, defining the given event, substituting the given event for another event, postponing the terms of its
20. The process of adoption of legal acts varies depending on the type of the legal act in question, as far as different procedures are envisaged for drafting and adoption of decrees and executive orders of the President of the Republic of Armenia, decisions of the Government and Prime Minister of the Republic of Armenia, agency-level regulatory acts and the acts of the local self-government bodies.

CHAPTER 2. Process for developing primary legislation

2.1 The phases of the process, preceding adoption of the law

21. The stages of the process, preceding adoption of the law, are listed below:

1) elaboration of the concept of the law, if necessary,

2) development the draft law (hereinafter, the draft),

3) putting the draft into circulation:
   • submission of the draft by the drafting body to the NEBs, state or other bodies, created by law, for endorsement,
   • submission of the draft by the drafting body to the Ministries, in charge for regulatory impact assessment, to assess the impact of the regulation and to obtain opinions on the regulatory impact assessment,¹
   • arranging and conducting public consultations on the draft by the state governing body, drafting the legal act,

4) submission of the draft to the Ministry of Justice of the Republic of Armenia for state legal expert review,

5) submission of the draft to the staff of the Government of the Republic of Armenia for consideration; sending the draft by the Government staff to the drafting body (if it is necessary to revise it or if the prescribed documents are lacking),

6) approval of the draft by the Government of the Republic of Armenia,

7) submission of the draft by the Government of the Republic of Armenia to the National

¹ Procedures of the regulatory impact assessment will be provided in detail in the handbook, composed by the Ministry of Economy of the Republic of Armenia, and they are not referred to in detail in this handbook.
Assembly of the Republic of Armenia and

8) adoption of the law by the National Assembly of the Republic of Armenia,

9) submission of the adopted law to the staff of the President of the Republic of Armenia, its signing and promulgation by the President of the Republic of Armenia (See Scheme 1):
**Translation of the text on Scheme 1:**

1. Drafting the concept
2. −Draft developed within the NEB; - draft developed in working groups, committees.
3. Developed draft.
4.1. Endorsement of the draft by NEBs, state and other bodies created by law. (5 days)
4.2. Submission of the draft for the regulatory impact assessment and to obtain relevant opinions.
   
4.3. Arranging and conducting public consultations on the draft (at least 15 days).
5. Submission of the draft to the Ministry of Justice of the Republic of Armenia for the state legal expert review and receiving the expert opinion. (15 days)
6. Review of the draft by the Government staff.
7. Submission of the draft to the Government of the Republic of Armenia.
8. Review of the draft in the ministerial permanent committees.
9. Review of the draft at the sitting of the Government and its approval.
10. Submission of the draft to the National Assembly of the Republic of Armenia and its adoption by the National Assembly.
11. Submission of the adopted law to signing by the President of the Republic of Armenia, its signing and promulgation by the President of the Republic of Armenia.
2.1.1 Legislative policy development

22. Drafting of the legal acts that envisage new approaches to the regulation of comprehensive or otherwise important social relations is preceded by definition of the legislative policy, i.e. clarification of the conceptual approaches to the regulation, which can be found in the relevant draft concept of the legal act, if such is developed. Development of the draft, especially in case of large drafts, is a time and labor-intensive work, but it is an important safeguard to ensure that lawmaking activity is well-balanced.

23. Concepts can have various degrees of specificity. As a rule, a concept shall contain the following:
• description of the relations subject to regulation,
• the objectives of the future legal act,
• the subject of the future legal act, its preliminary structure and key provisions,
• the terms of adoption of the future legal act,
• the body in charge of drafting the future legal act,
• the analysis of the consequences of the use of norms to be envisaged in the future legal act.²

For example, the concept of the new Code of Criminal Procedure of the Republic of Armenia, which was approved on March 10, 2011, by Protocol decision #9 of the Government of the Republic of Armenia, provides quite a detailed description of structure of the Code of Criminal Procedure of the Republic of Armenia to be developed in the future, the policy pursued by the new Code for regulation of relations in the relevant sphere, as well as the the substance of regulation of the various institutions of criminal procedure.

### 2.1.2 Development of the draft law


25. Draft laws may be developed by employees of one or several divisions of the NEBs, as well as by established working groups or committees.

26. The law-making body has the authority to assign several institutions or persons to develop alternative drafts, which as a result allows to choose the best draft.

27. According to the common approach, if the resources of the NEB in charge of the development of the draft envisaged by any legal act drafting plan, are sufficient to address the problem, the NEB in charge itself develops the draft legal act.

28. If the legal act draft in plan envisages more than one implementing body for the development of the draft, such implementing bodies are equally responsible for that.

29. If the plan mentions several NEBs as implementing bodies, any of these NEBs can initiate the development of any planned draft independently.

Working groups and committees

30. Working groups and committees can be established for the development of drafts. They may comprise representatives of state or local self-government bodies, state or community institutions or legal entities, as well as representatives of scientific institutions, non-governmental bodies and organizations concerned, specialists in the relevant spheres.

31. Involvement of specialists from relevant spheres in working groups, participation of other stakeholders contributes to a proper professional level and awareness of the relevant working group.

32. However, establishment of working groups and committees for the development of drafts is not always possible, in particular, due to time constraints, lack of additional funding for remuneration of their members, as well as difficulties related to arrangement of regular meetings of the members of a group or committee, and other factors.

33. Committees may be established by the decree or order of the President of the Republic of Armenia, decision of the Prime Minister or act of the head of the law-making body. As a rule such decisions stipulate the following:

- the terms and conditions for the activity of the working group or committee,
- the members and the head of the working group or committee,
- the duty to submit a report on the activities, raise public awareness on the procedure of activities,
- the budget, in particular, member-related costs and other necessary expenses,
- the person or body in charge of supplying the working group or committee with necessary materials, etc.

34. In some cases, for the development of a draft a committee may be set up, which in turn may include individual working groups that may be involved in drafting the legal act or its individual parts on a daily basis.

For example, according to the decision of the President of the Republic of Armenia (#NK-58 A, adopted in 2010) a committee was established to develop the concept of the new Code of Criminal Procedure of the Republic of Armenia and the new Code itself. The mentioned decision also envisaged the possibility of establishing a
working group (groups) to involve experts and academics from the relevant field of the law.

2.1.3 Endorsement of the draft by the national executive bodies, state and other bodies, created by law

35. The body in charge of the development of the draft puts the draft into circulation to receive opinions on it.

36. The procedures of putting the draft into circulation and subsequently submitting it to the consideration of the Government of the Republic of Armenia are stipulated by the Law on Legal acts of the Republic of Armenia and Decree of the President of Armenia “On establishing the procedure for arranging the activities of the Government of the Republic of Armenia and other public administration bodies adjunct thereto” (№ NH-174-N), adopted on July 18, 2007.

37. The draft shall be put into circulation with the documents, mentioned in Chapter 14 of these Guidelines.

38. The first phase of putting the draft in circulation is sharing it with all relevant state and other bodies created by law.

39. Relevant bodies are considered those state and other bodies created by law whose activities, as conducted within the powers vested to them by the legislation of the Republic of Armenia, international treaties or other legal acts, are affected by the draft in question.

40. The drafting state body shall have the discretion to decide on which bodies shall be deemed relevant, based on the subject of the draft regulation, however, it may not rule out submission of the opinion on the draft legal act in question by any other NEB.

41. In addition to NEBs, draft legal acts shall be mandatorily sent to state and other bodies, as envisaged by the Decree of the President of the Republic of Armenia (#NH-174-N of July 18, 2007), for opinion.3 In particular, drafts related to the

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activity of the Prosecutor’s Office of the Republic of Armenia, the judicial system of the Republic of Armenia and the Central Bank of the Republic of Armenia, shall be sent to the heads of the above-mentioned bodies for opinion. Drafts of legal acts related to the foreign policy, defense and national security, prior to their submission to the Government, shall be sent to the staff of the President of the Republic of Armenia and the staff of the National Security Council to obtain relevant opinions; as for the draft legal acts, related to the human rights and freedoms, they shall be sent to the Ombudsman of the Republic of Armenia.

42. In order to obtain opinions, drafts may also be sent to the Central Election Commission of Armenia, the Public Services Regulatory Commission of the Republic of Armenia, the State Commission for Protection of Economic Competition of the Republic of Armenia, the National Commission on Television and Radio and the Civil Service Council of the Republic of Armenia, the Central Bank and other bodies created by law.

43. Relevant bodies provide their opinions on the draft to the NEB that submitted the draft in question within 5 days following its receipt.4

44. In case if the relevant body does not provide its objections and recommendations on the draft within the prescribed period, the draft in question may be submitted to the staff of the Government without such, except for the cases when obtaining the opinion of the staff of the President of the Republic of Armenia is mandatory.5

45. If the only relevant body is the drafting body itself, the draft may be sent directly for regulatory impact assessment.

For example, the Ministry of Justice of the Republic of Armenia developed the draft Law of the Republic of Armenia “On making amendments and supplements to the Law of the Republic of Armenia “On the Penitentiary Service,” providing the new edition of the text of point 6, paragraph 1, Article 28 of the Law on the Penitentiary Service on the system of rewards and administrative penalties for the penitentiary officers imposable by the head of the penitentiary institution within his or her authority.

There is no need of endorsement of this draft law by state bodies, except the bodies in


5 Point 45 of the Decree of the President of the Republic of Armenia (#NH-174-N), adopted on July 18, 2007.
charge for regulatory impact assessment, as far as the only body of relevance in this area is the Ministry of Justice, which coordinates the penitentiary service.

2.1.4 Submission of the draft to the Ministry of Justice of the Republic of Armenia for the state legal expert review

46. Upon receiving the opinions on the draft from the relevant bodies, revising it on the basis of the opinions and preparing the relevant summary, the draft is submitted to the Ministry of Justice of the Republic of Armenia to obtain the state legal expert opinion. 6

47. Details of the mandatory state legal expert review are envisaged by Chapter 23 of these Guidelines.

2.1.5 Mandatory public consultations on the draft

48. Point 4 of Article 27.1 of the Law of the Republic of Armenia On Legal Acts prescribes to conduct mandatory public consultations on the draft to raise awareness of natural and legal persons on the draft, collecting public opinion and subsequently revising the draft, if necessary.

49. The requirement to conduct mandatory public consultations applies only to those drafts that are sent for regulatory impact assessment.

50. Details of the public consultations are stipulated by Section 4 of these Guidelines.

2.1.6 Submission of the draft to the Government of the Republic of Armenia, review of the draft and its approval

Submission of the draft to the Government of the Republic of Armenia and its review in the Government staff 7

51. The draft, following its endorsement by the state bodies, holding of the public consultations, summarizing the results of the latter and, if required, following the

revision of the draft, shall be submitted to the staff of the Government of the Republic of Armenia for review and approval of the Government.

52. The draft shall be submitted to the staff of the Government of the Republic of Armenia with the documents, prescribed by Chapter 14 of these Guidelines.

53. The draft that has been submitted to the Government shall be initially reviewed in the staff of the Government within 15 days.

54. The body that submitted the draft for consideration of the Government, may be asked to present additional documents, materials or substantiations.

55. Hearings may be arranged in the staff of the Government with representatives of the body, submitting the draft, and the relevant state bodies.

56. If required, the drafting body may be asked to revise the draft as a result of discussions held in the staff of the Government.

57. When the draft is reviewed in the Government Staff, the Prime Minister can order the heads of the NEBs to present conclusion or opinions on the draft law, submitted to the consideration of the Government. Such orders, by the request of the Prime Minister, can be passed by the Deputy Prime Minister, relevant Minister, chief of the Government staff. The mentioned orders shall be implemented in accordance with the terms defined by the Prime Minister or, in the event that no such terms are specified, within 5 days.7

58. Before a draft laws submitted to the Government has been included in the agenda of the Government sitting, it shall also be reviewed by the relevant Standing Ministerial Committee depending on area of regulation.8 Members of the Ministerial Committees are heads of the NEBs and the chief of the Government Staff.

59. Ministerial committees cover the following areas:

- territorial development and ecology,
- financial and economic,
- social, and
- state and legal issues.

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7 See points 4, 54 and 56 of the above-mentioned Decree of the President of the Republic of Armenia (#NH-174-N), adopted on July 18, 2007.

Discussions on issues submitted to Ministerial committees are held at sittings.

The main objectives of the committees are development of strategies necessary for development of specific spheres, their implementation and the development of unified approaches to coordinated monitoring, effective arrangement and coordination for the development of drafts of necessary legal acts, concepts, plans and programs.

After reviewing and, if required, revising the draft on the basis of the presented recommendations, the draft shall be included in the agenda of the Government sitting.

Approval of the draft at the sitting of the Government

Only the Prime Minister and Ministers have the authority to participate in the voting of the issues, included in the agenda of the Government sittings.

If the necessity of revising the draft emerges during the discussions at the Government sitting, the body, presenting the draft, may be ordered to revise it. Such an order mentions the bodies, responsible for revision, and the relevant terms.

In case if the Government refuses to approve the draft during the sitting, a protocol shall be made on the matter to be sent to the body that submitted the draft.

In case if the Government approves the draft, the draft with the documents, prescribed by Chapter 14 of these Guidelines, according to the procedure, established by the Government of the Republic of Armenia, shall be submitted to the National Assembly for consideration.9

2.1.7 Submission of the draft to the National Assembly of the Republic of Armenia and adoption of the law by the National Assembly

After submission of the draft by the Government of the Republic of Armenia to the National Assembly of the Republic of Armenia, preliminary consideration of the draft takes place in permanent committees of the National Assembly. The objective

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9 The list of the documents, to be attached to the draft law, submitted to the National Assembly, is also defined by Article 47 of the Law on the Rules of Procedure of the National Assembly of the Republic of Armenia (adopted on Feb.20, 2002).
of consideration of the draft in the mentioned committees is to provide opinions to the National Assembly.

68. Committees organize parliamentary hearing(s) on the issues, related to the spheres, reserved to them by the Law of the Republic of Armenia “On the Rules of Procedure of the National Assembly” at least once during a regular session.

69. After consideration in the committees, drafts shall be included in the agenda of a regular session of the National Assembly. The issues included in the agenda of a regular session are included in the agenda of the four-day sittings of the relevant session.

70. The draft law shall be discussed in the National Assembly in three readings. Drafts of laws on amending and/or supplementing laws shall be discussed in two readings, unless the author (of the main report) and the lead committee propose, or the decision of the National Assembly envisages that the given draft should be discussed in three readings.\(^{10}\)

2.1.8 Signing of the law and its promulgation by the President of the Republic of Armenia

71. After adoption of the law by the National Assembly, it shall be submitted to the President of the Republic of Armenia for signature.

72. The law as adopted by the National Assembly shall be once again sent to the Ministry of Justice of the Republic of Armenia for the state legal expert review.\(^{11}\)

73. President of the Republic of Armenia, in accordance with Article 55 of the Constitution of the Republic of Armenia, shall sign and promulgate the law within a period of twenty-one days following the receipt of the law as passed by the National Assembly. President of the Republic of Armenia within the mentioned period with objections and recommendations may remand the law, passed by the National Assembly, to the National Assembly with the request of its new discussion.

74. The law remanded by the President of the Republic of Armenia shall be included in

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\(^{10}\) See more details in Article 63 of the Law on the Rules of Procedure of the National Assembly of the Republic of Armenia.

the agendas of a regular session and forthcoming four-day sittings without voting and debated out of turn.

75. If the proposal of the representative of President of the Republic of Armenia to pass the law in the form, submitted to the President of the Republic of Armenia, or the objections, referring to the law, do not receive the number of votes required for adoption, then according to Article 72 of the Constitution of the Republic of Armenia, the National Assembly shall pass again the returned law by a majority of votes of the total number of Deputies and send it to the President of the Republic.

76. President of the Republic shall sign and promulgate the law passed again by the National Assembly.

CHAPTER 3. The process of adoption of decrees and executive orders of the President of the Republic of Armenia

77. The phases of the process preceding the adoption, amending and supplementing of the decrees and executive orders of President of the Republic of Armenia, are as follows:

- drafting a decree or an executive order,
- endorsement of a decree or an executive order by the NEBs, state and other bodies, created by law,
- consideration of a decree or an executive order with other natural or legal persons, as appropriate,
- submission of a draft decree or a draft executive order by the governing body, drafting the relevant legal act, to the Ministry of Justice of the Republic of Armenia for the state legal expert review,
- submission of a draft of decree or order to the staff of the Government of the Republic of Armenia for consideration; sending the draft by the staff of the Government to the state governing body, drafting the decree or order in question (if it is necessary to revise it or due to the absence of prescribed documents),
- approval of the draft by the Government of the Republic of Armenia,
- submission of the draft of decree or order by the Government of the Republic of Armenia to the staff of the President of the Republic of Armenia,
- adoption of the decree or order by the President of the Republic of Armenia (See scheme 2):
1. Drafts envisaged by current plans.
2. Drafts in development by the NEB initiative.
3. Development of the draft within the NEB; development of the draft in working groups and committees.
4. The developed draft.
5. Endorsement of the draft by state and other bodies created by law.
6. Discussion of the draft decree or order with other affected natural and legal persons, as appropriate.
7. Submission of the draft to the Ministry of Justice of the Republic of Armenia to the state legal expert review and receiving the state expert opinion.
8. Submitting the draft to the Government of the Republic of Armenia.
7. Consideration of the draft in the standing ministerial committees.
8. Discussion of the draft at the sitting of the Government and receiving approval.
9. Submission of the draft to the staff of the President of the Republic of Armenia.
10. Adoption of the decree or order by the President of the Republic of Armenia.

Before including the drafts of decrees or orders of the President of the Republic in the agenda of the Government sitting, the staff of the Government shall submit them with the documents, prescribed by Chapter 14 of these Guidelines, to the staff of the President of the Republic of Armenia to obtain the opinion of the President of the Republic of Armenia.12

The provisions of Chapter 2 of these Guidelines for the law-making process, as far as they do not contradict the provisions of the Decree of the President of the Republic of Armenia (#NH-174-N) of July 18, 2007, related to the decree and orders,13 also apply to regulation of relations in the process of development of the draft decree or order of the President of the Republic, endorsement of the draft by the relevant bodies, submitting the draft decree or order for the state legal expert review, submitting the draft decree or order to the Government of the Republic of Armenia, consideration of the draft in the Government of the Republic of Armenia and its approval by the Government.

In case of approval of the decree or executive order of the President of the Republic of Armenia by the Government, in the prescribed manner they shall be submitted to the President of the Republic of Armenia with the documents envisaged by Article 14 of these Guidelines.

President of the Republic of Armenia can adopt and promulgate the submitted decree or executive order, including any requisite amendments.

CHAPTER 4. The process of the adoption of decisions of the Government of the Republic of Armenia

The phases, preceding the adoption of decisions of the Government of the Republic of Armenia, are as follows:

12 Decree of the President of the Republic of Armenia of July 18, 2007 (#PD-174-N), See above-mentioned ref. 4, para 64.
13 See above reference 4.
• Development of a draft decision,
• Submission of the draft by the drafting state body, for consideration of NEBs, state and other bodies created by law,
• Putting the draft into circulation,
• In the cases stipulated by Article 27.1 of the Law on Legal Acts of the Republic of Armenia, submission of the draft decision by the state governing body, elaborating the draft, to the Ministries, executing the regulation impact assessment, to carry out such assessment and obtain relevant conclusions,
• Arranging and conducting public consultations in the cases, stipulated by Article 27.1 of the Law on Legal Acts of the Republic of Armenia, or as appropriate,
• Submission of the draft by the state governing body, drafting the decision, to the Ministry of Justice of the Republic of Armenia for the state legal expert review,
• Submission of the draft to the staff of the Government of the Republic of Armenia for consideration; sending the draft by the staff of the Government to the state governing body, drafting the decision (if it is necessary to revise the draft or due to the absence of the prescribed document),
• Adoption of the decision by the Government of the Republic of Armenia (See Scheme 3):
•
TRANSLATION OF SCHEME 3

- Scheme 3
- Drafts envisaged by current plans,
- Drafts in development by assignment of the Government or the Prime Minister,
- Drafts in development by the initiative of a NEB.

1. – Elaborating the draft in the NEB. – Elaborating the draft in working groups, committees.
2. Developed draft.
3.1 – Endorsing the draft with state and other bodies, created by law. – in the case, stipulated by the law, receiving the conclusions of the regulatory impact assessment.
3.2 Arranging and holding public consultations in the cases envisaged by the law, or as appropriate.
4. Submitting the draft to the Ministry of Justice for the state legal expert review and

84. Provisions, stipulated by Chapter 2 of these Guidelines for the law making process, as far as they do not contradict the provisions of the Decree of the President of the Republic of Armenia (#NH-174-N) of July 18, 2007, related to the decree and orders, are also applicable to regulation of relations in the process of development of the draft decision of the Government of the Republic of Armenia, endorsement of the draft decision with the relevant bodies, submitting for the state legal expert review, submitting to the regulation impact assessment and to public discussion, submitting the draft decision to the Government of the Republic of Armenia, regulation of the relations in the process of discussion of the draft in the Government of the Republic of Armenia and its approval by the Government.

CHAPTER 5. The process of adoption of decisions of the Prime Minister of the Republic of Armenia

85. The phases of adoption of decisions of the Prime Minister of the Republic of Armenia are given below:

1) Development of a draft decision of the Prime Minister,
2) Submission of the draft decision of the Prime Minister by the state drafting body to NEBs, state and other bodies created by law, for endorsement,
3) Discussion of the draft decision of the Prime Minister with other natural and legal persons concerned, as appropriate,
4) Submission of the draft decision by the state drafting body to the Ministry of

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Justice for the state legal expert review,
5) Submission of the draft decision by the state drafting body to the staff of the Government of the Republic of Armenia for its consideration,
6) As appropriate, arranging consideration of the draft decision of the Prime Minister in the sitting of the Government, at the discretion of the Prime Minister,
7) Sending of the draft by the staff of the Government of the Republic of Armenia to the state governing body, drafting the decision (if it is necessary to revise the draft or due to the absence of a prescribed document)
8) Adoption of the decision by the Prime Minister of the Republic of Armenia (See Scheme 4):

**TRANSLATION OF Scheme 4**
-Drafts envisaged by the current plan.
-Drafts in development by assignment of Government or Prime-Minister.
-Drafts in development by a NEB initiative.

- 1. Elaborating the draft in the NEB.
- Elaborating the draft in working groups, committees.
- 2. Developed draft.

3.1. Endorsement of the draft by state and other bodies, created by law.

3.2. Discussing the draft with natural and legal persons, as appropriate.

- 4. Submission of the draft to the Ministry of Justice for the state legal expert review and receiving the state expert opinion.
- 5. Submission of the draft to the Government of the Republic of Armenia.
- 6. As appropriate, arranging consideration of the draft by the Prime Minister at the sitting of the Government of the Republic of Armenia.
- 7. Adoption of the decision by the Prime Minister of the Republic of Armenia.

86. Provisions of Chapter 2 of these Guidelines concerning the law-making process, as far as they do not contradict the provisions of the Decree of the President of the Republic of Armenia (#NH-174-N) of July 18, 2007, related to the decree and orders, apply to the relations in the process of development of the draft decision of the Prime Minister of the Republic of Armenia, its endorsement by the relevant bodies, submitting to the state legal expert opinion, public consultation, submitting to the Government of the Republic of Armenia.

CHAPTER 6. The process of adoption of agency-level regulatory acts

87. The phases, preceding the adoption of agency-level regulatory acts, are as follows:

- Development and adoption of a draft agency-level regulatory act.
- Submission of a draft agency-level regulatory act to the Ministry of Justice of the Republic of Armenia for the state legal expert review and state registration.
- Registration of a draft agency-level regulatory act by the Ministry of Justice of the Republic of Armenia.

**Promulgation of a draft agency-level regulatory act by the Ministry of Justice of the Republic of Armenia in the official bulletin of the Republic of Armenia** *(See Scheme 5)*:

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Development of the draft within a NEB, development of the draft in a working group or committee.</td>
</tr>
<tr>
<td>2.</td>
<td>Receiving the agency-level regulatory act by the head of the NEB.</td>
</tr>
<tr>
<td>3.</td>
<td>Submitting the agency-level regulatory act to the Ministry of Justice of the Republic of Armenia for the state legal expert review and state registration.</td>
</tr>
<tr>
<td>4.</td>
<td>Registration of the agency-level regulatory act by the Ministry of Justice of the Republic of Armenia.</td>
</tr>
</tbody>
</table>

**TRANSLATION OF SCHEME 5**

In cases directly stipulated by the legislation of the Republic of Armenia and within the authority:

1. Development of the draft within a NEB, development of the draft in a working group or committee.
2. Receiving the agency-level regulatory act by the head of the NEB.
3. Submitting the agency-level regulatory act to the Ministry of Justice of the Republic of Armenia for the state legal expert review and state registration.
4. Registration of the agency-level regulatory act by the Ministry of Justice of the Republic of Armenia.
88. Agency-level regulatory acts may be promulgated and enter into force only having passed the state legal expert review in the Ministry of Justice of the Republic of Armenia, as prescribed by the Law on Legal Acts of the Republic of Armenia, and granted a state registration.

89. Details related to the state legal expert review of the agency-level regulatory acts and their state registration are provided in sub-chapter 23.3 of these Guidelines.

CHAPTER 7. The process of adoption of regulatory acts of the local self-government bodies

90. The stages, preceding the adoption of regulatory acts of the local self-government bodies are as follows:

- development of the draft regulatory act of the local self-government body,
- adoption of regulatory acts of the council of elders of communities of towns and villages and the head of community, adoption of regulatory acts in the relevant community by referendum,
- submission of regulatory acts of the local self-government bodies to the Ministry of Justice of the Republic of Armenia for the state legal expert review and state registration,
- promulgation of regulatory acts of the local self-government bodies by the Ministry of Justice of the Republic of Armenia in the official bulletin of the Republic of Armenia (See Scheme 6):
  - TRANSLATION OF SCHEME 6
  - In the case expressly provided by the legislation of the Republic of Armenia and within relevant powers
    1. Development of a draft regulatory act of the local self-government body
    2. Adoption of a regulatory act of the local self-government body
    3. Submission of a regulatory act of the local self-government body to the Ministry of Justice of the Republic of Armenia for the state legal expert review and state registration
    4. Registration of regulatory acts of the local self-government bodies by the Ministry of Justice of the Republic of Armenia
    5. Promulgation of a regulatory act of the local self-government body by the head of the
91. Within ten days following the adoption regulatory acts of the local-self-government bodies must be sent to the Ministry of Justice of the Republic of Armenia for the state legal expert review.

92. Details related to the state legal expert review and state registration of regulatory acts of the local self-government bodies are given in sub-chapter 23.4 of these Guidelines.

SECTION 2. LEGISLATIVE DRAFTING TECHNIQUES

Chapter 8. General provisions related to development of legal acts

8.1 Clarity and precision of the language of legal acts

93. Language of a legal act must be clear, distinct and comprehensible.\(^\text{16}\)

\(^{16}\) Part 2, Article 36 of the Law on Legal Acts of the Republic of Armenia
94. Provisions of legal acts must be:
   - intelligible, not ambiguous,
   - brief, without superfluous elements,
   - accurate, not resulting in uncertainty for the reader.

8.2 Selection of words

8.2.1 General principles related to the selection of words

95. The wording of concepts in a legal act must be as clear as possible.

96. Outdated words and expressions must not be used in legal acts.

97. When defining the same concept or expressing the same idea in a regulatory act, the same words, terms or word combinations must be used. Different concepts in a legal act may not be expressed with the same term.\(^\text{17}\)

98. A legal act must not contain internal contradictions resulting from using the same concept with different meanings.

99. If the legal meaning of a word differs from its colloquial or technical meaning, its expression must be formulated in the manner ruling out any uncertainty.

For example, the meanings of *night hour*, *to possess* and *to find out*, are different from their colloquial meanings.

8.2.2 Armenian as the language of legal acts

100. Legal acts shall be stated in the official language of the Republic of Armenia: in the literary Armenian language.\(^\text{18}\)

101. The rules of the Armenian language, including punctuation rules, must be respected in the legal act.

\(^{17}\) Part 4, Article 36 of the Law on Legal Acts of the Republic of Armenia

\(^{18}\) Part 1, Article 36 of the Law on Legal Acts of the Republic of Armenia
102. Foreign words must not be used without a specific need where an Armenian equivalent is available.

103. The following must be written in Armenian transliteration:

- names of foreign organizations,
- names of natural persons,
- geographical names and their abbreviations,
- legal, financial, technical and other terms, not subject to translation.\(^\text{19}\)

**For example**, Human Rights Watch.

104. In certain cases, internationally recognized or adopted Latin or English abbreviations and/or terms may be used in parentheses together with the Armenian abbreviations and/or terms.\(^\text{20}\)

**For example**, The facts of the case are revealed by the court by virtue of its status (ex officio).

105. Names of international organizations must be written in Armenian; if necessary, internationally recognized or adopted Latin or English abbreviations may be used in parentheses.

**For example**, Organization for Economic Cooperation and Development (OECD), World Bank (WB), World Trade Organizations (WTO), United States Agency for International Development (USAID).

106. The Law on Legal Acts of the Republic of Armenia points out two spheres as exceptions for the adoption of legal acts in a foreign language. It is related to specific highly specialized acts that have mostly international application and are of technical nature.

- The Government of the Republic of Armenia, as well as the authorized governing body of the civil aviation upon the consent of the Government of the Republic of Armenia may adopt regulatory acts in a foreign language.
- Upon the consent of the Government of the Republic of Armenia internal legal acts in a foreign language may be adopted in the fields of civil aviation and nuclear

\(^{19}\) Part 1, Article 36 of the Law on Legal Acts of the Republic of Armenia.

energy, and the provisions of such legal acts must apply only to those persons, carrying out activities in the mentioned fields, whose official job descriptions require the knowledge of a foreign language.21

8.2.3 Application of “and, or” words22

107. If in a legal norm two conditions or provisions are listed, and their simultaneous presence is mandatory for application of the legal norm, they are connected by conjunction “and.”

For example,
The plaintiff can merge more than one claim in the same suit, if such claims are against the same defendant and are interconnected.

108. If more than two conditions or provisions are listed in a legal norm and the norm requires that all these conditions or provisions be met in order for the norm to apply, then

- The conditions or provisions must be separated by commas, meanwhile the last condition or provisions be preceded by conjunction “and,” or
- all numbered conditions or provisions must be separated only by commas.

Example #1:
For the state registration, an individual entrepreneur shall submit a registration application, a copy of passport, a photograph and the state fee payment receipt.

Example #2:
For the state registration, an individual entrepreneur must submit:

1) a registration application,

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2) a copy of passport,
3) a photograph,
4) the state fee payment receipt.

109. If for the application of the legal norm it is sufficient that one of the listed **two conditions** or provisions be met, the mentioned conditions or provisions must be separated by conjunction “or.”

**For example,**
In self-defense from life-threatening violence [or] encroachments thereupon accompanied by real threat of such violence, any damage, including death, can be inflicted.

110. If for the application of a legal norm it is sufficient that any of the listed **more than two** conditions or provisions be met, these conditions or provisions must be separated by commas, and the last condition be preceded by conjunction “or.”

**For example,**
Grounds for initiation of administrative proceedings by an administrative body are as follows: requirement of the law to adopt an administrative act, necessity arising from it [or] the discretionary authority, reserved to the administrative body by law.

111. If the norm lists conditions or provisions, not interconnected with each other, and the legal norm does not require that all of them be met in order for the legal norm to apply, such conditions or provisions must be separated from each other by a semicolon.

**For example,**
1. The proceeding of the criminal case shall be finished:
   1) by a decision on termination of the proceeding of the criminal case;
2) by entering into force of the court judgment or other final decision, if it does not require taking special measures for its execution;

3) upon receiving the confirmation on execution of the court judgment or other final decision, if it requires taking special measures for its execution.

112. Using phrase **and/or** must be avoided as it is utterly vague.

113. Precision of a legal norm requires that its conditions or provisions be worded so as to make it clear that whether only one of the listed conditions or provisions, or more than one, or each of them simultaneously must be met in order for the legal norm to apply.

**8.2.4 Definition of obligation**

114. It must be clearly and unambiguously seen from the text of the legal norm that a certain mandatory conduct is required.

115. If formulating imperative requirements in the indicative mood of a verb does not ensure sufficient accuracy of the imperativeness of the issue, it is recommended that words that express obligation and stress the imperative nature of the norm, such as “shall,” “it is necessary,” “it is required,” etc., be used.

**Example #1:**
The witness **appears before** the court by the call of the court.

**Example #2:**
The person, unlawfully using another person’s corporate name, **is obliged to stop** using it and to compensate the damage.
8.3 Logical structure and style of a legal act

8.3.1 Logical structure of a legal act

116. A legal act must consist of provisions, defined in a logical sequence, to ensure the clarity and comprehensibility of the legal act.

117. General rule must precede a special rule in the legal act.

Example:

**Example**

1. Collective agreement of the organization, in compliance with the procedure and in the cases provided for by the given contract, may be dissolved by either of its parties, notifying about it not later than three months in advance. … (general rule)

2. In case of privatization (denationalization) of the organization, the collective arrangement shall be considered dissolved by the former employer, regardless of the terms of its effect. (Special rules).

**TRANSLATION OF THE EXAMPLE**

Article … Dissolution of the collective agreement of the organization

1. Կողմերից յուրաքանչ լրացնելով մյուս կողմին ոչ ուշ, քան երեք ամիս առաջ: …

2. Կազմակերպության մասնավորեցման (ապապետականացման) դեպքում կազմակերպության կոլեկտիվ պայմանագիրը համարվում է միակողմանիորեն լուծված նախկին գործատուի կողմից.

3. Պարտապան կազմակերպության սնանկ ճանաչելու մասին դատարանի վճռի օրինական ուժի մեջ մտնելու պահից կազմակերպության կոլեկտիվ պայմանագիրը համարվում է լուծված.
3. From the moment the decision of the court on recognition of the debtor organization as bankrupt goes into effect, the collective arrangement shall be considered dissolved.

118. When formulating material regulations, first it is required to define the general rule and then to pass to exceptions.

**Example 1:**
A judge may not be arrested save for the cases in which the arrest is performed at the time of or immediately after committing the crime.

**Example 2:**

Article ... The terms of filing a claim (general rule)
The claim may be filed in a court:
In case if the claim is disputed, within two months from the moment that the administrative act enters into force …

Article 142.4. Applying to the administrative court and the terms of review of the claims
The organizer of the assembly may appeal to a court against the decisions of the head of community in respect to holding the assembly within three days after the decision comes into force, and within 24 hours, if the decision was made at least seven days prior to the day of the assembly, as specified in the notification.

119. Substantive provisions must precede procedural provisions.
Example 1:

Article 10. The right to appeal

Persons to defend their rights are vested with the right to appeal administrative acts, the action or inaction of the administrative body (hereinafter, act).

Article 15. Procedure of appeal

1. The act may be appealed by an administrative or judicial proceeding.
2. The appeal by an administrative proceeding may be submitted to:
   1) administrative body;
   2) superior administrative body of the administrative body.

Article 17. The terms of appeal

1. An administrative appeal may be brought:
   1) in the period of six months after the administrative act enters into force;
   2) during one month after the day of execution of action by the administrative body …
EXAMPLE 2:

Article 10. Occupation in pharmaceutical trade

The right to be occupied in pharmaceutical trade shall be granted to persons with higher and secondary specialized education and having appropriate license. (substantive regulation)

Article 15. Licensing pharmaceutical trade

The body authorized by Government shall grant and revoke the license for pharmaceutical trade. (procedural regulations)

120. Successive actions, must be presented in the chronological succession to clarify the sequence of their execution.

Example:

Article ... Procedure of trial in the Court of Cassation
1. The trial of the case in the Court of Cassation shall be conducted in compliance with the rules of a trial in the administrative court, taking into account the specifics of this article.

2. Chairperson shall open the court session at the hour, appointed for consideration of the case, announce the composition of the court and the case under consideration. Secretary of the court session shall report on the presence of participants in the proceeding in the court session, and other persons, whether the absent participants were properly notified.

3. Chairperson of the session shall find out the identity of the present participants and other persons at the proceeding, check the authorization of representatives. Further the chairperson of the session shall find out whether the parties have petitions prior to the start of the proceeding …

121. Provisions of legal acts must be as brief as possible, and their contents must be homogeneous. It is necessary to avoid excessively long norms and irrelevantly complicated formulations.

122. Legal acts must not contain unreasonable repetitions and internal inconsistencies.\textsuperscript{23}

123. Legal acts also must be harmonized with other legal acts. In particular, repetitions of regulatory norms in different legal acts, as well as in the same type of regulatory acts, adopted by the same body, must be avoided.\textsuperscript{24}

124. Legal acts must not contain conflicting norms.

125. One sentence must express one idea. It is correct to divide long sentences, consisting of a main clause and several subordinate clauses, into a number of simple sentences.

\textbf{INCORRECT EXAMPLE} \quad \textbf{CORRECT EXAMPLE}

If the employee did not notify the employer on termination of the contract that had been valid for a certain period If the employee did not notify the employer on termination of the contract valid for a certain period of time and did


\textsuperscript{24} Part 1, Article 45 of the Law on Legal Acts of the Republic of Armenia.
and did not come to work the day before the last working day stipulated by the contract, the contract is considered terminated and the employer shall provide the final pay during the period of five days after the relevant request is made.

not come to work on the day before the last working day, as stipulated by the contract, the contract shall be considered terminated. In this case the employer shall provide the final pay during the period of five days after the relevant request is made.

126. As far as it is difficult to read or comprehend long parts, the content of the article must be divided into appropriate parts (items, sub-items), according to the logical development of the concept. However, it does not mean that sentences may be artificially and unreasonably split.

127. The grammatical connection among different parts of the sentence must be accurate. It must be clear whether the subject refers to the verb of the main clause or the subordinate one.

128. Adherence the above-mentioned rules regarding sentence structure is required to simplify article structure and application and to facilitate their further amendment or supplement, as need be,

129. Norms that do not envisage legal consequences for their non-implementation must be eliminated from a regulatory act.

130. If the norm of the law envisages a mandatory requirement, the law must stipulate legal consequences for its violation.

For example,

Article 147. Requirements for securities

1. The types of rights, certified by securities, mandatory verification conditions of securities, requirements for the form of securities and other necessary requirements shall be defined by the laws on securities or the procedure provided by them.

2. The absence of mandatory validation conditions for securities or their noncompliance with the form prescribed for securities, shall make them void.
8.3.2 Use of active and passive voices

131. If it is necessary to stress the performer of action, active voice must be used. If it is necessary to stress the performed action, not its performer, passive voice is required.

Example 1:
Chairperson of the Court of Cassation shall summon sittings of the Council of Justice.

Example 2:
Administrative proceedings may be also suspended in other cases, envisaged by the law.

8.3.3 Use of negation

132. In case a concept can be expressed in either the affirmative or the negative, it is advisable to use the affirmative.

Incorrect example:
The insurance contract shall not extend to insurance events that occurred before and after the insurance event.

Correct example:
The insurance contract shall extend to the insurance events that occurred during the effect of insurance contract.

8.3.4 Use of pronouns

133. Avoid using pronouns that they may relate to several words in the same sentence. In this case the same word should be repeated.

Incorrect example:  
Correct example:
If the finance agent executes financing of the client against the concession of the monetary claim according to conditions of the financing agreement by means of purchasing that demand, he acquires the right over the full amount, which he will receive from the debtor for execution of the claim.

If the finance agent executes financing of the client against the concession of the monetary claim according to conditions of the financing agreement by means of purchasing that demand, the finance agent acquires the right over the full amount, which he will receive from the debtor for execution of the claim.

### 8.4 The writing style and the use of abbreviations

#### 8.4.1 Acronyms and abbreviations

134. Acronyms and abbreviations reduce the precision and comprehensibility of the legal act.

135. In no event shall words and terms be inappropriately abbreviated or their initialisms made.25

136. As a general rule, the use of short names of state and local self-government bodies shall be prohibited with the exception of those provided for by the Constitution and laws of the Republic of Armenia.26

137. In some cases, however, the use of abbreviations and acronyms may be justified by practical necessity: to avoid the inconveniences related to repeating the frequently used long or complicated expressions, titles of international treaties, documents, state or local self-government bodies in the text of legal acts. In the given case, when using the expression for the first time, its short version as used in the act must be given in parentheses (below or hereinafter, …).

**Example1:**

The value added tax (hereinafter, VAT) is an indirect tax, which, according to this law, is paid (charged) to the state budget …

---


Example 2:

Example 3:
The highest court instance in the Republic of Armenia … is the Court of Cassation of the Republic of Armenia (hereinafter, the Court of Cassation).

Example 4:
The responsibilities of the Council of Chairpersons of Courts (hereinafter, the Council) are as follows …:

138. Abbreviations and acronyms are allowed in tables and schemes.

8.4.2 The use of toponyms in legal acts

139. The name of the Republic of Armenia, as well as names of other states and their forms in legal acts shall be spelled in full.

140. Names of a specific town, marz or community and their forms in legal acts shall be spelled in full.

Example:
The functions envisaged by this law shall be executed by the court of first instance of Kentron and Nork-Marash communities of the city of Yerevan of the Republic of Armenia.

8.4.3 Writing the numbers

141. Numbers from one to ten in a legal act must be spelled in words; as for the numbers
higher than ten, they must be written in Arabic numerals. In case if numbers lower than ten and higher than ten relate to the same noun in a sentence, all numbers must be written in Arabic numerals.

For example, five days, 15 judges, 5-15 members.

142. Words, composed by numbers and their forms, must be spelled in words. 

For example, one-tenth, fifteen-day, twenty-five each, twenty-fold, the twelfth, from ten, the five.

143. When indicating technical data and percentages, as well as in tables and schemes, all numbers and their forms must be written in Arabic numerals. The names of measurement units, accompanying the numbers, must be written unabbreviated; percent must be spelled as a word rather than a mathematical symbol, except when it is used in a table or a scheme.

Example:
6 kilowatt, of 10 percent, 5 kilometer, 6 meters, 5000 square meters, 10 and more percent.

144. Monetary amounts must be written in numbers. The names of monetary units must be spelled in full. When indicating the currency of a state, abbreviations of the names of relevant states may be used instead of their full names.

Example:
250 000 AMD, 25 US Dollars.

145. Fractional numbers must be spelled in words. Decimal fractions must be written in Arabic numerals, separating the integer part of the fractional one by a comma.

Example 1:
Two thirds, 0.07 megapascal.

146. When writing four- and more digit words, it is necessary to leave an interval after each third digit, starting from the right, without putting a comma.

Example:
32 500 AMD.
147. When indicating the lowest or highest limits of numbers above 10, they must be separated by a hyphen.

**Example:**

1 000–4 000 AMD, 1-15 days, one to ten years.

148. The rates of taxes, duties, other mandatory payments, fines, penalties, sizes of punishment must be spelled in words.27

**Example 1:**

punished by a fine in the amount of hundred to two hundred and fifty minimal salaries …

punished by imprisonment for the term of seven to fifteen years …

- Example 2:
  - The state duty shall be charged in the following rates:
    - 1) for removal of radioactive waste storage from exploitation
    - Basic annual duty rate
    - Fifteen-fold rate

149. Indicating the date, the year and the day must be given in numbers, and the month must be put in words. The “numeral” word and its forms must be spelled in full.

**Example:**

This Code enters into force on *January 1, 1999*.

150. Hours must be written in numbers using the twenty-four hour clock notation. When indicating time, hours and minutes must be separated by colon, and before them the word “hour” must be placed. Beginning of the day must be indicated as “00:00,” and the end of the day must be given in the “24:00” format.

**Example:**

Hour 23:00, hour 13:20.

---

8.5 Noting the terms

151. When defining a term in a legal act, the start and finish of the term must be precisely indicated.

Example:
Decision on the judicial assignment shall be mandatory for the court that received such assignment and must be executed within two weeks following the day of receipt. If the judicial assignment was received on September 14, the countdown of the two-week term shall start on September 15 at 00:00 and finish on September 29 at 24:00.

152. If the term is mentioned in dates, it must be clarified whether the last day of the term should be counted within that term.

Example:
The application may be submitted up to November 10, 2011, inclusive.

153. If the counting of the term defined in a legal act must be done not by calendar days but working days, this must be specially indicated.

Example:
If the parties of the collective labor dispute on the candidature for a mediator to settle the dispute do not come to an agreement within three working days, negotiations shall be considered finished and the collective labor dispute unsettled.

8.6 Fonts, sizes and line spacing

154. In regulatory acts, Armenian computer fonts “Grapalat” or “Mariam” must be used.28

155. The computer text of the regulatory act must be in “12” size and the line spacing must be 1.5 computer lines.

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CHAPTER 9. Use of references in legal acts

156. Part 7, Article 37 of the Law on Legal Acts of the Republic of Armenia provides that the legal act must be:

- complete,
- finalized,
- fully regulate all the peculiarities of the relations provided for by the act.

157. It is absolutely not needed to regulate all actual circumstances and legal consequences of the legal relations by a legal act. Instead, it is possible to make a reference to relevant provisions already available in other legal acts with the aim of avoiding repetitions.

158. References can be internal and external.

159. Internal reference is related to another norm of the same or other article, part, point, sub-point of the same legal act. Making an internal reference, words “this, given, present” are used, indicating the relevant structural unit of the legal act.

Example:

<table>
<thead>
<tr>
<th>Article 5.</th>
<th>Self-recusal of the official conducting the administrative proceeding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. In the event that a ground envisaged by Article 24 and part 1, Article 25, of this law is present, the head of the administrative body ... shall be obliged to immediately announce self-recusal.</td>
<td></td>
</tr>
</tbody>
</table>

160. The external reference is referred to any other legal act or a structural unit of other legal act.

Example:

<table>
<thead>
<tr>
<th>Article ...</th>
<th>Legislation of the Republic of Armenia on the civil service</th>
</tr>
</thead>
<tbody>
<tr>
<td>... Working relations of the civil servicemen are regulated by the Labor Code of the Republic of Armenia.</td>
<td></td>
</tr>
</tbody>
</table>

161. Reference can be made only to those legal acts that have entered into force in compliance with the procedure provided by Chapter 6 of the Law on Legal Acts of
the Republic of Armenia. Reference can be made only to those international treaties that are binding on the Republic of Armenia.

162. In a legal act it is also possible to make a reference indicating the type of a legal act to be adopted for the regulation of relations. As for the legal acts having different kinds of legal force, reference may be made to indicate the name of a relevant group of the types of legal acts (legislative acts, agency-level acts, acts of the local self-government bodies, international treaties, etc.), by which unregulated relations are or must be regulated.

163. The reference to the legal act to be adopted in the future must be formulated so that the main essence of the norm or act referred to could be intelligible without getting acquainted with the text of such act.

**Example:**

The vocational aptitude and qualification criteria stipulated for … managers of an insurance or reinsurance company, as well as the procedure for vocational aptitude and qualification testing are defined by regulatory acts of the Central Bank.

The reference in the given example states that the regulatory act to be adopted in the future will define qualification criteria, procedure for testing vocational aptitude and qualification.

164. Reference in a legal act can be made with indication of the law-making body to regulate the unregulated relation.

**Example:**

The license application form is defined by the Government of the Republic of Armenia.

165. If the name of the law-making body adopting the legal act is fixed by the Constitution of the Republic of Armenia, laws of the Republic of Armenia, decisions of the National Assembly of the Republic of Armenia, the name of that body shall be

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mentioned by the words “Public administration body authorized by the Government of the Republic of Armenia.”

Example:
License application form shall be defined by the public administration body authorized by the Government of the Republic of Armenia.

166. References must be made only to the main legal act.

167. The acts on making amendments or supplements in legal acts are not main acts.


168. If the legal act on making amendments or supplements in a legal act envisages norm, having independent regulatory significance, it is allowed to make reference to them.

Example:
Part 3 of the article of the “Law on making amendments in the Law on State Pensions of the Republic of Armenia,” given below, has independent regulatory significance and it is possible to make a reference to it.

Article 34.
This Law shall enter into force on January 1, 2011, and Article 8 thereof on January 1, 2013.

By the state of the day when the law enters into force, the financial assistance, provided for by Article 34.1 of the Law, must be assigned and paid instead of the supplements to the military pension, as provided for by Article 25 of the Law, and the financial assistance, as provided for by Article 34.

A person receiving two pensions granted as provided for by point 3, part 1, Article


55 of the Law on State Pensions of the Republic of Armenia, instead of the military pension, has the right by his or her own choice to receive the financial assistance provided for by Article 34.1 of this Law.

169. No vague references shall be made.\textsuperscript{33}

Example of a vague reference:
The relations not regulated by this law are subject to regulation by other legal acts.

170. When making internal references such words as “above-stated,” “previously-mentioned,” “such,” “by this,” “mentioned,” “herein,” “hereby” may not be used.

\textbf{Incorrect example 1:}
The procedure, envisaged by this point, shall be defined by the above-mentioned law.

\textbf{Incorrect example 2:}
The license-granting procedure in the previously-stated cases shall be defined by a decision of the Government.

171. “Circular” or “continuous” references are prohibited.

172. A reference is \textit{circular} when the norm referred to in turn to makes a reference to the previous norm.

\textbf{Example of the \textit{circular} reference:}

“The application form, prescribed by this point, is defined by Point 4, Decision “B” of the Government of the Republic of Armenia.


“Requirements to the application are defined by Point 3, Decision “A” of the Government of the Republic of Armenia.

A reference is continuous if the norm referred to in turn makes a reference to another norm.

**Example of the continuous reference:**


“The application form, prescribed by this point, is defined by Point 4, Decision “B” of the Government of the Republic of Armenia.


“Requirements for the application are defined by Point 5, Decision “C” of the Government of the Republic of Armenia.

174. When making an external reference in the legal act it is necessary to mention the full or short title of the legal act referred to.


176. As for the law, the **full title of the legal act** includes relevant words in the following succession:

- title of the law,
- words “the Republic of Armenia,”
- years, month, day of adoption of the law,
- number,
- word “law.”

**Example:**

177. As for the Code, the full title of the legal act, must include relevant words in the following succession:

- words “the Republic of Armenia”,
- year, month, day of adoption of the Code,
- title of the Code.

**Example:**

178. As for the cases related to other legal acts, the full name of a legal act must include relevant words in the appropriate order as follows:

- name of the body adopting the legal act,
- year, month, day of adoption of the legal act,
- title,
- serial number of the act,
- type of the act.

**Example:**

179. **Short title** includes the following in succession:

- title of the law,
- words “the Law of the Republic of Armenia.”

**Example:**

180. The short title of the Code must include the following in the given order:

- words “the Republic of Armenia,”
- title of the Code.

---

Example:

181. The short title of a legal act shall include the following in the given order:

- name of the body adopting the legal act,
- year, month, day of adoption of the legal act,
- serial number of the legal act,
- type of the act.

Example:

182. When making a reference, the full title of the legal act must be given only in the case of legal acts on making amendments or supplements in a legal act or terminating a legal act. Nevertheless, the full title of a legal act contains important information (for example, in the case of a law, the date of adoption; in the case of a decision of the Government, the heading), which individualizes the legal act referred to or its chronological version, so when making a reference it is advisable to always provide the full title of the legal act.

183. When making reference to an article, part, sub-part, item, sentence of the legal act, the following must be mentioned:

- the number of a relevant structural unit with “-th” suffix, and when making reference to the first numbering, with “-st” suffix, (the second one with “-nd,” and the third one with “-rd” suffixes).
- respectively, words “article, part, item, sub-item, sentence” in their relevant forms.

Example:
In the cases, envisaged by the 1-st sentence, 2-nd point, 3-rd paragraph, 15-th article of this law ...

184. If a reference is made to a structural unit numbered by letters of the Armenian alphabet, the letter or the relevant structural unit must be put in quotation marks, and suffixes “-th” or “-st” (etc.) must not be placed after them.

**Example:**
In the cases envisaged by “E” sub-paragraph, 2-nd paragraph, 1-st point, 15-th article of this law …

185. If a reference is made to more than one numbered structural units of the same type, only the first and the last numbers must be separated by a hyphen and the last number must be followed by the suffix “-th,” after which the name of the relevant structural unit must be pluralized.

**Example:**
In the cases envisaged by 15-18-th articles …

186. If a reference is made to two structural units, their numbers must be mentioned with respective suffixes “-st” and “-th,” and they must be connected with the “and” conjunction; they must be followed by the name of the relevant structural unit in the plural form.

**Example:**
In the cases envisaged by the 15-th and 18-th articles of this law …
In the cases envisaged by the 2-nd point of the 15-th article and the 4-th point of the 18-th article of this law …

187. If a reference is made to more than one non-consecutive structural units of the same type, all numbers must be mentioned, followed by respective “-th” and “-st” suffixes, separated by commas, the last number connected with the “and” conjunction and the numbers be followed by the name of the structural unit in the plural form.

**Example:**
In the cases of the 15-th, 18-th and 20-th articles, envisaged by this law …

---

36 See Points 205 and 258 of these Guidelines.
CHAPTER 10. Techniques for basic law drafting

10.1 Title of the law

188. The title of a law must include:

- words “Law of the Republic of Armenia,”
- the title, reflecting a brief description of the content and the subject of regulation of the legal act.

189. The title of the law must be as clear and brief as possible, and reflect the main content of the law.\(^\text{37}\)

190. The title of the law must be fully capitalized, and not followed by any punctuation mark.

191. The title of the law shall not reiterate titles of other legal acts in force.\(^\text{38}\)

192. In the right corner at the top of the first page of the draft law word “DRAFT” must be written.

- Example:

  
  DRAFT

  LAW OF THE REPUBLIC OF ARMENIA

  ON FREEDOM OF ASSEMBLY


10.2 Structural parts of the law

10.2.1 Division of the law into structural parts

193. In large laws articles must be grouped into chapters; homogeneous chapters grouped into sections, and sections grouped into parts.\(^{39}\)

194. Sections and chapters must have headings. Parts and articles of the law may have headings, but it is not mandatory.\(^{40}\)

195. The heading must be brief and reflect the generalized content of homogeneous norms in the relevant part, section, chapter.

196. Headings of parts, sections, chapters must be given in capital letters, and the headings of article in lower case. No punctuation mark may be placed by the end of the heading.

197. Sections and chapters must be numbered using Arabic or Romanian numerals.\(^{41}\)

198. Articles must be numbered using Arabic numerals.

**Example:**

<table>
<thead>
<tr>
<th>CODE OF CRIMINAL PROCEDURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>OF THE REPUBLIC OF ARMENIA</td>
</tr>
</tbody>
</table>

---


\(^{40}\) Parts 1 and 2, Article 41 of the Law on Legal Acts of the Republic of Armenia.

GENERAL PART

SECTION 1

GENERAL PROVISIONS

CHAPTER 1

LEGISLATION ON CRIMINAL PROCEDURE

Article 1. Legislation governing criminal procedure

...

Article 2. Territory of effect of the Criminal Procedure law

CHAPTER 2

PRINCIPLES OF CRIMINAL PROCEDURE

Article 7. Legitimacy

...

SECTION 2

COURT
10.2.2 Article and its component parts

199. An article is the main structural unit of the law. The article may include one or several connected ideas. Accordingly, the article may be consisted of several parts, which may be divided into items, and the latter ones into sub-items.\(^{42}\)

200. Word “Article” must be placed before the number of the article.

201. Parts, items and sub-items of the article have no heading.

202. Each part of the article must be numbered using Arabic numerals, which must be separated from the text by a colon.

203. If a part consists of a several sentences, when making a reference to them or amending the article in the future, to ensure easy counting of sentences they may be numbered using small Arabic numerals at the future stage of official promulgation of the act.

Example:
1. A judge may not be a member of any party or involved in any political activity.
2. In all circumstances, a judge must demonstrate political restraint and neutrality.

204. Items of an article must be numbered using Arabic numerals to be separated from the text by a bracket.

205. Sub-items must be marked using Armenian lower case letters to be separated from the text by a dot. According to the numbers, equivalent to the sequence of the letters in the Armenian alphabet, after the letter “j”, sub-items shall be marked as “ja,” “jb,” “jc”, etc., i.e. in two letters by the rules of the decimal numeration, up to “ji”, after which shall be used “k” with letters from “a” to “i”, i.e. “ka,” “kb,” “kc,” etc.

206. In summary, the structure of an article is as follows:

### Article 204. Payment order

1. In the case of failure to make a decision to fully reject the claim on issuance of the payment order, the court shall issue the payment order without summoning a session.

2. The payment order shall include:
   1) a note that the court has not basically checked the justifications of the claim;
   2) injunction to perform one of the following actions within a two-week period:
      a. to execute the claim on payment, if the respondent finds the claim well-grounded,
      b. to submit to the court a written objection in hand or by mail with back notification, if the respondent considers the presented claim as not grounded.
10.3 Overview of the structure of the law contents

207. The structure of the law must be compact, logically unified, sequential and systematized.\(^{43}\)

208. The structure of the law depends on its content, so it is impossible to prescribe a unified structure, applicable for all laws.

209. Depending on the frame of the issues subject to regulation, the logical sequence of the provisions of the law, as a rule, is as follows:

- Preamble
- Subject of regulation
- Scope of application
- Definition of concepts
- Substantive regulations
- Procedural provisions and jurisdiction

210. Law may have separate component parts in the form of annexes. If a law has more than one annex, they must be numbered. Respective parts of the legal act must contain a reference to such annexes with indication of the number of the given annex.\textsuperscript{44}

\begin{center}
\textbf{CRIMINAL CODE OF THE REPUBLIC OF ARMENIA}
\end{center}

\begin{center}
\textbf{CODE}
\end{center}

\begin{center}
\textbf{Annex #1}
\end{center}

\begin{center}
of the Criminal Code of the Republic of Armenia
\end{center}

\begin{center}
\textbf{SIGNIFICANT, BIG AND ESPECIALLY BIG AMOUNTS OF NARCOTICS AND PSYCHOTROPIC SUBSTANCES}
\end{center}

\begin{center}
\textbf{Annex #2}
\end{center}

\begin{center}
of the Criminal Code of the Republic of Armenia
\end{center}

\begin{center}
\textbf{LIST OF TOXIC SUBSTANCES}
\end{center}

211. A sample of the law content structure is also given in Annex #1 of these Guidelines.

\textsuperscript{44} Part 5, Article 37 of the Law on Legal Acts of the Republic of Armenia.
10.4 Preamble of the law

212. Law may have a foreword (preamble), containing the objectives and reasons for adoption of the law.\(^45\)

213. The preamble, in the form of a thesis, clarifies for the public the objective for adoption of the law, its main mission, considerations, determining the adoption of the law.

214. Preamble must not be stated in the form of an article, and its provisions must not be numbered.

215. Regulatory provisions or legal regulations must not be put in the preamble.\(^46\)

216. If a law is adopted pursuant to or in accordance with any other legal law of the same or any higher legal effect, or a part of them, the preamble shall make a reference to that legal act, mentioning its brief name or relevant part.\(^47\)

217. The subject of regulation of the law or the norms, fixing its scope, is perceived as a preamble in the legislative practice of the Republic of Armenia. However, such norms cannot be considered preamble, as far as they do not fully reflect the essence of the preamble and have not the ideological significance, typical to the preamble.

218. The objective of adoption of the law and the information, provided for in Point 216 of these Guidelines, also may be placed in a separate article, fixing the objective of the law and subject of regulation.

**Article 1. Objective of this law and subject of regulation**

1. The objective of this law is to provide for the right of assembly, i.e. organizing the assembly and participating in the assembly, as envisaged by Article 29 of the Constitution of the Republic Armenia and international treaties.

2. This law regulates the conditions and procedure of exercising and protecting the freedom of assembly.

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\(^{45}\) See Part 2, Article 37 of the Law on Legal Acts of the Republic of Armenia

\(^{46}\) Ibid.

10.5 Definition of the subject, regulation and the scope of application of the law

219. The law may have a separate article related to the subject of regulation, by which the scope of issues and relations is defined.

220. Envisaging a separate article, related to the subject regulated by the law, is not always necessary. Availability of a norm, related to the subject of regulation, is appropriate in the cases, when the title due to complexity of the subject of regulation does not reflect the summary content of the subject of regulation, or definition of the frame of the relations, regulated by the law, facilitates the use of the given act in practice.

221. Definition of the subject of regulation is not a simple duplication of the title, and it must enable having the idea on the relations regulated by the law and the key fields of the issues. At the same time it must not provide details of each section of the law or contents of each chapter.

222. The article that provides the subject of regulation must be as brief as possible and not contain any complicated sentences or terms.

Example:

**Article 1. Subject of regulation of the law**

This law defines the types of activity subject to licensing and regulates the relations arising in respect of licensing.

223. The norm on the scope of application of the law defines the framework of social relations and the subjects to be covered by the law, or those outside the scope of the law.

Example:

**Article 2. Scope of application of the law**

1. The scope of sections 1 and 7 of this law shall cover any activity of administrative bodies conducted within the public law.

2. The scope of sections 2-6 of this law shall cover any activity of administrative
bodies finalized by the adoption of an administrative act, and the scope of sections 4-6 of this law shall also cover such activity or inaction of administrative bodies that have factual consequences for persons.

3. The scope of this law shall not apply to the relations, regulated by the norms of the procedural law.

224. The norms on the scope of application the law may be also defined jointly with the subject of regulation in the same article.

### 10.6 Definition of concepts

225. If new, polysemantic or specialized concepts or terms are used in a law, and they are not understood without clarifications, the law must define them.

226. Concepts must be defined clearly and comprehensibly to ensure that they are perceived the same way.

227. As a rule, concepts are defined in an article in the alphabetic order.

**Example:**

```
“ARTICLE ... THE MAIN CONCEPTS

1. The main concepts, used in this law, are as follows:

- **commodity:** object of the civil law, including property, labor, service (including, financial), designed for realization;

- **Product line of the commodity market:** a scope of the given commodities or their mutually substitutable commodities, defined by the decision of the commission.

- **realization:** sale, supply, provision, implementation;

- **acquisition:** purchase, receipt, acceptance;

- **state body:** state governing body or local self-government body, public or community institution, Central Bank of the Government of Armenia;
```

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**economic competition or competition:** the economic activity ensuring the most favorable conditions for purchasing or selling commodities, as a result of which each participant's possibilities for unilateral influence on the turnover of commodities in the given commodity market is objectively limited …

228. If the same concept or term is used more than once in the text of the law, it must be defined only once in the article that defines the concepts.

229. Due to the size and subject of the regulation, in some cases defining the concepts in one article may be inappropriate.

*For example,* when a concept is used only once in the law and other concepts are not defined by the law, availability of one article, defining one concept, is inappropriate

230. Due to the size and subject of the regulation, in some cases concepts may not be appropriately defined by one article.

*For example,* when a concept is used only once in the law and other concepts are not defined by the law, there should not be an article defining a concept.

231. The concept must not be defined using the same concept or words derived from it.

232. Definition of a concept by a legal act, if that concept is not used in the legal act in question, shall not be permitted.

233. The same concept may not be defined in different ways by different laws, if these laws relate to regulation of the same field. An exception may be the case when, based on the context of the law in question, a concept must be defined in a different way narrowing or broadening its meaning.

10.7 *Definition of the liability for breaching the norms of the law*

234. The norm defining the liability must precisely indicate specific actions or the specific norm, breach of which entails liability. Moreover, the type of liability: criminal, administrative or disciplinary – must be expressly provided for.

235. If breaching the law entails criminal or administrative liability, a reference must be
made in the law to the Criminal Code of the Republic of Armenia or the Code of Administrative Violations, providing the scope of administrative or criminal violations.

**Incorrect examples:**

**Example 1:**
Breaching the other requirements of this law shall entail liability, as defined by the law.

Such vague definitions must not be used. This example neither indicates the type of liability, nor the actions entailing liability.

**Example 2:**
Breaching the requirements, provided for by the law, shall entail criminal liability, as provided for by the law.

This example makes a reference to the Criminal Code, but does not indicate the actions, entailing criminal liability. Such actions must be precisely indicated, or if they are numerous, a reference to the relevant articles of the law, violation of which entails criminal liability, must be made.

**Correct example:**
Application of the legal act, having no legal force, by official persons, shall be considered a transgression of official powers and shall entail liability as prescribed by Article … of the Criminal Code of the Republic of Armenia.

This example precisely indicates the specific action entailing criminal liability.

236. If a breaching of the law entails administrative liability, it must be defined in the law in question, with an express mention of the act entailing liability, and the specific measure of liability or the norm of the law that provides the liability envisaged for the act.
10.8 Drafting of provisions on coming into effect and provisional provisions

10.8.1 Stipulation of the term of the law coming into effect

237. If the law does not provide for the term of its coming into effect, it shall enter into effect on the tenth day following the day of its official promulgation. However, from the perspective of legal accuracy, coming into effect must be clearly stipulated, including the cases when the law comes into effect on the tenth day following the day of its official promulgation.

238. Another term may be envisaged for coming into effect, but it must not be earlier than the next day following the day of its official promulgation.

Example 1:
This law shall come into effect on the next day following the day of the official promulgation.

Example 2:
This Code shall come into effect three months following the day of the official promulgation.

239. The following laws may not come into effect earlier than on the tenth day following the day of official promulgation:

1) restricting the rights or freedoms of legal or natural persons,
2) defining the liability or increasing the liability for legal or natural persons,
3) defining or altering the duties of legal or natural persons, or defining or altering the procedure for performance of duties of legal or natural persons,
4) defining or altering the procedure of control or supervision of the activity of legal or natural persons,
5) laws, otherwise exacerbating the legal state of legal or natural persons.

240. A law may provide for a concrete date for coming of the law into effect, allowing to calculate the term more precisely.

Example:
This Code shall come into effect on January 1, 2001.

241. It is possible that some articles of the law have to come into effect at different times. In this case the general term of coming into effect must be indicated first, after which those articles or their parts (items, subitems) must be provided for, which shall come into effect at a different time, indicating the specific term that applies.

Example 1:
This Code shall come into effect on January 1, 2008, except part 5, Article 58.
Part 5, Article 58 of this Code shall come into effect on January 1, 2009.

Example 2:
This Code shall enter into effect on the tenth day following the day of the official promulgation, except the cases, provided for by Part 2 of this Article.
Part 2 of Article 28, the second sentence of point 1 of part 1 of Article 31, the first clause of part 3 of Article 38, part 6 of Article 38, part 1 of Article 145 of this Code shall come into effect on January 1, 2012.

10.8.2 Stipulation of the duration of time-limited legal acts

242. In case of time-limited legal acts, when a law is adopted for a limited period of time, a provision must be envisaged in the law related to the duration of its effect, and the term of expiration of the mandate of the law or a specific date on which the law shall cease to have effect, must be stipulated.

Example:
This law shall come into effect on January 28, 2009, and expire on February 7, 2010.

243. A limited duration of effect may be provided for specific articles of the law.

Example:
10.8.3 Drafting of concluding and transitional provisions

In the final part of the law the following may be provided for:

1) the term of coming of the law into effect,
2) duration of the effect of the law (if the law is envisaged for a limited period of time),
3) the legal acts that require amendment or supplement in relation to coming of the law into effect,
4) the legal acts to be repealed due to adoption of the law.\(^{51}\)

Example:

**Article... The final part**

This Code shall come into effect on the tenth day following the day of the official promulgation.


Within 17 days following the day of coming into effect of this Code, the President of the Republic of Armenia shall promulgate a decree on appointment of the members of the Central Electoral Commission.

The law may also contain transitional provisions, if:

- terms or certain conditions (implementation of an action, adoption of other legal acts, etc.) are required for putting the law into full effect, or
- norms, different from the main norms of the legal act, must be adopted for a limited period of time.\(^{52}\)

If the implementation of a requirement of the norm stipulated by the law is

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\(^{51}\) Part 3, Article 37 of the Law on Legal Acts of the Republic of Armenia

conditioned by adoption of another legal act, the transitional provisions of the law shall define:

- those parts of the law, which will be in effect from the moment of coming into effect of the decision of the Government of the Republic of Armenia or another legal act;
- the envisaged term of coming into effect of the decision of the Government of the Republic of Armenia or another legal act.

Example:

**Article … Transitional provisions**

1. The acting central and district electoral commissions shall exercise their duties until formation of the central electoral commission and district electoral commissions, respectively.

2. The Human Rights Defender of the Republic of Armenia, Chairperson of the Cassation Court of the Republic of Armenia, Chairperson of the Chamber of Lawyers of the Republic of Armenia shall submit data on Members of the Central Electoral Commission to President of the Republic of Armenia within 14 days following the day of coming into effect of this Code.

3. President of the Republic of Armenia shall appoint members of the Central Electoral Commission of the first convocation: persons, nominated by the Human Rights Defender of the Republic of Armenia for the terms of three, five and seven years, respectively; persons, nominated by the Chairperson of the Cassation Court of the Republic of Armenia, for the terms of five and seven years, respectively, and the persons, nominated by the Chairperson of the Chamber of Lawyers of the Republic of Armenia, for the terms of three and five years, respectively.

10. The number of the council of elders in the community, that is the number, stipulated by article 130 of this Code, is in effect in the case of those communities, where the elections of members of the council of elders are fixed after coming into effect of this Code.

247. The final part of transitional provisions of the law may be provided for:
- **In an individual chapter**, if the law is divided into chapters:

  **Example:**
  Chapter … “Final part and transitional provisions”
  Article …Final part
  Article… Transitional provisions

- **In separate articles.**

  **Example:**
  Article …Final part
  Article… Transitional provisions

- **In one article by individual parts**, regulating the issues, related to both: the final part and transitional provisions.

  **Example:**
  Article …Final part and transitional provisions
  1. This Code shall come into effect on the tenth day following the day of the official promulgation.
  2. The acting central and district election commissions shall exercise their duties until the formation of the central and district election commission, respectively.
CHAPTER 11. Techniques for drafting of decisions of the Government and Prime Minister of the Republic of Armenia and

11.1 General principles of techniques for drafting of decisions of the Government and Prime Minister of the Republic of Armenia

248. The rules of law drafting, provided for by Chapter 10 of these Guidelines, shall also apply to draft decisions of the Government and Prime Minister of the Republic of Armenia, taking into account the specificities envisaged by the same chapter.

249. Adherence to the rules provided for by these Guidelines is optional in the case of annexes to decisions of the Government or Prime Minister of the Republic of Armenia or tables given therein, where the annex or the table in question is of a purely technical or highly specialized nature, or else where it does not regulate legal relations.

Example 1:

Annex to Decision of the Government of the Republic of Armenia #147-A, adopted on February 24, October 2011

LIST of VEHICLES, PROVIDED FOR PENITENTIARY DEPARTMENT OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA

<table>
<thead>
<tr>
<th>Vehicle model</th>
<th>Year of issue</th>
<th>Number of the engine</th>
<th>Identification number</th>
<th>Book value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chevrolet Aveo</td>
<td>2010</td>
<td>F 4D4043334KA</td>
<td>KL SA48WJAB100237</td>
<td>5.900 G</td>
</tr>
<tr>
<td>......</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Example 2:

Annex


MOUNTAIN SPORTS CENTER ON THE SEVAN LAKE SHORE

CONCEPT

1. The main objective

1) The main objective of this Concept is to establish on the Sevan Lake shore a unique mountain sports complex that will:

   a) be outfitted with state-of-the-art sporting equipment and gear;
   b) provide high-quality sporting, recreational and tourist services;
   c) have store facilities to sell high-quality products;
   d) provide childcare services.

2) The complex will become a popular tourist destination and a key accomplishment of the Armenian tourism. The complex also will serve as an Olympic base for Armenian athletes. It will earn fame not only as a high-quality sports training facility, but also as a beautiful multi-profile complex on the Sevan Lake shore ….

11.2 Entitling decisions of the Government and the Prime Minister of the Republic of Armenia

250. The headings of decisions of the Government and Prime Minister of the Republic of Armenia must include the following in the specified order:
1) name of the body adopting the legal act,
2) type of the legal act with the definite article,
3) year, month, date of the adoption,
4) serial number,
5) nature ("N" - regulatory, “A” - individual),
6) heading of the legal act.

Example:

DECISION
OF THE GOVERNMENT OF THE REPUBLIC OF ARMENIA
#...N, ....,2010.
ON LAND RE-ZONING

251. The acts that do not contain the indication on the nature of the legal act shall be considered individual legal acts. Provisions of regulatory nature shall have no legal effect.\textsuperscript{53}

252. Decisions of the Government and Prime Minister of the Republic of Armenia shall be numbered using the “No” symbol.

11.3 Preamble to decisions of the Government and Prime Minister of the Republic of Armenia

253. It is required to note in the preamble to a decision of the Government or Prime Minister of the Republic of Armenia in accordance with or pursuant to which regulatory act of the legislation of the Republic of Armenia the decision is adopted.

254. The preamble shall mention:

- the short title of the relevant regulatory act and
- its relevant part.\textsuperscript{54}


\textsuperscript{54} Part 2, Article 37 and part 4, Article 43 of the Law on Legal Acts of the Republic of Armenia.
DECISION
OF THE GOVERNMENT OF THE REPUBLIC OF ARMENIA

№ …–N, …., 2010.

ON APPROVAL OF THE ACCOUNTING PROCEDURE FOR REVENUE RECEIVED IN IN-KIND (NON-MONETARY) FORM, IN THE GROSS INCOME OF NATURAL PERSONS

In accordance with Article 6 of the Law “On Income Tax” of the Republic of Armenia, the Government of the Republic of Armenia decides:

11.4 Division of decisions of the Government and the Prime Minister of the Republic of Armenia by structural units

255. The main unit of decisions of the Government and Prime Minister of the Republic of Armenia is item. It may contain one or several interrelated ideas. An item may be further divided into subitems, and the latter into paragraphs.55

256. Items, subitems and paragraphs shall have no headings.

257. Items shall be numbered using Arabic numerals to be separated from the text by a semicolon.

258. Subitems shall be numbered using Arabic numerals to be separated from the text by a parenthesis.

259. Paragraphs shall be indicated using Armenian lowercase letters and separated from the text by a dot. Following the “j” letter, equal to the numeric sequence of the letters in the Armenian alphabet, subitems shall be indicated by two letters, using the alphanumeric arrangement: ja, jb, jc etc., up to ji, after which shall come “k” used with “a” up to “i”: ka, kb, kc etc.

260. Summarizing the above-mentioned, structural units of decisions of the Government and Prime Minister of the Republic of Armenia are given in the example as follows:

55 Part 4, Article 41 of the Law on Legal Acts.
163. The traffic of those transportation facilities shall be regulated by special rules, stipulated by the legislation of the Republic of Armenia:

1) B-doubles or road trains with more than two trailer units;
2) the dimensions (or one dimension) of which, with or without load, exceed:
   a. in width: 2.55 meters,
   b. in length: 12 meters,
   c. by height: 4 meters.

CHAPTER 12. Techniques for drafting agency-level regulatory acts and regulatory acts of the local self-government bodies

12.1 General principles of the techniques for drafting of agency-level regulatory acts and regulatory acts of the local self-government bodies

261. The rules provided for by chapters 11.1 and 11.4 of these Guidelines for drafting decisions of the Government and Prime Minister of the Republic of Armenia shall apply to agency-level regulatory acts and regulatory acts of the local self-government bodies, as well as the rules provided for by chapter 10 of these Guidelines for drafting a law, taking into account the specificities envisaged by this chapter.

262. Adherence to the rules provided for by these Guidelines may be optional in the case of annexes to agency-level regulatory acts or regulatory acts of the local self-government bodies, or tables given in regulatory acts, that are of purely technical or highly specialized nature or else do not regulate legal relations.
12.2 Entitling agency-level regulatory acts and regulatory acts of the local self-government bodies

263. The heading of the agency-level regulatory acts and regulatory acts of the local self-government bodies shall include the following elements in the given order:

1) name of the body adopting the act,
2) type with the definite article,
3) year, month, date of the adoption,
4) serial number,
5) nature ("N" for regulatory, "A" for individual acts),
6) heading of the act.

Example:

ORDER
OF THE MINISTER OF JUSTICE OF THE REPUBLIC OF ARMENIA
Nо--- N, ……, 2010
ON APPROVAL OF THE TYPES AND SHAPES OF THE BADGE OF THE PENITENTIARY SERVANT

264. If the agency-level regulatory act will be adopted by two or more bodies as a joint order, it shall mention all the bodies adopting the act, as well as the serial number to be assigned to the regulatory act by those bodies.

Example:

MINISTER OF JUSTICE OF THE REPUBLIC OF ARMENIA
Nо--- N, ……, 2010
HEAD OF THE POLICE OF THE REPUBLIC OF ARMENIA UNDER THE GOVERNMENT OF THE REPUBLIC OF ARMENIA

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JOINT ORDER

ON APPROVAL OF THE TYPES AND SHAPES OF THE BADGE OF THE PENITENTIARY OFFICER

12.3 Preambles to agency-level regulatory acts and regulatory acts of the local self-government bodies

265. In the preambles of agency-level regulatory acts and regulatory acts of the local self-government bodies, mentioning of the regulatory act of the legislation of the Republic of Armenia, according to which or in pursuance of it is adopted is mandatory.

266. In particular, the following must be clearly provided:
   • the short heading of the relevant legal act and
   • its relevant part.57

Example:

ORDER

OF THE PRESIDENT OF THE REPUBLIC OF ARMENIA

# --- N, ……, 2010.

ON APPROVAL OF THE OATH PROCEDURE FOR THE PENITENTIARY OFFICERS

In order to ensure the provisions of Article 15 of the Law on the Penitentiary

I HEREBY ORDER

1. To approve the procedure for swearing-in of penitentiary officers, according to the Annex.

267. The agency-level regulatory acts and regulatory acts of the local self-government bodies, having no reference or having incorrect reference shall have no legal effect.58

268. Having an incorrect reference or having no reference shall mean:
   • reference is absent, or
   • the reference given is inadequate.

   **Example:**
   • the short title of the act is provided, but it does not contain all the information prescribed by items 179-181 of these Guidelines, or
   • reference is given to a wrong legal act or a norm of a legal act that does not provide for the authority to adopt an agency-level regulatory act or a regulatory act of the local self-government.

**CHAPTER 13. Techniques for amending, supplementing and repealing of legal acts**

13.1 General rules of techniques for amending, supplementing and repealing of legal acts

269. The relations pertaining to amending, supplementing and repealing legal acts are regulated by Articles 70-77 of the Law on Legal Acts of the Republic of Armenia.

270. Any amendment or supplement in a legal act must be precise.

271. In the case of substantial amendments or supplements to a legal act, it may be reasonable to comprehensively review the legal act or repeal it and adopt a new one.

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272. Legal acts on making amendments or supplements may not be amended or supplemented. Amendments or supplements shall be made only to the main act.

273. Amending, supplementing or repealing a legal act may be made only by the body that adopted the given legal act or its successor:

- in case of a law, the National Assembly;
- in case of a decree or executive order of the President of the Republic of Armenia, the President of the Republic of Armenia;
- in case of a decision of the Government of the Republic of Armenia, the Government;
- in case of a decision of the Prime Minister of the Republic of Armenia, the Prime Minister, etc.

274. A act may be amended, supplemented or repealed only by a legal act of equal standing. Amending or supplementing in the codes shall be made only by a law.59

Example:

DRAFT LAW
OF THE REPUBLIC OF ARMENIA
ON MAKING AMENDMENTS AND SUPPLEMENTS IN THE CRIMINAL CODE OF THE REPUBLIC OF ARMENIA

275. The drafting body must strive, to the extent possible, to combine all amendments and supplements to be made in the same legal act in one draft. Combination of the drafts of amendments and supplements to be made in the same law allows to avoid conflicting amendments and supplements to the law.

276. When developing a draft on making amendments and supplements in a legal act, to the drafter shall thoroughly verify if any of the provisions of the legal act have become obsolete or are in need of simplification. It allows to avoid making other amendments or supplements in legal acts in the future.

277. Amendments shall be made in legal acts by:

1) *changing* words or numbers with other words or numbers,

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2) removing words, numbers or sentences,
3) providing a new edition of sections, chapters, articles, parts, items, subitems or sentences,
4) terminating, in particular, repealing the effect of sections, chapters, articles, items, subitems or clauses.\(^{60}\)

278. Supplements to a legal act shall be made by adding new sections, chapters, articles, items, subitems or numbers to it.\(^{61}\)

279. The sequence of amendments or supplements in a legal act must correspond to the sequence of articles in the main legal act regardless the degree of importance of the amendments.

280. The following expressions must be used when wording an amendment, supplement or repealing a legal act:

- **to substitute**: in case of amending words or numbers by other words or numbers,
- **to delete**: in case of removal of words, numbers or sentences,
- **to provide in the following edition**: in case of providing sections, chapters, articles, items, subitems or sentences in a new edition,
- **to repeal**: in case of repealing sections, chapters, articles, parts or items,
- **to supplement with the following content**: in case of adding new sections, chapters, articles, parts, items, subitems, sentences,
- **to add**: in the case of adding words or numbers.

281. When making amendments or supplements in a legal act, the article of the legal act, its part, item, subitem and sentence must expressly mention where the amendment or supplement is envisaged.

282. If amendments and supplements are made in different parts of the same structural unit of a legal act (for example, article), the relevant structural unit, envisaging amendments and supplements in the legal act, shall be divided into items in case of laws\(^{62}\), and into subitems in case of other legal acts.\(^{63}\)


\(^{62}\) See numbering of structural units of the laws in points 204 and 205 of these Guidelines.

\(^{63}\) See numbering of structural units of other legal acts in points 256 and 257 of these Guidelines.
Example 1:

Article 2. In Article 22 of the Law:

1) to substitute the number “11” in part 3 for the number “15”,
2) to substitute the words “provided for by the law” in subitem “b”, item 2, part 4, for the words “provided for by the legislation”,
3) to substitute the numbers “13, 35” in the second sentence of part 5 for the numbers “15, 36”.

Example 2:


1) To supplement the order by item 7.1 with the following content:
   License inset shall be provided for the motorcars, used in the passenger operations by motor-taxis.
2) To provide item 8 as follows:
   “8. …”.

If amendments or supplements are made in different structural units of a legal act (for example, in articles), they must be envisaged by specific structural units of the legal act on making relevant amendments and supplements.

Example:

Article… To substitute the number “11” in part 3, Article 22 of the law for number “15”.

Article … To substitute the words “provided for by the law” in subitem 1, item 2, part 4, article 25 of the law for the words “provided for by the legislation”.
13.2 Techniques for composition of the drafts for amending, supplementing and repaling the laws

13.2.1 Titles for draft acts on amending, supplementing and repaling of the laws

284. The title of the draft law on making amendments or supplements in the law must mention the following:

- The short title of the law to be amended and
- The words “on making an amendment,” “on making a supplement,” or “making an amendment and a supplement,” respectively.

Example 1:

DRAFT LAW
OF THE REPUBLIC OF ARMENIA
on making an amendment in the Law on Legal Acts of the Republic of Armenia

Example 2:

DRAFT LAW
OF THE REPUBLIC OF ARMENIA
on making a supplement in the Law on Legal Acts of the Republic of Armenia

Example 3:

DRAFT LAW
OF THE REPUBLIC OF ARMENIA
on making an AMENDMENT and a SUPPLEMENT in the Law on Legal Acts of the

64 See point 179 of these Guidelines
285. In case if the draft provides for more than one amendment or supplement, the heading of the draft shall indicate the following, as relevant:

- the words “on making amendments,”
- “on making supplements,”
- “on making amendments and supplements.”

286. The title of a draft law on repealing a law shall indicate the following:

- the short title of the law to be repealed and
- the words “on repealing.”

**Example:**

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DRAFT LAW
OF THE REPUBLIC OF ARMENIA
ON REPEALING THE LAW OF THE REPUBLIC OF ARMENIA “ON FIXED PAYMENTS FOR PETROL AND DIESEL FUEL”
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287. The provisions related to a heading of the draft law, provided for by sub-chapter 10.1 of these Guidelines, shall be applicable to the heading of the draft law on making amendments and supplements in a law as well.

### 13.2.2 Reference to an amended, supplemented or repealed law

288. In the law on making amendments or supplement in a law or repealing a law, the title of the law to be amended, supplemented or repealed must be provided *in full*.\(^{65}\)

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\(^{65}\) Points 176 and 177 of these Guidelines.
Example 1:

DRAFT LAW
OF THE REPUBLIC OF ARMENIA

ON MAKING AMENDMENTS AND SUPPLEMENTS IN THE LAW “ON BANKRUPTCY” OF THE REPUBLIC OF ARMENIA


Article 2. To add the words “… in the order, provided for by Article 22 of this Law” following word “therein” in part 2, Article 13 of the Law.

Example 2:

DRAFT LAW
OF THE REPUBLIC OF ARMENIA

ON REPEALING THE LAW “ON REMUNERATION OF LABOR” OF THE REPUBLIC OF ARMENIA

13.2.3 Formulating the substitution of words or numbers in the law

289. In the case of substitution of words or numbers in the norm of the law for other words or numbers, the following words must be mentioned in the given order:

- The words “of the law”,
- the article of the law, if appropriate, also the part, item, subitem, clause or sentence of the article where the amendment is envisaged,
- the words or numbers to be amended in quotation marks,
- the words “substitute words(word) or numbers (number),” respectively,
- the words or numbers to substitute for the relevant words or numbers of the legal act in force in quotation marks,
- the words “for words (word) or numbers (number)” respectively.

Example 1:
Substitute the words “general jurisdiction” in Article 22 of the Law for words “first instance, appeals and cassation.”

Example 2:
The number 13” in part 3, Article 6 of the Law for the number “15”.

Example 3:
Substitute “stipulated by the law” in subitem “c”, item 2, part 5, Article 32 of the Law for the words “stipulated by the legislation.”

Example 4:
Substitute the numbers “13, 35” in the first sentence of Article 9 of the Law for numbers “15, 36”.

290. If some words or numbers in the structural unit to be amended are encountered several times, it is required to exactly indicate which words or numbers specifically will be amended. To this end, words or a word preceding the words or numbers to be amended must be enclosed in quotation marks, noting that the amendment is made in the words or numbers following those words.

Example:
Substitute words “of enterprises,” following words “to be constructed in the future” in part 1, Article 21 of the Law, for words “of legal persons.”

291. If the amendments are made in the same part, item, subitem, sentence, the amendment must be formulated in one norm.

**Example:**

Substitute the number “13” in part 3, Article 22 of the Law for the number “15”, and substitute words “provided for by the law” for words “provided for by the legislation.”

292. If the same amendment is made in several articles of the legal act, or various forms of the same word are amended, it is formulated in one norm.

**Example 1:**

Substitute the words “provided for by the law” in Articles 22, 30 and 44 of the Law for words “provided for by the legislation.”

**Example 2:**

Substitute the words “Judicial School” and relevant forms in Articles 35 and 44, Chapter 15 of the Code for the words “Justice Academy” and relevant forms.

### 13.2.4 Formulating the removal of individual words, numbers or sentences from the text of the law

293. In case of removal of words, numbers or sentences from the text of the law, the words must be mentioned in the following sequence:

- The words “of the law,”
- the article of the law, if appropriate the part, item or subitem of the article in the ablative case, where it is envisaged to make the amendment,
- the word “delete”,
- the words, numbers or sentences to be deleted in quotation marks,
- the words “words (word), numbers (number) or sentences (sentence).”

**Example 1:**
To delete the words “Commission for Securities of the Republic of Armenia” from Article 6 of the Law.

**Example 2:**
To delete the number “15” from Item “b”, Part 3, Article 5 of the Law.

**Example 3:**
To delete the sentence “The qualification procedure shall be approved by the Government of the Republic of Armenia” from Article 78 of the Law.

294. Formulations of the removal of words, numbers or sentences from the text of law shall be given in accordance with the format, provided for by items 289-291 of these Guidelines.

13.2.5 **Formulating the edition of the law**

295. In case of providing sections, chapters, articles, parts, items, subitems or sentences in a new edition, the following must be mentioned in the sequence given below:

- word “law”,
- the section, chapter, article, part, item, subitem or sentence to be provided in a new edition,
- words “to provide in the following edition” and punctuation mark “:”,
- in the next line the new edition of the relevant section, chapter, article, part, item, subitem or sentence must be provided in quotation marks.

296. When providing the text in a new edition, the number of the article must be mentioned.

**Example:**
To provide part 7, Article 36 of the Law in the edition as follows:

“7. The official translation of a legal act from Armenian into English shall be performed by the Ministry of Justice of the Republic of Armenia, and translation from Armenian into any other language must be performed by the body that adopted the legal act, or the Ministry of Justice of the Republic of Armenia.”.
13.2.6 Formulating the repealing of the law

297. In case of repealing the sections, chapters, articles, parts, items, subitems, the following sequence must be maintained:
   - words “of the law”,
   - the section, chapter, article, part, item, subitem of the law that is envisaged to repeal,
   - words “to repeal.”

**Example:**
To repeal part 2 of article 54 of the law.

298. Formulation of repealing sections, chapters, parts, items and subitems of the law may be done in the following sequence as well:
   - words “to repeal”,
   - words “of the law”,
   - the section, chapter, article, part, item, subitem of the law that is envisaged to be repealed.

**Example:**
To repeal article 5 of the law.

299. In case of repealing a section, chapter, article, part, item, subitem of a law, numbers of other structural units of the law shall not be changed.

13.2.7 Formulating the new edition of the law

300. In adding new sections, chapters, and articles to a Law, the following shall be indicated in sequence:
   1) the word «law»,
   2) the words «add in the following contents»,
   3) the appropriate serial number of section, chapter, part numbering and with words "section ",

"chapter", "article" respectively,
4) from fresh line, in quotation marks, shall be written the serial number of section, chapter, article to be added to, the words "section", "chapter", "article" respectively, the title of respective section, chapter or article (if the article has a title) and the text to be added in.

Example:

Article … Make supplement to the Law as follow: Chapter VI.1

«CHAPTER VI.1

Zonal Division of Areas »

301. In the event of adding article parts, paragraphs, sub-paragraphs or sentences the following shall be indicated in sequence:

1) the word «of law»,
2) the article in the law, if necessary - part, paragraph or sub-paragraphs of an article, in passive voice, where an addition is made,
3) the word «add with the following contents»,
4) from fresh line, in quotation marks shall be written the serial number of part, paragraph or sub-paragraph of the article where addition is made and the text to be added to; and in case of adding a new sentence – only the text to be added.

Example:

Article … Add Paragraph 3 with the following contents to Article 15.1 of the Law:

«3) From January 1, 2012, for organizations or individual entrepreneurs with more than AMD 58.35 million value added taxable turnover (exceeding VAT threshold) as of previous accounting year results.».

302. In case of adding words or numbers to a Law the following shall be indicated in sequence.

5) the word «of Law»
6) the article in a law, if necessary - part, paragraph or sub-paragraphs of an article, in
passive voice, where an addition is to be made,
7) in quotation marks - the words (the word) or numbers (number), before or after which the addition is to be made,
8) the words «after the words» or «before the words»
9) the word «add»,
10) in quotation marks - add the words or numbers,
11) the words «the words (the word) or numbers (number),

**Example 1:**

Article … In Article 15 of the Law, after the words «environment» add the words «social protection of persons with disability,».

**Example 2:**

Article … In Article 17 of the Law, before the word «environment» add the word «natural».

303. When adding a new section, chapter, article, part, paragraph or sub-paragraph between sections, chapters, articles, parts, paragraphs, sub-paragraphs of a Law said addition must bear a serial number. In this case the numbers of the effective sections, chapters, articles, parts, paragraphs, sub-paragraphs of the Law do not change.

304. A section, chapter, article, part, paragraph, sub-paragraph cannot be added under same number instead invalidated section, chapter, article, part, paragraph, sub-paragraph, or section of the Law. In such case sections, chapters, articles, parts, paragraph, sub-paragraph shall be added only under additional numbers.

**Example 1**

Article 16. ......

Article 17. (is repealed under AL -21 Law, dated 05.02.2005)

Article 18. .........

In this Example, if there is a need to make supplement after Article 17, then the provision about said addition shall be formulated as follows:

Article …. Make supplement to the Law as follow by Article 17.1:
Example 1:

The Law of the Republic of Armenia on Suppliment to the Law «On Legal Acts»

Article …. Add Articles 27.1 and 27.2 to the RL -320 Law of the Republic of Armenia " On Legal Acts ", dated April 3, 2002 by the following contents:

"Article 27.1 Assessment of the regulatory impact of a legal act
........
Article 27.2 Conducting Public consultations

........:

Example 2:

Article 10. Add Chapter VII.1. to the law in following contents:

«Chapter VII.1

Zonal Division of Areas»
If there is an intention to make supplement between already additionally numbered sections, chapters, articles, parts, paragraphs, sub-paragraph, then in such case also sections, chapters, articles, parts, paragraphs, sub-paragraph to be added shall numbered by additional numbers.

**Example:** Article 15. .......

   Article 15.1 ......
   Article 15.2 ......

In this Example the provision for a new Article to be added after Article 15.1 shall be formulated as follows:

Add Articles 15.1.1 and 15.1.2 to the:

«Article **15.1.1** ...
Article **15.1.2** ...»

If the Law is added by more than one consecutive sections, chapters, articles, parts, paragraphs, sub-paragraphs, the said addition shall be formulated by one Article of the draft on supplement to the Law (see Examples in Paragraphs 305 and 306 of this Handbook)

### 13.3 Techniques for drafting of acts on amending, supplementing or repealing of another legal act

Provisions stipulated in Chapter 13.2 of the Hadbook herein on techniques for drafting an act on amending, supplementing or repealing of a law shall apply to techniques for drafting an act on amending, supplementing or repealing of other legal acts.\(^{66}\)

In applying provisions stipulated in Chapter 13.2 of the Handbook herein to amending, supplementing or repealing of other legal acts, in referring to the type of legal act instead of the word “law” the respective name of a legal act shall be used, for example: «decision», «decree», «directive», «order».

\(^{66}\) See above, reference 34.
310. Examples of Titles of legal acts on amendments, supplement in other legal act.

**Example 1:**

DRAFT

DECREE OF THE
PRESIDENT OF THE REPUBLIC OF ARMENIA
ON AMENDMENT IN THE DECREE NH-214-N OF THE PRESIDENT OF THE REPUBLIC OF ARMENIA, DATED NOVEMBER 26, 2005

**Example 2:**

DRAFT

ORDER
OF THE MINISTER OF JUSTICE OF THE REPUBLIC OF ARMENIA


**Example 3:**

DRAFT

ORDER OF
PRESIDENT OF THE REPUBLIC OF ARMENIA

311. Other legal act on amending, supplementing or repealing of other legal act shall indicate the full name of the act to be amended or repealed.

---

67 See Paragraph 178 of Instructions in this Handbook.
Example:

The Government of Armenia passes a decision.


SECTION 3. PACKAGE OF DOCUMENTS ACCOMPANYING A DRAFT LEGAL ACT

CHAPTER 14. Package of documents accompanying draft regulatory acts to be submitted for the consideration of the Government

14.1 Overview of the package of documents accompanying draft regulatory acts to be submitted for the consideration of the Government

312. The following shall accompany a draft legal acts submitted to the Government's consideration:

1) substantiation of adoption of a legal act,
2) reference to the necessity of adoption of other regulatory act in regard to the legal act to be adopted,
3) reference to increase of or reduction in revenues and expenditures in the budget of the state or local self-government body in regard to the legal act to be adopted,
4) The expert legal opinion made by legal division (lawyer) of the body drafting the act in the event when the draft legal act is developed by state bodies,
5) conclusion on assessment of the regulatory impact in the case of draft Laws and draft decisions of the Government of the Republic of Armenia planned by annual action program of the Government of the Republic of Armenia68,
6) summary of comments and proposals made in regard to the draft,

68 Details of regulatory impact assessment shall be provided for in respective Guidelines under development by the Ministry of Economy of RA, therefore in this Handbook there is no reference to such details.
7) reference to public consultations in the event of public participation in legal act discussions.\(^{69}\)

313. In the event of submission of draft regulatory act to legislator financial and economic estimations, statistical data, or other documents substantiating the development of a legal act or data required for substantiation of the submitted draft can also accompany the draft.\(^{70}\)

**Example:** If a draft is submitted for examination by international experts, then said examination result can be attached.

314. The package of documents indicated above to accompany a draft shall be mandatorily submitted when making draft legal acts as follow:

- Laws,
- Normative decrees and orders of the president of the Republic of Armenia developed upon initiative of national executive bodies,
- Normative decree of the Government of the Republic of Armenia,
- Normative decrees of the prime minister of the Republic of Armenia.

315. Prior to submission of draft legal act to Government’s consideration package of documents as indicated above shall also be mandatorily attached when submitting to stakeholder institutions for approval except summaries of comments and proposals made in regard to the draft and conclusion on regulatory impact of the draft. The latters are not available in this phase.

316. Drafts of laws and other legal acts of the Republic of Armenia along with attached documents (in electronic carriers or other data transfer means) shall be submitted to Government’s consideration in one copy with cover letter made by the minister submitting said request by handing them over to the staff of Government.\(^{71}\)

**Example of a cover letter:**

---


\(^{71}\) Decree № NH-174-N of the President of the Republic of Armenia, dated July 18, 2007, see above, Reference 2, Paragraph 52.
Pursuant to Paragraph 42 of the protocol № 29.7/[87903]-11 № 35 of RA Government meeting dated September 8, 2011, and Directive № 01/29.7/[87903]-11 dated September 14, 2011:

Dear Mr. …………,


With kind regards
………………

14.2 Substantiation of adoption of a regulatory act

14.2.1 General rules for writing of the substantiation of adoption of a regulatory act

Correct structure and contents of substantiation of adoption of a legal act is of key importance as through substantiation a state body drafting said legal act provides clarification on the about the objectives for adoption of a legal act, the necessity for
regulation, reasonability of the option selected for regulation, clarifies character and
goal of regulation offered by the draft, results expected from adoption of the legal act.

318. Substantiation shall be made in clearly expressed declarative sentences (narratives) -
without ambiguous ideas, metaphorical phrases.

319. For purposes of more perceptibility substantiation is divided into thematic parts with
appropriate titles. Titles should also be appropriately numbered.

320. In the event of submission of draft packages there can be only one general unified
substantiation of all drafts presented in the package. However, there can be
individual substantiations for each draft or draft sets included in the package.

Example: When submitting a package of draft law of the Republic of Armenia «On
Academy of Justice» with related amendments in other laws, then given the importance
of the key draft – the law of the Republic of Armenia «On Academy of Justice» - a
separate substantiation can be made for said draft and another unified substantiation of
related amendments and supplement in other legal acts.

321. In the event of amendments and supplement made in the draft prior to submission to
Government’s of National Assembly’s consideration then said draft shall be
respectively redrafted.

14.2.2 Structure and contents of the substantiation of a regulatory act

322. Depending on the type of legal act the contents and degree of details of
substantiation of a legal act may vary.

323. Substantiation of adoption of regulatory act shall assume stricter requirements for
contents, especially in the case of laws of the Republic of Armenia, normative
decisions of the Government, Presidential decrees - given the nature of social relations
regulated by said legal acts and their place in system of legal acts.

324. The title of substantiation shall contain the name of the draft legal act or package of
drafts that said substantiation refers to.
325. The substantiation of adoption of a regulatory act shall have the contents as follows.

<table>
<thead>
<tr>
<th>SUBSTANTIATION COMPONENTS AND THEIR CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Current situation and the necessity for adoption of the legal act</strong></td>
</tr>
</tbody>
</table>

1.1 This part, so far as possible, describes the circumstances which cause the necessity for adoption of the legal act, in particular:

1) Constitution of the Republic of Armenia, other laws and legal acts, norms (recommendation, charter, directive, etc.) of International agreements and other international documents of the Republic of Armenia, relevant decisions of the Constitutional Court of the Republic of Armenia or the European Court of Human Rights,

2) Effective legal framework, current legal regulations; previous amendments, supplements to legal acts and comparative analysis of their results by relevance if they allow to emphasize the substance of legal regulation proposed by the draft,

3) Practical problems existing in the field of relations subject to regulation, possible gaps in legislation, unified issues in judicial practices,
4) public policy implemented in the given field.

**Example:** If the Government has approved a plan to improve the business environment in the Republic of Armenia, then the substantiation must indicate whether the draft is consistent with the measures and adopted policy stipulated in said plan.

1.2 Statistical data, results from sociological and other studies can also be submitted to reflect current situation, existing problems and for substantiation of the necessity of adoption of the draft.

### 2. Nature of proposed regulation

2.1 This section describes:

1) Existing international practices in regard to the subject regulated by the draft and substantiation of its choice, if it is significant in terms of presenting regulations proposed by the draft. At the same time, the analysis of international practices shall be presented proportionally by examples of the European Union member, Council of Europe member, CIS member countries and countries with Anglo-Saxon legal system in order to ensure an objective and convincing basis for comparison,

2) Brief description of the assessment of regulatory impact of the legal act if the Law of the Republic of Armenia “On Legal Acts” requires regulatory impact assessment for such type of legal act

3) Other possible alternative approaches for regulation and the possibility of selection for regulation proposed in the draft from available alternatives,

4) The contents of regulation proposed in the draft, the problems which legal regulation proposed in the draft is designed to address.

2.2 If, in accordance with European Union directives, the Republic of Armenia has taken obligations for transpositions in a respective sector then substantiation shall indicate the compliance of the draft with said directives.

2.3 Where appropriate, information shall be presented on the materials used in developing said draft.

### 3. Institutions, persons involved in drafting process and their positions

3.1 In the event when an act is drafted by a working group (committee) composed of
representatives from various institutions, then there shall be a reference to the working group status (formal or informal), in the case of formal working group (committee) – the date of its creation, the legal act for creation of such group and motivations.

**Example:** Pursuant to the Order NK-58-A of President of the Republic of Armenia, dated April 26, 2010, a committee was created for development of a new concept for Criminal Procedure Code of the Republic of Armenia and for development of a new Law. The order also assumes the possibility of creation of a working group with inclusion of specialist and scientists from relevant sector.

3.2 In the event of participation of persons, organizations, academic and research institutions in drafting process, then a reference shall be given to such event along with presentation of their opinions, views and proposals in general terms - should they be different from the approaches indicated in the draft.

### 4. Expected results

This section shall include, in main points, the improvements, the results which shall be expected as result of adoption of a legal act.

### 14.2.3 Substantiation of the draft by structural components

326. In the event of adoption of more extensive and significant regulatory act more detailed explanation can also be presented in addition to substantiation as defined in Paragraphs 321 and 323 of the Handbook which shall refer to clarification of the contents of each individual article or paragraph.

327. Moreover, in the event of substantiation of a legal act by structural units there shall not be a necessity in detailed substantiation of articles which contents does not need further clarification.

**Example:** If a specific article concerning the subject regulated by the Law requires no further clarification, then it shall simply write «This Article defines the scope of application of the Law».

328. Detailed substantiations are especially important in the event of presenting radically new regulation of respective legal relations, a new legal act.

329. Despite the fact that substantiation by structural unit assumes more intensive and time-
consuming work  it actually has a number of advantages. In particular, it:

- clarifies the meaning, purpose of every legal act, the necessity of its adoption,
- in substantiating of any Article - pushes the body drafting a legal act to reconsider once again in regard to observation of the appropriateness of the chosen option, clarity of norm’s contents, technical rules,
- is an important material for interpretation of specific norms not only during Parliamentary discussion but also in implementation of the legal act by court and other law enforcement agencies after the legal act becomes effective.

14.3 Reference to adoption of other regulatory acts related to the regulatory act being adopted

330. The package of regulatory acts includes similar type of regal acts. However, adoption of a regulatory act may cause a necessity to make amendments in other regulatory act or adopting an absolutely new regulatory act. An appropriate reference shall accompany the draft legal act to demonstrate the presence or absence of such necessity.

331. In the event of submission of a package of drafts there shall be one reference for all drafts which title shall include the names of all drafts included in the package.

332. In the event when there is no necessity to adopt other legal acts related to adoption of a legal act then the reference herein shall have the form of the sample as described below:

Example 1

```
REFERENCE


Adoption of other legal acts shall not be required as a result of adoption of the Law of the Republic of Armenia «On Amendments in the Laws of the Republic of Armenia «On Academy

333. If there is a necessity to adopt a new legal act as a consequence of adoption of legal act, then the reference shall have the standard form as described in the example:

**Example 2**

**REFERENCE**


In regard to the decree adopted by the Government the Republic of Armenia «On amendments in the decree № 1917 of the Government of the Republic of Armenia, dated November 28, 2002» there is a necessity to adopt:

1) A decision of the Prime Minister of the Republic of Armenia on amendments in the staff list of the Ministry of Justice of the Republic of Armenia,

2) A decision of Civil Service Council the of the Republic of Armenia on changes in the staff list of civil service positions of the Ministry of Justice of the Republic of Armenia.

334. If there is a necessity to make amendments and supplements in other legal acts as a consequence of adoption of legal act, then the reference shall have the standard form as described in the example:

**Example 3**
14.4 Reference to any increase of or reduction in revenues or expenditures in the budget of the state or local self-government body as a consequence of the adoption of the regulatory act

335. Information on increase of or reduction in revenues and expenditures in the budget of the state or local self-government body as a consequence of adoption of a legal act shall be indicated in an appropriate reference.

336. If there is no change in revenues and expenditures in the budget of the state or local self-government body as a consequence of adoption of a legal act then the reference shall have the standard form as described in the example.

Example 1
337. If as a consequence of adoption of a legal act there shall be increase of or reduction in the revenues and expenditures in the budget of state or local self-government body, the detailed analysis of such change is extremely important for assessment of effectiveness and appropriateness of the proposed regulation in the sector.

338. Detailed information on revenues and expenditures included in the reference can be presented in the following format:

<table>
<thead>
<tr>
<th>Indicators</th>
<th>current (№-rd year)</th>
<th>Next 3 years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>By № -rd year state</td>
<td>№ +1</td>
</tr>
<tr>
<td></td>
<td>budget</td>
<td>№ +2</td>
</tr>
<tr>
<td></td>
<td>Change against № -rd</td>
<td>№ +3</td>
</tr>
<tr>
<td></td>
<td>year state budget</td>
<td>state budget</td>
</tr>
<tr>
<td></td>
<td>Change against current</td>
<td>Change against current</td>
</tr>
<tr>
<td></td>
<td>year budget (№)</td>
<td>year (№)</td>
</tr>
<tr>
<td></td>
<td>Change against current</td>
<td>Change against current</td>
</tr>
<tr>
<td></td>
<td>year (№)</td>
<td>year (№)</td>
</tr>
</tbody>
</table>

1. Revenues

1.1. State budget revenues

1.2. Local self-government revenues
2. Expenditures

| 2.1. State budget expenditures |
| 2.2. Local self-government budget expenditures |

3. Fiscal impact assessment

| 3.1. State budget |
| 3.3. Local self-government budget |

4. Presentation of detailed estimation of revenues and expenditures (can be presented in a form of an annex if required).

| 4.1. Estimation of revenues |
| 4.2. Estimation of expenditures |

5. Other information (if available)

339. Assessment of the impact on state and local self-government budgets as per paragraph 337 of this Handbook shall be mandatorily submitted to the Ministry of Finance of the Republic of Armenia for review. The opinion of the Ministry of Finance of the Republic of Armenia shall be attached to documents accompanying the draft submitted to the Government of the Republic of Armenia, and its brief description shall be presented in the Summary.

340. Assessment of impact on the budget of state or local self-government body shall be carried out in accordance with the following principles:

1) Fiscal impact shall be calculated as the difference between revenues and expenditures.

2) Assessment of revenues and expenditures for all years shall be based on the legislation of the Republic of Armenia, as well as on estimated, predicted indicators defined by mid-term and long-term state programs or in the absence of said indicators – on statistical data, on information provided by respective state or local self-
government bodies, actual data and other reliable data. Estimations shall be made on economic indicators of the № - nd year (market indicators, tax rates, etc.).

341. The body drafting the act can ask the appropriate governmental authority for information necessary for assessment calculations of the impact on the budget of state or local self-government body.

342. In the event of impossibility of deriving a specific digital value of regulatory impact of the draft on the budget of state or local self-government body, then the format provided for in Paragraph 337 of this Handbook shall not be filled in, instead, a respective analysis of increase or reductions in revenues and expenditures in the budget of state or local self-government body shall be presented without specific digital values.

14.5 The expert legal opinion made by the legal division (section) of the drafting body

343. A regulatory act is drafted by various departments of a state body and authors of said draft are not always lawyers. In order to ensure the compliance of the draft with requirements of the legislation of the Republic of Armenia and with rules of lawmakers techniques a draft shall undergo legal review by experts conducted by legal division (or lawyer in case of unavailability of such division)72:

344. Expert legal opinion as indicated above differs from opinion of mandatory expert legal review produced by the Ministry of Justice of the Republic of Armenia which is mandatory state expert legal review conducted by an authorized state body73.

345. Legal division (lawyer) of the drafting body shall point out non-compliance of the draft with the rules of lawmaking techniques, the conflict of the draft with other legal acts, incomplete regulation, etc to the drafting body. In reviewing a draft legal act the list of questions to be checked-up by the expert during mandatory state expert legal review conducted by the Ministry of Justice of the Republic of Armenia can serve as guidelines for legal division (lawyer) of the body drafting the act74.

346. The draft circulated by the drafting body shall express a single, coherent position of

73 See Chapter 23 in this Handbook for mandatory state legal expert review conducted by the Ministry of Justice of the Republic of Armenia.
74 Ibidem.
said body. Should there be any objection and comment in regard to the draft expressed by legal division (lawyer) of the body drafting the act, then they shall be discussed and respective changes shall be made in the draft as a consequence of said discussions prior to sending the draft for opinions. As a result the reference accompanying the draft shall merely contain the assurance of the legal division (lawyer) of the body drafting the act that there are no comments or proposals in regard to the draft.

347. Expert legal opinion of legal division (lawyer) of the body drafting the act shall be made in a standard format as follows:

**EXPERT’S OPINION**


There are no proposals or comments in regard to the draft decree of the Government of the Republic of Armeina «On amendments in the Decree № 539-N of the Government of the Republic of Armeina, dated April 8, 2004»

______________________________

Head of legal division (department)  
(full name)  

______________________________

(signature)

14.6 Summary of any comments and proposals received in relation to the draft

348. The Summary shall include the comments and proposals made by state and other bodies created by law, non-governmental organizations, civil initiatives, individuals and groups of experts in relation to draft regulatory act, as well as information about the process of respective discussions.

349. The Summary of comments and proposals received in relation to the draft shall include the following:

- Name of state body making the proposal,
350. The Summary may not include comments and proposals of technical or editorial character. In the event of similar comments and proposals the Summary shall include only one of them.

351. In the event of acceptance of comments and proposals received in regard to a draft the proposal in the Summary shall be marked by the word "accepted". In the event of rejection of comments and proposals the proposal in the Summary shall be marked by the word "declined" - along with comments with substantiation of said rejection. In the event of partial acceptance of comments and proposals they shall be marked by the words “accepted in part” – along with the changed contents of the act, or nature of changes made as a consequence of comments. In the event of absence of comments and proposals from appropriate body said absence of proposals shall be duly noted.

352. In the event of submission by state body of more than one comment and proposal, then they shall be grouped in one section of the Summary, and numbered respectively.

353. The Summary shall include only the accepted comments and proposals received from the public as a result of public consultations. The Summary shall include information about the author of the proposal, the date of receipt of the document. Opinions received from individuals of key importance or with similar contents may be grouped in key, general terms under the headline “Comments and proposals received from a group of people”.

354. When making a Summary for a package of drafts containing several draft regulatory acts the comments and proposals shall be grouped in the Summary under the title of the respective draft legal act.

355. The Summary of comments and proposals in relation to a draft shall be presented in the format as follows:

```
SUMMARY OF
COMMENTS AND PROPOSALS RECEIVED IN RELATION TO THE DRAFT LAW OF THE REPUBLIC OF ARMENIA «ON ACADEMY OF JUSTICE»
```
<table>
<thead>
<tr>
<th>s/n</th>
<th>Author of the proposal, letter date, number</th>
<th>proposal contents</th>
<th>opinion</th>
<th>Change made</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Ministry of Finance of the Republic of Armenia, 28.06.2011, letter № 4/4.3-2/80845-11 /</td>
<td>1. in Article 9.11 ...:</td>
<td>Declined</td>
<td>We believe that the draft .... :</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. In Article 15 ...:</td>
<td>Accepted in part.</td>
<td>Edit the norm as follows: «.....:»</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.«In Article 17 there should be …..»</td>
<td>Accepted</td>
<td>The article is reworded.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. We believe that along with the draft there is a necessity to make appropriate amendments in the Law of the Republic of Armenia «On Stamp Duties» by defining fee rates for applications.</td>
<td>Accepted</td>
<td>Draft Law of the Republic of Armenia «On Amendments in the Law of the Republic of Armenia «On Stamp Duties» » is presented.</td>
</tr>
</tbody>
</table>
14.7 Reference to the Public Consultations

356. According to paragraph 1.6 of Article 28 of the Law of the Republic of Armenia on Legal Acts, the summary shall only include the accepted comments and recommendations received as a result of the public consultations.

357. The above-mentioned article does not directly provide for a requirement to submit a reference on non-accepted recommendations. However, such a reference is required according to paragraph 4 of Article 27.1 of the same law to ensure implementation of legislative requirements on public consultations and opportunities to reflect the public consultation results.

358. In addition to recommendations included in the summary, all core recommendations, comments, opinions that have been presented during public consultations are briefly introduced in the public consultation summary.

359. The reference to public consultations permits:

- To reflect public sentiments and concerns;
- To predict the potential risks of implementing the act;
- To make conclusions regarding the advisability of the selected regulatory method;
- To monitor execution of legislative requirements to ensure transparency of the law-making process;
- To assess the effectiveness of the selected method for public consultations and the efficiency of public participation.

359. It is recommended to adhere to the requirement for issuing references to the public consultations in respect of at least key laws, and regulatory acts intended to drastically reform the legal regulation of certain fields of social relations.

360. The reference shall briefly (in several paragraphs) outline the key points of comments or recommendations of each organization or civil society association that has participated in the public consultation on the draft regulatory act. In case of comments and recommendations received from individuals these can be enclosed under the title “Comments and recommendations of a group of people”, again in bullet point format. Repeated comments and recommendations are included in the
361. The reference to public consultation shall be compiled according to the following template:

<table>
<thead>
<tr>
<th>1. Reference Title</th>
<th>For example:</th>
</tr>
</thead>
<tbody>
<tr>
<td>REFERENCE TO THE PUBLIC CONSULTATION ON THE DRAFT LAW ON FREEDOM OF CONSCIENCE AND RELIGIOUS ORGANIZATIONS</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Awareness on public consultations</th>
<th>How and when was the public informed about the draft?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ex. in case of posting the draft on the website of the drafting body the link to the corresponding web page shall be provided.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. The participants of the public consultations</th>
<th>➢ In this section the natural or legal persons and civil society associations that have participated in the public consultations are mentioned.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>➢ A substantiation of the participation in the public consultations of certain natural or legal persons, civil society associations.</td>
</tr>
</tbody>
</table>

| 4. The outcomes of participation in the public consultations | ➢ This section briefly describes key concerns, objections and recommendations of participants of the public consultation on the draft. |

| 5. Other information (if available) | |
|------------------------------------| |

CHAPTER 15. Submission of the agency-level regulatory acts and legal acts of the local self-government bodies

15.1 Submission of the agency-level regulatory acts

362. 362. An agency-level regulatory act shall be sent to mandatory state legal expert review and registration
363. without accompanying documents.

364. The agency-level regulatory act shall be sent to the Ministry of Justice of the Republic of Armenia for mandatory state legal expert review in three copies with an accompanying letter.

365. If a joint agency-level regulatory act adopted by more than one body is sent to mandatory state legal expert review, the number of copies submitted to the Ministry of Justice shall increase by the number of more than one body that has participated in regulatory act drafting.

366. Each of the copies of the legal act shall be sealed with the seal of the submitting body and bound.

367. Together with the agency-level regulatory act its electronic version shall be also submitted.\(^{76}\)

### 15.2 Submission of legal acts of the local self-government bodies

368. Regulatory acts of local self-government bodies shall be sent to the Ministry of Justice of the Republic of Armenia for mandatory state legal expert review and registration\(^ {77}\) in two copies with an accompanying letter\(^ {78}\).

369. Each of the copies of the legal act shall be sealed with the seal of the submitting body and bound.

370. When sending the regulatory acts of local self-government bodies for mandatory state legal expert review and state registration, the following documents shall be attached:

1) Substantiation for adoption of the legal act,

2) A reference to the need making amendments or supplements to other legal acts as a consequence of the adoption of the regulatory act, or absence thereof;

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\(^{75}\) See more details about the mandatory state legal expert review of agency-level regulatory acts in Chapter 23.3 of this handbook.

\(^{76}\) The RA Law on 'Legal Acts', Article 33, Part 2

\(^{77}\) See more details about the mandatory state legal expert review of regulatory acts of local self-government bodies in Chapter 23.4 of this handbook.

\(^{78}\) The RA Law on 'Legal Acts', Article 34, Part 2
3) The list of those bodies with which the draft has been agreed upon.

CHAPTER 16. The package of documents accompanying a draft of individual legal act

16.1 Overview of the package of documents accompanying a draft of individual legal act

371. 370. The Law of the Republic of Armenia on Legal Acts does not contain specific regulations on the package of documents required for submission of a draft individual legal act. Article 28 of the law only refers to the package for submitting a draft regulatory act to the law-making body.

372. 371. Although no specific requirements on the package of documents accompanying draft individual legal acts are expressly provided by the Law on Legal Acts, in practice the following documents should be attached to the drafts:

1) Substantiation for adoption of the individual legal act;
2) Reference to adoption of other regulatory acts as a consequence of the adoption of regulatory act;
3) Reference to any increase or reduction in revenues or expenditures in the budget of the state or local self-government body as a consequence of the adoption of the regulatory act;
4) Summary of the comments and recommendations received in relation to the draft.

373. 16.1.1 Package of documents accompanying drafts of the decision by the Prime Minister of the Republic of Armenia on overseas assignments

374. 372. Certain regulations have been established by the order of the RA Prime Minister on submission of RA Prime Minister’s draft individual decisions on overseas assignments of state officials to foreign countries.

375. 373. The following documents shall accompany the draft decision submitted to the RA Prime Minister:

The RA Law on 'Legal Acts', Article 34, Part 3
1) Substantiation of advisability of the overseas assignment;
2) Reference to expenditures for assignments financed in the frames of the state budget;
3) Summary of the opinions received from the Ministry of Finance and the Ministry of Foreign Affairs.

376. Substantiation of advisability of the overseas assignment defines:
- The aim of the visit;
- The planned meetings;
- Arrangements;
- Documents to be signed or agreed upon;
- Possible outcomes;
- Other information if available.

Sample

**SUBSTANTIATION**

**REQUIREMENT FOR ADOPTION OF DECISION BY THE RA PRIME MINISTER ON
“SENDING A.A. TO AN OFFICIAL MISSION TO BUDAPEST (REPUBLIC OF HUNGARY)”**

On 2011 ……. A. A. the Minister for… of the Republic of Armenia received a letter of invitation from the European Center for Not-For-Profit Law to participate in the regional conference to be held in Budapest, which focuses on exchange of the best practices on close cooperation between the state and non-governmental organizations.

During the mission meetings are planned…. 

This conference will contribute to the work of the state agencies related to organizations and will provide opportunities to establish new connections in the region.

All the travel costs related to participation in the given mission are covered by the inviting party.

377. In the reference on overseas assignments financed by the RA state budget all the amounts required for accomplishing the mission shall be mentioned in detail:
- For travel expenses;
- For accommodation expenses (per each day, including the total amount);
- For per diem;
- If necessary, also for expenses that may be incurred during the mission.
376. Expenses for overseas assignments in the frames of the RA state budget are calculated based on the Government Decision № 2335-N dated 29 December 2005\(^8\). The reference on overseas assignments in the frames of the RA state budget is compiled according to the following template:

<table>
<thead>
<tr>
<th>№</th>
<th>Country</th>
<th>City</th>
<th>Per Diem</th>
<th>Accommodation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tajikistan</td>
<td>Dushanbe (4 days)</td>
<td>4x71=284 US dollar</td>
<td>3x90=270 US dollar</td>
<td>554 US dollar = 206043.68 AMD</td>
</tr>
</tbody>
</table>

**The initial cost of the ticket**

|       |               |               |               |               | 601829.5 AMD |

**The number of participants in the mission: 3**

|       |               |               |               |               | 3 x (206043.68+601829.5) |

**Total**

|       |               |               |               |               | 2423617.5 |

- Per diem and accommodation costs are calculated based on the RA government decision № 2335-N dated 29 December 2005.
- The costs given in the currency of the Republic of Armenia are calculated in US dollar exchange rate provided by RA Central Bank (1 dollar/371.92 AMD) on 8 September 2011.

377. The draft decision of the RA Prime Minister with accompanying relevant documents shall be first sent to the RA Ministry of Finance and Ministry of Foreign

\(^8\) Government decision № 2335-N dated 29 December 2005 “On approving the procedure and volume of financial reimbursements of the minimum and maximum amount of travel expenses to state officials for overseas missions, education or assignment in a foreign country of a serviceman of the Ministry of Defense and his family members, assignment of a diplomat sent on a diplomatic mission to a foreign country and his family members, and transportation expenses and accommodation rent in connection with traveling to a foreign country from the Republic of Armenia or to the Republic of Armenia from a foreign country.”
Affairs for consultation. The content of the opinions shall be reflected in the summary and the package shall be submitted to the Prime Minister afterwards.

378. The summary of opinions received from the RA Ministry of Finance and Ministry of Foreign Affairs is compiled according to the following template:

<table>
<thead>
<tr>
<th>Author of recommendation</th>
<th>Content of recommendation</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA Ministry of Finance</td>
<td>To discuss the advisability of the mission to be accomplished by a multi-member delegation</td>
<td>The issue has been discussed and it was agreed to leave the composition of the delegation unchanged.</td>
</tr>
<tr>
<td>Letter № ….. 28.06.2011</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The RA Ministry of</td>
<td>There are no comments or recommendations.</td>
<td></td>
</tr>
<tr>
<td>Foreign Affairs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Letter № ….. 28.06.2011</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 4. PUBLIC CONSULTATIONS

CHAPTER 17. General provisions related to the public consultations

17.1 The legal basis for public consultations

379. Part 4 of Article 27.1 of the RA Law on Legal Acts is dedicated to public
participation in the law-making process and stipulates the objectives and methods of public consultations.

381. In the context of Article 27.1 of the RA Law on Legal Acts the requirement of carrying out public consultations on mandatory basis only refers to the following draft regulatory acts:

- Laws;

382. The mentioned drafts are sent to public consultation alongside with submitting them for regulatory impact assessment.

383. The body elaborating the draft shall arrange the public consultations. The regulations for arranging and carrying out public consultations are defined by the RA government decision № 296-N from 25 March 2010.

17.2 The objectives of public participation in law-making process

384. Democratic and transparent law-making process requires public consultations.

385. Ensuring public participation in law-making process pursues several objectives, particularly:

- To promote constructive dialogue between the state and society in the law-making process;
- To hear the opinions and recommendations of stakeholders who have knowledge and experience in the relevant field;
- In the drafting process, to consider the positions of parties to be affected by the draft regulatory act in order to provide a legal act with practically applicable and comprehensive regulation;
- While in the drafting phase, to raise and address those public concerns that may further hinder the practical implementation of legal act thus contributing to the further efficiency and accessibility of implementation;
- Awareness on public about the draft legal act, to explain the nature of proposed regulations thus ensuring the predictability of legal regulation.

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81 RA Government desicion № 296-N on ”Establishing the procedure of arranging and carrying out public consultations” from March 25, 2010.
17.3 The stage of public consultations in the law-making process

385. Public consultations can be carried out when:
1) Only the legal act concept exists (initial public consultations);
2) The legal act is in the drafting stage (intermediate public consultations);
3) There is a draft legal act (final public consultations)

386. Part 4 of Article 27.1 of RA Law on "Legal Acts" sets the mandatory requirement of carrying out public consultations only with submission of the final draft to the regulatory impact assessment at the same time.

387. However, out of practical necessity, this does not exclude arranging public consultations on any draft including initial and intermediate public consultations at discretion of the drafting body.

17.4 Awareness on public consultations

388. Awareness of a wide range of natural and legal persons on public consultations to a large extent affects the quality and efficiency of the latter.

389. The RA government decision № 296-N from 25 March 2010 requires that the invitation to public consultations be made public by posting it on the website of drafting body (paragraphs 7-9).

390. In addition to conducting online public consultations on the draft posted on the official website of the drafting body, the drafting body can disseminate the invitation to public consultations via other means of telecommunication, e.g. television. In this case the announcement should refer to the official website containing additional requisite information on the public consultations.

391. The invitation to public consultations published on the official website of the drafting body should contain clear and exhaustive information on the following issues:
1) The type and method of carrying out public consultations;
2) The time and venue of the public consultations;
3) Starting and finishing dates of the public consultations;
4) The subject of the public consultations;
5) The deadline of submitting applications by stakeholders for participating in the public consultations, if submission of such application is required according to drafting body. Requirement for such application can emerge, for example, in case of
a problem in selecting the venue for public consultations.

393. 392. Application acceptance period is minimum 10 days starting from the day following the day of publishing the invitation to public consultations\(^{82}\).

**For example, if the invitation to public consultation is published on 10 November the applications can be submitted until 20 November.**

394. 393. In parallel with publishing the invitation to public consultations, the official website of the drafting body shall make available the following information:

1) The draft regulatory act presented to public consultation;
2) Substantiation for adoption of the regulatory act, if the public consultation is held on the final draft of the legal act;
3) Other material at discretion of the drafting body\(^{83}\).

395. 394. Thus, in order to create a comprehensive understanding of the draft it is recommended to publish the following information in addition to the regulatory act to be presented to public consultation.

1) Reference to increase or reduction of income and expenditures in the budget of state or local self-government body as a consequence of adoption of the draft law;
2) Reference to adoption of other regulatory acts as a consequence of the adoption of concerned regulatory act;
3) Other material, e.g. additional explanations on the draft, local and international expert opinions and other information, which according to opinion of the drafting body that can contribute to substantiation and explanation of the need of the draft and prescribed approaches presented for public consultation.

**CHAPTER 18. The types of public consultations by the composition of participants**

**18.1 Public consultations with all stakeholders**

396. 395. As provided by the Law of the Republic of Armenia on Legal Acts and Decision №

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\(^{82}\) The RA Government decision № 296-N from 25 March 2010, paragraph 7.

\(^{83}\) The RA Government decision № 296-N from 25 March 2010, paragraph 8.
296-N of the Government of the Republic of Armenia of 25 March 2010, no restrictions are provided for composition of public consultation participants and all interested natural and legal bodies can participate in public consultations (hereinafter “open public consultations”).

396. The efficiency of open public consultations is to a large extent conditioned by the development level and legal consciousness of the civil society. Open public consultations are characterized by:

- mostly non-professional orientation,
- various opinions expressed that are not, as a rule, of a high professional quality from consultation aspect.

397. Therefore open public consultations require precise time planning and professional guiding of consultation process.

398. However, open public consultations are an important manifestation of democracy and their low level sometimes does not reduce the need of carrying out them.

399. The added value and importance of open public consultations is due to the fact that the composition of public consultations is not determined at the discretion of the respective drafting body, and consequently potential for bias is excluded from the selection process of the composition of participants.

18.2 Public consultations with a pre-defined composition of participants

400. In addition to public consultations with all stakeholders, the drafting body can also consider carrying out public consultations with a limited, pre-defined composition of persons.

401. As a rule, such consultations are carried out with involvement of specialists with relevant academic expertise, as well as direct beneficiaries of the draft and parties whose interests are likely to be affected by it.

402. Public consultations with a pre-defined composition of participants have a number of advantages over open public consultations:

- they are better organized, and have a higher professional level and effectiveness;
- depending on correct selection of where the target group invited to the public consultation is correctly selected, the consultation can benefit from richer information and experience.

403. Nevertheless, since the composition of participants for public consultations with pre-
defined composition of participants is determined by a public body, this type of consultations cannot be the sole type of consultations and is additional to open public consultations.

18.3 Selection of participants of public consultations

404. The efficiency of public consultations to a large extent depends on the proper selection of composition of participants.

405. When determining the composition of public consultation participants the drafting body shall take into consideration:

- The subject of regulation and objectives of the draft,
- Groups of natural and legal persons, professional associations, interest groups, and parties likely to be affected by the draft in question.

Ex.

*If the Ministry of Justice of the Republic of Armenia drafts law on “Freedom of conscience and religious organizations”, then the potential stakeholders shall first be:*

1. Armenian Apostolic church,
2. Both registered and non-registered religious organizations and groups in the Republic of Armenia,
3. National minorities professing and practicing their own religion,
4. Non-governmental organizations dealing with the protection of human rights,
5. Other stakeholders and organizations.

406. It is recommended that researchers and academics with relevant expertise be involved in the process to ensure proper professional level of public consultations.

398. 407. If the objectives pursued by the draft presuppose a need of external, consultancy and other types of support in further implementation stage, the public body shall consider advisability of participation of representatives of Armenian offices of relevant international organizations.

399. 408. If radically new regulation of legal relations is needed as a consequence of a relevant draft, it is recommended that senior state officials be involved in the public consultations in this case.
CHAPTER 19. Methods of carrying out public consultations

19.1 Conducting online public consultations

409. As prescribed by the Law of the Republic of Armenia on Legal Acts and Decision № 296-N of the Government of the Republic of Armenia from 25 March 2010 (paragraphs 7-9) posting the draft of regulatory act on the official website of the drafting body and collecting opinions on the draft presented by natural and legal persons is designated as a main method of holding public consultations.

410. From the perspective of ensuring accessibility of the drafts presented to public consultations, it is advisable that all the drafts developed by all the national executive bodies be published on the official website of the RA Ministry of Justice in the section “Draft legal acts” in a coordinated manner84.

411. Carrying out online public consultations has a number of advantages compared to other methods of public consultations, which to a large extent justify its choice as a mandatory consultation method:

- It facilitates access to consultations by large segments of society, which promotes participation of a larger number of people in the law-making process.
- It makes collecting public opinion and conducting polls less cost- and time-intensive.

412. Natural and legal persons can put forward their comments and recommendations on the draft regulatory act online by:

- Entering them in a specially designated field,
- Sending them to a dedicated e-mail addressor,
- Submitting them to the drafting body.

413. Moreover, according to Decision № 296-N of the Government of the Republic of Armenia of 25 March 2010 in case of receiving comments and recommendations by e-mail the drafting body is required to acknowledge the receipt of comments and recommendations to the stakeholders who submitted them in no later than one working day.

84 See http://www.moj.am/hy/draft-legal-acts/
19.2 Public consultations in the form of meetings, open hearings, discussions

405. With due regard to the nature of the draft submitted for public consultations, in the interest of efficiency of consultations these may be conducted in the format of a meeting.

406. As prescribed by the Law of the Republic of Armenia on Legal Acts and Decision № 296-N of the Government of the Republic of Armenia of 25 March 2010 (paragraph 10) the drafting body is authorized to conduct public consultations in the following format:

- meetings with public or stakeholders,
- open hearings,
- discussions.

407. Planning and organization of public consultations in the above-mentioned format require more time and resources to ensure the efficiency of consultation process. In this regard details shall be taken into consideration such as:

- **the choice of the consultation venue**

  Ex. The venue may be inaccessible to wider public, or unacceptable for stakeholders with conflicting interest, etc.

- **The number of participants**

- **The format of discussion**

  Ex. Presentations by various experts followed by consultations, exclusively discussions etc.

- **Other factors that can influence the process of consultation**

408. The person moderating the public consultations shall be well-aware of the essence of the discussed issue and able to lead the process professionally. Usually the representative of the drafting body is the one who moderates the sitting, but the practice is to invite another expert in the area with requisite skills to lead the process.

409. Moreover, involving another neutral person can even be useful to resolve conflict situations that may emerge in the course of consultations in case response draft generates heated public debate.

410. Representatives of government bodies, experts and persons with expertise in the
area discussed can be also invited as special speakers or participants to public consultations conducted in the form of meetings, open hearings, discussions.

411. 420. According to Decision № 296-N of the Government of the Republic of Armenia of 25 March 2010 at meetings, hearings, discussions the representative of the drafting body shall:

- Open the discussions at the time set in advance,
- Introduce the secretary of the public consultations,
- Introduce the overview of the concerned draft,
- Introduce the outline of issues to be discussed,
- Provide relevant material on the consultations to the participants if it was not done in advance or posted on the website of the drafting body.

412. 421. The secretary who participates in public consultations in the form of discussions, open hearings and discussions shall take the minutes of the process, and sign afterwards. The following shall be noted in the minutes:

- The name of the body implementing consultations,
- The date of consultations,
- The subject of consultation,
- Brief summary of comments and recommendations of participants.

413. 422. Participants of public consultations in the form of meetings, open hearings, discussions can also present their comments and recommendations in writing which shall be attached to the minutes.

19.3 Public consultations conducted by means of telecommunications

414. 423. Conducting public consultations is also possible by means of television, radio, video-conferences and other telecommunications. Public consultations in these formats are especially advisable, e.g. when geographical accessibility is an obstacle for participation in consultations (e.g. for population of remote regions).

415. 424. Participants of public consultations by means of telecommunications shall have an opportunity to present their comments and recommendations on the air or by other means. The procedure of carrying out public consultations by means of telecommunications and taking the minutes according to Decision № 296-N of the Government of the Republic of Armenia of 25 March 2010 is the same as the procedure introduced in subchapter 19.2 of this handbook.
19.4 Public consultations conducted by means of polling


417. The peculiarity of this type of public consultation method is that the state body determines the key issues of importance in drafting the regulatory act and shall presents them to participants of the public consultation.

418. Public consultations by means of polling can be useful especially at the initial stage of public consultations\textsuperscript{85}, when the draft is still being conceptualized and polls will allow to identify the problems and gaps in the area to be regulated.

419. Public consultations by means of polling are usually done in writing but can be carried out orally if need be.

420. Public consultations by means of polling require developing questionnaires, and in the case of oral polling – an exhaustive list of questions, in advance,. Effectiveness of polling to a large extent depends on the professionalism in questionnaire developing, which implies correct structure, nature of questions to be raised, comprehensibility to the intended respondents.

421. Depending on the nature of questioning in the poll:

• “yes” or “no” answers, or
• Position, recommendation and opinion of the participant can be expected.

422. In the case of oral polling the least time- and cost-intensive form of disseminating the questionnaires is Internet-based dissemination or posting questionnaires on the official website of the drafting body. Written or oral polls can also be carried out during meetings.

Ex.

The drafting body representative addresses the \textit{pre-determined} questions to participants or distributes questionnaires during in public consultations in the form of discussions, open hearings and discussions.


\textsuperscript{85} See subchapter 17.3 of this handbook
1) *The representative of the drafting body shall present the overview of the draft and the key issues to be discussed.* This aims at clarifying the poll objective and involving the interviewee in the dialogue.

2) *The participants of the poll present their comments and recommendations to the interviewer.* Moreover, in case of oral polling the questionnaires can be distributed allowing for a certain time for the participants to respond. In these cases the state body shall clearly indicate the procedure and deadline for submitting the completed questionnaires to the state body.

3) *The representative who conducts the poll shall take protocol on the polls and sign it.* The following shall be noted in the protocol:
   - The name of the body conducting public poll,
   - The date of the poll,
   - The subject of the poll,
   - Summary of comments and recommendations of the participants.

424. 433. The written comments and recommendations presented by participants during the poll shall be attached to the protocol.

### 19.5 Selection of the appropriate method of public consultation

425. 434. Though the drafting body has discretion on selection of the type and method of public consultations, it should be limited by the nature of legal regulation, composition of its target audience and a number of other factors.

#### For example

If public consultations are carried out on the draft law of the Republic of Armenia on Social Protection of Pensioners, posting it on the website of the drafting body can only nominally meet the legislative requirement on carrying out public consultations. Nevertheless, meaningful public consultations in such form cannot be accomplished since this scenario does not take into consideration the fact that a large proportion of the beneficiaries of this law are pensioners with little possibilities to use computer and the Internet. In these circumstances their possibilities of participating and being heard reduce.

In this case a more suitable form of public consultations can be, for example, public consultations by means of meetings, television, and radio.
426. 435. Thus, the discretion of the drafting body is always limited by the public interest. The drafting body shall select the type and method of public consultations that to a maximum extent considers the rights and interests of the members of society.

428. 429. 430. 431. 436. According to the law of the Republic of Armenia on Legal Acts the period of carrying out public consultations shall be at least 15 days (part 4, Article 27.1).

432. 437. Since Law of the Republic of Armenia provides for online public consultations on the official website of the drafting body as a mandatory method of public consultations, the above-mentioned period means that the draft shall be available to public for comments, opinions and recommendations for at least 15 days following the day of its publication on the website.

433. 438. The drafting body can initiate definition of a longer period for public consultations.

434. 439. The Law the Republic of Armenia on Legal Acts stipulates an exception in regard with a draft Law on the State Budget of the Republic of Armenia, according to which public consultations on it shall start within a three-day period following the submission to the National Assembly of the Republic of Armenia of the draft Law on the State Budget. This exception is conditioned by the fact that public consultations on the State Budget are carried out in the National Assembly, and the procedure of public consultations are regulated by the Law of the Republic of Armenia on Regulations on the National Assembly of the RA.

435. 440. Decision № 296-N of the Government of the Republic of Armenia of 25 March 2010 stipulates that public consultations in the form of meetings with stakeholders, open hearings, discussions and possible means of telecommunication can be carried out within 12 days after the publication of the invitation to public consultations. The aim of this regulation is to provide sufficient time for the public to properly examine the draft.

436. 441. The calculation of time for the start of carrying out public consultations shall be implemented in a such a manner which makes it possible for the drafting body to have

87 The law of the Republic of Armenia on Legal Acts, part 4, Article 27.1
sufficient time to summarize the recommendations received during public consultations.

CHAPTER 21. Summarizing the results of public consultations

442. The drafting body can amend a draft law based on the analysis and summary of comments, and recommendations received during public consultations.

443. According to Decision № 296-N of the Government of the Republic of Armenia of 25 March after finalization of public consultations within a 15-day period the drafting body shall publish on its official website:

1) Amended draft law,
2) Summary.

444. According to the Law of the Republic of Armenia on Legal Acts, paragraph 6 of Article 28.1 only the accepted comments and recommendations shall be included in the summary.

445. Based on the results of public consultations a reference to public consultations shall be prepared. Reference is one of the documents accompanying draft regulatory act to be submitted to consultation of the Government of the Republic of Armenia and its format is provided for by subchapter 14.7 of this handbook.

SECTION 5. EXPERT REVIEW OF LEGAL ACTS

CHAPTER 22. Types of expert review of legal acts

446. Drafts of regulatory acts and individual regulatory acts are subject to mandatory state expert review in the Ministry of Justice of the Republic of Armenia.\(^88\)

447. The requirement of mandatory state expert review shall not extend to those decrees and executive orders adopted by the President of Armenia at the time of martial law or in the event of an imminent threat to the constitutional order, according to point 14, Article 55 of the Constitution of the Republic of Armenia.\(^89\)

\(^{88}\) Article 31 of the Law on legal acts of the Republic of Armenia.

\(^{89}\) Point 10 of Article 31 of the Law on legal acts of the Republic of Armenia.
448. At the same time, the requirement of mandatory state expert review also does not extend to the draft decrees and executive orders of the President of the Republic of Armenia, proposed by the President of the Republic of Armenia, in respect of which the law does not provide for a requirement to submit the draft to the Ministry of Justice of the Republic of Armenia for mandatory state expert review, and such drafts may be sent for state expert review at the discretion of the relevant body.\textsuperscript{90}

449. Besides the mandatory state expert review, a draft act by a decision of law-making body may undergo other types of independent official review for a comprehensive assessment of the draft.\textsuperscript{91} Such a review may be:

- legal,
- financial,
- scientific and technological,
- environmental,
- linguistic and stylistic, etc.

\textbf{CHAPTER 23. Mandatory expert review of public legal acts}

\textbf{23.1 Legal acts, subject to mandatory state legal expert review, the terms of execution of the expert review and consequences of failure to comply}

450. The types of legal acts subject to mandatory state expert review, the terms of execution of the review, the consequences of failure to comply are envisaged by Articles 31-34 of the Law on Legal Acts of the Republic of Armenia.

451. The summary of legal acts subject to mandatory state expert review, the terms of execution of the review, the consequences of failure to comply with the requirement to provide the expert opinion within the prescribed term is given in the table below:

<table>
<thead>
<tr>
<th>TYPE OF THE LEGAL ACT SUBJECT TO MANDATORY STATE LEGAL EXPERT REVIEW</th>
<th>TERMS OF SUBMISSION OF THE EXPERT OPINION</th>
<th>CONSEQUENCES OF FAILURE OF PROVIDING THE EXPERT OPINION IN THE PRESCRIBED TERM</th>
</tr>
</thead>
</table>

\textsuperscript{90} Point 1 of Article 32 of the Law on Legal Acts of the Republic of Armenia.

\textsuperscript{91} Point 1 of Article 31 of the Law on Legal Acts of the Republic of Armenia.
1. *Final versions* of the following drafts:

   
   2) Draft regulatory decisions of the National Assembly of the Republic of Armenia;
   
   3) Draft regulatory decrees and executive orders of the President of the Republic of Armenia, with the exception of the drafts, proposed by the President of the Republic of Armenia.  

   4) Draft decisions of the Government of the Republic of Armenia;
   
   5) Draft decisions of the Prime Minister of the Republic of Armenia

   Within 15 days following the day the legal act is filed by the Ministry of Justice of the republic of Armenia. The term of provision of the state expert opinion on the most complicated or extended legal act may be prolonged by the Minister of Justice of the Republic of Armenia up to 10 days, of which the body, submitted the draft shall be noticed within one day.

The draft legal act is considered without state expert opinion.

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92 Ibid., point 448.
<table>
<thead>
<tr>
<th></th>
<th>Draft laws adopted by the National Assembly in the first reading and submitted to the review of the Government of the Republic of Armenia.</th>
<th>Within seven days following the day the draft law is filed by the Ministry of Justice.</th>
<th>The draft law is considered without a state expert opinion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Laws adopted by the National Assembly of the Republic of Armenia and submitted to the signature of the President of the Republic of Armenia</td>
<td>Within seven days following the day the law is filed by the Ministry of Justice.</td>
<td>The law is submitted to the signature of the President of the Republic of Armenia without a state expert opinion.</td>
</tr>
</tbody>
</table>
| 4. | Agency-level regulatory acts | Within 15 days following the day the agency-level regulatory act is filed by the Ministry of Justice.  
The term of providing the state expert opinion on the most complicated or extended agency-level regulatory act may be prolonged by the Minister of Justice of the Republic of Armenia up to 10 days; and the body that submitted the draft shall be respectively noticed within one day. | The body that adopted the agency-level regulatory act, in case if the given act is not registered by the Ministry of Justice of the Republic of Armenia within the prescribed terms or if its state registration is not rejected, has the right to send that legal act to official promulgation within a period of 15 days following the day the prescribed term is expired. In this case, the Ministry of Justice of the Republic of Armenia is obliged to register the agency-level regulatory act within three days following the day it is newly filed and send it for |
the official promulgation.

<table>
<thead>
<tr>
<th></th>
<th>Regulatory acts of the local self-government bodies.</th>
<th>Within one month following the day the draft of regulatory acts of the local self-government bodies is filed in the Ministry of Justice of the Republic of Armenia.</th>
<th>Ministry of Justice of the Republic of Armenia is obliged to register regulatory acts of the local self-government bodies.</th>
</tr>
</thead>
</table>

452. In addition to the terms stipulated by the law for provision of the expert opinion, shorter terms may be established by the order of the Prime Minister of the Republic of Armenia. 93

453. Drafts shall be sent to the Ministry of Justice of the Republic of Armenia for the mandatory state expert review only after endorsement by other bodies concerned. 94

23.2 Mandatory state legal expert review of the laws of the Republic of Armenia, decrees and executive orders of the President of the Republic of Armenia, decisions of the Government and the Prime Minister

454. When sending draft laws of the Republic of Armenia, decrees and executive orders of the President of the Republic of Armenia, decisions of the Government and Prime Minister (hereinafter, draft legal act) for mandatory state legal expert review, it shall be accompanied by all documents subject for enclosure with the draft when it is sent for consideration of the law-making body. 95

455. Failure to submit the mentioned documents in full may constitute a ground for the Ministry of Justice of the Republic of Armenia to return the draft without its expert review.

456. In the process of the state legal expert review of a draft legal act or the law adopted by

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93 Decree of the President of the Republic of Armenia #NH-174-N of July 18, 2007; See above, reference 4, point 56.

94 Decree of the President of the Republic of Armenia #NH-174-N of July 18, 2007; See above, reference 4, point 43. For details on endorsement by the bodies concerned, see subtitle 2.1.3 of Chapter 2 of these Guidelines.

95 For details see Chapter 14 of these Guidelines.
the National Assembly, reference shall be made to the questions of submitted checklist in the sequence, given below.\textsuperscript{96}

<table>
<thead>
<tr>
<th>CHECKLIST</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issues reviewed in the process of the state legal expert review of the draft law or the laws adopted by the National Assembly and submitted to the signature of the President of the Republic of Armenia</strong></td>
</tr>
<tr>
<td>1. Does the draft or law comply with the provisions of the Constitution of the Republic of Armenia?</td>
</tr>
<tr>
<td>2. Does the draft or the law comply with the provisions of other act of higher legal force?</td>
</tr>
<tr>
<td>3. Has the author made sure that the draft or the law does not contain unreasonable repetitions of other legal acts in force?</td>
</tr>
<tr>
<td>4. Is the necessity of making relevant amendments and supplements in the legal acts in force taken into account in the draft or the law (attached references)?</td>
</tr>
<tr>
<td>5. Do the transitional provisions of the draft or the law regulate the issues that are required to ensure legal continuity?</td>
</tr>
<tr>
<td>6. Has the author made sure that the draft or the law does not contain regulatory gaps (all areas of legal relations are regulated, the regulation is complete)?</td>
</tr>
<tr>
<td>7. Has the author made sure that the draft or the law does not pose corruption risks?</td>
</tr>
<tr>
<td>8. Does the draft or the law comply with international treaties to which the Republic of Armenia is a State Party, as relevant to the field regulated by the act.\textsuperscript{97}</td>
</tr>
<tr>
<td>9. Does the draft or the law adhere to the rules of legislative technique?</td>
</tr>
</tbody>
</table>

\textsuperscript{96} The format of the checklist, based in the mentioned questions, is recommended in Annex 2 of these Guidelines.

\textsuperscript{97} Answer to the mentioned questions shall be given if necessary, when it is possible to conduct relevant checking.
discrepancies, legal problems, etc., shall be noted in the state expert opinion.

458. Besides the Legal Acts Expert Review Agency under the Ministry of Justice of the Republic of Armenia, if appropriate, other respective structures of the Ministry of Justice may be involved to assess the compliance with the requirements of obligations of the Republic of Armenia on approximation to the legislation of the European Union, international treaties with participation of the Republic of Armenia, the European Convention for the Protection of Human Rights and Fundamental Freedoms.

23.3 Mandatory state legal expert review of agency-level regulatory acts

459. State legal expert review of agency-level regulatory acts is unique in that the acts submitted for review have already been adopted.

460. As a result of the state legal expert review, an agency-level regulatory act shall be registered by the Ministry of Justice of the Republic of Armenia and sent for promulgation.

461. Agency-level regulatory acts shall be sent for the state legal expert review to the Ministry of Justice of the Republic of Armenia within seven days following the day of their adoption.

462. During the state legal expert review of an agency-level regulatory act, the checklist questions shall be referred to in the sequence given below.98

<table>
<thead>
<tr>
<th>CHECKLIST</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issues reviewed in the process of the state legal expert review of the agency-level regulatory act</strong></td>
</tr>
<tr>
<td>1. Does the agency-level regulatory act comply with the provisions of other legal acts of higher legal force?</td>
</tr>
<tr>
<td>2. Has the author ensured that the agency-level regulatory act does not contain unreasonable repetitions of other legal acts in force?</td>
</tr>
<tr>
<td>3. Is the necessity of making relevant amendments and supplements to the legal acts</td>
</tr>
</tbody>
</table>

98 The format of the checklist, based in the mentioned questions, is recommended in Annex 2 of these Guidelines.
in force taken into account in the agency-level regulatory act?

4. Do the transitional provisions of the agency-level regulatory act regulate the issues that are required to ensure legal continuity?

5. Has the author made sure that the agency-level regulatory act does not contain regulatory gaps (all areas of legal relations are regulated, the regulation is complete)? Has the author made sure that the agency-level regulatory act does not pose corruption risks?

6. Does the agency-level regulatory act adhere to the rules of legislative technique?

463. In case of even one negative answer to the noted questions in the checklist the state registration of the agency-level regulatory act shall be rejected.

464. Along with the rejection decision, the expert opinion on the legal act shall be sent to the body, adopting the given legal act, indicating the defects, discrepancies, legal problems, etc., identified in the process of expert review.

465. The agency-level regulatory act, registration of which has been rejected, may be resubmitted for state registration only after the rectification of issues that served as a ground for rejection of the registration of the legal act.

23.4 Mandatory state legal review of regulatory legal acts of the local self-government bodies

466. Regulatory acts of the head of the council of elders and community of urban and rural communities shall be sent to the Ministry of Justice of the Republic of Armenia within 10 days following the day of their adoption.

467. Regulatory acts of the head of the Yerevan council of elders and community and the legal acts, adopted in Yerevan by a referendum, shall be sent to the Ministry of Justice of the Republic of Armenia within three days following the day of their adoption.99

468. Regulatory acts of the local self-government bodies that have not been sent to the Ministry of Justice of the Republic of Armenia within the prescribed time-limit shall be deemed invalid.100


In the process of state expert review of the regulatory act of a local self-government body reference shall be made to the questions of the Checklist in the sequence, given below.  

**CHECKLIST**

*Questions checked during the state expert review of the regulatory act of the local self-government body*

1. Does the regulatory act of the local self-government body comply with provisions of other legal acts of higher legal effect?

2. Has the author ensured that the regulatory act of the local self-government body does not contain unreasonable repetitions of other legal acts in force?

3. Do the transitional provisions of the regulatory act of the local self-government body regulate the issues that are required to ensure legal continuity?

4. Has the author made sure that the regulatory act of the local self-government body does not contain regulatory gaps (all areas of legal relations are regulated, the regulation is complete)?

5. Has the author made sure that the agency-level regulatory act does not pose corruption risks?

   Does the regulatory act of the local self-government body adhere to the rules of legislative technique?

In case of negative answers to questions, noted in the Checklist, the Ministry of Justice of the Republic of Armenia within a three days shall send its expert opinion to the body that adopted the given legal act, recommending to declare that legal act invalid or amend it accordingly. The expert opinion points out the defects, discrepancies, legal problems, etc., identified in the process of the review.

If the body that adopted the law fails to make corresponding amendments or declare it invalid within 15 days following the day the Ministry of Justice sends its expert opinion, the Ministry is obliged to bring an action before the court for declaring the

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101 The format of the checklist, based on the mentioned issues, is recommended in Annex 2 of these Guidelines.
regulatory act adopted in violation of the requirements of the Law on Legal Acts of the Republic of Armenia.\textsuperscript{102}

\textsuperscript{102} Point 4, Article 34 of the Law on Legal Acts of the Republic of Armenia.
Sample content template of a law

ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ
ՕՐԵՆՔԸ
Ընդունված է 2000 թվականի նոյեմբերի 6-
ին
ՏՆՏԵՍԱԿԱՆ ՄՐՑԱԿՑՈՒԹՅԱՆ ՊԱՇՏՊԱՆՈՒԹՅԱՆ ԲԱՑԱԹ

Օրենքի նպատակն է պաշտպանել և խրախուսել ազատ տնտեսական մրցակցությունը, ապահովել բարելար մրցակցության համար անհրաժեշտ միջավայր, նպաստել ձեռնարկատիրության զարգացմանը և սպառողների շահերի պաշտպանությանը Հայաստանի Հանրապետության մեջ:

ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՆԱԽԱԲԱՆ
Հոդված 1. Օրենքի կարգավորման
առարկա

Սույն օրենքը տարածվում է տնտեսվարող սուբյեկտների, պետական մարմինների, ինչպես նաև նրանց պաշտոնատար անձանց գործողությունների կամ վարքագծի վրա, որոնք հանգեցնում են կամ կարող են հանգեցնել տնտեսական մրցակցություն սահմանափակումներ, պաշտպանչյան, միջակայքի, այսպիսով սպառողների շահերի պաշտպանությունը, Հայաստանի Հանրապետության մեջ.

Հոդված 2. Օրենքի գործոտությունին մոտեցում

Սույն օրենքը չի տարածվում լիազորության միջոցով, այլ թվային հարցազրույցների վրա, այլ բացակայության միջոցով գործում է սպառողների շահերի պաշտպանության համար.
Հոդված 3. Հիմնական հասկացություններ

1. Սույն օրենքում օգտագործվող հիմնական հասկացությունները են՝

ռազմագիտության օբյեկտ (հողամաս, շենք, կառույց), որը օգտագործվող հիմնական օբյեկտի պարունակությունը վերականգնվել ապահովող համակարգի համար,

համալիրը վիճակագրական, մատակարգական, թաղամասային, օգտակար, պատրաստված, երկիրային

2. Սույն հոդվածում ասանցված համակարգությունները կրճատվում են միայն սույն օրենքի և դրա հիման վրա ընդունված այլ հերթական ազդեցության համար:

Հոդված 4. Հակամրցակցային համաձայնություններ

1. Սույն օրենքի համակարգությունը համակարգությունները են համապատասխան սուբյեկտների միջև, ինչպես այս գործարքներ, որսի համակարգություններ, որոնք իրենց սահմանված համակարգային փոխազդեցություններ ունեն պաշտպանության, սուբյեկտների միջև համակարգություններ ունեն համակարգային իրավական կարգավորումներ (այսինքն՝ համակարգությունները), որոնք որոշից կամ անընդունելի համաձայնություն են սպաս դարձնել համակարգություններ սահմանող պատմական, սահմանական կամ պաշտպանական, թաղամասային սուբյեկտների համար, ինչպես օրինակ սույն հիմնադրամ 7-րդ բաժինը նպատակատեր դիտարկություն:

2.Համակարգվող համակարգություններ կայացում (կատարվում) են հերթական ազդեցություններ ունեցող գործիքի համար միայն կարևոր պետքից համակարգության սուբյեկտների միջև, ինչպես օրինակ այս համակարգություն:
Հոդված 16. Աշխատանքի կազմակերպման կարգը

1. Հանձնաժողովի կազմը կազմված է տեղակալներից: 
2. Հանձնաժողովի կողմից համաձայնաբերված տուգանքների համար նշանակվող տուգանքի չափը

Հոդված 24. Տնտեսական մրցակցության բնագավառում իրավախախտումների համար նշանակվող տուգանքի չափը

1. Համաձայնաբերված տուգանքի չափը համարվում է (եթե այն համաձայնաբերված է) համաձայնաբերված տուգանքի չափը, սակայն եզրափակիչ դրույթների մաս և անցումային դրույթներ

Հոդված 28. Հանձնաժողովի ստեղծումը

Սույն օրենքը ուժվարություն է ունեցում Հայաստանի Հանրապետության Նախագահի կողմից։ Սույն օրենքը ուժվարություն է ունեցում Հանձնաժողովի ստեղծմանց։
Հոդված 29. Օրենքի ուժը մեջ մտնելը:

Սույն օրենքը ուժի մեջ է մտնում հրապարակման պահին:

Հայաստանի Հանրապետության Նախագահ

Երևան
2000 թվական
դեկտեմբերի 5
ՀՕ-112 թիվ
TRANSLATION of the SAMPLE LAW

OF THE REPUBLIC OF ARMENIA

adopted on November 6, 2000

ON PROTECTION OF THE ECONOMIC COMPETITION

The purpose of this Law is to protect and promote economic competition, to ensure an appropriate environment for fair competition, the development of businesses and protection of consumer rights in the Republic of Armenia.

CHAPTER 1

GENERAL PROVISIONS

Article 1. Subject of the law

The purpose of this Law is to protect and promote economic competition, to ensure an appropriate environment for fair competition, the development of businesses and protection of consumer rights in the Republic of Armenia.

Article 2. Scope of the Law

This law shall not refer to the relations associated with the intellectual property rights, except the cases envisaged by the law.

Article 3. Basic definitions

1. The basic terms used in this law are as follows:

   Object of the trade - property complex (a plot of land, building, structure), which is used in the sphere of realization for delivering commodities to the final consumer.

   Realization – sale, supply, alienation, execution.

2. The definitions set forth in the Article shall be used only within the meaning of this law and other legal acts, adopted on its basis.
CHAPTER 2. (Substantive regulations)

ANTI-COMPETITIVE AGREEMENTS

Article 4. Anti-competitive agreements, their prohibition.

1. In the context of this Law anti-competitive agreements are those contracts and agreements concluded between economic entities, directly or indirectly concerted activities or modes of conduct, decisions made by associations of economic entities (hereinafter, agreements), which directly or indirectly may lead to restriction, prevention or prohibition of competition, except the cases, envisaged by point 7 of this Article.

2. Anti-competitive agreements are concluded (arranged) only between probable or actual rival economic entities, operating in the same commodities market (horizontal agreement).

CHAPTER 5 (Procedural and jurisdiction issues)

STATE BODY PROTECTING ECONOMIC COMPETITION

Article 16. The order for the organization of activities

1. The Commission shall perform its activities through sessions.

2. The session of the Commission shall be competent, if at least five members of the Commission take part in it.

CHAPTER 7 (Provisions, envisaging liability for infringement of the law)

LIABILITY FOR THE INFRINGEMENT OF THIS LAW

Article 24. The amount of penalty, envisaged for infringements in the economic competition field.

1. The amount of penalty, to be imposed for conclusion (arrangement, participation in such agreement) of the anti-competitive agreement, shall be five million - two hundred million AMD.

2. The abuse of the dominant position shall be subject to imposition of penalty in the amount of five million - two hundred million AMD.

CHAPTER 8 (Final part and transitional provisions)

FINAL PROVISIONS

Article 28. Creation of the Commission

Within 30 days after coming into force of this law, the President of the Republic of Armenia
shall appoint Head, Deputy Head and members of the Commission.

Article 29. Coming into force of this law

This law shall come into force from the date of its promulgation.

President of the Republic of Armenia

Yerevan

December 5, 2000.

HO-112 (Number)

ANNEX 2

Checklist for the expert conducting the state legal expert review

CHECKLIST #1

Issues reviewed in the process of the state legal expert review of the laws adopted by the National Assembly and submitted to the signature of the President of the Republic of Armenia

Title of the draft legislative act or the law, adopted by the National Assembly, to be submitted to the signature of the President of the Republic of Armenia, under the state legal expert review

________________________________________________________________________

________________________________________________________________________

1. Does the draft legislative act or the law comply with the provisions of the Constitution of the Republic of Armenia?
a. yes  b. no

If the answer is “no,” please specify below:

__________________________________________________________________________

__________________________________________________________________________

2. Does the draft legislative act or the law comply with the provisions of other legal acts of higher legal effect?

a. yes  b. no

If the answer is “no,” please specify below:

__________________________________________________________________________

__________________________________________________________________________

3. Has the author made sure that the draft or the law does not contain unreasonable repetitions of other legal acts in force?

4. ?

a. yes  b. no

If the answer is “no,” please specify below:

__________________________________________________________________________

__________________________________________________________________________

5. Do the draft legislative act or the law (attached references) take into account the necessity of making relevant amendments and supplements to the legal acts in force?

a. yes  b. no

If the answer is “no,” please specify below:

__________________________________________________________________________
6. Do the transitional provisions of the draft or the law regulate the issues that are required to ensure legal continuity?
   a. yes   b. no

If the answer is “no,” please specify below:

7. Has the author made sure that the draft or the law does not contain regulatory gaps (all areas of legal relations are regulated, the regulation is complete)?

8.  
   a. yes   b. no

If the answer is “no,” please specify below:

9. Has the author made sure that the draft or the law does not pose corruption risks?

10.  
   a. yes   b. no

If the answer is “no,” please specify below:

11. Does the draft or the law comply with international treaties to which the Republic of Armenia is a State Party, as relevant to the field regulated by the act?

12. (Check if applies).
a. yes   b. no

If the answer is “no,” please specify below:

__________________________________________________________________________
__________________________________________________________________________

13. Does the draft or the law adhere to the rules of legislative technique?

a. yes   b. no

If the answer is “no,” please specify below:

__________________________________________________________________________
__________________________________________________________________________

Head of the state legal review agency
CHECKLIST 2
Issues reviewed in the process of the state legal expert review of the agency-level regulatory act

Title, number of the agency-level regulated act, passed the state legal expert review

________________________________________________________________________
________________________________________________________________________

1. Does the agency-level regulatory act comply with the provisions of other legal acts of higher legal force?
   a. yes               b. no

   If the answer is “no,” please specify below:

________________________________________________________________________
________________________________________________________________________

2. Has the author ensured that the agency-level regulatory act does not contain unreasonable repetitions of other legal acts in force?
   a. yes               b. no

   If the answer is “no,” please specify below:

________________________________________________________________________
________________________________________________________________________

3. Is the necessity of making relevant amendments and supplements to the legal acts in force taken into account in the agency-level regulatory act?
   a. yes               b. no

   If the answer is “no,” please specify below:
4. Do the transitional provisions of the agency-level regulatory act regulate the issues that are required to ensure legal continuity?
   a. yes b. no
   If the answer is “no,” please specify below:

5. Has the author made sure that the agency-level regulatory act does not contain regulatory gaps (all areas of legal relations are regulated, the regulation is complete)? Has the author made sure that the agency-level regulatory act does not pose corruption risks?
   a. yes b. no
   If the answer is “no,” please specify below:

Does the agency-level regulatory act adhere to the rules of legislative technique? a. yes b. no
   If the answer is “no,” please specify below:

6. Are the legislative technique rules maintained in the agency-level regulatory act?
   a. yes b. no
   If the answer is “no,” please specify below:
Head of the state legal expert review agency:
CHECKLIST 3
Issues reviewed in the process of the state legal expert review of a regulatory act of a local self-government body

Title, number or the regulatory act of a local self-government body passed the state legal expert review

____________________________________________

_____________________________________________________________________

_____________________________________________________________________

1. Does the regulatory act of a local self-government body comply with the provisions of legal act of a higher legal force?
   
   a. yes   
   b. no

   If the answer is “no,” please specify below:

   __________________________________________________________

   __________________________________________________________

2. Has the author ensured that the regulatory act of the local self-government body does not contain unreasonable repetitions of other legal acts in force?

   a. yes   
   b. no

   If the answer is “no,” please specify below:

   __________________________________________________________

   __________________________________________________________

3. Do the transitional provisions of the regulatory act of the local self-government body regulate the issues that are required to ensure legal continuity?

   a. yes   
   b. no
4. Has the author made sure that the regulatory act of the local self-government body does not contain regulatory gaps (all areas of legal relations are regulated, the regulation is complete)?

   a. yes               b. no

   If the answer is “no,” please specify below:

________________________________________________________________________
________________________________________________________________________

5. Has the author made sure that the agency-level regulatory act does not pose corruption risks?

   a. yes               b. no

   If the answer is “no,” please specify below:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

6. Does the regulatory act of the local self-government body adhere to the rules of legislative technique? a. yes               b. no

   If the answer is “no,” please specify below:

________________________________________________________________________

Head of the legal expert review agency:
ANNEX 3

CHECKLIST
of the final review of a draft regulatory act

This checklist is designed for the final review of the complete draft to be done by the drafter to identify any defects, omissions or problems.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>1. Is the type of legal act chosen adequate for regulation of the social relations in question?</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<td></td>
<td></td>
<td>No</td>
<td>No</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>2. Is the regulatory act drafted in compliance with the provisions of the Constitution of the Republic of Armenia and provisions of the other legal acts of higher legal force?</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<td></td>
<td></td>
<td>No</td>
<td>No</td>
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</tbody>
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<table>
<thead>
<tr>
<th></th>
<th></th>
<th>3. Have the following documents been examined?</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<td>No</td>
<td>No</td>
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<td></td>
<td></td>
<td>Not relevant</td>
<td>Not relevant</td>
<td>No</td>
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<td></td>
<td></td>
<td>Not relevant</td>
<td>Not relevant</td>
<td></td>
</tr>
</tbody>
</table>

1) Those directives of the European Union, as relevant to the field to be regulated by the draft legal act, on which the Republic of Armenia has assumed the approximation obligations;

2) International treaties of the Republic of Armenia, as relevant to the field to be regulated by the draft legal act.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>4. Does the title of the draft regulatory act reflect the content of regulation of the draft regulatory act?</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No</td>
<td>No</td>
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</tbody>
</table>

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<thead>
<tr>
<th></th>
<th></th>
<th>5. Is the logical sequence of standard structural units of the regulatory act (point, section, chapter, article) maintained in the draft?</th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<td></td>
<td></td>
<td>No</td>
<td>No</td>
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<td></td>
<td>Question</td>
<td>Yes</td>
<td>No</td>
<td>Not relevant</td>
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<tr>
<td>6</td>
<td>Are contradictions with the norms of other effective acts and unreasonable repetitions taken into consideration and addressed?</td>
<td>☐</td>
<td>☐</td>
<td>Yes</td>
</tr>
<tr>
<td>7</td>
<td>Do the references in the draft to other regulatory acts comply with the applicable rules?</td>
<td>☐</td>
<td>☐</td>
<td>Yes</td>
</tr>
<tr>
<td>8</td>
<td>Does the draft regulatory act correctly use the names of state and other bodies created by law?</td>
<td>☐</td>
<td>☐</td>
<td>Yes</td>
</tr>
<tr>
<td>9</td>
<td>Is the spelling and punctuation of the draft regulatory act checked?</td>
<td>☐</td>
<td>☐</td>
<td>Yes</td>
</tr>
<tr>
<td>10</td>
<td>Does the draft regulatory act provide for the term of entry into effect?</td>
<td>☐</td>
<td>☐</td>
<td>Yes</td>
</tr>
<tr>
<td>11</td>
<td>If the dates of adoption and entry into effect of the draft regulated act are different, is this issue regulated in the final part of the draft?</td>
<td>☐</td>
<td>☐</td>
<td>Yes</td>
</tr>
<tr>
<td>12</td>
<td>If any other regulatory act shall be recognized as repealed by the regulatory act, do the final part and transitional provisions of the draft provide for it?</td>
<td>☐</td>
<td>☐</td>
<td>Yes</td>
</tr>
<tr>
<td>13</td>
<td>Are transitional issues between functioning bodies, regulatory act and the draft regulated in the final part of the draft and transitional provisions?</td>
<td>☐</td>
<td>☐</td>
<td>Yes</td>
</tr>
<tr>
<td>14</td>
<td>If the draft regulatory act envisages establishment of a new body:</td>
<td>☐</td>
<td>☐</td>
<td>Not relevant</td>
</tr>
<tr>
<td></td>
<td>1) is the scope of powers and duties of the body outlined clearly?</td>
<td>☐</td>
<td>☐</td>
<td>Yes</td>
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<tr>
<td>2) Does the draft specify who shall appoint the manager and the staff?</td>
<td>☐ No</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td>☐ Not relevant</td>
</tr>
<tr>
<td>3) Does the draft specify the kind of public service the body provides?</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td>☐ Not relevant</td>
<td></td>
</tr>
<tr>
<td>4) Are possible contradictions with the powers of other bodies taken into consideration and regulated?</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td>☐ Not relevant</td>
<td></td>
</tr>
<tr>
<td>5) Does the draft specify when the newly established body will start functioning?</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td></td>
<td></td>
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<tr>
<td>15. If the draft regulatory act envisages devolution of powers from one body to another:</td>
<td>☐ Nor relevant</td>
<td></td>
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</tr>
<tr>
<td>1) do the powers to be devolved comply with activity objectives and powers of that body or are the powers of that body, respectively, expanded by the draft?</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td></td>
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</tr>
<tr>
<td>2) is the scope of the powers to be devolved clearly specified in the draft?</td>
<td>☐ Yes</td>
<td>☐ No</td>
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</tr>
<tr>
<td>3) does the draft take into account and regulate the necessity of structural changes in the respective body, as a result of the change of its powers?</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td>☐ Not relevant</td>
<td></td>
</tr>
<tr>
<td>4) is the issue of validation of the legal acts, adopted before devolution of powers, regulated in the draft?</td>
<td>☐ Yes</td>
<td>☐ No</td>
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<tr>
<td>5) does the draft take into account and specify, if appropriate, a transitional period for devolution of powers, if such is necessary?</td>
<td>☐ Yes</td>
<td></td>
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<tr>
<td>16. If the draft regulatory act envisages responsibility,</td>
<td>☐ Not relevant</td>
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</tr>
<tr>
<td>1) is the type of responsibility (i.e. criminal, administrative or disciplinary) specified?</td>
<td>☐ Yes</td>
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</tr>
<tr>
<td>2) is the range of acts, entailing criminal, administrative or disciplinary liability, precise?</td>
<td>☐ Yes</td>
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</tbody>
</table>