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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ARMENIA**

**LAW ON PUBLIC SERVICE  
AS OF 25 MARCH 2020 (\*)**

(\*) Translation provided by the Armenian authorities

**LAW**  
**OF THE REPUBLIC OF ARMENIA**

Adopted on 23 March 2018

**ON PUBLIC SERVICE**

**CHAPTER 1**  
**GENERAL PROVISIONS**

**Article 1. Subject matter of the Law**

1. This Law shall define the principles of the public service in the Republic of Armenia, requirements for public service, classification of public positions, basic rights and obligations of public servants, social guarantees for public servants, the specific aspects of their positions, public servants' integrity system, as well as regulate the relations pertaining to the declaration of property, income and interests.

**Article 2. Scope of the Law**

1. This Law shall extend to public bodies, as well as persons holding public positions and public service positions.
2. This Law shall extend to persons working under a civil contract only in cases explicitly stated by this Law.
3. The specific aspects of the organisation and activities of certain types of public service shall be defined by relevant laws.

**Article 3. Public service, public service position, public servant**

1. Public service is the exercise of powers vested in public bodies by the Constitution and laws of the Republic of Armenia, and it includes state service, community service and public positions.
2. State service is the professional activity aimed at exercising the powers vested in state bodies by the legislation of the Republic of Armenia.
3. State service includes civil service, diplomatic service, customs service, tax service, rescue service, military service (except for compulsory military service of the rank and file carried out by means of conscription for compulsory military service defined by law), service in national security bodies, police service, penitentiary service, judicial acts compulsory enforcement service, court bailiff service.
4. Community service is the professional activity aimed at exercising the powers vested in local self-government bodies by the laws of the Republic of Armenia and decisions of the

relevant council of elders.

5. A public service position is a merit-based staff position that is characterised by career advancement, requires political neutrality and professional activity, and is included in a namelist of positions for an individual type of state service or in a namelist of community service positions.

6. A person holding a public service position or included, in the cases and in the manner prescribed by law, in a relevant personnel reserve of the public or community service shall be deemed to be a public servant.

7. Each position of public service shall have a name that accurately reflects the basic functions of the position in question and does not have a general character.

***(Article 3 amended by HO-11-N of 21 January 2020)***

## **CHAPTER 2**

### ***CLASSIFICATION OF PUBLIC SERVICE POSITIONS***

#### **Article 4. Public service positions**

1. Public positions are elective or appointive offices filled as a result of political processes, discretionary decisions, as well as other procedures provided for by law. Persons holding these positions shall, within the scope of their powers, adopt decisions individually or in a collegial manner, bear responsibility for the decisions they make, unless otherwise provided for by law.

2. Public positions shall be classified into the following groups: state and community.

3. State positions shall be classified into the following types: political, administrative, autonomous, and discretionary.

4. Community positions shall be classified into the following types: political, administrative, and discretionary.

#### **Article 5. Political positions**

1. A political position is an elective or appointive office provided for by the Constitution and laws of the Republic of Armenia where the person holding this position is competent to take political decisions and bears political responsibility for these decisions.

2. State political positions shall be the positions of the President of the Republic, Deputies of the National Assembly, Prime Minister, Deputy Prime Ministers, Secretary of the National Security Council, ministers, and deputy ministers.

3. Community political positions shall be the positions of the heads and deputy heads of communities, members of the community council of elders.

4. Relations pertaining to the principles of and procedure for organisation of the activities of officials holding political positions shall be prescribed by the Constitution of the Republic of

Armenia, other laws of the Republic of Armenia.

5. A person holding a political position of a deputy minister or a community political position of a deputy head of a community shall act within the scope of the powers delegated to him or her by the Minister or the head of the community, respectively, and shall not be competent to take political decisions on his or her own responsibility.

6. In the case of replacement of a minister or head of a community, deputy ministers or deputy heads of the community, respectively, shall continue to hold their offices as acting officials until a new appointment is made to their positions. The new appointment to the position of the deputy minister or deputy head of the community shall be made within one month after the day of appointment of the minister or, in the case of the head of a community, after the day of assuming the position, respectively.

***(Article 5 amended by HO-11-N of 21 January 2020)***

#### **Article 6. Administrative positions**

1. An administrative position is an appointive office in a public body where the official holding this position ensures the effective exercise of the powers vested in the body by the Constitution and laws of the Republic of Armenia and bears responsibility for the implementation of the goals and objectives deriving from his or her position.

2. A person holding an administrative position may also be replaced as a result of changes in the proportions of political forces.

3. In the case of replacement of the superior or immediate supervisor of a person holding an administrative position, the person holding the administrative position shall continue to hold his or her office as an acting official until a new appointment is made to his or her position, unless otherwise provided for by law. The new appointment shall be made within one month after the day of appointment of the superior or the immediate supervisor of the person holding the administrative position, unless otherwise provided for by law.

4. State administrative positions shall be the following: Chief and Deputy Chiefs of Staff to the President of the Republic; Chief and Deputy Chiefs of Staff of the National Assembly; Chief and Deputy Chiefs of Staff to the Prime Minister; Representative of the Republic of Armenia to the European Court of Human Rights; heads and deputy heads of bodies reporting to the Government, Prime Minister, ministries; Head and Deputy Heads of the State Protection Service; Head of the Bureau of the Staff to the Prime Minister; Marzpets and Deputy Marzpets; Head of the Judicial Department; Chief of Staff of the Constitutional Court; Chief Military Inspector and Deputy Chief Military Inspectors.

5. Community administrative positions shall be the positions of the Chief Architects of Yerevan, Gyumri, and Vanadzor, heads and deputy heads of the administrative districts of Yerevan, the administrative head of the settlements included in the multi-settlement community.

6. Administrative positions may be held by citizens of the Republic of Armenia having higher education.
7. In cases prescribed by law, state administrative positions shall be held as prescribed by the law regulating the specific type of state service.
8. Chiefs of staffs holding administrative positions shall hold their offices until the age of 65.

***(Article 6 supplemented by HO-144-N of 10 July 2019)***

#### **Article 7. Autonomous positions**

1. An autonomous position is an appointive or elective office held for a certain period of time as prescribed by the Constitution of the Republic of Armenia and/or law where the official holding this position adopts, within the scope of powers vested in him or her by the Constitution and laws of the Republic of Armenia, decisions in a collegial manner and, in the cases provided for by law, also individually, on the basis of the principle of independence, coordinate their implementation in the cases provided for by law, as well as bear responsibility for the implementation of the goals and objectives deriving from his or her position.
2. A person holding an autonomous position shall not be replaced during his or her term of office in the case of changes in the proportions of political forces.
3. Autonomous positions shall be the following: Human Rights Defender; judges of the Constitutional Court; members of independent state bodies; members of autonomous bodies; members of the State Council on Statistics; judges of the Court of Cassation, courts of appeal and first instance; Prosecutor General and prosecutors; heads and deputy heads of investigation bodies; investigators; Head of the Oversight and Audit Service of the Central Electoral Commission.
4. Autonomous positions may be held by citizens of the Republic of Armenia having higher education.
5. Based on the specific aspects of autonomous positions other requirements may also be defined by law for holding those positions.

#### **Article 8. Discretionary positions**

1. A discretionary position is an appointive office where the person holding this position carries out, within the scope of powers vested in him or her, the assignments of his or her immediate supervisor and bears responsibility for the implementation of these assignments.
2. In the case of replacement of his or her immediate supervisor, the person holding a discretionary position shall continue to hold his or her office until a new appointment is made to his or her position. The new appointment shall be made within one month after the day of appointment of the immediate supervisor of the person holding the discretionary position.
3. State discretionary positions shall be the following: advisor, press secretary, assistant,

aide to the President of the Republic, to the Chairperson of the National Assembly, to the Prime Minister, to a Deputy Prime Minister; diplomatic representatives of the Republic of Armenia; advisor, assistant to the Chairperson of the Constitutional Court; press secretary of the Constitutional Court; advisor, press secretary, assistant to the Secretary of the National Security Council; main advisor to the Prime Minister; special envoy; the High Commissioner for Diaspora Affairs; Ministers; Deputy Chairpersons of the National Assembly; the Prosecutor General; head of a state body reporting to the Government, to the Prime Minister; chairperson of an independent state body, of an autonomous state body; advisor, assistant to a Marzpet; press secretary to the Prosecutor General; press secretary to a minister; assistant to the head of a state body reporting to a ministry, of an inspection body; press secretary to the Chairperson of the Central Electoral Commission; assistant to the Chief of Staff to the President of the Republic, to the Chief of Staff to the Prime Minister, to the Chief of Staff of the National Assembly; expert of a faction of the National Assembly; paid assistant to a Deputy of the National Assembly; head of the group of aides to the Prime Minister; protocol manager to the Prime Minister; protocol manager to a Deputy Prime Minister; advisor, assistant, press secretary to the Department of the Staff to the Human Rights Defender, to the Coordinator of the National Preventive Mechanism of the Staff to the Human Rights Defender, to the head of a marz subdivision of the Staff to the Human Rights Defender; to the Human Rights Defender; judge (including judge of the Constitutional Court); assistant to a Deputy Prosecutor General, to a deputy minister, to a deputy head of a state body reporting to the Government, Prime Minister, ministries; assistant to a deputy chairperson of an independent state body, to a deputy chairperson of an autonomous body, to a Deputy Marzpet; assistant to a member of an independent state body, of an autonomous body.

3.1. The position of the High Commissioner for Diaspora Affairs may be held by a person having attained the age of twenty-five who has higher education, command of the Armenian language and of at least two foreign languages.

4. Community discretionary positions shall be the positions of advisor, press secretary, assistant to the head of a community, assistant to a deputy head of a community, to assistant to the Chief Architects of Yerevan, Gyumri, and Vanadzor, expert of a faction of a council of elders.

5. The positions of advisor provided for by this Article may be held by persons having higher education, at least three years of work record in public service or at least three years of work record in the field of work required by the job description, who have attained the age of 25.

6. The positions of assistant, aide, head of the group of aides to the Prime Minister, protocol manager to the Prime Minister, protocol manager to a Deputy Prime Minister may be held by persons having higher education.

7. The position of the head of the public relations subdivision in ministries shall be a

discretionary position which shall be held by the press secretary as prescribed by this Law. The position of press secretary may be held by a citizen of the Republic of Armenia having at least three years of work record in the field of public relations and journalism.

8. The position of advisor requires job description the criteria for which shall be defined by the official to whom the advisor will directly report. The job description, in accordance with the prescribed criteria, shall be approved by the general secretary (chief of staff) of the body in question.

9. The person holding the position of advisor shall be appointed to the office on a non-competitive basis where he or she meets the requirements defined by the job description.

10. The President and the Prime Minister of the Republic may also have advisors appointed on a voluntary basis. The number of advisors to the President of the Republic appointed on a voluntary basis may not exceed two. With the consent of the Prime Minister, Deputy Prime Ministers and ministers may have advisors appointed on a voluntary basis. Advisors appointed on a voluntary basis shall not be considered as officials. Advisors appointed on a voluntary basis shall not be remunerated, and shall not have a regular working time or work schedule. Advisors appointed on a voluntary basis shall provide professional consultation on a specific field of public relations. Advisors to the Prime Minister appointed on a voluntary basis may be included in the commissions established by the Prime Minister. Advisors appointed on a voluntary basis may not carry out activities provided for by part 10 of Article 10 of the Law of the Republic of Armenia "On Regulation of Administrative Legal Relations".

11. In the bodies in which no position of press secretary is provided and there is no public relations subdivision, the performance of the duties of a press secretary may be assigned to the assistant to the head of the body by the order of the head of the body. In this case the criteria prescribed by this Article shall not be mandatory.

12. The number of discretionary positions in the bodies of the state administration system shall be determined by the Prime Minister according to the bodies.

***(Article 8 supplemented by HO-35-N of 8 May 2019, amended by HO-206-N of 23 March 2018, HO-1-N of 21 January 2020, supplemented by HO-11-N of 21 January 2020)***

#### **Article 9. The competence to appoint to public positions**

1. A deputy minister shall be appointed to and removed from office by the Prime Minister upon the recommendation of the minister.

2. The head of a state body reporting to the Government shall be appointed to and removed from office by the Government upon the recommendation of the Prime Minister, except for inspection bodies.

3. The head of an inspection body shall be appointed to and removed from office by the Prime Minister upon the recommendation of the management board of the inspection body.

4. A deputy head of a state body reporting to the Government shall be appointed to and

removed from office by the Prime Minister upon the recommendation of the head of the state body reporting to the Government, unless otherwise provided for by law.

5. The head of a state body reporting to the Prime Minister shall be appointed to and removed from office by the Prime Minister, unless otherwise provided for by law.

6. A deputy head of a state body reporting to the Prime Minister shall be appointed to and removed from office by the Prime Minister upon the recommendation of the head of the state body reporting to the Prime Minister, unless otherwise provided for by law.

7. The head of the state body reporting to the Ministry shall be appointed to and removed from office by the Prime Minister, upon the recommendation of the respective minister, unless otherwise provided for by law.

8. The deputy head of the state body reporting to the Ministry shall be appointed to and removed from office by the respective minister, upon the recommendation of the head of the state body reporting to the Ministry.

9. A Deputy Marzpet shall be appointed to and removed from office by the Prime Minister upon the recommendation of the Marzpet.

10. Persons holding state discretionary positions shall be appointed to and removed from office by the head of the state body or by the head of the reporting state body in which they are going to be in employment relations, except for cases provided for by parts 14 and 14.1 of this Article.

11. The Chief and Deputy Chiefs of Staff to the President of the Republic shall be appointed to and removed from office by the President of the Republic.

12. The Chief and Deputy Chiefs of Staff of the National Assembly shall be appointed to and removed from office by the Chairperson of the National Assembly.

13. The Chief and Deputy Chiefs of Staff to the Prime Minister, the Head of the Bureau of the Staff to the Prime Minister, except for the head of the bureau of a Deputy Prime Minister, shall be appointed to and removed from office by the Prime Minister.

14. An assistant to the Chief of Staff to the President of the Republic shall be appointed and removed from office by the Chief of Staff to the President of the Republic. An assistant to the Chief of Staff of the National Assembly shall be appointed and removed from office by the Chief of Staff of the National Assembly. An assistant to the Chief of Staff to the Prime Minister shall be appointed and removed from office by the Chief of Staff to the Prime Minister. The head of the bureau of a Deputy Prime Minister, as well as an advisor, assistant, press secretary, aide, protocol manager to a Deputy Prime Minister shall be appointed to and removed from office by the relevant Deputy Prime Minister. An assistant, advisor and press secretary to the Secretary of the Security Council shall be appointed to and removed from office by the Secretary of the Security Council.

14.1. An assistant to judge shall be appointed to and removed from office, granted leave and incentives by the Head of Judicial Department, while assistant to judge of the



Constitutional Court — by the Chief of Staff of the Constitutional Court upon the recommendation of the relevant judge.

15. The power to appoint to or remove from a community administrative or community discretionary position shall be vested in the head of the community, unless otherwise provided for by law.

16. The Deputy Prime Minister, a minister, the Secretary of the Security Council, the head of a state body reporting to the Government, the Chief of Staff to the Prime Minister, the head of an inspection body, the head of a state body reporting to the Prime Minister, a Marzpet, the Head of the Bureau of the Staff to the Prime Minister, except for the head of the bureau of a Deputy Prime Minister, shall be granted leave and incentives by the Prime Minister.

17. A deputy minister, the deputy head of a state body reporting to the Government, a deputy head of an inspection body, a deputy head of a state body reporting to the Prime Minister, a deputy marzpet shall be granted leave and incentives by the immediate supervisor.

18. The head of a state body reporting to a ministry shall be granted leave and incentives by the relevant minister, while a deputy head of a state body reporting to a ministry — by the immediate supervisor.

19. Persons holding state discretionary positions shall be granted leave and incentives by the immediate supervisor, unless otherwise provided for by law.

20. The Chief of Staff to the President of the Republic shall be granted leave and incentives by the President of the Republic, while a Deputy Chief of Staff, assistant to the Chief of Staff — by the Chief of Staff to the President of the Republic.

21. The Chief of Staff of the National Assembly shall be granted leave and incentives by the Chairperson of the National Assembly, while a Deputy Chief of Staff, assistant to the Chief of Staff — by the Chief of Staff of the National Assembly.

22. Deputy Chiefs of Staff to the Prime Minister, assistant to the Chief of Staff to the Prime Minister shall be granted leave and incentives by the Chief of Staff to the Prime Minister.

23. The head of the Bureau, advisor, assistant, press secretary, aide, protocol manager to a Deputy Prime Minister shall be granted leave and incentives by the relevant Deputy Prime Minister.

24. Assistant, advisor, press secretary to the Secretary of the Security Council shall be granted leave and incentives by the Secretary of the National Security Council.

25. The High Commissioner for Diaspora Affairs shall be appointed to and removed from office, granted leave and incentives by the Prime Minister.

26. The representative of the Republic of Armenia to the European Court of Human Rights shall be appointed to and removed from office, granted leave and incentives by the Prime Minister.

***(Article 9 supplemented by HO-35-N of 8 May 2019, HO-144-N of 10 July 2019, amended, supplemented by HO-11-N of 21 January 2020)***

**Article 10. Work under a civil contract in public bodies**

1. The work under a civil contract is the execution of specific tasks and functions vested in state and local self-government bodies by the legislation of the Republic of Armenia on a contractual basis.
2. State bodies may, in the manner and in cases prescribed by the Government, involve experts in the execution of specific tasks.

**Article 11. Provision of technical maintenance**

1. Provision of technical maintenance shall include technical support necessary for the execution of specific tasks and functions vested in state and local self-governing bodies, as well as for the exercise of powers vested in persons holding political, administrative or autonomous positions and in public servants.
2. Employment relations with a person providing technical maintenance shall be regulated by the labour legislation of the Republic of Armenia.

**CHAPTER 3*****SPECIFIC ASPECTS OF ORGANISATION OF PUBLIC SERVICE*****Article 12. The main principles of public service**

1. The main principles of public service shall be as follows:
  - (1) rule of law;
  - (2) effectiveness of public service;
  - (3) stability of public service based on merit-based career advancement;
  - (4) public nature, transparency and accountability of public service;
  - (5) equal access to public service for citizens based on their professional knowledge and competencies;
  - (6) protection of public servants from any interference not compatible with their professional activity;
  - (7) proficiency of public servants.
2. Depending on the specific aspects of individual types of public service, additional principles of organisation and operation may be defined by law.

**Article 13. The right to hold a public service position**

1. Citizens of the Republic of Armenia and, in the case of community service, also persons with a status of refugee in the Republic of Armenia, who meet the requirements defined by the

job description of the public service position in question and those defined by the laws of the Republic of Armenia regulating the specific type of state service, as well as the community service, shall have the right to hold public service positions irrespective of their ethnic origin, race, gender, religion, political or other views, social origin, property or other status.

2. Where a requirement of having higher education is set by the job description of a public service position, a citizen must have a qualification or a diploma awarded by a higher education institution having passed an institutional and/or relevant professional programme accreditation.

**Article 14. Persons not entitled to hold a public service position**

1. The following persons shall not have the right to hold a public service position:

- (1) persons declared, through judicial procedure, as having no active legal capacity or having limited active legal capacity;
- (2) persons deprived, through judicial procedure, of the right to hold a public service position;
- (3) persons suffering from an illness which may hinder the exercise of their powers if they are appointed to the public service position in question;
- (4) persons convicted of a crime if the conviction has not been cancelled or expired in the prescribed manner;
- (5) persons who have not served the fixed-term compulsory military service in violation of the law.

2. In addition to the requirements defined by part 1 of this Article, other requirements may also be defined by the laws of the Republic of Armenia regulating individual types of state service, as well as the community service.

3. The list of the illnesses provided for by point 3 of part 1 of this Article shall be approved by the Government, taking into account the specific aspects of the specific type of public service.

**Article 15. Maximum number of staff positions, namelist of public service positions, job description, staff list**

1. The maximum number of staff positions in state bodies shall be determined by the Prime Minister.

2. Each type of state service and the community service shall have a namelist of positions.

3. Each public service position shall have a job description.

4. A staff list shall be established in state and local self-government bodies. A staff list shall include all the positions of the body in question, including persons working under a civil contract and those providing technical maintenance.

5. State bodies shall not be entitled to have more staff positions than the number

determined for them in the manner prescribed by the legislation of the Republic of Armenia, except for cases provided for by part 2 of Article 10 of this Law.

6. The methodology for drawing up the job descriptions for public service positions and managing the namelist of public service positions shall be approved by the Deputy Prime Minister coordinating the public service.

**Article 16. Public service in public bodies**

1. Relations pertaining to the classification of public service positions, cases of establishing and conferring (stripping of) class ranks (titles, ranks), holding positions, re-training, performance (work) evaluation, mobility, registering in the personnel reserve, awarding incentives, imposing disciplinary action, removing from office and terminating service, as well as other relations deriving from these relations, shall be regulated by the laws of the Republic of Armenia regulating individual types of state service, as well as the community service.

2. The compliance of the positions, class titles and ranks provided for individual types of public service shall be defined by the Government.

**Article 17. The personal file of persons holding public positions and public servants**

1. The personal file of a person holding a public position or that of a public servant is the integrity of documents and materials containing summary information on his or her official activities (service history) which shall be maintained electronically, unless otherwise provided for by law.

2. The procedural specifics of maintaining a personal file shall be defined by the Deputy Prime Minister coordinating the public service, unless otherwise provided for by law.

## CHAPTER 4

### ***MAIN RIGHTS AND RESPONSIBILITIES OF PUBLIC SERVANTS, RESTRICTIONS WITH REGARD TO GIVING ASSIGNMENTS***

#### **Article 18. Main rights of a public servant**

1. The main rights of a public servant shall be as follows:
  - (1) getting acquainted with the legal acts laying down his or her powers in the position held;
  - (2) getting acquainted with and giving explanations in connection with the materials of his or her personal file, his or her performance evaluations and other documents on his or her official activities;
  - (3) receiving, in the prescribed manner, information and materials necessary for the performance of his or her official duties;
  - (4) participating in re-trainings with the aim of improving his or her professional knowledge and competencies;
  - (5) receiving equivalent remuneration for work;
  - (6) legal protection.

#### **Article 19. Main responsibilities of a public servant**

1. The main responsibilities of a public servant shall be as follows:
  - (1) complying with the requirements of the Constitution, laws and other legal acts;
  - (2) getting acquainted with the legal acts laying down his or her powers in the position held;
  - (3) following the principles of conduct of a public servant and rules of conduct deriving from them, the incompatibility requirements, other restrictions, and conflict-of-interest regulations;
  - (4) fulfilling, in a precise and timely manner, the obligations vested in him or her by the legislation, and presenting reports and, in the cases prescribed by law, also declarations;
  - (5) executing the assignments given and decisions adopted, in the prescribed manner, by superior bodies and officials;
  - (6) observing internal rules of work discipline prescribed by the legislation;
  - (7) participating in re-trainings with the aim of improving his or her professional knowledge and competences.

#### **Article 20. Restrictions with regard to giving assignments to a public servant**

1. A public servant may not be given oral or written assignments which:
  - (1) contradict the Constitution and the laws of the Republic of Armenia;
  - (2) fall outside the scope of powers of the giver or executor of the assignment.

2. Where an assignment has been given in violation of part 1 of this Article, a public servant shall be obliged to immediately notify in writing the giver of the assignment or the giver's immediate supervisor or their substitutes of his or her doubts regarding the lawfulness of the assignment received. Where the official having given the assignment re-approves the assignment in writing, the public servant shall be obliged to execute it, except for cases where the execution thereof will entail criminal or administrative liability as prescribed by the law of the Republic of Armenia and inform the immediate supervisor of the official having issued the assignment about it in writing. The responsibility for the execution of this assignment by the public servant shall be borne by the official having approved it in writing.

3. Depending on the specific aspects of individual types of public service, another procedure for giving assignments may be prescribed by the laws of the Republic of Armenia regulating these services.

## **CHAPTER 5**

### ***INTEGRITY SYSTEM***

#### **Article 21. Elements of the integrity system**

1. The integrity system shall include the principles of conduct of public servants and persons holding public positions and rules of conduct deriving from them (including the prohibition on accepting gifts in connection with the performance of one's official duties), incompatibility requirements, other restrictions, and conflict-of-interest regulations.

#### **Article 22. Principles of conduct**

1. The principles of conduct shall be the vision of serving the public, loyalty to the public interest, good manners and respectfulness, good faith, objectivity.

#### **Article 23. Vision of serving the public**

1. The exercise of their powers by public servants and persons holding public positions shall be aimed at ensuring the welfare of the citizens and the public of the Republic of Armenia by means of effective implementation of the policy objectives of the state.

#### **Article 24. Loyalty to the public interest**

1. Public servants and persons holding public positions shall execute their powers for the benefit of the citizens and the public of the Republic of Armenia.

2. Public servants and persons holding public positions shall demonstrate loyalty and reliability in the course of implementation of the developed public policy, regardless of their beliefs and positions.

**Article 25. Good manners and respectfulness**

1. Public servants and persons holding public positions shall demonstrate conduct appropriate for their position. They shall demonstrate a well-mannered attitude towards all persons they interact with in the course of exercising their powers.
2. Public servants and persons holding public positions shall respect the dignity of the superiors, immediate supervisors, partners, subordinates thereof.

**Article 26. Good faith**

1. Public servants and persons holding public positions shall, when exercising their powers, act in honesty and good faith.
2. Public servants and persons holding public positions shall use public resources efficiently and economically.

**Article 27. Objectivity**

1. Public servants and persons holding public positions shall demonstrate impartiality when exercising their powers, excluding any discrimination.
2. Public servants, as required by the specific aspects of their service, shall be politically neutral when performing official duties.

**Article 28. Rules of conduct**

1. The rules of conduct — deriving from the principles of conduct defined by this Law — of persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors, investigators), heads and deputy heads of communities, heads and deputy heads of administrative districts of the community of Yerevan shall be established by the Code of Conduct adopted by the Commission for the Prevention of Corruption.
2. The rules of conduct of Deputies, judges, prosecutors, investigators shall be established by other legal acts.
3. Public servants and persons holding public positions shall be obliged to observe the principles of conduct defined by this Law and the rules of conduct deriving from them.
4. The model rules of conduct of public servants deriving from the principles of conduct defined by this Law shall be established by the Commission for the Prevention of Corruption.
5. The rules of conduct of civil servants deriving from the principles of conduct defined by this Law shall be established by the Deputy Prime Minister coordinating the civil service.
6. The rules of conduct of other public servants deriving from the principles of conduct defined by this Law may be established by the body coordinating the specific type of public service if there are aspects requiring regulation specific to that sector. If no such rules have been established, the rules of conduct of civil servants shall apply.
7. The rules of conduct of public servants shall be established in codes on the basis of the

model rules of conduct.

8. Mechanisms for maintaining the rules of conduct of public servants may be established by legal acts regulating the specific aspects of the relevant service.

9. Violation of the rules of conduct may entail disciplinary action. Provisions on disciplinary action shall not apply to persons holding political positions. Provisions on disciplinary action may apply to persons holding autonomous positions in the cases prescribed by law.

***(Article 28 amended by HO-212-N of 15 April 2020)***

#### **Article 29. Prohibition on accepting gifts**

***(title amended by HO-200-N of 25 March 2020)***

1. Public servants and persons holding public positions must not accept, or agree to accept in the future, any gift.

2. Within the meaning of this Law, the concept of “gift” shall imply any advantage related to property interests that would not reasonably be granted to a person not holding the position. It shall also include ceded claims, surrender of claims without compensation or at an apparently disproportionately low price, property transferred without compensation or property sold at an apparently disproportionately low price, services rendered or work carried out without compensation or at an apparently disproportionately low price, as well as preferential loans, gratuitous use of another’s property, and other actions, as a result of which a person derives benefit or advantage.

3. Permissible gifts for public servants and persons holding public positions shall be as follows:

- (1) gifts given or hospitality organised during state or official visits or events, as well as work visits;
- (2) gifts usually given during public events;
- (3) hospitality usually organised;
- (4) materials provided free of charge for official use;
- (5) scholarships, grants or benefits awarded in a public competition on the same conditions and criteria as those which apply to the other applicants, or as a result of another transparent process;
- (6) ceremonial gifts given by foreign states and international organisations.

4. Where the value of a gift accepted by a person holding a public position or a public servant and provided for by points 1, 2, 4, 6 of part 3 of this Article exceeds AMD 60 000, it shall be deemed to be the property of the state or community and shall be registered as such. Persons holding public positions and public servants shall be obliged to transfer such gifts to the state or community as prescribed by the Government.

5. The value of a gift deemed to be permissible under this Article shall be assessed on the basis of the reasonable market value which the receiver of the gift knew or could have known



at the moment of or after receiving the gift.

6. Depending on the specific aspects of public service, other regulations may be defined by sectoral laws.

***(Article 29 amended by HO-200-N of 25 March 2020)***

### **Article 30. Registration of gifts**

***(title amended by HO-200-N of 25 March 2020)***

1. Public servants and persons holding public positions shall be obliged to inform, as prescribed by the Government, about receiving permissible gifts provided for by Article 29 of this Law.

2. The procedure for registering and transferring gifts shall be defined by the Government.

***(Article 30 amended by HO-200-N of 25 March 2020)***

### **Article 31. Incompatibility requirements**

1. Public servants and persons holding public positions may not hold a position not related to their status within other state or local self-government bodies, or any position within commercial organisations, or engage in entrepreneurial activities, or perform any other paid work, except for scientific, educational and creative work.

2. The President of the Republic of Armenia may not hold any other position, engage in entrepreneurial activities, or perform any other paid work.

3. The Chairperson of the Central Bank and the other members of the Board shall have the right to hold positions related to their status within commercial organisations and funds.

4. Public servants, in cases provided for by the Constitutional Law "The Electoral Code of the Republic of Armenia", may carry out activities deriving from the status of a member of an electoral commission (except for a member of the Central Electoral Commission) or a specialist maintaining the technical equipment in an electoral commission.

5. Public servants and persons holding public positions, within a period of one month after appointment (election) to their position, shall be obliged to ensure the fulfilment of the requirements defined by part 1 of this Article.

6. Within the meaning of this Law, holding a position in a commercial organisation (except for organisations established on the basis of international treaties with the participation of the Republic of Armenia) shall mean:

(1) being part of the management body of a commercial organisation;

(2) holding any other position in a commercial organisation;

(3) being a property trust manager of a commercial organisation;

(4) besides the cases specified in points 1-3 of this part, being otherwise involved in performance of representational, directive or managerial functions of a commercial organisation.

A person holding a public position (except for the President of the Republic of Armenia,

Deputies, members of the Government, persons holding autonomous positions) or a public servant may be included in the compositions of the board of directors (supervisory board) of a commercial organisation in which the Republic of Armenia holds a share of 50 per cent or more if it is directly related to the implementation of the policy in the sector of his office, without the right to remuneration or any other form of compensation and without the right to benefit from social guarantees and other services and privileges provided for persons not holding public positions or for persons not considered to be public servants.

7. Within the meaning of this Law, the following shall be deemed to be entrepreneurial activities:

- (1) being an individual entrepreneur;
- (2) being engaged in entrepreneurial activities without state registration or record-registration in cases prescribed by laws of the Republic of Armenia;
- (3) being a participator of a commercial organisation, except when the share of the participator of the organisation has been fully transferred to trust management;

8. Within the meaning of this Law, the following shall not be deemed to be entrepreneurial activities:

- (1) being a participant-contributor (limited partner) in a limited partnership;
- (2) being a depositor or member of a credit or a savings union;
- (3) receiving part of the property due or its value in the case of withdrawal from or liquidation of a commercial organisation;
- (4) having a bank deposit, an insurance policy with an insurance company;
- (5) having securities issued by the Republic of Armenia, a community, or the Central Bank of the Republic of Armenia;
- (6) selling, or leasing for certain payment or compensation, owned property;
- (7) receiving interests on and other compensation for loans;
- (8) receiving compensation (royalties) for the use or rights to the use of any copyrighted work of literature, art or science, of any patent, trademark, design or model, plan, classified formulae or process, or the use or rights to the use of software for electronic computing machines or for databases, or of industrial, commercial or scientific equipment, or for the provision of information about an industrial, technical, organisational, commercial, or scientific experiment;
- (9) receiving compensation for damages caused (loss suffered).

9. Public servants and persons holding public positions shall be deemed to have violated the requirement of not being engaged in entrepreneurial activities if administrative or criminal liability has been imposed on them in this regard in cases and in the manner provided for by the law of the Republic of Armenia.

10. Public servants and persons holding public positions having participation (owning a stock, share, unit) in the authorised capital of a commercial organisation shall be obliged to

transfer it to trust management in the manner prescribed by law, within a period of one month after appointment (election) to the position.

11. A trust manager of a share in the authorised capital of a commercial organisation held by a public servant or a person holding a public position may also be a citizen other than an individual entrepreneur or a non-commercial organisation.

12. Within the meaning of this Law, scientific work shall mean carrying out scientific and research, experimental design, scientific and pedagogical, experimental and technological, designing and engineering, designing and technological work in a scientific organisation, institution, higher education institution or otherwise.

13. Within the meaning of this Law, educational work shall mean working as a teacher, lecturer (assistant) or carrying out other work contributing to and/or ensuring the process of mastering of general (basic, supplementary) education programmes and fulfilment of the requirements set by subject standards, as well as contributing to and ensuring the acquisition of relevant knowledge, skills, abilities, and development of one's value system, through application of teaching methods.

14. Within the meaning of this Law, creative work shall mean creating or interpreting cultural and artistic compositions, works of fiction, folk fiction and crafts, folklore, ethical and aesthetic ideals, rules and forms of conduct, languages, dialects and idioms, national customs and traditions, historical-geographical toponyms, results and methods of scientific research on cultural activities, objects of cultural heritage.

15. Responsibilities associated with exercising one's powers of a public servant or a person holding a public position shall have priority over any scientific, educational, creative work carried out by such person or public servant.

16. Remuneration paid to a public servant or a person holding a public position for scientific, educational and creative work may not exceed the amount that a person having similar qualifications who is not an official would expect for such an activity.

17. Violation of the incompatibility requirements provided for by this Article by a public servant or a person holding a public position shall be a ground for terminating his or her powers or removing him or her from the office held.

***(Article 31 edited by HO-11-N of 21 January 2020)***

### **Article 32. Other restrictions**

1. Persons holding public positions and public servants shall be prohibited from:

(1) being a representative of a third party in relations with a body where he or she is in service or which directly reports to him or her or is directly supervised by him or her;

(2) entering into property transactions with his or her close relatives or relatives-in-law as a representative of the state, except for cases provided for by the legislation of the Republic of Armenia;

- (3) using his or her official position for ensuring actual benefits or privileges for political parties, non-governmental, including religious, organisations;
  - (4) receiving honorarium for publications or speeches following from the performance of his or her official duties;
  - (5) using logistics, financial and information means, other state and/or community property and official information for non-official purposes;
  - (6) working jointly with his or her close relatives or relatives-in-law if one of them directly reports to or supervises the other in his or her service;
  - (7) being employed by an employer or becoming an employee of an organisation over which he or she used to exercise direct control during the last year of holding office, unless a period of one year has passed after he or she has been removed from his or her position.
2. Depending on the specific aspects of individual types of public service, laws regulating those services may prescribe additional restrictions.
  3. Failure to comply with the restrictions provided for by this Article shall entail disciplinary action. Provisions on disciplinary action shall not apply to persons holding political positions. Provisions on disciplinary action may apply to persons holding autonomous positions in cases provided for by law.
  4. The opinion of the Commission for Prevention of Corruption on violation of the restrictions provided for by this Article by a person not having a superior or an immediate supervisor shall be published on the official website of the Commission within a period of three days. A person not having a superior or an immediate supervisor shall be obliged to submit a public clarification regarding the violation recorded in the opinion of the Commission for Prevention of Corruption; said clarification shall within a period of three days upon receipt be published on the website of the body in which the person in question holds office.
  5. Part 4 of this Article shall apply to persons holding political positions who have a superior or an immediate supervisor.

### **Article 33. Conflict of interest**

1. A conflict of interest is a situation where a person holding a position, while exercising his or her powers, performs an action or adopts a decision that can reasonably be interpreted as conduct motivated by his or her personal interests or personal interests of a person affiliated with him or her.
2. Conduct of a person holding a position motivated by his or her personal interests or personal interests of a person affiliated with him or her shall mean performance of an action or adoption of a decision (including participation in the adoption of a decision within the composition of a collegial body) which, though lawful in itself, leads or contributes to or may reasonably lead or contribute to:
  - (1) the improvement of his or her property or legal status or of property or legal status

of a person affiliated with him or her;

(2) the improvement of the property or legal status of a non-commercial organisation of which he or she or a person affiliated with him or her is a member;

(3) the improvement of property or legal status of a commercial organisation in which he or she or a person affiliated with him or her is a participator;

(4) the appointment of a person affiliated with him or her to a position.

3. A person holding a position is deemed to be not motivated by his or her personal interests or personal interests of a person affiliated with him or her if the action or decision in question applies universally and to a wide range of persons.

4. There shall be no conflict of interest if the personal interests have a seeming effect on the proper exercise of the powers of a person holding a position, with such effect being absent in reality.

5. A person holding a position must avoid performing actions that lead to a conflict of interest and must refrain from performing an action or adopting a decision in a situation of conflict of interest.

Where performance of an action or adoption of a decision by or with the participation of a person holding a position within the scope of his or her powers can lead to a conflict of interest, the person holding the position shall be obliged to submit a written statement on the circumstances related to the conflict of interest to his or her superior or immediate supervisor (if he or she has a superior or an immediate supervisor), which shall be subject to immediate consideration. Before obtaining a written consent from the superior or immediate supervisor, said person must refrain from performing any action or making any decision with regard to the matter concerned.

The superior or immediate supervisor shall take steps or suggest taking steps to resolve the situation.

The superior or immediate supervisor shall have the right to assign the power to consider and solve the matter concerned to another person holding a position, if it is not prohibited by law.

6. A person not having a superior or an immediate supervisor may submit a written statement thereon to the Commission for Prevention of Corruption which shall suggest taking steps to resolve the situation, such steps including making a statement on presence of interests in the situation at hand.

7. The provisions of this Article shall apply to persons holding state positions (except for Deputies, judges, members of the Supreme Judicial Council, prosecutors, investigators), positions of a head or deputy head of a community, head or deputy head of an administrative district of the community of Yerevan, as well as public servants.

8. Within the meaning of this Law, affiliated persons shall mean the spouse of the person holding a position, the children (including adopted children), parents (including adopters),

sisters, brothers, grandfathers, grandmothers, grandchildren, aunts, uncles, children of the sisters and brothers of the person holding a position or those of his or her spouse, the children of the aunts and uncles of the person holding a position, the spouses of the sisters, brothers and children of the person holding a position.

9. Performing an action or making a decision in a situation of conflict of interest shall entail disciplinary action.

Provisions on disciplinary action shall not apply to persons holding political positions.

Provisions on disciplinary action may apply to persons holding autonomous positions in cases provided for by law.

10. The opinion of the Commission for Prevention of Corruption on the existence of a conflict of interest with regard to a person holding a position who does not have a superior or immediate supervisor shall be published on the official website of the Commission within a period of three days. A person not having a superior or an immediate supervisor shall be obliged to submit a public clarification thereon which, within a period of three days upon receipt, shall be published on the website of the body in which the person in question holds office.

11. Part 10 of this Article shall apply to persons holding political positions who have a superior or an immediate supervisor.

***(Article 33 amended by HO-212-N of 15 April 2020)***

## **CHAPTER 6**

### ***DECLARATION OF PROPERTY, INCOME AND INTERESTS***

#### **Article 34. Obligation of declaration of property, income and interests**

1. Within the meaning of this Law, declarant officials shall mean persons holding state positions, persons holding positions of a head or deputy head of a community, head or deputy head of an administrative district of the community of Yerevan, persons holding positions listed in the 1st or 2nd subgroup of managerial positions of civil service, the Secretary General of the Ministry of Foreign Affairs, persons holding the highest level of command and the highest officer level positions in the military service, persons holding the highest positions in the tax, customs services, police, penitentiary, and judicial acts compulsory enforcement services.

2. A person holding a state position (except for persons holding state discretionary positions) or a position of a head or deputy head of a community or a position of a head or deputy head of an administrative district of the community of Yerevan shall, as provided for by this Law, submit a declaration on property, income and interests to the Commission for the Prevention of Corruption.

3. A person holding a discretionary position or a position listed in the 1st or 2nd subgroup

of managerial positions of civil service, the Secretary General of the Ministry of Foreign Affairs, a person holding the highest level of command and the highest officer level positions in the military service or the highest positions in the tax, customs services, police, penitentiary, or judicial acts compulsory enforcement service shall, as provided for by this Law, submit a declaration on property and income to the Commission for the Prevention of Corruption.

4. Declarant officials shall submit declarations upon assumption and termination of their official duties, as well as annual declarations.

5. Family members of a declarant official shall — in the declarant official's declarations upon assumption or termination of his or her official duties, as well as annual declarations — submit data on their property and income. Where family members do not, within the period prescribed by this Law, submit data on their property and income, they shall be deemed to be persons having failed to submit declarations or persons having submitted declarations in violation of the time limit.

5.1. In the cases prescribed by the Law "On Commission for the Prevention of Corruption" persons shall — within a period of one month — submit a situational declaration of property and income to the Commission for the Prevention of Corruption. A person having failed to submit a situational declaration upon the request of the Commission for the Prevention of Corruption shall be deemed to be a person having failed to submit a declaration or a person having submitted a declaration in violation of the time limit.

5.2. The general rules provided for by this Law for the content and procedure for submitting the declaration of assuming the powers of the declarant official shall apply to situational declarations. The form of a situational declaration shall be prescribed by the Commission for the Prevention of Corruption.

5.3. The decision of the Commission for the Prevention of Corruption on submitting a situational declaration may be appealed in accordance with the rules prescribed by the Administrative Procedure Code of the Republic of Armenia.

6. A declarant official's declarations upon assumption or termination of his or her official duties shall be submitted as of the day of assumption or termination of his or her official duties. Annual declarations shall be submitted for the period from 1 January of each year to 31 December (inclusive) of the same year.

7. In his or her declaration, the declarant official shall also fill in the data known to him or her regarding the property and income of minors who are members of his or her family, as well as of persons under his or her guardianship or curatorship, and shall be responsible for the accuracy of such data.

8. Adult members of the declarant official's family shall be deemed persons having obligation to submit a declaration and shall fill in data — in the declarant official's declaration — on their property and income and shall be responsible for the accuracy of such data.

9. Family members (persons within the composition of the family) of a declarant official

shall mean his or her spouse, minor children (including adopted children), persons under the declarant official's guardianship or curatorship, any adult person jointly residing with the declarant official.

10. Within the meaning of this Law, a jointly residing person shall mean a person having jointly resided with the declarant for 183 days or more during the year preceding the day of assumption or termination of his or her office by the declarant official or during the year of declaration.

11. Failure by a declarant official, his or her family member, as well as in the cases prescribed by point 5.1 of this Law, to submit the declarations to the Commission for the Prevention of Corruption in compliance with the requirements, procedure and time limits defined by this Law and by the Commission for the Prevention of Corruption shall entail liability as provided for by law.

12. A declarant official and his or her family member shall, by virtue of the fact of submitting the declaration, be deemed to have given their consent to the Commission for the Prevention of Corruption becoming familiar with their credit record and information on securities, including transactions on securities, for the reporting period.

13. The template of the declaration shall be established by the Government upon the recommendation of the Commission for the Prevention of Corruption.

***(Article 34 amended by HO-212-N of 15 April 2020, amended, supplemented, edited by HO-200-N of 25 March 2020)***

#### **Article 35. Notifying on a declarant official's appointment to or removal from office**

1. The head of staff or the person performing the functions of the head of staff of a state or local self-government body shall, within a period of three days, notify the Commission for the Prevention of Corruption about an appointment to or removal from office of a declarant official, providing a copy of the relevant act. The form of and the procedure for notifying shall be defined by the Commission.

#### **Article 36. Time limits for declaration and amending a declaration**

1. Declarant officials shall submit the declarations of assumption or termination of official duties to the Commission for the Prevention of Corruption within a period of 30 days following the day of assumption or termination of their official duties. The aforementioned persons shall, during their terms of office, submit annual declarations by 31 May of the year following a given year.

2. Where a declarant official has, within 30 days following the automatic or imposed termination of his or her powers, been appointed (elected) to a position requiring declaration under this Law, he or she shall not submit a declaration of termination or assumption of his or



her official duties. This provision shall not be applicable where the declarant official has never submitted a declaration of assumption of official duties under this Law. In this case the declarant official shall submit a declaration of assumption of official duties.

3. Where after submitting a declaration of termination of his or her official duties a declarant official has — by 31 December of a given year — been appointed (elected) to a position requiring declaration under this Law, he or she shall not submit a declaration of assumption of his or her official duties.

***(Article 36 amended by HO-200-N of 25 March 2020)***

### **Article 37. Amending a declaration**

1. A declarant official, his or her family members may request the Commission for the Prevention of Corruption to eliminate any non-compliance revealed by them in a submitted and published declaration. The Commission rejects the request if the non-compliance of the datum mentioned in the request has been revealed otherwise. In the case of granting the request, the time limit for eliminating the non-compliance in the declaration may not exceed seven working days. In the case of failing to submit an amended declaration within the mentioned time limit, the Commission shall rely on the initially submitted declaration.

2. If a non-compliance has, on the basis of a request provided for by part 1 of this Article, been eliminated within the prescribed time limit, the Commission shall not institute proceedings.

3. A declaration shall also be amended if non-compliance of declaration data is found by the Commission in case proceedings concerning an administrative offence; for the elimination of said non-compliance a period of three days shall be provided.

### **Article 38. Method of filling in and submitting declarations**

1. Declarations shall be filled in and submitted electronically.

2. Declarations may be submitted not electronically (in hard copies) in exceptional cases defined by the Commission for the Prevention of Corruption.

### **Article 39. General data included in a declaration**

1. The following shall be specified in a declaration:

1) the declarant official's first name, last name, father's name, day, month, year of birth, public service identification number, address, position held, day, month, year of assumption or termination of office, name of the body he or she holds a position in, his or her electronic mail, telephone numbers;

2) the declarant official's family member's name, last name, father's name,

relationship to the declarant official, day, month, year of birth, passport data, public service identification number (if applicable), citizenship, address, position (work information);

3) data on persons related to the declarant official through close kinship or in-law relationship: name, last name, father's name, day, month, year of birth, relationship to the declarant official.

2. Within the meaning of this Law, persons related to the declarant official through close kinship or in-law relationship shall mean the spouse, parents, children, brothers, sisters of the declarant official, the parents, children, brothers and sisters of his or her spouse.

#### **Article 40. Content of a declaration on property**

1. A declaration shall include the following property owned by the declarant:

(1) immovable property: land parcels, parts of subsoil, isolated water bodies, forests, perennial seedlings, buildings, premises, and other property affixed to the land;

(2) transportation means: means of automobile transport, wheeled, tracked, self-propelled vehicles or machines, air transport, water transport. Means of automobile transport shall include the means of transport the engine volume whereof exceeds 50 cubic centimetres, whereas the maximum speed exceeds 50 km/h, as well as trailers or semi-trailers of various freight capacity;

(3) securities (bonds, cheques, promissory notes, stocks, and other instruments classified as security under the laws of the Republic of Armenia, except for bank certificates) and/or other instruments certifying other investments (shares, stakes);

(4) provided, repaid loans (including bank deposits);

(5) any property not referred to in points 1-4 of this part, the value whereof exceeds eight million drams or foreign currency equivalent thereto (hereinafter referred to as "valuable property");

(6) monetary funds (including those in a bank).

2. When the price (value) of a property, or an income expressed in a foreign currency, subject to declaration under this Article must be estimated, the foreign currency equivalent shall be calculated based on the average exchange rate established in the currency markets and published by the Central Bank as of the day of transaction, whereas the price (value) of in-kind transactions shall be calculated based on the price (value) of the in-kind (non-pecuniary) income or property reflected in the declaration.

3. When declaring a property, the following shall be specified:

(1) in the case of immovable property: the type, the address of location, the property identification number, net area, the type of ownership (personal or common), the share of the declarant co-owner in the case of common shared ownership, the year and method of acquisition of the property;

(2) in the case of transportation means: the type, the model and the serial number,

the year of issue, the identification number, the year and method of acquisition;

(3) in the case of a security and/or another investment: the type, the price (value), the year of acquisition of the security and/or other investment, name of the company, percentage of equity participation;

(4) in the case of a provided, repaid loan (including bank deposit): the debtor's appellation or first name, last name, father's name, the debtor's address, the amount (size) of the loan, the loan currency, name of the company, percentage of equity participation;

(5) in the case of valuable property: the appellation and description of the property, the year and method of acquisition of the property;

(6) in the case of monetary funds: the size, source of origin, type and currency of the monetary funds.

4. An annual declaration shall also include the transactions of acquisition or alienation of immovable property, transportation means, valuable property subject to declaration within a given year (from 1 January to December 31 inclusive), indicating the type of the property, the day, month, year, method, value (price), currency of acquisition or alienation thereof, the appellation or first name, last name, father's name, address of the other party to the transaction.

5. In the case of securities and/or other investments, an annual declaration shall also include the securities and/or other investments as of 1 January and 31 December of a given year, indicating the type of the securities, the day, month, year, method, value (price), currency of acquisition thereof, the appellation or first name, last name, father's name, address of the other party to the transaction.

6. In the case of a loan, an annual declaration shall include the amount (size) and currency of the loan provided or repaid as of 1 January and 31 December of a given year, the debtor's appellation or last name, first name, father's name, address.

7. In the case of monetary funds, an annual declaration shall include the size, source of origin, type and currency of the monetary funds as of 1 January and 31 December of a given year.

***(Article 40 supplemented by HO-200- N of 25 March 2020)***

#### **Article 41. Content of an income declaration**

1. A declaration shall include the incomes defined in this Article and the sources wherefrom they were generated.

2. The source of a declarant's income is the person who has paid to the declarant the income defined in this Article.

3. Incomes shall be declared without taxes and/or other mandatory payments.

4. Under the present Law, the following incomes received in Armenian drams or foreign currency or in an in-kind (non-pecuniary) form shall be subject to declaration:

- (1) remuneration for work or any other payment equivalent thereto;
  - (2) royalties or an author's remuneration for the use — or rights to the use — of any copyrighted work of literature, art or science, of any patent, trademark, design or model, plan, classified formulae or process, or the use — or rights to the use — of software for electronic computing machines or for databases, or of industrial, commercial or scientific equipment, or for the provision of information about an industrial, technical, organisational, commercial, or scientific experiment;
  - (3) received loans (credits);
  - (4) interests and other compensation received in return for provided loans;
  - (5) dividends;
  - (6) incomes (winnings) gained in casinos or games of chance;
  - (7) in-kind or monetary winnings (prizes) from competitions or contests, as well as lotteries;
  - (8) property, monetary funds received as a gift or aid (except for those received in the form of work, service);
  - (9) inherited property (also monetary funds);
  - (10) insurance indemnities;
  - (11) income generated from entrepreneurial activities;
  - (12) income generated from alienation of property (also of that not subject to declaration);
  - (13) payment or other compensation received for lease;
  - (14) lump-sum payments;
  - (15) income generated from property rights;
  - (16) income generated from other civil law contracts;
  - (17) pension;
  - (18) income generated from agricultural activities.
5. Other incomes not specified in part 4 of this Article shall also be subject to declaration with the indication of their types and sources.
6. When declaring an income, the following shall be indicated:
- (1) the type of income;
  - (2) the source of income: the appellation or last name, first name, father's name, address of the income payer;
  - (3) the size (amount) of the income;
  - (4) the income currency.
7. An income received in a reporting period, or the sum of incomes, not exceeding AMD 200 000 shall not be subject to declaration.
8. Declarations of assumption or termination of one's official duties shall include the incomes received from 1 January of the year in question until the day of assumption or

termination of the official duties of the person concerned.

9. Within the meaning of this Law, a generated income shall not be considered lawful where a lump-sum amount received or paid exceeds 1 000 000 Armenian drams or foreign currency equivalent thereto, yet the person having the obligation to submit a declaration has provided or received monetary loans, has made or received payments (interests or other compensation) for provided or received monetary loans, has received monetary gifts, monetary dividends, has received income from entrepreneurial activities, has received income from alienation of property, has received payments or other compensation for lease, has received income, under other civil contracts, has received payments, income from property rights in cash.

***(Article 41 amended by HO-200-N of 25 March 2020)***

**Article 42. Content of a declaration on interests**

1. The section "Participation in commercial organisations" of the declaration shall contain the appellation, taxpayer's identification number and address of the organisation where the declarant official and/or his or her family members are founders or hold share in the authorised capital, quantity, percentage, day, month, year of acquisition of participation (equities, stocks, shares) owned in the organisation or of the organization the persons included in the governing bodies whereof are appointed or dismissed by the declarant official and (or) his or her family members.

2. The section "Involvement in governing, administrative or supervisory bodies of commercial organisations" of the declaration shall contain the appellation, taxpayer's identification number and address of the organisation in the governing, administrative or supervisory bodies whereof the declarant official and (or) his or her family members are involved, as well as his or her status in that organisation.

3. The section "Transfer to trust management of shares in commercial organisations in which a person holding a position is a participator" of the declaration shall contain the appellation, taxpayer's identification number and address of the organisation wherein the share of the declarant official is transferred to trust management, or the trust manager's first name, last name, father's name, passport data, public service identification number, as well as the day, month, year of concluding the contract on trust management and the contract's validity period.

4. The section "Membership in non-commercial organisations and involvement in their governing, administrative or supervisory bodies" of the declaration shall contain the appellation, taxpayer's identification number, address of the non-commercial organisation wherein the declarant official is a member or in the governing, administrative or supervisory bodies whereof he or she is involved, and his or her status in that organisation.

5. The section "Membership in political parties and involvement in their management, administrative or supervisory bodies" of the declaration shall contain the appellation of any

political party wherein the declarant official is a member or in the management, administrative or supervisory bodies whereof he or she is involved, his or her status in the political party.

6. The section "Contracts concluded with the Republic of Armenia or communities by a person holding a position and his or her family members, as well as by the organisations in which they are participators" of the declaration shall contain contracts the price (value) whereof exceeds five million Armenian drams or foreign currency equivalent thereto, the type of and parties to the contract, their addresses, data on the process of concluding the contract, the day, month, year of concluding the contract, the contract's validity period, as well as its price (value).

7. With regard to contracts specified in parts 3 and 6 of this Article, declarations of assumption or termination of one's official duties shall include the contracts valid as of the day of assumption or termination of that person's official duties, and annual declarations shall include the contracts concluded from 1 January to 31 December of a given year.

***(Article 42 edited, supplemented by HO-26-N of 23 April 2019)***

**Article 43. Publication of declaration data and archiving the declarations**

1. After being submitted, a declaration shall immediately be published on the official website of the Commission for the Prevention of Corruption.

2. The list of the declaration data subject to publication (provision) shall be defined by the Government. The location of an immovable property may be published without publishing its address and the data identifying it.

3. The data of a declaration of a minor, except for his or her first name, father's name and last name, shall not be subject to publication.

4. The Commission for the Prevention of Corruption shall ensure protection of the data not subject to publication.

5. In the case of automatic or imposed termination of the powers of a declarant official, the declaration shall remain published in the course of one year after the automatic or imposed termination of his or her powers. If in the course of one year the person concerned does not assume any position requiring declaration, the declaration shall be archived. If the person concerned assumes a position requiring declaration after the mentioned period, his or her archived declaration shall be restored and published.

6. The procedure for and terms of archiving the declarations shall be defined by the Commission for the Prevention of Corruption.

## CHAPTER 7

### **COMMISSIONS ON ETHICS AND INTEGRITY AFFAIRS ORGANISER**

#### **Article 44. Commissions on ethics of public servants**

1. Individual commissions on ethics shall be established for individual forms of state service and for community service.
2. Commissions on ethics established under the laws on individual forms of state service and community service shall see to observance of integrity requirements for public servants, the relations pertaining to the activities whereof are regulated by laws on individual forms of state service and community service.

#### **Article 45. Powers of commissions on ethics of public servants**

1. The commissions on ethics of public servants shall:
  - 1) examine and address applications on the cases of violations of the incompatibility requirements, other restrictions, rules of conduct and conflict of situational interests of public servants;
  - 2) submit to the competent body or official recommendations for prevention and elimination of incompatibility requirements of public servants, other restrictions, violations of rules of conduct, as well as situations of conflict of interests.

#### **Article 46. Integrity affairs organiser**

1. A public service position of integrity affairs organiser shall be envisaged in the staff management subdivisions of state and local self-government bodies.
2. The integrity affairs organiser shall:
  - (1) provide public servants with professional consultation regarding incompatibility requirements, other restrictions and the rules of conduct, submit a recommendation on taking steps to settle a situation of conflict of interests;
  - (2) identify training needs with regard to integrity affairs and develop training programmes, as well as other programmes to observe integrity requirements;
  - (3) conduct studies related to the integrity system upon the request of the general secretary, commission on ethics of the relevant body or upon the recommendation of the Commission for the Prevention of Corruption;
  - (4) develop the draft integrity plans for public servants, submit them to the relevant body for approval;
  - (5) maintain statistics on cases of violation by public servants of incompatibility requirements, other restrictions, rules of conduct and conflict of interests.
3. Commissions on ethics established under the laws regulating individual forms of state

service and community service, functioning on permanent bases, shall perform the function envisaged by point 5 of part 2 of this Article.

**CHAPTER 8**  
***SOCIAL PROTECTION OF PUBLIC SERVANTS AND***  
***PERSONS HOLDING A PUBLIC POSITION***

**Article 47. Social guarantees for public servants and persons holding a public position**

1. Guarantees for public servants and persons holding a public position shall be:
  - (1) safe and appropriate working conditions for the fulfilment of official (employment) duties, which are harmless for health;
  - (2) remuneration and other payments provided for by legislation of the Republic of Armenia;
  - (3) annual paid leave;
  - (4) compulsory state social insurance in the cases and under the procedure prescribed by law;
  - (5) providing — as prescribed by the legislation of the Republic of Armenia — relevant payment in case he or she acquires disability, and to the family members in case of his or her death, while performing official (employment) duties;
  - (6) based on his or her application, providing the latter and the members of his or her family with protection from violence, terror and other assaults related to the performance of his or her official duties in the cases and under the procedures prescribed by the legislation of the Republic of Armenia;
  - (7) reimbursement of travel, accommodation and other costs related to official secondments under the procedure prescribed by the legislation of the Republic of Armenia.
2. Public servants and persons holding public positions shall be provided with means of transportation or shall be reimbursed for transportation expenses in the cases and under the procedure prescribed by the legislation of the Republic of Armenia.
3. Other social guarantees for public servants and persons holding public positions may as well be prescribed.

**Article 48. Remuneration and social security of a person holding a public position and a public servant**

1. Every person holding a public position and every public servant shall, without any discrimination, have the right to remuneration in the amount prescribed by legislation.
2. The person holding a public position and the public servant shall receive remuneration



under the procedure and within the time limits prescribed by the legislation of the Republic of Armenia.

3. The social security (including pension security) of a person holding a public position or of a public servant shall be ensured under the procedure prescribed by the legislation of the Republic of Armenia.

**Article 49. Public service record**

1. Public service record shall include the entire period of holding a public service position, as well as that of working in state or community service positions prior to the entry into force of this Law.

2. Public service record shall also include the work in state and community service positions, as well as the periods of working as an expert under the procedure prescribed by this Law.

3. Public service record shall not include the entire period of holding a public service position and/or a state and community position in violation of the procedure established by law, as well as that of working in state or community service positions in violation of law prior to the entry into force of this Law.

**CHAPTER 9**

***GRANTING THE HIGHEST CLASS RANKS***

**Article 50. Competence to lodge a petition on granting the highest class ranks**

1. The Prime Minister, the Chairperson of the National Assembly, the Chairperson of the Constitutional Court and the Chairperson of the Supreme Judicial Council shall have the competence to lodge a petition to the President of the Republic on granting the highest class ranks.

2. The Chairperson of the National Assembly shall be entitled to lodge a petition on granting the highest class ranks to public servants of the Staff of the National Assembly.

3. The Chairperson of the Constitutional Court shall be entitled to lodge a petition on granting the highest class ranks to public servants of the Staff of the Constitutional Court.

4. The Chairperson of the Supreme Judicial Council shall be entitled to lodge a petition on granting the highest class ranks to public servants of the Judicial Department.

5. The Prime Minister shall be entitled to lodge a petition on granting the highest class ranks to public servants of all the bodies provided for by the Constitution, except for the cases envisaged by parts 2-4 of this Article.

**Article 51. Lodging a petition on granting the highest class ranks**

1. The Chairperson of the National Assembly shall lodge a petition on granting the highest class ranks upon his or her own initiative and upon the recommendation of the Chief of Staff of the National Assembly.
2. The Chairperson of the Constitutional Court shall lodge a petition on granting the highest class ranks upon his or her own initiative and upon the recommendation of the Chief of Staff of the Constitutional Court.
3. The Chairperson of the Supreme Judicial Council shall lodge a petition on granting the highest class ranks upon his or her own initiative and upon the recommendation of the Head of the Judicial Department.
4. The Prime Minister shall lodge a petition on granting the highest class ranks upon his or her own initiative and upon the recommendation of the heads of bodies provided for by the Constitution.
5. The heads of bodies subordinate to the Government and the Prime Minister, as well as those of other bodies provided for by the Constitution shall submit the recommendations personally, and the heads of the bodies subordinate to ministries — through the relevant minister.
6. The petition on granting the highest class ranks shall be submitted in writing.
7. The following shall be attached to the petition:
  - (1) the grounds for granting the highest class rank;
  - (2) the biography of the person nominated for the highest class rank;
  - (3) the draft of the decree of the President of the Republic on granting the highest class rank.
8. The recommendation on granting the highest class rank shall be submitted in writing, with documents provided for by part 7 of this Article, except for those provided for by point 3 of part 7 of this Article, attached thereto.
9. The recommendations that do not comply with the requirements of this Law shall be returned within a week to the body or the person that submitted the recommendation, indicating the relevant deficiencies.
10. The relevant body or person may — after eliminating the indicated deficiencies — submit a new recommendation.

**Article 52. Procedure for granting the highest class ranks**

1. The highest class ranks shall be granted by the President of the Republic upon the relevant petition.
2. The President of the Republic shall grant the highest class ranks by adopting a decree.
3. The President of the Republic may — within a three-day period following the receipt of the petition on granting the highest class rank — return the draft decree of the President of

the Republic on granting the highest class ranks with objections thereof to the body lodging the petition.

4. In the event of failing to return, as prescribed by part 3 of this Article, the draft decree of the President of the Republic on granting the highest class ranks with objections thereof to the body lodging the petition the President of the Republic shall, within a three-day period, sign the decree of the President of the Republic on granting the highest class rank.

5. Where the body lodging a petition does not accept the objection of the President of the Republic, the President of the Republic shall, within a three-day period, sign the decree of the President of the Republic on granting the highest class rank or apply, within a three-day period, to the Constitutional Court.

6. Where the Constitutional Court finds that the petition lodged to the President of the Republic by the relevant body is in compliance with the Constitution, the President of the Republic shall, within a three-day period, sign the decree of the President of the Republic on granting the highest class rank.

7. Where the President of the Republic fails to fulfil the requirements prescribed by parts 3-6 of this Article, the decree on granting the highest class rank to the relevant person shall enter into force by virtue of law, and the Prime Minister, the Chairperson of the National Assembly, the Chairperson of the Supreme Judicial Council or the Chairperson of the Constitutional Court respectively shall, within a one-week period, disseminate an announcement on entry into force by virtue of law of the decree of the President of the Republic.

### **Article 53. Deprivation of the highest class ranks**

1. The President of the Republic shall deprive of the highest class rank, except for the case of imposing it as a punishment for a crime.

2. The following shall be attached to the petition on deprivation of the highest class ranks:

- (1) the grounds for deprivation of the highest class rank;
- (2) the draft of the decree of the President of the Republic on deprivation of the highest class rank.

3. The deprivation of the highest class ranks shall be done under the procedure prescribed by this Chapter.

**CHAPTER 10**  
***FINAL PART AND TRANSITIONAL PROVISIONS***

**Article 54. Entry into force of the Law**

1. This Law shall enter into force on the day of assuming the powers by the newly-elected President of the Republic, except for Articles 31-33, parts 1-12 of Article 34, Articles 35-40, parts 1-8 of Article 41, part 1, the second sentence of part 2, parts 3-5 of Article 43.
2. The Law of the Republic of Armenia HO-172-N of 26 May 2011 "On Public Service" shall be repealed from the moment this Law enters into force, except for Articles 23-24, 28, 30-37, part 3, the first sentence of part 4 of Article 38, Articles 38.1-40, part 1 of Article 41, Articles 41.1-44, part 5 of Article 52.
3. Articles 31-33, part 1 of Article 34 of this Law shall enter into force from the moment of establishing the Commission for the Prevention of Corruption. Therefore the provisions of Articles 23-24, 30-31, part 1 of Article 32 of the Law of the Republic of Armenia HO-172-N of 26 May 2011 "On Public Service" shall be in effect.
4. The parts 2-12 of Article 34, Articles 35-40, parts 1-8 of Article 41, part 1, the second sentence of part 2, parts 3-5 of Article 43 of this Law shall enter into force from 1 January 2020. Therefore the provisions of parts 2-7 of Article 32, Articles 32.1-37 of the Law of the Republic of Armenia HO-172-N of 26 May 2011 "On Public Service" shall be in effect.
5. The Code of Conduct mentioned in part 1 of Article 28 of this Law, as well as model rules of conduct of public servants shall be adopted (defined) by 1 October 2018. The rules of conduct of civil servants shall be defined by 1 November 2018. Therefore the provisions of Article 28 of the Law of the Republic of Armenia HO-172-N of 26 May 2011 "On Public Service" shall be in effect.
6. Part 3, the first sentence of part 4 of Article 38, Articles 39-40, part 1 of Article 41, Articles 41.1-44, part 5 of Article 52 of the Law of the Republic of Armenia HO-172-N of 26 May 2011 "On Public Service" shall be in effect until the establishment of the Commission for the Prevention of Corruption.
7. Articles 38.1 and 38.2 of the Law of the Republic of Armenia HO-172-N of 26 May 2011 "On Public Service" shall be in effect until formation of the Staff of the Commission for the Prevention of Corruption.

***(Article 54 amended by HO-3-N of 14 March 2019)***

**Article 55. Transition to the electronic system for maintenance  
of personal files**

1. The Deputy Prime Minister coordinating the public service shall — within a three-month period following the entry into force of this Law — define the schedule of and the procedure for the transition to the electronic system for maintenance of personal files.

**Article 56. Approval of job descriptions of official persons holding a discretionary position**

1. Job descriptions of persons holding discretionary positions shall be approved within a three-month period following the entry into force of this Law.

**Article 57. Adopting legal acts arising from this Law**

1. Amendments to other laws arising from this Law shall be made within a six-month period following the entry into force of this Law.

2. The decisions of the Government ensuring the application of this Law shall be adopted within a three-month period following the entry into force of this Law.

**Article 58. Peculiarities of holding an office**

1. In ministries that have both the position of the head of the Public Relations Subdivision and the position of the Press Secretary, the head of the Public Relations Subdivision shall continue to hold office until the position becomes vacant under the procedure prescribed by the Law of the Republic of Armenia "On Civil Service". The position shall — within one year after becoming vacant — be removed from the list of civil service positions thus becoming a discretionary position.

2. In ministries that do not have the position of the Press Secretary, the position of the head of the Public Relations Subdivision shall be removed from the list of civil service positions thus becoming a discretionary position, and shall be occupied by the head of the Public Relations Subdivision the same day.

3. In case of creating a structural subdivision the requirements prescribed by part 7 of Article 8 of this Law shall also apply to the Central Electoral Commission.

4. The requirements provided for by part 8 of Article 6 of this Law shall apply to the chiefs of staff holding office prior to the entry into force of this Law.

5. The requirements provided for by part 5 of Article 8 of this Law shall apply to the chiefs of staff holding office in the bodies of the state administration system and holding a position of an advisor in the marzpetarans [regional governor's offices] prior to the entry into force of this Law. They shall be removed from the offices held within ten days. In other state bodies, where persons holding a position of an advisor do not meet the requirements provided for by part 5 of Article 8 of this Law, and there are no other grounds for removing from office provided for by law, those persons shall continue holding their positions. In state bodies that have positions of an advisor and those positions are not defined by this Law, persons holding those positions shall be removed from their offices within ten working days.

**Article 59. Time periods for declaration**

*(Article repealed by HO-200-N of 25 March 2020)*

**Article 60. Other provisions**

1. From the moment of establishing the Commission for the Prevention of Corruption the words "Commission on Ethics of High-Ranking Officials" in Chapter 7 of the Law of the Republic of Armenia HO-172-N of 26 May 2011 "On Public Service" shall be read as "Commission for the Prevention of Corruption" in relevant word forms thereof.

2. *(part repealed by HO-3-N of 14 March 2019)*  
*(Article 60 amended by HO-3-N of 14 March 2019)*

**President  
of the Republic of Armenia**

29 March 2018

Yerevan

HO-206-N

**S. Sargsyan**