

LAW
OF THE REPUBLIC OF ARMENIA

Adopted on 9 June 2017

ON COMMISSION FOR THE PREVENTION OF CORRUPTION

CHAPTER 1

GENERAL PROVISIONS

Article 1. Subject matter of this Law

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

Article 2. Commission for the Prevention of Corruption

1. The Commission for the Prevention of Corruption (hereinafter referred to as "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, 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, as well as possess and

use that property in conformity with the objectives of its activities and the designation of the property attached thereto.

CHAPTER 2

PRINCIPLES OF ACTIVITIES AND THE PROCEDURE FOR FORMATION OF THE COMMISSION

Article 3. Principles of activities of the Commission

1. The Commission shall act on the basis of 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, adopt decisions and opinions collegially.

Article 5. Financial independence

1. The Commission shall, as prescribed by the Law of the Republic of Armenia "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 budget process for the upcoming year, annually draft and submit to the Government of the Republic of Armenia (hereinafter referred to as "the Government") the budget request (draft estimate of expenditures for the Commission in the State Budget) of the Commission for the upcoming year so as to include it 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 along with the draft State Budget.
3. The expenses of the Commission in the expenditures section of the State Budget shall be presented in 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 the 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 thereby, as well as recommendations submitted thereby and information on the outcome of the consideration thereof.
3. The Commission shall, within the first quarter of each year, submit a report on its activities of the previous year to the National Assembly.
4. Within two months following the end of the first quarter of each year, the Commission shall post on its official website the status report on the integrity system for the previous year.

(Article 6 supplemented by HO-208-N of 23 March 2018)

Article 7 Co-operation

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

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

Article 8. Political neutrality

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

Article 9. Procedure for formation of the Commission

1. The Commission shall comprise five members — a chairperson and four members. The positions of the members of the Commission shall be autonomous positions.
2. Members of the Commission shall be appointed by the National Assembly for a term of six years, as prescribed by the Constitutional Law of the Republic of Armenia “Rules of Procedure of the National Assembly”, except for the cases of appointment of members of the first composition of the Commission.
3. The Commission shall elect from among its members a chairperson to the Commission for a term of powers of a member of the Commission.
4. For the election of a candidate for the position of a member of the Commission, the Chairperson of the National Assembly shall establish a competition board (hereinafter referred to as “the Board”).
5. The Board shall be composed of members each appointed by the Government, factions of the National Assembly or the Council of the National Assembly, Supreme Judicial Council, Human Rights Defender and Chamber of Advocates. The person meeting the requirements of part 1 of Article 10 of this Law may be appointed as a member of the Board. Ninety days before the expiry of the powers of the member of the Commission, as well as within a period of five days after the position of the member of the Commission remains vacant, the Chairperson of the National Assembly shall apply to the Government, Supreme

Judicial Council, factions of the National Assembly, Human Rights Defender and Chamber of Advocates for nominating, within a period of ten days after they receive the letter of the Chairperson of the National Assembly, one member each, for being included in the Board. The Board shall be deemed to be formed from the date of approval of the individual composition of the Board by the Chairperson of the National Assembly within a three-day period following appointment of all its members within the specified time limit. In case of non-appointment of a member of the Board by any competent body (official) within a three-day period from the day of approval of the individual composition of the Board by the Chairperson of the National Assembly, the Board shall be deemed to be formed of the appointed members, where at least three members of the Board have been appointed in accordance with the procedure established by this part.

6. If the Government, Supreme Judicial Council, Human Rights Defender or Chamber of Advocates do not appoint a member to the Board within the specified time limit, the same body (official) may appoint a member within a period of ten days following the expiration of the term referred to in part 5 of this Article.
- 6.1. The member of the Board shall be appointed by the factions of the National Assembly or the Council of the National Assembly in accordance with the procedure established by the Constitutional Law "Rules of Procedure of the National Assembly".
7. ***(part repealed by HO-199-N of 25 March 2020)***
8. Appointment to the position of a member in the Commission shall be carried out within a period of one month after the nomination of a candidate for that position under part 25 of Article 10.2 of this Law. Where the decision of the National Assembly on appointing a Commission member is not adopted, the Chairperson of the Commission shall, within a period of 10 days — as prescribed by this

Article — apply to the competent bodies for the purpose of establishing a new competition board.

9. A new board shall be established for the election of a candidate to each position of a member in the Commission, except for the cases when the competition is organised for the purpose of electing candidates for more than one positions of a member of the Commission, in which case the competition is held by the same board.
10. The newly-elected member of the Commission shall assume the vacant position of a member of the Commission immediately after being appointed to that position, and in case of being appointed in the period preceding the expiry of powers of a member of the Commission, the newly-elected member of the Commission shall assume his or her position on the day of the expiry of powers of the relevant member of the Commission.

(Article 9 edited by HO-180-N of 13 September 2019, edited, amended, supplemented by HO-199-N of 25 March 2020, HO-440-N of 18 September 2020, amended, supplemented by HO-25-N of 19 January 2021)

(Law [HO-440-N](#) of 18 September 2020 has a transitional provision)

(Law [HO-25-N](#) of 19 January 2021 has a transitional provision)

Article 10. Requirements for a member of the Commission

1. Every person who is a citizen of only the Republic of Armenia, has higher education and is fluent in Armenian, has at least five years of work experience, of which at least three years in political, autonomous, administrative positions or in positions of a member of the state body established by law, or in other positions involving organisational, management, supervision, co-ordination functions (regardless of performing such works in the public or private sector) may be appointed as a member of the Commission.

2. At least one of the members of the Commission must have higher education in law and at least one — in economics.
3. A person who has been convicted of a crime irrespective of whether the conviction has been expired or cancelled, whose criminal prosecution has been terminated on non-acquittal grounds, who is under criminal prosecution, has a disease hindering his or her appointment as a judge as provided for by the list established by the Government, may not be appointed as a member of the Commission.
4. The same person may be appointed as a member of the Commission for not more than two consecutive terms.
5. A member of the Commission shall serve in office until the age of 65.

(Article 10 edited by HO-180-N of 13 September 2019)

(It is impossible to make an amendment to Article 3 of the Law HO-208-N of 23 March 2018, as the word "civil" is missing in part 5 of Article 10)

Article 10.1. Functions of the Board and organisation of activities thereof

1. The Board shall:
 - (1) ensure publication of information on the conditions and time limits for holding the competition;
 - (2) define the list of documents required for participation in the competition;
 - (3) compare the compliance of the candidate with the requirements provided for by this Law (document analysis phase);
 - (4) elect, following the document analysis phase, the candidates having passed to the interview phase;
 - (5) for the purpose of holding the interview phase, define the following:

- a. questionnaire consisting of questions for testing professional knowledge of candidates required for the position of member of the Commission (hereinafter referred to as “the Questionnaire”),
 - b. maximum score for evaluation of the requirements for a candidate for a member of the Commission,
 - c. apportionment of the maximum score according to the individual requirements to be evaluated,
 - d. criteria revealing the content of the requirements to be evaluated,
 - e. maximum score for evaluation of each criterion within the scope of the maximum score envisaged for the relevant requirement,
 - f. procedure for evaluation and calculation of the scores;
- (6) draw up the list of the winning candidates of the competition and submit it to the Chairperson of the National Assembly following the end of the interview stage;
- (7) adopt decisions regarding the organisation and holding of the competition, as well as the results of the competition.
2. The session of the Board shall have quorum where it is attended by the majority of the total number of the members of the Board. The session shall be presided by the eldest member of the Board participating in the session.
3. Decisions of the Board shall be adopted by the majority of votes of the members present in the session of the Board, by open voting. The Board shall convene its sessions at the seat of the National Assembly. The sessions of the Board may also be held remotely.
4. The sessions of the Board shall be recorded.

(Article 10.1 supplemented by HO-199-N of 25 March 2020, HO-25-N of 19 January 2021)

(Law [HO-25-N](#) of 19 January 2021 has a transitional provision)

Article 10.2. Holding the competition

1. The Chairperson of the National Assembly shall, through the staff of the National Assembly (hereinafter referred to as “the Staff” in this Article), announce a competition within 30 days following the day of establishment of the Competition Board.
2. The announcement shall be published in the press with a print run of at least 3 000 copies or by other mass media, as well as on the official website of public notifications of the Republic of Armenia and official websites of the National Assembly (hereinafter referred to as “the official websites”).
3. The announcement must contain the following data:
 - (1) requirements for a candidate;
 - (2) list of the documents required for participating in the competition, including the form of the questionnaire on integrity;
 - (3) conditions for holding the competition, Questionnaire, maximum score for evaluation of the requirements for candidates, apportion of the maximum score according to the individual requirements to be evaluated, criteria revealing the content of the requirements to be evaluated, maximum score for evaluation of each criterion within the scope of the maximum score envisaged for the relevant requirement, procedure for evaluation and calculation of scores;
 - (4) time limits and place for submitting documents.
4. The person contending to participate in the competition (hereinafter referred to as “the contender”) shall, within a period of 20 days following the publication of the announcement, submit to the Staff the documents necessary for participation in the competition (hereinafter referred to as “the documents”), including the filled questionnaire on integrity, as well as addresses of his or her place of residence and e-mail.

5. The documents may be submitted in person or sent by post.
6. For the purpose of accepting the documents, the Staff shall maintain a relevant register.
7. Documents sent by post shall be deemed submitted within the prescribed time limits where the Staff has received them until the expiry of the time limit prescribed by part 4 of this Article.
8. The contender shall be notified of the receipt of the documents sent by post within one day following the receipt of the documents via the e-mail address submitted by him or her.
9. The competition shall be held in two phases, the first of which shall be the phase of the verification of completeness and compliance of documents (hereinafter referred to as “document verification”), and the second one — the interview phase.
10. In the document verification phase, the Board shall verify the completeness of documents, their compliance with the list of the required documents, and where there is a reasonable doubt — the latter shall also verify the reliability of documents or information. Following the decision of the Board, additional information on the evaluation of the requirements for candidates shall be obtained through the Staff. The reliability of the documents and information submitted by the contender shall, based on the decision of the Board, be determined through the Staff. The Board shall verify through the Staff the data submitted in the form of the filled questionnaire on integrity, in accordance with the procedure prescribed by Article 26.1 of this Law.
11. In case documents are incomplete or not complying with the list of the required documents, the contender shall — within one day — be notified by the Staff via the e-mail address submitted by him or her.

12. The contender may complete the documents within three days following the expiry of the time limits for submitting the documents, as prescribed by part 4 of this Article.

In case of failure to eliminate the shortcomings or to bring the documents submitted again into compliance with the list of required documents, the Board shall, within a three-day period, render a decision on rejecting acceptance of the application, and the Staff shall notify the contender via the e-mail address within two working days. The contender may appeal the decision of the Competition Board on rejecting acceptance of the application through court procedure within three working days following rejection. In case of appealing the rejection of acceptance of the application through court procedure, the contender may participate in the competition. In case the court declares rejection of acceptance of the application illegitimate, the contender shall continue to participate in the competition without submitting a new application, and if the competition is over, he or she shall participate in a new competition. In case of rejection of the application, the contender shall be left out of the competition, and if he or she has participated in any stage, he or she shall be deemed to be not having participated, irrespective of the result.

13. As a result of the actions referred to in part 10 of this Article, the Board shall draw up the list of the contenders passing to the interview phase. The Board shall publish on the official website of the National Assembly the list of the participants of the interview, as well as the day, time and venue of the interview.
14. The purpose of the interview shall be to reveal the contenders' skills and qualities necessary for acting effectively in the position of a member of the Commission.
15. The interview shall consist of the following two parts:
 - (1) evaluation of the professional experience, personal qualities and skills of the contender.

- (2) evaluation of the knowledge of the requirements of the basic legal acts related to the status of a member of the Commission.
16. During the evaluation provided for by point 1 of part 15 of this Article, one of the members of the Board shall make a report on the contender. The contender shall have the right to make clarifications on the information contained in his or her documents. For the purpose of evaluating other personal skills and qualities necessary for acting effectively in the position of a member of the Commission, as well as finding out the motivation and expectation for becoming a member of the Commission, the members of the Board may pose questions to the contender. The Board shall be competent also for requiring from the contender clarifications with regard to the data filled in the questionnaire on integrity.
 17. The selection of the questions provided for by point 2 of part 15 of this Article shall be made by selecting questions of the published Questionnaire by the contender, by drawing lots.
 18. The maximum duration of the interview with each contender shall be one and a half hours.
 19. During the interview, the members of the Board shall be provided with a questionnaire stating the characteristics subject to the evaluation prescribed by this Article. Each member of the Board shall, with his or her inner conviction, evaluate each contender noting his or her considerations on the characteristics to be evaluated.
 20. The winner shall be considered to be the candidate having received the maximum score as a result of the summing the points awarded to the participants by the members of the Board.
 21. If it is not possible to determine the winning candidate due to the equality of the scores of the contenders, an open voting shall be held during which each member of the Board shall, with his or her inner conviction, vote for a contender having received the maximum equal votes.

22. During the voting, each member of the Board shall have the right to one vote.
23. The candidate having received the maximum votes shall be deemed elected by the voting results. In case of equality of votes, preference shall be given to the candidate with the longest professional working experience, and in case of equality of experience — to the elder one.
24. Where the competition is organised for the purpose of electing candidates to the positions of more than one members of the Commission, the Board shall, based on the summary of the results of the interview, approve the list of the winning candidates of the competition, including therein winners the number of which shall be equal to the number of those positions, on the principle of one candidate for each position.
25. *(part repealed by HO-25-N of 19 January 2021)*
(Article 10.2 supplemented by HO-199-N of 25 March 2020, edited by HO-440-N of 18 September 2020, supplemented, amended by HO-25-N of 19 January 2021)
(Law [HO-440-N](#) of 18 September 2020 has a transitional provision)
(Law [HO-25-N](#) of 19 January 2021 has a transitional provision)

**Article 10.3. Submitting the list of winners of the competition to the
Chairperson of the National Assembly**

1. The Board shall submit its decision on electing a candidate to the position of member of the Commission, and the case provided for by part 24 of Article 10.2 of this Law — its decision on electing candidates to the position of members of the Commission and the list of candidates, as well as the documents certifying assurance of the requirements in Article 10 of this Law to the Chairperson of the National Assembly through the Staff within three working days.

2. The minutes of the sessions of the Board and decisions, and, if necessary, other documents submitted during the competition shall be submitted attached to the documents prescribed by part 1 of this Article.

(Article 10.3 supplemented by HO-199-N of 25 March 2020, edited by [HO-25-N](#) of 19 January 2021)

(Law [HO-25-N](#) of 19 January 2021 has a transitional provision)

Article 10.4. Holding a new competition

1. A new competition shall be announced where:
 - (1) the National Assembly fails to appoint a candidate;
 - (2) the number of candidates is less than the number of vacancies;
 - (3) circumstances provided for by points 1.3-5 of part 2 of Article 18 of this Law or illness impeding the appointment of a judge as envisaged by the list established by the Government, have emerged or there are other cases making the selection of a candidate impossible.
2. The Board shall publish an announcement on holding a new competition within 20 days following the day of being informed about the ground referred to in part 1 of this Article.
3. The new competition shall be held through general procedure.

(Article 10.4 supplemented by HO-199-N of 25 March 2020)

Article 11. Procedure for establishment of the Competition Board

(Article repealed by HO-180-N of 13 September 2019)

Article 12. Functions of the Board and organisation of activities thereof

(Article repealed by HO-180-N of 13 September 2019)

Article 13. Holding the competition

(Article repealed by HO-180-N of 13 September 2019)

**Article 14. Submitting the list of winners of the competition to the
Chairperson of the National Assembly**

(Article repealed by HO-180-N of 13 September 2019)

Article 15. Holding a new competition

(Article repealed by HO-180-N of 13 September 2019)

**Article 16. Incompatibility of a member of the Commission and other
restrictions imposed thereon**

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

(Article 16 amended by HO-208-N of 23 March 2018)

Article 17. Freedom and immunity of a member of the Commission

1. While exercising his or her powers, a member of the Commission shall be guided only by the Constitution of the Republic of Armenia and laws. No one shall have the right to intervene in the activities of the Commission and give instructions.
2. A member of the Commission may not be held liable for an opinion expressed or a decision rendered while exercising his or her powers, except for the cases when there are elements of administrative offence or crime in his or her action.
3. Criminal prosecution against a member of the Commission with respect to exercise of his or her powers may be instituted, or a member of the Commission may be deprived of liberty upon the motion of the Prosecutor General of the Republic of Armenia — only upon consent of the Commission. A member of the Commission may not be deprived of liberty without the consent of the Commission, except for the cases of having been 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 Chairperson of the Commission shall be immediately notified of the deprivation of liberty of a member of the Commission.
4. A member of the Commission 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 otherwise than in cases and as provided for by law.

Article 18. Discontinuation, termination and suspension of powers of a member of the Commission

(title amended by HO-180-N of 13 September 2019)

1. *(part deleted by HO-180 of 13 September 2019)*

2. Powers of a member of the Commission shall discontinue where:
 - (1) his or her term of office has expired;
 - (1.1) he or she has attained the age when they cannot hold office;
 - (1.2) he or she has submitted a letter of resignation as prescribed by the Constitutional Law of the Republic of Armenia “Rules of Procedure of the National Assembly”;
 - (1.3) he or she has been deprived of the right to hold a certain position as prescribed by law;
 - (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, as missing or dead based on a court judgement that entered into legal force;
 - (4) a criminal judgment of conviction that entered into legal force has been rendered against him or her, or his or her criminal prosecution has been terminated on a non-acquittal ground;
 - (5) he or she has died.
3. ***(part deleted by HO-180-N of 13 September 2019)***
4. Powers of a member of the Commission shall be terminated based on the opinion submitted by the Commission, as prescribed by the Constitutional Law of the Republic of Armenia “Rules of Procedure of the National Assembly”, where:
 - (1) he or she has acquired illness that hinders the exercise of powers of a member of the Commission;
 - (2) he or she has been absent from at least half of the sessions of the Commission due to long-term incapacity or other good reason in the course of the year;

- (3) he or she has not attended the sessions of the Commission more than twice throughout one year without a good reason;
 - (4) he or she has violated the incompatibility requirements of a member of the Commission;
 - (5) he or she has violated the prohibition to engage in political activities;
 - (6) facts that he or she did not comply with the requirements at the time of his or her appointment, have emerged.
- 4.1. The Chairperson of the Commission or the member of the Commission substituting him or her as prescribed by part 2 of Article 22 of this Law shall forward the opinion provided for by part 4 of this Article to the Chairperson of the National Assembly within three working days following the adoption thereof.
 - 4.2. The powers of the member of the Commission shall be suspended in case the opinion provided for by part 4 of this Article is adopted.
5. When submitting a letter of resignation to the National Assembly, the member of the Commission shall immediately inform the Chairperson of the Commission. In other cases provided for by part 2 of this Article the Chairperson of the Commission or the member of the Commission substituting him or her as prescribed by part 2 of Article 22 of this Law shall, within a period of three days following discontinuation of the powers of the member of the Commission, as well as after termination of the powers of the member of the Commission, inform thereof the Chairperson of the National Assembly.

(Article 18 amended, edited, supplemented by HO-180-N of 13 September 2019, edited by HO-199-N of 25 March 2020)

Article 18.1. Discontinuation and termination of powers of the Chairperson of the Commission

1. Powers of the Chairperson of the Commission shall discontinue where:
 - (1) his or her powers as a member of the Commission have discontinued or have been terminated;
 - (2) he or she has resigned from the position of the Chairperson of the Commission.
2. Failure by the Chairperson of the Commission to perform his or her duties shall be a ground for termination of his or her powers as the Chairperson of the Commission upon the decision adopted by at least two thirds of votes of the total number of the members of the Commission.

(Article 18.1 supplemented by HO-180-N of 13 September 2019)

Article 19. Structural subdivisions of the Commission

(title amended by HO-208-N of 23 March 2018)

1. The structural subdivisions of the Commission shall ensure the regular operation of the Commission.
2. [The number](#) of employees and [the staff list](#) of the structural subdivisions of the Commission shall be approved by the Government — upon recommendation of the Commission, and the structure and the statute — by the Commission.

(Article 19 amended by HO-208-N of 23 March 2018)

Article 20. State service within the structural subdivisions of the Commission

(title amended by HO-208-N of 23 March 2018)

1. Professional activities within the structural subdivisions of the Commission, except for the work activities pertaining to technical maintenance functions, shall be civil service, and officials holding relevant positions within the structural subdivisions, shall be civil servants. The General Secretary of the Commission shall be a civil servant.
2. Relations pertaining to service within the structural subdivisions of the Commission shall be regulated by the Law of the Republic of Armenia “On civil service”.

(Article 20 amended, supplemented by HO-208-N of 23 March 2018)

CHAPTER 3

ORGANISATION OF 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. The sessions shall be presided by the Chairperson of the Commission or the member of the Commission substituting him or her as prescribed by part 2 of Article 22 of this Law.
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 Chairperson of the Commission on an 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 for the cases when it may cause damage to state security, personal life or other legitimate interests protected by law. A closed-door session shall be held upon reasoned decision of the Commission.
4. The Commission shall — in accordance with the working procedure — notify of the venue, date, time of the sessions and issues to be discussed therein. Interested persons shall be invited to the sessions of the Commission.
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 announce the agenda of the session and suggest the sequence for consideration of the issues included in the agenda. The agenda and materials of the session shall be provided to the members of the Commission in advance.
7. The agenda of the session shall be approved by the Commission by ballot.
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 upon recommendation of the person presiding over the session or by a member of the Commission, upon decision of the Commission.
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 that the person presiding over the session sets.
11. The Commission shall adopt a decision or an opinion on the issue being considered.
12. The Commission shall adopt opinions in the result of revision of the opinions of the ethics commissions on the rules of conduct, on violations of incompatibility requirements and other restrictions, clash of situational interests, as well as those

of the ethics commissions of public servants provided for by the Law of the Republic of Armenia “On public service” (hereinafter referred to as “ethics commissions”).

The Commission shall adopt decisions on other issues within the competence of the Commission.

13. Opinions and decisions of the Commission shall be adopted by the majority of votes of the total number of the members of the Commission.
14. A note on the oral decision shall be made in the minutes of the session.
15. In the cases prescribed by law, secondary regulatory legal acts shall be adopted by the majority of votes of the total number of members of the Commission.
16. Each member of the Commission shall cast a vote “for” or “against” the given decision or opinion. The member of the Commission, to whom the issue under consideration concerns, shall not participate in the voting.
17. Minutes of the sessions of the Commission shall be taken. The minutes of the session shall contain brief information on the venue, time, participants, agenda of the session, speeches and voting results. The minutes shall be signed by all members of the Commission attending the session.
18. Decisions and opinions of the Commission shall be posted on the official website of the Commission within five working days following the day of adoption, except for those containing state secret or other secret protected by law.
19. The Chairperson of the Commission shall forward to the Chairperson of the National Assembly the opinions provided for by part 1 of Article 153, as well as by point 1 of part 1 of Article 157 of the Constitutional Law of the Republic of Armenia “Rules of Procedure of the Republic of Armenia” within three working days following the adoption thereof.

(Article 21 supplemented, amended by HO-180-N of 13 September 2019, amended by HO-208-N of 23 March 2018)

Article 22. Chairperson and members of the Commission

1. The Chairperson of the Commission shall:
 - (1) coordinate the activities of the Commission and organise normal operation thereof;
 - (2) convene and hold sessions of the Commission, sign the decisions and opinions of sessions of the Commission;
 - (3) adopt orders, sign official documents on behalf of the Commission, issue letters of authorisation and conclude contracts;
 - (4) represent the Commission in the Republic of Armenia, other states and at international organisations (institutions).
2. In case of leave or secondment, the Chairperson of the Commission shall appoint one of the members of the Commission as a substitute thereof. In case of failure to appoint a substitute, as well as in cases of temporary incapacity, discontinuation or termination of powers of the Chairperson of the Commission, the eldest member of the Commission shall substitute the Chairperson of the Commission.
3. A member of the Commission shall:
 - (1) coordinate the process of performance of works in specific areas of the activities of the Commission;
 - (2) submit a recommendation on the issues included in the agenda of the sessions of the Commission;
 - (3) participate in the sessions of the Commission;
 - (4) sign the minutes of sessions of the Commission.
4. Issues related to distribution of the areas of co-ordination among the members of the Commission shall be regulated by a decision of the Commission.

(Article 22 amended, edited, supplemented by HO-180-N of 13 September 2019)

CHAPTER 4

FUNCTIONS AND POWERS OF THE COMMISSION

Article 23. Functions of the Commission

1. Functions of the Commission shall be the following:
 - (1) ensuring observance of the incompatibility requirements and other restrictions prescribed by the Law of the Republic of Armenia “On public service”, by persons holding state positions, by heads and deputy heads of communities, heads and deputy heads of administrative districts of the community of Yerevan;
 - (1.1) ensuring observance of the rules of conduct and regulations for clash of situational interests by persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors and investigators), by heads and deputy heads of communities, heads and deputy heads of administrative districts of the community of Yerevan;
 - (1.2) ensuring the uniformity of interpretation of principles of conduct of persons holding public positions and public service positions, as well as of observance of model rules of conduct of public servants;
 - (2) regulating the process of declaration, inspecting and analysing declarations;
 - (3) ensuring the uniform application of incompatibility requirements and other restrictions prescribed by this Law;
 - (4) participating in the development of the policy related to the fight against corruption;
 - (5) conducting monitoring over implementation of anti-corruption programmes and actions developed thereby and submitting recommendations thereon to the competent bodies;

- (6) submitting advisory opinions — not subject to publication — on the integrity of persons to be appointed to state positions in the cases and as prescribed by the Law of the Republic of Armenia “On public service”;
- (7) submitting advisory opinions — not subject to publication — on the integrity of candidates for members of the Supreme Judicial Council, candidates for judges of the Constitutional Court, contenders for judge candidates in the cases and in the manner prescribed by law, as well as in other cases prescribed by law;
- (8) analysing the declaration prescribed by the Law of the Republic of Armenia "On confiscation of assets of illegal origin" in case prescribed by the same Law;
- (9) implementing control over the current financial activities of political parties in the cases and as prescribed by the Constitutional Law “On political parties”, including verifying observance of the requirements for submission of annual reports on the sources and expenditures of financial resources of political parties, as well as on property (hereinafter referred to as “annual reports of political parties) and the reliability and completeness of the information and data available therein;
- (10)
- (11)
- (12)

(Article 23 supplemented by HO-180-N of 13 September 2019, edited, supplemented by HO-208-N of 23 March 2018, amended by HO-213-N of 15 April 2020, edited by HO-199-N of 25 March 2020, supplemented by HO-253-N of 16 April 2020, HO-5-N of 29 December 2020)

(Law [HO-5-N](#) of 29 December 2020 has a transitional provision)

(The Article shall enter into force on 1 January 2023 with amendment to Law [HO-208-N](#) of 7 January 2021)

Article 24. Powers of the Commission

1. The Commission shall:

- (1) examine and decide on applications on the cases of violations of incompatibility requirements and other restrictions prescribed by the Law of the Republic of Armenia “On public service”, by persons holding state positions, heads and deputy heads of communities, heads and deputy heads of administrative districts of the community of Yerevan, as well as on the cases of violations of rules of conduct by persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors and investigators), heads and deputy heads of communities, heads and deputy heads of administrative districts of the community of Yerevan, and cases of clash of situational interests;
- (2) submit recommendations aimed at preventing and eliminating violations of incompatibility requirements, other restrictions, rules of conduct, as well as situations of clash of interests (including recommendations relating to subjecting officials holding positions to liability) to the competent body or the official holding position;
- (2.1) in the cases prescribed by the Constitutional Law “Judicial Code of the Republic of Armenia”, institute disciplinary proceedings against a judge and member of the Supreme Judicial Council, as well as apply to the factions of the National Assembly for termination of the powers of a judge of the Constitutional Court on the ground of an essential disciplinary violation through the procedure provided for by part 4 of Article 109 of the Constitutional Law of the Republic of Armenia “Rules of Procedure of the National Assembly” with the recommendation to discuss the issue of applying to the Constitutional Court.

- (3) maintain the register of declarant officials, including of officials of administrative bodies of political parties as provided for by the Constitutional Law “On political parties” and of declarations;
- (4) define the declaration form, [requirements for completing the declaration](#), list of register data, procedures for maintaining declaration registers, [submitting a declaration and making amendments to the declared data](#) and for archiving of declaration, as well as methodology for declaration analysis and the risk criteria;
- (5) publicise declarations;
- (6) examine and resolve the cases on violations concerning declaration;
- (7) provide professional consultation and methodological assistance on incompatibility requirements and other restrictions, as well as principles of conduct and the model rules based thereon to the ethics commissions and integrity affairs organisers;
- (8) submit advisory clarifications on the rules of conduct of persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors and investigators), heads and deputy heads of communities, heads and deputy heads of administrative districts of the community of Yerevan;
- (9) interpret the incompatibility requirements and other restrictions, principles of conduct, as well as model rules of conduct of public servants prescribed by the Law;
- (10) revise opinions of the ethics commissions;
- (11) maintain the statistics on the cases of violations of incompatibility requirements and other restrictions, those of rules of conduct, as well as of clash of interests and publicise data;

- (12) carry out expert analysis of the draft strategies and action plans (including sector-specific programmes) related to the fight against corruption and submit recommendations thereon to the competent body;
- (13) develop programmes for preventing corruption and submit them to the Government;
- (14) submit to a competent body an opinion on the draft regulatory legal acts related to the fight against corruption;
- (15) submit recommendations aimed at eliminating gaps and shortcomings of the regulation of issues related to the prevention of corruption identified in the course of his or her activities;
- (16) develop educational and public awareness raising programmes on the issues related to the fight against corruption, and carry out measures;
- (17) submit recommendations on organising anti-corruption courses and including them in educational programmes, as well as in training programmes for officials and public servants;
- (18) provide educational and methodical guidelines for implementation of educational programmes and other materials;
- (19) prepare monitoring reports on the implementation of anti-corruption programmes and their action plans (including sector-specific action plans), submit recommendations thereon to the competent bodies;
- (20) conduct studies with respect to the integrity of persons subject to appointment to state positions and, based on the results thereof, submit advisory opinions in the cases and as prescribed by the Law of the Republic of Armenia “On public service;
- (21) conduct studies with respect to the integrity of candidates for members of the Supreme Judicial Council, candidates for judges of the Constitutional

- Court, contenders for judge candidates in the cases and in the manner prescribed by law, as well as in other cases prescribed by law and, based on the results thereof, submit advisory opinions;
- (22) adopt the rules of conduct (Code of Conduct) of persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors and investigators), heads and deputy heads of communities, heads and deputy heads of administrative districts of the community of Yerevan;
 - (23) adopt a model Code of Conduct for public servants;
 - (24) draft the guide on the development and implementation of sector-specific draft codes of conduct for public servants;
 - (25) summarise the practice of implementation of the provisions on incompatibility requirements, other restrictions, principles of conduct and the rules of conduct based thereon, as well as clash of situational interests, and submit recommendations aimed at ensuring the uniformity thereof;
 - (26) [corrected:](#) analyse the declaration submitted in compliance with the Law of the Republic of Armenia “On confiscation of assets of illegal origin” and provide the results thereof to the applicant body within a month period, in cases prescribed by the same Law.
 - (27) verify observance of the requirements for submitting the annual reports of political parties and the reliability and completeness of the information and data available therein;
 - (28) examine and resolve the cases regarding violations related to the financial activities of political parties and the annual reports of political parties;
 - (29) exercise other powers provided for by this Law and by the Constitutional Law “On political parties”;

(30)

(31)

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1.1. ***(part repealed by HO-199-N of 25 March 2020)***

2. In the cases provided for by points 2, 12, 15 and 22 of part 1 of this Article, the body or official having received the recommendation shall be obliged to consider it and inform the Commission about the results thereon within a period of 30 days.

3. ***(part repealed by HO-199-N of 25 March 2020)***

(Article 24 supplemented by HO-180-N of 13 September 2019, edited, amended, supplemented by HO-208-N of 23 March 2018, amended by HO-213-N of 15 April 2020, edited, amended, supplemented by HO-199-N of 25 March 2020, supplemented by HO-253-N of 16 April 2020, HO-5-N of 29 December 2020)

(Law [HO-5-N](#) of 29 December 2020 has a transitional provision)

(The Article shall enter into force on 1 January 2023 with amendment to the Law [HO-208-N](#) of 7 May 2021)

CHAPTER 5

ANALYSIS, INSPECTION AND PROCEEDINGS CONDUCTED BY THE COMMISSION

(title supplemented by HO-5-N of 29 December 2020)

Article 25. Inspection and analysis of declarations

1. The Commission shall carry out the following:
 - (1) inspection of observance of the requirements for completing and submitting a declaration;
 - (2) inspection of reliability and integrity of declared data;
 - (3) mathematical analysis of declared data;
 - (4) declaration analysis based on risk indicators.
 - (5) analysis of declarations based on media publications containing circumstances having importance in terms of the analysis of declarations or based on written applications of persons.
2. While analysing the declarations, the Commission shall be entitled to request and receive (including by e-request) from state and local self-government bodies and other persons information, documents regarding persons having an obligation to submit a declaration, including information containing bank secret, official information on securities transactions made by the Central Depository prescribed by the Law of the Republic of Armenia “On securities market”, information containing insurance secrecy, as well as credit information or credit history from the credit bureau. During analysis of the declarations, for the purpose of inspecting actual possession of property, as well as acquisition of the property belonging to a third party by the right of ownership on behalf of, in favour of or at the expense of a declarant or actual benefit of that property or

disposal of that property by the declarant, the Commission shall be entitled to apply to the bodies carrying out operational-investigative activities and obtain necessary information.

- 2.1. During the analysis of the declarations, the Commission shall be competent to request and receive, through a request to the Central Bank, information on the safe deposit boxes, accounts, account balances of a person having an obligation to submit a declaration, information on the transactions subject to declaration, as well as summary information on the gross input and gross output of the accounts during the required period, indicating in the request the data on the person, the relevant period or date. The procedure for transferring information constituting bank secret shall be prescribed by a joint legal act of the Central Bank and the Commission. The Commission shall be authorised to receive information constituting bank secret with regard to persons having an obligation to submit a declaration also from foreign banks, as well as from branches or representative offices of foreign banks operating in the territory of the Republic of Armenia.
- 2.2. The Commission shall — following the receipt of information constituting bank secret — be competent to request from the declarant to submit additional materials, and, where there are grounds provided for by part 9 of this Article, forward the materials to the General Prosecutor's Office.
3. Information and documents shall be provided to the Commission free of charge as soon as possible, but not later than within ten days after receiving the request, unless another time limit is specified in the request, or unless 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 security holders (nominal holders), as well as credit bureaus shall provide information and documents free of charge if the Commission submits requests in the equal number of declarations submitted by each person having an obligation to submit a declaration.

4. In the process of analysing declarations, interoperability of the database of the Commission with the databases — developed as prescribed by the legislation of the Republic of Armenia — of state and local self-government bodies, organisations referred to in part 2 of this Article and on-line access of the Commission to the data subject to be declared, shall be ensured.
5. The Commission shall be competent to demand from a state or local self-government body, state or community institution, state organisation or the officials thereof to conduct free of charge studies, perform free of charge expert examinations in relation to the circumstances subject to disclosure by it and submit the results thereon.
- 5.1 The Commission shall, within two years following discontinuation of the official duties of a declarant official, be entitled to request that the declarant official submit a situational declaration of property and incomes in case of doubt of a significant alteration in assets (increase in assets, reduction of liabilities or expenditures).
6. Where, as a result of analysis of declarations, the Commission comes to 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 datum is incorrect or incomplete, it shall institute proceedings on the grounds of an administrative offence.
- 6.1. Where the declarant provided for by part 6 of this Article is a judge or a member of the Supreme Judicial Council, the Commission shall institute disciplinary proceedings simultaneously with institution of proceedings on administrative offence. The materials obtained during the proceedings shall be submitted to the Supreme Judicial Council together with the motion to subject the judge or the member of the Supreme Judicial Council to disciplinary liability.
- 6.2. Where the declarant provided for by part 6 of this Article is a judge of the Constitutional Court, the Commission shall forward the materials to the factions

of the National Assembly simultaneously with institution of proceedings on administrative offence, with the recommendation to consider the issue of applying to the Constitutional Court for termination of the powers of a judge of the Constitutional Court on the ground of an essential disciplinary violation through the procedure provided for by part 4 of Article 109 of the Constitutional Law of the Republic of Armenia “Rules of Procedure of the National Assembly.

7. Where as a result of analysis of declaration there are still doubts that the significant alteration in assets (increase in assets and/or reduction of liabilities) or expenditures of the declarant official, including official of the administrative body of a political party as prescribed by the Constitutional Law “On political parties” or his or her family member is not reasonably justified by his or her lawful incomes, or they have not declared or have not fully declared property, or the source of income is not legitimate or credible, the Commission shall be entitled to:
 - (1) request clarification or additional information from the declarant by setting a time limit of minimum 10, and maximum 30 days for submitting them;
 - (2) request from a person related to the declarant through close kinship or in-law relationship within the meaning of the Law of the Republic of Armenia “On public service”, from each person who is a party to the declared transaction or transaction subject to declaration, or from a person to whom the immovable property, vehicle or valuable property within the meaning of the Law “On public service” actually possessed or used by the declarant may belong with the right of ownership, to submit a situational declaration of property and income, if the above-mentioned doubts may be dispelled by analysing the data being submitted in the situational declaration. In the case provided for by this point, the Commission shall make a decision indicating the circumstances which may be determined by the submission of the situational declaration.

8. The received income shall not be deemed to be lawful, if the lump-sum money being received or given exceeds AMD 1 000 000 or equivalent foreign currency, but the person responsible to submit a declaration has provided or received borrowings in funds, submitted or received charges (interest rates or other compensation) for the borrowings with funds submitted or received, received donation in the form of funds, received dividends expressed in funds, received income from entrepreneurial activities, received income from alienation of property, received payment or other compensation for lease, received income, received charges from other civil and legal contracts, received income from property rights in cash.
9. Where the declarant, within the specified time limit, fails to provide clarification or additional materials or they are not sufficient to dispel the existing doubts, the Commission shall immediately, but not later than within a three-day period, send the materials to the Prosecutor General's Office of the Republic of Armenia.
 - 9.1. Where the declarant provided for by part 9 of this Article is a judge or a member of the Supreme Judicial Council, the Commission shall institute disciplinary proceedings in parallel with forwarding the materials to the General Prosecutor's Office. The materials obtained during the proceedings shall be submitted to the Supreme Judicial Council together with the motion to subject the judge or the member of the Supreme Judicial Council to disciplinary liability.
 - 9.2. Where the declarant provided for by part 9 of this Article is a judge of the Constitutional Court, the Commission shall forward the materials to the factions of the National Assembly by simultaneously forwarding them to the General Prosecutor's Office, with the recommendation to consider the issue of applying to the Constitutional Court for termination of the powers of a judge of the Constitutional Court on the ground of an essential disciplinary violation through the procedure provided for by part 4 of Article 109 of the Constitutional Law of the Republic of Armenia "Rules of Procedure of the National Assembly.

10. The Prosecutor General's Office shall inform the Commission about the results of examination of the materials by attaching the copy of the relevant decision.

(Article 25 supplemented, edited, amended by HO-199-N of 25 March 2020, supplemented, amended by HO-52-N of 19 January 2021, supplemented by HO-5-N of 29 December 2020)

(Law [HO-5-N](#) of 29 December 2020 has a transitional provision)

Article 26. Proceedings on administrative offences provided for by the Code of the Republic of Armenia on Administrative Offences

1. The relations pertaining to proceedings on administrative offences provided for by the Code of the Republic of Armenia on Administrative Offences shall be regulated by the Code of the Republic of Armenia on Administrative Offences, as well as the Law of the Republic of Armenia "On fundamentals of administration and administrative proceedings", taking into account the peculiarities prescribed by this Law.
2. The decision on instituting proceedings prescribed by this Article shall, within a three-day period, be forwarded to the declarant, and also to the applicant where the proceedings have been instituted based on an application.
3. As a result of proceedings on administrative offences provided for by the Code of the Republic of Armenia on Administrative Offences, the Commission shall adopt decisions that may be appealed through judicial procedure, pursuant to the Law of the Republic of Armenia "On fundamentals of administration and administrative proceedings".
4. Where during the proceedings on administrative offence the Commission comes to the conclusion that in the committed act there are prima facie elements of failure to submit the declaration or of concealing the data subject to declaration

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 Prosecutor General's Office of the Republic of Armenia, adopting a decision on suspending the proceedings. The copy of the decision shall, within a 3-day period following the adoption, be forwarded to the declarant, and also to the applicant where the proceedings have been instituted based on an application.

5. The Prosecutor General's Office shall inform the Commission about the results of the examination of the materials by attaching the 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 institution of a criminal case, on dismissing case proceedings, on terminating criminal prosecution or on not conducting criminal prosecution, resume the suspended proceedings, and in case of receiving the judgement of conviction having entered into force, it shall terminate the proceedings within the same period.

Article 26.1. Integrity study

1. The Commission shall, within the time limits prescribed by law, conduct a study of integrity of the persons provided for by points 20 and 21 of part 1 of Article 24 of this Law.
2. Data to be filled in the questionnaire on integrity shall be the following:
 - (1) summary information on the property status — assets and income — of the candidate and the family members of the latter within the meaning of the Law “On public service”;
 - (2) information on the education, working practice of the candidate, including the name (names) of the educational institution and of the workplace (former and current), the position (positions) held;

- (3) information on criminal, administrative or disciplinary liability;
 - (4) information on being related to persons holding public positions within the meaning of the Law “On public service” through close kinship or in-law relationship within the meaning of the Law “On public service”;
 - (5) information about cohering with the criminal subculture.
3. By virtue of the fact of submitting the questionnaire on integrity, a person shall be deemed informed of the powers of the Commission to request and receive information from the bodies and persons provided for by this Law.
 4. The form of the questionnaire on integrity, as well as the details of the study process of integrity shall be established by the Commission.
 5. Within the meaning of this Law, the study of integrity shall include the following:
 - (1) verification of credibility of the data submitted in the questionnaire on integrity;
 - (2) consideration of the circumstance of previously having been subjected to criminal, administrative or disciplinary liability, including involvement of the person in corruption-related transactions, non-observance of rules of conduct thereby, conflict of interests, violations of the incompatibility requirements and other restrictions;
 - (3) consideration of information on a person in the mass media, as well as of the information published on social networks.
 - (4) consideration of the compliance of the property status of a person with the actual income received, as well as consideration of previously submitted declarations;
 - (5) study of the information on working practice of a person;
 - (6) consideration of the possibility of involvement of a person in criminal subculture.

- 5.1. Within the meaning of this Law, study of the possibility of cohering with criminal subculture shall include the study of existence of relationship of a relative or friend between a candidate or his or her family member with a person bearing the criminal subculture (i.e. thief in law, criminal authority), fulfilment of the request of a group or person bearing criminal subculture, applying to the group or person bearing criminal subculture with a request or for any other issue, having received any other benefit from a group or person bearing criminal subculture, having an individual meeting or distance communication with a group or person bearing criminal subculture, as well as information about having other personal relationship with a group or person bearing criminal subculture.
- 5.2. The study of integrity of candidates for members of the Supreme Judicial Council, candidates for judges of the Constitutional Court, contenders for judge candidates and judge candidates subject to promotion shall also include a study of the lawfulness and financial transparency of a person (including person carrying out advocatorial activities) as an individual entrepreneur, as well as the legal entity established thereby or being managed thereby.
6. The Commission shall conduct the study provided for by this Law within the time limits prescribed by relevant laws.
7. In the process of study of integrity, the Commission shall be competent to request and receive (including by e-request) from state and local self-government bodies, state organisations or officials thereof information and documents on persons related to the issue considered by the Commission, including information containing bank secret, official information on securities transactions made by the Central Depository prescribed by the Law of the Republic of Armenia “On securities market”, information containing insurance secrecy, as well as credit information or credit history from the Credit Bureau. For the purpose of studying the possibility of a person cohering with criminal subculture during the process of study of integrity, the Commission shall be

entitled to apply to the bodies implementing operational-investigative activities and to obtain information.

- 7.1. As a result of comparing the data filled in the questionnaire on integrity and the data prescribed by part 7 of this Article, the Commission shall be entitled to request and receive clarifications from the candidate.
8. Upon the decision of the Commission, international experts may also be involved in the process of the integrity study.
9. The Commission shall, based on the results of the consideration and summarisation of the information, draw up an advisory opinion on integrity of the person and submit it to the competent body. The advisory opinion on integrity of the person (candidate) shall not be subject to publication and shall not be provided to other persons. The Commission, as well as the body (person) entitled to appoint or elect a person, may not publish the information known to them through the advisory opinion on integrity of a person. Where, as a result of study by the Commission, elements of prima facie crime are revealed, that information shall not be included in the main part of the opinion and shall be attached to the opinion as an annex. For the purpose of preventing or revealing crimes, the annex to the opinion (if available) may not be provided to a candidate.

(Article 26.1 supplemented by HO-199-N of 25 March 2020, HO-52-N of 19 January 2021, amended, supplemented by HO-339-N of 14 April 2021)

Article 27. Proceedings on violations of incompatibility requirements, other restrictions or rules of conduct and on clash of situational interests and the grounds for institution thereof

(title amended by HO-208-N of 23 March 2018)

1. Proceedings may be instituted:

- (1) based on a written application of each person(s);
- (2) based on publications in the media;
- (3) on the initiative of the Commission, in case of detecting prima facie violations or cases when analysing declarations or conducting proceedings provided for by law.

In the cases provided for by law, proceedings on clash of situational interests shall be instituted also based on a written statement submitted by persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors and investigators), heads and deputy heads of communities, heads and deputy heads of administrative districts of the community of Yerevan.

2. The Commission shall institute relevant proceedings in case of existence of prima facie violations of incompatibility requirements or other restrictions prescribed by the Law of the Republic of Armenia “On public service” by persons holding state positions, by heads and deputy heads of communities, by heads and deputy heads of administrative districts of the community of Yerevan, as well as in case of existence of prima facie violations of rules of conduct by persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors and investigators), by heads and deputy heads of communities, by heads and deputy heads of administrative districts of the community of Yerevan or prima facie cases of clash of situational interests.”
3. The Commission shall institute proceedings in case of detecting prima facie cases of clash of interests or prima facie violations of incompatibility requirements or other restrictions in the process of analysing declarations.
4. Where the violation pertains to such violation of the rules of conduct by which the rights of a specific person are directly affected, then in that case, the Commission may institute proceedings exclusively based on the application of the interested person or on its own initiative in cases when the issue is of great public interest or when the violation is of systemic nature.

5. The publications in the media may serve as a ground for instituting proceedings, where they contain prima facie elements of violations of incompatibility requirements, other restrictions and rules of conduct by a specific person or of a case of clash of situational interests.

(Article 27 amended by HO-208-N of 23 March 2018, HO-213-N of 15 April 2020)

Article 28. Time limit for filing an application to the Commission

1. The Commission shall examine the application referred to in point 1 of part 1 of Article 27 of this Law, where it has been lodged within one year after the violation.

(Article 28 edited by HO-199-N of 25 March 2020)

Article 29. Requirements for application

1. The application referred to in point 1 of part 1 of Article 27 of this Law must contain:
 - (1) name and surname of the applicant, in case of a legal person — full company name and address (location of the legal person);
 - (2) name and surname of the person holding a state position, or of the head or deputy head of a community, or of the head or deputy head of an administrative district of a community of Yerevan having committed prima facie violation of incompatibility requirements prescribed by the Law of the Republic of Armenia “On public service” or other restrictions, or of the person holding a state position (except for a Deputy, judge, member of the Supreme Judicial Council, prosecutor and investigator) or the head or deputy head of a community, or the head or deputy head of an administrative district of a community of Yerevan, having committed a prima facie violation of the Code of Conduct or having been involved in a

situation with prima facie clash of situational interests, to whom the application concerns, the position of that person and the state or local self-government body within which the person holds a position;

- (3) violation or the case of clash of situational interests;
- (4) factual circumstances by which the prima facie violation or case is reasonably substantiated, where available — evidence (documents, materials) verifying substantiation of those circumstances;
- (5) request set forth in the application (the subject matter of the application);
- (6) year, month and day of submitting an application;
- (7) signature of the applicant, in case of a legal person — signature of the competent official thereof. Where the application is submitted through a representative, an authorisation issued as prescribed by law must also be attached to the application;
- (8) list of documents attached to the application.

(Article 29 edited by HO-208-N of 23 March 2018, amended by HO-213-N of 15 April 2020)

Article 30. Returning an application or rejecting institution of proceedings

1. The Commission shall adopt a decision on returning an application or rejecting the institution of proceedings within five working days following receipt of 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 observed. The applicant may, within 48 hours from the moment of receipt of the decision, have the application compiled in line 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 institution of proceedings, where:
 - (1) as a result of examination of the application it becomes clear that there are no grounds for instituting 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 is not an interested person;
 - (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. Institution of proceedings and further course thereof

1. The Commission shall adopt a decision on instituting proceedings within five working days following receipt of the application.
2. The decision on instituting proceedings shall, within a three-day period, be forwarded to the applicant and the relevant official holding a position.
3. The Commission shall be entitled to request the applicant to submit, within a ten-day period, additional materials on the issue under consideration, and the relevant official holding a position provided for by this Chapter — a written clarification, attaching thereto materials certifying substantiation of his or her arguments.
4. The Commission shall, within the scope of the proceedings, be competent to request and receive from state or local self-government bodies, state organisations or the officials thereof or other persons any material, document or information on the issue being considered by the Commission, as well as demand

from state or local self-government bodies, state or community institutions, state organisations or the officials thereof to conduct free of charge studies, perform free of charge expert examinations in relation to the circumstances subject to disclosure by it and submit the results thereof.

5. Where during the proceedings the Commission comes to the conclusion that the committed act contains prima facie elements of crime, the materials of the proceedings shall immediately, but not later than within a three-day period, be forwarded to the Prosecutor General's Office of the Republic of Armenia, adopting a decision on suspending the proceedings. The copy of the decision shall, within a three-day period following the adoption, be forwarded to the relevant official holding a position, and where the proceedings have been instituted based on an application — to the applicant.
6. The Prosecutor General's Office shall inform the Commission about the results of the examination of the materials by attaching the copy of the relevant decision.
7. The Commission shall, within a five-day period from the moment of receipt of the decision on rejecting institution of a criminal case, on dismissing case proceedings, on terminating criminal prosecution or on not conducting criminal prosecution, resume the suspended proceedings, and in case of receiving the judgement of conviction having entered into force, it shall terminate the proceedings within the same period.

(Article 31 amended by HO-208-N of 23 March 2018, edited by HO-199-N of 25 March 2020)

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 from the day of adopting the decision on instituting proceedings.

Article 33. Adopting an opinion as a result of the proceedings

1. The Commission shall adopt an opinion on a violation or a case in the outcome of the proceedings.
2. In the outcome of the proceedings, the Commission shall adopt an opinion on the presence or absence of violation of incompatibility requirements or other restrictions by an official holding a position or the presence or absence of violation of rules of conduct by a relevant official holding a position, and with regard to the case of clash of situational interests — on the presence or absence of a situation of clash of interests.
3. The opinion shall be forwarded to the applicant, the official holding a position and his or her superior or immediate supervisor (where available) within a three-day period from the moment of adopting it.
4. The opinion on violation of incompatibility requirements by an official holding a position and all the documents and materials of the proceedings with regard thereto shall, within a three-day period from the moment of adopting the opinion, be forwarded to the bodies entitled to consider (examine) the issue of terminating the powers of the official holding a position on the ground of violation of incompatibility requirements by him or her.

In case of violation of other restrictions and rules of conduct or the existence of a situation of clash of interests, the Commission shall propose to the competent body or the official to subject the official holding a position to disciplinary liability, where there are no elements (including *prima facie*) of administrative offence or crime in his or her act. 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 recommendation of the Commission and inform the Commission about the results in a reasonable time frame, but not later than within a 15-day period from the moment of receipt of the opinion.

6. The opinions of the Commission on violation of rules of conduct by an official holding a position not having a superior or an immediate supervisor and on clash of situational interests shall be published on the official website of the Commission within a three-day period from the moment of adoption of those opinions.

The relevant official holding a position not having a superior or an immediate supervisor shall be obliged to submit a public clarification on the violation or clash of situational interests recorded in the opinion of the Commission which shall, within a three-day period from the moment of receipt, be published on the website of the body within which the official holds a position.

(Article 33 amended by HO-208-N of 23 March 2018)

Article 34. Appealing against opinions of the Commission

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

Article 35. Proceedings for review

1. The Commission shall review the opinion of the ethics commission on violations of incompatibility requirements or other restrictions based on the application of the public servant with regard whereto the opinion was adopted.

(Article 35 amended by HO-208-N of 23 March 2018)

Article 36. Grounds for submitting an application

1. A public servant may submit an application for review of the opinion on violations of incompatibility requirements or other restrictions (hereinafter referred to as “the application for review”), where, in his or her opinion:
 - (1) the fact approved by the ethics commission 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 36 amended by HO-208-N of 23 March 2018)

Article 37. Application for review and time limits for submitting the application

1. The application for review shall be submitted in writing. The application must indicate:
 - (1) name, surname, address of public servant and position held;
 - (2) data on the state body the ethics commission whereof has adopted the opinion;

- (3) the opinion of the ethics commission;
- (4) substantiations with regard to the existence of the grounds provided for by Article 36 of this Law;
- (5) the request set forth in the application;
- (6) the signature of the applicant.

Where the application is submitted through a representative, an authorisation issued as prescribed by law must also be submitted.

Materials certifying 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 from the moment of receipt of the opinion of the ethics commission on violations of incompatibility requirements or other restrictions.

(Article 37 amended by HO-208-N of 23 March 2018)

Article 38. Preliminary examination of the application for review

1. The Commission shall, within a three-day period from the moment of receipt of the application, adopt a decision on returning the application or on leaving the application without examination or on instituting proceedings on review based on the application. The Commission shall, within a one-day period following the institution of proceedings, notify the ethics commission of the relevant body about that. Instituting proceedings on review 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 observed.

The applicant may, within 48 hours from the moment of receipt of 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, where:
 - (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;
 - (3) the application has been submitted by the person not entitled to submit it.
4. The Commission shall adopt a decision on instituting proceedings on review of the opinion, where the grounds for returning the application or for leaving the application without examination — provided for by parts 2 and 3 of this Article — are missing.
5. The Commission shall forward the copy of the decision on returning the application or on leaving the application without examination to the public servant not later than the day after that decision is adopted.

(Article 38 amended by HO-208-N of 23 March 2018)

Article 39. Process of proceedings on review

1. The Commission shall, as prescribed by Article 38 of this Law, properly notify the public servant and the ethics commission about the instituted proceedings on review of the opinion within a one-day period following the adoption of the decision on institution of proceedings.
2. The Commission shall be entitled to request the public servant to submit, within the time limit prescribed thereby, 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 referred to 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 shall be entitled to request from the ethics commission, and where necessary, also from other bodies all the documents and materials on the issue being considered, other evidence certifying or refuting substantiation of the arguments underlying the opinion (where available), as well as to submit clarifications which must 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 39 amended by HO-208-N of 23 March 2018)

Article 40. Opinions adopted as a result of proceedings on review

1. Within a 15-day period from the moment of adoption of the decision on instituting proceedings on review, based on the results of review of the opinion, the Commission shall:
 - (1) leave the facts and opinion approved by the ethics commission unchanged;
 - (2) leave the facts approved by the ethics commission unchanged and adopt an opinion;
 - (3) change the facts approved by the ethics commission, confirm new facts and adopt an opinion.
2. The copy of the opinion shall be forwarded to the public servant and to the ethics commission not later than within a three-day period from the moment of adoption thereof.

(Article 40 amended by HO-208-N of 23 March 2018)

Article 40.1. Verifying annual reports of political parties

1. The Commission shall check compliance of the annual report submitted by the political party with the requirements prescribed by the Constitutional Law “On political parties”.
2. Where as a result of verification of the report of a political party the Commission establishes that in the report there are wrong or incomplete data, it shall give the political party a minimum 10-day period and maximum 30-day period to express a position on the data and correct the data.
3. In case of a request of the Commission to verify reliability of a report, the political party shall, within five days, be obliged to provide necessary information about bank inflows and outflows, submit other documents required for checking reliability of accounting and the submitted report, including the contracts on bank deposit, loan, trade of assets and lease.
4. During report verification, the Commission shall be entitled to request from state and local self-government bodies, legal and natural persons and obtain (including through electronic inquiry) related information, documents, including information constituting bank secret, official information regarding transactions of the Central Depository regarding securities as prescribed by the Law “On the securities market”, information constituting insurance secret, as well as credit information or credit history from the credit bureau required for verification of the report of a political party.
5. For the purpose of verification of a report, the Commission shall, by way of an inquiry addressed to the Central Bank for getting acquainted with information constituting bank secret, request and obtain summarised information about the availability of accounts of a political party obliged to submit a report, the gross inflow and gross outflow of an account, as well as data regarding the availability of bank safes, indicating in the inquiry the data of the political party, the relevant

period or date. The procedure for transmitting the information referred to in this part shall be established under a joint legal act of the Central Bank and the Commission.

6. Upon receipt of information constituting bank secret, the Commission shall be entitled to request that the political party submit additional materials.
7. While verifying the use of funds for targeted state financing provided for by the Constitutional Law “On political parties”, the Commission shall receive the information regarding the composition of the permanently operating administrative body and territorial subdivisions of a political party from the unified state register of legal entities.
8. As a result of verification of the annual reports of political parties, the Commission shall exercise the powers provided for by parts 10-13 of Article 26 of the Constitutional Law “On political parties”.
9. In case of failure by a political party to substantiate compliance of the report with the requirements set under the Constitutional Law “On political parties” within the period established by the Commission and detection of violations of the requirements of the Constitutional Law "On political parties”, the Commission shall institute proceedings regarding administrative offence.
10. In case of detection of elements of prima facie crime, the Commission shall forward the case materials to the Prosecutor General’s Office immediately, but no later than within a three-day period.
11. Where during proceedings regarding administrative offence the Commission comes to the conclusion that there are elements of prima facie crime in the act committed, the Commission shall forward the materials of the proceedings to the Prosecutor General’s Office immediately, but no later than within a three-day period, by adopting a decision on suspending proceedings. The Commission shall, within a five-day period from the moment of receiving the decision on rejecting institution of a criminal case, dismissing case proceedings, terminating

criminal prosecution or not implementing criminal prosecution, resume the suspended proceedings, and in case of receiving the accusatory verdict having entered into legal force — dismiss proceedings within the same period.

12. The Prosecutor General's Office shall inform the Commission about the results of the study of materials by attaching the copy of the relevant decision.
13. Verification of the annual reports of the political parties, the reports whereof are subject to mandatory audit, shall be carried out upon receipt of the audit opinion prescribed by this Law.
14. Verification of the annual reports of political parties entitled to receive state financing shall be carried out within a 15-day period upon receipt of the audit opinion, but no later than prior to 15 June of the year following the reporting year.

(Article 40.1 supplemented by HO-5-N of 29 December 2020)

(Law [HO-5-N](#) of 29 December 2020 has a transitional provision)

Article 40.2 Organising the audit of annual reports of political parties

1. The Commission shall organise the audit of the annual reports of political parties.
2. Audit of the annual reports of political parties shall be financed from the funds of the State Budget and shall be conducted by audit organisations selected by the Commission through an open tender.
3. The open tender for selection of audit organisations shall be conducted within a two-month period after the political party provides the Commission with information required for the tender declared for the purpose of selecting auditors, but no later than 31 March of the year following the reporting year.
4. After the open tender, for the purpose of audit of the annual report of every political party, the Commission shall select maximum three audit organisations,

the final selection among which shall be made through a public drawing lots, except for cases when only one audit organisation has participated in the tender and been selected.

5. The procedure for selection of audit organisations and the requirements for them shall be established by the Commission. The procedure for selection of audit organisations needs to guarantee, as much as possible, the possibility of participation of a few audit organisations for conducting audit of the report of one political party, ensuring the public drawing lot between the selected audit organisations.

(Article 40.2 supplemented by HO-5-N of 29 December 2020)

(Law [HO-5-N](#) of 29 December 2020 has a transitional provision)

Article 40.3. Oversight over donations made to pre-election funds, expenses and calculation thereof

(The Article shall enter into force on 1 January 2023 with supplement to Law [HO-208-N](#))

Article 40.4. Oversight over donations, expenses made for campaign of referendum and local referendum and calculation thereof

(The Article shall enter into force on 1 January 2023 with supplement to Law [HO-208-N](#))

Article 41. Proceedings on whistle-blowing

1. The Commission shall conduct proceedings on whistle-blowing, and the relations pertaining thereto shall be regulated by the Law of the Republic of Armenia “On the system for whistle-blowing”.

Article 41.1. Notifications

1. The Commission for the Prevention of Corruption shall, within the scope of the analysis and proceedings conducted, notify a person in hard copy or electronically or by drawing up a document thereon with the participation of the person being notified, or in other manner — upon the consent of the person being notified.
2. A notification in hard copy shall be handed over directly or by mail, to the address specified in the declaration or application by the person being notified. An electronic notification shall be sent to the electronic mail address or phone number specified by the person being notified.

An electronic notification shall be considered to be due notification where an electronic confirmation on the receipt of the electronic notification exists.

(Article 41.1 supplemented by HO-208-N of 23 March 2018)

Article 42. Final and transitional provisions

1. This Law shall enter into force on the day of appointment by the National Assembly of the majority of the total number of members of the first composition of the Commission, except for Articles 9, 10, points 6 and 7 of part 1 of Article 23, as well as points 20 and 21 of part 1 and part 1.1 of Article 24, which shall enter into force within the time limits prescribed by parts 2 and 2.1 of this Article.
2. Articles 9 and 10 of this Law shall enter into force on 10 April 2018.
- 2.1. Point 6 of part 1 of Article 23, as well as point 20 of part 1 of Article 24 of this law shall enter into force upon the entry into force of the relevant amendments made to the Law “On public service.”
3. ***(part repealed by HO-199-N of 25 March 2020)***
4. ***(part repealed by HO-199-N of 25 March 2020)***

- 4.1. The provisions on the analysis of declarations prescribed by this Law shall also be applicable to the declarations submitted or subject to submission from 1 July 2017.
5. Chapter 8 of the Law of the Republic of Armenia NO-172-N of 26 May 2011 “On public service” shall be repealed from the moment of entry into force of this Law.
6. The Commission for the Prevention of Corruption shall be the legal successor of the Commission on Ethics of High-Ranking Officials.
7. The Staff of the Commission on Ethics of High-Ranking Officials shall function until the formation of the structural subdivisions of the Commission for the Prevention of Corruption.
8. The number of employees and the staff list, structure and the charter of the structural subdivisions of the Commission for the Prevention of Corruption shall be approved by 1 July 2018.
9. Relevant appointments in the structural subdivisions of the Commission for the Prevention of Corruption shall be made within a period of one month following the approval of the number of employees and the staff list, structure and charter of the structural subdivisions of the Commission for the Prevention of Corruption.

(Article 42 edited, amended, supplemented by HO-180-N, supplemented by HO-208-N of 23 March 2018, edited, amended, supplemented by HO-199-N of 25 March 2020)

**President
of the Republic of Armenia**

S. Sargsyan

28 June 2017

Yerevan

HO-96-N