

THE COMMISSION ON ETHICS OF HIGH-RANKING OFFICIALS

DECISION

ON INITIATING PROCEEDINGS ON THE BASIS OF THE APPLICATION SUBMITTED BY T. VARDANYAN–DIRECTOR OF “MARATUK HOLDING” LLC

16-A

Yerevan city

February 18, 2016

The Commission on Ethics of High-Ranking Officials composed of S. Sahakyan (Chairman), L. Petrosyan, A. Khudaverdyan, A. Sargsyan, E. Shatiryan, in accordance with Article 44 of the RA Law on Public Service, has discussed the application submitted by Tigran Vardanyan – Director of “Maratuk Holding” LLC (hereinafter referred to as: the Applicant) on violation of ethics rules by the Chairman of the Commission on Protection of Economic Competition– Artak Shaboyan.

In Applicants opinion, the Chairman of the Commission on Protection of Economic Competition– Artak Shaboyan has by his statement of June 20, 2015 committed a violation of ethics rules of high-ranking officials prescribed by Paragraph 3 of Article 28 of the RA Law on Public Service.

A publication of “Pastinfo” news agency has been attached to the application, which says that the Chairman of the Commission on Protection of Economic Competition– Artak Shaboyan has made the following statement on June 20, 2015 “The tourism organizations advertise chip package offers but when a citizen visits their offices, they say that the chip packages have already been sold out and they “force” them to buy expensive packages. Moreover, they put photos of nice places, cities in the brochures, and only when the person reaches the respective place, he understands that he has been cheated and he will get no such opportunity. For example, the Commission has initiated administrative proceedings with respect to “Maratuk” company; the latter has misled the citizens by putting allegedly the photo of island Crete in the brochure which didn’t correspond to the reality”.

As a substantiation of his position the Applicant cites a number of Articles of the RA Constitution with the edition of 2005 and by means of systematic analysis of those Articles he comes to a conclusion that state bodies and their officials must respect the business reputation of the commercial legal entities and the principle of “presumption of innocence” in administrative-legal relations as an implementation of the constitutional-legal principle of

legality. The applicant made reference also to a number of provisions of the Law on Public Service, Law on Basics of Administration and Administrative Proceedings, as well as the Law on Protection of Economic Competition.

In Applicants opinion when there is no administrative act that entered into legal force and became thus undisputable, the public statement of the Chairman of the Economic Competition Protection Commission on legal violations by the Company undermines the role of collegial government body and the meaning of administrative proceedings which in its turn leads to the lack of public trust.

On the basis of the above-written, the Applicant has requested the Commission to initiate proceedings and to take measures to eliminate and (or) prevent the violations of ethics rules of high-ranking officials by the Chairman of the Commission on Protection of Economic Competition– Artak Shaboyan.

On the basis of the application of Tigran Vardanyan – Director of “Maratuk Holding” LLC and Article 44 of the RA Law on Public Service:

the Commission on Ethics of High-Ranking Officials

HAS HEREBY DECIDED

- 1. to initiate proceedings on the basis of the application of Tigran Vardanyan – Director of “Maratuk Holding” LLC;**
- 2. to suggest to the Chairman of the Commission on Protection of Economic Competition– Artak Shaboyan to submit his objections and clarifications in ten days after receiving this decision.**

Chairperson of the Commission

S. Sahakyan