

LAW
OF THE REPUBLIC OF ARMENIA
ON PROTECTION OF ECONOMIC COMPETITION
(the Law has been edited by HO-92- N of 03 March 2021),
(the Law [HO-92-N](#) of 03 March 2021 contains a transitional provision)

The purpose of this Law is to protect and encourage freedom of economic activity, free economic competition, ensure an appropriate environment for fair competition, promote development of entrepreneurship and protection of consumer interests in the Republic of Armenia.

CHAPTER 1
GENERAL PROVISIONS

Article 1. Subject matter and scope of the Law

1. This Law shall apply to actions, conduct or acts of economic entities, state bodies, as well as officials thereof, which lead or may lead to prevention, restriction, blocking of economic competition, or to an act of unfair competition, as well as harm the consumer interests.
2. This Law shall also apply to actions or conduct of economic entities in foreign states which may prevent, restrict or block economic competition or harm the consumer interests in the Republic of Armenia.
3. This Law shall not apply to relations regulated by the unified rules of competition in transboundary markets, the supervision over which falls within the

competence of the Eurasian Economic Commission, pursuant to the international treaty of the Republic of Armenia. The criteria for considering goods markets as transboundary shall be prescribed by regulatory legal acts of the Eurasian Economic Union.

4. The Commission shall perform the functions provided for by this Law with regard to entities regulated or supervised by the Central Bank based on cooperation with the Central Bank. Cooperation between the Commission and the Central Bank shall be based on the following principles:
 - (1) The Commission shall inform the Central Bank about the issues of economic competition emerging in the sectors related to entities regulated or supervised by the Central Bank;
 - (2) Before adopting any secondary legal acts on the prevention of dominant position abuse, anti-competitive agreements and concentrations, the Central Bank shall submit them to the Commission for an opinion;
 - (3) The Commission shall refrain from intervention in connection with the issue raised with regard to economic competition if the Central Bank provides the Commission with well-grounded information to the effect that due to regulatory objectives prescribed by law the issue in question is reserved to the Central Bank, and the Central Bank performs functions prescribed by law. In such case, the final decision shall be adopted by the Central Bank in view of the position submitted by the Commission, by addressing all the issues raised by the Commission and by providing justifications in its final position or decision for agreeing or disagreeing with them;
 - (4) The Commission shall refrain from submitting the opinion prescribed by point 2 of this part and intervening with the issue raised with regard to economic competition referred to in point 3 of this part in such exceptional cases, where the Central Bank aims to prevent or respond to a potential

danger threatening the financial stability and price stability, where a financial organisation is declared insolvent or an application for bankruptcy is submitted to the court, where alienation of the shares or stocks of a financial organisation or its participator is enforced, where reorganisation, forced sale or liquidation of a financial organisation is carried out. The Central Bank shall submit decisions adopted in the cases provided for by this point to the Commission, except for the parts of the decision that contain bank secret or information the provision whereof is prohibited by law or may be permitted only based on a judicial act;

- (5) The Chairperson of the Commission and the Chairperson of the Central Bank shall sign a joint order which shall regulate the following:
- a. directions and procedures for cooperation in regard to the issues of competition protection;
 - b. cases of and procedure for exchange of information, including information on the measures taken in relation to the issues of economic competition between the Commission and the Central Bank;
 - c. cases when the Commission and the Central Bank exercise their powers with regard to entities regulated or supervised by the Central Bank, and procedure for submitting the position of the Commission and details of mutual cooperation in such cases;
 - d. issues related to the competition protection in the field, as well as other issues not prohibited by law.
5. This Law shall not apply to the relations of the regulated public service sectors, the regulation of which falls within the competence of the Public Services Regulatory Commission. The Commission shall perform the economic competition-related functions with regard to entities operating in regulated public service sectors based on the principle of cooperation with the Public Services Regulatory Commission.

Article 2. Legislation on the protection of economic competition

1. The legislation on the protection of economic competition comprises the Constitution, the Civil Code of the Republic of Armenia, this Law and other regulatory legal acts.
2. In case of conflict between the norms of international treaties ratified by the Republic of Armenia and those of this Law, the norms of ratified international treaties shall apply.

Article 3. Main concepts and terms used in the Law

1. The main concepts and terms used in this Law shall have the following meaning:
 - (1) **economic competition or competition** — competitiveness of economic entities in which case the possibility to unilaterally influence the general conditions of circulation of goods in the relevant goods market becomes objectively excluded or restricted by the independent actions of each of them;
 - (2) **goods** — any object of civil law, including property, work, service (including financial), which is designated for sale;
 - (3) **substitutes** — goods which are comparable in terms of their intended use, application, qualitative, technical characteristics, price or other characteristics, in such a way that the acquirer actually substitutes or may substitute them with other goods in the process of consumption or during use for production purposes;
 - (4) **goods market** — a sector of circulation of goods and substitutes thereof within a certain territory the boundaries whereof are determined by the economic or other opportunities for or convenience of acquisition, sale or production of goods in the relevant territory and the lack of such

opportunities or convenience beyond the boundaries of that territory. A goods market is characterised by the range of goods and geographical boundaries, by the study period, composition of its actors and its volume;

- (5) **range of goods in a goods market** — the entirety of the given goods and substitutes thereof;
- (6) **geographical boundary of a goods market** — a certain geographic territory (including road, air, water overland or other route) within the scope whereof the acquisition, sale or production of the given goods and substitutes thereof is economically feasible or expedient and such feasibility or expedience is non-existent beyond that territory. The geographical boundary of a goods market may cover the entire territory of the Republic of Armenia or a part thereof, or the territory of the Republic of Armenia (or a part thereof) and that of another state (or a part thereof);
- (7) **study period for goods market** — a certain period (day, month, year) in the course of which the goods market is studied;
- (8) **actors of a goods market** — the seller, producer and the acquirer of the given goods and substitutes thereof;
- (9) **seller** — a legal or natural person or state body that is the seller or a potential seller of goods;
- (10) **acquirer** — a legal or natural person or state body that is the acquirer or a potential acquirer of goods;
- (11) **consumer** — a legal or natural person or state body that is the consumer or a potential consumer of goods;
- (12) **volume of a goods market** — the total volume—in-kind and/or pecuniary— of sale or acquisition of the given goods and substitutes thereof within the geographical boundary of a goods market;

- (13) **sale** — alienation (vending, supply, otherwise transfer of the right of ownership over the goods), provision or execution;
- (14) **acquisition** — purchase, receipt or acceptance;
- (15) **Commission** — Competition Protection Commission;
- (16) **state body** — state or local self-government body, state or community non-commercial organisation, state or community institution, Central Bank, legal person or other organisation acting on behalf of the Republic of Armenia or a community of the Republic of Armenia or exercising a function or power of a state body or local self-government body, organisation of the Republic of Armenia or a community of the Republic of Armenia holding 50 per cent and more unit shares;
- (17) **economic entity** — an individual entrepreneur, legal person, other organisation, representative office or branch thereof, group of persons or union of persons, and in the cases of concentrations, unfair competition and coordination of economic activity provided for by this Law, natural persons shall also be regarded as economic entities;
- (18) **official of an economic entity** — a person exercising the powers of the single-person executive body or a member of the collegial executive body of an economic entity, or a person performing organisational, directive or administrative-economic functions;
- (19) **trade facility** — a property complex (land parcel, building, structure) which is used in sales to deliver goods to consumers;
- (20) **trade network** — a cluster of two or more trade facilities which are under common management or operate under the same trademark or another identification mark;

- (21) **economic conditions (factors)** — expenses, taxes, duties, mandatory payments related to acquisition, production, sale of goods (delivery of a service, performance of a work), inflation, deflation;
- (22) **unjustified price increase** — increase, by an economic entity, of the price of goods and/or substitutes thereof within a certain period of time, not preconditioned by economic conditions (factors);
- (23) **unjustified price decrease** — decrease, by an economic entity, of the price of goods and/or substitutes thereof within a certain period of time, not preconditioned by economic conditions (factors);
- (24) **unjustified price maintenance** — maintenance, by an economic entity, within a certain period of time, of the price of goods and/or substitutes thereof in a situation when the existence of certain economic conditions (factors) might have led or should have led to setting a lower or higher price;
- (25) **discriminatory conditions** — conditions for entering a goods market, as well as for production, exchange, consumption, sale or otherwise transfer of goods, including price of goods, which create unequal competitive conditions or an unequal situation for an economic entity or consumer as compared to another economic entity or consumer;
- (26) **indicators of prevention, restriction, or blocking of competition** — reduction in the number of economic entities not considered as a group of persons; increase or decrease in the price of goods, which is not related to relevant changes in the economic conditions in the goods market; refusal by economic entities not considered as a group of persons to act independently in the goods market; defining general conditions of circulation of goods in the goods market as a result of anti-competitive agreements between economic entities or according to binding instructions

given thereto by another person or as a result of coordination of the actions of economic entities not considered as a group of persons; other circumstances enabling an economic entity to unilaterally influence the general conditions of circulation of goods in the goods market; as well as prescribing, by state bodies and/or officials thereof, requirements not provided for by law with regard to goods or economic entities;

- (27) **direct control** — ability to predetermine the decisions adopted by a legal person, which is manifested through performance of the functions of the executive body of the legal person, through acquisition of the right to establish the conditions of entrepreneurial activities of the legal person and/or through controlling more than 50 per cent of the total number of the voting stocks (shares) comprising the authorised capital (share capital) of the legal person;
- (28) **indirect control** — ability of a legal or natural person exercising direct control over a legal person, to predetermine the decisions adopted by that legal person;
- (29) **value of an asset** — balance sheet value of an asset, and in case of its absence — actual or transaction value of an asset;
- (30) **revenue** — gross inflow of economic benefits arising from the ordinary activities of an economic entity during the relevant period, which leads to an increase in the own capital, except for an increase as a result of investments made by the participants in the own capital. In the Republic of Armenia, for taxpayers revenue shall be the entrepreneurial income expressed in monetary terms to be derived from sales of goods, which shall not include the amounts of indirect taxes;
- (31) **unit share** — right to participation (share, stock, other security) in the authorised capital (share capital) of a legal person;

(32) **body providing state support** — a state body, as well as the bodies or organisations or officials, which are authorised to provide state support at the expense of public finances or public resources within the meaning of this Law;

(33) **day** — a working day prescribed by legislation.

2. Other concepts and terms used in this Law shall be applied in the meanings prescribed by this Law, Civil Code of the Republic of Armenia, other laws and other legal acts.

Article 4. Group of persons

1. Within the meaning of this Law, a group of persons is a group of legal and/or natural persons between which there is actual interrelation or control and which meet at least one of the following conditions:
 - (1) an organisation and a natural or legal person, where the natural or legal person, based on participation thereof in the organisation and/or upon a contract, has the right to directly or indirectly dispose (including through purchase and sale, joint venture contract, commission, letter of authorisation or other transactions) more than half of the authorised capital or unit share of the organisation as prescribed by the legislation;
 - (2) organisations, where the same natural or legal person, based on participation thereof in the organisation and/or upon a contract, has the right to directly or indirectly dispose (including through purchase and sale, trust management, joint venture contract, commission or other transactions) more than half of the authorised capital or unit share of the organisations as prescribed by the legislation;

- (3) organisations and natural or legal persons, where they act in common economic interests, due to interrelatedness or control;
- (4) an organisation and a natural or legal person, where the natural or legal person, based on the founding documents of the organisation or upon a contract or otherwise, has the ability to predetermine the decisions (including conditions of conducting entrepreneurial activities) adopted by the organisation and/or to issue binding instructions related to main activities of the organisation;
- (5) organisations, where the same natural or legal person, based on the founding documents of the organisation or upon a contract or otherwise, has the ability to predetermine the decisions (including conditions of conducting entrepreneurial activities) adopted by the organisations and/or to issue binding instructions related to main activities of the organisations;
- (6) an organisation and a natural or legal person, where the single-person executive body and/or more than half of the members of the collegial executive body of the organisation have been elected or appointed, and/or more than half of the members of the management body of the organisation have been elected upon recommendation of the natural or legal person;
- (7) organisations, where the single-person executive bodies and/or more than half of the members of the collegial executive bodies of the organisations have been appointed or elected, and/or more than half of the members of the management bodies of the organisations have been elected upon recommendation of the same natural or legal person;
- (8) an organisation and a natural or legal person, where the natural or legal person has been exercising the powers of the single-person executive body of the organisation for at least one year;

- (9) organisations, where the same natural or legal person has been exercising the powers of the single-person executive bodies of the organisations for at least one year;
- (10) organisations where more than half of the members of the collegial executive body are the same natural persons;
- (11) natural and/or legal persons the trade facilities operated whereby are under common management or operate under the same trademark or other identification mark;
- (12) a natural person, his or her spouse, parent, child, adoptive parent, adoptive child, brother or sister;
- (13) an organisation and a natural or legal person, who are considered as a group of persons based on one of the grounds mentioned in this part, where these persons, based on their participation in the organisation and/or upon a contract, have the right to directly or indirectly dispose (including through purchase and sale, trust management, joint venture contract, commission or other transactions) more than half of the authorised capital or unit share of that organisation as prescribed by legislation;
- (14) natural and/or legal persons each of which are in a group of persons with the same person based on one of the grounds mentioned in this part, as well as other persons which are in a group of persons with one of the referred persons, based on one of the grounds mentioned in this part.

CHAPTER 2

ANTI-COMPETITIVE AGREEMENTS

Article 5. Anti-competitive agreements and prohibition thereof

1. Within the meaning of this Law, anti-competitive agreements shall be deemed to be transactions concluded between economic entities, their oral or written agreements, directly or indirectly coordinated actions or conduct, decisions adopted by unions of economic entities (hereinafter referred to as “agreements”), which lead or may lead to prevention, restriction, or blocking of competition, except for the cases provided for by part 9 of this Article.
2. Anti-competitive agreements shall be concluded (reached):
 - (1) between economic entities operating in the same goods market who are potential or actual competitors, where the agreement refers to the given goods market (horizontal agreement);
 - (2) between economic entities acquiring and selling in the same goods market who are not competitors, where the agreement refers to the given goods market (vertical agreement);
 - (3) between economic entities having certain interrelation or operating in different goods markets, which directly or indirectly lead or may lead to prevention, restriction, or blocking of competition, as well as other agreements not provided for by points 1 and 2 of this part (other agreement).
3. Horizontal anti-competitive agreements may particularly pertain to:
 - (1) distribution or division of the goods market or supply sources according to the volume of sale or acquisition, or assortment of the goods, or groups of sellers or acquirers, or territorial principle or otherwise;

- (2) obstructing entry of other economic entities into the goods market or exit from the goods market (restricting entry into the market or exit from the market), or ousting them from the market;
- (3) unjustified increase, decrease or maintenance of the prices of goods;
- (4) agreed direct or indirect setting, changing or maintenance of sale or purchase prices, rates, discounts, surplus, privileges or other terms of trade;
- (5) restriction of or control over a product, supply, technical development or modernisation, import, trade or investment;
- (6) import or unjustified decrease in or termination of production of goods to the detriment of the consumer interests or otherwise creation or maintenance of deficit in a goods market by means of retaining, spoiling or destroying goods;
- (7) arrangements with regard to the conditions or results of public procurement or tenders or auctions or falsification (distortion) of the results thereof or unjustified increase, decrease or maintenance of the prices of goods;
- (8) an arrangement not to organise commercial activities with certain sellers or acquirers;
- (9) offering or applying discriminatory conditions for the same goods;
- (10) forcing additional obligations on a party to a contract, including on trade facilities, which are not justified economically or technologically and are unfavourable for the party, or which, in their nature or in terms of fulfilment, are not related to the main subject-matter of the contract;
- (11) compelling not to enter into contractual relations, or compelling to terminate or suspend contractual relations with certain sellers or acquirers;

- (12) failure to give a permission or access — for a reasonable fee or under reasonable terms — to other economic entity(ies) for using or exploiting the transmission networks, other distribution networks or other infrastructures belonging to the participant(s) of the anti-competitive agreement, where such economic entities cannot objectively obtain permission or access from other economic entities to exploit or use such transmission networks, other distribution networks or other infrastructures and it is not possible to carry out activities in the goods market without it;
 - (13) other conditions or conduct, which lead or may lead to prevention, restriction, or blocking of economic competition.
4. Vertical anti-competitive agreements may particularly pertain to:
- (1) setting a resale price for the given goods for the acquiring economic entity, except for setting the maximum resale price for goods;
 - (2) refusal to acquire goods from a competitor or potential competitor of the selling economic entity, or the quantity, range, price or other conditions of the goods acquired from that economic entity, except for the cases when the acquiring economic entity operates under the trademark or other identification mark of the selling economic entity;
 - (3) failure to give a permission — for a reasonable fee or under reasonable terms — to other economic entity(ies) for using or exploiting the transmission networks, other distribution networks or other infrastructures belonging to the participant(s) of the anti-competitive agreement, where such economic entity cannot objectively obtain permission from other economic entities to exploit or use such transmission networks, other distribution networks or other infrastructures, and it is not possible to carry out activities in the goods market without it;

- (4) other conditions or conduct, which lead or may lead to prevention, restriction, or blocking of economic competition.
- 5. In the cases prescribed by points 1-12 of part 3 and points 1-3 of part 4 of this Article, the anti-competitive agreement exists regardless of potential or actual consequences.
- 6. Other anti-competitive agreements may particularly pertain to:
 - (1) restrictions on sale of goods in terms of territory, price or other characteristics;
 - (2) unjustified increase, decrease or maintenance of the prices of goods;
 - (3) refusal to acquire (sell) goods from (to) other economic entities;
 - (4) offering or applying discriminatory conditions for the same goods;
 - (5) establishing such a provision in transactions, which is not economically or technologically justified and is not favourable for a party, or which, in its nature or in terms of implementation, is not related to the main subject-matter of the transaction;
 - (6) compelling not to enter into contractual relations, or compelling to terminate or suspend contractual relations with certain sellers or acquirers;
 - (7) distribution or division of the goods market or supply sources according to the volume of sale or acquisition, or assortment of the goods, or groups of sellers or acquirers, or territorial principle or otherwise;
 - (8) obstructing (restricting entry into the market) entry of other economic entities into the goods market, or ousting them from the market;
 - (9) failure to give a permission — for a reasonable fee or under reasonable terms — to other economic entity for using or exploiting the transmission networks, other distribution networks or other infrastructures belonging to

the participant(s) of the anti-competitive agreement, where such economic entity cannot objectively obtain permission from other economic entities to exploit or use such transmission networks, other distribution networks or other infrastructures, and it is not possible to carry out activities in the goods market without it;

- (10) forcing terms of membership in professional or other unions or participation in their activities;
- (11) other conditions or conduct, which lead or may lead to prevention, restriction, or blocking of economic competition.

7. An anti-competitive agreement shall be deemed to be proven, where:

- (1) there are any factual data attesting to it (including any written document or other written evidence, video or audio recording), or any other evidence not prohibited by law;
- (2) it is evidenced by the actions or conduct of economic entities referred to in parts 3, 4 or 6 of this Article.

8. Concluding (reaching) anti-competitive agreements is prohibited.

9. The following shall not be deemed to be anti-competitive agreements:

- (1) vertical or other agreements of economic entities if the share in the relevant goods market of each of the parties to the agreement in question does not exceed 20 per cent;
- (2) agreements concluded by economic entities included in a group of persons if one of the economic entities has directly or indirectly established control over the other economic entity, and where the economic entities are under the direct or indirect control of one person, except for the agreements concluded by economic entities that perform such types of activities the simultaneous performance whereof by several economic entities included in a group of persons is proscribed by law;

- (3) vertical or other agreements, which do not prescribe any restrictions with regard to economic entities necessary for fulfilling the objectives of these agreements and do not create a possibility for prevention, restriction, and/or blocking of competition in the relevant goods market and if the economic entities prove that such agreements contribute or may contribute to:
- a. improvement of the production (sale) of goods or promotion of technical (economic) progress or increase in the competitiveness of goods produced in the member states of the Eurasian Economic Union in the global goods market;
 - b. receipt by consumers of the appropriate part of the advantages (benefits) gained as a result of such actions undertaken by the relevant persons.

(Article 5 supplemented by HO-44-N of 04 March 2022).

CHAPTER 3

COORDINATION OF ECONOMIC ACTIVITIES

Article 6. Coordination of economic activities

1. Coordination of economic activities shall be deemed to be coordination of the actions of economic entities by a natural person, economic entity, state body, or an official thereof, which is not included in a group of persons with any of such economic entities and is not engaged in the goods market where the coordination of the actions of the economic entities is being performed.

2. It shall be prohibited to carry out coordination of economic activities that leads and/or may lead to:
- (1) application or maintenance of prices (tariffs), discounts, supplements (additional payments), mark-ups;
 - (2) increase, reduction in or maintenance of prices during auctions, biddings, procurements or tenders;
 - (3) division of the goods market according to the territorial principle, volume of sale or acquisition of goods, assortment of sold goods or composition of vendors, buyers or clients;
 - (4) reduction in or termination of the production of goods;
 - (5) refusal to conclude contracts with specific vendors, buyers or customers;
 - (6) setting a resale price of goods, except for cases where the vendor sets for the buyer the maximum price at which the goods may be resold;
 - (7) the buyer's obligation not to sell the goods of an economic entity which is a competitor for the vendor. This prohibition does not extend to the conclusion of agreements reached with regard to organisation by the buyer of sale of goods bearing the trademark or any other identification mark of the vendor or producer;
 - (8) otherwise prevention, restriction, or blocking of competition.

CHAPTER 4

MONOPOLISTIC OR DOMINANT POSITION

Article 7. Monopolistic or dominant position

1. Within the meaning of this Law, an economic entity shall be deemed to have a monopolistic position in the goods market if the economic entity has no competitor as a seller or acquirer.
2. An economic entity shall be deemed to have a dominant position in a goods market if:
 - (1) it has a market power in the goods market, in particular, if it does not encounter any significant competition as a seller or acquirer, and/or based on its financial standing or other qualities has the ability to have a decisive influence on the general conditions of circulation of goods in that goods market and/or oust other economic entities from the goods market and/or obstruct their entry into the goods market; or
 - (2) in the goods market, as a seller or acquirer it captures at least one third of the given market in terms of sale or acquisition volumes; or
 - (3) each of the two economic entities having the largest sale or acquisition volumes in a goods market shall be deemed to have a dominant position in the specific goods market if they jointly capture, as sellers or acquirers, at least one third of the market in terms of sale or acquisition volumes; or
 - (4) each of the three economic entities having the largest sale or acquisition volumes in a goods market shall be deemed to have a dominant position in the specific goods market if they jointly capture, as sellers or acquirers, at least two thirds of the market in terms of sale or acquisition volumes.

3. Economic entities shall be deemed to be having a dominant position according to any of the grounds provided for by points 3 or 4 of part 2 of this Article, taking into account the specific aspects of the structure of the goods market concerned, in terms of distribution of the shares of the economic entities operating in that market.
4. An economic entity may not be deemed to have a dominant position according to any of the grounds provided for by points 3 or 4 of part 2 of this Article if as a seller or acquirer it does not capture more than one tenth of the market in terms of sale or acquisition volumes.
5. The economic entity referred to in this Article may provide evidence excluding the existence of its dominant position in the goods market concerned.
6. The [methodology and procedure](#) for determining the monopolistic or dominant position, including the market power, of an economic entity shall be prescribed by the Commission.

Article 8. Abuse of monopolistic or dominant position

1. Abuse of monopolistic or dominant position by economic entities (hereinafter referred to as “dominant position”) shall be prohibited.
2. Abuse of a dominant position shall be deemed to be the following:
 - (1) setting or applying unjustified or discriminatory sale or acquisition prices, or directly or indirectly forcing other trade conditions contradicting the legislation;
 - (2) directly or indirectly forcing or applying conditions contradicting the legislation of the Republic of Armenia, as a result whereof discriminatory conditions are created or may be created;

- (3) restricting trade or modernisation of production, or restricting investments of another economic entity;
- (4) unjustified reduction in or termination of import or production of goods to the detriment of the consumer interests, or creation or maintenance of deficit in a goods market by retaining, spoiling or destroying goods or by other means;
- (5) establishing or applying discriminatory conditions (including prices) with regard to other economic entities or consumers in other equal conditions;
- (6) forcing on a party to a contract or a person willing to conclude a contract, including trade facilities, economically and/or technologically unjustified conditions not favourable for them or not related to the subject matter of the contract;
- (7) compelling economic entities to reorganise, undergo liquidation or disrupt economic ties;
- (8) an action or conduct aimed at obstructing (restricting) entry of another economic entity into the market or ousting them from the market, as a result whereof the other economic entity failed to enter the market or was ousted from the market or incurred additional expenses in order not to be ousted from the market, or as a result whereof the other economic entity might have failed to enter the market or might have been ousted from the market or might have incurred additional expenses in order not to be ousted from the market;
- (9) failure to give a permission — for a reasonable fee or under reasonable terms — to other economic entity for using or exploiting the transmission networks, other distribution networks or other infrastructures belonging to an economic entity having a dominant position, where such economic entities cannot objectively obtain permission from other economic entities

to exploit or use such transmission networks, other distribution networks or other infrastructures, and it is not possible to carry out activities in the goods market without it;

- (10) offering or applying such conditions that create or may create discriminatory conditions, unless similar conditions have been offered to the other economic entities operating in the same goods market;
 - (11) setting, changing or maintaining sale or acquisition prices discounts or privileges, where they lead or may lead to prevention, restriction or blocking of competition;
 - (12) unjustified increase, decrease or maintenance of the price of goods;
 - (13) setting and/or applying unjustifiably high or low prices;
 - (14) refusal or avoidance, for economically and/or technologically unjustified reasons, to conclude a contract with an acquirer of goods or one willing to acquire goods, provided that it is possible to produce and/or sell these goods;
 - (15) forcing terms of membership in professional or other unions or participation in their activities;
 - (16) establishing or applying other conditions or conduct, which lead or may lead to prevention, restriction or blocking of economic competition.
3. In case of abusing the dominant position two or more times in a year, the Commission may adopt a decision on disaggregation (division, separation, alienation of unit shares or means), which shall be subject to enforcement by the economic entity not later than within 6 months following the entry into force of that decision.
4. In case of failure to comply with the decision of the Commission on disaggregation of the economic entity, the economic entity shall be subject to reorganisation through judicial procedure.

Article 9. Unjustifiably high price

1. A sale or acquisition price set by an economic entity having a dominant position shall be deemed to be an unjustifiably high price, where it is concurrently:
 - (1) higher than the sum of the expenses made for production and sale of the goods concerned and the profit gained;
 - (2) higher than the price formed in competitive conditions in a goods market which is comparable in terms of its composition of acquirers or sellers of goods, conditions of circulation of goods, conditions of accessibility of the goods market or state regulation, including tax and customs regulation (hereinafter referred to as "comparable goods market") in case of existence of such a market in the territory of the Republic of Armenia or outside the territory of the Republic of Armenia, except for the cases provided for by this Law.
2. A price of goods shall not be deemed to be unjustifiably high if it:
 - (1) has been set within the tariff limits prescribed by the legislation of the Republic of Armenia by economic entities operating in a public service sector;
 - (2) has been set as a result of an innovative activity, i.e. an activity which leads to creation of new non-substitutable goods, or of a new substitute, or is carried out through a new production process, including by applying a new technology;
 - (3) has been set for goods that have low consumption, very limited production, peculiarities by price, quality, marketing and other features (branded goods).
3. When considering whether a price is unjustifiably high as prescribed by part 1 of this Article, the Commission may, based on the specific aspects of each case, take into consideration the exchange and non-exchange price indicators established in the relevant global goods markets.

Article 10. Unjustifiably low price

1. A sale or acquisition price set by an economic entity having a dominant position, which is less than the sum of the expenses made for production and sale of the goods concerned and the profit gained, as well as less than the price formed in competitive circumstances in a comparable goods market, shall be deemed to be an unjustifiably low price provided that such a market exists in the territory of the Republic of Armenia or outside the territory of the Republic of Armenia, except for the cases provided by this Law.
2. A price of goods shall not be deemed to be unjustifiably low if:
 - (1) it has been set within the tariff limits provided for by the legislation of the Republic of Armenia by economic entities operating in the sector of provision of public services;
 - (2) setting of the price has not led or could not have led to prevention, restriction and/or blocking of competition due to reduction in the number of economic entities not considered as a group of persons with the sellers and acquirers of the goods in the goods market.

CHAPTER 5

STRONG NEGOTIATING POSITION

Article 11. Strong negotiating position

1. An economic entity shall have a strong negotiating position, where:
 - (1) it can ensure the entry of relevant goods into the sales market due to its significant influence or infrastructure in the relevant sector, and it is not

possible for the economic entity having concluded or willing to conclude a contract with it to sell such goods to the consumers without cooperation with the given economic entity, or the alternative is economically unjustified; or

- (2) four or more trade facilities (a trade network) the annual sales revenue whereof exceeds the total sum of AMD 3 billion are (is) under the common management of that economic entity; or
 - (3) four or more trade facilities (a trade network) the annual sales revenue whereof exceeds the total sum of AMD 3 billion operate under the same trademark or other identification mark owned or used by that economic entity.
2. The existence of the strong negotiating position prescribed by point 1 of part 1 of this Article shall be determined by taking into consideration the following:
- (1) nature or history of the economic or other relationship between the seller and the acquirer; or
 - (2) specifics of the sector or the goods being sold; or
 - (3) the scope of business activities of such economic entities; or
 - (4) amount of the revenue of such economic entities; or
 - (5) degree of interdependence of the economic entities selling and acquiring; or
 - (6) possibility to find an alternative trading partner or other sources of sales or infrastructure, as well as the economic expediency.

Article 12. Abuse of the strong negotiating position

1. Abuse of the strong negotiating position by economic entities shall be prohibited.
2. Abuse of a strong negotiating position shall be an action or conduct of an economic entity not justified by economic conditions or factors and harms or may harm the interests of a party with a weak position in the negotiations.
3. Abuse of a strong negotiating position shall be considered as the following:
 - (1) unjustified refusal to acquire goods;
 - (2) establishing or applying discriminatory conditions;
 - (3) unreasonable termination of entrepreneurial relations;
 - (4) forcing privileges, including discounts, provision of additional services, for which no action is taken by the economic entity with a strong negotiating position;
 - (5) unilateral and frequent change of the terms of the contract or cooperation without the consent or knowledge of the party to the contract;
 - (6) levy of unjustified additional fees for the presentation and sale of goods of the sellers in the trade facility;
 - (7) establishing or applying artificial dissimilar approaches to the prices, the manner of displaying, location of competing goods and other conditions essential for sale in trade networks belonging to the entity with a strong negotiating position;
 - (8) forcing on a party to a contract terms that pertain to:
 - a. prohibition of concluding a contract with another economic entity;
 - b. provision of information on the contract being concluded with another economic entity;
 - c. compensation for damages by the economic entity for the spoilage,

damage, loss or destruction of the goods supplied and deemed to be the property of the trade network, except for the case when it has happened through the fault of the economic entity;

- d. compensation by the economic entity for expenses that are not connected with the implementation of the contract on supply of goods or further sale of goods;
 - e. envisaging an obligation for the return of goods that have not been sold for a certain period of time, except for the cases when the requirement for the return of goods is prescribed by the legislation of the Republic of Armenia or the contract;
 - f. selling the goods under the trademark indicated by an entity with a strong negotiating position;
 - g. prohibition of discounts or promotional offers, of setting privileges while selling the goods;
- (9) forcing the supply without a written contract or other written document confirming the transaction;
- (10) forcing other conditions that are detrimental for the other party to the trade relationship by the economic entity with a strong negotiating position;
- (11) other action or conduct which contains the features of part 2 of this Article.

(it is impossible to make the amendment of Article 1 of the Law [HO-112-N](#) of 03 March 2021 to Article 12, as the Law has already been fully edited by the Law [HO-92-N](#) of 03 March 2021, as a result whereof the indicated words are missing)

CHAPTER 6

CONCENTRATION

Article 13. Concept of concentration of economic entities

1. The following shall be deemed to be concentration of economic entities:
 - (1) absorption between economic entities registered in the Republic of Armenia;
 - (2) consolidation of economic entities registered in the Republic of Armenia;
 - (3) acquisition by an economic entity of the assets of another economic entity registered in the Republic of Armenia where, as of the moment of filing the declaration of concentration, their value per se or in sum with the value of the assets acquired from the given economic entity within three years preceding the transaction constitutes 20 percent or more of the assets of the economic entity selling the asset;
 - (4) acquisition by an economic entity of the unit share of another economic entity registered in the Republic of Armenia, where it per se constitutes at least 20 percent of the authorised capital (share capital) of such economic entity and where in sum with the value of the unit share already belonging to the acquirer constitutes 20 percent or more of the authorised capital (share capital) of such economic entity;
 - (5) acquisition of the right to use the object of intellectual property, including means of identification, as a result of which the economic entity may have an impact on the competitive situation in a goods market in the Republic of Armenia;
 - (6) any transaction, action, reorganisation or conduct of economic entities due to which the economic entity may directly or indirectly influence the

adoption of decisions or the competitiveness of another economic entity, or may directly or indirectly influence the adoption of decisions or the competitiveness of another person or may have an impact on the competitive situation in a goods market in the Republic of Armenia;

- (7) establishment of a legal person in the Republic of Armenia by more than one economic entity, which will act as an independent economic entity.
2. Economic entities reorganised through absorption shall be deemed to be parties to an absorption.
3. Economic entities that are being consolidated shall be deemed to be parties to the consolidation.
4. In case of acquisition of assets, the economic entities selling and acquiring the assets shall be parties to the concentration.
5. In the case of acquisition of a unit share, the economic entity acquiring the unit share and the economic entity in the authorised capital (share capital) whereof a unit share is acquired, shall be parties to the concentration.
6. In the case of points 5 and 6 of part 1 of this Article, economic entities that are participants of legal relationship shall be deemed to be parties to the concentration.
7. In the case prescribed by point 7 of part 1 of this Article, founding economic entities shall be deemed to be parties to the concentration.
8. Within the meaning of this Law, concentration shall take place:
 - (1) in the same goods market (horizontal concentration);
 - (2) in different goods markets having certain interrelation (vertical concentration);
 - (3) in different goods markets (mixed concentration).

9. The following shall not be deemed to be concentration:
- (1) reorganisations, actions or transactions of economic entities referred to in part 1 of this Article, that take place between economic entities considered as a group of persons, pursuant to Article 4 of this Law, except for the cases provided for by points 8 and 9 of part 1 of Article 4 of this Law, where the conditions of Article 14 of this Law have been observed;
 - (2) transactions on the acquisition of securities listed on stock exchanges;
 - (3) transactions concluded through auctions based on a judicial act;
 - (4) inheritance acceptance.

Article 14. Procedure for informing about reorganisations, operations or transactions carried out within a group of persons

1. The economic entities considered as a group of persons shall, within 10 days following the performance of reorganisations, actions or transactions referred to in part 1 of Article 13 of this Law, inform the Commission.
2. The group of persons shall be obliged to comply with the following requirements:
 - 1) the list of economic entities included in the group of persons, justifications for them as to being a group of persons presented in the manner approved by the decision of the Commission shall be submitted to the Commission at least one month prior to the relevant reorganisation, action or transaction referred to in part 1 of Article 13 of this Law;
 - 2) the list of economic entities included in the group of persons shall not be changed at the time of the relevant reorganisation, action or transaction referred to in part 1 of Article 13 of this Law, as compared to the list submitted to the Commission;

- 3) the list of economic entities included in the group of persons shall be based on reliable information and not contain false data.
3. The Commission shall, within 10 days following the receipt of the list of group of persons, submit the following notifications to the applicant:
 - (1) on receiving the list and posting it on the official website of the Commission, except for information containing secret protected by law;
 - (2) on failure to observe the form or requirements prescribed by the decision of the Commission.
4. [The procedure, form and time](#) limits for submitting the list of economic entities included in the group of persons and justifications to the Commission shall be prescribed by the Commission.
5. In case of submitting the list of group of persons in violation of the form and requirements prescribed by the decision of the Commission, the list of group of persons shall be deemed to be not submitted.
6. In case of detecting unreliable data in the list of group of persons submitted to the Commission, the person having submitted it shall be subject to liability, and the list shall be removed from the official website of the Commission.

Article 15. Concentration subject to declaration

1. Concentration of economic entities shall, before being put into effect, be subject to declaration, where:
 - (1) the total value of the assets of the parties to the concentration or the value of the assets of at least one of the parties has exceeded, at the time of submitting a concentration declaration or during the last financial year preceding it, the assets value prescribed by the Commission decision;

- (2) the total amount of the revenues of the parties to the concentration or the amount of the revenues of at least one of the parties has exceeded, during the last financial year preceding the moment of submitting a concentration declaration, the amount of the revenues prescribed by the Commission decision;
 - (3) the total amount of the revenues of the parties to the concentration having failed to carry out activities during the financial year preceding the year of submitting a concentration declaration or having carrying out activities within a period less than 12 months, or the amount of revenues of at least one of the parties calculated for 12 months preceding the moment of submitting a concentration declaration, has exceeded the amount prescribed by the Commission decision;
 - (4) at least one of the parties to the concentration has a dominant position in a goods market in the Republic of Armenia.
2. In case of a group of persons, the calculation of the value (amount) of the assets or revenues provided for by part 1 of this Article shall be based on the sum total of the value (amount) of the assets or revenues of economic entities included in the group of persons.

CHAPTER 7

UNFAIR COMPETITION

Article 16. Unfair competition

1. Any action or conduct of an economic entity contradicting this Law, other laws, regulatory legal acts or customary business practices, violating the principles of

fairness, i.e. integrity, equity, truthfulness and/or impartiality among economic entities, or among economic entities and consumers or acquirers, shall be deemed to be unfair competition.

2. Unfair competition shall be prohibited.
3. The cases provided for by Articles 17-24 of this Law, as well as other actions complying with the features of part 1 of this Article, shall be deemed to be unfair competition.
4. The Commission shall decide on whether there are features of offences as described in Articles 16-24 of this Law.

Article 17. Creating confusion regarding an economic entity or its business

1. Any action or conduct of an economic entity, which creates or may create confusion regarding another economic entity, its activities or goods offered by it, shall be deemed to be an unfair competition, including:
 - (1) use of a name, a sign, a symbol, a sound or a word on goods sold in the territory of the Republic of Armenia or otherwise put into circulation, on their packaging or labels or in other information related to the product or in the names of the Internet domain or in advertisements, which is identical or confusingly similar to a well-known trademark or a service mark or a trade name of another economic entity protected in the Republic of Armenia or used earlier by that economic entity;
 - (2) duplication or imitation of a product put into civil circulation by another economic entity, its appearance or packaging, colour combination or other non-functional characteristics;
 - (3) illegal use of a design identical or confusingly similar to an industrial design of another economic entity protected in the Republic of Armenia;

- (4) actions or conduct creating confusion regarding participants of the civil circulation, goods, other identification marks, e.g. business symbols, signs or letters substituting words, slogans, goods or company characteristics (staff outfit, furnishing of trade facility, design of showcases, etc.);
- (5) actions or conduct creating confusion with regard to the manner in which goods are introduced, including advertisement, uniform, style of demonstration of goods;
- (6) use of names of distinguished persons, popular figures in literature, arts or sports; names, other information, images of other popular persons; full or partial reproduction, copy or otherwise use of works, their titles, texts or images without appropriate consent (permission);
- (7) use of another identification mark or website design identical or confusingly similar to the identification mark or website design of another economic entity on the Internet or in other global computer telecommunication networks, in any means of transmission, including in domain names.

Article 18. Unfair competition related to the acquisition and exercise of exclusive rights over identifications marks of participants of the civil circulation, goods, works or services

1. The act or conduct related to the acquisition or exercise of exclusive rights over identification marks of participants of the civil circulation, goods, works or services, aimed at expelling another entity from the goods market, obstructing the entry into the goods market, restricting or hindering the activity of another economic entity or otherwise restricting competition in the goods market, shall be deemed to be unfair competition.

Article 19. Unfair competition expressed by use of results of intellectual activity

1. Production, sale, offer for sale by an economic entity of a product or otherwise putting it into civil circulation through illegal use of the protected result of intellectual activity (without permission of the right holder thereof), where the characteristics of the offences provided for in Articles 17 or 24 of this Law are not present, shall be deemed to be unfair competition.

Article 20. Defaming an economic entity or its business

1. Any false, inaccurate, distorted or unjustified statement which defames or may defame an economic entity, its business or goods offered by it, including defamation as regards the goods production or selling process, their suitability for a certain purpose, quality, quantity or other characteristics or offer and delivery conditions or price or price calculation method in the course of measures taken to contribute to the advertising or promotion of goods, shall be deemed to be an unfair competition.

Article 21. Misleading the public

1. Unfair competition shall be deemed to be the act of misleading the public, including:
 - (1) any action or conduct that misleads or may mislead the public about an economic entity, its business or goods offered by it, measures taken to contribute to the advertising, promotion or sale thereof, the geographic origin of goods, or the characteristics and conditions listed in Article 20 of this Law;

- (2) any unjustified exaggeration of the quality of goods or failure to mention relevant information on the quality, quantity or other characteristics or the acquisition or sale of goods or presenting the information in such a way which may lead to false impression (misinformation);
 - (3) providing deficient or fraudulent or incomplete data (information) in an advertisement (when advertising) or when selling, or absence of data (information) or providing data (information) in such a way that prevents the consumer from forming an overall understanding of the sold or advertised goods or the economic entity;
 - (4) advertisements in breach of the law, including unfair or illegal ones, or those made in violation of the reliability or expediency, which may prevent, restrict or prohibit economic competition or harm the consumer interests.
- 2. This article shall not apply to acts or conduct that may cause harm to the life, health, safety of consumers, public or state security or the environment.
 - 3. The concepts used in point 4 of part 1 of this Article shall be applied within the meaning of the Law “On advertising”.

Article 22. Harm caused to reputation and goodwill of an economic entity

- 1. Any action or conduct which harms or may harm the reputation or goodwill (intangible assets) of an economic entity, which, as a general rule, may result from impairment of one’s reputation or goodwill associated with the objects provided for by part 1 of Article 17 of this Law, shall be deemed to be unfair competition.
- 2. Impairment of one’s reputation or goodwill is also the diminution of distinguishing features or advertising merits (significance) referred to in part 1 of Article 17 of this Law, particularly by using — for completely different goods — a mark similar or identical to a trademark protected in the Republic of Armenia or having become recognised for certain goods.

Article 23. Making inappropriate comparisons

1. Making an inappropriate, i.e. inadequate, improper comparison by an economic entity between the goods produced or sold by it and goods produced or sold by other economic entities, shall be deemed to be unfair competition.

Article 24. Unfair competition with regard to non-disclosed information

1. Unfair competition shall be deemed to be any action or conduct which leads to obtainment, use, disclosure or publication of non-disclosed information without the consent of its lawful holder or in a manner that contradicts customary business practices, including:
 - (1) industrial, commercial espionage or forcing into such espionage;
 - (2) breach of a contract related to non-disclosed information or forcing into such breach;
 - (3) breach of confidentiality or forcing into such breach;
 - (4) obtainment of non-disclosed information by a third party who was aware or could have been aware that such obtainment implies commission of any act referred to in the preceding points of this part.

CHAPTER 8

STATE SUPPORT

Article 25. State support and prohibition thereof

1. Within the meaning of this Law, state support shall be deemed any support directly or indirectly provided by a body providing state support to an economic

entity or a certain group of economic entities, or for certain goods or to a certain field (including subsidy or grant, aid, credit, loan, property, privileges, other financial means or other conditions), due to which such advantages are created for economic entities which the economic entities otherwise would not have in the conditions of economic competition in case of absence of the support granted.

2. State support, which directly or indirectly leads or may lead to prevention, restriction or blocking of competition in a goods market, or harms or may harm consumer interests, shall be prohibited except for the cases when the mentioned support is provided for by law or is aimed at protection of the environment, mitigation of the climate change impact and adaptation thereto, solution of problems of social nature, compensation for damages caused due to natural disasters or other exceptional cases, development of border communities, balanced territorial development, protection of cultural heritage, fulfilment of obligations provided for by law or an international treaty.
3. The body (organisation) initiating the provision of state support, or the economic entity applying for it, shall be entitled to apply to the Commission for authorisation prior to the provision of state support or applying for it.
4. The Commission shall, in the case prescribed by part 3 of this Article or on its own initiative, assess the feasibility of the state support.
5. The economic entity having received the state support prohibited shall be obliged to return the individually determined property received as a state support in the manner and within the time limits prescribed by the decision of the Commission. The state support received in another way shall be subject to termination in the manner and within the time limits prescribed by the decision of the Commission.
6. The Commission shall maintain a uniform register for state support, [the form and procedure](#) for the maintenance whereof shall be prescribed by the Commission.

7. After providing the state support, the bodies providing state support shall submit information on the state support provided thereby to the Commission. The Central Bank may not submit information on the provided state supports to the Commission.
8. [The procedure, form and time](#) limits for providing information to the Commission by the bodies having provided state support shall be established by the Government.

CHAPTER 9

ANTI-COMPETITIVE ACTIONS OF STATE BODIES AND OFFICIALS THEREOF

Article 26. Prohibition of anti-competitive actions or conduct of state bodies and their officials

1. Actions or conduct or acts of state bodies or their officials that lead or may lead to prevention, restriction or blocking of economic competition, as well as harm the consumer interests, shall be prohibited.
2. An action or conduct of a state body or its official preventing, restricting or blocking economic competition shall be the following:
 - (1) establishing and/or applying discriminatory conditions with respect to an economic entity;
 - (2) restricting or blocking entrepreneurial activities, except for cases provided for by law;
 - (3) issuing directives, assignments, instructions, recommendations or orders to economic entities in relation to the implementation of their entrepreneurial

- activities (regarding goods, transactions concluded or other matters), except for cases provided by law;
- (4) envisaging an obligation for acquirers or sellers of goods restricting their right to free choice of goods or counterparties;
 - (5) agreements with other state bodies or economic entities or their officials, including transactions, arrangements, directly or indirectly coordinated actions or conduct, which lead or may lead to prevention, restriction or blocking of competition, as well as may harm the consumer interests.
3. Actions or conduct, provided for by part 1 of this Article, by a state body or its official within the scope of powers thereof, pursuing legitimate purposes, shall not be deemed as anti-competitive, except for the case when other method for achieving that purpose, which is less restrictive for economic competition and not prohibited by law, exists.
4. The state body or its official may, before committing relevant action, concluding a transaction or adopting a legal act, apply to the Commission for an opinion on the issues of prevention, restriction, blocking of economic competition and/or harming the consumer interests, as well as other issues related to economic competition or protection of economic competition.

CHAPTER 10

COMPETITION PROTECTION COMMISSION

Article 27. Status of the Commission and functions thereof

1. The Commission is an autonomous body, which shall ensure the freedom of economic activity, free economic competition, fair competition and the necessary

environment for entrepreneurship development, and shall ensure protection of the consumer interests.

Article 28. Composition of the Commission and requirements for members

1. The Commission shall be composed of seven members: a Chairperson and six members.
2. Positions of the members of the Commission shall be autonomous.
3. A person who is a citizen of 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 discretionary position, or in other positions involving organisational, management, supervision or coordination functions (regardless of performing such works in the public or private sector) may be appointed as a member of the Commission.
4. At least one of the members of the Commission must have higher education in law and at least one in economics.

Article 29. Procedure for formation of the Commission

1. The Commission Chairperson and other members thereof shall be appointed by the National Assembly as prescribed by the Constitutional Law “Rules of Procedure of the National Assembly”.
2. The same person may be appointed as Chairperson of the Commission or, for the whole term of powers, as a member of the Commission, for not more than two consecutive terms.
3. Member of the Commission may not be the person who:
 - (1) does not comply with the requirements prescribed by part 3 of Article 28 of this Law;

- (2) has attained the age of 65;
 - (3) has been declared as having no or limited active legal capacity by a judgement having entered into legal force;
 - (4) has been convicted, by a criminal judgment of the court having entered into legal force, for a crime committed intentionally;
 - (5) has been deprived of the right to hold a certain position as prescribed by law.
 - (6) has a disease hindering his or her appointment as a judge, provided for by the list established by the Government.
4. The right to nominate a candidate for the vacant position of the Commission Chairperson shall be reserved to the Government. The right to nominate a candidate for the vacant positions of the other members of the Commission shall be reserved to the Government, ruling faction of the National Assembly and the opposition faction of the National Assembly, successively.
5. The candidate for the vacant positions of the Chairperson or a member of the Commission shall be nominated within a period of one month after being informed of it, as prescribed by part 7 of Article 35 of this Law, as well as when the National Assembly fails to adopt a decision on appointing a Chairperson or a member of the Commission. Where no candidate is nominated by the Government or the ruling faction of the National Assembly for the position of the member of the Commission within the time limits prescribed, the same body shall nominate a candidate for that position within a period of one month. Where no candidate is nominated by the opposition faction of the National Assembly for the position of the member of the Commission within the time limit prescribed, the ruling faction of the National Assembly shall nominate a candidate for that position within a period of one month.

6. The appointment of the Chairperson or a member of the Commission shall be done within a period of one month after expiry of the time limit prescribed for nominating a candidate for that position. Where the decision of the National Assembly on appointing a member of the Commission is not adopted, the right to nominate by the same body a candidate for that position shall be retained.

Article 30. Term of office of a Commission member

1. The Chairperson and other members of the Commission shall be appointed for a term of five years, except for the case provided for by part 3 of this Article.
2. In case of appointment to the position of a member of the Commission before the position becomes vacant, the term of office of the member of the Commission shall start from the day when that position becomes vacant.
3. In case of early termination or termination of powers of a member of the Commission, a new member of the Commission shall be appointed for the remaining period of the unexpired term of office of the previous member. Where the remaining term of office is less than one year, the term of office of the new member of the Commission shall be prescribed five years, plus the remaining period. In case the position of a member of the Commission has become vacant due to appointment of the member holding that position to the position of the Chairperson of the Commission, the new member of the Commission shall be appointed to that vacant position for the remaining period of the term of office of the Commission Chairperson. Where the unexpired term of office of the Commission Chairperson is less than one year, the term of office of the member of the Commission shall be prescribed five years, plus the remaining period.
4. If one of the members of the Commission is appointed as a Chairperson of the Commission, he or she shall hold office until the expiry of his or her term of

office as a member of the Commission. Where the remaining term of office is less than one year, the term of office of the Commission Chairperson shall be prescribed five years, plus the remaining period.

5. A member of the Commission shall serve in office until the age of 65.

Article 31. Guarantees for activities of a Commission member

1. A member of the Commission shall be independent and act in accordance with the Constitution and laws.
2. Remuneration for a member of the Commission shall be prescribed in compliance with his or her high status and responsibility.
3. A Commission member 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 crime in his or her action.
4. A member of the Commission may not give an explanation or be interrogated in connection with the administrative proceedings conducted by the Commission during his or her term of office or after it, except for the case of investigation of errors and abuses committed during the proceedings concerned.
5. Criminal prosecution against a member of the Commission with respect to the exercise of his or her powers may be instituted, or a member of the Commission may be deprived of liberty based on the motion of the Prosecutor General only upon the consent of the Commission, by at least two thirds of the votes of the total number of the Commission members. A member of the Commission may be deprived of liberty without the consent of the Commission when he or she has been caught at the time of committing a criminal offence or immediately thereafter. In this case, deprivation of liberty may not last more than seventy-two hours. The Commission Chairperson shall be immediately notified of the deprivation of liberty of a member of the Commission.

6. A member of the Commission and his or her family members shall be under the special protection of the State. In case of an unlawful influence on a member of the Commission, his or her family members, the residential and working premises occupied by him or her and other property, or a threat thereof, the member of the Commission shall report to the competent state bodies. The competent state bodies shall, upon application of the member of the Commission, be obliged to take necessary measures to ensure the security of the member of the Commission, his or her family members, the residential and working premises occupied by him or her and other property.

Article 32. Incompatibility requirements for a Commission member

1. A Commission member may not be engaged in entrepreneurial activities, hold any position in state bodies not related to his or her status, any position in commercial organisations, engage in any political party or perform other paid work, except for scientific, educational and creative work.
2. A member of the Commission shall show political restraint in his or her public speeches and neutrality.

Article 33. Chairperson of the Commission

1. The Commission Chairperson shall:
 - (1) within the scope of his or her competence, represent the Commission in the Republic of Armenia, other states and at international organisations;
 - (2) manage and coordinate the regular activities of the Commission, give assignments to employees appointed by him or her for this purpose, perform distribution of working duties among the members of the Commission;

- (3) convene and preside over the sittings of the Commission, approve the agenda of the sitting;
 - (4) sign the decisions and opinions of the Commission;
 - (5) organise the implementation of those decisions of the Commission referred to the Commission;
 - (6) approve the staff list of the Commission, act as the representative of the employer for the members of the Commission and employees appointed by him or her, hire and dismiss employees of the staff of the Commission within the scope of his or her competences, act on behalf of the Commission in the court, issue letters of authorisation to act on behalf of the Commission, adopt orders, including orders on conducting an inspection, test purchase, external surveillance, monitoring or survey, exercise other powers vested in him or her by law;
 - (7) establish a public council adjunct to the Commission, approve the procedure for its establishment and activities.
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 incapacitation, discontinuation, termination or suspension of powers of the Chairperson of the Commission, the eldest member of the Commission shall substitute the Chairperson of the Commission.

Article 34. Member of the Commission

- 1. A Commission member shall:
 - (1) participate in the sittings of the Commission and vote, may have speeches, come up with questions and recommendations during the Commission sitting;

- (2) submit a special opinion in case of having an opinion differing from the opinion of the majority;
- (3) coordinate, within the scope of his or her coordination powers, activities of the structural sub-division or the works performed thereby, give assignments and exercise supervision over the execution thereof, ensure implementation of the assignments of the Commission Chairperson;
- (4) convene consultations, organise discussions, cooperate with other bodies and organisations within the scope of his or her coordination powers;
- (5) sign official documents on behalf of the Commission, mark decisions and other documents of the Commission within the scope of his or her coordination powers;
- (6) submit recommendations to the Commission and Chairperson of the Commission;
- (7) exercise other powers provided for by law.

Article 35. Discontinuation, termination and suspension of powers of a member of the Commission

1. Powers of a member of the Commission shall discontinue, where:
 - (1) he or she has attained the age limit for holding office;
 - (2) his or her term of office has expired;
 - (3) he or she has lost citizenship of the Republic of Armenia or has acquired citizenship of another State;
 - (4) he or she has submitted a letter of resignation as prescribed by the Constitutional Law “Rules of Procedure of the National Assembly”;

- (5) he or she has been declared as having no active legal capacity, having limited active legal capacity, missing or dead based on a court judgment having entered into legal force;
 - (6) a criminal judgment of conviction has been rendered against him or her, which has entered into legal force;
 - (7) he or she has deceased;
 - (8) he or she has been deprived of the right to hold a certain position as prescribed by law.
2. Powers of a member of the Commission shall be terminated based on the opinion submitted by the Commission, as prescribed by the Constitutional Law “Rules of Procedure of the National Assembly”, where:
- (1) he or she has acquired a disease hindering his or her appointment as a judge, provided for by the list established by the Government;
 - (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 for a Commission member;
 - (5) he or she regularly failed to perform his or her official duties or performed them improperly;
 - (6) it was revealed during the term of office that, at the moment of appointment, he or she did not comply with the requirements for a member of the Commission, or there were grounds hindering the appointment.

3. The powers of a member of the Commission shall discontinue, where his or her powers as a member of the Commission have discontinued and have been terminated.
4. The Commission Chairperson or the member of the Commission substituting him or her shall forward the opinion provided for by part 2 of this Article to the Chairperson of the National Assembly within three days following its adoption.
5. The powers of the member of the Commission shall be suspended in case of adoption of the opinion provided for by part 2 of this Article.
6. When submitting a letter of resignation to the National Assembly, the member of the Commission shall immediately inform the Chairperson of the Commission, as well as the body upon the recommendation whereof he or she has been appointed as a Commission member.
7. Not earlier than three months and not later than two months before the expiry of the term of office of the member of the Commission, and within three days following the day when a position for a member of the Commission becomes vacant due to another reason, the Chairperson of the Commission or the member of the Commission substituting him or her as prescribed shall inform about it to the Chairperson of the National Assembly, as well as the body having the competence to nominate a candidate for that position, by concurrently submitting the requirements for the candidate prescribed by parts 3 and 4 of Article 28 of this Law.

CHAPTER 11
GENERAL RULES OF ACTIVITIES OF THE COMPETITION
PROTECTION COMMISSION

Article 36. Activities of the Commission

1. The Commission shall carry out its activities in accordance with the Constitution, this Law and other legal acts, and shall be independent while exercising its functions and powers.
2. The details of the procedures for exercising the functions and powers of the Commission shall be established by the Rules of Procedure of the Commission.

Article 37. Powers of the Commission

1. The Commission shall:
 - (1) exercise supervision over the compliance with the legislation on the protection of economic competition;
 - (2) implement measures preventing violations of the legislation on protection of economic competition, including:
 - a. approve consultative guidelines, other documents related to the economic competition;
 - b. inform the public about issues related to economic competition;
 - c. provide clarifications on issues related to the application of the legislation on the protection of economic competition;
 - d. in the cases provided for by this Law, adopt an opinion on the actions, transactions and draft legal acts of economic entities, state bodies or their officials;

- e. issue a warning to economic entities, state bodies or their officials regarding the actions and/or conduct that may lead to prevention, restriction, blocking of economic competition or unfair competition or harming the consumer interests;
- (3) initiate proceedings on the occasion of offence in the field of economic competition and subject economic entities, state bodies and their officials to liability for violating this Law, by assigning to correct the violation within the time limits prescribed thereby and exclude it in the future;
 - (4) exercise supervision over the exercise of (compliance with) the decision of the Commission;
 - (5) conduct a sectoral study;
 - (6) apply to the superior of a state body or its official with a motion to terminate the actions or conduct contradicting this Law, and in case of no superior — to the state body or its official;
 - (7) apply to the court with a claim to declare unlawful or invalid the acts, actions and inaction of state bodies and their officials violating the legislation on protection of economic competition, to cancel them or refrain from them, if it is not possible to resolve that dispute through administrative proceedings;
 - (8) apply to the court with the requests for liquidation, enforced reorganisation of the economic entity, as well as declaring invalid the transactions concluded between the economic entities in violation of this Law;
 - (9) in the cases prescribed by law, apply to the bodies carrying out operational intelligence activity in order to receive assistance in the prevention or detection of offences in the field of economic competition;

- (10) in case of proceedings initiated against a legal person and pending, as well as obligations established by the Commission and not fulfilled, apply to the body granting state registration to legal persons in order to prohibit the liquidation or redomiciliation of the given legal person by the Commission;
- (11) summarise the experience in applying the legislation on the protection of economic competition and develop recommendations on its improvement;
- (12) participate in development of legal acts regulating the state policy in the field of economic competition;
- (13) approve its [Rules of Procedure](#);
- (14) prescribe the methodology and [procedure](#) for determining the monopolistic or dominant position of an economic entity;
- (15) prescribe the [procedure](#) for determining goods markets;
- (16) prescribe the [procedure, form and time](#) limits for submitting the list of economic entities included in the group of persons and justifications to the Commission;
- (17) prescribe the amounts of assets and revenues of parties to the concentration subject to declaration, [procedure](#) for declaration of concentration and [declaration form](#);
- (18) prescribe the [procedure](#) for video-recording and photographing the process of inspection, test purchase, survey, external surveillance and monitoring;
- (19) prescribe the [form](#) of records on the results of the surveys and test purchases;
- (20) prescribe the [procedure](#) for disposing goods acquired as a result of test purchases;

- (21) prescribe the [methodology](#) for choosing a measure of liability and calculation of the fine;
- (22) prescribe the [procedure](#) for submitting and considering applications on exempting the economic entity party to the anti-competitive agreement from imposing a measure of liability;
- (23) prescribe the [procedure](#) for reducing the amount of fine imposed on the economic entity party to the anti-competitive agreement;
- (24) prescribe the [procedure](#) and conditions for submitting documents to the Commission, classifying cases according to the types, maintaining cases on administrative proceedings, registers for record-registration thereof and registers for record-registration of administrative acts, as well as other rules of record-keeping of the Commission;
- (25) prescribe the [procedure](#) for submitting the report subject to encryption and the procedure for encrypting it;
- (26) prescribe the [procedure](#) for accreditation of journalists in the Commission;
- (27) prescribe the [procedure](#) for monitoring the legislation on protection of economic competition and summary of its results;
- (28) prescribe the [procedure](#) for determining the confusingly similar identification marks of goods and services within the scope of proceedings initiated by the Commission;
- (29) prescribe the [procedure](#) for determining the unjustifiably high price and unjustifiably low price;
- (30) prescribe the [procedure](#) for assessment of state support;
- (31) prescribe the form of the uniform register on state support and the [procedure](#) for maintenance thereof;

- (32) make a decision on concluding a conciliation agreement;
 - (33) exercise other powers provided for by law.
2. When defining regulatory norms, the Commission shall adopt secondary regulatory legal acts while exercising its powers provided for by points 13-31 of part 1 of this Article, as well as other powers.

(Article 37 amended, supplemented, edited by HO-44-N of 04 March 2022)

Article 38. Decisions and opinions of the Commission

1. The Commission shall adopt decisions and opinions.
2. Decisions and opinions of the Commission shall be adopted in writing, except for the cases of consideration of procedural issues or failure to render a decision on the merits (including decision on convocation of a closed sitting, removal of an issue from consideration, postponement of consideration, inclusion of an additional issue in the agenda, giving an instruction to employees, removing from sittings, etc.). At the discretion of the Commission, those decisions may also be laid down in writing.
3. On its own initiative, upon the motion of the state body or based on the application of natural or legal persons, the Commission may, upon a decision, clarify its decisions and opinions, correct any misspellings, miscalculations and misprints existing therein without changing their content.

Article 39. Sittings, considerations of the Commission and the procedure for the holding thereof

1. Decisions and opinions shall be adopted at the sitting.

2. Commission sittings shall be convened at certain intervals or, at the request of any of the Commission members, ad hoc, as well as in other cases provided for by the Rules of Procedure of the Commission.
3. The Commission sitting shall be held in the location of the Commission or at the initiative of the Commission Chairperson — in other place.
4. The Commission sitting shall be presided over by the Commission Chairperson, and in case of his or her absence — the member substituting him or her.
5. The Commission sitting shall have quorum where it is attended by at least four members.
6. A Commission member may participate in the sitting through audio and video communication, in real-time mode, upon consent of the person presiding over the Commission sitting.
7. The Commission shall examine all issues in open sittings, except when the Commission has rendered a decision on holding the sitting or a separate part thereof behind closed doors to protect the interests of stakeholders, including commercial secret, as well as state security, public order or morality.
8. The issue concerning the examination of an issue or a part thereof in a closed sitting shall be examined behind closed doors.
9. In case a decision on examining the issue or a part thereof in a closed sitting is rendered, the scope of persons eligible for participation in the sitting or a separate part thereof shall be determined by the person presiding over the sitting.
10. Persons present at the open sitting shall have the right to take notes, short-hand notes and make audio recordings. At the sitting filming, photographing and video recording, as well as broadcasting by the radio, television or other telecommunication means shall be carried out upon the permission of the presiding person.

11. Participation in the Commission sitting shall be possible through audio-visual telecommunication means, the procedure for the application of which shall be prescribed by the Rules of Procedure of the Commission.
12. Where any of the persons present at the sitting violates the procedure for the sitting or shows disrespectful attitude towards the Commission or other persons, the Commission may render a decision on removing him or her from the place the sitting is held and continuing the sitting in his or her absence.
13. Minutes of Commission sittings shall be taken in a written summary, and in case of availability of relevant technical capacities — through audio recording or video recording. Brief information on the place, time, participants, agenda, speeches and voting results of the sitting shall be indicated in the written minute. The written minute shall be signed by the Commission members present at the sitting.
14. The cases and procedure for holding considerations outside sittings, with the participation of the Commission, employees of the Commission, as well as other persons, where appropriate, shall be prescribed by the Rules of Procedure of the Commission.

Article 40. Impossibility of participation of a Commission member in the consideration of and voting on an issue

1. A Commission member may not participate in the consideration of and voting on an issue where there are any of the grounds for recusal prescribed by the Law "On fundamentals of administrative action and administrative proceedings".
2. A Commission member shall be obliged to recuse himself or herself in writing or verbally immediately upon becoming aware of the ground for self-recusal, stating the circumstances serving as a ground for self-recusal.

3. A Commission member may make the issue of recusal of other Commission member a subject of consideration.
4. The person presiding over the Commission sitting shall submit the issue of self-recusal or recusal for consideration, which shall be discussed with the participation of the Commission member having recused himself or herself or whose recusal is being sought.
5. After consideration of the issue, the Commission shall render a decision. The Commission member having recused himself or herself or the member whose recusal is being sought, as well as the member having sought recusal shall not participate in the voting on self-recusal or recusal.
6. Where self-recusal or recusal is accepted, the member in question shall not participate in the examination of and voting on the issue with regard whereof a ground for self-recusal or recusal exists.

Article 41. Procedure for adopting and signing decisions and opinions of the Commission

1. At Commission sittings, decisions and opinions shall be adopted by a majority vote of the members participating in the sitting. In the event of a tie, the vote of the person presiding over the sitting shall be decisive.
2. Refraining from voting or transfer of one's vote to another member shall not be permitted.
3. In case a Commission member has a different opinion on the reasoning or concluding part of the decision or opinion of the Commission, he or she shall submit a written special opinion within one day. The special opinion of the Commission member shall be signed and attached to the relevant decision or opinion.

4. The decision and opinion adopted by the Commission shall be signed by the Commission Chairperson within one day.
5. The decision or opinion adopted by the Commission, which has been adopted by submitting certain comments and recommendations, shall be revised in compliance therewith and signed by the Commission Chairperson within five days.

Article 42. Informing about adoption of decisions and opinions of the Commission and entry into force thereof

1. Decisions and opinions of the Commission shall be sent to the addressee within a period of three days after being signed. Decisions, opinions of the Commission and special opinions of Commission members shall be published on the official website of the Commission, except for the parts containing state or other secret protected by law.
2. Decisions of the Commission shall enter into force from the moment of adoption, except for administrative acts and secondary regulatory legal acts adopted by the Commission, as well as except for the case when the Commission has prescribed a later time limit for the entry into force of the decision.
3. Opinions of the Commission shall enter into force from the moment of adoption.

Article 43. Obligation of state bodies and economic entities in providing information to the Commission

1. Based on a letter of the Commission Chairperson or a decision of the Commission or a requirement prescribed by the legislation, state bodies, as well as officials thereof, shall be obliged to submit, within the time limit prescribed, documents, materials and other information necessary for the Commission to

exercise its powers, except for information containing strategic, bank, insurance, pension and medical secret.

2. Based on a letter of the Commission Chairperson or a decision of the Commission or a requirement prescribed by the legislation, economic entities shall be obliged to submit, within the time limit prescribed, documents, materials and other information necessary for the Commission to exercise its powers prescribed by law, except for information containing bank, insurance, pension and medical secret.
3. When requesting necessary documents, materials and other information by a letter of the Commission Chairperson or a decision of the Commission, the Commission shall inform the economic entity about the time limits for their submission, as well as on the legal consequences of the failure to submit the necessary documents, materials and other information within the time limit prescribed or of submitting inaccurate or incomplete information.
4. Based on the substantiated motion of an economic entity, the time limit for submitting information prescribed by a letter of the Commission Chairperson or a decision of the Commission may respectively be extended by a letter of the Commission Chairperson or a decision of the Commission, and the information shall be subject to submission within the mentioned time limit.
5. Where any economic entity fails to submit the necessary documents, materials and other information within the time limit prescribed, the economic entity shall not be exempted from the obligation to submit documents, materials and other information or from the liability prescribed for failure to submit them within the time limit prescribed in case of rendering a decision by the Commission based on the documents, materials and other information at the disposal thereof.
6. An economic entity may challenge the lawfulness of requesting by the Commission documents, materials and other information only in case it is not

provided, within the framework of challenging the decision on imposing a sanction by the Commission.

7. The Commission may receive and use while exercising its powers, the information obtained from the public electronic platforms through special technical and software channels.

(Article 43 amended, supplemented by HO-44-N of 04 March 22)

Article 44. Keeping by the Commission a secret protected by law

1. Information constituting commercial, bank, official or other secret protected by law, which has been obtained while exercising powers provided for by this Law, shall be kept by the Commission as prescribed by law.
2. Members and employees of the Commission shall not have the right to disclose or otherwise disseminate, as well as use for any purpose beyond their official powers or by abuse thereof, any secret information obtained during the performance of their official duties.
3. In case of disclosure of information referred to in part 1 of this Article, damages caused to an economic entity shall be compensated by the Republic of Armenia in the manner prescribed by the legislation.
4. The Commission shall prescribe the procedure for dealing by members and employees of the Commission with information constituting a secret.

Article 45. Procedure for sending (handing over) decisions, notifications or other documents of the Commission

1. Decisions, notifications or other documents of the Commission (hereinafter referred to as "correspondence") shall be sent by postal delivery or courier

communication service or shall be handed over in person, and in cases provided for by this Article they shall be sent to the electronic mail address or by other communication means.

2. Correspondence shall be sent by postal delivery to the address indicated by the addressee (notification address), and in case no address is indicated — to the address of place of record-registration (location) of the addressee.
3. In case the correspondence is delivered in person, it shall be handed over to the addressee or his or her representative.
4. Correspondence shall be sent to state bodies, legal persons and individual entrepreneurs through the system of electronic document circulation, and in case of absence thereof — to the address of their official electronic mail unless they have provided other electronic mail address. Correspondence shall be sent to an addressee that is not a state body, a legal person and an individual entrepreneur via electronic mail or other communication means, where the addressee has filed a motion for it.
5. In case of impossibility to send the correspondence via electronic mail or other communication means in cases provided for by part 4 of this Article, it shall be sent via postal delivery or handed over in person.
6. In case of sending the correspondence via postal delivery, the evidence on sending to the addressee shall be attached to the relevant file of the Commission, whereas in case of sending via a registered mail — the evidence on receipt by the addressee as well.
7. In case the correspondence is handed over in person, the document certifying that it has been handed over shall be attached to the relevant file of the Commission.
8. In case of sending the correspondence to the electronic mail address, the electronic confirmation on receiving the correspondence shall be attached to the

relevant file of the Commission, and in case of sending by use of other communication means — evidence (protocol, telephone message, recording, etc.) confirming the fact of sending (communicating) it.

9. In case the correspondence is sent to the electronic mail address or through the system of electronic document circulation, the addressee shall receive the text of the correspondence or the relevant electronic link via which the correspondence may become available to the addressee.
10. The addressee shall be obliged to promptly inform the Commission about the change of his or her address, including the electronic mail address or other communication means. In case of absence of such communication, the correspondence shall be sent to the address whereto or via the communication means whereby the delivery of the correspondence has been made, and shall be deemed to be duly delivered by virtue of being sent to the latest known address of the addressee.
11. In case the addressee refuses to receive the correspondence sent by postal delivery or sign the document certifying the receipt of the correspondence, or the correspondence sent by the Commission through a registered mail is returned for any reason, the correspondence shall be deemed to be duly delivered to the addressee on the third day following the day on which the Commission publishes on <http://www.azdarar.am> and on its official website the last of announcements on availability of correspondence addressed to the addressee and on possibility to get familiarised with its content.

Article 46. Procedure for organising activities of the Commission

1. The Commission shall organise its work through persons directly accountable to the Commission members, employees of main and supporting structural subdivisions and other Commission employees.

2. Internal regulatory issues related to the organisation of work activities of the Commission shall be regulated by decisions of the Commission which shall be for official use and shall not be published on the official website of the Commission.

Article 47. Financing of the Commission

1. The Commission shall be financed from the State Budget funds.
2. The financing of the Commission must be carried out in such a way as to ensure the normal operation of the Commission, including the representation in international organisations.
3. The Commission Chairperson shall, within the time limit prescribed by the Law "On budget system", submit the estimate of expenditures of the Commission (budget request) to the Government to be included in the draft State Budget.
4. The initial budget request, if accepted by the Government, or the amended budget request, if there were objections to the initial request, shall be included in the draft State Budget of the Republic of Armenia, along with which the request shall also be submitted to the National Assembly.
5. The Government shall also submit to the National Assembly its rationale for the amendments made to the budget request.
6. Remuneration for the Chairperson, other members and employees of the Commission shall be carried out in compliance with the Law "On remuneration for persons holding state positions and state service positions".

Article 48. Publicity of activities of the Commission

1. The Commission shall ensure the publicity and transparency of its activities through mass media, official website and other means.

2. Each year, by 1 May, the Commission shall publish a report on the activities of the previous year, which shall at least contain summary information on the activities of the Commission, on the analysis of the goods markets, on the implemented measures aimed at the protection of and supervision over the economic competition, on the process of implementation of the proposals aimed at improvement of the competitive situation, and on the financial report on its activities.
3. The report on the activities of the Commission of the previous year shall be approved by the decision of the Commission.

CHAPTER 12

CONDUCTING INSPECTION, TEST PURCHASE, SURVEY, EXTERNAL SURVEILLANCE AND MONITORING

Article 49. Conducting inspection by the Commission

1. The Commission shall — for the purpose of determining the reliability of a piece of information submitted by an economic entity, revealing the actual business conducted by an economic entity or exercising supervision over the execution of a decision of the Commission — conduct inspections based on the order of the Commission Chairperson, as prescribed by the Law "On organising and conducting inspections in the Republic of Armenia".
2. The order of the Commission Chairperson on conducting an inspection shall enter into force from the moment of signing thereof.
3. When conducting an inspection, the Commission shall have the right to receive the support of other state bodies, engage employees of those bodies in the

inspection, as well as engage relevant specialists, experts and translators for clarification of certain matters at any stage of inspection.

Article 50. Conducting test purchase by the Commission

1. Test purchase shall be purchase made by the Commission for identifying the price, quality, quantity, other characteristics of goods, exercising supervision over the execution of a decision of the Commission, determining the reliability of a piece of information submitted by an economic entity, disclosing information on the competitive situation in goods markets, revealing the actual actions or conduct of the economic entity.
2. The following shall serve as a ground for conducting test purchase:
 - (1) a report of the relevant Commission employee on conducting test purchase, addressed to the Commission Chairperson;
 - (2) information received from a third party in the manner prescribed.
3. Test purchase shall be conducted based on the order of the Commission Chairperson. The order shall indicate the full name of the Commission, the full name(s) of an economic entity(ies), grounds, objective, time limits, place(s) for making test purchase or the website, where the test purchase will be conducted, and the data (name, surname, position) of the official(s) of the Commission conducting the test purchase. In case the test purchase is conducted by other person not considered as a Commission employee (upon the written consent of the person), the order shall indicate the data of that person (in case of a representative of a state body — name, surname, position thereof, in case of a natural person — name, surname, passport data, in case of a legal person — name, taxpayer identification number, location).

4. The order of the Commission Chairperson on conducting test purchase shall enter into force from the moment of signing thereof.
5. After conducting test purchase, a carbon copy of the order on conducting test purchase shall be handed over to the economic entity, the employee selling goods, providing services and/or making cash settlement on behalf of the economic entity or to other representative of the economic entity.
6. Based on the results of the test purchase a record in the form prescribed by the Commission shall be drawn up in two copies. Photographs, documents, electronic media and/or other materials may be attached to the test purchase record, whereon a relevant note shall be made in the record. The record shall be signed by the person making test purchase and the employee selling, delivering or handing over goods, providing services and/or making cash settlement on behalf of the economic entity. In case of having an objection to the results of the test purchase, the person signing the record shall make a note thereon in the record. One copy of the record shall be handed over to the economic entity.
7. Test purchases conducted by the Commission shall be financed at the expense of funds provided for by the State Budget for the Commission, and the [procedure](#) for disposing of goods acquired as a result of test purchases shall be approved by the Commission.

Article 51. Conducting survey by the Commission

1. Survey shall be observation conducted by the Commission in the actual place of business (including in the trade facility) of an economic entity, without making purchase, for identifying the price, quality, quantity, other characteristics of goods, exercising supervision over the execution of a decision of the Commission, determining the reliability of a piece of information submitted by an economic entity, disclosing information on the competitive situation in goods markets, revealing the actual actions or conduct of the economic entity.

2. The following shall serve as a ground for conducting a survey:
 - (1) a report of the relevant Commission employee on conducting a survey, addressed to the Commission Chairperson;
 - (2) information received from a third party in the manner prescribed.
3. Survey shall be conducted based on the order of the Commission Chairperson. The order shall indicate the full name of the Commission, the full name(s) of an economic entity(ies), grounds, objective, time limits for conducting a survey, place(s), where the survey will be conducted, and the data (name, surname, position) of the official(s) of the Commission conducting the survey. In case the survey is conducted by other person not considered as a Commission employee (upon the written consent of the person), the order shall indicate the data of that person (in case of a representative of a state body — name, surname, position thereof, in case of a natural person — name, surname, passport data, in case of a legal person — name, taxpayer identification number, location).
4. The order of the Commission Chairperson on conducting a survey shall enter into force from the moment of signing thereof.
5. After conducting a survey, a carbon copy of the order on conducting a survey shall be handed over to the economic entity, the employee of the economic entity or other representative of the economic entity.
6. Based on the results of the survey a record in the form prescribed by the Commission shall be drawn up in two copies. Photographs, documents, electronic means and/or other materials may be attached to the survey record, whereon a relevant note shall be made in the record. The record shall be signed by the person conducting a survey and the employee or other representative of the economic entity. In case of having an objection to the results of the survey, the person signing the record shall make a note thereon in the record. One copy of the record shall be handed over to the economic entity.

Article 52. Conducting external surveillance by the Commission

1. External surveillance shall be observation conducted in the location or on the website of the Commission or in an outdoor space or in a public place for identifying the price, quality, quantity, other characteristics of goods, exercising supervision over the execution of a decision of the Commission, determining the reliability of a piece of information submitted by an economic entity, disclosing information on the competitive situation in goods markets, revealing the actual actions or conduct of the economic entity.
2. The external surveillance shall be conducted based on the order of the Commission Chairperson. The order shall indicate the full name of the Commission, the objective, time limits for conducting external surveillance, the place, where the external surveillance will be conducted, and the data (name, surname, position) of the official(s) of the Commission conducting the external surveillance.
3. The order of the Commission Chairperson on conducting external surveillance shall enter into force from the moment of signing thereof.
4. When conducting external surveillance the Commission may apply computer technologies and other technical means, use video recording, photography, electronic and other equipment and media.
5. Based on the results of the external surveillance a record in the form prescribed by the Commission shall be drawn up in one copy. Photographs, documents, electronic media and/or other materials may be attached to the external surveillance record, whereon a relevant note shall be made in the record. The record shall be signed by the person(s) conducting external surveillance.

Article 53. Conducting monitoring by the Commission

1. Monitoring shall be observation conducted in the location of the Commission at certain intervals for identifying the price, quality, quantity, other characteristics of goods, exercising supervision over the execution of a decision of the Commission, determining the reliability of a piece of information submitted by an economic entity, disclosing information on the competitive situation in goods markets, revealing the actual actions or conduct of the economic entity.
2. When conducting monitoring the Commission may use computer technologies and other technical means, use video recording, photography, electronic and other equipment and media, and perform other actions aimed at conducting monitoring and summarising results.
3. The monitoring shall be conducted based on the order of the Commission Chairperson. The order shall indicate the full name of the Commission, issues subject to monitoring, period, frequency of monitoring, procedure for and form of summarising and submitting the results, the data (name, surname, position) of the official(s) conducting monitoring.

Article 54. Video recording of inspection, test purchase, survey, external surveillance and monitoring

1. The process of inspection, test purchase, survey, external surveillance and monitoring may be video-recorded and/or photographed by the relevant Commission employee, the [procedure](#) for which shall be prescribed by the secondary regulatory legal act of the Commission.
2. In case of carrying out video-recording and/or photographing, a note thereon shall be made in the record.

**Article 55. Hindering the conduct of inspection, test purchase, survey,
external surveillance and monitoring**

1. Where the economic entity or the head of the economic entity or the person substituting him or her or the employee or other representative thereof refuses to sign the inspection, test purchase or survey record or otherwise hinders the conduct of inspection, test purchase, survey, external surveillance or monitoring, as well as where other person hinders the inspection, test purchase, survey, external surveillance and monitoring, the representative of the Commission shall make a note thereon in the record, and if possible, the name and surname of the person having hindered shall also be indicated.
2. Hindering by the economic entity, the head of the economic entity, the person substituting him or her, the employee or other representative thereof the conduct of inspection, test purchase, survey, external surveillance or monitoring shall — upon the order of the Commission Chairperson — be considered as hindering by the economic entity the exercise of rights or performance of obligations vested in the Commission and shall entail liability for the economic entity prescribed by this Law.

CHAPTER 13

SECTORAL STUDY

Article 56. Objective of a sectoral study

1. The Commission shall conduct a sectoral study in any sector or goods market or area to find out the competitive situation, detect cases of possible prevention, restriction, blocking of the economic competition and/or causing possible harm to the consumer interests, disclose other conditions affecting the competitive situation.

Article 57. Procedure for conducting and summarising the sectoral study

1. Sectoral studies shall be conducted by the decision of the Commission on conducting a sectoral study, which at least prescribes the sector or sectors under study and the time limit for conducting a study.
2. Within the framework of a sectoral study, the Commission shall, where necessary, specify the range of goods and geographical boundaries of the goods market, determine the composition of actors of a goods market, volumes of the goods market, shares of economic entities, degree of centralisation of the goods market, study relevant legal acts, identify whether there are obstacles to the entry into the goods market, as well as study other circumstances related to the sector or goods market, which may allow drawing inferences about the general competitive situation, cases of possible prevention, restriction, blocking of the economic competition and/or causing possible harm to the consumer interests.
3. The results of the sectoral study shall be approved by the decision of the Commission.

CHAPTER 14

**ISSUING OPINIONS ON ISSUES RELATING
TO THE ECONOMIC COMPETITION**

**Article 58. Grounds for issuing an opinion on issues relating to the
economic competition**

1. Before performing the relevant action, concluding the transaction or adopting the legal act (except for a regulatory legal act), state bodies, officials thereof and economic entities shall have the right to apply to the Commission requesting to

provide an opinion on the issue whether it prevents, restricts, blocks the economic competition and/or harms the consumer interests, as well as on other issues relating to the protection of economic competition.

2. Before adopting a regulatory legal act, the state body or the official thereof having the power to adopt it shall have the right to apply to the Commission requesting to provide an opinion on the issue whether it prevents, restricts, blocks the economic competition and/or harms the consumer interests, as well as on other issues relating to the protection of economic competition.
3. The Commission may issue an opinion on other issues of the draft regulatory legal act relating to the protection of economic competition upon its own initiative.

(Article 58 amended by HO-44-N of 04 March 2022).

Article 59. Requirements for application for obtaining an opinion on issues relating to the economic competition

1. The application for obtaining an opinion on issues of an action, a transaction or a legal act (except for a regulatory legal act) relating to the economic competition shall indicate the following:
 - (1) the name of the Commission;
 - (2) name, surname, passport data, record-registration address of an applicant natural person, in case of a legal person — full name, state registration or record-registration number, location address, name, surname and position of the person having submitted an application on behalf thereof, notification address (where it is different from the record-registration (location) address);
 - (3) detailed description of the issue subject to clarification by the opinion, indicating details of economic entities, relation or possible relation between

- them, data on the competitive situation in the goods market available to the applicant, as well as other information of essential significance for the opinion;
- (4) issues subject to clarification by the opinion and position of the applicant on those issues;
 - (5) year, month and day of submitting the application;
 - (6) list of materials attached to the application;
 - (7) signature of the person having submitted an application.
2. Where available, draft contracts, agreements, acts or other documents shall be attached to the application. Where the application is submitted through a representative, a document certifying the powers must be submitted.
 3. The application for obtaining an opinion may be submitted in the form prescribed by the Commission.
 4. The application submitted shall not be considered in case of non-compliance with the requirements of parts 1 and 2 of this Article, whereon the person having submitted the application shall be informed by the letter of the Commission Chairperson. All prima facie errors made in the application shall be indicated in the letter.

Article 60. Procedure for issuing an opinion on issues relating to the economic competition

1. In case an application complying with the requirements prescribed for obtaining an opinion on issues relating to the economic competition is received, the Commission shall initiate a procedure for issuing an opinion. In case of non-compliance of the submitted application with the requirements of this Law it shall not be considered, whereon the person having submitted the application shall be informed within a period of three days by the letter of the Chairperson of the Commission.

2. The opinion on issues relating to the economic competition shall be issued within a period of one month from the day the application is received.
3. Upon a reasoned decision of the Commission, the time limit for providing an opinion on issues relating to the economic competition may be extended to up to one month.
4. Before issuing an opinion, the Commission may, where necessary, apply to the applicant, state bodies and other entities as prescribed by this Law requesting to provide information necessary for issuing the opinion, as well as receive additional information on issues subject to consideration, and invite the applicant or other persons to the sitting of or consideration at the Commission.
5. In case of lack of the information referred to in part 4 of this Article, the Commission shall issue the opinion in the absence of the information in question, indicating its significance and impact on the issue under consideration.

(Article 60 edited by Ho-44-N of 04 March 2022)

(the Law [HO-44-N](#) of 04 March 2022 contains a transitional provision).

Article 61. Opinion on issues relating to the economic competition

1. The opinion of the Commission on issues relating to the economic competition, except for the case of issuing thereof with respect to a draft regulatory legal act, shall be binding, and failure to be guided thereby may serve as a ground for initiating proceedings on the offence in the field of economic competition.
2. The opinion of the Commission on issues of a draft regulatory legal act relating to the economic competition shall be of advisory nature.

CHAPTER 15

CONDUCTING ADMINISTRATIVE PROCEEDINGS

Article 62. Procedure for conducting administrative proceedings

1. The Commission shall conduct the administrative proceedings according to the general rules for activities of the Commission, in observance of the special rules that are prescribed by this Law.
2. In case peculiarities for the administrative proceedings conducted by the Commission are not prescribed by this Law, the provisions of the Law "On fundamentals of administrative action and administrative proceedings" shall apply to the relevant relations.
3. The examination of the appeal against the administrative act of the Commission shall be conducted in compliance with parts 1 and 2 of this Article.

Article 63. Time limit for administrative proceedings

1. The time limit for the administrative proceedings conducted by the Commission shall be three months. Upon a reasoned decision of the Commission, the time limit for the proceedings shall once be extended to up to three months.
2. Administrative proceedings on offences related to anti-competitive agreements, abuse of a dominant position and strong negotiating position, prohibited coordination of economic activities shall be six months.
3. The time limit for the administrative proceedings on administrative offences conducted by the Commission shall be determined under the Code of the Republic of Armenia on Administrative Offences.

4. Where the administrative proceedings conducted by the Commission concern more than one offence, at least one of which is an offence referred to in part 2 of this Article, the time limit for the administrative proceedings in question shall be the time limit referred to in part 2 of this Article.

Article 64. Right of the participant of the administrative proceedings to be heard

1. The right of the participant of the administrative proceedings to be heard shall be ensured through submission thereby, within a period of two weeks after being notified on the initiation of proceedings, to the Commission a written position on the issues under consideration in the proceedings and materials substantiating it. Based on the substantiated motion of the participant of the administrative proceedings the time limit prescribed by this part may be extended to up to two weeks upon the letter of the Commission Chairperson.
2. Where it is necessary to hold oral hearings, the Commission shall notify participants of the proceedings and, if necessary, other persons of the time and place of the Commission sitting.
3. Failure by the participant of the proceedings notified of the time and place of the sitting to appear shall be no hindrance for holding the sitting.

Article 65. Suspension and resumption of administrative proceedings

1. The proceedings conducted by the Commission shall be suspended, where:
 - (1) it is impossible to adopt a decision as a result of the given proceedings until a final judicial act with regard to the case being examined under constitutional, administrative, civil or criminal procedure enters into legal force;

- (2) it is impossible to adopt a decision as a result of the given proceedings until a decision in other administrative proceedings is rendered;
 - (3) force majeure or other circumstance has occurred, which temporarily hinders the course of the proceedings;
 - (4) there are other grounds provided for by law.
- 2. The proceedings on the offence in the field of economic competition may be suspended, where:
 - (1) requested documents, materials or other information have not been submitted, or unreliable or incomplete information has been submitted;
 - (2) an expert examination has been assigned;
 - (3) there are other grounds provided for by law.
- 3. The proceedings shall be suspended until the circumstances having served as a ground for suspending it are eliminated or until a ground for dismissing the proceedings has emerged. After they are eliminated or a ground for dismissing the proceedings has emerged or occurred, the administrative proceedings shall resume upon the decision of the Commission.
- 4. During the suspension of the proceedings the Commission may perform actions aimed at establishing the fact whether the grounds for suspension have been eliminated and other actions of the proceedings not aimed at examination on the merits.
- 5. The time limit for conducting the proceedings shall be suspended for the period of suspension of the proceedings.

Article 66. Dismissal of administrative proceedings

- 1. Administrative proceedings shall be subject to dismissal, where:

- (1) the request made in the application falls beyond the competence of the Commission;
- (2) there are other grounds provided for by law.

Article 67. Adoption and entry into force of an administrative act

1. An administrative act shall be adopted at the Commission sitting, which is attended by the Commission members, and upon consent of the person presiding over the Commission sitting — also the Commission employees.
2. An administrative act adopted by the Commission shall enter into force the next day after its carbon copy has been handed over to the addressee, unless a later time limit is prescribed by the same act. If an administrative act has more than one addressee, the administrative act shall enter into force with respect to each of them and to the extent concerning the specific addressee the next day after a carbon copy of the administrative act in question has been handed over to the relevant addressee, unless a later time limit is prescribed by the same act.

CHAPTER 16

PROCEEDINGS FOR ASSESSMENT OF CONCENTRATION

Article 68. Objective of declaration of concentration, its participants and ground for initiating assessment proceedings

1. The declaration of concentration shall be carried out to assess the competitive situation, to reveal or foresee the possibility of preventing, restricting, blocking the competition, possibility of otherwise restricting the economic competition in the

relevant goods market, or to clarify the issue of leading to a dominant position or causing possible harm to the consumer interests due to concentration.

2. Participants of the proceedings for assessment of concentration shall be the persons having submitted an application for and a declaration of concentration.
3. The proceedings for assessment of concentration shall be initiated based on submission of the application and declaration in the manner prescribed.
4. A declaration of concentration shall specify the type and objective of the concentration, as well as the following information about each of the parties:
 - (1) name, record-registration (location) address and notification address (if it is different from the record-registration (location) address);
 - (2) annual business financial statements as of the end of the financial year preceding the declaration and, if mandatory audit of financial statements is required by law, also the audit opinion thereon. If any of the parties to the concentration has started its actual business in the current year, its financial statements and the audit opinion thereon shall be submitted as of the end of the month preceding the declaration. In the cases provided for by the decision of the Commission, financial statement as of another term may also be submitted by the economic entity;
 - (3) volumes of goods sold during the preceding year per assortment, as well as a description of production capacities, infrastructures;
 - (4) scope of all persons forming a group of persons with the parties to the concentration, grounds and evidence for being considered as a group of persons;
 - (5) other documents and information prescribed by the decision of the Commission on approving the procedure for declaration of concentration and the form of declaration.

5. The [procedure](#) for declaration of concentration and [the form of declaration](#) shall be prescribed by the Commission.

Article 69. Assessing the concentration subject to declaration

1. As a result of assessment, the concentration subject to declaration shall be permitted or prohibited based on the decision of the Commission.

Article 70. Grounds for prohibiting the concentration subject to declaration

1. The Commission shall prohibit the concentration subject to declaration, where:
 - (1) according to the results of studies of the Commission, the concentration would result in prevention, restriction, blocking or otherwise worsening of the economic competition in the relevant goods market; or
 - (2) according to the results of studies of the Commission, the concentration would result in establishment or strengthening of a dominant position; or
 - (3) according to the results of studies of the Commission, the concentration would harm the consumer interests; or
 - (4) a party to the concentration does not submit information considered by the Commission essential for assessing the impact of the concentration in the relevant goods market, and it is impossible to obtain that information from other sources; or
 - (5) a party to the concentration has submitted false information considered by the Commission essential for assessing the impact of the concentration in the relevant goods market, which has had a negative impact on the progress and results of the study conducted by the Commission.

Article 71. Permitting concentration under simplified procedure

1. The mixed concentration and concentration of economic entities involved in a group of persons shall be permitted under simplified procedure, where no grounds for prohibiting the concentration *prima facie* exist.
2. The Commission shall render a decision on permitting the concentration under simplified procedure within one month after initiating the proceedings, which shall contain information about parties to the concentration, their business sectors or goods markets and substantiations for permitting the concentration under simplified procedure.

(Article 71 amended by HO-44-N of 04 March 2022)

Article 72. Permitting the concentration

1. The Commission shall permit the concentration subject to declaration, where there are no grounds for prohibiting the concentration.
2. The decision on permitting the concentration shall be in force for one year, unless a shorter time limit is prescribed by the decision of the Commission.
3. Where there are grounds provided for by points 2-5 of part 1 of Article 70 of this Law, the Commission shall permit the concentration subject to declaration in the case, when the economic entity substantiates that the given concentration will ensure favourable competitive conditions in the goods market, and will not harm the consumer interests.
4. The decision of the Commission on permitting the concentration subject to declaration may contain conditions and obligations subject to mandatory fulfilment for a party to the concentration, which shall be effective for an indefinite period, unless other time limit is prescribed by the decision of the Commission.

5. Parties to the concentration shall be obliged to submit to the Commission — in the manner and within the time limits prescribed in the decision on permitting the concentration — information on fulfilling the conditions and obligations subject to mandatory fulfilment.
6. In case of violating the conditions and obligations provided for by the decision on permitting the concentration, the Commission shall repeal the decision on permitting the concentration.

Article 73. Undeclared and prohibited concentration

1. The concentration subject to declaration shall be deemed undeclared, where it has been executed without the decision of the Commission on permitting the concentration, and where there are not any of the cases provided for by part 2 of this Article.
2. The concentration subject to declaration shall be deemed prohibited, where:
 - (1) it has been executed without the decision of the Commission on permitting the concentration, and later the Commission has held that it is to be prohibited;
 - (2) the Commission has repealed the decision on permitting the concentration on the ground that the party(ies) to the concentration has (have) violated the conditions and obligations subject to mandatory fulfilment in case of a decision rendered by the Commission and provided for by part 3 of Article 72 of this Law.
3. In case the Commission has prohibited the concentration subject to declaration, where it has been executed, as well as in cases provided for by part 2 of this Article, the Commission shall render a decision on giving the following assignments, if they will restore the favourable competitive conditions in the relevant goods market, according to the results of the study of the Commission:

- (1) separating the legal person absorbed as a result of concentration;
 - (2) dividing the legal persons consolidated as a result of concentration;
 - (3) liquidating the legal person newly founded as a result of concentration;
 - (4) rescinding the contract serving as a ground for the concentration, yet not fully performed, and returning the other party all that has been received under the transaction by each of the parties to the contract until the moment of rescinding the contract, and in case of impossibility to return in kind what has been received (including when whatever has been received is expressed in making use of property, performed work or delivered service) compensating its value in money;
 - (5) returning the other party all that has been received under the transaction by each of the parties to the contract serving as a ground for the concentration and fully performed, and in case of impossibility to return in kind what has been received (including when whatever has been received is expressed in making use of property, performed work or delivered service) compensating its value in money.
4. In case of failure to perform the actions referred to in points 1 and 2 of part 3 of this Article within the time limit prescribed by the Commission, the concentrated economic entity shall be subject to compulsory reorganisation through judicial procedure.
 5. In case of failure to perform the actions referred to in point 3 of part 3 of this Article within the time limit prescribed by the Commission, the newly-founded legal person shall be subject to compulsory liquidation through judicial procedure.

CHAPTER 17
PROCEEDINGS ON OFFENCE IN THE FIELD
OF ECONOMIC COMPETITION

Article 74. Participants of the proceedings on offence in the field of economic competition

1. Participants of the proceedings on offence in the field of economic competition shall be:
 - (1) respondent in the proceedings;
 - (2) stakeholder;
 - (3) competent bodies.
2. Respondent in the proceedings shall be the economic entity, state body or official that the commission of prima facie offence is attributed to.
3. Stakeholder shall be the person, the rights whereof have directly been violated due to the offence.
4. A person shall be declared as a stakeholder by the decision on declaring him or her a stakeholder adopted by the Commission upon his or her motion.
5. In cases where the prima facie offence has violated the rights of undefined number of persons, the Commission shall not render a decision on declaring as a stakeholder.
6. Competent body shall be the state body, the powers of which relate to the issues under consideration in the proceedings.
7. During the proceedings the persons provided for by points 1 and 2 of part 1 of this Article may act both in person or through a representative, and together with a representative.

8. Other persons, i.e. witnesses, experts and interpreters, may also participate in the proceedings.

Article 75. Rights and obligations of participants of the proceedings on offence in the field of economic competition

1. Participants of the proceedings shall, in observance of the requirements of this Law and other laws, have the right to:
 - (1) become familiar with the materials of a case, take excerpts, photos, photocopies and copies from the materials of a case;
 - (2) submit evidence;
 - (3) address questions to the participants of the proceedings;
 - (4) file motions and give explanations;
 - (5) express position with regard to motions and arguments of other participants of the proceedings;
 - (6) recuse;
 - (7) appeal against decisions of the Commission subject to appeal;
 - (8) perform other actions provided for by this Law or other laws.
2. Participants of the proceedings shall be obliged to:
 - (1) provide the documents and information requested;
 - (2) not hinder the performance by the Commission of the actions vested therein by the legislation and comply with the lawful demands made thereto within the scope of the proceedings;
 - (3) show respectful attitude towards the Commission, employees of the Commission and participants of the proceedings;
 - (4) perform other actions prescribed by this Law and other laws.

Article 76. Reasons for initiating proceedings on offence in the field of economic competition

1. Reasons for initiating proceedings on the offence in the field of economic competition shall be:
 - (1) reports of natural or legal persons on prima facie violation of this Law;
 - (2) reports of state bodies (including foreign bodies) or officials thereof on prima facie violation of this Law;
 - (3) detecting by the Commission prima facie violation of this Law while exercising its powers;
 - (4) information on prima facie violation of this Law, published by the mass media.

Article 77. Reports of natural and legal persons

1. A report of a natural or a legal person on the offence in the field of economic competition shall be submitted in writing.
2. The report must indicate the name of the Commission, name, surname, passport data, record-registration address of the natural person submitting the report, in case of a legal person — full name, state registration or record-registration number and location address, name, surname and position of the person having submitted the report on behalf thereof, notification address (if it is different from the record-registration (location) address), information on the prima facie violation of this Law and the person having committed it, demand of the person submitting the report, year, month, day of submitting the report, as well the list of documents attached to the report.
3. The report shall be signed by the person submitting it. Where the report is submitted through a representative, a document certifying the powers must be submitted.

4. Materials substantiating the existence of facts described in the report, including photos, video recordings, audio recordings, and other may be attached to the report.
5. The data of the person submitting the report may be encrypted if so wished by him or her. The [procedure](#) for submitting a report subject to encryption and encrypting it shall be prescribed by the secondary regulatory legal act of the Commission.
6. The report may be submitted in the form prescribed by the Commission.

Article 78. Report of a state body or an official thereof

1. A report of the state body shall contain the name and address of the state body having submitted it, or the name, surname, position of the relevant official, information on the prima facie violation of this Law and the person having committed it, as well as shall disclose the activities of the relevant body or the official, during the performance of which the fact of prima facie violation of this Law has become known thereto. Materials confirming the report, including photos, video recordings, audio recordings, and other may be attached thereto.
2. In case of rendering a decision on refusing to institute a criminal case or dismissing the proceedings in the criminal case, when the actions of the person prima facie involve elements of offence in the field of economic competition, the criminal prosecution body shall — not later than within three days after rendering such decision — send to the Commission the decision concerned, along with the necessary materials.

Article 79. Consideration of reasons for initiating proceedings on the offence in the field of economic competition

1. Reasons for initiating proceedings on the offence in the field of economic competition shall be considered in the Commission within a period of one month.
2. Before the adoption of a decision as a result of consideration of the reasons for initiating proceedings on the offence in the field of economic competition, the Commission may conduct survey, test purchase, monitoring, external surveillance, request and receive information to verify the reliability of the fact of prima facie violation of this Law.
3. As a result of consideration of the reasons for initiating proceedings on the offence in the field of economic competition, the Commission shall adopt a decision on the following:
 - (1) initiating proceedings on the offence in the field of economic competition;
 - (2) refusing to initiate proceedings on the offence in the field of economic competition.
4. In case there are grounds for rendering several decisions provided for by part 3 of this Article, the Commission shall render them individually, performing the actions provided for by this Chapter with respect to each of them.
5. Submitted reports not complying with the requirements of this Law shall not be considered, whereon the persons having submitted the report shall be informed by the letter of the Commission Chairperson.
6. In cases provided for by part 1 of Article 81 and part 1 of Article 82 of this Law, the report shall be readdressed or returned by the letter of the Commission Chairperson within a period of 10 days after it is received.

Article 80. Refusing to initiate proceedings on the offence in the field of economic competition

1. Initiation of proceedings on the offence in the field of economic competition shall be refused, where:
 - (1) there is no case of violation;
 - (2) there is a ground for exempting from liability;
 - (3) there are proceedings on the same act being conducted by the Commission or dismissed;
 - (4) there is a decision of the Commission on imposing a sanction or exempting from imposition of a sanction on the same person for the same act;
 - (5) there is a judicial act having entered into legal force between the same persons, in relation to the same subject and on the same grounds;
 - (6) the natural person having committed the alleged offence has died;
 - (7) the legal person having committed the alleged offence has been liquidated;
 - (8) the norm of the law prescribing liability for the given violation has been repealed.
2. The decision on refusing to initiate proceedings shall — within a period of three days after adopting it — be sent to the person having submitted the report.
3. The decision on refusing to initiate proceedings may — within two months after receiving it — be appealed against by the person having submitted the report.

Article 81. Readdressing a report

1. A report on the offence shall be readdressed, where the issues present in the reasons for initiating proceedings fall within the competence of other administrative or criminal prosecution body.

2. The letter on readdressing the report, along with the report, shall be sent to the competent body and the person having submitted the report.

Article 82. Returning a report

1. A report on the offence in the field of economic competition shall be returned, where it falls beyond the competence of both the Commission and other bodies.
2. The letter on returning the report, along with the report and the documents attached, shall be sent to the person having submitted the report.

Article 83. Initiating proceedings on the offence in the field of economic competition

1. Where there are no grounds for refusing the initiation of the proceedings, readdressing or returning the report, the Commission shall render a decision on initiating proceedings on the offence in the field of economic competition, which shall indicate the following:
 - (1) name of the body conducting the proceedings;
 - (2) description of prima facie violation;
 - (3) provision of this Law, which provides for liability for the given violation;
 - (4) the name, surname of the respondent natural person or the name of the respondent legal person in the proceedings;
 - (5) time (year, month, day) of signing the decision;
 - (6) position, initial of the name, surname of the official signing the decision.
2. The decision on initiating proceedings may contain provisions on the time and place of examination of the case, as well as on the request for providing information.

3. The decision on initiating proceedings shall — within a period of three days after adopting the decision — be sent to the respondent in the proceedings and the person having submitted the report.

Article 84. Joinder and separation of proceedings on the offence in the field of economic competition

1. The Commission may — upon its decision — join the proceedings on more than one violation committed by the same offender or on the same or homogeneous violations committed by several offenders in one proceedings, where those proceedings are interrelated, and conducting them jointly may ensure more expeditious and effective completion of the proceedings.
2. The proceedings on the offence initiated with respect to one or more than one violation committed by more than one person or to more than one violation committed by the same offender may be separated upon the decision of the Commission, where conducting it separately may ensure more expeditious and effective completion of the proceedings.
3. Carbon copies of the decisions on joining or separating the proceedings on the offence in the field of economic competition shall be sent to the participants of the proceedings within a period of three days after adopting them.

Article 85. Substituting the improper respondent in the proceedings and involving a new respondent

1. Where information on the offence being committed by other offender is acquired during conducting the proceedings, the person concerned shall — upon the decision of the Commission — be involved as a proper respondent in the proceedings, and the proceedings against the improper respondent in the

proceedings shall be dismissed upon a separate decision or an act concluding the proceedings.

2. Where information on the offence being committed also by other offender is acquired during conducting the proceedings, the mentioned offender shall be involved as a new respondent in the proceedings upon the decision of the Commission.

Article 86. Time limit for conducting proceedings on the offence in the field of economic competition in case of joinder of proceedings and involvement of a new respondent

1. In case of joinder of proceedings on the offence in the field of economic competition, the time limit for conducting the proceedings shall be calculated from the day of initiating the proceedings instituted later from among the joint proceedings.
2. Involving an offender as a new respondent in the proceedings on the offence in the field of economic competition shall not itself result in change in the time limit for the proceedings.

Article 87. Oral hearings in proceedings on the offence in the field of economic competition

1. In case the Commission considers necessary to conduct oral hearing of the participants of the proceedings, the participants of the proceedings shall be invited to the sitting.
2. The sitting convened for oral hearing may be held in the absence of a person participating in the proceedings, where:

- (1) the person participating in the proceedings has filed a motion for examining it in his or her absence, based on the documents and materials submitted;
 - (2) the person participating in the proceedings has — being duly notified of the time and place of the sitting — failed to appear and has failed to submit a motion on postponing the sitting, or such motion has been rejected.
3. Where necessary, the Commission may, on its own initiative or upon the motion of the participant of the proceedings, postpone the examination of the case, notifying the persons participating in the administrative proceedings.
4. During the sitting convened for oral hearing:
 - (1) the case under examination and the identity of the respondent in the proceedings shall be announced;
 - (2) the fact whether the participants of the proceedings and other persons summoned to the examination of the case are present or absent, the reasons for their absence shall be clarified, and the issue of holding the sitting in their absence or postponing the sitting shall be decided on;
 - (3) the identity of participants of the proceedings, their representatives and other persons, documents certifying the powers of the representatives shall be verified;
 - (4) motions submitted by the participants of the proceedings shall be examined and resolved;
 - (5) participants of the proceedings and other persons shall be heard;
 - (6) participants of the proceedings and other persons shall answer the questions of the Chairperson and members of the Commission, and upon consent of the presiding person — also the questions of the Commission employees;

- (7) other actions aimed at effective examination of the issue shall be carried out upon necessity.
5. Where as a result of conducting the proceedings on the offence in the field of economic competition issues falling within the competence of other bodies are identified, the relevant body shall be informed thereon by the decision of the Commission or the letter of the Commission Chairperson.

Article 88. Expedited proceedings on the offence in the field of economic competition

1. Within a period of two weeks after receiving the decision on initiating proceedings on the offence in the field of economic competition, the respondent in the proceedings may — in case of having eliminated the consequences of the offence and admitting the fact of commission of the offence attributed thereto and, where provided for by Article 73 of this Law, solely in case of admitting the fact of commission of the offence — file with the Commission a motion on administering expedited proceedings.
2. In case a motion on administering expedited proceedings is filed, the respondent in the proceedings may not later refute the fact that he or she has committed the offence.
3. The Commission shall grant or reject the motion on administering expedited proceedings within 10 days after receiving the motion.
4. The motion on administering expedited proceedings shall be granted where it complies with the requirements of part 1 of this Article. The motion shall be rejected where the mentioned requirements are not met.
5. In case a decision on administering expedited proceedings is rendered, actions aimed at examination of the case on the merits shall not be carried out, and only the circumstances mitigating and aggravating the liability shall be assessed.

6. The Commission shall render a decision as a result of the proceedings within a period of one month from the day of adopting the decision on administering expedited proceedings, without convening a sitting for hearing the participants of the proceedings.
7. When imposing a sanction as a result of administering expedited proceedings, the sanction may not exceed one third of the most severe sanction provided for the given offence.

(Article 88 amended by HO-44-N of 04 March 2022).

Article 89. Dismissing the proceedings on the offence in the field of economic competition

1. The proceedings on the offence in the field of economic competition shall be subject to dismissal, where:
 - (1) as a result of conducting the proceedings it has been impossible to identify the offender having committed the violation;
 - (2) there is any ground for refusing to initiate proceedings;
 - (3) there are other grounds provided for by law for dismissing the proceedings.

Article 90. Decisions adopted as a result of proceedings on the offence in the field of economic competition

1. As a result of proceedings on the offence in the field of economic competition the Commission shall adopt one or several of the following decisions:
 - (1) on imposing a sanction;
 - (2) on exempting from imposition of a sanction;
 - (3) on dismissing the proceedings on the offence.

2. In case the Commission adopts a decision on imposing a sanction, the Commission may impose attachment on the property of the respondent in the proceedings in the amount of the imposed fine by the same decision or a separate reasoned decision adopted before the decision concerned has become unappealable, where failure to adopt such decision may make it impossible or difficult to execute the decision of the Commission on imposing a sanction.
3. The decision on imposing a sanction shall — with respect to imposing attachment — enter into force or the separately adopted decision on imposing attachment shall enter into force from the moment of adoption and shall be subject to immediate enforcement by the Compulsory Enforcement Service as prescribed by the Law “On compulsory enforcement of judicial acts”.
4. The decision on imposing attachment shall be submitted to the Compulsory Enforcement Service upon the letter of the Commission Chairperson, which shall indicate:
 - (1) the name of the Commission;
 - (2) year, month and day of submitting the letter;
 - (3) year, month and day of adoption of the decision on imposing attachment and the number thereof;
 - (4) year, month and day of entry into force of the decision on imposing attachment;
 - (5) amount subject to attachment;
 - (6) name, father’s name, surname of the debtor, name of the legal person, their record-registration (location) address and, where available, notification addresses, passport data or social services number of the person, taxpayer identification number and state registration or state record-registration number of the legal person.

5. The letter on sending the decision on imposing attachment to the Compulsory Enforcement Service shall be recalled upon the letter of the Commission Chairperson, where:
 - (1) the unappealable decision on imposing a sanction adopted in relation to the respondent in the proceedings has not been submitted to the Compulsory Enforcement Service within the time limit and in the manner prescribed by the Law “On fundamentals of administrative action and administrative proceedings”;
 - (2) the obligation of the respondent in the proceedings to pay the fine prescribed by the decision of the Commission has terminated;
 - (3) the decision of the Commission has been declared invalid or repealed.
6. The decision on imposing attachment may be appealed against. Appealing against the decision shall not suspend its enforcement.

Article 91. Resuming proceedings on the offence in the field of economic competition based on a judicial act

1. Where as a result of appeal against the decision of the Commission the court concludes that the Commission has exercised discretionary powers unlawfully, the Commission shall — within a period of one month after the entry into legal force of the judicial act — adopt a decision on resuming the proceedings on the offence in the field of economic competition.
2. The resumed proceedings shall be conducted in observance of the rules of this Chapter, taking into account the legal positions of the court expressed in the judicial act.

CHAPTER 18

LIABILITY FOR OFFENCES IN THE FIELD OF ECONOMIC COMPETITION

Article 92. Sanctions imposed for offences in the field of economic competition

1. The Commission shall be competent to give warning to or impose a fine on economic entities, state bodies and officials thereof for the offence in the field of economic competition.

Article 93. Amounts of fines imposed for offences in the field of economic competition

1. The amount of a fine imposed for concluding (reaching, entering into) an anti-competitive agreement shall constitute up to 10 percent of the revenue of the economic entity party to the anti-competitive agreement for the year preceding the conclusion of (reaching, entering into) the agreement.
2. The amount of a fine imposed for prohibited coordination by an economic entity of economic activities shall constitute up to 10 percent of the revenue of the economic entity having committed the offence for the year preceding the offence.
3. The amount of a fine imposed for abuse of one's dominant position shall constitute up to 10 percent of the revenue of the economic entity having committed the offence for the year preceding the offence.
4. The amount of a fine imposed for abuse of one's strong negotiating position shall constitute up to 10 percent of the revenue of the economic entity having committed the offence for the year preceding the offence.

5. The amount of a fine imposed for failure to declare concentration shall constitute up to five million drams.
6. The amount of a fine imposed for executing a prohibited concentration shall constitute up to 10 percent of the revenue of the economic entity for the year preceding the offence.
7. The amount of a fine imposed for unfair competition shall constitute up to five percent of the revenue of the economic entity for the year preceding the offence in question.
8. The amount of a fine imposed for failure by an economic entity to submit, within the prescribed time limit, the documents or other information prescribed by a letter of the Commission Chairperson or by a decision of the Commission or by the legislation or for submitting inaccurate or incomplete information shall constitute up to five million drams.
9. The amount of a fine imposed for failure by a respondent economic entity in the proceedings to submit, within the prescribed time limit, the documents or other information prescribed by a letter of the Commission Chairperson or by a decision of the Commission or by the legislation or for submitting inaccurate or incomplete information shall constitute up to the amount of the fine defined for the offence examined in the proceedings, and in case of several violations — the amount of a more severe fine defined therefor.
10. The amount of a fine imposed for hindering the exercise of powers of the Commission, or the exercise of rights or fulfilment of duties vested in a member or an employee of the Commission by the legislation, shall constitute up to five million drams.
11. The amount of a fine imposed for hindering by a respondent economic entity in the proceedings the exercise of powers of the Commission, or the exercise of rights or fulfilment of duties vested in a member or an employee of the

Commission by the legislation, shall constitute up to the amount of the fine defined for the offence examined in the proceedings, and in case of several violations — the amount of a more severe fine defined therefor.

12. The amount of a fine imposed for failure by an economic entity to cease or eliminate, within the prescribed time limit, the violations established by a decision of the Commission or to fulfil, within the prescribed time limit, the conditions, obligations or assignments established by the decision shall constitute up to five million drams.
13. If during the preceding year the economic entity has been active for a period less than 12 months, the amount of the fines provided for in this Article shall constitute the percent provided for in this Article of the revenue for the period of its activities preceding the offence, said period being not longer than 12 months.
14. The fine provided for in this Article for violation of the Law by a group of persons shall be imposed on economic entities, which, by their actions or conduct, have participated in the offence, or the offence has resulted or may have resulted in gaining profit or advantage or being placed in more favourable conditions, and the fine shall be calculated based on the total amount of revenues of those economic entities.

Article 94. Imposing sanctions for offences in the field of economic competition

1. When imposing a sanction, the Commission shall take into account the nature, duration of the offence in question, the possible or actual impact of the offence on the competitive situation in the market or on the consumer interests, whether the violation in question committed by the economic entity was repetitive, unless five years have elapsed from the day of imposing a sanction for the previous violation, the degree of intention by the economic entity, the motives for and the

circumstances of committing the offence by the economic entity, whether the economic entity accepts the fact of committing the offence or cooperates with the Commission, grounds for reducing the amount of the fine, the possible impact on the economic entity of the fine being imposed, the business sector of the economic entity or the history of the economic entity.

2. The conduct of an employee of an economic entity during work activities shall be considered as the conduct of the economic entity.
3. When imposing a fine for an anti-competitive agreement, the Commission shall also take into account the type of the anti-competitive agreement provided for by part 2 of Article 5 of this Law (horizontal, vertical, other), as well as the grounds for exempting from liability or deducting the amount of the fine.
4. The methodology for selecting a sanction and calculating a fine shall be defined by the secondary regulatory legal act of the Commission.

(Article 94 amended by Ho-44-N of 04 March 2022)

Article 95. General grounds for exempting from liability for offences in the field of economic competition

1. A person shall be exempted from liability for the offence in the field of economic competition, where — as of the day of initiating proceedings — five years have elapsed from the day the offence has been committed.
2. The Commission may exempt a person from liability where his or her conduct, though formally containing elements of any act provided for by this Law, but due to its little significance does not pose public danger, i.e. it has not caused and may not have caused any essential harm to any person or the State.

Article 96. Exempting from liability an economic entity party to the anti-competitive agreement

1. The Commission may adopt a decision on not imposing a sanction on an economic entity party to an anti-competitive agreement if the economic entity is the first to apply to the Commission on its own initiative, before the Commission renders a decision on initiating administrative proceedings or the Commission Chairperson issues an order on conducting an inspection with regard to the agreement in question, and if the economic entity voluntarily undertakes the obligation to terminate its participation in the anti-competitive agreement (except when in the opinion of the Commission it is necessary for revealing the anti-competitive agreement) and exclude said participation in the future, submitting, at the same time, such evidence regarding the anti-competitive agreement in question which, in the opinion of the Commission, is a sufficient ground for initiating administrative proceedings and/or conducting an inspection with regard to the anti-competitive agreement in question.
2. An economic entity shall be fully exempted from the liability provided for concluding (reaching, entering into) an anti-competitive agreement if it submits to the Commission the following evidence at its disposal or known to it:
 - (1) the names of all the economic entities participating (having participated) in the anti-competitive agreement and other information;
 - (2) detailed description of the anti-competitive agreement, including its purpose, manner of manifestation, the goods constituting the subject of the agreement, the date on which, the duration for which and the place where the anti-competitive agreement was concluded (reached), and other data;
 - (3) names, positions, addresses of all the persons who are involved or have been involved or may be involved in the process of concluding (reaching) the anti-competitive agreement;

- (4) other evidence, at the disposal of the applicant, regarding the anti-competitive agreement.
3. The economic entity having applied to the Commission may not be exempted from the liability, if it has failed to fulfil any of the following conditions:
- (1) the economic entity fails to terminate its participation in the anti-competitive agreement immediately after submitting the application, except when in the opinion of the Commission it is necessary for revealing the anti-competitive agreement;
 - (2) the economic entity fails to cooperate — without reservations and continuously — with the Commission from the moment of submitting the information until the end of the administrative proceedings. Said cooperation shall imply that the economic entity:
 - a. immediately submits to the Commission all the necessary information and evidence with regard to the alleged anti-competitive agreement that come at its disposal or become known to it;
 - b. responds, within the prescribed time limit, to all the enquiries of the Commission which may contribute to the establishment of facts regarding the alleged anti-competitive agreement;
 - c. ensures that its current or, where possible, previous directors and employees can submit explanations;
 - d. does not destroy, forge or conceal the information and evidence regarding the anti-competitive agreement, and
 - e. does not reveal the fact of submission and the content of a statement, application, information or evidence with regard to the alleged anti-competitive agreement before the decision adopted by the Commission on initiating administrative proceedings with regard to the possible anti-competitive agreement enters into force or in other cases upon consent of the Commission.

4. The Commission shall leave an application submitted simultaneously by two and/or more economic entities parties to an anti-competitive agreement without consideration.
5. The procedure for submitting applications for exemption of an economic entity party to an anti-competitive agreement from a sanction and for considering them shall be prescribed by the secondary regulatory legal act of the Commission.

(Article 96 amended by HO-44-N of 04 March 2022)

Article 97. The ground for deducting the amount of the fine to be imposed on the economic entity party to an anti-competitive agreement

1. An economic entity revealing its participation in an anti-competitive agreement may, in the event the requirements of Article 96 of this Law are not met, submit an application for deduction of the amount of the fine.
2. To have the amount of the fine deducted, the economic entity must submit evidence to the Commission with regard to the possible offence provided for by Article 5 of this Law, which will have material significance for proving the commission of offence.
3. The amount of the fine imposed on an economic entity being the first to report on an anti-competitive agreement and submitting evidence of material significance for revealing the agreement concerned as prescribed by this Article shall constitute up to 50 percent of the fine defined by part 1 of Article 93 of this Law. The amount of the fine imposed on the second economic entity submitting evidence of material significance shall constitute up to 70 percent of the fine defined by part 1 of Article 93 of this Law. The amount of the fine imposed on the third economic entity submitting evidence of material significance shall constitute up to 85 percent of the fine defined by part 1 of Article 93 of this Law.

4. Where at the moment of submitting an application for deduction of the amount of the fine the economic entity is a party to another anti-competitive agreement and reports on the anti-competitive agreement concerned as well, the economic entity may, as prescribed by Article 96 of this Law, submit to the Commission an application for full exemption from payment of the fine for the anti-competitive agreement reported on thereby.

Article 98. Compensation for the damage caused as a result of an offence in the field of economic competition

1. In case the offence in the field of economic competition has resulted in damage to economic entities or persons, they shall be subject to compensation, as prescribed by the legislation, by the economic entity, state body or official having committed a violation.

CHAPTER 19

EXECUTION OF DECISIONS OF THE COMMISSION

Article 99. Binding nature of decisions of the Commission

1. Decisions of the Commission, conditions, obligations prescribed and assignments given thereby shall be binding for their addressees and shall be subject to execution in the whole territory of the Republic of Armenia.

Article 100. Paying a fine imposed by the Commission

1. In case 75 percent of the fine imposed by the decision of the Commission is paid within a period of two months after the entry into force of the decision, the obligation to pay the fine shall be considered as duly performed.

2. In case of failure to voluntarily pay the fine imposed by the decision of the Commission, the decision shall — after it becomes unappealable — be sent for compulsory enforcement as prescribed by Chapter 13 of the Law "On fundamentals of administrative action and administrative proceedings".

Article 101. Fulfilling assignments given by the decision of the Commission

1. Conditions prescribed, obligations envisaged and assignments given by the decision of the Commission shall — from the day of entry into force of the decision — be subject to fulfilment immediately, but not later than within the time limit prescribed by the decision, and appealing against the decision shall not suspend the effect or execution of the decision.
2. In case of failure to voluntarily fulfil the assignments given by the decision of the Commission within the time limit prescribed therein, they shall be subject to compulsory enforcement as prescribed by the Law "On compulsory enforcement of judicial acts".
3. Decisions referred to in part 2 of this Article shall be submitted for compulsory enforcement in case of failure to execute within the time limit indicated therein.
4. When submitting decisions referred to in part 2 of this Article for compulsory enforcement the Commission shall submit, attached to the decision, evidence certifying the fact that the decision in question has been handed over to the addressee or the fact that the addressee has been otherwise duly notified, and a letter on execution, which shall indicate:
 - (1) the year, month and day of submitting the decision for compulsory enforcement;
 - (2) actions subject to performance by the decision and/or actions, the performance of which the obliged person must refrain from, and the time limit prescribed by the decision for performance thereof;

- (3) the year, month and day of adopting the decision, the number of the decision and the year, month and day of entry into force of the decision;
 - (4) name, father's name, surname of an obliged person, name of a legal person, their record-registration (location) address and, where available, notification addresses, passport data and social services number of a person, taxpayer identification number and state registration or state record-registration number of a legal person.
- 5. The letter on compulsory enforcement provided for by part 4 of this Article and other documents provided for by law may be sent to the Compulsory Enforcement Service, and documents may be received from the Compulsory Enforcement Service in electronic form.
 - 6. Submitting the assignments given by the decision of the Commission for compulsory enforcement shall not exempt an economic entity from the liability provided for by this Law for failure to execute decisions of the Commission.

Article 102. Examination of violations committed by state bodies and officials thereof

- 1. A decision of the Commission on imposing a sanction for violation of this Law by the state body or its official may be sent to the given state body or, where available, to the superior body thereof, and shall serve as a ground for considering the issue of disciplinary liability of guilty persons.
- 2. The relevant body shall inform the Commission about the results of examination within a period of three months.

CHAPTER 20

REVIEW OF DECISIONS

**Article 103. Reviewing administrative acts rendered by the Commission,
 based on newly-emerged circumstances**

1. Administrative acts of the Commission, that have become unappealable, shall be subject to review based on newly-emerged circumstances.
2. The review of administrative acts based on newly-emerged circumstances shall be conducted by the Commission.
3. Reasons for reviewing an administrative act based on newly-emerged circumstances shall be:
 - (1) applications of participants of the proceedings;
 - (2) identifying by the Commission, while exercising its powers, a newly-emerged circumstance serving as a ground for reviewing an administrative act.
4. Newly-emerged circumstances shall serve as a ground for reviewing an administrative act, where:
 - (1) those circumstance have existed during the administrative proceedings, have not been known and could not have been known to the Commission, and they are of material significance for disposition of the case;
 - (2) false testimonies of a witness, an obviously false opinion of an expert, an obviously incorrect translation by a translator, falsified evidence established by a criminal judgment of a court having entered into legal force, have underlain an administrative act;
 - (3) it has been established by a criminal judgment of a court having entered into legal force that a Commission member, the vote whereof has had

decisive impact on the rendering of the administrative act, has committed a criminal act with respect to the examination of the case.

5. The Commission shall consider the reasons for reviewing the administrative act based on newly-emerged circumstances within a period of 10 days, determining the existence or absence of grounds provided for by part 4 of this Article.
6. As a result of consideration, the Commission shall render a decision on the following:
 - (1) initiating proceedings on reviewing an administrative act, where the Commission concludes that there is any of the grounds provided for by part 4 of this Article;
 - (2) refusing to initiate proceedings on reviewing an administrative act, where the Commission concludes that there are no grounds provided for by part 4 of this Article, or five years have elapsed from the moment the administrative act has become unappealable;
 - (3) leaving the application without consideration, where the applicant has not indicated in the application information on an administrative act under review and/or any circumstance, which, according to the applicant, may serve as a ground for reviewing the administrative act.
7. Decisions on refusing to initiate review proceedings and leaving the application without consideration may be appealed against through judicial procedure within a period of two months.

**President
of the Republic of Armenia**

R. Kocharyan

**Yerevan
5 December 2000
HO-112**