

REPUBLIC OF ARMENIA

LAW

ON THE CORRUPTION PREVENTION COMMISSION

Adopted on 9 June 2017

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CHAPTER 1

GENERAL PROVISIONS

Article 1. Subject Matter of this Law

1. This Law shall regulate the formation procedure and rules of operation of the Corruption Prevention Commission, the safeguards of independence, the functions and powers, the requirements regarding members, as well as relations pertaining to the process of analysis of declarations and to the conduct of proceedings.

Article 2. The Corruption Prevention Commission

1. The Corruption Prevention Commission (hereinafter “the Commission”) shall be an autonomous state body.

2. The Commission shall be located in the City of Yerevan.
3. The Commission may, within its competence, and on behalf of the Republic of Armenia, acquire and exercise property and personal non-property rights, bear responsibilities, act as a plaintiff or defendant in court, and possess and use such property in conformity with the objectives of its activities and the designated purpose of the property assigned to it.

CHAPTER 2

PRINCIPLES OF ACTIVITIES AND FORMATION PROCEDURE OF THE COMMISSION

Article 3. Principles of Activities of the Commission

1. The Commission shall act on the basis of the principles of collegiality, financial independence, public accountability and transparency, co-operation, and political neutrality.

Article 4. Collegiality

1. The Commission shall carry out its activities and adopt decisions and opinions collegially.

Article 5. Financial Independence

1. The Commission shall, as prescribed by the Republic of Armenia Law On the Budgetary System of the Republic of Armenia, and within the time limit prescribed by the Decision of the Prime Minister of the Republic of Armenia on initiating the budgetary process for the upcoming year, annually draft and submit to the

Government of the Republic of Armenia (hereinafter “the Government”) the budget request (draft estimate of expenditures to be envisaged for the Commission in the State Budget) of the Commission for the upcoming year so as to have it included in the draft State Budget for the upcoming year.

2. Where the budget request of the Commission is approved by the Government, it shall be included in the draft State Budget without amendments, and where there are objections — with amendments. The Government shall submit the budget request of the Commission to the National Assembly together with the draft State Budget.

3. In the expenditures section of the State Budget, the expenses of the Commission shall be presented as a separate line.

Article 6. Public Accountability and Transparency

1. The Commission shall, within a ten-day period following the end of each semester, post the report on activities carried out within the reporting period on the official website of the Commission.

2. The Commission shall post on its official website the decisions and opinions adopted by it, as well as recommendations submitted by it and information about the outcome of their consideration.

3. The Commission shall, within the first quarter of each year, submit to the National Assembly a statement on its activities of the previous year.

Article 7. Cooperation

1. While exercising its powers, the Commission shall cooperate with state government and local self-government bodies, international and other organisations, and civil society representatives.

2. State government and local self-government bodies shall, within the scope of their competence, assist in the execution of the powers of the Commission.

Article 8. Political Neutrality

1. While exercising its powers, the Commission shall maintain political neutrality.

Article 9. Composition and Formation Procedure of the Commission

1. The Commission shall comprise five members.

2. Pursuant to part 2 of Article 122 of the Constitution of the Republic of Armenia, members of the Commission shall be appointed by the National Assembly for a term of six years under the procedure prescribed by the Republic of Armenia Constitutional Law on the “Rules of Procedure of the National Assembly” and Articles 12-15 of this Law.

Article 10. Requirements regarding a Member of the Commission

1. Anyone who meets the requirements prescribed for a Deputy, who has higher education and at least ten years of professional work experience and recognition, may be appointed as a Commission member.

2. The Commission shall elect from among its members the Commission Chairperson by majority vote of the total number of members.

3. The same person may not be appointed as a Commission member for more than two consecutive terms.

4. A person may not be appointed as a Commission member if such person has been convicted of a crime irrespective of whether the conviction has been expunged or cancelled, or criminal prosecution of such person was terminated on non-acquittal

grounds, or such person is currently under criminal prosecution, or has a disease hindering his or her appointment as a judge as provided for by the list approved by the Government.

5. The positions of the Commission members shall be considered civil positions.

Article 11. Competition Board Formation Procedure

1. The National Assembly Chairperson shall form a competition board (hereinafter “the Board”) for the selection of candidates for the position of a Commission member.

2. The Chairperson of the Constitutional Court, the Human Rights Defender, the opposition factions of the National Assembly, the Public Council, and the Chamber of Advocates shall each appoint one member of the Board. The Board member on behalf of the opposition factions of the National Assembly shall be appointed by consensus.

3. The National Assembly Chairperson shall request the Constitutional Court Chairperson, the Human Rights Defender, the opposition factions of the National Assembly, the Public Council, and the Chamber of Advocates each to nominate one candidate with a view to including such candidates in the composition of the Board. The Public Council shall nominate a candidate from among civil society representatives.

4. The individual membership of the Board shall be approved by the National Assembly Chairperson and shall be published on the official website of the National Assembly.

Article 12. Functions of the Board and Organisation of Activities

1. The Board shall:

(1) organise and hold a competition for selection of candidates for Commission members (a competition or a new competition);

(2) set:

- a. the maximum score for evaluating requirements regarding candidates for Commission members;
- b. the breakdown of the maximum score by the specific requirements subject to evaluation;
- c. the criteria identifying the content of the requirements subject to evaluation;
- d. the maximum score for evaluation of each of the criteria up to the maximum score envisaged for the relevant requirement; and
- e. the evaluation and points calculation procedure.

(3) review compliance of the Commission member candidates with the requirements of parts 1 and 4 of Article 10 of this Law;

(4) resolve other issues related to the evaluation process;

(5) draw up and submit to the National Assembly Chairperson the list of persons who have been declared as the competition winners, by means of including therein as many winners as there are vacant positions of Commission members, according to the principle of one candidate per one vacant position; and

(6) adopt decisions on issues related to the organisation and holding of the competition, including on verifying the credibility of the presented documents and information, as well as on receiving additional information.

2. The Board session shall have quorum if at least four Board members participate therein. The session shall be conducted by the eldest member participating in the session.

3. Decisions of the Board shall be adopted through an open vote by majority vote of the total number of the Board members. The Board shall convene its sessions at the seat of the National Assembly.

4. Minutes of the Board sessions shall be taken. Mass media representatives and civil society representatives may be present during the interview stage of the competition in accordance with the procedure established by the Board.

Article 13. Holding the Competition

1. The National Assembly Chairperson shall announce a competition not earlier than 90 days and not later than 50 days before the expiry of powers of a Commission member, and where his or her position remains vacant — within 30 days, through the Staff of the National Assembly (hereinafter “the Staff”).

2. The announcement on the competition shall be published in a press with a print run of at least three thousand copies, or via other mass media, as well as on the official website for public notices of the Republic of Armenia, and on the official website of the National Assembly (hereinafter “the official websites”).

3. The announcement shall include at least the following data:

- (1) the requirements on the candidates;
- (2) the list of documents necessary for participating in the competition;
- (3) the conditions for holding the competition, including the test sample, the maximum score for evaluating the requirements on candidates, the breakdown of the maximum score in accordance with the specific requirements subject to evaluation, the criteria identifying the content of the requirements subject to evaluation, the maximum score for evaluation of each of the criteria up to the maximum score envisaged for the relevant requirement, and the procedure for evaluation and calculation of points; and
- (4) the deadline and venue for submitting documents.

4. A person who contends to participate in the competition (hereinafter “a contender”) shall — within 20 days following publication of the announcement — submit to the Staff of the National Assembly the documents necessary for participation

in the competition (hereinafter “the documents”), as well as his or her residence address and electronic mail address.

5. The documents may be handed over personally or sent by mail.

6. For the purpose of accepting the documents, the Staff shall maintain a register.

7. Documents sent by mail shall be considered as submitted within the time limit prescribed when the Staff received them before expiry of the deadline specified in part 4 of this Article.

8. The contender shall, via the electronic mail address provided by him, be notified of the receipt of documents sent by mail within one day after their receipt.

9. The contender may eliminate shortcomings in the documents within three days of the expiry of the deadline for submission of documents specified in part 4 of this Article.

10. The competition shall be held in three stages, the first of which is the verification of completeness and relevance of documents (hereinafter “the document verification”), the second — the testing, and the third — the interview.

11. In the stage of the competition in which the documents are verified, the Board shall verify the completeness of the documents, their conformity to the list of required documents, and in case of reasonable doubt — also the accuracy of the documents or information. The accuracy of the documents or information submitted by the contender shall — based on a Board decision — be established through the Staff. Based on the Board decision, the Staff shall also receive additional information for evaluation of the requirements on candidates. Upon notification by the Board, the contender may participate in the document verification.

12. Where the documents are incomplete or are not in conformity with the list of required documents, the Staff shall notify the contender thereof within one day using the electronic mail address provided by the contender.

13. Based on the results of the actions referred to in part 11 of this Article, the Board shall make a list of persons who passed the testing stage of the competition (hereinafter “the test takers”), about which these persons shall, within one day of making the list, be notified using the electronic mail addresses provided by them.

14. The Board shall publish on the official website the list of test takers, as well as the date, hour and venue for conducting the test.

15. Tests shall be drawn up by the Board. Information regarding the areas of the questions included in the tests, as well as the test samples shall be published on the official website of the National Assembly not later than ten days before the conduct of the testing.

16. Each test shall comprise 100 questions, and the test taker shall have two hours for answering them.

17. For the purpose of ensuring confidentiality, testing shall be conducted by applying codes for the test takers.

18. The test tasks shall comprise multiple-choice questions. Each question of the test may have one or more correct answers.

19. After testing, one point shall be given for a correct answer to each question, and zero points for an incorrect answer. Where the question has more than one correct answer, the answer to the question shall be considered as correct only when the test taker has marked all of the correct answers. An incorrect answer is the marking of the incorrect answer, or the failure to mark any answer, or the failure to mark all of the correct answers.

20. The test taker shall be informed about the results of the testing stage not later than within three hours of the end of the testing stage.

21. The test taker may appeal the test results in writing to the Board within one hour of receiving the results. The response to the appeal shall be given on the same day. The Board shall not have the right to lower the score of the test participant.
22. Where the Board concludes that the appeal of the test taker against the alleged mistake made during the calculation of test results is substantiated, the Commission shall grant the request of the test taker by making an accurate calculation of the test results.
23. Where the Board decides to grant the appeal of the test taker and considers any question or alleged answer as incorrect, one point shall — based on that decision — be added to the scores of all the test takers that received zero points for the given question, when their mistake was conditioned by the wrong question posed or the answer choice.
24. Test takers who have correctly completed at least 90% of the test tasks (answered correctly at least 90 questions) shall be entitled to participate in the interview stage.
25. Immediately after finalizing the appeal results, and in case there is no appeal — immediately after expiry of the time period provided for appeals, the Board shall make a list of the persons who passed the interview stage of the competition (hereinafter “the interview participants”), about which the participants of the testing shall, within one day after the list is made, be notified by the electronic mail addresses provided by them.
26. The Board shall publish on the official website of the National Assembly the list of the interview participants, as well as the date, hour, and venue for conducting the interview.
27. In the interview stage, each member present at the Board session shall assess each of the interview participants in accordance with the criteria and procedures approved by the Board.

28. Mass media representatives and representatives of non-governmental organisations may be present during the interview stage of the competition, in accordance with the procedure established by the Board.

29. Based on the results of the evaluation in the interview stage, the interview participant(s) having received the highest score in total shall be included in the list of winners of the competition (hereinafter “the list”).

30. A protocol shall be drawn up with regard to the evaluation of each interview participant and/or the results of voting within the Board.

31. The Board shall publish the list of candidates on the official website of the National Assembly on the day after the list is made.

32. Each participant of the competition may get acquainted with the documents obtained or drawn up during the competition and concerning thereto.

Article 14. Submitting the List of Winners of the Competition to the National Assembly Chairperson

1. The Board shall submit the list to the National Assembly Chairperson within three working days of the list publication.

2. The minutes of the Board sessions, as well as the documents submitted and obtained during the competition shall be submitted together with the list.

Article 15. Holding a New Competition

1. A new competition shall be announced where:

(1) the National Assembly does not appoint a candidate;

(2) the number of contenders, candidates is less than the number of vacant positions; or

- (3) there are other circumstances that render the selection of candidates impossible.
2. For the purpose of holding a new competition, the Board shall publish an announcement thereon within 20 days following the day of being informed of the ground specified in part 1 of this Article.
3. The new competition shall be held under the general procedure.

Article 16. Incompatibility of a Commission Member and Other Restrictions on Commission Members

1. A Commission member may not hold any position not related to his or her status within other state or local self-government bodies, or any position within commercial organisations, or engage in entrepreneurial activities or perform other paid work, except for scientific, educational, and creative work.
2. A Commission member may not hold membership in any political party or otherwise engage in political activities. A Commission member shall show political restraint in public speeches.
3. Other restrictions imposed on high-ranking officials and public servants by law shall extend to the Commission members.

Article 17. Independence and Immunity of Commission Members

1. While exercising his or her powers, a Commission member shall be guided only by the Republic of Armenia Constitution and laws. No one shall have the right to intervene in the activities of the Commission or give instructions.
2. A Commission member may not be held liable for an opinion expressed or a decision rendered while exercising his or her powers, except when there are elements of an administrative offence or crime in his or her action.

3. Criminal prosecution against a Commission member with respect to the exercise of his or her powers may be initiated, or a Commission member may be deprived of liberty upon motion of the Prosecutor General of the Republic of Armenia — only with the consent of the Commission. A Commission member may not be deprived of liberty without the consent of the Commission, except when caught at the time of committing a criminal offence or immediately thereafter. In this case, deprivation of liberty may not last more than 72 hours. The Commission Chairperson shall be immediately notified of the deprivation of liberty of a Commission member.

4. A Commission member shall not be obliged to give explanations on the essence of issues or documents under proceedings of the Commission or those being considered by the Commission, or provide them for familiarisation, except in cases and the procedure provided by law.

Article 18. Discontinuation and Termination of Powers of a Commission Member

1. The term of powers of a Commission member shall expire on the same day of the sixth year following the day of his or her appointment, except for members of the first Commission appointed for a term of four years, the term of powers of which shall expire on the same day of the fourth year following the day of their appointment.

2. The powers of a Commission member shall discontinue where:

(1) he or she officially submits a written application on resignation to the National Assembly Chairperson;

(2) he or she has lost citizenship of the Republic of Armenia or has acquired citizenship of another State;

(3) he or she has been declared as having no active legal capacity, or as missing or dead based on a court judgement that entered into legal force;

(4) a final criminal judgment of conviction has been rendered against him or her, or his or her criminal prosecution has been terminated on a non-acquittal ground; or

(5) he or she has died.

3. The powers of a Commission member shall be deemed discontinued as from the moment on which the National Assembly Chairperson records the fact and makes a statement thereon.

4. The powers of a Commission member shall be terminated early where:

(1) he or she has acquired an illness that hinders the exercise of powers of a Commission member;

(2) he or she has been absent from at least half of the Commission sessions due to long-term disability or other good reason in the course of the year;

(3) he or she has not attended the Commission sessions more than twice throughout one year without a good reason;

(4) he or she has violated the incompatibility requirements regarding Commission members;

(5) he or she has violated the prohibition to engage in political activities; or

(6) facts have emerged, showing that he or she did not comply with the requirements at the time of his or her appointment.

5. In case of early discontinuation or termination of powers of a Commission member, a new member of the Commission shall be appointed under the procedure prescribed by law.

Article 19. Staff of the Commission

1. The Staff of the Commission shall ensure the normal operation of the Commission.

2. The number of employees and the staff list of the Staff of the Commission shall be approved by the Government — upon a proposal of the Commission, and the structure and the bylaws shall be approved by the Commission.

Article 20. State Service within the Staff of the Commission

1. Professional activities within the Staff of the Commission, except for work pertaining to technical maintenance functions, shall be civil service, and officials holding relevant positions within the Staff shall be civil servants.

2. Relations pertaining to service within the Staff of the Commission shall be regulated by the Republic of Armenia Law on Civil Service.

CHAPTER 3

ORGANISATION OF THE ACTIVITIES OF THE COMMISSION

Article 21. Procedure for Organisation of Activities of the Commission

1. The activities of the Commission shall be carried out through sessions.

2. The sessions of the Commission shall be convened upon necessity, but at least once a month. The sessions of the Commission shall be convened by the Commission Chairperson on his or her own initiative or upon request of at least two members of the Commission. The working procedure of the Commission shall be established by the Commission.

3. The sessions of the Commission shall be open, except when it may cause damage to state security, personal life, or other legitimate interests protected by law. A closed-door session shall be held by a reasoned decision of the Commission.

4. The Commission shall, in accordance with the working procedure, announce the venue, date, and time of the sessions and the issues to be discussed therein. Interested persons shall be invited to the Commission sessions.
5. A session shall have quorum if at least three members of the Commission are present at the session.
6. The person presiding over the session shall publish the session agenda and propose the sequence for consideration of the issues included in the agenda. The agenda and materials of the session shall be provided to the Commission members in advance.
7. The agenda of the session shall be approved by the Commission by a vote.
8. An additional issue may be included in the agenda of the session, or an issue may be removed from the agenda of the session, or the consideration thereof may be postponed by a Commission decision upon a proposal of the person presiding over the session or of a Commission member.
9. Persons invited to the session shall, upon permission of the person presiding over the session, participate in the consideration of the relevant issue.
10. In case of failure to complete the session on the scheduled day, it shall be continued within another period set by the person presiding over the session.
11. The Commission shall adopt a decision or an opinion on the issue being considered.
12. On matters related to the code of ethics, incompatibility requirements, violations of other restrictions, conflict of interest situations, and revision of opinions of ethics commissions established within the bodies provided for by the Republic of Armenia Law on Public Service” (hereinafter “the ethics commissions of the relevant bodies”), the Commission shall adopt opinions.

On other issues within the competence of the Commission, the Commission shall adopt decisions.

13. Opinions and decisions of the Commission shall be adopted by majority vote of the total number of the Commission members.

14. An oral decision shall be recorded in the minutes of the session.

15. In the cases prescribed by law, sub-legislative legal acts shall be adopted by majority vote of the total number of the Commission members.

16. Each member of the Commission shall cast a vote “for” or “against” a given decision or opinion. The Commission member whom the issue under consideration concerns shall not participate in the voting.

17. Minutes of the Commission sessions shall be taken. The minutes of the session shall contain brief information on the venue, time, participants, session agenda, speeches, and voting results.

18. Decisions and opinions of the Commission shall be posted on the official website of the Commission within five working days of the day of adoption thereof, in compliance with the requirements of the Republic of Armenia Law on the Protection of Personal Data.

Article 22. Commission Chairperson and Members

1. The Commission Chairperson shall:

- (1) coordinate the activities of the Commission and organise its normal operation;
- (2) convene and hold sessions of the Commission, and sign the decisions, opinions, and minutes of sessions of the Commission;
- (3) adopt orders, sign official documents on behalf of the Commission, issue powers-of-attorney, and conclude contracts; and

(4) represent the Commission in the Republic of Armenia, in other states, and within international organisations (institutions).

2. In case of absence of the Commission Chairperson or in case of impossibility to perform his or her official duties, any Commission member shall substitute the Chairperson upon his or her assignment, and in cases of impossibility of giving such assignment, the most senior member of the Commission shall substitute him or her.

3. A Commission member shall:

(1) coordinate the process of performance of work in specific areas of the activities of the Commission;

(2) make a proposal on issues included in the agenda of the Commission sessions;
and

(3) participate in the Commission sessions.

4. Issues related to distribution of the areas of coordination among the Commission members shall be regulated by a decision of the Commission.

CHAPTER 4

FUNCTIONS AND POWERS OF THE COMMISSION

Article 23. Functions of the Commission

1. The Commission shall have the following functions:

(1) to follow compliance with the incompatibility requirements and other restrictions for high-ranking officials, as well as the ethics codes and regulations on conflict of interest for high-ranking officials, except for Deputies, judges, and prosecutors;

- (2) to regulate the process of declaration, and to inspect and analyse the declarations;
- (3) to ensure the consistent application of the incompatibility requirements and other restrictions prescribed by law; and
- (4) to participate in the development of anti-corruption policy.

Article 24. Powers of the Commission

1. The Commission shall:

- (1) examine and resolve applications regarding the incompatibility requirements and other restrictions for high-ranking officials, as well as violations of the ethics codes and regulations on conflict of interest for high-ranking officials (except for Deputies, judges, and prosecutors);
- (2) submit proposals to the competent body or official about preventing and eliminating violations of the incompatibility requirements, violations of other restrictions, violations of ethics codes, and conflict of interest situations (including proposals on holding high-ranking officials liable);
- (3) maintain the register of high-ranking officials and declarations;
- (4) define the declaration form, the requirements for completing declarations, the list of data to be included in the register of declarations, the procedure of keeping the register of declarations, the procedure of submitting a declaration and making amendments to the declared data, the procedure of archiving a declaration, and the declaration analysis methodology and risk criteria;
- (5) publish the declarations;
- (6) examine and resolve cases related to violations concerning the declarations;

- (7) provide professional advice and methodological assistance to the ethics commissions of the relevant bodies concerning the incompatibility requirements and other restrictions;
- (8) present advisory clarifications regarding the code of ethics for high-ranking officials (except for Deputies, judges, and prosecutors), and make a proposal on steps to address a conflict of interest situation;
- (9) interpret the incompatibility requirements and other restrictions prescribed by this Law;
- (10) revise the opinions of the ethics commissions of the relevant bodies;
- (11) maintain statistics and publish data on cases of violations of incompatibility requirements and other restrictions, and on conflict of interest;
- (12) carry out expert analysis of the drafts of anti-corruption strategies and action plans (including sector-specific programmes) and present proposals thereon to the competent body;
- (13) develop corruption prevention programs and submit them to the Government;
- (14) present to the competent body an opinion on the drafts of regulatory legal acts related to the fight against corruption;
- (15) present to the competent body proposals on addressing the regulatory gaps and shortcomings related to corruption prevention, which were identified in the course of its activities;
- (16) develop educational programmes and public awareness-raising programmes devoted to the issues related to the fight against corruption and carry out measures;
- (17) present recommendations on organising anti-corruption trainings and including them in educational programmes, as well as in training programmes for officials and public servants; and

(18) provide educational and methodological guidelines for the implementation of educational programmes and other materials.

2. In the cases provided for by points 2, 12, and 15 of part 1 of this Article, the body or official that received the proposal shall be obliged to consider it and to inform the Commission about the results within a 30-day period.

CHAPTER 5

ANALYSIS AND PROCEEDINGS CONDUCTED BY THE COMMISSION

Article 25. Inspection and Analysis of Declarations

1. The Commission shall carry out the following:

- (1) inspection of compliance with the requirements for completing and submitting a declaration;
- (2) inspection of reliability and integrity of the declared data;
- (3) mathematical analysis of the declared data; and
- (4) declaration analysis based on the risk indicators.

2. In the process of analysing declarations, the Commission may demand and receive from state and local self-government bodies, the Central Depository, and other persons entitled to maintain a register of securities holders (nominal holders), and Credit Bureaus (including through an electronic inquiry), information and documents about the official submitting the declaration and on persons who are part of his or her family, except for cases provided for by the Republic of Armenia Law on Bank Secrecy.

3. Information and documents shall be provided to the Commission free of charge as soon as possible, but not later than within ten days of receiving the request, unless

another time limit is specified in the request, or the addressee of the request proposes another reasonable time limit for complying with the request, which may not exceed 30 days. The Central Depository and other persons entitled to maintain a register of securities holders (nominal holders), as well as Credit Bureaus shall provide information and documents free of charge, when the Commission submits requests, the number of which is equivalent to the number of declarations submitted by each declarant official and the person in his or her family.

4. In the process of analysing declarations, interoperability of the Commission database with the databases — developed as prescribed by the legislation of the Republic of Armenia — of state and local self-government bodies, organisations specified in part 2 of this Article shall be ensured. Moreover, online access of the Commission to data subject to being declared shall be ensured.

5. The Commission may demand from a state or local self-government body, state or community institution, state organisation or the officials thereof to conduct studies free of charge and to perform expert examinations free of charge, and provide the results, in relation to circumstances to be found by the Commission.

6. When the Commission, as a result of analysis of declarations, reaches the conclusion that the declaration has not been submitted within the period prescribed by law or has been submitted in violation of the relevant requirements and procedure or the declared data is incorrect or incomplete, it shall initiate proceedings regarding an administrative offence.

7. When the analysis of the declaration leaves doubt that the change of property (increase in property and/or reduction in liabilities) of the official submitting a declaration or a person who is part of his or her family is not reasonably justified by his or her lawful incomes, or they have property that is not declared or not fully declared, or the source of income is not lawful or credible, the Commission shall may

request clarification or additional materials from the declarant by setting a time limit of at least 10 and at most 30 days for submitting them.

8. For purposes of this Law, the received income shall not be deemed lawful if the lump-sum money being received or given exceeds AMD 2,000,000 or its foreign currency equivalent, but the person responsible for submitting a declaration used cash to make or take a loan, to pay or receive charges for a loan made or taken (interest or other compensation), to receive donation in monetary terms, to receive dividends in monetary terms, to receive income from entrepreneurial activities, to receive income from alienation of property, to receive payment or other compensation for lease, to receive income or charges from other civil and legal contracts, or to receive income from property rights.

9. Where the declarant fails to provide clarification or additional materials within the specified time limit, or they are not sufficient to dispel the existing doubt, the Commission shall immediately, but not later than within a three-day period, send the materials to the Office of the Prosecutor General of the Republic of Armenia and adopt a decision on suspension of the proceedings. A copy of the decision shall, within a three-day period of its adoption, be sent to the declarant, and where the proceedings have been initiated on the basis of an application — to the applicant.

10. The Office of the Prosecutor General shall inform the Commission of the outcome of the examination of the materials, attaching a copy of its relevant decision.

Article 26. Proceedings concerning Administrative Offences Stipulated by the Republic of Armenia Code of Administrative Offences

1. Relations pertaining to proceedings concerning administrative offences stipulated by the Republic of Armenia Code of Administrative Offences shall be regulated by the Republic of Armenia Code of Administrative Offences, as well as the Republic of

Armenia Law on the Foundations of Administration and on Administrative Proceedings, taking into account the peculiarities prescribed by this Law.

2. The decision on initiating proceedings, which is prescribed by this Article, shall within a three-day period be forwarded to the declarant, and where the proceedings have been initiated based on an application — also to the applicant.

3. As a result of case proceedings concerning administrative offences stipulated by the Republic of Armenia Code of Administrative Offences, the Commission shall adopt decisions that may be appealed by judicial procedure pursuant to the Republic of Armenia Law on the Foundations of Administration and on Administrative Proceedings.

4. In the course of the proceedings concerning an administrative offence, if the Commission reaches the conclusion that the committed act contains prima facie elements of failure to submit the declaration or of concealing the data subject to declaring or of submitting false data in the declaration intentionally, the Commission shall immediately, but not later than within a three-day period, forward the materials of the proceedings to the Office of the Prosecutor General of the Republic of Armenia, and adopt a decision on suspending the proceedings. a copy of the decision shall, within a 3-day period following the adoption, be forwarded to the declarant, and where the proceedings have been initiated based on an application — also to the applicant.

5. The Office of the Prosecutor General shall inform the Commission about the results of the examination of the materials, attaching a copy of the relevant decision.

6. The Commission shall, within a five-day period from the moment of receipt of the decision on rejecting the initiation of a criminal case, or the decision on dismissing the case proceedings, or the decision on terminating criminal prosecution or the decision on not conducting criminal prosecution, resume the suspended proceedings, and in

case of receiving the judgement of conviction that entered into force, the Commission shall terminate the proceedings within the same period.

Article 27. Proceedings concerning Violations of the Incompatibility Requirements, Other Restrictions, or the Code of Ethics, and Proceedings concerning Conflict of Interest Situations; Grounds for Initiating Such Proceedings

1. Proceedings may be initiated:

- (1) based on a written application of any person(s);
- (2) based on publications in the media;
- (3) by the initiative of the Commission, in case of detecting prima facie violations or cases during the analysis of declarations or the conduct of proceedings provided by law.

In cases provided by law, proceedings concerning a conflict of interest situation may be initiated also on the basis of a written statement submitted by a high-ranking official.

2. The Commission shall initiate relevant proceedings in case of existence of prima facie violations of incompatibility requirements or other restrictions by high-ranking officials, or prima facie violations by high-ranking officials (except for Deputies, judges, and prosecutors) of the code of ethics prescribed by law, or prima facie cases of a conflict of interest situation.

3. The Commission shall initiate proceedings if, in the process of analysing declarations, it detects prima facie cases of conflict of interest or prima facie violations of incompatibility requirements or of other restrictions.

4. Where the violation pertains to an ethics rule violation that directly affects the rights of a specific person, the Commission may initiate proceedings solely on the

basis of the application of the interested person or on its own initiative, when the issue is of great public interest, or when the violation is of a systemic nature.

5. Publications in the media may serve as a ground for initiating proceedings where they contain prima facie elements of violations of incompatibility requirements, other restrictions, or ethics codes by a specific person, or prima facie elements of a conflict of interest situation.

Article 28. Time Limit for Submitting an Application to the Commission

1. The Commission shall examine an application if it has been submitted within one month of the person becoming aware of the violation or of the case, but not later than within six months of the moment of the violation or of the case.

Article 29. Requirements concerning the Application

1. The application specified in point 1 of part 1 of Article 27 of this Law shall contain:
- (1) the name and surname of the applicant, and in case of a legal person — its full name and address (place of location of the legal person);
 - (2) the name and surname of the high-ranking official who committed the prima facie violation of the incompatibility requirements or other restrictions or of the high-ranking official (except for a Deputy, judge, and prosecutor) who committed a prima facie violation of the code of ethics or ended up in a prima facie conflict of interest situation, and about whom the application is made, the position held by such official, and the state or local self-government body in which the high-ranking official holds the public service position;
 - (3) the violation or the case of the conflict of interest situation;

- (4) the factual circumstances with which the prima facie violation or case is reasonably substantiated, and where available — evidence (documents, materials) substantiating such circumstances;
- (5) the demand presented in the application (the subject of the application);
- (6) the year, month, and day of submitting the application;
- (7) the signature of the applicant, and in case of a legal person — the signature of its competent official. Where the application is submitted through a representative, a power of attorney issued under the procedure stipulated by law shall also be attached to the application; and
- (8) the list of documents attached to the application.

Article 30. Returning the Application or Rejecting the Initiation of Proceedings

1. The Commission shall adopt a decision on returning an application or rejecting the initiation of proceedings within five working days of receiving the application.
2. The Commission shall adopt a decision on returning the application where the requirements prescribed by part 1 of Article 29 of this Law have not been met. The applicant may, within 48 hours of receipt of the decision, change the application to comply with the requirements prescribed by part 1 of Article 29 of this Law, and submit it to the Commission.
3. The Commission shall reject the initiation of proceedings if:
 - (1) as a result of examination of the application, it becomes clear that there are no grounds for initiating proceedings;
 - (2) the issues raised in the application are beyond the competence of the Commission;

(3) in the case provided for by part 4 of Article 27 of this Law, the application has been submitted by a person who has no standing; or

(4) there is an opinion of the Commission with regard to the same person and on the same ground.

4. The decisions provided for by this Article shall be forwarded to the applicant within a three-day period.

Article 31. Initiation of Proceedings; Further Course

1. The Commission shall adopt a decision on initiating proceedings within five working days of receiving the application.

2. The decision on initiating proceedings shall, within a three-day period, be forwarded to the applicant and to the relevant high-ranking official.

3. The Commission shall be entitled to request the applicant to submit, within a ten-day period, additional materials on an issue being considered, and the relevant high-ranking official provided for by this Chapter — a written clarification, attaching thereto materials substantiating his or her arguments.

4. The Commission may, within the scope of the proceedings, demand and receive from state or local self-government bodies, state organisations or the officials thereof, or other organisations any material, document, or information on the issue being considered by the Commission, except for information containing bank secrecy, and in relation to circumstances to be found by the Commission, it may request a state or local self-government body, state or community institution, state organisation, or officials thereof to carry out free-of-charge studies and to perform free-of-charge expert examinations, and to provide the results.

5. If, during the proceedings, the Commission reaches the conclusion that the committed act contains prima facie elements of crime, it shall forward the materials of

the proceedings immediately, but not later than within a three-day period, to the Office of the Prosecutor General of the Republic of Armenia, adopting a decision on suspending the proceedings. A copy of the decision shall, within a three-day period of its adoption, be forwarded to the relevant high-ranking official, and where the proceedings have been initiated based on an application — to the applicant.

6. The Office of the Prosecutor General shall inform the Commission about the results of the examination of the materials, attaching a copy of the relevant decision.

7. The Ethics Commission of High-Ranking Officials shall, within a five-day period of the moment of receiving the decision on rejecting initiation of a criminal case, or a decision on dismissing the case proceedings, or a decision on terminating criminal prosecution, or a decision on not conducting criminal prosecution, resume the suspended proceedings, and in case of receiving a final judgement of conviction, it shall terminate the proceedings within the same period.

Article 32. Time Limit for Proceedings

1. The maximum time limit for proceedings shall be 90 days.
2. The time limit for proceedings shall start on the day of adopting the decision to initiate proceedings.

Article 33. Adopting an Opinion as a Result of Proceedings

1. As a result of the proceedings, the Commission shall adopt an opinion on a violation or on a case.
2. As a result of the proceedings, the Commission shall adopt an opinion on the presence or absence of a violation of the incompatibility requirements or other restrictions by a high-ranking official, or on the presence or absence of a violation of the code of ethics by a relevant high-ranking official, and with regard to a case of a

conflict of interest situation — an opinion on the presence or absence of such a situation.

3. The opinion shall, within a three-day period of its adoption, be forwarded to the applicant and to the high-ranking official and his or her superior (where available).

4. An opinion on a violation of the incompatibility requirements by a high-ranking official and all the documents and materials of the proceedings related to it shall, within a three-day period of adopting the opinion, be forwarded to the bodies entitled to consider (examine) the issue of terminating his or her powers on the ground of a violation of the incompatibility requirements by the high-ranking official.

In case of a violation of other restrictions and of the code of ethics, or the existence of a conflict of interest situation, the Commission shall propose to the competent body or superior person to impose disciplinary liability on the high-ranking official, where his or her act contains no elements (including prima facie) of an administrative offence or a crime. The Commission may also propose to take steps aimed at neutralising the consequences of the violation or the situation.

5. The competent body or official shall be obliged to consider the proposal of the Commission and inform the Commission about the results within a reasonable time, but not later than within a 15-day period of receiving the opinion.

6. The Commission's opinions on violation of the code of ethics by high-ranking officials, which do not have a superior, and on a conflict of interest situation shall be published on the official website of the Commission within a three-day period of adopting such opinions.

The relevant high-ranking official, who does not have a superior, shall be obliged to submit a public clarification on the violation or on conflict of interest situation found in the Commission's opinion, which shall, within a three-day period of its receipt, be published on the website of the body within which the high-ranking official holds a position.

Article 34. Appealing Opinions of the Commission

1. Opinions of the Commission (including opinions adopted as a result of review proceedings) may be appealed under the procedure prescribed by the Republic of Armenia Administrative Procedure Code, under case proceedings for disputing opinions on the ground of facts.
2. An opinion adopted by the Commission as a result of the review of its opinion, which was based on a decision of the Administrative Court on changing facts found by the Commission and approving the new facts, shall not be subject to appeal.
3. The Commission's opinions on violations of the incompatibility requirements and other restrictions by Deputies, judges, and non-judge members of the Supreme Judicial Council shall not be subject to appeal under the procedure prescribed by parts 1 and 4 of this Article.
4. An interested person/persons may appeal the Commission's opinions under a judicial procedure also on the ground of a violation of procedural rules, where they have materially restricted his or her (their) rights and lawful interests.

Article 35. Review Proceedings

1. The Commission shall review the opinion of the ethics commission of the relevant body on violations of incompatibility requirements or other restrictions on the basis of an application by the public servant with regard to whom such opinion was adopted.

Article 36. Grounds for Lodging an Application

1. A public servant may lodge an application for review of the opinion on violations of incompatibility requirements or of other restrictions (hereinafter “the application for review”), where in his or her opinion:

(1) the fact found by the ethics commission of the relevant body does not correspond to reality, or

(2) the provision on incompatibility or other restriction has been wrongly interpreted, or

(3) the interpretation of the provision on incompatibility or other restriction contradicts the interpretation previously provided thereto by the Commission.

Article 37. Application for Review; Time Limits for Lodging the Application

1. The application for review shall be lodged in writing. The application shall indicate:

(1) the name, surname, address, and position of the public servant;

(2) information on the state body the ethics commission of which adopted the opinion;

(3) the opinion of the ethics commission of the relevant body;

(4) substantiation with regard to the existence of the grounds provided for by Article 36 of this Law;

(5) the demand presented in the application; and

(6) the signature of the applicant.

Where the application is submitted through a representative, a power of attorney issued under the procedure prescribed by law shall also be presented.

Materials confirming the existence of the grounds provided for by Article 36 of this Law shall be attached to the application.

2. The application for review may be submitted within a three-day period of receipt of the opinion of the ethics commission of the relevant body on violations of the incompatibility requirements or other restrictions.

Article 38. Preliminary Examination of the Application for Review

1. The Commission shall, within a three-day period of receipt of the application, adopt a decision on returning the application or on leaving the application without examination or on initiating review proceedings based on the application. The Commission shall, within a one-day period of the initiation of proceedings, notify the ethics commission of the relevant body about it. The initiation of review proceedings shall suspend the performance of actions arising from the opinion of the ethics commission of the relevant body.

2. The Commission shall adopt a decision on returning the application, where the requirements prescribed by part 1 of Article 37 of this Law have not been met.

The applicant may, within 48 hours of receiving the decision, make the application comply with the requirements prescribed by part 1 of Article 37 of this Law and submit it to the Commission.

3. The Commission shall adopt a decision on leaving the application without examination if:

(1) the time limit prescribed by this Law for submitting the application has not been observed, and missing the time limit has not been considered as excusable;

(2) the examination of the application is beyond the competence of the Commission;
or

(3) the application has been submitted by a person not having the right to submit it.

4. The Commission shall adopt a decision on initiating review proceedings of the opinion, where the grounds for returning the application or for leaving the application without examination — as provided for by parts 2 and 3 of this Article — are missing.

5. The Commission shall forward a copy of the decision on returning the application or on leaving the application without examination to the public servant not later than on the day following the date of adopting such decision.

Article 39. Progress of the Review Proceedings

1. The Commission shall, as prescribed by Article 38 of this Law, properly notify the public servant and the ethics commission of the relevant body about the initiated review proceedings for reviewing the opinion within a one-day period of adopting the decision to initiate proceedings.

2. The Commission may request the public servant to submit, within the time limit set by the Commission, all the information known to him or her, his or her documents and other materials through which it will be possible to clarify the existence of the grounds specified in the application.

3. In case of failure to submit substantiations as prescribed by part 2 of this Article, the Commission shall continue the proceedings pursuant to this Law.

4. The Commission may request from the ethics commission of the relevant body, and where necessary, also from other bodies, all the documents and materials related to the issue being considered, other evidence confirming or disproving the substantiation of the arguments underlying the opinion (where available), as well as to submit clarifications that shall be submitted to the Commission within a two-day period. In case of failure to submit them within the prescribed time limit, the Commission shall continue examination of the application.

Article 40. Opinions Adopted as a Result of Review Proceedings

1. Within a 15-day period of adopting the decision to initiate review proceedings, the Commission shall, based on the results of review of the opinion:

(1) leave unchanged the facts and opinion found by the ethics commission of the relevant body;

(2) leave unchanged the facts found by the ethics commission of the relevant body and adopt an opinion; or

(3) change the facts found by the ethics commission of the relevant body, confirm new facts, and adopt an opinion.

2. A copy of the opinion shall be forwarded to the public servant and to the ethics commission of the relevant body not later than within a three-day period of its adoption.

Article 41. Whistleblowing Proceedings

1. The Commission shall conduct whistleblowing proceedings, and relations pertaining thereto shall be regulated by the Republic of Armenia Law on the System for Whistleblowing.

Article 42. Final and Transitional Provisions

1. This Law shall enter into force after at least three members of the Commission are appointed by the National Assembly.

2. Articles 9 to 15 of this Law shall enter into force on 10 April 2018.

3. The competition stipulated by Article 13 of this Law shall be held for the first time within 45 days of the entry into force of this Law.

4. The National Assembly shall appoint three members of the first composition of the Commission for a term of six years, and two members — for a term of four years, taking as a basis the terms of office presented by the Board for each candidate.

5. Chapter 8 of the Republic of Armenia Law on Public Service, except for parts 1 and 2 of Article 38, shall be repealed from the moment of formation of the Commission.

**President
of the Republic of Armenia**

S. Sargsyan

28 June 2017

Yerevan

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