

REPUBLIC OF ARMENIA
LAW
ON AMENDMING AND SUPPLEMENTING THE REPUBLIC OF ARMENIA LAW ON
PUBLIC SERVICE

Adopted on 9 June 2017

Article 1. In the title of Chapter 7 of the Republic of Armenia Law on Public Service (HO-172-N of 26 May 2011), replace the words “Property and Income” with the words “Property, Income, and Interests.”

Article 2. Restate Article 32 of the Law to read as follows:

“Article 32. Obligation to Declare about Property, Income, Interests, and Related Persons

1. For purposes of this Law, the following shall be declarant officials: high-ranking officials; non-high-ranking-officials that are holders of the highest positions of civil service; holders of the highest positions of public service in the Staff of the National Assembly of the Republic of Armenia; the Republic of Armenia Ministry of Foreign Affairs General Secretary and the head of a separated subdivision of the Staff; holders of the highest positions of service in the Republic of Armenia Special Investigative Service, service in the Republic of Armenia Investigative Committee, and public service in the Department of the Republic of Armenia Investigative Committee; the Republic of Armenia Special Investigative Service Chief of Staff and his deputy; heads and deputy heads of state bodies operating in the administration field of ministries of the Republic of Armenia; holders of the highest positions in judicial service; holders of the highest and senior positions in the special services, except for holders of senior positions in the national executive bodies of defence and national security and in the rescue services; holders of senior positions in the penitentiary service and the service ensuring compulsory execution of judicial acts; prosecutors; investigators of the national security bodies, tax and customs services, the Investigative Committee, and the Special Investigative Service; mayors of communities with a population of 15,000 or more; heads of the administrative districts of the City of Yerevan; and members of the Procurement Appeals Board.

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

3. In the cases and procedure stipulated by this Law, a declarant official shall submit to the Ethics Commission of High-Ranking Officials a declaration on related persons.

4. Persons who, for purposes of this Law, are family members of a declarant official—his spouse, underage child (including adopted), a person under guardianship or custody of the declarant official, and anyone cohabiting with the declarant official—shall, in the cases and procedure stipulated by this Law for a declarant official, submit to the Ethics Commission of High-Ranking Officials their property and income declaration. The declaration of an underage child shall be submitted by the declarant official.
5. For purposes of this law, a person shall be deemed to be cohabiting, if such person lived with the declarant for 183 or more days during the year of declaring or during the year preceding the date of assuming or terminating office.
6. Liability prescribed by law shall arise for the failure of a declarant official or his family member to submit to the submit to the Ethics Commission of High-Ranking Officials a declaration in compliance with the requirements, procedure, and timeframes stipulated by this Law and by the Ethics Commission of High-Ranking Officials.
7. By virtue of the fact of submitting a declaration, a declarant official and his family member consent to the Ethics Commission of High-Ranking Officials accessing their credit history and information on their securities, including transactions therewith, for the reported period.”

Article 3. Add the following new Article 32.1 to the Law:

“Article 32.1. Notice of Appointment and Dismissal of a Declarant Official

1. The chief of staff of a state or local self-government body or a person performing the functions of such chief of staff shall notify the Commission of appointment or dismissal of a declarant official in such body within a three-day period using the form approved by the Commission.”

Article 4. Restate Article 33 of the Law to read as follows:

“Article 33. Declaration Filing Timeframe; Amending a Declaration

1. A declarant official shall submit to the Ethics Commission of High-Ranking Officials a declaration as of the date of assuming or terminating official duties within 30 days of such date. During their term in office, such declarants shall also file declarations as of 31 December of each year not later than by 30 March of the following year.
2. If a declarant official is, within 15 days of expiry (termination) of his powers, is appointed (elected) to a position for which this Law requires filing a declaration, he shall not file a declaration as of the date of termination and assumption of office.
3. A declarant official and his family member may, prior to the deadline prescribed by law for publishing declarations, apply to the Ethics Commission of High-Ranking Officials for the purpose of correcting errors found by them in their declarations. The time granted for correcting errors may not exceed five working days. In case of not filing

a declaration during such period, the Commission shall accept on the originally-filed declaration.

4. After being subjected to a sanction prescribed by the Republic of Armenia Code of Administrative Offences, a declarant official and his family member shall, within the time period stipulated by such Code, apply to the Ethics Commission of High-Ranking Officials for the purpose of correcting data included in the declaration.

5. In case the application stipulated by Paragraph 3 of this Article is received and the errors are corrected within the established time period, the Commission shall not initiate proceedings.”

Article 5. In Article 34 of the Law:

1) Replace the word “high-ranking” with the word “declarant”;

2) In Paragraph 2, replace the words “of a cohabiting parent and cohabiting adult unmarried child” with the words “of the other family members specified in Paragraph 4 of Article 32 of this Law”; and

3) In Paragraph 3, replace the words “of a cohabiting parent and cohabiting adult unmarried child” with the words “of the other family members specified in Paragraph 4 of Article 32 of this Law.”

Article 6. In Article 35 of the Law, replace the words “of a high-ranking official, his spouse, cohabiting parent and cohabiting adult unmarried child” with the words “of a declarant official, his spouse, and the other family members specified in Paragraph 4 of Article 32 of this Law.”

Article 7. Add the following new Article 36.1 to the Law:

“Article 36.1. Content of the Declaration of Interests

1. The “Participation in Commercial Organizations” section of the Declaration shall contain the name and address of the organization in which the high-ranking official and/or his family members are a founder or a shareholder of at least 10 percent.

2. The “Representation in Management, Administrative, or Supervisory Bodies of Commercial Organizations” section of the Declaration shall contain the name and address of the organization in the management, administrative, or supervisory bodies of which the high-ranking official is represented, as well as such high-ranking official's status in such organization.

3. The “Shares of a High-Ranking Official in a Commercial Organization Placed under Trust Management” section of the Declaration shall contain the name and address of the organization in which the high-ranking official has a share that is placed under trust management, or the trust manager's name, surname, patronymic, and passport data, as

well as the trust management contract signing day, month, year, and contract validity term.

4. The “Membership in Non-Commercial Organizations and Representation in Their Management, Administrative, or Supervisory Bodies” section of the Declaration shall contain the name and address of the non-commercial organization in which the high-ranking official is a member, or in the management, administrative, or supervisory bodies of which such high-ranking official is represented, as well as the status of the high-ranking official in such organization.

5. The “Membership in Parties and Representation in Their Management, Administrative, or Supervisory Bodies” section of the Declaration shall contain the name of the party in which the high-ranking official is a member, or in the management, administrative, or supervisory bodies of which such high-ranking official is represented, as well as the status of the high-ranking official in such party.

6. The “Contracts of the High-Ranking Official and His Family Members, or of Organizations in which They Participate, with the Republic of Armenia or Communities” section of the Declaration shall specify the contracts the price (value) of which exceeds 5,000,000 (five million) Armenian drams or its foreign currency equivalent, as well as the contract type, parties, their addresses, information on the contract execution process, the contract execution day, month, and year, the validity term, and price (value).”

Article 8. In Article 37 of the Law:

1) Add the following new Paragraph 1.1:

“1.1. The Commission shall, within seven days of the declaration being posted on the register, ensure its publication on its official website.”

2) Add the following new text paragraph after Paragraph 2:

“The declaration of an underage person shall not be published.”

3) Add the following new Paragraphs 4 and 5:

“4. In case the powers of a declarant official terminate or are terminated, the declarations of the declarant official and his family members shall remain published for a year after his powers terminate or are terminated. If during such year, the person does not assume an office that carries the duty to file a declaration, the declarations shall be archived. If the person assumes an office that carries the duty to file a declaration after the passage of such time, the archived declarations shall be reinstated and published.

5. The Ethics Commission of High-Ranking Officials shall define the procedure and terms of archiving declarations.”

Article 9. Add the following new Articles 38.1 and 38.2 to the Law:

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

1. The normal functioning of the Ethics Commission of High-Ranking Officials shall be secured by its Staff.

2. The number of employees of the staff and the staffing list shall, by proposal of the Ethics Commission of High-Ranking Officials, be approved by the Government of the Republic of Armenia and its structure and bylaws—by the Commission.

Article 38.2. Public Service in the Staff of the Ethics Commission of High-Ranking Officials

1. Professional work in the Staff of the Ethics Commission of High-Ranking Officials, with the exception of work related to technical service functions, shall be civil service, and the employees holding the relevant jobs in the Staff shall be civil servants.

2. Relations pertaining to service in the Staff of the Ethics Commission of High-Ranking Officials shall be regulated by the Republic of Armenia Law on Civil Service.”

Article 10. Add the following new Article 41.1 to the Law:

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

1. The Ethics Commission of High-Ranking Officials shall be financed from the state budget and other sources not prohibited by law.

2. Under the procedure stipulated by the Republic of Armenia Law on the Budgetary System of the Republic of Armenia, and in the time period specified by the Decree of the Prime Minister of the Republic of Armenia for initiating the budgetary process for the following year, the Ethics Commission of High-Ranking Officials shall, every year, prepare and present to the Ministry of Finance of the Republic of Armenia its budgetary financing request for the following year (the draft cost estimate of the Commission).

3. The elements of the budgetary financing request of the Ethics Commission of High-Ranking Officials shall be agreed upon and incorporated in the draft state budget under the procedure stipulated by the Republic of Armenia Law on the Budgetary System of the Republic of Armenia.

4. A copy of the budgetary financing request of the Ethics Commission of High-Ranking Officials submitted to the Government of the Republic of Armenia shall, together with the draft state budget for the following year, be submitted to the National Assembly of the Republic of Armenia.

5. In the expenditures section of the state budget, the expenses of the Ethics Commission of High-Ranking Officials shall be presented as a separate line.”

Article 11. Repeal Paragraph 3 of Article 42 of the Law.

Article 12. In Article 43 of the Law:

1) In sub-paragraph 2 of Paragraph 1, replace the words “analysis and” with the words “regulation of the analysis process and declarations”;

2) Add the following new sub-paragraph 7 to Paragraph 1:

“7) Investigating cases of administrative offences and imposing administrative penalties under the procedure stipulated by law, where the declarant official or his family member fails to file a declaration stipulated by this Law with the Ethics Commission of High-Ranking Officials in the time period prescribed by law or files the declaration in violation of the requirements on completing declarations or of the procedure of filing declarations, or negligently presenting incorrect or incomplete information in a declaration.”

Article 13. Add the following new Article 43.1 to the Law:

“Article 43.1. Analysis of Declarations

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

1) Inspection of compliance with the requirements for completing and submitting a declaration; and

2) Inspection of reliability and integrity of the declared data;

2. The Ethics Commission of High-Ranking Officials shall establish the methodology and procedure of analysing declarations.

3. In the process of analysing declarations, the Ethics Commission of High-Ranking Officials may demand and receive from state and local self-government bodies, the Central Depository, and other persons entitled to maintain a register of securities holders (nominal holders), and Credit Bureaus (including through an electronic inquiry), information and documents about the declarant official and his family members, except for cases provided for by the Republic of Armenia Law on Bank Secrecy.

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

4. In the process of analysing declarations, interoperability of the Ethics Commission of High-Ranking Officials database with the databases — developed as prescribed by the legislation of the Republic of Armenia — of state and local self-government bodies, organisations specified in Paragraph 3 of this Article shall be ensured. Moreover, online access of the Commission to data subject to being declared shall be ensured.

5. When the Ethics Commission of High-Ranking Officials, as a result of analysis of declarations, has sufficient grounds to conclude that the declaration has not been

submitted within the period prescribed by law or has been submitted in violation of the relevant requirements and procedure or the declared data is incorrect or incomplete, Ethics Commission of High-Ranking Officials shall initiate proceedings regarding an administrative offence.”

Article 14. Add the following new Paragraph 7 to Article 44 of the Law:

“7. In the course of the proceedings concerning an administrative offence, if the Ethics Commission of High-Ranking Officials reaches the conclusion that the committed act contains prima facie elements of failure to submit the declaration or of concealing the data subject to declaring or of submitting false data in the declaration intentionally, the Commission shall immediately, but not later than within a three-day period, forward the materials of the proceedings to the Office of the Prosecutor General of the Republic of Armenia, and adopt a decision on suspending the proceedings.

The Office of the Prosecutor General shall inform the Ethics Commission of High-Ranking Officials about the results of the examination of the materials, attaching a copy of the relevant decision.

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

Article 15. Add the following new Article 52 to the Law:

“Article 52.

1. The Staff structure and bylaws, number of employees, and staffing list of the Ethics Commission of High-Ranking Officials shall be approved within a one-month period of the entry into force of this Law.
2. The relevant appointments to the Staff of the Ethics Commission of High-Ranking Officials shall be made within a three-month period of approval of the Staff structure and bylaws, number of employees, and staffing list of the Commission.
3. After the entry into force of this Law, and before 15 September 2017, declarant officials (save for incumbent high-ranking officials) shall present to the Ethics Commission of High-Ranking Officials a declaration on property, income, and related persons as of the date of entry into force of this Law.
4. The provisions on filing of declaration on interests by high-ranking officials shall enter into force on 1 January 2019.

High-ranking officials shall for the first time file a declaration on interests prior to 30 March 2019, for the situation as of 1 January 2019.

5. After the entry into force of this Law, the members of the Ethics Commission of High-Ranking Officials shall continue to serve in office until the Corruption Prevention Commission is formed.”

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

PRESIDENT OF THE REPUBLIC OF ARMENIA

S. SARGSYAN

28 June 2017

HO-98