

LAW
OF THE REPUBLIC OF ARMENIA

Adopted on 9 June 2017

ON MAKING AMENDMENTS AND SUPPLEMENTS
TO THE LAW OF THE REPUBLIC OF ARMENIA “ON PUBLIC SERVICE”

Article 1. In the title of Chapter 7 of the Law of the Republic of Armenia HO-172-N of 26 May 2011 “On public service” (hereinafter referred to as “the Law”), the words “**ON PROPERTY AND INCOME**” shall be replaced with the words “**ON PROPERTY, INCOME AND INTERESTS**”.

Article 2. Article 32 of the Law shall be amended as follows:

“Article 32. Obligation to submit declaration on property, income, interests and affiliated persons

1. Within the meaning of this Law, declarant officials shall be the high-ranking officials, as well as persons holding highest positions of the civil service but not acting as high-ranking officials, persons holding highest positions of the state service in Staff of the National Assembly of the Republic of Armenia, the Secretary General of the Ministry of Foreign Affairs of the Republic of Armenia and the head of a separate subdivision of Staff, persons holding highest positions in the Special Investigation Service of the Republic of Armenia, the Investigation Committee of the Republic of Armenia, state service of the Department of the Investigation Committee of the Republic of Armenia, the Chief of Staff of the Special Investigation Service of the Republic of Armenia and the deputy Chief of Staff, the heads and

deputy heads of the state bodies operating in the field of management of the ministries of the Republic of Armenia, persons holding highest positions in the judicial service, persons holding highest and chief positions in special services, except for persons holding chief positions in the republican executive bodies of defence, national security and rescue services, persons holding chief positions in the Penitentiary Service and the Judicial Acts Compulsory Enforcement Service, prosecutors, investigators of national security authorities, tax and customs services, the Investigation Committee and the Special Investigation Service, heads of communities with a population of 15 000 and more, heads of the administrative districts of Yerevan, members of the Procurement Appeals Board.

2. A declarant official shall submit declarations on property and income to the Commission on Ethics of High-Ranking Officials as prescribed by this Law, and a high-ranking official — also a declaration on interests.

3. Declarant officials shall, in cases and in the manner provided for by this Law, submit a declaration on affiliated persons to the Commission on Ethics of High-Ranking Officials.

4. Within the meaning of this Law, persons within the composition of the family of a declarant official — his or her spouse, minor child (also the adopted child), the person under the guardianship or curatorship of the declarant official, any person jointly residing with the declarant official, shall, in cases and in the manner provided for by this Law for a declarant official, submit their declarations on property and income to the Commission on Ethics of High-Ranking Officials. The declaration of a minor child shall be submitted by the declarant official.

5. Within the meaning of this Law, a jointly residing person shall mean the person jointly residing with the declarant for 183 days and more before the day of assuming or leaving the position or during the year of submitting the declaration.

6. Failure by a declarant official, as well as a person within the composition of his or her family to submit declarations to the Commission on Ethics of High-Ranking Officials in compliance with the requirements, manner and time limits prescribed by the Commission on Ethics of High-Ranking Officials shall entail liability provided for by law.

7. The declarant official and a person within the composition of his or her family shall, by virtue of the fact of submitting the declaration, give their consent to the Commission on Ethics of High-Ranking Officials to become familiar with their credit history and information on the securities, including transactions made thereby over the reporting period.”.

Article 3. The Law shall be supplemented with Article 32.1 which reads as follows:

“Article 32.1 Notification on appointing to and dismissing from a position a declarant official

1. The chief of staff of a state or local self-government body or the person performing the duties of the chief of staff shall, within a three-day period, notify the Commission of the appointment of the declarant official to and dismissal thereof from the position in the given body, using the form prescribed by the Commission.”.

Article 4. Article 33 of the Law shall be amended as follows:

“Article 33. Time limits for submitting a declaration and making changes to the declaration

1. Declarant officials shall submit the declarations as of the day of assumption, day of termination of official duties to the Commission on Ethics of High-Ranking Officials within a period of 30 days following the mentioned days. During their term of office,

the aforementioned persons shall also submit declarations as of 31 December of each year, but no later than 30 March of the year following the given year.

2. Where the declarant official is appointed (elected) to a position envisaging the obligation to submit a relevant declaration in accordance with this Law within 15 days after the automatic termination (termination) of his or her powers, he or she shall not submit a declaration as of the day of termination or assumption of his or her official duties.

3. The declarant official, a person within the composition of his or her family may — prior to expiration of the time limit prescribed by the law for the publication of declarations — apply to the Commission on Ethics of High-Ranking Officials for the purpose of correcting the misprints they have detected in the declarations. The time limit provided for the purpose of correcting the misprints may not exceed five working days. In case of failure to submit the declarations within the mentioned time limit, the Commission shall take as a basis the initially submitted declarations.

4. After being subjected to liability provided for by the Code of the Republic of Armenia “On administrative offences”, the declarant official, a person within the composition of his or her family shall apply to the Commission on Ethics of High-Ranking Officials within the time limit prescribed by the mentioned Code for the purpose of correcting the data included in the declarations.

5. Where the application referred to in part 3 of this Article has been received and the misprints have been corrected within the prescribed time limit, the Commission shall not institute proceedings.”.

Article 5. In Article 34 of the Law:

(1) the word “high-ranking” shall be replaced with the word “declarant”;

(2) in part 2, the words “his or her parent jointly residing with him or her, as well as those of the unmarried child having attained the age of majority and jointly residing with him or her” shall be replaced with the words “other persons within the composition of his or her family referred to in part 4 of Article 32 of this Law”;

(3) in part 3, the words “on a parent of a high-ranking official jointly residing with him or her, as well as that of his or her unmarried child having attained the age of majority and residing with him or her” shall be replaced with the words “on other persons within the composition of his or her family referred to in part 4 of Article 32 of this Law”.

Article 6. In Article 35 of the Law, the words “of a high-ranking official, his or her spouse, parent jointly residing with him or her, as well as that of an unmarried child having attained the age of majority and jointly residing with him or her” shall be replaced with the words “of the declarant official, his or her spouse, other persons within the composition of his or her family referred to in part 4 of Article 32 of this Law”.

Article 7. The Law shall be supplemented with Article 36.1 which reads as follows:

“Article 36.1. Content of the declaration on interests

1. The section of the declaration “Participation in commercial organisations” shall contain the name of the organisation where the high-ranking official and/or persons within the composition of his or her family are the founders or participants of at least 10 per cent, the address of the organisation.

2. The section of the declaration “Representation in the management, administrative or supervisory bodies of commercial organisations” shall contain the name and the address of the organisation, in the management, administrative or

supervisory bodies whereof the high-ranking official is represented, as well as the status of the given person in that organisation.

3. The section of the declaration “Transferring the share to trust management in a commercial organisation with the participation of a high-ranking official” shall contain the name and the address of the organisation wherein the share of the high-ranking official is transferred to trust management, or the name, last name, father’s name, passport data of the trust manager, as well as the day, month, year of concluding the contract on trust management and the duration of the contract.

4. The section of the declaration “Membership in non-commercial organisations and representation in their management, administrative or supervisory bodies” shall contain the name of the non-commercial organisation of which the high-ranking official is a member or in the management, administrative or supervisory bodies whereof he or she is represented, the address of that organisation, the status of the given person in that organisation.

5. The section of the declaration “Membership in political parties and representation in their management, administrative or supervisory bodies” shall contain the name of the political party of which the high-ranking official is a member or in the management, administrative or supervisory bodies whereof he or she is represented, the status of the person in the political party.

6. The section of the declaration “Contracts concluded with the Republic of Armenia or communities by a high-ranking official and the persons within the composition of his or her family, as well as by the organisations with their participation” shall indicate the contracts the price (value) whereof exceeds AMD 5.000.000 (five million) or foreign currency equivalent thereto, the type of the contract and the parties thereto, their addresses, data on the process of concluding the contract, the day, month, year of concluding the contract, the duration of the contract, as well as its price (value).”.

Article 8. In Article 37 of the Law:

(1) it shall be supplemented with part 1.1 which reads as follows:

“1.1. The Commission shall ensure the publication of the declaration on its official website within seven days after including it in the register.”;

(2) part 2 shall be supplemented with a new paragraph which reads as follows:

“The declaration of a minor shall not be subject to publication.”;

(3) it shall be supplemented with parts 4 and 5 which reads as follows:

“4. In case of automatic termination or termination of powers of a declarant official, the declarations of the declarant official or the persons within the composition of his or her family shall remain published for one year following the day of the automatic termination or termination of powers. In case of failure to take up a position envisaging the obligation to submit a declaration within one year, these declarations shall be archived. Should the given person take up a position envisaging the obligation to submit a declaration after the mentioned period of time, his or her archived declarations shall be restored and published.

5. The procedure for and terms of archiving the declarations shall be defined by the Commission on Ethics of High-Ranking Officials.”.

Article 9. The Law shall be supplemented with Articles 38.1 and 38.2 which reads as follows:

“Article 38.1. Staff of the Commission on Ethics of High-Ranking Officials

1. The smooth activities of the Commission on Ethics of High-Ranking Officials shall be ensured by its Staff.

2. The number of employees and the staff list of the Staff shall be approved by the Government of the Republic of Armenia upon recommendation of

the Commission on Ethics of High-Ranking Officials, while the structure and the statute shall be approved by the Commission.

Article 38.2. State service within the Staff of the Commission on Ethics of High-Ranking Officials

1. Professional activities within the Staff of the Commission on Ethics of High-Ranking Officials, except for the work activities pertaining to technical maintenance activities, shall be considered to be civil service, and the employees holding relevant positions within the Staff shall be considered to be civil servants.
2. Relations pertaining to the service within the Staff of the Commission on Ethics of High-Ranking Officials shall be regulated by the Law of the Republic of Armenia “On civil service”.

Article 10. The Law shall be supplemented with Article 41.1 which reads as follows:

“Article 41.1. Financing of the Commission on Ethics of High-Ranking Officials

1. The Commission on Ethics of High-Ranking Officials shall be financed at the expense of the funds of the State Budget, as well as other funds not prohibited by law.
2. Every year, the Commission on Ethics of High-Ranking Officials 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 budgetary process for the upcoming year — draw up its budget request (draft estimate of expenses of the Commission) for the upcoming year and submit it to the Ministry of Finance of the Republic of Armenia.

3. The indicators of the budget request of the Commission on Ethics of High-Ranking Officials shall be adjusted and included in the draft State Budget as prescribed by the Law of the Republic of Armenia “On the Budgetary System of the Republic of Armenia”.

4. The copy of the budget request of the Commission on Ethics of High-Ranking Officials submitted to the Government of the Republic of Armenia shall be submitted to the National Assembly of the Republic of Armenia along with the draft State Budget for the upcoming year.

5. Expenses of the Commission on Ethics of High-Ranking Officials in the expense portion of the State Budget shall be presented in a separate line.”.

Article 11. Part 3 of Article 42 of the Law shall be repealed.

Article 12. In Article 43 of the Law:

(1) in point 2 of part 1 the words “to analyse and publish” shall be replaced with the words “to regulate the process of analysis and publish the declarations”;

(2) part 1 shall be supplemented with point 7 which reads as follows:

“(7) to examine cases concerning administrative offences and impose administrative penalties as prescribed by the legislation in cases where the declarations provided for by this Law are not submitted to the Commission on Ethics of High-Ranking Officials by the declarant official, as well as a person within the composition of his or her family within the time limit prescribed by law or they are submitted in violation of the requirements prescribed for filling in the declarations, or in violation of the procedure for submission of the declarations, or where incorrect or incomplete data is negligently submitted in the declarations.”.

Article 13. The Law shall be supplemented with Article 43.1 which reads as follows:

“Article 43.1. Analysis of declarations

1. The Commission on Ethics of High-Ranking Officials shall carry out the following activities:

(1) check the compliance with the requirements for filling in and submitting a declaration;

(2) check the reliability and integrity of the declared data.

2. The methodology of and procedure for the analysis of the declarations shall be defined by the Commission on Ethics of High-Ranking Officials.

3. In the process of analysis of the declarations, the Commission on Ethics of High-Ranking Officials shall be entitled to require information, documents on the declarant official, persons within the composition of his or her family from state and local self-government bodies, the Central Depository and persons entitled to maintain the register of the security holders (nominal holders), credit bureaus (including through electronic inquiries) and receive them, except for cases provided for by the Law of the Republic “On bank secrecy”.

Information and documents shall be provided to the Commission on Ethics of High-Ranking Officials free of charge, as soon as possible, but no later than within 10 days after receiving the inquiry, where no other time limit is indicated in the inquiry, or where the addressee of the inquiry does not recommend any other reasonable time limit for fulfilling the request, which may not exceed 30 days. The Central Depository and other persons entitled to maintain the register of the security holders (nominal holders), as well as credit bureaus shall provide the information and the documents free of charge where the number of inquiries made by the Commission on Ethics of High-

Ranking Officials is equal to the number of the declarations submitted by the declarant official and a person within the composition of his or her family.

4. In the process of analysis of the declarations, interoperability of the database of the Commission on Ethics of High-Ranking Officials with the databases of state and local self-government bodies, organisations referred to in part 3 of this Article that have been developed as prescribed by the legislation of the Republic of Armenia, and the online availability of the data subject to declaration to the Commission shall be ensured.

5. Where, as a result of the analysis of declarations there are sufficient grounds to conclude that the declaration has not been submitted within the time limit prescribed by law or has been submitted in violation of the relevant requirements and the procedure, or the declared data is incorrect or incomplete, the Commission on Ethics of High-Ranking Officials shall institute proceedings on the examination of the case on administrative offence.”.

Article 14. Article 44 of the Law shall be supplemented with part 7 which reads as follows:

“7. Where during the proceedings on the administrative offence the Commission on Ethics of High-Ranking Officials comes to the conclusion that the committed act implies prima facie elements of intentional non-submission of the declaration or submission of false data in the declaration or concealment of data subject to declaration, it shall — upon a reasoned decision, promptly, but no later than within a three-day period — forward the case materials to the Prosecutor General’s Office of the Republic of Armenia by adopting a decision on suspending the proceedings.

The Prosecutor General’s Office of the Republic of Armenia shall be obliged to inform the Commission on Ethics of High-Ranking Officials about the outcomes of examination of the materials by attaching a copy of the relevant decision.

The Commission on Ethics of High-Ranking Officials shall — within a five-day period upon receipt of the decision on rejecting the institution of a criminal case, on dismissing case proceedings, on terminating criminal persecution or on not instituting a criminal persecution — resume the suspended proceedings, and in case of receiving the guilty judgement having entered into force, it shall dismiss the proceedings within the same period of time.”.

Article 15. The Law shall be supplemented with Article 52 which reads as follows:

“Article 52.

1. The structure and statute, the number of employees and the staff list of the Staff of the Commission on Ethics of High-Ranking Officials shall be approved within a one-month period upon entry into force of this Law.
2. Relevant appointments to positions within the Staff of the Commission on Ethics of High-Ranking Officials shall be made within a three-month period following the approval of the structure and the statute, the number of employees and the staff list of the Staff.
3. Declarant officials (except for high-ranking officials in office) shall, by 15 September 2017 upon entry into force of this Law, submit to the Commission on Ethics of High-Ranking Officials a declaration on property, income and affiliated persons, existing as of the day of entry into force of this Law.
4. Provisions on submitting a declaration on interests by high-ranking officials shall enter into force on 1 January 2019.

High-ranking officials shall submit a declaration on interests for the first time by 30 March 2019 as of 1 January of the same year.

5. Upon entry into force of this Law, the members of the Commission on Ethics of High-Ranking Officials shall continue to hold their offices until the Commission for the Prevention of Corruption is established.”.

Article 16. This Law shall enter into force on 1 July 2017.

**President
of the Republic of Armenia**

S. Sargsyan

28 June 2017

Yerevan

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