

LAW
OF THE REPUBLIC OF ARMENIA

Adopted on 7 May 2021

**ON MAKING SUPPLEMENTS TO THE LAW "ON COMMISSION
FOR THE PREVENTION OF CORRUPTION"**

Article 1. Part 1 of Article 23 of Law HO-96-N of 9 June 2017 “On Commission for the Prevention of Corruption” (hereinafter referred to as “the Law”) shall be supplemented with points 10-12 which read as follows:

- "(10) conducting oversight over donations made to pre-election funds, expenses and calculation thereof in the cases and as prescribed by the Constitutional Law "Electoral Code of the Republic of Armenia";
- (11) conducting oversight over donations made to campaign financing funds, expenses and calculation thereof in the cases and as prescribed by the Constitutional Law "On referendum";
- (12) conducting oversight over donations made to campaign financing funds, expenses and calculation thereof in the cases and as prescribed by the Law "On local referendum".

Article 2. Part 1 of Article 24 of the Law shall be supplemented with points 30-34 which read as follows:

- "(30) verify observance of the requirements for submission of declarations on the donations made to the pre-election funds of candidates, political parties (alliances of political parties) running in elections and

on the use thereof, reliability and completeness of the information and data available therein;

- (31) verify observance of the requirements for submission — provided for by the Constitutional Law "On referendum" — of declarations on the donations made to campaign funds and on the use thereof, reliability and completeness of the information and data available therein;
- (32) verify observance of the requirements for submission — provided for by the Law "On local referendum" — of declarations on donations made to campaign funds and on the use thereof, reliability and completeness of the information and data available therein;
- (33) examine and resolve the cases on violations concerning the pre-election funds of candidates, political parties (alliances of political parties) running in elections;
- (34) exercise other powers provided for by the Constitutional Law "Electoral Code of the Republic of Armenia", the Constitutional Law "On referendum" and the Law "On local referendum".

Article 3. The Law shall be supplemented with Article 40.3 which reads as follows:

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

1. The Commission shall — as prescribed by the Constitutional Law "Electoral Code of the Republic of Armenia" and this Law — verify compliance of the declarations on donations made to the pre-election funds of candidates, political parties (alliances of political parties) running in elections and on the use thereof with the requirements prescribed by law.

2. For the purpose of ensuring transparency and publicity of donations made to pre-election funds, expenses and calculation thereof, each faction of the National Assembly may appoint one auditor to the Commission who is qualified as an auditor in the Republic of Armenia and has the right of suffrage. The auditors of the factions of the National Assembly appointed to the Commission for the Prevention of Corruption shall be remunerated for two months in the amount of three-fold of the nominal amount of the minimum monthly salary prescribed by the legislation of the Republic of Armenia for each month. Their activities shall terminate on the 5th day following official publication of election results.
3. During the regular elections of the National Assembly and local self-government bodies, up to five specialists may — on contractual basis — be involved in the Commission for the Prevention of Corruption for a period of up to one month.
4. For the purpose of verifying the declarations on donations made to the pre-election funds of candidates, political parties (alliances of political parties) running in elections and on the use thereof, the Commission shall make a comparison of inflows and expenses of the pre-election fund, carry out verification of the lawfulness thereof and the reliability and completeness of the information and data available in the declaration. For this purpose, the Commission shall be entitled to:
 - (1) receive from banks — where temporary special accounts were opened for the formation of pre-election funds — relevant information, statements of information, copies of documents on financial inflows and outflows of the pre-election funds of candidates, political parties (alliances of political parties) running in elections;
 - (2) request and receive (including through electronic inquiry) from state and local self-government bodies, legal and natural persons information and documents necessary for and relating to verification of the declarations on

donations made by candidates and political parties running in elections to their pre-election funds and on the use thereof, including information constituting bank secret;

- (3) request and receive from natural and legal persons supplying goods, providing services or performing works relevant information, statements of information, copies of documents on the goods acquired, works performed and services provided, as well as payments made on the basis of civil law transactions, including on the goods gratuitously acquired, works performed and services provided during the period of the election campaign.
5. For the purpose of verifying declarations, the Commission shall — with the view to becoming familiar with information constituting bank secret, through an inquiry addressed to the Central Bank — be entitled to request and receive summarised information on the availability of accounts, the gross input and gross output of the accounts of the candidate or political party obliged to submit a declaration, as well as data on the availability of bank safes, indicating in the inquiry the data of the candidate or political party, the relevant time period or date. The procedure for transferring the information referred to in this part shall be established by the joint legal act of the Central Bank and the Commission.
6. The Commission shall — within 7 days after receiving the declarations on use of the funds available in the pre-election funds of candidates, political parties (alliances of political parties) running in elections, but no later than 1 day before the time limit prescribed for summarisation of the election results — carry out verification and draw up an opinion based on the results of verification. The Commission shall post the opinion on its website immediately.
7. Where violations of the requirements prescribed by the Constitutional Law "Electoral Code of the Republic of Armenia" have been recorded, based on the results of verification of the declaration on use of the funds available in the pre-election fund, the Commission shall institute proceedings on administrative offence.

8. Where elements of prima facie crime are detected, the Commission shall forward the materials of the case to the Prosecutor General's Office immediately, but no later than within a three-day period.
9. Where during the proceedings on administrative offence the Commission comes to the conclusion that there are elements of prima facie crime in the committed act, the Commission shall forward the materials of the proceedings to the Prosecutor General's Office immediately, but no later than within a three-day period, by adopting a decision on suspending the proceedings. The Commission shall, within a five-day period, resume the suspended proceedings from the moment of receipt of the decision on rejecting institution of a criminal case, on dismissing the case proceedings, on terminating criminal prosecution or on not implementing criminal prosecution, and in case of receipt of the indictment having entered into legal force, the Commission shall dismiss the proceedings within the same period.
10. The Prosecutor General's Office shall inform the Commission about the results of examination of the materials by attaching the copy of the relevant decision.
11. The electronic form of the declarations provided for by this Article shall be established by the Commission. The form of the declaration shall also contain a guideline regarding the procedure and time limits for drawing up and submitting a declaration".

Article 4. The Law shall be supplemented with Article 40.4 which reads as follows:

"Article 40.4. Oversight over donations, expenses made for campaigning for referendum and local referendum and calculation thereof

1. The Commission shall verify compliance of the submitted declarations on donations made to the campaign fund for referendum and local referendum provided for by the Constitutional Law "On referendum" and the Law "On local referendum" and on the use thereof with the requirements prescribed by the Constitutional Law "On referendum" and the Law "On local referendum". For the purpose of verifying the declarations on donations made to campaign funds and on the use thereof, the Commission shall make a comparison of inflows and expenses of the pre-election fund, carry out verification of the lawfulness thereof and the reliability and completeness of the information and data available in the declaration. For this purpose, the Commission shall be entitled to request and receive (including through electronic inquiry) from the parties to the campaign, as well as state and local self-government bodies, legal and natural persons information and documents necessary for and relating to verification of declarations, including information constituting bank secret.
2. For the purpose of verifying declarations, the Commission shall — with the view to becoming familiar with the information constituting bank secret, through an inquiry addressed to the Central Bank — be entitled to request and receive summarised information on the availability of accounts, the gross input and gross output of the accounts of the parties to the campaign obliged to submit a declaration.
3. [corr.](#) The Commission shall — within 7 days after receiving the declarations submitted by the parties to the campaign, but no later than 1 day before the time limit prescribed for summarisation of the results of the referendum or local referendum — carry out verification and draw up an opinion based on the results of the verification. The Commission shall post the opinion on its website immediately.

4. Where elements of prima facie crime are detected, the Commission shall forward the materials of the case to the Prosecutor General's Office immediately, but no later than within a three-day period. The Prosecutor General's Office shall inform the Commission about the results of examination of the materials by attaching the copy of the relevant decision.
5. The procedure for transferring the information constituting bank secret referred to in this Article shall be prescribed by the joint legal act of the Central Bank and the Commission.
6. The electronic form of the declarations provided for by this Article shall be established by the Commission. The form of the declaration shall also contain a guideline regarding the procedure and time limits for drawing up and submitting a declaration".".

Article 5. Concluding part and transitional provisions

1. This Law shall enter into force from 1 January 2023.
2. The Commission for the Prevention of Corruption shall, upon official promulgation of this Law — prior to 1 January 2023, establish the sample of the declaration on donations made to pre-election funds and on the use thereof and the guideline regarding the procedure and time limits for drawing up and submitting a declaration.
3. The Commission for the Prevention of Corruption shall, upon official promulgation of this Law — prior to 1 January 2023, establish the sample of declarations submitted by the parties to the campaign and the guideline regarding the procedure and time limits for drawing up and submitting declarations as provided for by the Constitutional Law "On referendum" and the Law "On local referendum".

4. Upon official promulgation of this Law — prior to 1 January 2023, relevant amendments arising from Articles 40.3 and 40.4, as provided for by Articles 3 and 4 of this Law, shall be made to the joint Decision No 91-N of the Board of the Central Bank of the Republic of Armenia of 12 June 2020 and No 04-N of the Commission for the Prevention of Corruption of 12 June 2020 "On approving the procedure and format for transfer of information constituting bank secret by the Central Bank of the Republic of Armenia to the Commission for the Prevention of Corruption".

**President
of the Republic of Armenia**

A. Sargsyan

27 May 2021

Yerevan

HO-208-N

Date of official promulgation: 27 May 2021.