CIVIL PROCEDURE

CODE

OF THE REPUBLIC OF ARMENIA

(Adopted by the National Assembly

of the Republic of Armenia on 17 June 1998)

SECTION ONE-

GENERAL RULES

CHAPTER 1

MAIN PROVISIONS

Article 1. The legislation on the civil procedure

1. In the courts of the Republic of Armenia (hereinafter referred to as "the courts") the procedure for civil proceedings shall be stipulated by the Constitution of the Republic of Armenia, this Code, the Judicial Code of the Republic of Armenia and by other laws adopted in compliance thereto.

The norms of civil procedure law contained in other laws (except for laws regulating bankruptcy proceedings) should comply with this Code.

2. Where the international treaties of the Republic of Armenia provide for procedural norms other than those provided for by the Civil Procedure Code of the Republic of Armenia, the norms of international treaties shall apply.

3. The civil proceedings shall be carried out under the laws in force at the time of examination of the case.

(Article 1 supplemented by HO-261 of 06 November 2001, supplemented, amended by HO-277-N of 28 November 2007)

Article 2. Right to apply to court

An interested person shall have the right to apply to court, as prescribed by this Code, in order to protect his or her rights, freedoms and legal interests stipulated by the Constitution of the Republic of Armenia, laws and other legal acts or envisaged in a contract.

For the purpose of protecting the rights, freedoms and legal interests of others — in the cases envisaged by this Code and other laws — persons entitled to act for such a protection shall have the right to apply to court.

Article 3. Grounds for instituting a civil case

The court shall institute a civil case only based on a claim or application.

Article 4. Independence of judges and the obedience thereof only to the law

1. When administering justice, judges shall be independent and shall obey only to the law.

2. When administering justice judges shall be independent and shall obey only to the law. The guarantees of independence of judges shall be enshrined in the Constitution of the Republic of Armenia and the Judicial Code of the Republic of Armenia.

(Article 4 edited by HO-277-N of 28 November 2007)

Article 5. Equality before the law and court

The administration of justice under civil cases shall be carried out on the basis of the principles of equality of citizens and legal persons before the law and court.

Article 6. Competition and legal equality of parties

Civil proceedings shall be carried out on the basis of competition and legal equality of the parties.

Article 7. Language of proceedings

1. The proceedings in the Republic of Armenia shall be conducted in the Armenian language.

2. The participants of the case shall have the right to act in the court in the language preferred thereby, where they provide translation into the Armenian language.

(Article 7 edited by HO-277-N of 28 November 2007)

Article 8. Publicity of examination of cases

1. The examination of civil cases in courts is open to the public.

2. The examination of a case in a closed sitting shall be permitted in cases provided for by law as well as in the cases where the court grants motions relating to the necessity of observing the confidentiality of child adoption, ensuring the inviolability of personal and family life of citizens, and keeping trade or other secrets.

3. A decision shall be taken on examining a case in a closed sitting.

4. When examining a case in a closed sitting, the participants of the case and the representatives thereof shall be present, as well as — where necessary — witnesses, experts and translators from whom personal recognisance shall be obtained on not disclosing and using any disclosed confidential information.

5. The examination of a case in a closed sitting shall be carried out in observance of the rules of civil procedure and the requirements of the legislation on state, service, trade, banking and other secrets.

In all cases, the civil judgment of the court shall be promulgated in a sitting open to the public, except for the cases of promulgating the conclusion of the judicial act on deciding on the merits of the case under adoption cases. The conclusion of the judicial act on deciding on the merits of the case under adoption cases may be promulgated only by the consent of the adopter.

(Article 8 supplemented by HO-101 of 24 October 2000, supplemented by HO-277-N of 28 November 2007)

Article 9. Oral nature of court examination

(Title amended by HO-98-N of 21 February 2007)

1. The examination of a case shall be held orally.

2. The examination of the case shall be held with the unchanged composition of the court. In case of substituting a judge during the examination of the case, the examination of the case shall commence from the beginning.

3. ***(Part 3 repealed by HO-98-N of 21 February 2007)***

4. ***(Part 4 repealed by HO-98-N of 21 February 2007)***

(Article 9 amended by HO-98-N of 21 February 2007)

Article 10. Laws and other legal acts used during the resolution of disputes and other cases

1. The court shall resolve disputes and other cases on the basis of the Constitution of the Republic of Armenia, laws and other legal acts adopted in accordance therewith.

2. Where the international treaties of the Republic of Armenia provide for norms other than those provided for by law or other legal acts, the norms of international treaties shall apply.

3. In case of absence of the law or other legal act regulating disputable relationships, the court shall use the norms of the law regulating similar relationships (statutory analogy). In case of absence of such norms the court shall resolve the dispute in accordance with the principles of law (analogy of law).

4. In accordance with the law or international treaty of the Republic of Armenia, the court may also use law provisions of other states.

Article 11. Application of foreign law

1. In case of applying foreign law, the court shall ascertain the existence and content of the norms thereof, in accordance with the interpretation and implementation practice in the foreign state.

2. In order to ascertain the existence and content of foreign law provisions, the court may — in the prescribed manner — request the assistance of competent authorities in the Republic of Armenia and in abroad, or involve specialists.

In case of impossibility to ascertain the existence and content of foreign law provisions, the court shall apply the relevant norms of law of the Republic of Armenia.

Article 12. Application of customary business practices

The court shall be entitled to apply customary business practices.

Article 13. Judicial acts under civil cases

Under civil cases the court shall render civil judgments, decisions and shall issue payment orders (hereinafter referred to as "judicial acts").

(Article 13 amended by HO-154-N of 07 July 2005, edited by HO-277-N of 28 November 2007)

Article 14. Compulsory nature of judicial acts

The judicial act entered into force shall be compulsory for all state bodies, local self-government bodies, the officials thereof, legal persons and citizens, and shall be enforced throughout the whole territory of the Republic of Armenia.

C H A P T E R 2

RATIONE MATERIAE FOR CIVIL CASES

Article 15. Ratione materiae for the court of general jurisdiction

1. All civil cases shall be subject to the jurisdiction of the Court of First Instance of general jurisdiction.

2. The cases on adjustments to electoral lists shall be examined by the courts of general jurisdiction of the place of residence of the defendant, as prescribed by the Administrative Procedure Code of the Republic of Armenia.

(Article 15 edited by HO-277-N of 28 November 2007, HO-44-N of 05 February 2009)

Article 16. Ratione materiae of the civil court

(Article 16 repealed by HO-44-N of 05 February 2009)

Article 17. Ratione materiae of a number of interrelated claims

(Article 17 repealed by HO-44-N of 05 February 2009)

Article 18. Submitting the dispute to the resolution of arbitration tribunal

Prior to rendering a judicial act on deciding on the merits of the case, the dispute subject to the jurisdiction of the court may, upon the agreement of the parties, be submitted to the resolution of the arbitration tribunal.

(Article 18 edited by HO-277-N of 28 November 2007)

C H A P T E R 3

COURT PERSONNEL

Article 19. Individual and collegial examination of cases

1. In the court of general jurisdiction, the cases shall be examined by a sole judge.

2. ***(Point 2 repealed by HO-44-N of 05 February 2009)***

3. The bankruptcy proceedings shall be held by the judge individually.

4. When examining cases solely, the judge shall act as a court.

5. In the Civil Court of Appeals of the Republic of Armenia (hereinafter referred to as "the Court of Appeals") the appeals against judicial acts on deciding on the merits of the case shall be examined on collegial basis with a composition of three judges, whereas the appeals against other judicial acts shall be examined individually.

6. The civil and administrative chamber of the Court of Cassation of the Republic of Armenia (hereinafter referred to as "the Court of Cassation") shall decide on admitting the cassation appeal for proceedings on a collegial basis with a composition of the Chairperson of the chamber and at least five judges. The cassation appeal shall be considered as having been admitted for proceedings where the majority of judges present at the sitting has voted in favour thereof.

7. The Court of Cassation shall examine cassation appeals admitted for proceedings with a composition of the Chairperson of the chamber and at least five judges.

8. None of the judges may abstain from voting. The chairperson of the sitting shall vote the last.

9. The judge in disagreement with the opinion of the majority shall have the right not to sign the judicial act; however, in this case he or she is obliged to state his or her special opinion in writing.

10. Special opinions may refer both to the conclusion and argumentation of the judicial act.

11. Special opinions shall be signed and sealed by the judge and shall be attached to the case.

12. When promulgating the judicial act at the court sitting, the existence of a special opinion shall be announced, but the special opinion shall not be publicized.

13. Special opinions shall be provided to persons participating in the case.

(Title amended by HO-39-N of 18 February 2004)

(Article 19 supplemented by HO-214 of 11 September 2001, HO-98-N of 21 February 2007, edited by HO-277-N of 28 November 2007, HO-233-N of 26 December 2008, HO-44-N of 05 February 2009)

Article 20. Procedure for the resolution of issues by court

(Article 20 repealed by HO-277-N of 28 November 2007)

CHAPTER 4

SELF-RECUSAL OF THE JUDGE

(Title edited by HO-277-N of 28 November 2007)

Article 21. Self-recusal of the judge

1. The grounds for self-recusal of a judge shall be defined by Article 91 of the Judicial Code of the Republic of Armenia.

2. Judges shall declare self-recusal on their own initiative or upon the motion of a participant of the case. A participant of the case may file such a motion and the judge may declare a self-recusal only before the commencement of court examination, except for cases where the person proves and the judge justifies that the grounds for self-recusal have been revealed to him or her after the court examination had commenced and could not be revealed thereto before. In all cases, a motion may be filed or a self-recusal may be declared only before the completion of court examination.

(Article 21 edited, supplemented by HO-36-N of 18 February 2004, edited by HO-277-N of 28 November 2007)

Article 22. Procedure for filing a motion for self-recusal

1. In case of the grounds envisaged by Article 21 of this Code, the judge shall be obliged to declare self-recusal. The self-recusal should be justified.

2. The motion for the self-recusal of a judge shall be filed in writing, with the grounds thereof stated therein.

3. Repeat filing of a motion for self-recusal of a judge on the same grounds shall not be permitted.

(Article 22 amended by HO-36-N of 18 February 2004, edited by HO-277-N of 28 November 2007)

Article 23. Procedure for deciding on motions for self-recusal

1. In case of filing a motion for self-recusal, the examination of a case shall be suspended until the resolution of such matter. The sitting may be suspended for not more than three days.

2. The motion for self-recusal filed on the same grounds shall not be considered.

3. Based on the results of the examination of the motion for self-recusal, the judge either declares self-recusal or renders a decision on rejecting the motion.

(Article 23 edited by HO-277-N of 28 November 2007)

Article 24. Consequences of self-recusal

1. In case of self-recusal of a judge, the court sitting shall be declared closed. In case of self-recusal of a judge, the judge shall be substituted by another judge of the same court.

2. The judge substituted in result of self-recusal or the court with the renewed composition shall examine the case from the beginning.

(Article 24 edited by HO-277-N of 28 November 2007)

Article 25. Procedure for deciding on the declared self-recusal and recusal

(Article 25 repealed by HO-277-N of 28 November 2007)

Article 26. Consequences of upholding self-recusal and recusal

(Article 26 supplemented by HO-214 of 11 September 2001)

(Article 26 repealed by HO-277-N of 28 November 2007)

CHAPTER 5

PARTICIPANTS OF THE CASE

Article 27. Composition of participants

The participants of the case shall be as follows:

(1) parties,

(2) third persons,

(3) applicants – in cases envisaged by Section 3 of this Code.

Article 28. Rights and obligations of the participants of the case

1. The participants of the case shall have the right to:

(1) familiarise themselves with case materials, make excerpts, receive carbon copies thereof, taking into account the requirements of Article 8 of this Code and other laws;

(2) declare recusals;

(3) present evidence and participate in the examination thereof, taking into account the requirements of Article 8 of this Code and other laws;

(4) ask questions, file motions, furnish explanations to the court;

(5) present their arguments regarding all the matters arising during the examination of the case;

(6) object to the motions, arguments of other participants of the case;

(7) appeal against judicial acts;

(8) avail themselves of other procedural rights reserved thereto under this Code.

2. The participants of the case shall bear procedural obligations defined by law.

3. The participants of the case should make use of their procedural rights and fulfil their procedural obligations in good faith.

4. The participants of the case shall be subject to liability for giving false explanations or testimonies, as prescribed by the legislation of the Republic of Armenia.

(Article 28 supplemented by HO-101 of 24 October 2000, HO-154-N of 07 July 2005)

Article 29. Parties

1. The parties to civil proceedings (hereinafter referred to as “the proceedings”) shall be the plaintiff and the defendant.

2. Plaintiffs shall be the citizens and legal persons who have filed the claim.

3. Defendants shall be the citizens and legal persons whereagainst a claim has been filed.

4. The parties shall have equal procedural rights and shall bear equal obligations.

Article 30. Participation of more than one plaintiff or defendant in the case

1. A claim may be filed jointly by more than one plaintiff (co-plaintiff) or against more than one defendant (co-defendant).

2. Each of the plaintiffs and defendants shall act individually during the court proceedings.

3. Co-plaintiffs or co-defendants may assign the holding of proceedings to one of them.

Article 31. Substitution of an inappropriate party

1. During the preparation or examination of a case, the court may — in case of finding out that the claim has not been filed by the person possessing the right of demand, or against the person who should respond under that claim — allow the plaintiff or the defendant to be substituted by an appropriate plaintiff or defendant, upon the consent of the plaintiff.

2. When the plaintiff disagrees to be substituted by another person, that person may participate in the case as a third person submitting an individual claim on the subject-matter of the case.

3. Where the plaintiff disagrees with the substitution of the defendant by another person, the court may have that person participate as a second defendant.

4. After substituting the inappropriate party, the examination of the case shall commence from the beginning.

Article 32. Changing the cause of action or the subject-matter of the claim, changing the amount of demands of the claim, abandoning the claim, accepting the claim

1. Where the examination of the case is carried out under the preparatory stage of the court proceedings, the plaintiff shall have the right to change the cause and subject-matter of the claim, increase or decrease the amount of demands of the claim until the commencement of court proceedings in the Court of First Instance. The plaintiff may abandon the claim in the Court of First Instance before the completion of court proceedings.

2. The defendant shall have the right to accept the claim fully or partially.

(Article 32 edited by HO-277-N of 28 November 2007)

Article 33. Conciliation agreement between parties

1. At any stage of court proceedings, the parties may close the case through a conciliation agreement.

2. The conciliation agreement between parties shall be formulated in writing.

3. Before endorsing the conciliation agreement, the court shall clarify the judicial consequences thereof to the parties.

4. The court shall not endorse the conciliation agreement where it contradicts with law and other legal acts, or violates the rights and legal interests of other persons. In those cases the court shall decide on the merits of the dispute.

Article 34. Third persons filing individual claims on the subject-matter of the dispute

Third persons filing individual claims on the subject-matter of the dispute may get involved in the case prior to the court rendering the civil judgment. They shall avail themselves of all the rights and shall bear all the obligations of a plaintiff.

Article 35. Third persons not filing individual claims on the subject-matter of the dispute

1. Third persons not filing individual claims on the subject-matter of the dispute may be involved in the case on the side of the plaintiff or defendant prior to the court rendering the civil judgment where the civil judgment may influence on the rights or obligations they possess in relation to one of the parties.

2. Third persons not filing individual claims on the subject-matter of the dispute shall avail themselves of the rights and shall bear the obligations of a party, except for the right to change the cause of action or the subject-matter of the claim, increase or decrease the amount of demands of the claim, abandon the claim, accept the claim, conclude a conciliation agreement and require compulsory enforcement of the judicial act.

Article 36. Procedural succession

1. In case of leaving the court proceedings (death of citizen, reorganisation of legal person, assignment of claim, debt assignment) by one of the parties, the court shall substitute that party with the successor thereof, making a notice in the decision thereon. Succession shall be available at every stage of the proceedings.

2. All the activities, which have taken place during the proceedings prior to the engagement of the successor in the case, shall be compulsory for him or her insofar as they would be compulsory for the person substituted by the successor.

Article 37. Participation of state bodies in the case

1. State bodies shall have the right to apply to court with a claim regarding the protection of State property interests.

2. The state body having filed a claim shall enjoy the rights and bear the obligations of a plaintiff.

3. A prosecutor shall file a claim with regard to the protection of State property interests in the cases prescribed by the Law of the Republic of Armenia "On Prosecutor's Office".

(Article 37 edited by HO-277-N of 28 November 2007)

Article 38. Participation of local self-government bodies in the case

1. A head of community shall have the right to apply to court with a claim regarding the protection of property interests of the community.

2. The head of community having filed a claim shall enjoy the rights and shall bear the obligations of a plaintiff.

CHAPTER 6

REPRESENTATION IN COURT

Article 39. Conduct of a case through representation

1. At court, citizens may conduct their cases in person or through their representatives. The participation of a citizen in the case shall not deprive him or her from the right to have a representative.

2. At court, the cases of legal persons shall be conducted by the bodies or representatives thereof, operating within the framework of competences reserved by law or their charter.

3. The heads of legal persons, or other persons having the right to represent the interests of legal persons in accordance with the charter thereof, shall submit the documents certifying their official position or competences to the court.

Article 40. Persons who may act as representatives at court

1. Every citizen having active legal capacity and a properly formulated competence to conduct a case at court may act as a representative at court, with the exception of cases provided for in Article 5 of the Law of the Republic of Armenia "On the profession of advocate."

2. ***(Part 2 repealed by HO-233-N of 26 December 2008)***

(Article 40 edited by HO-277-N of 28 November 2007, amended by HO-233-N of 26 December 2008, edited by HO-341-N of 08 December 2011)

Article 41. Formulation and verification of the competences of a representative

1. The power of attorney issued by a citizen shall be certified by a notary or by an official having such a competence by virtue of law. The power of attorney shall be provided to an advocate in a simple writing form and shall not be subject to certification.

2. A power of attorney on behalf of an organisation shall carry the signature of the head of the executive body thereof or the person authorised, in accordance with the charter, to represent the organisation without a power of attorney, sealed with the stamp (if the organisation wishes so) of the organisation.

3. The party participating in a court sitting together with a representative shall have the right to confirm the competences of his or her representative before the court, stating the scope of competences of the latter in writing.

4. The competences of a legal representative shall be confirmed with a document certifying his or her status.

(Article 41 edited by HO-277-N of 28 November 2007, supplemented by HO-110-N of 13 April 2011)

Article 42. Competences of the representative

The power of attorney to conduct a case at court shall give the representative the right to carry out procedural actions on behalf of the representee, except for:

(1) signing the statement of claim;

(2) submitting the case to the arbitration tribunal;

(3) fully or partially abandoning the demands of the claim and accepting the claim;

(4) changing the cause of action or the subject-matter of the claim;

(5) changing the amount of the demands of the claim;

(6) signing a conciliation agreement;

(7) transferring the competences to another person (reauthorisation);

(8) appealing against the judicial act;

(9) apply to competent persons aimed at filing a cassation appeal.

In order to carry out each of the activities stated in this Article, the relevant competence of the representative should be particularly envisaged in the power of attorney issued by the representee.

(Article 42 amended by HO-61-N of 25 December 2006)

Article 43. Legal representatives

1. The rights and legal interests of minors and citizens declared as lacking active legal capacity or having partial active legal capacity shall be protected at court by the parents (adopters), guardians or curators thereof, who submit documents certifying their status to the court.

In cases wherein citizens — who have been declared in a prescribed manner as missing — should participate, the trust manager of their property shall act as a representative thereof.

In cases wherein the heir of a dead citizen — or of a citizen who has been declared in a prescribed manner as dead — should participate, the person appointed for the maintenance and administration of the heritable property shall act as a representative of the heir, where no one has yet accepted the heritage.

2. Legal representatives and persons exercising *ex officio* representation may assign the conduct of the case at court to another person selected as a representative thereby.

(Article 43 edited by HO-277-N of 28 November 2007)

CHAPTER 7

OTHER PARTICIPANTS OF THE PROCEEDINGS

Article 44. Witness

1. A witness may be any person disposing of information and aware of circumstances essential for the correct resolution of the dispute by the court.

2. The court shall summon a witness by the motion of a party. When submitting a motion to summon a witness, the fact in respect of which the witness is to be interrogated as well as the name of the witness, the address by which he or she is to be summoned to court should be specified. In exceptional cases the court may summon a witness on its own initiative.

3. The notification letter of the person summoned as a witness should specify the venue, time to appear thereby and the case in respect of which he or she is to be interrogated, as well as the consequences of not appearing.

4. Each person summoned as a witness by the court should appear upon the summon of the court and deliver the information and circumstances revealed to him or her under the case.

5. If the summoned witness fails to appear at the court sitting without good reason recognised by the court, the court shall be entitled to take a decision on the forced apprehension thereof. The decision of the court shall be immediately enforced as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

6. Giving false testimonies by a witness in civil cases shall result in a liability as prescribed by the legislation of the Republic of Armenia.

(Article 44 supplemented by HO-154-N of 07 July 2005, edited by HO-277-N of 28 November 2007)

Article 44[1]. Right to refuse to give a testimony as a witness

1. The following persons may not be interrogated as a witness:

(1) representatives or defence counsel — in respect of factual circumstances revealed to him or her while rendering legal services to their client;

(2) The Human Rights Defender — in respect of factual circumstances of the case revealed to him or her while performing his or her duties;

(3) judge — in respect of discussions relating to the resolution of any case;

(4) ordained spiritual confessor — in respect of circumstances of the case revealed to him during a confession.

2. At court, the right not to answer certain questions while giving a testimony shall be reserved to:

(1) spouses or persons to the second degree of consanguinity, in case of giving testimonies against each other. Within the meaning of this Code, children, parents, sisters and brothers of a person shall be considered as in the first degree of consanguinity. Persons to the second degree of consanguinity shall be the persons in the first degree of consanguinity as well as the persons in the first degree of consanguinity with the latter;

(2) representatives of the mass media — in respect of information on factual circumstances of the case, which may disclose the source of such information.

(Article 44[1] supplemented by HO-277-N of 28 November 2007)

Article 45. Expert

1. A person possessing relevant qualification and appointed by the court in the cases and under the procedure prescribed by this Code may act as an expert at court.

2. The person assigned to carry out an expertise shall be obliged to appear upon the summoning of the court and deliver an objective expert opinion based on the tasks assigned to him or her.

3. The expert shall have the right, if necessary for delivering an expert opinion, to familiarise himself or herself with the case materials, take part in court sittings, ask questions, apply to court with a request of being provided with additional materials. The expert may refuse to deliver an expert opinion in the event of insufficiency of the materials provided thereto.

Article 46. Translator

1. A translator shall be the person having a good command of the languages necessary for the translation.

2. The court shall have the right to appoint a translator upon the proposal of a party, who shall pay for the services of the translator.

3. The translator shall be entitled to ask questions to make the translation clear.

CHAPTER 8

EVIDENCE

Article 47. Concept of evidence and types thereof

1. Evidence under a case shall be the information acquired under the procedure defined by this Code and other laws, on the basis whereof the court finds out the existence or absence of other circumstances justifying the demands and objections of participants of the case and being essential for the dispute resolution.

That information shall be confirmed by:

(1) written evidence and physical evidence;

(2) expert opinions;

(3) testimonies of witnesses;

(4) testimonies of participants of the case.

2. Evidence obtained in violation of law shall have no legal effect and may not serve as a basis for the civil judgment of the court.

(Article 47 edited by HO-277-N of 28 November 2007)

Article 48. Burden of proof and fact in proof

1. Each participant of the case should prove the facts he or she has referred to.

2. The facts essential for the resolution of the case and subject to proof shall be decided by the court on the basis of demands and objections of the participants of the case.

3. If a party refuses (avoids) answering the questions of the court or of participants of the proceedings or giving testimonies to the court, the court may, upon the motion of the other party or by its own initiative, consider the refusal (avoidance) from testimonies or answers as unjustified, whereas the factual circumstances in respect of which the party refuses (avoids) to give testimonies or answers may be considered as proven thereby. In any case, the refusal (avoidance) from answers or testimonies recognised by the court as unjustified shall be interpreted in disadvantage of the refuser (avoider).

4. Prior to the court examination, each participant of the case shall be obliged to disclose to the other participants the evidence that he or she is aware of at that moment, to which he or she refers as a basis for the proof of the claims and objections thereof, unless otherwise provided for by this Code.

5. The participants of the case shall have the right to refer only to the evidence which the other participants of the case have familiarised themselves with in advance, as prescribed by this Code.

6. Where the existence or absence of a fact remains disputable even after the examination of all the pieces of evidence, the party whereon lies the burden of proof shall bear the negative consequences thereof.

7. The parties shall have no right to destroy or hide any evidence or otherwise hinder the examination and evaluation thereof through making impossible or difficult for the other party of the proceedings to gather and present evidence. In case of such facts, the court shall oblige the hindering party to prove the opposite.

8. After the commencement of the proceedings, the court shall accept the additional evidence presented by the participant of the case if the presenter thereof justifies the impossibility of having presented such evidence prior to the commencement of the proceedings for the reasons beyond his or her control. Where the other participants of the case have not already received the additional evidence presented during the court examination, the court shall be obliged to grant a reasonable time period to the participants of the case in order to familiarise themselves with the evidence.

(Article 48 edited by HO-277-N of 28 November 2007)

Article 49. Procedure for presenting and requesting evidence

1. Evidence shall be presented by the participants of the case.

2. Participants of the case who are not able to obtain the evidence themselves from other persons — possessing such evidence — which participate or not participate in the case, shall have the right to apply to court with a motion on requesting that evidence. The evidence, other circumstances relevant to the case which may be confirmed by that evidence, as well as the whereabouts of the evidence, in case it is known, should be specified in the motion.

3. The court shall render a decision upon the results of considering the motion.

4. The decision on requesting evidence shall be rendered immediately, as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts", in observance of the requirements of the legislation on state, official, trade, banking and other secrets.

(Article 49 supplemented by HO-101 of 24 October 2000)

Article 50. On-site examination and study of evidence

1. In case of impossibility or difficulty to bring the evidence to court, the court shall, upon the motion of the parties or at its own initiative, be entitled to carry out on-site examination and study of the evidence.

The court shall be entitled to enter any place at its discretion.

2. Participants of the case shall be informed of the examination and study of evidence through a registered letter with a notification on delivery. The failure to appear at the court sitting thereby shall not serve as a hindrance for examining and studying the evidence.

3. If necessary, experts and witnesses may be engaged in the examination and study of evidence.

Article 51. Permissibility and relevance of evidence

1. The circumstances of the case, which, in accordance with law or other legal acts, should be proved only by certain evidence, may not be proved by other evidence.

2. Evidence not necessary for the clarification of facts essential for the case resolution shall not be relevant, and the court shall remove them from the list of evidence.

(Article 51 edited by HO-277-N of 28 November 2007)

Article 52. Grounds for being exempt from proving

1. Circumstances publicly known need not be proved.

2. Circumstances that have been previously examined and confirmed upon an enforced civil judgment under a civil case shall not be proved again when examining a different case at court between the same persons.

3. A criminal judgment entered into force shall be mandatory for the court only in respect of facts which confirm certain actions and persons having committed them.

(Article 52 edited by HO-277-N of 28 November 2007)

Article 53. Evaluation of evidences

1. The court shall evaluate each piece of evidence upon moral certainty based on a comprehensive, complete and objective examination of all the evidence existing in the case.

2. The court shall not consider any evidence as having effect of that confirmed in advance, except for the cases provided for by Article 52 of this Code.

Article 54. Written evidence

1. Written evidence shall be the acts, contracts, statements of information, business correspondence, other documents and materials — containing information on the circumstances essential for the case — including evidence obtained electronically or through other means of communication or by other means giving opportunity to confirm the authenticity of the document.

1^1. The motion on permitting written evidence shall be filed by indicating the fact that the party wishes to prove and by submitting the relevant evidence.

2. Written documents shall be submitted in the form of the original copy or appropriately certified copy. If only one part of the document relates to the case under examination, the appropriately certified excerpt therefrom shall be submitted.

Original copies of the documents shall be submitted where the circumstances of the case may, in accordance with laws or other legal acts, be confirmed only through such documents and, if necessary, upon the request of the court.

(Article 54 supplemented by HO-277-N of 28 November 2007)

Article 55. Returning the original copies of the documents

The original copies of the documents under the case shall, upon the motion of the person having submitted them, be returned after the civil judgment enters into force. In such cases the carbon copy of or the excerpt from the original copy of the document, certified by the court seal, shall remain in the case.

Article 55[1]. Availing of documents

Participants of the case shall have the right to familiarise themselves with the documents under the case, as well as to take carbon copies, photocopies, excerpts therefrom, and to receive the texts of translations of the documents in a language comprehensible for them.

(Article* 55[1] *supplemented by HO-39-N of 18 February 2004)

Article 56. Physical evidence

Objects, which by virtue of their appearance, internal characteristics, whereabouts or other features, may become means for confirming the circumstances essential for the case, shall be deemed as physical evidence. Photos (photo-films), audio records and video records shall also be deemed as physical evidence.

(Article 56 edited by HO-277-N of 28 November 2007)

Article 57. Maintenance of physical evidence

1. Physical evidence shall be maintained in court or impounded.

2. Physical evidence which may not be brought to court, shall be maintained in its whereabouts. They should be described in detail and (or) sealed, and, if necessary, photos or video records should be made thereon.

3. The court shall take measures to keep the physical evidence unchanged.

4. The costs of maintenance of physical evidence shall be shared by the parties, in accordance with Article 73 of this Code.

Article 58. Examination and study of perishable physical evidence

1. The court shall immediately examine and study the perishable physical evidence.

2. Participants of the case shall be immediately informed of the venue and time of examination and study of physical evidence. Their failure to appear at the court sitting shall not serve as a hindrance for examining and studying the physical evidence.

Article 59. Disposal of physical evidence

1. After the civil judgment of the court enters into force, the physical evidence shall be returned to persons from whom it had been received, or shall be delivered to persons the rights whereof over those objects have been recognised by the court, or shall be realized as prescribed by the court.

2. Objects which, in accordance with law, may not be in possession of individual persons, shall be transferred to relevant competent state authority.

3. In individual cases, after examining and studying the physical evidence during the examination of case, the court may return it to the persons from whom it have been received, if the latter file a motion in that regard and if granting such a motion will not negatively affect the correct resolution of the case.

Article 60. Designating an expert examination

1. For the purpose of clarifying matters that arise during the case examination and require special knowledge, the court may designate an expert examination upon the motion of the party/parties or at its own initiative.

Costs related to expert examinations assigned by the motion of a party shall be covered by that party.

Costs related to expert examinations assigned by the initiative of the court or the parties shall be included in the judicial costs.

2. Participants in the case shall have the right to bring up questions to the court, to be clarified during an expert examination, as well as to mention the specialised expert examination institution or the expert who may be assigned by the court to conduct the expert examination.

3. The court shall take a decision on assigning an expert examination where the list of questions and the content shall be specified.

4. Participants of the case shall have the right to ask questions to the experts in order to check if they are competent in the relevant sphere.

5. The court shall take a decision about appointing an expert where it shall indicate the court name, date of assigning the expert examination, case title, expert examination title, questions to the expert, name and surname of the expert, name of the specialised expert examination institution that is assigned to conduct the expert examination, as well as the materials (documents) provided to the expert, and, if necessary, the conditions for their use.

6. The court shall warn the expert about the criminal liability for giving an obviously false opinion. The court shall obtain the personal recognizance of the expert on the warning, which is attached to the court sitting protocol.

7. Rules employed for proofs through witnesses shall be applicable for proofs through experts.

(Article 60 supplemented by HO-277-N of 28 November 2007)

Article 61. Participation of the parties in the expert examination

Participants of the case shall have the right to be present at the expert examination, except for the cases where their presence may hinder the normal work of the expert.

Article 61[1]. Procedure for conducting expert examinations

1. Expert examinations shall be conducted by employees of specialised expert examination institutions or by other professionals appointed as experts by a court decision.

2. The court may appoint more than one expert, of the same or different professions. Experts shall have the right to consult with each other and furnish a joint opinion in case they arrive at a common conclusion. Experts, who do not agree with the joint opinion, shall submit separate opinions.

3. For the purpose of interests of the case examination, at its own initiative as well as upon the motion of the participants of the proceedings, the court may prohibit the interaction of the experts with each other and it may also prohibit submitting their joint opinion.

4. Expert examinations shall be conducted in the courtroom or outside of it, depending on the nature of the expert examination and the possibility of bringing the materials (documents) to be examined to the courtroom.

5. If a person conducting expert examinations of that kind in the expert examination institution is appointed as an expert, he or she shall be obliged to conduct the required expert examination. The expert shall be obliged to immediately check the fact whether the designated expert examination belongs to the sphere of his or her specialisation and whether it is possible to conduct it without involving additional experts. In case such fact or possibility is lacking, the expert shall be obliged to immediately inform about it to the court. Experts may not reassign the expert examinations that were assigned to them. Where another person assists the expert in the expert examination process, the expert shall be obliged to inform the court his or her name and the volume of the work he or she has done, except for persons who carry out supplementary functions of secondary nature.

6. If a specialised expert examination institution is conducting the expert examination, then persons within that institution, who were assigned to conduct the expert examination, shall be held responsible for it.

(Article 61 supplemented by HO-277-N of 28 November 2007)

Article 62. Expert opinion

1. Expert opinion shall be prepared in writing. It should include:

1) notice on methods used;

2) detailed description of the examination done;

3) opinions made as a result of the examinations;

4) substantiated answers to the questions put forward.

2. Where in the process of expert examination the expert finds such facts relevant to the case, about which he or she has not been asked questions, he or she shall have the right to reflect his or her findings regarding those facts in his or her expert opinion.

3. Expert opinion shall be examined at the court sitting and shall be evaluated together with other evidence.

The court may invite the expert, who has submitted a written opinion, to give oral explanations thereon, if its necessity and expedience stem from the facts of the case.

The court shall invite the expert, who has submitted a written opinion, to give verbal explanations thereon, if one or both of the parties have filed a motion for it.

4. Where the expert opinion is not clear or is incomplete, the court may assign an additional expert examination, delegating its implementation to the same or another expert (specialised expert examination institution).

5. Where doubts arise amongst the court or the participants to the proceedings on the reliability or substantiation of the expert opinion, or where there are contradictions between the opinions of a number of experts, the court may assign a repeat expert examination for the same

questions, the implementation of which is delegated to another expert (experts, specialised expert examination institution).

6. Additional or repeat expert examination shall be assigned by a court decision, which shall also provide the court's reasoning on its dissent to the previous expert opinion.

(Article 62 supplemented, edited by HO-277-N of 28 November 2007)

Article 63. Testimonies of witnesses

1. Each witness shall be interrogated separately. Witnesses, whose testimonies contradict each other, may be cross-interrogated.

2. Witnesses shall testify in court orally.

Upon the court's request the witness may submit written testimonies.

3. Information provided by a witness shall not be considered as evidence if he or she cannot clearly state the source of his or her awareness.

4. A witness shall be obliged to give reliable testimony and answer the questions of the court, the parties and other participants to the proceedings.

(Paragraph 2 of point 4 repealed by HO-277-N of 28 November 2007)

5. The court shall warn the witness about the criminal liability for giving obviously false testimony or for refusing to testify. The court shall obtain the personal recognizance of the witness on the warning, which is attached to the court sitting protocol.

6. In exceptional cases, a person under sixteen may be summoned to court as a witness, who shall not be warned about a criminal liability for giving obviously false testimony or refusing to testify.

(Article 63 supplemented, edited by HO-277-N of 28 November 2007)

Article 64. Testimonies of the participants of the case

1. Participants of the case shall have the right to testify about the facts to be proved with regard to the case.

Participants of the case shall have the right to file a motion for the other participants of the case to testify about the facts to be proved with regard to the case.

By granting the motion, the court may order the relevant participant of the case to testify about the facts to be proved with regard to the case.

Participants of the case shall not be obliged to testify against themselves, their spouses, and their close relatives.

2. The court shall not make it mandatory for a participant of the case to admit the facts through which the other person substantiates his or her demands or objections.

The court may consider the admitted facts as established where there are no doubts that those facts correspond to the circumstances of the case, and that the party has not admitted them under deception, violence, threat, delusion, or as a result of a malicious accord of one party with the other, or for the purpose of concealing the truth.

(Title edited by HO-277-N of 28 November 2007)

(Article 64 edited by HO-277-N of 28 November 2007)

Article 65. Securing the evidence

1. Persons who have reasons to fear that it might become impossible or difficult to submit the necessary evidence, shall have the right to file a motion with the court that has admitted the case for proceedings about securing such evidence.

2. The motion on securing the evidence should specify the evidence that needs to be proved, the circumstances for the establishment of which the evidence is necessary, and the reasons for filing a motion on securing such evidence.

3. The court shall render a decision based on the results of considering the motion.

4. The decision on securing evidence shall be rendered immediately as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts", in accordance with the requirements of the legislation on state, official, trade, banking and other secrets.

5. After rendering a decision on securing evidence, the court shall immediately inform about it to the participant of the proceedings whose evidence has served as basis for rendering the decision, if he or she was not informed of the decision in advance.

Before instituting a case in court, a notary may also secure the evidence, as prescribed by the Law of the Republic of Armenia "On the notary office".

(Article 65 supplemented by HO-101 of 24 October 2000, HO-273 of 4 December 2001)

Article 66. Judicial assignments

1. In the event of necessity to receive evidence in the territory of another marz [region] of the Republic of Armenia, the court examining the case shall be entitled to assign the relevant court to conduct certain procedural actions.

2. The decision on a judicial assignment shall briefly lay down the essence of the case, as well as state the circumstances subject to clarification and other evidence that should be collected by the court executing the assignment.

3. The decision on judicial assignment shall be mandatory for the court receiving the assignment and should be executed within ten days after its receipt.

Article 67. Procedure for executing judicial assignments

1. Judicial assignments shall be executed during court sittings as prescribed by this Code. Participants of the case shall be notified about the time and venue of the court sitting by registered letter with acknowledgement of delivery. Their failure to appear before the court shall not constitute an obstacle to the examination of the case.

2. A decision shall be rendered on executing the judicial assignment, which, together with all the materials, shall be immediately sent to the court examining the case.

3. While participating in the sitting of the court examining the case, the participants of the case or witnesses, who have given testimonies in the court executing the assignment, shall give testimonies through general procedure.

(Article 67 amended by HO-277-N of 28 November 2007)

CHAPTER 9

JUDICIAL COSTS

Article 68. Composition of judicial costs

Judicial costs shall be composed of state duties and amounts payable for summoning experts, witnesses, examining evidence in its whereabouts, reasonable compensation to the advocates, and for other activities related to the examination of the case.

(Article 68 edited by HO-277-N of 28 November 2007)

Article 69. Cost of the claim

1. The cost of the claim shall be determined by:

1) the amount of confiscated sum, upon the claims for the confiscation of funds;

2) the market price of a property, upon the claims for demanding property.

The cost of claim shall also include the material sanction (penalties, fines) amounts indicated in the statement of claim.

2. The cost of claim composed of a number of individual claims shall be determined by the total amount of all the claims.

3. Where the plaintiff does not correctly indicate the cost of the claim, the court shall decide upon it.

Article 70. State duties

1. State duty shall be paid for:

1) the statements of claim;

2) the applications for participation to the case as a third party, with individual claims towards the subject of the case;

3) requests to affirm facts of legal importance;

4) applications on restoration of rights evidenced by bearer and order lost securities;

5) bankruptcy petition for legal persons and citizens;

6) applications for writs of execution of the arbitration tribunal awards;

7) appellate and review complaints against court judgments and decisions.

2. If the cost of claim increases, the insufficient part of the state duty shall be charged when rendering the judgment, relative to the increase of the cost of claim. If the cost of claim decreases, the already paid state duty shall not be refunded.

3. Issues related to defining the state duty, its payment exemption, postponement or deferment and to the decrease of the amount of the state duty shall be resolved in accordance with the Law of the Republic of Armenia "On state duty".

(Paragraph repealed by HO-85-N of 7 April 2009)

(Article 70 amended by HO-61-N of 25 December 2006, supplemented by HO-85-N of 7 April 2009)

Article 71. Payment of state duties

For all cases examined in courts, the state duty shall be paid to the state budget.

Article 72. Paying of state duties

1. State duties shall be charged as prescribed by the Law of the Republic of Armenia "On state duty".

2. Judicial acts shall include the circumstances that constitute grounds for full or partial payment of state duties.

Article 73. Allocation of judicial costs among participants to the case

1. Judicial costs shall be allocated among the participants of the case proportionally to the amount of granted claims.

2. Where there is an agreement among the participants of the case concerning the allocation of judicial costs, the court shall pass a judgment in accordance with that agreement.

3. Judicial costs relating to filing an appeal or review complaint shall be allocated among participants of the case in accordance with the rules prescribed by this Article.

CHAPTER 10

TERM FOR PROCEEDINGS

Article 74. Establishing and calculating the term for proceedings

1. Procedural actions shall be carried out within the term stipulated by this Code or other laws. In the event of absence of such a term, the court shall establish a term for carrying out procedural actions.

2. The term for carrying out procedural actions shall be established by exact calendar year, month, date, or by a certain period of time, during which the actions can be carried out.

3. The term for proceedings calculated by years, months, or days, shall begin on the following day of the calendar year, month or date, which marks its beginning.

Article 75. End of the term of proceedings

1. The term calculated by years shall end on the corresponding month and date of the last year of the established term. The term calculated by months shall end on the corresponding date of the last month of the established term. Where the end of the term calculated by months corresponds to such a month which has no corresponding date, the term shall end on the last day of that month.

Where the last day of the term is a non-working day, the day following it shall be considered as the last day of the term.

2. A procedural action may be carried out until 24:00 of the last day of the established term.

Article 76. Suspension of the term of proceedings

The term of proceedings, which has not elapsed, shall be suspended by the suspension of the proceedings. The term of proceedings shall continue from the day of resuming the proceedings.

Article 77. Reinstatement of the term of proceedings

1. Based on the application of a participant of the case, the court shall reinstate the missed term, if it recognizes the reasons for missing the term established by this Code and other laws as valid.

2. The court shall render a decision on reinstatement or on rejecting the reinstatement of a missed term.

CHAPTER 11

JUDICIAL NOTICES

Article 78. Judicial notices

1. Participants of the case shall be notified about the time and venue of the court sitting or a separate procedural action, in a separate judicial notice. Judicial notices shall also be used for summoning witnesses, experts, and translators to court.

2. The notice shall be sent as a registered letter with the acknowledgement of delivery, or it shall be sent through other means of communication that ensure the registration of the message, or handed upon a receipt (hereinafter referred to as “properly”).

3. The notice shall be sent to the address indicated by the participant of the case.

Article 79. Content of the notice

The notice should include:

1) the name and exact address of the court;

2) annotation on the time and venue to appear to court;

3) the case over which the person is notified;

4) annotation on the person summoned to court or notified;

5) annotation on the reasons for which the person is notified or summoned;

6) annotation on the consequences of no appearance.

Article 80. Change of addresses of the participants of the case

Participants of the case shall be obliged to inform the court and other participants of the case about changing their addresses in the course of the proceedings. Where such information is missing, procedural documents shall be sent to the participants at their most recent known address and shall be considered as handed to them, even if the addressee no longer resides or is located at that address.

SECTION TWO

FIRST SUBSECTION

PROCEEDINGS AT THE COURT OF GENERAL JURISDICTION

(Title edited by HO-277-N of 28 November 2007)

CHAPTER 12

RATIONE LOCI

(Title supplemented by HO-277-N of 28 November 2007)

Article 81. Civil case jurisdiction

(Article 81 supplemented by HO-214 of 11 September 2001, repealed by HO-277-N of 28 November 2007)

Article 82. Place of filing a claim

A claim shall be filed with the court of the place of residence (location) of the defendant.

Article 83. Plaintiff's choice of jurisdiction

1. Upon the choice of the plaintiff, a claim against defendants residing (located) in the territories of marzes may be filed with the court of the place of residence (location) of one of the defendants.

2. A claim against a defendant, whose place of location is unknown, may be filed with the court of the place where his or her property is located, or with the court of his or her most recent known place of residence.

3. A claim, deriving from a contract that states the place of enforcement of the contract, may be filed with the court of the place where the contract is enforced.

4. Claims on alimony or paternity establishment may be filed with the court of the place of residence of the plaintiff.

5. Claims on compensation for damages caused to health or damages caused by the death of the breadwinner may be filed with the court of the place of residence of the plaintiff or with the court of the place where damage was caused.

6. As prescribed by law, claims on divorce from persons declared missing, persons declared having no legal capacity due to mental disorders, or persons sentenced to deprivation of liberty, as well as when a minor child or children is/are with the plaintiff, may be filed with the court of the place of residence of the plaintiff.

7. Claims on restoring labour and other rights, and returning the property or reinstating its value, claims with regards to the damages caused to the citizens because of illegal convictions, subjecting to criminal liability, using detention as a measure of restraint, taking signature not to leave, or because of imposing administrative sanctions, may be filed with the court of the place of residence of the plaintiff.

8. Claims against legal persons, stemming from the activities of their representations or branches, may be filed with the court of the place of location of the relevant representation or branch.

Article 84. Jurisdiction changes upon the agreement of parties

Jurisdictions established by Articles 82 and 83 of this Code may be changed upon written agreement of the parties, before the court renders a decision to admit the case into proceedings.

(Article 84 amended by HO-277-N of 28 November 2007)

Article 85. Exceptional jurisdiction

1. Claims on recognising property ownership on land plots, buildings, constructions, on demanding land plots, buildings, constructions back from other's illegal ownership, and on abolishing violations of rights not relating to deprivation of property ownership or legal possession, may be filed with the court of the place of location of those land plots, buildings, constructions.

2. Claims of creditors to the legator shall be filed with the court of the place of location of the inheritable property or its major portion.

3. Claims on releasing property from attachment shall be filed with the court of the place of location of that property.

4. Jurisdiction prescribed by this Article may not be changed upon the agreement of parties.

Article 86. Transferring cases from one court to another

1. A court shall examine the cases, which it has admitted into proceedings, on merits, maintaining the rules of jurisdiction even if the case has later become subject matter of the court of another jurisdiction.

2. The court shall transfer the case to the examination of another court:

1) if during the case examination in that court it was discovered that the case was admitted into proceedings by violation of the rules of jurisdiction;

2) ***(Sub-point 2 repealed by HO-277-N of 28 November 2007)***

3) in other cases where it is impossible to examine the case in that court.

3. A decision shall be rendered on transferring the case to another court's examination.

4. When a case is transferred from one court to another, it should be examined by the recipient court.

CHAPTER 13

FILING A CLAIM

Article 87. Form and content of the statement of claim

1. The statement of claim shall be filed in writing.

2. The statement of claim shall include:

1) the name of the court whereto the statement of claim is submitted;

2) name, surname and patronymic name (hereinafter referred to as “name") of the participants of the case, names of legal persons, their addresses of residence (place of location), including the passport details of the plaintiff, his or her social security card numbers (if applicable), the taxpayer’s registration number and the state registration or state registration certificate number of plaintiff legal persons;

3) cost of the claim, if the claim is subject to appraisal;

4) circumstances on which the demands of the claim are based;

5) evidence attesting the demands of the claim;

6) the calculation of the money subject to levy of execution or disputed money;

7) the claims of the plaintiff, and in the event of filing claims against a number of defendants, the claims against each of them;

8) the list of documents attached to the statement of claim.

The statement of claim may also include other information if it is necessary for the appropriate resolution of the dispute, as well as the motions of the plaintiff.

3. The statement of claim shall be signed by the plaintiff or a representative authorised for it by him or her.

(Article 87 amended by HO-36-N of 18 February 2004, edited by HO-16-N of 16 December 2005)

Article 88. Documents attached to the statement of claim

1. A document, confirming the payment for the state duty made in the prescribed manner and amount, shall be attached to the statement of claim, or, in cases stipulated by law, a motion on postponement or deferment of the payment of state duty or on decreasing its amount shall also be attached to the statement of claim.

1^1 Evidence proving the demands of the claims may also be attached to the statement of claim.

2. If the statement of claim is signed by the representative of the plaintiff, his or her power of attorney for filing a claim shall be attached to it.

3. The draft of the relevant contract shall be attached to the statement of claim on compelling to sign a contract.

(Article 88 edited, supplemented by HO-36-N of 18 February 2004)

Article 89. Joining and separation of a number of claims

1. The plaintiff shall have the right to join a number of interrelated claims into one statement of claim.

2. The court shall have the right to join a number of similar cases into one proceedings where the participants are the same persons.

3. The court shall be entitled to separate one or a number of joint claims into different proceedings.

4. The court shall render a decision on joining cases or separating claims into different proceedings.

Article 90. Accepting the statement of claim

1. The judge shall individually resolve the matter of accepting a statement of claim.

2. The judge shall be obliged to accept for examination those statements of claim, which were submitted in accordance with the requirements prescribed by this Code.

3. As prescribed by Point 2 of Article 144 of this Code, within three days after receiving the statement of claim — if the statement of claim is not rejected or returned — the judge shall render a decision on accepting it, where he or she shall indicate the time and venue of the case examination.

(Article 90 edited by HO-36-N of 18 February 2004)

Article 91. Rejecting a statement of claim

1. The judge shall reject the statement of claim if:

1) the dispute is not subject to court examination;

2) there is a court judgment having entered into legal force on a dispute between the same persons, over the same subject matter and on the same grounds;

3) a case on a dispute between the same persons, over the same subject matter and on the same grounds is under consideration of another court or arbitration tribunal;

4) there is an arbitration tribunal award or a decision of the financial system mediator on a dispute between the same persons, over the same subject matter and on the same grounds, with the exception of the cases where the court rejects to give a writ of execution for the compulsory enforcement of the arbitration tribunal award or the decision of the financial system mediator.

2. As prescribed by point 2 of Article 144 of this Code, the court shall render a decision on rejecting the statement of claim, sending the decision, the statement of claim and the documents attached to it to the plaintiff in due manner within three days after receiving the statement of claim.

3. ***(Point 3 repealed by HO-36-N of 18 February 2004)***

4. The decision of the Court of First Instance to reject the statement of claim may be appealed to the Court of Appeal within three days after the plaintiff receives the rejection.

5. If the decision is abolished, the statement of claim shall be considered accepted with the court starting from the day of its initial submission.

(Article 91 edited, amended by HO-36-N of 18 February 2004, edited, amended by HO-61-N of 25 December 2006, edited by HO-98-N of 21 February 2007, amended by HO-277-N of 28 November 2007, supplemented by HO-130-N of 17 June 2008)

Article 92. Returning the statement of claim

1. The court shall return the statement of claim if:

1) the requirements defined by Article 87 of this Code for the form and content of the statement of claim were not complied with;

2) the statement of claim is not signed, or it is signed by a person who is not authorised to sign it, or it is signed by such a person whose official position is not stated;

3) the case is not subject to the jurisdiction of that court;

4) a case on a dispute between the same persons, over the same subject matter and on the same grounds is admitted to the proceedings of another court or arbitration tribunal;

5) documents attesting the payment of the state duty in a prescribed manner and amount were not submitted, and in cases where the law provides for the delay or deferment of the payment of state duty or a possibility to decrease its amount, the motion stating this is missing or such motion was rejected;

6) not interrelated claims towards one or a number of defendants were joined into one statement of claim;

7) the plaintiff has applied for the return of the statement of claim before it was accepted for examination;

8) the husband has submitted a divorce petition without the consent of the wife, while the wife was pregnant or within one year after the birth of the child.

2. As prescribed by Point 2 of Article 144 of this Code, the court shall render a decision about returning the statement of claim, sending the decision, the statement of claim and the documents attached to it to the plaintiff in due manner within three days after receiving the statement of claim.

3. If the breaches in the statement of claim are eliminated and the statement of claim is resubmitted to the court within three days, then the statement of claim shall be considered accepted with the court starting from the day of its initial submission.

4. The decision of the Court of First Instance to return the statement of claim may be appealed to the Court of Appeal within three days after the plaintiff receives it.

5. If the decision is abolished, the statement of claim shall be considered accepted with the court starting from the day of its initial submission.

(Article 92 amended, edited, supplemented by HO-36-N of 18 February 2004, amended by HO-61-N of 25 December 2006, edited by HO-98-N of 21 February 2007, amended by HO-277-N of 28 November 2007)

Article 93. Sending the statement of claim and the copies of the documents attached thereto to the defendant

1. The court shall send to the defendant in due manner the copies of the statement of claim and the copies of the documents attached to it; it shall also warn about the necessity of responding to the statement of claim and about the legal consequences as prescribed by Point 4 of Article 95 of this Code in the event he or she does not respond to the claim.

Where the claimant along with submitting the statement of claim also submits a motion with a demand to secure the claim and the evidence, and if the court grants this motion, then, after the court renders a decision, the statement of claim and the copies of the documents attached to it shall be immediately sent to the defendant.

2. Where the documents attached to the statement of claim are large in number or it is difficult to copy them, the court shall notify other participants of the case that those documents

are deposited with the court, so as they are able to familiarize themselves with those documents. The notice shall include the term for familiarizing with the documents.

3. Participants of the case have the right to receive the copies of the documents attached to the statement of claim by paying a state duty in the amount prescribed by law.

(Article 93 supplemented by HO-101 of 24 October 2000, supplemented by HO-277-N of 28 November 2007)

Article 94. Unknown location of the defendant

1. Where the actual location of the defendant is unknown, the court shall examine the case after receiving a communication from the head of the community of the last known place of residence of the defendant, and from the head of Yerevan administrative region — in Yerevan, or from the director of the defendant's last known workplace, which shall confirm that the court notice has been received.

2. By the motion of the plaintiff, the court shall declare search for the defendant and (or) for his or her property through the compulsory enforcement service of judicial acts (hereinafter referred to as "the Compulsory Enforcement Service").

3. The court shall render a decision on declaring search for the defendant and (or) for his or her property.

4. The decision on declaring search for the defendant and (or) for his or her property shall be rendered immediately, as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

(Article 94 supplemented by HO-90-N of 20 May 2010)

Article 95. Response to the statement of claim and the submission procedure thereof

1. The defendant should send the response to the statement of claim to the court within two weeks after receiving the decision on admitting the statement of claim into proceedings. Depending on the peculiarities of the case, the court may define a longer term for sending the response or may extend the term for submitting the response by the motion of the defendant.

2. The response to the statement of claim shall include:

(1) the name of the court whereto the statement of claim has been submitted;

(2) the name and surname of the plaintiff;

(3) the position of the defendant to admit or partially or fully object to each demand in the statement of claim. In the event of objection, reference to the following matters shall be particularly made in the response:

(a) the facts that constitute grounds for the claim which the defendant does not admit,

(b) whether the facts brought by the plaintiff are essential to the resolution of the case,

(c) the facts that are on the grounds of the objections, and the pieces of evidence, which prove each of those facts, respectively stating which fact is proved;

(4) the list of submitted evidence and documents attached to the response.

3. Together with the response, the defendant shall submit:

1) all the possible written and physical evidence which prove his or her arguments, if he or she bears the burden of proof for them, and if those pieces of evidence may be attached to the response;

2) evidence proving that the statement of claim and the attached documents have been sent to the plaintiff and the other participants of the case.

4. The response shall be signed by the defendant or by his or her representative. Documents proving the representative's authorisation to sign the response shall be attached to the response signed by the representative.

5. The court may consider failure to respond as admitting by the defendant of the facts brought up by the plaintiff.

(Article 95 edited by HO-154-N of 7 July 2005, HO-277-N of 28 November 2007)

Article 96. Filing a counterclaim

1. Before a judgment is passed on the case, the defendant shall have the right to file a counterclaim against the plaintiff, to be examined together with the initial claim.

2. The counterclaim shall be filed in accordance with the general rules for filing a claim.

3. The counterclaim shall be admitted if:

1) the counter demand is meant for the resolution of the initial demand;

2) granting the counterclaim fully or partially excludes the granting of the initial claim;

3) there is an interrelation between the counterclaim and the initial claim, and their joint examination may ensure a more expedited and precise resolution of the case.

CHAPTER 14

SECURING THE CLAIM

Article 97. Grounds for securing the claim

1. By the motion of the participant of the case or at its own initiative, the court shall take measures to secure the claim, if failure to take such measures may make it impossible or difficult to enforce the judicial act, or cause deterioration of the subject of the dispute. Securing the claim shall be allowed in all stages of the proceedings.

In accordance with the Law of the Republic of Armenia “On commercial arbitration”, in every stage of arbitration, the court — based on the motion of one of the parties to the arbitration — shall take measures to secure the claim, if failure to take such measures may make it impossible

or difficult to enforce the arbitration tribunal award or cause deterioration of the property which constitutes the subject matter of the dispute.

2. The motion shall be discussed on the same day it is received, and a decision shall be rendered.

(Article 97 amended, edited by HO-101 of 24 October 2000, supplemented by HO-350-N of 20 May 2002, HO-61-N of 25 December 2006)

Article 98. Measures securing the claim

1. Measures securing the claim shall be:

(1) imposing an attachment to the property or to the funds of the defendant relevant to the amount of the claim;

(2) prohibition of certain actions of the defendant;

(3) prohibition of certain actions by other persons in relation to the subject matter of the claim;

(4) where a claim has been filed on releasing property from attachment, preventing the sale of the property;

(5) immediately or within no more than five days imposing attachment to the property, which belongs to the plaintiff but is with the defendant.

2. If necessary, the court shall be entitled to take more than one measure for securing the claim.

3. Where a claim on confiscation of funds has been secured, the defendant shall have the right to pay the amount claimed by the plaintiff to the deposit account of the compulsory enforcement service.

(Article 98 supplemented by HO-350-N of 20 May 2002)

Article 99. Execution of the decision on securing the claim

Court's decision on securing the claim shall be immediately enforced as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

Article 100. Substituting one measure securing the claim with another

1. By the motion of the participant of the case, the court shall be entitled to substitute one measure securing the claim with another, or shall be entitled to change it.

2. The issue of substituting one measure securing the claim with another, or changing it, shall be resolved as prescribed by Article 101 of this Code.

(Article 100 supplemented by HO-101 of 24 October 2000)

Article 101. Abolishing the securing of the claim

1. By the motion of a participant to the case, the court examining the case may abolish the securing of the claim.

2. The issue of abolishing the securing of the claim shall be resolved at a court sitting within ten days after receiving the motion. Participants of the case shall be duly notified of the time and venue of the court sitting. Their failure to appear in court shall not be considered as an obstacle to the examination of the issue of abolishing the securing of the claim.

3. A decision shall be rendered based on the results of the examination of the issue of abolishing the securing of the claim.

4. Where a judgment is taken on rejecting the claim, the measures securing the claim shall be maintained until the judgment enters into legal force.

Where a judgment is passed on granting the claim, the measures securing the claim shall be maintained until the judgment is enforced.

(Article 101 supplemented by HO-101 of 24 October 2000)

Article 102. Compensation for damages related to the securing of the claim

1. By the motion of the defendant the court may, through taking measures for securing the claim, request from the plaintiff to secure compensation, within a three-day period, the possible damages to the defendant. Where such demand is not satisfied, the decision on securing the claim shall be subject to abolishment.

2. The defendant shall have the right to file a claim with the same court against the plaintiff, for compensation of damages caused due to securing the claim.

(Article 102 supplemented by HO-101 of 24 October 2000)

CHAPTER 15

DISMISSAL OF THE CLAIM OR APPLICATION

Article 103. Grounds for dismissal of the claim or application

The court shall dismiss the claim or application where:

(1) ***(Point 1 repealed by HO-277-N of 28 November 2007)***

(2) the case concerning the same dispute over the same subject between the same people and on the same grounds is considered by another court or arbitration tribunal;

(3) one of the parties refers to the agreement between the parties to submit the given case to an arbitration court for consideration, and the opportunity to apply to arbitration court still exists;

(4) consideration of the application on establishment of legally significant facts, or restoration of rights under securities to bearer and to order, has given rise to dispute over the right.

(Article 103 supplemented by HO-160-N of 7 July 2006, amended, edited by HO-61-N of 25 December 2006)

Article 104. Procedure for and consequences of dismissal of the claim or application

1. The court shall, in compliance with Article 144(2) of this Code, render a decision on the dismissal of the claim or application, through duly forwarding it to the persons participating in the case within a three-day period.

2. The decision of the court shall resolve the issue concerning the distribution of the judicial expenses among the persons participating in the case.

3. The persons participating in the case may appeal the decision of the Court of First Instance on dismissal of the claim or application to the Court of Cassation within a three-day period upon receipt thereof by the plaintiff.

3^1. Where the decision on dismissal of the claim or appeal is abolished, the proceedings shall be deemed resumed.

3^2. ***(Point 3^2 repealed by HO-277-N of 28 November 2007)***

3^3. Upon receiving the decision on leaving unaltered the decision on dismissal of the claim or application, the court shall be obliged to cancel, upon the motion of the persons participating in the case, the measures securing the claim.

4. Upon elimination of the circumstances having served as a ground for dismissal of the claim or application, the plaintiff or applicant shall be entitled to apply to court for resuming the proceedings.

(Article 104 edited, supplemented by HO-36-N of 18 February 2004, HO-160-N of 7 July 2006, edited, amended by HO-98-N of 21 February 2007, edited, amended by HO-277-N of 28 November 2011)

CHAPTER 16

SUSPENSION OF THE PROCEEDINGS

Article 105. Obligation of the court to suspend proceedings

The court shall be obliged to suspend the proceedings where:

(1) examination of the given case is impossible, unless a decision has been rendered concerning another case or matter examined under constitutional, civil, criminal or administrative proceedings;

(2) the defendant serves in the armed forces during martial law, or the plaintiff serving in the armed forces during martial law has filed a relevant motion;

(3) upon the death of the citizen participating in the case, the disputed legal relationship allows for a legal succession;

(4) the citizen participating in the case has been declared as having no legal capacity.

Article 106. Right of the court to suspend the proceedings

The court shall be entitled to suspend the proceedings where:

(1) an expert examination has been assigned;

(2) the defendant is searched for;

(3) the legal person participating in the case is being reorganised.

2. Where the court finds that the law or other legal act subject to application contradicts the Constitution of the Republic of Armenia, the court shall be entitled to suspend the proceedings and apply to the Constitutional Court of the Republic of Armenia.

3. The court may suspend the proceedings also in other cases envisaged by law.

(Article 106 edited by HO-277-N of 28 November 2007)

Article 107. Resumption of the proceedings

1. The proceedings shall be resumed upon elimination of the circumstances having caused the suspension thereof.

2. In the case provided for by Article 106(2) of this Code, the proceedings shall be resumed upon rendering of a decision by the Constitutional Court of the Republic of Armenia.

(Article 107 edited by HO-277-N of 28 November 2007)

Article 108. Procedure for suspending and resuming the proceedings

1. The court shall, as prescribed by Article 144(2) of this Code, render a decision on suspending or resuming the proceedings through duly forwarding it to the persons participating in the case within a three-day period.

2. The decision of the Court of First Instance on suspending the proceedings may be appealed to the Court of Cassation by the persons participating in the case within a three-day period following the receipt thereof.

3. Where the decision on suspending the proceedings is abolished, the proceedings shall be deemed resumed.

(Article 108 edited, supplemented by HO-36-N of 18 February 2004, edited by HO-98-N of 21 February 2007, amended by HO-277-N of 28 November 2007)

CHAPTER 17

STRIKING OUT PROCEEDINGS

Article 109. Grounds for striking out proceedings

The court shall strike out the proceedings where:

(1) the dispute is not subject to examination in court;

(2) there is a court judgment which has entered into legal force concerning the dispute over the same subject between the same persons and on the same grounds, except for the case envisaged by Article 110(3) of this Code;

(3) there is an arbitration tribunal award or decision of the Financial System Mediator concerning the dispute over the same subject between the same persons and on the same grounds, except for the case where the court refuses to issue a writ of execution for compulsory enforcement of the arbitration tribunal award or the decision of the Financial System Mediator;

(4) upon the death of the citizen participating in the case, the disputed legal relationship rules out the possibility of legal succession;

(5) the legal person participating in the case has been liquidated;

(6) the plaintiff has withdrawn the claim;

(7) the court has approved the conciliation agreement concluded between the parties.

(Article 109 edited by HO-61-N of 25 December 2006, edited by HO-277-N of 28 November 2007, supplemented by HO-130-N of 17 June 2008)

Article 110. Procedure for and consequences of striking out proceedings

1. The court shall render a decision on striking out proceedings.

2. The court judgment may resolve issues concerning the distribution of judicial expenses among persons participating in the case and the return of the state duty from the budget.

3. In case of striking out the proceedings, it shall be prohibited to apply to court with regard to a dispute over the same subject, between the same persons and on the same grounds, except where the plaintiff has withdrawn the claim at the preparatory stage of court examination.

(Article 110 edited by HO-277-N of 28 November 2007)

CHAPTER 18

COURT EXAMINATION

Article 111. Time limits for carrying out procedural actions

1. The case shall be examined and a judgment shall be rendered in court within a reasonable time limit.

2. The court examination shall, as a rule, be limited to one court sitting.

3. Where this Code or other laws provide for specific time limits with regard to performing procedural actions, the Court shall carry out the procedural actions within those time limits.

(Article 111 edited by HO-277-N of 28 November 2007)

Article 111[1]. Application of rules for preparing the case for court examination in the courts of general jurisdiction

The court of general jurisdiction shall, when accepting the statement of claim for examination after preparing the case for court examination, apply the rules of Chapter 22.2 of this Code.

(Article 111[1] supplemented by HO-277-N of 28 November 2007, edited by HO-44-N of 5 February 2009)

Article 112. Court sitting

Examination of the case shall be carried out at a court sitting, and the persons participating in the case and other participants of the court examination shall be in a compulsory manner notified thereon.

Article 113. Chairperson of the court sitting

1. The sole judge examining the case shall perform the functions of the chairperson.

Where the case is examined by a panel of judges, functions of the chairperson shall be performed by one of the judges.

2. The sitting shall be chaired by the chairperson who shall deny everything that is irrelevant to the case under examination.

3. Objections of the persons participating in the case to the chairperson's actions shall be recorded in the protocol of the court sitting.

4. The chairperson shall take necessary measures to maintain proper order at the court sitting.

Article 114. Order at the court sitting

1. Upon the judge's entrance to the courtroom, those present there shall rise to their feet, and then, at the behest of the chairperson, take their seats.

Court judgment shall be announced when those present in the courtroom have risen to their feet.

2. Participants to the proceedings shall address the court and shall testify and provide their explanations standing on their feet, except for the cases authorised by the chairperson.

3. Persons participating in the case and those present at a public court sitting shall be entitled to take notes, short-hand notes and sound recording.

Filming, photographing and video-taping of the court sitting, as well as radio and television broadcasting thereof shall be carried out upon mutual consent of the parties and permission of the court examining the case.

Article 115. Sanctions imposed by the court

(Title edited by HO-43-N of 8 February 2011)

1. In case of contempt of court committed though malicious avoidance to appear in court or unconscientious exercise of procedural rights, or failure to perform procedural obligations with no good cause or improper performance thereof, failure to comply with the judge's lawful instructions, obstructing the normal course of the court sitting or other actions breaching the order of the sitting, the court shall be entitled to impose the following sanctions on the persons participating in the case, representatives and other persons present at the court sitting:

(1) warning;

(2) removal from the courtroom;

(3) judicial fine;

(4) filing a request accordingly with the Prosecutor General or the Chamber of Advocates to hold the person liable.

2. The sanction shall be proportionate to the gravity of the action and aimed at ensuring the proper functioning of the court.

Removal from the courtroom may be imposed on the persons participating in the case for a period not exceeding 36 hours, and to other persons present at the court sitting — for a certain period or until the end of the court examination.

The court may, upon grounded motion of the advocate or other representative of the person removed from the courtroom, restore the right of the removed person to participate in the court sitting prior to the completion of the term of sanction.

3. Warning and removal from the courtroom shall be imposed upon the protocol decision of the court rendered at the same court sitting.

4. Removal from the courtroom may not be imposed on the person testifying at the given moment. Where removal from the courtroom is imposed on the plaintiff, the court sitting shall be deferred.

5. When failing to voluntarily and immediately comply with the decision on removal from the courtroom, the decision shall be enforced in a compulsory manner by the Judicial Department of the Republic of Armenia.

6. Judicial fine shall be imposed on the persons participating in the case and representatives other than advocates. A judicial fine may be imposed in the amount of up to 100.000 Drams. The amount of the judicial fine shall be determined at the discretion of the court, but in addition to the gravity of the action, the character of the perpetrator shall also be taken into account. Judicial fine shall be imposed upon a separate decision rendered at the same court sitting. When failing to voluntarily comply with the decision on imposing a judicial fine, the decision shall be subject to compulsory enforcement as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

7. The sanctions provided for by points 1 and 4 of part 1 of this Article may be imposed on the prosecutor participating in the case and to the advocate participating in the case as a representative of the party. Request with the Prosecutor General or the Chamber of Advocates shall be filed upon a separate decision rendered at the same court sitting. The judicial sanction provided for by point 4 of part 1 of this Article shall serve as a mandatory ground for instigating disciplinary proceedings with regard to the prosecutor or the advocate.

8. Decision of the court on imposing a judicial sanction shall enter into force upon the promulgation thereof. Decisions of the Court of First Instance and of the Court of Cassation may be appealed within a three-day period following the promulgation thereof.

9. Where the court finds that the person participating in the case, the representative or another person present at the court sitting has committed contempt of court, entailing criminal liability, the court may, as prescribed by this Article, impose a judicial sanction on the perpetrator and shall be obliged to file a motion with the prosecutor for instigating criminal proceedings.

(Article 115 edited by HO-98-N of 21 February 2007, edited, supplemented, amended by HO-43-N of 8 February 2011)

Article 116. Opening the court sitting

At the time fixed for examination of the case, the chairperson shall open the court sitting, announce the composition of the court and the case to be examined.

Article 117. Verifying the presence of the persons participating in the case and of other participants to the court examination

1. The secretary of the court sitting shall report to the court on the presence at the sitting of the persons participating in the case and of other participants to the proceedings, on the fact whether those not present have been duly notified, and shall provide information on the reasons of their absence.

2. The chairperson shall identify the participants present at the court sitting and shall verify the powers of representatives.

3. The chairperson shall have the witnesses leave the courtroom prior to their questioning.

Article 118. Examination of the case in the absence of plaintiff or defendant

1. The plaintiff or defendant shall be entitled to ask the court to resolve the dispute in his or her absence on the basis of submitted documents and materials.

2. Failure by the defendant or plaintiff to appear — where he or she has been duly notified of the time and venue of the court sitting — shall be no hindrance for the examination of the case.

(Article 118 supplemented by HO-277-N of 28 November 2007)

Article 119. Delay of the examination of the case

1. The court shall be entitled to delay the examination of the case where:

(1) it cannot be examined at the given court sitting, particularly due to the absence of one of the persons participating in the case, witnesses, experts, or interpreters/translators;

(2) it is necessary to submit additional evidence;

(3) the defendant has fully accepted the claim on property confiscation and has filed a motion with the court, requesting a certain period for the fulfilment of his or her obligation. In this case, the judge shall, having regard to the circumstances of the case, delay the examination of the case for a reasonable period.

2. A decision shall be rendered on delaying the examination of the case.

3. The participants to the proceedings shall be duly notified of the time and venue of the new court sitting.

4. Following the delay of the case, new examination thereof shall be resumed from the moment of its disruption.

Article 120. Explaining to the persons participating in the case and other participants to the proceedings their rights and obligations

The chairperson shall explain to the persons participating in the case and other participants to the proceedings their rights and obligations and shall then proceed to examining the case on the merits.

The chairperson shall find out whether or not the plaintiff insists on his or her claims, whether the defendant accepts the plaintiff's claims, and whether or not the parties are willing to conclude a conciliation agreement.

Article 121. Establishment of order for the examination of evidence

The court shall, considering the opinions of the persons participating in the case, establish the order for examination of evidence.

Article 122. Directness of evidence examination

When examining the case, the court shall be obliged to examine the evidence of the case directly; get acquainted with the written evidence, examine the material evidence, hear expert opinions, testimonies of the witnesses and persons participating in the case.

(Title edited by HO-277-N of 28 November 2011)

(Article 122 amended by HO-277-N of 28 November 2007)

Article 123. Resolving by the court of applications and motions of the persons participating in the case

1. The court shall resolve the applications and motions of the persons participating in the case, concerning all questions, upon hearing the opinions of other persons participating in the case.

2. The court shall render a decision based on the results of examination of the applications and motions.

Article 124. Completion of the examination of the case

Following the examination of all evidence, the chairperson shall ask the persons participating in the case whether or not they are willing to submit additional evidence by filing a motion for the examination thereof. In case of absence of such motions, the chairperson shall declare the

examination of the case complete, and the court shall announce the time and venue of promulgation of the judgment.

The judgment shall be drawn up and signed by the chairperson of the court sitting. Court judgment shall be promulgated within a fifteen-day period following the completion of the examination of the case.

When promulgating the court judgment, the chairperson shall clarify the procedure for appealing the judgment.

Immediately after promulgation, a copy of the judgment shall be forwarded to the persons participating in the case. Where any of the participants of the case has failed to appear, a copy of the judgment shall be forwarded to him or her through registered letter on the day of promulgation or the day following it.

(Article 124 edited by HO-98-N of 21 February 2007)

C H A P T E R 1 9

ACCELERATED COURT EXAMINATION

Article 125. Grounds for accelerated court examination

The court shall conduct an accelerated court examination where:

(1) the parties have submitted a written consent for conducting an accelerated court examination of the case, or

(2) the parties have notified the judge in writing about their non-participation to the court examination;

(3) the court arrives at the conclusion that:

(a) the necessity to conduct an immediate examination arises from the nature of the case;

(b) it is possible to arrive at a conclusion concerning the facts to be proved on the basis of examination and assessment of the evidence of the case, and there is no dispute over the rights;

(c) the claim is apparently grounded, or

(d) the claim is apparently ungrounded.

2. Grounds for conducting accelerated court examination involve, in particular, cases where:

(1) the claim is based on an indisputable right with pre-assessed damage;

(2) a claim on alimony not related to the establishment of paternity has been filed;

(3) a claim related to employment dispute has been filed;

(4) evidence in favour of the claim has not been submitted.

3. The court shall render a decision on conducting accelerated court examination.

(Article 125 edited by HO-182-N of 25 May 2011)

Article 126. Decision of the court on conducting accelerated court examination

(Article 126 repealed by HO-182-N of 25 May 2011)

Article 127. Termination of accelerated court examination

(***Title edited by HO-182-N of 25 May 2011)***

1. Where during the accelerated court examination of the case the court is convinced that the reasons for conducting the accelerated court examination no longer exist, the court shall render a decision on terminating the accelerated court examination. When rendering such a decision, the court shall conduct the examination of the case as prescribed by Chapter 18 of this Code.

(Article 127 edited by HO-182-N of 25 May 2011)

Article 128. Procedure for accelerated court examination

1. After rendering the decision on conducting accelerated court examination, the court shall proceeds to issuing a judicial act on deciding the case on its merits.

(Article 128 edited by HO-182-N of 25 May 2011)

Article 129. Liability of the person having filed an apparently ungrounded claim

Where an apparently ungrounded claim is rejected by the court, the defendant shall be entitled to file a claim against the plaintiff with the same court, requesting compensation of the damage caused to him or her.

CHAPTER 20

COURT JUDGMENT

Article 130. Rendering a judgment

1. When deciding on the merits of the dispute, the court shall render a judgment.

2. The court shall render the judgment in the name of the Republic of Armenia.

3. Court judgment shall be lawful and grounded. The court shall substantiate the judgment solely through the evidence examined at the court sitting.

4. ***(Point 4 repealed by HO-277-N of 28 November 2007)***

(Article 130 amended by HO-277-N of 28 November 2007)

Article 131. Issues to be resolved when rendering a judgment

1. When rendering a judgment the court shall:

(1) evaluate the evidence;

(2) determine which consequences relevant to the case have been established and which have not;

(3) define the laws and other legal acts subject to application within the given case;

(4) decide on the issue of fully or partially satisfying or rejecting the claim.

2. The court shall, when finding it necessary to additionally examine the evidence or proceed with the establishment of the circumstances relevant for the case, resume the examination of the case.

3. A decision on resuming the examination of the case shall be rendered.

Article 132. Content of the judgment

1. Court judgment shall comprise an introduction, description, argumentation and conclusion.

Introduction of the judgment should contain the name of the court rendering the judgment, the composition of the court, case number, the date and venue of examination of the case, names of the persons participating in the case and the subject matter of the dispute. Introduction of the judgment should contain the passport data of the person, social card number (if available), tax-payer identification number of the legal person and state registration or state registration certificate number. The mentioned information with regard to the defendant need not be indicated where the court has failed to obtain such data during the examination of the case.

Description of the judgment should contain a brief summary of the statement of claim, the response thereto, applications and motions of the persons participating in the case.

Argumentation of the judgment should contain the circumstances of the case and the evidence established by the court, upon which the conclusions of the court are based, arguments denying certain evidence, as well as the laws, international treaties and other legal acts of the Republic of Armenia by which the court has been guided when rendering the judgment.

The conclusion of the judgment should contain conclusions on satisfying or rejecting each claim, as well as an indication of the time limits and procedure for appealing the judgment.

2. When fully or partially satisfying initial claims and counterclaims, the conclusion of the judgment should indicate the amount of money to be confiscated as a result of offsetting.

2[1]. When declaring the transaction invalid, the court shall be obliged to indicate in the conclusion of the judgment the consequences of the invalidity of the transaction.

3. Conclusion of the judgment shall resolve the issue of distribution of the judicial expenses among the participants of the case. The conclusion of the judgment shall also mandatorily indicate that, in case of failure to voluntarily comply with the judgment, the judgment shall be enforced by the compulsory enforcement service, at debtor's expense.

4. Where the court defines the procedure for enforcing the judgment or takes measures to ensure the enforcement thereof, it shall be indicated in the conclusion of the judgment.

(Article 132 supplemented by HO-216 of 11 September 2001, HO-39-N of 18 February 2004, HO-16-N of 16 December 2005)

Article 133. Decision on approving the conciliation agreement between parties

Where the conciliation agreement of the parties is approved, the court judgment should contain the word-for-word statement (text) of the conciliation agreement.

Article 134. Judgment on confiscation of monetary means and on property allocation

1. When satisfying the claim concerning confiscation of monetary means, the conclusion of the judgment shall define the total amount of the confiscated means, by separately indicating the amounts of the main debt, damages, material sanction (penalties, fines), as well as the amount on which interest is to be accrued, the size of such interests and the date of the accrual thereof. When satisfying the claim concerning confiscation of monetary means due to infringement of the obligations assumed by the Manager of the Fund provided for by the Civil Code of the Republic of Armenia, the court shall, having regard to the requirements of the Civil Code of the Republic of Armenia and of other laws, define in the conclusion of the judgment whether the confiscated

amount shall be subject to confiscation from the property of the relevant Fund, or only from the property of the Manager of the debtor Fund, not considered as the monetary means of the Fund, or from the property of the relevant Fund, and where this is not sufficient, from the property of the Manager of the debtor Fund, not considered as the means of the Fund.

2. In case of allocation of the property, the court shall indicate the name of the property subject to handing, the value and, if known, the location thereof.

(Article 134 supplemented by HO-75-N of 18 May 2010, HO-286-N of 22 December 2010)

Article 135. Judgment rendered in favour of multiple plaintiffs or against multiple defendants

1. When rendering a judgment in favour of multiple plaintiffs, the court shall indicate the extent of satisfying the claim of each of them or shall indicate that the right to confiscation is joint.

2. When rendering a judgment against multiple defendants, the court shall indicate the extent of liability of each of them or shall indicate that their liability is joint.

Article 136. Judgment on concluding or amending the contract

The conclusion of the judgment on the dispute related to concluding or amending the contract shall indicate the decision on each disputable condition of the contract, and the judgment on the dispute related to compelling to sign the contract shall indicate the conditions under which the parties shall be obliged to conclude the contract.

Article 137. Judgment on compelling the defendant to carry out certain actions

The conclusion of the judgment on compelling the defendant to carry out certain actions — not related to the handing of property or charging monetary sums — shall indicate the venue, time and period and the person responsible for carrying out those actions.

Where appropriate, the court may stipulate that in case of failure by the defendant to comply with the judgment, the plaintiff shall be entitled to carry out the relevant actions at the defendant's expense.

Article 138. Promulgation of the judgment

(Article 138 edited by HO-39-N of 18 February 2004, repealed by HO-98-N of 21 February 2007)

Article 139. Forwarding of the judgment to the persons participating in the case

(Article 139 repealed by HO-98-N of 21 February 2007)

Article 140. Entry into force of the judicial acts of the court of general jurisdiction

1. Judicial acts of the court of general jurisdiction deciding the case on the merits shall enter into force one month following the promulgation, except for the cases provided for by points 2 and 3 of this Article.

2. If the value of the subject matter of the claim on confiscation of money or of the claim evaluated in monetary terms does not exceed the fifty-fold of the minimum salary, the judicial act of the court of general jurisdiction deciding the case on the merits shall enter into force on the day of the promulgation thereof.

3. Judicial acts of the court of general jurisdiction not deciding the case on the merits (interim judicial acts) shall enter into force upon the rendering thereof, unless otherwise provided for by this Code.

4. In exceptional cases, the judicial acts of the court of general jurisdiction deciding the case on the merits may be announced by the court as having entered into force upon their promulgation, where failure to do so may inevitably give rise to serious consequences for one of the parties. Such acts shall be subject to appeal in the manner and time limits provided for by this Code for the judicial acts of the same court not having entered into force.

(Article 140 edited by HO-277-N of 28 November 2007)

Article 140[1]. Appealing the judicial acts of the court of general jurisdiction

1. The judicial acts of the court of general jurisdiction deciding the case on the merits may be appealed only through appeal procedure.

2. An appeal against the judicial acts of the court of general jurisdiction not deciding the case on the merits may be lodged only in the cases provided for by this Code and other laws.

(Article 140[1] supplemented by HO-277-N of 28 November 2007)

Article 141. Ensuring the enforcement of the judgment

Upon the request of the persons participating in the case, the court shall — after rendering the judgment and in compliance with the rules of Chapter 14 of this Code — take measures to ensure the enforcement of the judgment.

Article 142. Additional judgment

1. The court having rendered the judgment shall be entitled — upon the request of the persons participating in the case or at its own initiative — to render an additional judgment where:

(1) it has not rendered a judgment on any claim concerning which the persons participating in the case have submitted evidence;

(2) by resolving the dispute over the right, it has failed to indicate the amount of the allocated money, property subject to handing or the actions which the defendant is obliged to carry out;

(3) has failed to resolve the issue of judicial expenses.

2. A request on rendering an additional judgment may be filed prior to the entry into force of the judgment. The request on rendering an additional judgment upon the judgments having entered into force upon their promulgation may be filed within a one-month period following the promulgation thereof.

3. The issue concerning the rendering of an additional judgment shall be resolved at the court sitting. Participants of the case shall be duly notified of the time and venue of the court sitting. Their failure to appear at the court sitting shall be no hindrance for the examination of the case.

4. When rejecting the request to render an additional judgment, the court shall render a decision.

5. The decision on rejecting the request to render an additional judgment may be appealed.

(Article 142 supplemented by HO-277-N of 28 November 2007)

Article 143. Clarification of the judgment; Correction of errors, misspellings and miscalculations

1. The court having rendered the judgment shall be entitled to clarify the judgment at the request of the persons participating in the case or at its own initiative, correct the errors, misspellings and miscalculations leaving the content and nature of the judgment unaltered.

2. The claim on clarifying the judgment or correcting the errors, misspellings and miscalculations may be filed prior to the enforcement of the judgment.

3. The court shall render a decision on clarifying the judgment or correcting the errors, misspellings and miscalculations.

4. The decision on clarifying the judgment or correcting the errors, misspellings and miscalculations may be appealed.

CHAPTER 21

COURT DECISION

Article 144. Rendering a decision and the content thereof

1. The judicial act not deciding the case on the merits shall be rendered in the form of a decision.

1^1. The decisions, subject to appeal in the cases provided for by this Code and other laws, shall be rendered in the form of a separate act.

2. The decision rendered in the form of a separate act should contain the following information:

(1) name of the court, composition of the court, case number, date of rendering the decision, subject matter of the dispute;

(2) names of the persons participating in the case;

(3) the issue concerning which a decision is rendered;

(4) the motives based on which the court has arrived at conclusions, with reference to laws and other legal acts;

(5) the conclusion on the case under examination;

(6) the procedure and time limits for appealing the decision, if it is subject to appeal.

3. During the court examination, the decisions on issues to be resolved at the court sitting, not subject to appeal, shall be rendered without formulating it as a separate act. The decision shall be promulgated orally and shall be included in the protocol of the court sitting.

(Article 144 supplemented, edited by HO-277-N of 28 November 2007)

Article 144[1]. Entry into force of the decision

1. During the proceedings, the decision of the court not formulated in the form of a separate act shall enter into force upon the rendering thereof.

2. The decision of the court rendered in the form of a separate act shall enter into force upon the rendering thereof.

(Article 144[1] supplemented by HO-36-N of 18 February 2004)

Article 145. Forwarding the decision

The decision of the court rendered in the form of a separate act shall be dully forwarded to the persons participating in the case within a three-day period after rendering the decision.

CHAPTER 22

RECORD KEEPING OF COURT SITTING

(Title edited by HO-146-N of 7 July 2005)

Article 146. Court sitting record-keeping form

1. A record shall be kept at the sittings of the Court of First Instance, Court of Appeal and Court of Cassation, as well as when performing certain judicial actions outside the court sittings.

2. Where there is a recording system installed in the court sitting hall, the record shall be kept through voice recording and computer summarisation of the court sitting. Summarisation includes notes about actions taking place in the courtroom. The procedure for using a special computer recording system, data storage and system maintenance shall be defined by the Ministry of Justice of the Republic of Armenia.

3. Where there is no computer recording system, or where certain judicial actions are carried out outside the court sitting, the record shall be kept in the form of a simple paper recording.

(Article 146 edited by HO-146-N of 7 July 2005, amended by HO-277-N of 28 November 2007)

Article 147. Content of a simple paper record

1. The simple paper record of the court sitting shall indicate:

(1) the date and venue of the court sitting;

(2) the time of opening and closing the court sitting;

(3) the name and composition of the court examining the case and the name of the secretary of the court sitting;

(4) name of the case;

(5) information on the presence of the persons participating in the case and other participants to the proceedings;

(6) information on explaining to the persons participating in the case and other participants to the proceedings their procedural rights and obligations;

(7) decisions of the court rendered without leaving the courtroom and the instructions of the presiding judge;

(8) statements, motions and explanations of the persons participating in the case and other participants to the proceedings;

(9) testimonies of the witnesses, experts' oral explanations concerning their opinions;

(10) information on publication, review and examination of evidence;

(11) information on facts of breaching the order during the court sitting and cases of contempt of court and the person responsible for the breach, as well as retaliatory measures imposed on that person by the court;

(12) the content of the decisions formulated in the form of a separate act;

(13) the conclusion of the final judicial act.

2. The information provided for by points 7-13 of part 1 of this Article shall be recorded word-for-word by the secretary of the court sitting.

(Article 147 edited by HO-146-N of 7 July 2005)

Article 148. Record keeping

1. Record shall be kept by the secretary of the court sitting.

2. A simple paper form record shall be kept at the court sitting in writing or on a computer. It shall be attached to the case materials and approved by the signatures of the presiding judge and the secretary.

3. Where record is kept through special computer recording system, the summarisation thereof shall be done simultaneously on a computer. Voice recording shall be attached to the case materials through laser data storage media. Summarisation shall be attached to the case materials in the paper form approved by the signature of the secretary of the court sitting.

Copy of the medium of the computer recording of the court sitting, along with the summarisation thereof, shall be provided upon written request filed by the persons participating in the case, immediately after the court sitting.

Where record of the court sitting is kept in the simple paper form, copy of the written record shall be provided at the request of the persons participating in the case not later than the following day.

(Article 148 edited by HO-146-N of 7 July 2005)

Article 149. Comments on the records kept in the simple written form

1. Participants to the proceedings shall be entitled to get acquainted with the record of the court sitting drawn in the simple paper form and submit comments on completeness and correctness of the judgment prior to the entry into force thereof.

2. Comments concerning the record shall be examined by the presiding judge having signed the record within three days following the submission thereof.

The presiding judge shall render a decision on accepting or denying the comments concerning the record.

(Article 149 edited by HO-146-N of 7 July 2005)

SUBSECTION TWO

PROCEDURE FOR PREPARING THE CASE FOR COURT EXAMINATION

(Title amended by HO-44-N of 5 February 2009)

CHAPTER 22[1]

GENERAL PROVISIONS

(Chapter 22[1] repealed by HO-44-N of 5 February 2009)

Article 149[1]. Civil court

(Article 149[1] repealed by HO-44-N of 5 February 2009)

Article 149[2]. Procedure for examining cases in the civil court

(Article 149[2] repealed by HO-44-N of 5 February 2009)

Article 149[3]. Entry into force of the judicial acts of the civil court

(Article 149[3] repealed by HO-44-N of 5 February 2009)

Article 149[4]. Appealing judicial acts of the civil court

(Article 149[4] repealed by HO-44-N of 5 February 2009)

CHAPTER 22[2]

PREPARING THE CASE FOR COURT EXAMINATION

Article 149[5]. Decision on preparing the case for court examination

After the statement of claim is admitted for proceedings, the court shall initiate the preparation of the case for court examination to ensure the efficient examination thereof.

(Article 149 [5] supplemented by HO-277-N of 28 November 2007)

Article 149[6]. Time limits for preparing the case for court examination

Preparing the case for court examination shall be effected within a reasonable time limit.

(Article 149 [6] supplemented by HO-277-N of 28 November 2007)

Article 149[7]. Right to supplement the grounds and the subject matter of the claim

1. Grounds or subject matter of the claim may be changed by the plaintiff prior to the court examination. The court may not allow such change where it leads to the alteration of the nature of the claim. Grounds or subject matter of the claim may be changed within the scope of jurisdiction *ratione materiae* of the court.

2. The defendant may, upon receiving the supplement of the statement of claim, submit his or her response on the changed statement of claim in the manner and time limits defined by Article 95 of this Code.

(Article 149[7] supplemented by HO-277-N of 28 November 2007)

Article 149[8]. Actions carried out when preparing the case for court examination

1. When preparing the case for court examination, the court may, upon receiving defendant's response to the statement of claim — and when not receiving such response, following the completion of the period for submitting a response — convene a court sitting for conducting an efficient examination of the case. Parties and other participants of the proceedings shall be duly notified of the venue and time of the initial court sitting.

Where the plaintiff or defendant, as well as other participants of the proceedings — duly notified of the initial court sitting — fail to appear, the initial court sitting may be held in their absence.

2. During the initial court sitting the court shall:

(1) establish the subject matter and grounds of the claim;

(2) where necessary, explain to parties their rights and obligations, the consequences of carrying out or failing to carry out procedural actions;

(3) establish the nature of the disputable legal relationship and the legislation subject to application;

(4) identify the persons participating in the case and other participants of the proceedings;

(5) discuss with the parties the scope of the facts to be proved and distribute the burden of proof in compliance with the rules on burden of proof distribution, as well as define time limits for submitting evidence;

(6) upon motion of the parties — and where provided for by this Code, at its own initiative — require necessary evidence, resolve the issues related to assigning an expert examination, inviting experts and witnesses to the court sitting, involving an interpreter/translator, examining material and written evidence on the spot;

(7) upon motion of the parties — and where provided for by this Code, upon its own initiative — resolve the issues related to securing the claim, counterclaim and securing the evidence, as well as other motions of the parties;

(8) discuss issues concerning involvement of other persons in the examination, substitution of the improper party, joining and separation of several requirements, possibility of conducting a circuit court sitting;

(9) determine the order of examining the evidence;

(10) carry out other actions necessary for the efficient examination of the case.

3. Initial court sitting shall be recorded as prescribed by Chapter 22 of this Code.

(Article 149 [8] supplemented by HO-277-N of 28 November 2007)

Article 149[9]. Setting the case for court examination

1. When considering that the case is ready for court examination, the judge shall render a decision on setting the case for court examination.

2. The decision on setting the case for court examination shall be forwarded to the persons participating in the case, indicating the time and venue of the court examination.

(Article 149 [9] supplemented by HO-277-N of 28 November 2007)

S E C T I O N T H R E E

PECULIARITIES OF PROCEEDINGS ON SEPARATE CASES

S U B S E C T I O N O N E

SPECIAL ADVERSARY PROCEEDINGS

C H A P T E R 2 3

PROCEEDINGS ON EXAMINATION OF APPLICATIONS ON DANGER POSED TO PERSON'S LIFE OR HEALTH

Article 150. Application on the danger posed to a person's life or health

1. The application on the danger posed to a person's life or health shall contain information on facts and circumstances implicitly serving as evidence of the existence of such danger.

2. The application on the danger posed to person's life or health shall be filed with the court of general jurisdiction of the applicant's place of residence.

(Article 150 amended by HO-44-N of 05 February 2009)

Article 151. Procedure for examining the application on the danger posed to person's life or health

1. The court shall examine the application on the danger posed to person's life or health through accelerated proceedings provided for by Chapter 19 of this Code.

2. The court shall immediately adopt a decision on preventing the danger posed to person's life or health and shall offer the applicant to submit a statement of claim to court within a three-day period.

3. Court's decision shall be enforced immediately as prescribed by the law of the Republic of Armenia "On compulsory enforcement of judicial acts".

Article 152. Consequences of failure to submit a statement of claim

In case of failure to submit a statement of claim within the time limit defined by Article 151 of this Code, the decision of the court on the danger posed to a person's life or health shall be repealed.

CHAPTER 24

PROCEEDINGS ON EXAMINATION OF APPLICATIONS ON PROTECTION OF ELECTORAL RIGHTS OF PERSONS AND POLITICAL PARTIES (ASSOCIATIONS OF POLITICAL PARTIES) PARTICIPATING IN ELECTIONS AND REFERENDUMS AND ON DISPUTES RELATED TO RESULTS OF LOCAL REFERENDUMS

(Title supplemented by HO-299 of 6 February 2002)

Article 153. Submission of an application

(Article 153 supplemented by HO-299 of 6 February 2002, repealed by HO-277-N of 28 November 2007)

Article 154. Examination of the application

(Article 154 supplemented by HO-299 of 6 February 2002, repealed by HO-277-N of 28 November 2007)

Article 155. Court judgment and the enforcement thereof

(Article 155 repealed by HO-277-N of 28 November 2007)

(Chapter repealed by HO-277-N of 28 November 2007)

CHAPTER 25

PROCEEDINGS ON CHALLENGING THE DECISIONS OF STATE BODIES, LOCAL SELF-GOVERNMENT BODIES AND THE OFFICIALS THEREOF ON IMPOSING SANCTIONS FOR ADMINISTRATIVE OFFENCES

Article 156. Submission of an application

(Article 156 repealed by HO-277-N of 28 November 2007)

Article 157. Examination of an application

(Article 157 repealed by HO-277-N of 28 November 2007)

Article 158. Court judgment

(Article 158 supplemented by HO-16-N of 16 December 2005, repealed by HO-277-N of 28 November 2007)

(Chapter repealed by HO-277-N of 28 November 2007)

CHAPTER 26

PROCEEDINGS ON DECLARING INVALID UNLAWFUL ACTS OF STATE BODIES, LOCAL SELF-GOVERNMENT BODIES AND THE OFFICIALS THEREOF OR CHALLENGING THEIR ACTIONS (INACTION)

Article 159. Grounds for declaring invalid the unlawful acts of state bodies, local self-government bodies and the officials thereof or challenging their actions (inaction)

(Article 159 supplemented by HO-179-N of 09 April 2007, Article repealed by HO-277-N of 28 November 2007)

Article 160. Application on declaring invalid the unlawful acts of state bodies, local self- government bodies and the officials thereof

(Article 160 supplemented by HO-6-N of 08 December 2005, repealed by HO-277-N of 28 November 2007)

Article 161. Requirements for applications on declaring invalid the unlawful acts of state bodies, local self- government bodies and the officials thereof

(Article 161 repealed by HO-277-N of 28 November 2007)

Article 162. Examination of applications on declaring invalid the unlawful acts of state bodies, local self- government bodies and the officials thereof

(Article 162 supplemented by HO-6-N of 8 December 2005, repealed by HO-277-N of 28 November 2007)

Article 163. Court judgment

(Article 163 supplemented by HO-16-N of 16 December 2005, repealed by HO-277-N of 28 November 2007)

(Chapter repealed by HO-277-N of 28 November 2007)

CHAPTER 26[1]

APPEALING OF DECISIONS OF ADMINISTRATORS OF THE CENTRAL BANK OF THE REPUBLIC OF ARMENIA AND AN INSOLVENT BANK, CREDIT ORGANISATIONS, INVESTMENT COMPANIES, INVESTMENT FUNDS, AND TEMPORARY ADMINISTRATION OF INSURANCE COMPANIES

(Title amended by HO-179-N of 9 April 2007, amended by HO-204-N of 11 October 2007, supplemented by HO-286-N of 22 December 2010)

Article 163[1]. Appealing of decisions of the Central Bank of the Republic of Armenia and an insolvent bank, credit organisations, investment companies, investment funds, and temporary administration of insurance companies

(Title supplemented by HO-286-N of 22 December 2010)

1. Appeals of decisions and actions of the Council and temporary administration of the Central Bank of Armenia, as well as of their officials may be filed, within the framework of the Law of the Republic of Armenia "On bankruptcy of administrators of banks, credit organisations, investment companies, investment funds and insurance companies", with the Court of First Instance of General Jurisdiction.

2. Decisions of the council and temporary administration of the Central Bank, as well as of their officials, may be appealed within a seven-day period following the entry into force thereof, and in case of actions — within a seven-day period following the performance thereof.

3. Application on declaring invalid the decision and actions referred to in part 1 of this Article shall contain the provision of the legal act infringed when adopting the decision, or in contradiction with which the appealed action has been carried out.

4. Applications filed after the time limit referred to in part 2 of this Article or not containing the information defined by part 3 of this Article shall not be examined and shall be returned to the applicant.

5. The court may declare the decisions and actions referred to in part 1 of this Article invalid only where the appealed decision was made in non-compliance with the requirements of law, or where the action is in conflict with law.

6. Decisions and actions referred to in part 1 of this Article may not be suspended when being appealed, as well as in the course of the judicial examination.

(Title amended by HO-179-N of 9 April 2007, HO-204-N of 11 October 2007)

(Article 163[1] supplemented by HO-67-N of 27 April 2004, amended by HO-179-N of 9 April 2007, HO-204-N of 11 October 2007, HO-277-N of 28 November 2007, HO-44-N of 5 February 2009, supplemented by HO-286-N of 22 December 2010)

SUBSECTION TWO

SPECIAL PROCEEDINGS

CHAPTER 27

GENERAL PROVISIONS

Article 164. Procedure for examination of cases subject to special proceedings

Courts shall examine cases subject to special proceedings in compliance with the general rules of proceedings prescribed by this Code, with exceptions and supplements defined by Chapters 28-36 of this Code.

CHAPTER 28

PROCEEDINGS ON DECLARING THE MINOR HAVING FULL ACTIVE LEGAL CAPACITY (EMANCIPATION)

Article 165. Minor's application on declaring himself or herself having full active legal capacity

Where provided for by the Civil Code of the Republic of Armenia, a minor having attained the age of sixteen may file an application with the Court of First Instance of general jurisdiction of

his or her place of residence on declaring himself or herself having full active legal capacity (emancipated).

(Article 165 amended by HO-44-N of 05 February 2009)

Article 166. Examination of the application

The court shall examine the application with the mandatory participation of the applicant, one of the parents (adopters, guardian) or the representative of guardianship and curatorship authorities.

Article 167. Court judgment

Based on the results of examination of the application, the court shall deliver a judgment on granting or rejecting the applicant's request.

Where the application is satisfied, the minor having attained the age of sixteen shall be declared having full active legal capacity (emancipated) on the day of entry into force of the court judgment.

CHAPTER 29

PROCEEDINGS ON DECLARING A CITIZEN HAVING NO ACTIVE LEGAL CAPACITY OR PARTIAL ACTIVE LEGAL CAPACITY

Article 168. Persons having the right to file an application on declaring a citizen having no active legal capacity or partial active legal incapacity

1. Proceedings on declaring the citizen having no active legal capacity may be instigated upon the application filed by family members of the person, guardianship and curatorship authorities or management of the psychiatric institution.

2. Proceedings on declaring the citizen having partial active legal incapacity may be instigated upon the application filed by a family member of the person or guardianship and curatorship authorities.

3. Application on declaring the citizen having no active legal capacity or partial active legal incapacity shall be filed with the general jurisdiction court of the citizen's place of residence, and where the citizen is undergoing a treatment at a psychiatric institution, it shall also be filed with the court of the place of location of the institution.

(Article 168 amended by HO-277-N of 28 November 2007)

Article 169. Content of the application

1. The application on declaring the citizen having no active legal capacity shall indicate the circumstances attesting to the mental disorder of the citizen and due to which the citizen is incapable of understanding the significance of his or her actions or to control them.

2. The application on declaring the citizen having partial active legal incapacity shall indicate the circumstances attesting to the fact that the citizen abusing alcohol, drugs or gambling has placed his or her family in a financially difficult situation.

Article 170. Assigning an expert examination for establishing the citizen's mental state

Where there are valid doubts concerning citizen's mental disorder, the judge shall assign a forensic psychiatric expert examination to determine the citizen's mental state. Where the person, against whom proceedings on declaring him having no active legal capacity have been instigated, evidently avoids undergoing forensic psychiatric expert examination, the court shall adopt a decision on sending the citizen to a forced forensic psychiatric expert examination.

Article 171. Examination of the application

1. The court shall examine the case on declaring the citizen having no active legal capacity in mandatory presence of the representative of the guardianship and curatorship authorities. The citizen may be summoned to the court sitting provided he or she is in good health condition.

2. The court shall examine the case on declaring the citizen having partial active legal capacity in mandatory presence of that citizen and of a representative of the guardianship and curatorship authorities.

3. The applicant shall be exempted from costs related to examination of the case on declaring a citizen having no active legal capacity or partial active legal incapacity.

4. Where the court establishes that the family members having filed the application acted not in good faith with the purpose of unduly depriving the citizen of active legal capacity or restricting his or her active legal capacity, it shall levy the judicial costs from them.

Article 172. Consequences of the court judgment

1. Based on the court judgment on declaring the citizen having no active legal capacity, the guardianship and curatorship authorities shall designate a guardian.

2. Based on the court judgment on declaring the citizen having partial active legal incapacity, the guardianship and curatorship authorities shall designate a curator.

Article 173. Declaring a citizen having active legal capacity and lifting the restriction imposed on his or her active legal capacity

1. Where provided for by the Civil Code of the Republic of Armenia the court shall, upon the application of the guardian, family member or management of the psychiatric institution and based on the relevant opinion of the forensic psychiatric expert examination, adopt a decision on

declaring the recovered person having active legal capacity. The guardianship imposed on the citizen shall be lifted upon a court judgment.

2. Where provided for by the Civil Code of the Republic of Armenia the court shall — upon the application of the citizen, his or her curator or family member — adopt a decision on lifting the restriction imposed on citizen's active legal capacity. Based on the court judgment, the curatorship imposed on the citizen shall be lifted.

CHAPTER 29[1]

PROCEEDINGS ON CHILD ADOPTION

Article 173[1]. Submission of an application

Application on child adoption shall be filed with the court of general jurisdiction of the child's place of residence (location).

(Article 173[1] supplemented by HO-163-N of 07 July 2005, amended by HO-277-N of 28 November 2007)

Article 173[2]. Application requirements

1. The application should indicate:

(1) surname, name, patronymic name and place of residence of the person/persons willing to adopt;

(2) surname, name, patronymic name, date of birth and place of residence of the child to be adopted;

(3) where the child to be adopted is under the age of one year, the motion to change the child's date of birth, if so desired by of the person/persons willing to adopt;

(4) the motion to change the surname, name, patronymic name, date and place of birth of the child to be adopted, to register as parent (parents) of the child to be adopted, if so desired by the person/persons willing to adopt;

2. The following documents shall be attached to the application:

(1) copy of the identification document of the person/persons willing to adopt;

(2) copy of the marriage certificate of the person/persons willing to adopt, if the person/persons is/are married;

(3) where the child is adopted by one of the spouses, the written consent of the other spouse;

(4) consent of the children having attained the age of ten. If the child has lived in the family of a foster parent and considers that person his or her parent, the adoption process may, as an exception, be carried out without the consent of the child to be adopted.

Child's consent to adoption shall be expressed by guardianship and curatorship authorities.

(5) birth certificate (copy) of the child to be adopted;

(6) health certificate;

(7) centralised registration certificate of the child to be adopted;

(8) written consent of the guardians (curators) of children under guardianship (curatorship), as well as written consent of foster parents of children living in foster families;

(9) documents certifying legal grounds for adoption: written consent of the parents of the child to be adopted on allowing the adoption, death certificate (certificates) of the parent (parents), copies of court judgments on depriving the parent (parents) of parental rights, declaring parents having no active legal capacity, partial active legal incapacity, missing or dead, and where the child is a foundling – documents certifying the fact;

(10) consent of their parents or guardians (curators) is also required, as well as the consent of the guardianship and curatorship authorities in case of absence of the parents or guardian (curator), when adopting children of minor parents;

(11) opinion of the body authorised by the Government of the Republic of Armenia on substantiation of the adoption and compatibility of the adoption with the child's interests, indicating information on the fact of personal contact between the child to be adopted and adopter (adopters), as well as copies of all the documents the person/persons willing to adopt have submitted for obtaining the opinion;

(12) information referred to in point 10 of part 1 of this Article, as well as the consent of the legal representative of the child and of the competent authority of the State of which the child is a national, as well as the consent of the child having attained the age of ten, where so required by the legislation of the referred State — where nationals of the Republic of Armenia adopt in the territory of the Republic of Armenia a child who is a national of a foreign state;

(13) documents envisaged by point 10 of part 1 of this Article, as well as the prior consent envisaged by the Decision of the Government of the Republic of Armenia and given as prescribed by law — where nationals of foreign states or stateless persons adopt in the territory of the Republic of Armenia a child who is a citizen of the Republic of Armenia.

(Article 173[2] supplemented by HO-163-N of 7 July 2005)

Article 173[3]. Examination of the application

The court shall examine the cases on approving the child's adoption with compulsory participation of the guardianship and curatorship authorities, person willing to adopt and the child having attained the age of fourteen. Where necessary the court may involve in the case examination the child's parent(s) or other legal representatives and concerned parties, as well as the child to be adopted who has attained the age of ten.

Court examination on adoption cases shall be behind closed-doors.

(Article 173[3] supplemented by HO-163-N of 7 July 2005, edited by HO-277-N of 28 November 2007)

Article 173[4]. Court judgment

The court shall, based on the results of the examination of application, deliver a judgment on approving the adoption.

In case of changing the name, surname and patronymic name, date and (or) time of birth of the child to be adopted, necessity to register as parents of the adopted child, as well as maintaining the adopted child's relationship with one of the parents or relatives of the dead parent, it shall be indicated in the court judgment.

The court shall refuse the adoption:

(1) where the submitted documents are incomplete or false;

(2) in other cases provided for by the legislation of the Republic of Armenia.

Court judgment approving the child's adoption shall be basis for state registration by civil status acts registration authorities.

(Article 173[4] supplemented by HO-163-N of 7 July 2005)

Article 173[5]. Abolishment of adoption

Examination and resolution of cases on abolishment of an adoption shall be carried out by rules of adversary proceedings.

(Article 173[5] supplemented by HO-163-N of 7 July 2005)

CHAPTER 30

PROCEEDINGS ON FORCED TREATMENT OF THE CITIZEN AT A PSYCHIATRIC INSTITUTION

Article 174. Persons having the right to file an application on sending a citizen to forced treatment at psychiatric hospitals

Application on forced treatment of a citizen at a psychiatric hospital may be filed by the management of the psychiatric institution where the citizen is treated. The application shall be filed with the court of general jurisdiction of the place of location of the psychiatric institution.

The application shall be accompanied with the reasoned opinion of a commission of psychiatrists on the necessity of further treatment of the person at a psychiatric institution.

(Article 174 amended by HO-277-N of 28 November 2007)

Article 175. Time limits for filing an application

Application on forced treatment of the citizen at a psychiatric hospital shall be filed within 72 hours following the placement of the citizen at a psychiatric institution.

The judge shall, by instigating the proceedings, extend the period of maintaining the citizen at the psychiatric institution for the relevant term necessary for simultaneous examination of the case in court.

Article 176. Examination of the application

1. Application on the citizen's compulsory treatment at a psychiatric hospital shall be filed within a five-day period following the instigation of proceedings.

The citizen shall have the right to participate in the court sitting. Where according to the information obtained from the psychiatric institution the person is no longer able to participate in the court sitting, the court shall examine the application at the psychiatric institution.

2. In the examination of the application, the participation of the representative of the psychiatric institution on whose initiative the proceedings were instigated, as well as of the representative of the person whom the issue on treatment concerns, is compulsory.

If the representative of the person does not participate in the examination of application with no good cause as recognised by the court, or the person has no representative, the participation in examination of the application of the representative of guardianship and curatorship authorities of the person's place of residence shall be compulsory, and of the representative of guardianship and curatorship authorities of the location of the psychiatric facility — if the place of residence is unknown.

(Article 176 supplemented by HO-26-N of 8 April 2008)

Article 177. Court judgment

Based on the results of the examination of the application, the court shall deliver a judgment on satisfying or rejecting the claim.

The judgment on satisfying an application shall be basis for sending the citizen to a psychiatric institution for compulsory treatment.

CHAPTER 31

PROCEEDINGS ON DECLARING THE PERSON MISSING OR DEAD

Article 178. Submission of an application

Application on declaring the citizen missing or dead shall be filed with a general jurisdiction court of his or her last known place of residence or of the applicant's place of residence.

(Article 178 amended by HO-277-N of 28 November 2007)

Article 179. Application requirements

1. The application shall contain:

(1) possible legal consequences for the applicant if the citizen is declared missing or dead;

(2) circumstances attesting to the fact that the person is missing;

(3) circumstances entailing danger for the life of the missing person or other circumstances which make it possible to suggest that the death of the person was a result of an accident.

2. In case of failure to comply with the requirements referred to in Article 1, the court shall return the application.

Article 180. Judge's actions following the receipt of the application

The court shall, for the purpose of obtaining information about the missing person, request information from the relevant organisations of the missing person's last known place of residence and workplace, as well as adopt a decision on publishing a communication on instigating a case on declaring the citizen missing or dead.

The judge may, upon receipt of the application, offer the guardianship and curatorship authorities to designate a guardian for the maintenance of the missing citizen's property.

Article 181. Consequences of the court judgment

1. Based on the court judgment on declaring the citizen missing or dead, the guardianship and curatorship authorities of the location of the missing person's property shall place the property under guardianship.

2. Based on the court judgment on declaring the citizen dead, the civil status acts registration authorities shall make an entry in the registry of civil status acts on the citizen's death.

Article 182. Consequences of appearance or discovery of whereabouts of the person declared missing or dead

Where the person declared missing or dead appears, the court shall deliver a judgment on abolishing the previously delivered judgment. Based on that judgment, guardianship over the property shall be lifted, and the entry in civil status acts registry on the person's death shall be deleted.

CHAPTER 32

PROCEEDINGS ON REVEALING INACCURACIES CONCERNING CIVIL STATUS ACTS ENTRIES

Article 183. Grounds for submission of an application

1. The court shall examine cases on revealing inaccuracies of entries on registries of civil status acts (record books) where civil status acts registration authorities, in case of absence of dispute over the rights, have refused to make corrections or changes in the entry made in the registries.

2. Applications on revealing inaccuracies of entries made in the registries of civil status acts shall be filed with the court of general jurisdiction of the applicant's place of residence.

(Article 183 amended by HO-277-N of 28 November 2007)

Article 184. Application requirements

The application shall indicate the inaccuracy of the entry made in the registries of civil status acts and the civil status acts registration authority having refused the application on correcting or changing the entry made and the date of such refusal.

Article 185. Court judgment

Court judgment recognising the inaccuracy of the entry made in the registries of civil status acts shall be basis for correcting or changing such entry by civil status acts registration authorities.

(Chapter repealed by HO-269-N of 28 November 2007)

CHAPTER 33

PROCEEDINGS ON DECLARING THE PROPERTY OWNERLESS

Article 186. Submission of an application

Application on declaring movable property ownerless shall be filed with the court of general jurisdiction of the place of residence of the citizen owning the property or of location of the legal person.

Application on declaring immovable property ownerless shall be filed with the court of general jurisdiction of the place of location of the property.

(Article 186 amended by HO-277-N of 28 November 2007)

Article 187. Content of the application

Citizen's or legal person's application on declaring property ownerless shall indicate the property to be declared ownerless, describe the distinctive features thereof, and shall contain evidence attesting the fact of abandoning the property by the owner without the intention of maintaining the right of ownership over the property, and evidence of transferring the property to the possession of the person.

Article 188. Court judgment

The court shall — upon establishing that the property has no owner or has been abandoned by the owner without intent of maintaining the right of ownership over it — deliver a judgment on declaring the property ownerless and transferring it to the person possessing the property.

CHAPTER 34

PROCEEDINGS ON VERIFICATION OF FACTS OF LEGAL SIGNIFICANCE

Article 189. Examination by court of cases on verification of facts of legal significance

1. The court of general jurisdiction shall, in compliance with the territorial jurisdiction, verify the facts whereon occurrence, modification or termination of personal or property rights of citizens or legal persons depend.

2. The court shall examine those cases on verification of facts which are related to:

(1) kinship relations of persons;

(2) situations where the person is under the care of another person;

(3) registration of birth, adoption, marriage, divorce and death;

(4) person's death at a certain time and under certain circumstances if civil status acts registration authorities refuse to register the death;

(5) acceptance of inheritance and place of commencement of inheritance;

(6) an accident;

(7) ownership of documents establishing rights, save for passport and military documents;

(8) possession of property by ownership right;

(9) existence of force major.

3. The court shall, in other cases provided for by law, examine other facts of legal significance.

(Article 189 edited by HO-277-N of 28 November 2007)

Article 190. Jurisdiction of cases on verification of facts of legal significance

Cases on verification of facts of legal significance shall be examined at the court of the place of the applicant's location, save for cases on the verification of fact of possessing the immovable property by ownership right, which shall be examined at the location of the immovable property.

Article 191. Requirements for the application on verification of facts of legal significance

Application on verification of facts of legal significance shall indicate the reason for which verification of the given fact is necessary for the applicant, and shall contain evidence attesting the impossibility of obtaining proper documents or recovering the lost documents by the applicant.

Article 192. Condition necessary for verifying a fact of legal significance

The court shall verify the fact of legal significance only where the applicant is not able to receive in any other way proper documents verifying the fact or is not able to recover lost documents.

Article 193. Court judgment

1. Court judgment verifying the fact of legal significance shall describe the verified fact.

2. Court judgment on verifying the fact of legal significance shall be basis for registration by relevant authorities of the fact or for formulation of the rights that arise with regard to the verified fact.

CHAPTER 35

PROCEEDINGS ON THE RESTORATION OF RIGHTS EVIDENCED BY BEARER AND ORDER LOST SECURITIES (BEARER PROCEEDINGS)

Article 194. Submission of an application

The person having lost the securities to bearer or to order (hereinafter referred to as "securities") may, in compliance with the territorial jurisdiction of cases, file an application with

the Court of First Instance of general jurisdiction on declaring the lost security invalid and on restoring the right thereunder.

The right evidenced by security may also be restored in case of loss of solvency features of the security caused by undue maintenance thereof or for other reasons.

(Article 194 edited by HO-277-N of 28 November 2007, amended by HO-44-N of 5 February 2009)

Article 195. Territorial jurisdiction of cases on restoring the right evidenced by lost security

Cases on restoring rights evidenced by lost security shall be examined at the court of the place of location of the organisation having issued the security.

(Title supplemented by HO-277-N of 28 November 2007)

Article 196. Requirements for application on restoring rights evidenced by lost security

1. Application on restoring rights evidenced by lost security shall contain requisites of lost securities, name of the organisation having issued the security, as well as shall state the circumstances of the loss of security.

2. In case of failure to comply with the requirements referred to in part 1 of this Article, the court shall return the application.

Article 197. Court's actions following the receipt of the application

1. The court shall, upon receipt of the application on restoring rights evidenced by lost securities, adopt a decision on prohibiting payments or handovers by those securities.

2. The court shall, at the applicant's request, publish an official communication in press.

The communication shall contain:

(1) the name of the court;

(2) the applicant's name and place of residence (location);

(3) name, requisites and other distinctive features of the lost securities;

(4) offer to the person possessing the securities to notify the court within a two-month period following the publication of the communication about his or her rights with regard to the securities and submit the original document or the copy thereof;

Article 198. Examination of the case

The court shall examine the case on restoring rights evidenced by lost security in two months following the day of publication of the communication.

Article 199. Court judgment

1. When granting the application, the court shall render a judgment on declaring the lost security invalid and restoring the applicant's right thereunder.

2. The relevant organisation shall issue a new security to the applicant based on the court judgment.

Article 200. Court's actions in case of receipt of application of the person possessing the security

When receiving the application of the person possessing the security within a two-month period following the publication of the communication, the court shall dismiss the application of the person having lost the security.

Article 201. The right of the person possessing the security to file a claim on ungrounded acquisition of property

The person, who possesses the security and who has failed to notify of his or her rights with regard to securities within a two-month period following the publication of the communication, may file a claim on ungrounded acquisition of property against the person having received new securities on the basis of the court judgment.

CHAPTER 36

PROCEEDINGS ON REVIEW OF THE JUDICIAL ACT DECIDING THE CASE ON THE MERITS, BASED ON CONCILIATION AGREEMENT OF THE PARTIES UPON THE APPLICATION OF COMPULSORY ENFORCEMENT OFFICER

(Title edited by HO-277-N of 28 November 2007)

Article 202. Conciliation agreement of the parties in the course of compulsory enforcement of the court judgment

1. Parties shall have the right to conclude a conciliation agreement in the course of compulsory enforcement of the court judgment.

2. Conciliation agreement of parties may also relate to the manner, time limits and procedure for compulsory enforcement of the court judgment.

3. The parties shall conclude the conciliation agreement in writing, by drawing up a single document signed by them.

4. The parties shall submit the conciliation agreement concluded by them to the compulsory enforcement officer.

Article 203. Compulsory enforcement officer's actions upon receiving the conciliation agreement

The compulsory enforcement officer, upon receiving the conciliation agreement of parties, shall be obliged to suspend the enforcement proceedings and immediately apply to the court having issued the execution writ.

Article 204. Review of court judgment

1. The court shall, based on the application of compulsory enforcement officer, review the court judgment through accelerated proceedings provided for by Chapter 19 of this Code.

2. The court shall review only the part of the court judgment relating to the manner, time limits and procedure for enforcement defined by the conciliation agreement of parties.

3. The court shall deliver a judgment on the review of the judgment which shall literally state the content (text) of the conciliation agreement.

CHAPTER 36[1]

PROCEEDINGS ON ISSUING AN ORDER FOR PAYMENT

Article 204[1]. Permissibility of proceedings on issuing an order for payment

1. In conformity with the provisions of this chapter, the proceedings on issuing an order for payment with respect to definite pecuniary demands (hereinafter referred to as "order for payment proceedings) shall be permitted. In this chapter the demand shall be considered as definite where it is established by the consent of the parties or may be precisely determined on the basis of a law or contract.

2. An order for payment proceedings shall not be allowed where:

(1) the pecuniary demand is connected with outstanding counter obligations;

(2) the submitted demand is based on a credit agreement, and the stipulated interest rate, at the moment of conclusion of the agreement, has been higher than the interest rate prescribed by law.

(Article 204[1] supplemented by HO-154-N of 7 July 2005)

Article 204[2]. Application for issuing an order for payment

1. The application filed with the court should directly contain a demand for issuing an order for payment and include the following information:

(1) name of the court whereto the application is submitted;

(2) names (titles), addresses (place of location) of the parties,

(3) the ground and amount of the primary and supplementary demands separately;

(4) evidence attesting the demand;

(5) a statement that the demand is not connected to counter obligations, or that counter obligations are already fulfilled;

(6) signature of the applicant, or of his or her legal representative or authorised person.

Where the application is signed by the applicant's legal representative or authorised person, the application shall be accompanied also by the respective documents attesting their representation.

2. Where the obligation is secured by a pledge, and the applicant wants to act as a secured creditor, the application should be accompanied by a pledge agreement.

3. The application and the accompanying documents shall be submitted to the court in two copies.

(Article 204[2] supplemented by HO-154-N of 7 July 2005)

Article 204[3]. Jurisdiction

The case on issuing an order for payment shall fall only under the jurisdiction of the court of general jurisdiction of the place of residence (place of location) of the defendant.

(Article 204[3] supplemented by HO-154-N of 7 July 2005, HO-44-N of 5 February 2009)

Article 204[4]. Rejection of the application for issuing an order for payment

1. The application for issuing an order for payment shall be rejected on the part which:

(1) does not meet the requirements of Articles 204[1]-204[3] of this Code;

(2) the demand is *prima facie* not substantiated; or

(3) the pieces of evidence attesting the demand are suspicious.

2. Prior to the rejection, the applicant should have the opportunity to express his or her standpoint, including by means of distance communication (fax, electronic mail, etc.). Failure to

express a standpoint shall not be an obstacle for taking a decision on rejection. The decision on rejection shall not be subject to appeal.

3. The decision on rejection shall not be an obstacle for the plaintiff to submit the rejected part of his or her demand in the form of a claim.

(Article 204[4] supplemented by HO-154-N of 7 July 2005)

Article 204[5]. Time limits for examination of application

Within a period of two weeks after receiving an application, the judge shall be obliged to initiate one of the following actions:

(1) issue an order for payment;

(2) fully reject the application for issuing an order for payment;

(3) partially reject the application for issuing an order for payment by issuing an order for payment as regards the other part of the application.

(Article 204[5] supplemented by HO-154-N of 7 July 2005)

Article 204[6]. Order for payment

1. In case of failure to render a decision on fully rejecting the application for issuing an order for payment, the court shall, without convening a sitting, issue an order for payment.

2. The order for payment shall contain the following:

(1) an indication that the court has not verified on the merits the substantiation of the demand;

(2) an order to carry out one of the following actions within a period of two weeks:

- to comply with the payment demand, where the defendant considers that the demand is substantiated;

- to file a written objection with the court in person or via mail with acknowledgement (notification) of receipt, where the defendant considers the submitted demand as not substantiated.

The defendant shall have the right to file a written objection also with respect to one part of the demand by making the payment as regards the other part of the demand;

(3) an indication that in case of submitting an objection the dispute may be examined on the merits of adversary proceedings; in this case the losing party shall incur the court expenses;

(4) an indication that in case of failure to file an objection within the specified time limit the order for payment shall acquire the force of a judgment having entered into legal force and shall be subject to compulsory enforcement.

3. The copies of the application and accompanying documents shall be enclosed to the order for payment.

4. The order for payment shall be sent to the defendant via mail with acknowledgement (notification) of receipt.

(Article 204[6] supplemented by HO-154-N of 7 July 2005)

Article 204[7]. Turning to adversary proceedings

In case of receiving an objection on the order for payment filed with the court within a specified time limit, the order shall be abolished. In this case, the demand may be filed through the procedure of general adversary proceedings.

(Article 204[7] supplemented by HO-154-N of 7 July 2005)

Article 204[8]. Entry into force of the order for payment

Where within three weeks after receiving the acknowledgement (notification) of receipt of the order for payment by the defendant, the court receives no objection or receives an objection that has been filed by the defendant with a violation of the two-week period, the order for payment shall acquire the force of a judgment having entered into legal force and shall be subject to

compulsory enforcement. The court shall, upon the demand of the applicant, render a writ of execution on the basis of the application of the applicant on the levy of execution. Where the pledge agreement has been enclosed to the application, the writ of execution shall contain an indication that the levy of execution may apply also to the collateral.

(Article 204[8] supplemented by HO-154-N of 7 July 2005)

SECTION THREE[1]

PROCEEDINGS ON THE REVIEW OF THE JUDICIAL ACT BASED ON NEWLY EMERGED CIRCUMSTANCES

(Section repealed by HO-94-N of 20 May 2010)

SECTION THREE[2]

REVIEW OF JUDGMENTS AND DECISIONS BASED ON NEWLY EMERGED CIRCUMSTANCES *(Section repealed by HO-94-N of 20 May 2010)*

SECTION THREE[3]

PROCEEDINGS ON THE REVIEW OF THE JUDICIAL ACT BASED ON NEWLY EMERGED OR NEW CIRCUMSTANCES

(Section supplemented by HO-94-N of 20 May 2010)

Article 204.30. The court reviewing a judicial act based on newly emerged or new circumstances

1. Only the judicial act having entered into legal force shall be subject to review upon newly emerged or new circumstances.

2. A judicial act of the Court of First Instance shall, upon newly emerged or new circumstances, be reviewed by the Court of Appeal, and the judicial acts of the Court of Appeal and the Court of Cassation shall be reviewed by the Court of Cassation.

Article 204.31. Persons having the right to file an appeal on reviewing a judicial act upon newly emerged or new circumstances

The right to file an appeal on reviewing a judicial act upon newly emerged or new circumstances shall belong to:

(1) persons participating in the case and their legal successors;

(2) persons who, as of the day of adopting the decision by the Constitutional Court on the issuance of constitutionality of the provision of law, have had the possibility to exercise that right in conformity with the requirements (time limits) of the Law of the Republic of Armenia "On the Constitutional Court", or have been deprived, by virtue of Article 32(3) or (5) of the same law, of the possibility of examination of their case at the Constitutional Court;

(3) persons who, at the moment of issuing a corresponding judicial act by an international court to which the Republic of Armenia is a party, have had the right to apply to international court in accordance with the requirements (time limits) of the international treaty.

Article 204.32. Grounds for reviewing a judicial act based on newly emerged circumstances

Newly emerged or new circumstances shall serve as a basis for reviewing a judicial act, where:

(1) the person having filed the appeal proves that those circumstances have not been known and might not have been known to the persons participating in the case, or those circumstances have been known to the persons participating in the case, but for reasons not controlled by them have not been submitted to the court, and those circumstances have an essential significance for the resolution of the case;

(2) apparently false testimonies of a witness, apparently false opinion of an expert, apparently incorrect translation/interpretation of a translator/interpreter, falsified documents or material evidence that have been recognised upon an enforced criminal judgment of the court, have led to rendering an unlawful or unsubstantiated judicial act;

(3) the criminal judgment of the court having entered into legal force has recognised that the persons participating in the case or their legal representatives or the judge have committed a criminal act in relation to the examination of the case, or

(4) the judicial act, criminal judgment, decision of the administrative or local self government body, having served as a basis for rendering the given judgment, has been abolished.

Article 204.33. Grounds for reviewing a judicial act based on new circumstances

New circumstances shall serve as basis for reviewing a judicial act, where:

(1) the Constitutional Court of the Republic of Armenia has recognised the provision of the law, applied by the court in a civil case, as contradicting the Constitution and as invalid or has recognised it as complying with the Constitution, but when revealing its constitutional-legal nature at the conclusion of the decision has found that the given provision has been applied with different interpretation;

(2) a judgment or a decision, having entered into legal force, of the international court to which the Republic of Armenia is a party, has confirmed the fact that a person's right provided for by the international treaty of the Republic of Armenia has been violated.

(Article 204.33 edited by HO- 269-N of 26 October 2011)

Article 204.34. Term for filing an appeal on reviewing a judicial act upon newly emerged or new circumstances

1. An appeal on reviewing a judicial act based on newly emerged or new circumstances may be filed within a three-month period after the moment when the person having filed the appeal has become aware or might have become aware of their emergence.

2. In the case provided for by Article 204.33(1) of this Code, the calculation of the time period of three months shall commence from the day of entry into force of the respective decision of the Constitutional Court of the Republic of Armenia.

3. In the case provided for in Article 204.33(2) of this Code, the calculation of the time period of three months shall commence from the day of delivery of a judgment or decision having entered into legal force, of the international court to which the Republic of Armenia is a party, to the person having applied to that court in accordance with the procedure defined by the regulations of that court.

4. An appeal on reviewing a judicial act may not be filed where twenty years have passed after the entry into legal force of the judicial act.

Article 204.35. Instigation of proceedings on reviewing a judicial act based on newly emerged circumstances

(Article repealed by HO-47-N of 8 February 2011)

Article 204.36. Content of the appeal

The appeal on reviewing a judicial act based on newly emerged or new circumstances should contain the following:

(1) the name of the court whereto the appeal is addressed;

(2) year, month, day of rendering the judicial act subject to review;

(3) contents of the newly emerged or new circumstance having served as a basis for the review of the judicial act;

(4) the demand presented by the appeal according to the newly emerged or new circumstance;

(5) first name, last name (title) of the person having filed the appeal;

(6) the list of documents enclosed to the appeal.

(Article 204.36 amended, supplemented by HO-47-N of 8 February 2011)

Article 204.37. Instigation of proceedings on reviewing a judicial act

(Title edited by HO-47-N of 8 February 2011)

1. The court shall, as prescribed by Article 144(2) of this Code, within a period of one month after the receipt of the appeal, render a decision on instigation of proceedings on the review of the judicial act based on newly emerged or new circumstances or on returning the appeal.

2. After rendering a decision on instigation of proceedings on the review of the judicial act, the court shall duly send it to the person having filed the appeal and to the persons participating in the case with the indication of the time and venue of the examination of the appeal.

3. The court may, by the decision on instigation of proceedings on the review of the judicial act, at the same time fully or partially suspend the judicial act.

4. The appeal on reviewing the judicial act shall be returned if:

(1) the requirements provided for in Article 204.36 of this Code have not been complied with;

(2) the review of the judicial act mentioned in the appeal is not subject to the jurisdiction of the court whereto it has been addressed;

(3) the appeal has been submitted in violation of the time limit provided for in this Code for that purpose, and the person having submitted the appeal has not filed a motion on recovering that;

(4) prior to rendering a decision on instigation of proceedings on reviewing a judicial act, an application on returning it has been received from the person having filed the appeal;

(5) no evidence has been presented attesting the newly emerged or new circumstance that has served as a basis for reviewing the judicial act.

(Article 204.37 edited by HO-47-N of 8 February 2011)

Article 204.38. Rules for reviewing a judicial act based on newly emerged or new circumstances

1. Unless special rules are provided for in this section, the general rules of this Code shall apply to the proceedings on reviewing the judicial act based on newly emerged or new circumstances.

2. In the judicial act rendered as a result of those proceedings, the court may refrain from making changes in the conclusion of the reviewed judicial act only if it substantiates with the indication of sound arguments that the circumstances provided for in Article 204.32 or Article 204.33 of this Code might not have influenced the outcome of the case.

3. The judicial act of the Court of Appeal may be appealed against in the Court of Cassation by the general procedure defined by law.

(Article 204.38 edited by HO- 269-N of 26 October 2011)

(Section supplemented by HO-94-N of 20 May 2010)

SECTION FOUR

PROCEEDINGS IN THE COURT OF APPEAL

Article 205. Right to lodge an appeal

1. The right to lodge an appeal against judicial acts of the courts of first instance, except for judicial acts for which re-examination is not provided for by law, shall belong to:

(1) the persons participating in the case;

(2) the prosecutor — in cases provided for by law.

(3) the persons not involved in the case, on whose rights and responsibilities a judicial act deciding on the merits of the case has been rendered.

2. The persons not involved in the case, on whose rights and responsibilities a judicial act deciding on the merits of the case has been rendered, shall in the Court of Appeal enjoy the rights of the persons participating in the case and shall bear the responsibilities envisaged for them.

(Article 205 edited by HO-277-N of 28 November 2007)

Article 206. Court examining cases based on appeals

Cases based on appeals shall be examined by the Civil Court of Appeal.

(Article 206 amended by HO-214-N of 11 September 2001, amended by HO-98-N of 21 February 2007, edited by HO-277-N of 28 November 2007)

Article 207. Time limit for lodging an appeal

1. An appeal against a judicial act deciding on the merits of the case may be lodged prior to the time limit prescribed for the entry into legal force of that act.

2. An appeal against a judicial act deciding on the merits of a bankruptcy case or bankruptcy matter may be lodged prior to the time limit prescribed for the entry into legal force of that act.

3. In exceptional cases, when judicial acts deciding on the merits of the case have been announced by the judge as having entered into legal force, appeal against such judicial acts may be lodged within a period of one month after the entry into force of that act.

4. An interim judicial act may be appealed against only in cases provided for by law.

5. Those persons not involved in the case, on whose rights and responsibilities a judicial act deciding on the merits of the case has been rendered, shall have the right to lodge an appeal within three months starting from the day when they have known or might have known about rendering of such a judicial act, with the exception of the cases where twenty years have passed after the entry into legal force of the judicial act.

6. An appeal lodged after the time limits provided for in points 1, 2 and 3, first paragraph of point 5 of this Article may be accepted by the court for examination, where a motion on viewing the failure to observe the respective time limit as justified has been submitted and it has been granted by the court.

7. An appeal lodged against a judicial act — deciding on the merits of the case — having entered into legal, may be accepted for examination in those exceptional cases, when during the previous court examination such fundamental violations of substantive or procedural law have been committed, as a result whereof the rendered judicial act distorts the primary essence of justice, or there are newly emerged or new circumstances.

(Article 207 edited by HO-277-N of 28 November 2007, supplemented by HO-233-N of 26 December 2008)

Article 208. Restrictions for lodging an appeal

1. Where the parties have signed in the Court of First Instance an agreement on waiving the right of appeal, an appeal lodged by a party/parties to such an agreement shall be subject to examination by the Court of Appeal only upon the consent of the party to such an agreement.

2. Re-examination of civil cases on demands *in rem* shall be permissible only if the disputed amount in the given case exceeds the fifty-fold of the minimum salary.

3. An appeal (or part thereof) shall be subject to examination if the person having lodged the appeal has expressed his or her standpoint — presented in the appeal on the given matter — during the examination of the case in the Court of First Instance. An exception shall be the case when the person having lodged the appeal was deprived of the opportunity to express his or her standpoint during the examination of the case in the Court of First Instance.

(Article 208 edited by HO-277-N of 28 November 2007)

Article 209. Procedure for lodging an appeal

1. An appeal shall be properly filed with the Court of Appeal and to the persons participating in the case, and a copy of the appeal shall be sent to the Court of First Instance having rendered the judicial act.

2. Not later than the next day after receiving the copy of the appeal, — and in case it is impossible, within a reasonably short period of time — the Court of First Instance shall be obliged to send the case, in a proper manner, to the Court of Appeal.

(Article 209 edited by HO-277-N of 28 November 2007)

Article 210. Form and content of the appeal

1. An appeal shall be compiled in writing and should contain:

(1) the name of the court whereto the appeal is addressed;

(2) names (titles) of the person having lodged the appeal and of the persons participating in the case;

(3) name of the court the judgment rendered whereby is appealed against, the number of the case and year, month, day of rendering the judicial act;

(4) an indication on the violation of the substantive or procedural law that has influenced the outcome of the case;

(5) substantiations of the violations of the norms of substantive or procedural law mentioned in the appeal, as well as substantiations on their influence on the outcome of the case or the grounds for the review of the case as a result of newly emerged or new circumstances;

(6) the demand of the person having lodged the appeal;

(7) the list of documents enclosed to the appeal.

2. When in the Court of First Instance the person, having lodged the claim, has been deprived of the opportunity to express his or her standpoint on the disputed issue, the latter should also mention in the appeal his or her standpoint on the issue appealed against.

3. An appeal shall be signed by the person having lodged the appeal or by the representative of the latter. Competencies of the representative shall be certified as prescribed by this Code.

4. Proofs evidencing that the state duty is paid, that the copies of the appeal are sent to the court having rendered the judicial act and to the persons participating in the case, shall be enclosed to the appeal. In cases when an opportunity to delay or defer the payment of state duty or to reduce its amount is provided for by law, the motion thereon shall be enclosed to or included in the appeal.

5. The grounds and substantiations of the appeal shall be exclusively submitted in the appeal. The grounds for the appeal may not be changed, supplemented during the examination of the appeal.

(Article 210 edited by HO-277-N of 28 November 2007, supplemented by HO-233-N of 26 December 2008)

Article 211. Forwarding the appeal to the persons participating in the case

The person lodging the appeal shall be obliged to forward in due manner the copies of the appeal and enclosed documents to other persons participating in the case.

(Article 211 edited by HO-277-N of 28 November 2007)

Article 212. Response to the appeal

1. The person participating in the case shall, within a period of two weeks after receiving the copy of the appeal, have the right to file a response to the Court of Appeal and other persons participating in the case.

2. The response to the appeal shall be filed in writing. The response to the appeal should include the following:

(1) the name of the court whereto the response is addressed;

(2) name (title) of the person having filed the response and those of the persons participating in the case;

(3) name of the court the judgment rendered whereby is appealed against, the number of the case and year, month, day of rendering the judgment;

(4) the standpoint, and its substantiations, on the grounds and substantiations of the appeal.

3. The copies of the response and the proofs to be forwarded to the persons participating in the case shall be enclosed to the filed response.

4. The response to the appeal shall be signed by the person having filed the response or the representative thereof. The response signed by the representative shall be accompanied by the power of attorney attesting his or her competencies, unless it has been submitted earlier in connection to the given case.

(Article 212 edited, supplemented by HO-36-N of 18 February 2004, edited by HO-277-N of 28 November 2007)

Article 213. Returning the appeal

1. The appeal shall be returned if:

(1) the requirements provided for in Article 210 of this Code have not been complied with;

(2) the appeal has been lodged after the expiry of the defined time limit and does not contain a motion on recovering the unobserved time limit or such motion has not been granted by the court;

(3) prior to the decision of the Court of Appeal on accepting the appeal for examination, a complaint has been filed, by the person having lodged the appeal, on its withdrawal;

(4) the appeal has been filed by the person who does not have the right to appeal against a judicial act rendered by a lower court;

(5) the appeal is filed against such a judicial act that is not subject to appeal;

(6) there is an agreement, between the persons participating in the case, on waiving the right to appeal, and the other party to such an agreement has not given consent on examining the case in the Court of Appeal.

2. The Court of Appeal, as prescribed by Article 144(2) of this Code, within a period of three days after receiving the case shall render a decision on returning the appeal. All the *prima facie* breaches present in the appeal shall be indicated in the decision. In case of such a decision, only the decision of the Court of Appeal shall be forwarded in due manner to the person having lodged the appeal.

3. After the return of the appeal on the ground provided for in point 1(1) of this Article, within a period of two weeks after elimination of the breaches existing in the appeal and receiving the decision, in case of its resubmission the appeal shall be considered as accepted in the court. In case of resubmission of the appeal, no new time period shall be provided for the elimination of violations.

4. The decision of the Court of Appeal on returning the appeal may be appealed against through review procedure within a period of two weeks after receiving the decision.

5. In case of abolition of the decision by the Court of Cassation, the appeal shall be considered as accepted in the Court of Appeal as of the day of initial submission.

(Article 213 edited by HO-36-N of 18 February 2004, edited by HO-277-N of 28 November 2007)

Article 214. Decision on accepting the appeal for examination

1. In case of absence of grounds for the return of an appeal, after the expiry of the deadline for lodging an appeal, the Court of Appeal shall render a decision on accepting the appeal for examination. This decision should be adopted not later than within one month after the expiry of the deadline.

2. The time and venue of the examination of the case shall be indicated in the decision.

3. The decision shall be, in due manner, sent to the persons participating in the case.

(Article 213 supplemented by HO-98-N of 21 February 2007, edited by HO-277-N of 28 November 2007)

Article 215. Withdrawal of the appeal

1. A person having lodged an appeal shall have the right to withdraw the appeal prior to the commencement of examination of the case by the Court of Appeal.

2. Where the appeal is accepted for examination, in case of withdrawal of the appeal the court shall render a decision on striking out the appeal proceedings, unless the judgment is appealed against by other persons. Where the judgment is appealed against by other persons, the Court of Appeal shall strike out the appeal proceedings only on the part of the given appeal.

3. From the moment of the decision of the Court of Appeal on striking out the appeal proceedings the judgment of the Court of First Instance shall enter into legal force.

(Article 215 amended by HO-61-N of 25 December 2006, edited by HO-277-N of 28 November 2007)

Article 216. Time limit for the examination of the case in the Court of Appeal

1. The Court of Appeal should examine the case and render a judgment within a reasonable time limit.

2. When determining the reasonable time limit for the examination of the case, the time limit for the examination of the case in the Court of First Instance shall also be taken into account.

3. The Court of Appeal shall examine the appeals lodged against interim judicial acts and shall render a decision within a period of one week after receiving the case.

(Article 216 edited by HO-277-N of 28 November 2007)

Article 217. Procedure for examination of the case in the Court of Appeal

1. Appeals lodged against judicial acts of the Court of First Instance deciding on the merits of the case shall be examined by a panel comprising three judges one of which shall preside over the court sitting. Appeals lodged against interim judicial acts of the Court of First Instance shall be examined in the Court of Appeal by a single judge.

2. In the Court of Appeal the examination of the case shall be carried out by the rules of case examination in the Court of Cassation, unless other rules are specified by this section.

3. After accepting the appeal for examination the judges of the panel of the Court of Appeal shall get acquainted with the appeal and materials of the case.

4. In the Court of Appeal, during the examination of the case, the rapporteur judge shall present the arguments of the appeal and those of the response submitted against the appeal. Judges included in the panel shall have the right to ask questions to the rapporteur and to the persons participating in the case.

(Article 217 edited by HO-277-N of 28 November 2007)

Article 218. Participation of the persons, participating in the case, in the examination of the case in the Court of Appeal

1. The person having lodged the appeal shall have the right to be present at the sitting of the Court of Appeal.

2. In case of a need to give explanations, the person having lodged the appeal, as well as the persons involved in the case, may be summoned to the sitting of the Court of Appeal, who shall be in due manner notified of the time and venue of the sitting. Their failure to appear at the court sitting shall be no hindrance for the examination of the case.

(Article 218 supplemented by HO-39-N of 18 February 2004, edited by HO-277-N of 28 November 2007)

Article 219. Limits of re-examination

1. The Court of Appeal shall review the judicial act within the limits of grounds and substantiations of the appeal.

2. The Court of Appeal shall have no right to accept new evidence and, in examining the appeal, shall take as a basis only those pieces of evidence that have been submitted to the Court of First Instance. Where in the Court of First Instance the evidence has not been submitted by reasons beyond the control of the parties during the examination of the case, the Court of Appeal shall remit the case and forward it to the respective Court of First Instance for new examination, where it finds that the evidence has an essential significance for resolving the case.

3. Facts confirmed in the Court of First Instance shall be taken as a basis in the Court of Appeal during the examination of the appeal, with the exception of the case when that fact is disputed in the appeal, and the Court of Appeal comes to a conclusion that the Court of First Instance has made an obvious error in arriving to a conclusion with respect to the given fact. In such cases the Court of Appeal shall have the right to view a new fact as confirmed or not to view as confirmed the fact confirmed by the lower court, where based on the pieces of evidence investigated by the Court of First Instance it is possible to arrive to such a conclusion.

4. Where the Court of First Instance has, on the basis of the investigated pieces of evidence, not come to a conclusion in the judicial act on any fact, and it has been obliged to do so, the Court of Appeal shall have the right to view a new fact as confirmed, where based on the pieces of evidence investigated by the Court of First Instance it is possible to arrive to such a conclusion.

(Article 219 edited by HO-71-N of 13 June 2000, amended by HO-153-N of 7 July 2006, edited by HO-277-N of 28 November 2007)

Article 220. Decision of the Court of Appeal

1. The Court of Appeal shall render a decision based on the results of examination of the appeal.

2. The following should be indicated in the decision of the Court of Appeal:

(1) full name of the Court of Appeal, number of the case, year, month, day of rendering the decision and the composition of the court;

(2) year, month, day, number of the judgment rendered by the Court of First Instance, name of the court having rendered it and the name of the judge;

(3) names (titles) of the persons involved in the case, name (title) of the person having lodged the appeal, and in case of a response submitted against the appeal — also the name (title) of the person having submitted the response;

(4) grounds for and substantiations of the appeal, the demand of the person having lodged the appeal, in case of availability of a response to the appeal — the standpoint and substantiations of the person having submitted the response;

(5) facts revealed with respect to the case and having essential significance for the examination of the appeal, as well as the law, international treaties and other legal acts of the Republic of Armenia, whereby the Court of Appeal has been guided in rendering the decision.

3. The decision should contain provisions on the distribution, among the parties, of the court expenses, as well as the court expenses incurred in relation to the examination of the case in the Court of First Instance.

(Article 220 edited by HO-277-N of 28 November 2007)

Article 221. Powers of the Court of Appeal

1. Based on the result of re-examination of the judicial acts deciding on the merits of the case, the Court of Appeal shall:

(1) reject the appeal, leaving the judicial act in legal force. In the case when the Court of Appeal rejects the appeal, but the judicial act rendered by the court which rightfully decides on the merits of the case is reasoned incompletely or incorrectly, the Court of Appeal shall reason the judicial act left unaltered;

(2) fully or partially grant the appeal by fully or partially remitting the judicial act respectively. The case, with the remitted part, shall be sent to the corresponding lower court for new examination with the definition of the volume of the new examination. The judicial act, with the non-remitted part, shall remain in legal force;

(3) fully or partially remit a judicial act and approve the conciliation agreement between the parties;

(4) partially remit and change the judicial act of a lower court, where the factual circumstances verified by the lower court allow rendering such an act, and it arises from the interests of effectiveness of justice;

(5) fully or partially remit the judicial act and strike out the proceedings in full or the part thereof, and fully or partially dismiss the claim.

2. As a result of examination of the appeals lodged against interim judicial acts, the Court of Appeal shall reject the appeal by leaving the judicial act in legal force, or shall render a new judicial act, which shall enter into legal force upon rendering.

3. In case of availability of grounds for suspending the proceedings, the Court of Appeal may suspend the proceedings.

(Article 221 supplemented by HO-98-N of 21 February 2007, edited by HO-277-N of 28 November 2007, amended by HO-37-N of 8 February 2011)

Article 221[1]. Entry into force of the judicial acts of the Court of Appeal

Judicial acts of the Court of Appeal, deciding on the merits of the case, shall enter into legal force one month following the promulgation.

(Article 221[1] edited by HO-277-N of 28 November 2007, supplemented by HO-44-N of 5 February 2009)

Article 221[2]. Promulgation of the judicial acts of the Court of Appeal and forwarding them to the persons participating in the case

Judicial acts of the Court of Appeal shall be promulgated and forwarded to the persons participating in the case as prescribed for the Court of First Instance.

(Article 221[2] edited by HO-277-N of 28 November 2007)

Article 221[3]. Appeals lodged against judicial acts of the Court of First Instance not deciding on the merits of the case

1. Judicial acts of the Court of First Instance not deciding on the merits of the case may be appealed against by appeal procedure only in the cases provided for by this Code and other laws.

2. Appeals lodged against judicial acts of the Court of First Instance not deciding on the merits of the case shall be examined by the procedure provided for the examination of appeals lodged against judicial acts of the court deciding on the merits of the case.

3. The Court of Appeal shall, by examining the case, have the right to abolish judicial acts of the courts of first instance not deciding on the merits of the case subject to appeal in accordance with this Code.

(Article 221[3] edited by HO-277-N of 28 November 2007)

S E C T I O N F O U R[1]

PROCEEDINGS IN THE ECONOMIC COURT

Article 221.1. Court examining economic cases

(Article 221.1 supplemented by HO-214 of 11 September 2001, repealed by HO-277-N of 28 November 2007)

Article 221.2. Time limit for the examination of a case in the economic court

(Article 221.2 supplemented by HO-214 of 11 September 2001, repealed by HO-277-N of 28 November 2007)

Article 221.3. Procedure for the examination of a case in the economic court

(Article 221.3 supplemented by HO-214 of 11 September 2001, HO-98-N of 21 February 2007, repealed by HO-277-N of 28 November 2007)

Article 221.4. Entry into force of the judicial acts of the economic court

(Article 221.4 supplemented by HO-214 of 11 September 2001, edited by HO-153-N of 7 July 2006, by HO-98-N of 21 February 2007, repealed by HO-277-N of 28 November 2007)

Article 221.5 Forwarding the judgment of the economic court to the persons participating in the case

(Article 221.5 supplemented by HO-214 of 11 September 2001, repealed by HO-277-N of 28 November 2007)

Article 221.6. Appealing against the judgments and decisions of the economic court

(Article 221.6 supplemented by HO-214 of 11 September 2001, amended, supplemented by HO-98-N of 21 February 2007, repealed by HO-277-N of 28 November 2007)

(Section repealed by HO-277-N of 28 November 2007)

S E C T I O N F I V E

PROCEEDINGS IN THE COURT OF CASSATION

Article 222. Review of judicial acts by review procedure

1. The Court of Cassation shall, based on an appeal, review judicial acts of the Court of Appeal in the cases and in the manner provided for by this Code.

2. The Court of Cassation shall, within the limits of its competence, review judicial acts of the Court of Appeal deciding on the merits of the case and the decisions rendered by the Court of Appeal as a result of review of interim judicial acts.

3. The Court of Cassation shall review interim judicial acts of the Court of Appeal on returning the appeal, striking out and suspending the appeal proceedings, as well as on imposing a judicial fine.

4. Cassation appeals lodged against interim judicial acts of the courts shall be examined without convening a court sitting.

(Article 222 supplemented by HO-71 of 13 June 2000, supplemented, amended by HO-214 of 11 September 2001, by HO-153-N of 7 July 2006, edited by HO-277-N of 28 November 2007, supplemented by HO-43-N of 8 February 2011)

Article 223. Persons having the right to lodge a cassation appeal

1. The following shall have the right to appeal in the Court of Cassation against a judicial act of a lower court, deciding on the merits of the case, which has entered into legal force:

(1) persons participating in the case;

(2) Prosecutor General and his or her deputies in the cases provided for by law.

2. The persons participating in the case shall have the right to appeal against interim judicial acts of the Court of Appeal, and the decisions adopted by the Court of Appeal in connection with the interim judicial acts appealed against in the Court of Appeal.

(Article 223 edited by HO-71 of 13 June 2000, amended by HO-214 of 11 September 2001, supplemented by HO-107 of 1 June 2006, amended, edited, supplemented by HO-153 of 7 July 2006, edited by HO-98-N of 21 February 2007, by HO-277-N of 28 November 2011, amended by HO-233-N of 26 December 2008)

Article 224. Restrictions for lodging a cassation appeal

1. A person may not appeal in the Court of Cassation against a judicial act, deciding on the merits of the case, which is subject to appeal by appeal procedure, where he or she has not appealed against the judicial act in the Court of Appeal upon the same grounds.

2. A person may lodge a cassation appeal only against the part of a judicial act that is unfavourable with respect thereto.

3. ***(Part 3 repealed by HO-233-N of 26 December 2008)***

(Article 224 supplemented by HO-71 of 13 June 2000, supplemented, amended by HO-214 of 11 September 2001, edited by HO-153-N of 7 July 2006, by HO-277-N of 28 November 2007, amended by HO-233-N of 26 December 2008)

Article 225. Court examining the cases by cassation appeals, and the objective of its activities

1. Judicial acts rendered by the Court of Appeal shall be reviewed by the Court of Cassation by review procedure.

2. ***(Part 2 repealed by HO-233-N of 26 December 2008)***

3. The objective of the activities of the Court of Cassation is to ensure the uniform application of law. In fulfilling its mission the Court of Cassation should strive to promote the development of law.

(Article 225 supplemented by HO-146 of 20 February 2001, amended by HO-153-N of 7 July 2006, edited by HO-98-N of 21 February 2007, by HO-277-N of 28 November 2007, amended by HO-233-N of 26 December 2008)

Article 226. Grounds for lodging a cassation appeal

Grounds for lodging a cassation appeal shall be the following:

(1) a judicial error, *i.e.* such a violation of substantive or procedural law that might have influenced the outcome of the case;

(2) newly emerged or new circumstances.

(Article 226 supplemented by HO-39-N of 18 February 2004, edited by HO-277-N of 28 November 2007, by HO-233-N of 26 December of 2008)

Article 227. Violation or erroneous application of norms of substantive law

1. Norms of substantive law shall be considered as violated or erroneously applied if the court:

(1) has not applied the law or the international treaty or other legal act of the Republic of Armenia, which it should have applied;

(2) has applied the law or the international treaty or other legal act of the Republic of Armenia, which it should not have applied;

(3) has incorrectly interpreted the law or the international treaty or other legal act of the Republic of Armenia.

2. The violation or erroneous application of the norm of substantive law shall be a ground for remitting the judgment if it has caused erroneous resolution of the case.

(Article 227 edited by HO-277-N of 28 November 2007)

Article 228. Violation or erroneous application of the norms of procedural law

1. The violation or erroneous application of the norm of procedural law shall serve as a ground for remitting the judgment if it has caused or might have caused erroneous resolution of the case. The correct judgment of a court, decided on the merits, may not be remitted only for formal reasons.

2. A judgment shall be subject to remittal in all cases, where:

(1) the court has examined the case by a panel with illegal composition;

(2) the court has examined the case at the absence of one of the persons participating in the case, who has not been duly notified of the time and venue of the sitting;

(3) the judgment has not been signed by the judge who has rendered it;

(4) the judgment has not been rendered by the judge who is in the composition of the panel of the court examining the case;

(5) the protocol of the court sitting is missing from the case file.

(Article 228 edited by HO-277-N of 28 November 2007)

Article 229. Time limits for lodging a cassation appeal

1. A cassation appeal may be brought against a judicial act, deciding on the merits of the case, prior to the time limit prescribed for the entry into legal force of that act, with the exception of cases of appealing against a judicial act on the ground of new or newly emerged circumstances or on the ground provided for in point 3 of this Article.

2. A cassation appeal may be brought against an interim judicial act only in the cases provided for by law. An interim judicial act may be appealed against within a period of fifteen days after receiving it, unless other time limit is prescribed by this Code or other law.

3. Those persons not involved in the case, on whose rights and responsibilities a judicial act deciding on the merits of the case has been rendered, shall have the right to lodge a cassation appeal within three months starting from the day when they have known or might have known about rendering of such a judicial act.

(Article 229 supplemented, amended by HO-153-N of 7 July 2006, edited by HO-277-N of 28 November 2007, by HO-44-N of 5 February 2009)

Article 230. Procedure for lodging a cassation appeal

1. In case of existence of grounds for lodging an appeal, the persons referred to in Article 223 of this Code shall lodge a cassation appeal and duly file it to the Court of Cassation, and the copy of the appeal shall be filed with the court having rendered the judicial act and to the persons participating in the case.

2. The court having rendered the judicial act shall, immediately after receiving the copy of the appeal, send the case in due manner to the Court of Cassation.

(Article 230 supplemented, edited by HO-153-N of 7 July 2006, edited by HO-277-N of 28 November 2007)

Article 231. Content of the cassation appeal

1. The following should be indicated in the cassation appeal:

(1) the name of the court whereto the appeal is addressed;

(2) the name (title) of the person having lodged the appeal;

(3) the name of the court having rendered the judgment, year, month, day of rendering the judgment, names (titles) of the persons participating in the case, subject matter of the dispute;

(4) demand of the person having lodged the appeal, with a reference to laws, other legal acts, and an indication of the norms of substantive or procedural law which have been violated or erroneously applied, and the substantiations thereof, or which are the grounds for the review of the case upon newly emerged or new circumstances;

(5) substantiations of any sub-point of Article 234(1) of this Code;

(6) the list of documents enclosed to the appeal.

2. The cassation appeal shall be signed by the person having lodged the appeal or the representative thereof, Prosecutor General or the latter's deputy. Where the cassation appeal is lodged through a representative, the appeal shall be accompanied by the power of attorney of the representative formulated as prescribed by this Code.

3. The appeal shall be accompanied by the document attesting the payment of the state duty in the defined manner and amount, and the copy of the appeal, proofs on having forwarded the case to the examining court and the persons participating in the case.

(Article 231 edited by HO-277-N of 28 November 2007, supplemented, edited by HO-233-N of 26 December 2008)

Article 232. Withdrawal of the cassation appeal

A person having lodged a cassation appeal shall have the right to withdraw the appeal prior to the Court of Cassation commencing the examination of the case.

(Article 232 supplemented by HO-36-N of 18 February 2004, edited by HO-153-N of 7 July 2006, HO-277-N of 28 November 2007)

Article 233. Returning the cassation appeal

1. The cassation appeal shall be returned if:

(1) the cassation appeal does not correspond to the requirements of Article 231 and Article 234(1) of this Code, or

(2) the appeal is lodged by a person whose right has not been violated, or

(3) the cassation appeal has been filed by a person who does not have the right to lodge a cassation appeal;

(4) a cassation appeal has been lodged beyond the time limit provided for by law, and there is no motion on recovering it, or such a motion has been rejected;

(5) an appeal is lodged against such a judicial act that is not subject to appeal through review procedure, or

6. ***(Point 6 repealed by HO-233-N of 26 December 2008)***

2. The Court of Cassation shall render a decision on returning the cassation appeal within one month upon the receipt of the case in the Court of Cassation. The decision on returning the cassation appeal should be reasoned.

3. The Civil and Administrative Chamber of the Court of Cassation may, by a decision on returning the appeal, set a time limit for the elimination of deficiencies and resubmission of the cassation appeal.

4. ***(Part 4 repealed by HO-233-N of 26 December 2008)***

(Article 233 edited by HO-153-N of 7 July 2006, by HO-277-N of 28 November 2007, amended, edited by HO-233-N of 26 December 2008)

Article 234. Acceptance of the cassation appeal for examination

1. The Court of Cassation shall accept the appeal for examination, where the Court of Cassation finds that the appeal substantiates that:

(1) the decision of the Court of Cassation on the issue raised in the appeal may have an essential significance for the uniform application of law, or

(2) the judicial act under review contradicts *prima facie* the decisions previously adopted by the Court of Cassation, or

(3) the lower court has committed a *prima facie* judicial error, which may cause or has caused serious consequences;

(4) there is a newly emerged or new circumstance.

2. After accepting the cassation appeal for examination, the Court of Cassation may suspend by a decision the enforcement of the judicial act.

3. Decisions of the Court of Cassation shall be sent in due manner to the person having lodged the appeal and to the persons participating in the case.

(Article 234 edited by HO-277-N of 28 November 2007, supplemented by HO-233-N of 26 December 2008)

Article 235. Response to the cassation appeal

1. When receiving the copy of the cassation appeal, the person participating in the case — prior to the examination of the case — shall have the right to send his or her own response to the Court of Cassation and to other persons participating in the case.

2. The response shall be signed by the person participating in the case or the representative thereof. The response signed by the representative shall be accompanied by the power of attorney, if it is not included in the case file, attesting his or her powers for the administration of the case.

(Article 235 edited by HO-214 of 11 September 2001, by HO-277-N of 28 November 2007)

Article 236. Time limit for the examination of the case in the Court of Cassation

The Court of Cassation should examine the case and render a judgment within a reasonable time limit.

(Article 236 edited by HO-71 of 13 June 2000, amended, supplemented by HO-214 of 11 September 2001, supplemented by HO-36-N of 18 February 2004, edited by HO-153-N of 7 July 2006, edited by HO-277-N of 28 November 2007)

Article 237. Preparation for the case examination of the cassation appeal accepted for examination

1. The Chairperson of the Court of Cassation shall assign the judge of the Civil and Administrative Chamber of the Court of Cassation to examine the cassation appeal, materials of the case, and report at the sitting of the Court of Cassation.

2. Judges of the Court of Cassation shall get acquainted with the cassation appeal and the case materials.

(Article 237 edited by HO-277-N of 28 November 2007)

Article 238. Procedure for case examination in the Court of Cassation

1. The case examination in the Court of Cassation shall commence by the reporting of the judge of the Chamber of the Court of Cassation. The rapporteur shall present the arguments of the cassation appeal and the arguments of the response filed against the cassation appeal. Judges of the Court of Cassation shall have the right to ask questions to the rapporteur, as well as the persons participating in the case.

2. The person having lodged the appeal shall have the right to be present at the court sitting of the Court of Cassation.

3. In case of a need to give explanations, the person having lodged the appeal, as well as the persons participating in the case, may be summoned to the sitting of the Court of Cassation, who shall be in due manner notified of the time and venue of the sitting. Their failure to appear at the court sitting shall be no hindrance for the examination of the case.

(Article 238 supplemented by HO-39-N of 18 February 2004, amended, edited by HO-153-N of 7 July 2006, edited by HO-277-N of 28 November 2007)

Article 239. Limits of case examination in the Court of Cassation

During the case examination through review procedure, the Court of Cassation shall review the judicial act within the limits of grounds and substantiations of the cassation appeal.

(Article 239 edited by HO-277-N of 28 November 2007)

Article 240. Powers of the Court of Cassation

1. Based on the outcome of review of judicial acts deciding on the merits of the case, the Court of Cassation shall:

(1) reject the cassation appeal, leaving the judicial act in legal force.

Where the Court of Cassation rejects the cassation appeal, but the judicial act rendered by the court, which decides correctly on the merits of the case, is reasoned incompletely or incorrectly, the Court of Cassation shall reason the judicial act left unaltered;

(2) fully or partially grant the cassation appeal by fully or partially remitting the judicial act respectively. The case, with the remitted part, shall be sent to the corresponding lower court for new examination with the definition of the volume of the new examination. The judicial act, with the non-remitted part, shall remain in legal force.

(3) fully or partially remit a judicial act and approve the conciliation agreement between the parties;

(4) partially remit and change the judicial act of a lower court, where the factual circumstances verified by the lower court allow rendering such an act, and it arises from the interests of effectiveness of justice;

(5) fully or partially remit the judicial act and strike out the proceedings in full or the part thereof, and fully or partially dismiss the claim;

(6) in cases of change of the judicial act by the Court of Appeal, the Court of Cassation shall fully or partially remit the judicial act of the Court of Appeal by granting legal force to the judicial act of the Court of First Instance. In this case the Court of Cassation shall additionally reason the judicial act of the Court of First Instance, where it has been reasoned incompletely or incorrectly.

2. After the review of interim judicial acts, the Court of Cassation shall reject the cassation appeal by leaving the judicial act in legal force, or shall render a new judicial act which shall enter into legal force from the moment of rendering.

(Article 240 edited by HO-277-N of 28 November 2007, amended by HO-37-N of 8 February 2011)

Article 241. Procedure for rendering a decision by the Court of Cassation

1. The Court of Cassation shall render a decision based on the results of examination of the cassation appeal.

2. The decision shall be rendered in the name of the Republic of Armenia.

3. The decision shall be rendered at the absence of the person having lodged the appeal and the persons summoned to the court sitting for giving explanations.

4. The decision of the Court of Cassation shall be considered as adopted when the majority of judges present at the sitting vote for it.

5. ***(Part 5 repealed by HO-233-N of 26 December 2008)***

6. The decision shall be rendered by open ballot.

7. The decision of the Court of Cassation shall be signed by the judges having rendered it.

8. The decision of the Court of Cassation shall be promulgated at the sitting.

(Article 241 amended by HO-71 of 13 June 2000, amended, supplemented by HO-36 of 18 February 2004, amended by HO-153-N of 7 July 2006, edited by HO-277-N of 28 November 2007, edited, amended by HO-233-N of 26 December 2008, amended by HO-37-N of 8 February 2011)

Article 241[1]. Decision of the Court of Cassation

1. The following shall be included in the decision of the Court of Cassation rendered on the basis of the results of case examination:

(1) number of the case, year, month, day of rendering the decision, the composition of the Court of Cassation;

(2) name (title) of the person having lodged the cassation appeal;

(3) name of the court having examined the case, number of the case, year, month, day of rendering the judgment, name of the judge having rendered the judgment;

(4) brief summary of the essence of the rendered judicial act, names (titles) of the persons participating in the case;

(5) grounds whereupon the issue of verifying the lawfulness of the judicial acts has been put forward;

(6) laws, international treaties and other legal acts of the Republic of Armenia, whereby the Court of Cassation has been guided in rendering the decision;

(7) in case of remittal of the judicial act deciding on the merits of the case, the motives whereupon the Court of Cassation has objected to the conclusions of the court having rendered that act;

(8) the opinion based on the results of case examination.

2. The Court of Cassation, when finding out that the violations of the norms of law committed by the court having examined the case do not serve as grounds for remitting the judgment, should make a record thereon in the rendered decision.

3. The decision of the Court of Cassation should be reasoned, should ensure the uniform application, correct interpretation of the law and promote the development of law.

(Article 241[1] edited by HO-277-N of 28 November 2007)

Article 241[2]. Entry into legal force of a decision of the Court of Cassation

The act of the Court of Cassation shall enter into legal force upon promulgation in the courtroom, shall be final and not subject to appeal.

(Article 241[2] edited by HO-277-N of 28 November 2007)

Article 241[3]. Forwarding the decision of the Court of Cassation to the person having lodged the appeal and the persons participating in the case

The decision of the Court of Cassation shall be sent in due manner to the person having lodged the appeal and the persons participating in the case, and to the respective court within a reasonable time limit upon its promulgation.

(Article 241[3] edited by HO-277-N of 28 November 2007)

S E C T I O N F I V E [1]

REVIEW OF JUDGMENTS AND DECISIONS UPON NEW CIRCUMSTANCES

Article 241[1]. Grounds for the review of judgments and decisions upon new circumstances

(Article 241[1] supplemented by HO-39-N of 18 February 2004, HO-98-N of 21 February 2007, repealed by HO-277-N of 28 November 2007)

Article 241[2]. Applying for the review of judgments and decisions upon new circumstances

(Article 241[2] supplemented by HO-39-N of 18 February 2004, repealed by HO-277-N of 28 November 2007)

Article 241[3]. Time limit for filing an application

(Article 241[3] supplemented by HO-39-N of 18 February 2004, repealed by HO-277-N of 28 November 2007)

Article 241[4]. Procedure for filing an application

(Article 241[4] supplemented by HO-39-N of 18 February 2004, repealed by HO-277-N of 28 November 2007)

Article 241[5]. Content of the application

(Article 241[5] supplemented by HO-39-N of 18 February 2004, repealed by HO-277-N of 28 November 2007)

Article 241[6]. Instigation of proceedings on the review of a judicial act or decision

(Article 241[6] supplemented by HO-39-N of 18 February 2004, repealed by HO-277-N of 28 November 2007)

Article 241[7]. Courts having the jurisdiction to review judgments and decisions upon new circumstances

(Article 241[7] supplemented by HO-39-N of 18 February 2004, repealed by HO-277-N of 28 November 2007)

Article 241[8]. Time limit for reviewing a judicial act or decision

(Article 241[8] supplemented by HO-39-N of 18 February 2004, repealed by HO-277-N of 28 November 2007)

Article 241[9]. Powers of the court in the result of review

(Article 241[9] supplemented by HO-39-N of 18 February 2004, repealed by HO-277-N of 28 November 2007)

Article 241[10]. Rules for the review

(Article 241[10] supplemented by HO-39-N of 18 February 2004, repealed by HO-277-N of 28 November 2007)

(Section repealed by HO-277-N of 28 November 2007)

SECTION FIVE[2]

APPLYING TO INTERNATIONAL COURT

Article 241[11]. Right to apply to international court

1. Every person — who finds that his or her right/rights provided for by the international treaties of the Republic of Armenia has/have been infringed by the final judicial decision relating to him or her, adopted in accordance with this Code in civil proceedings — shall have the right to apply to the international court to which the Republic of Armenia is a party and which has a jurisdiction to hear civil cases.

2. Within the meaning of this Code, a judicial act which has been delivered by a court of first instance and has entered into legal force as prescribed by this Code, which is not subject to appeal, which has been delivered by the Civil Court of Appeal of the Republic of Armenia and has entered into force, which excludes the commencement and continuation of the case, as well as which decides the case on the merits, shall be deemed as a final judicial act.

3. The right to apply to international court shall arise after the entry into force of the final judicial act, as from the moment prescribed by the founding treaty of the international court or other international treaties prescribing its powers (hereinafter referred to as "international court regulations").

4. The circle of persons entitled to apply to international court shall be defined by the international court regulations.

(Article 241[11] supplemented by HO-39-N of 18 February 2004, amended by HO-153-N of 7 July 2006, edited by HO-277-N of 28 November 2007)

Article 241[12]. Procedure for applying to international court

1. The procedure for applying to international court shall be defined by relevant international court regulations.

2. The Court of Cassation and other courts of the Republic of Armenia, having delivered a judgment or decision in relation to the given case, shall provide the documents concerning the given case and the copies thereof to the person having applied to international court or to his or her legal representative or representative.

(Article 241[12] supplemented by HO-39-N of 18 February 2004)

Article 241[13]. Obligation of the Court of Cassation of the Republic of Armenia to support the international court

1. The Court of Cassation of the Republic of Armenia shall respond to the inquiries filed by an international court with respect to the clarification of circumstances, or presentation of proofs, documents and other materials relating to the case pending in that court, and shall present necessary materials and documents to that court within a period of fifteen days, unless another time limit is defined by the international court regulations.

2. The Court of Cassation of the Republic of Armenia shall support the international court for the clarification of all the circumstances with respect to the given case, which are of interest to that court, based on the necessity to reveal the judicial errors committed during the case examination by the courts of the Republic of Armenia and to protect, till the end, the interests of justice.

(Article 241[13] supplemented by HO-39-N of 18 February 2004)

Article 241[14]. Review of the case on the basis of the decision of an international court

(Article 241[14] supplemented by HO-39-N of 18 February 2004, repealed by HO-277-N of 28 November 2007)

S E C T I O N S I X

PROCEEDINGS WITH PARTICIPATION OF FOREIGN PERSONS

Article 242. Procedural rights of foreign persons

1. Foreign citizens and legal persons, stateless persons (hereinafter referred to as "foreign persons") shall have the right to apply to the courts of the Republic of Armenia, in accordance with the case jurisdiction, for the protection of their rights and interests.

2. Foreign persons shall enjoy procedural rights and bear procedural responsibilities in equal terms with the citizens and legal persons of the Republic of Armenia.

3. Longer time limits for lodging an appeal may be defined by the international treaties of the Republic of Armenia for foreign persons of the respective states.

4. The Republic of Armenia may prescribe counter-restrictions with respect to the procedural rights of foreign persons of those states, in the courts whereof restrictions of the procedural rights of citizens and legal persons of the Republic of Armenia are allowed.

Article 243. Proceedings with participation of foreign persons

Proceedings with participation of foreign persons shall be carried out in accordance with this Code and other laws of the Republic of Armenia.

Article 244. Jurisdiction of the courts of the Republic of Armenia concerning the cases with participation of foreign persons

1. The courts of the Republic of Armenia shall examine the civil cases with participation of foreign persons if the defendant has a place of residence or is located in the territory of the Republic of Armenia.

2. The courts of the Republic of Armenia shall also be entitled to examine the civil cases with participation of foreign persons if:

(1) there is an agreement thereon between the citizen or legal person of the Republic of Armenia and the foreign person;

(2) the defendant has property in the territory of the Republic of Armenia;

(3) in divorce proceedings at least one of the spouses is a citizen of the Republic of Armenia;

(4) damage has been caused within the territory of the Republic of Armenia in the proceedings on damage caused to health, as well as due to death of the breadwinner;

(5) the action or other circumstance, having served as a basis for filing a demand for compensation of damage, has taken place within the territory of the Republic of Armenia, in the proceedings on compensation of damage caused to property;

(6) the branch or representation of the foreign person is located within the territory of the Republic of Armenia;

(7) the claim follows from a treaty upon which the execution has been fulfilled or should be fulfilled within the territory of the Republic of Armenia;

(8) the claim follows from unjust enrichment taken place within the territory of the Republic of Armenia.

3. In observation of the rules provided for in this Article, a case admitted by the court for examination shall be decided on the merits by the court, even if it has become subject to the jurisdiction of another state due to the change of the place of residence, in the course of proceedings, of persons involved in the case or due to other circumstances.

Article 245. Judicial immunity

1. Bringing an action against a foreign state, involving it as a third person in the case, imposing attachment on the property belonging to a foreign state and located in the territory of the Republic of Armenia as well as undertaking other measures for securing the claim with respect thereto, levying that property in execution through the procedure of compulsory enforcement of the judicial act shall be permitted only upon consent of the competent authorities of the respective state, unless otherwise stipulated by the international treaties of the Republic of Armenia.

2. Judicial immunity of international organisations shall be prescribed by the international treaties of the Republic of Armenia.

Article 246. Procedural consequences of examination by a court of a foreign state of the case on a dispute between the same persons, on the same subject and same grounds

1. The court of the Republic of Armenia shall dismiss the claim or shall strike out the proceedings, if prior to bringing an action to the court of the Republic of Armenia, the competent court of a foreign state, having accepted the case for examination, examines the case on the dispute between the same persons, on the same subject and same grounds, or has delivered a judgment on that case, which has entered into legal force.

2. The consequences referred to in point 1 of this Article shall not arise, where the judgment delivered or to be delivered in the future by a court of a foreign state is not subject to recognition or execution in the territory of the Republic of Armenia, or where the respective case falls under the exclusive jurisdiction of the court of the Republic of Armenia.

Article 247. Court instructions

(Article 247 repealed by HO-39-N of 18 February 2004)

SECTION SIX[1]

LEGAL ASSISTANCE IN CIVIL MATTERS IN ACCORDANCE WITH THE INTERNATIONAL TREATIES OF THE REPUBLIC OF ARMENIA

Article 247[1]. Procedure for legal assistance in civil matters within international relations

1. Performance of procedural actions in the territories of foreign states based on inquiries from the courts of the Republic of Armenia, as well as handover of summons, decisions, judgments and other documents and performance of other actions provided for in this Code, including performance of procedural actions by the courts of the Republic of Armenia in the territory of the Republic of Armenia based on inquiries from competent courts of foreign states, shall be fulfilled as prescribed by international treaties of the Republic of Armenia and this Code.

2. When performing procedural actions in the territory of the Republic of Armenia based on an inquiry from a competent court of a foreign state, the courts of the Republic of Armenia shall apply the rules of this Code together with the exceptions provided for by the respective international treaty.

3. When performing procedural actions in the territory of the Republic of Armenia based on inquiries from a competent court of a foreign state, the courts of the Republic of Armenia may apply the norms of civil procedure law of the respective foreign state, if the possibility of applying such norms is provided for by an international treaty of the Republic of Armenia, or if such norms do not contradict this Code and other laws of the Republic of Armenia containing norms of civil procedure.

4. Inquiries of a foreign state shall be executed in the territory of the Republic of Armenia within the time limits provided for in this Code, unless no other time limit is provided for by the respective international treaty.

(Article 247[1] supplemented by HO-39-N of 18 February 2004)

Article 247[2]. Procedure for communication in matters concerning legal assistance

1. Communication for providing mutual legal assistance concerning civil courts on the basis of an international treaty of the Republic of Armenia shall be carried out through the Ministry of Justice of the Republic of Armenia, and if provided for by an international treaty, through diplomatic channels, as well as through direct communication between the courts of the Republic of Armenia and the courts of a foreign state.

2. When the communication is carried out through the Ministry of Justice of the Republic of Armenia, the latter shall immediately send the inquiry received from the court of a foreign state to the court of the Republic of Armenia, which — in accordance with this Code — is entitled to perform the respective procedural action irrespective of whether or not that court is correctly mentioned in the inquiry.

3. When the inquiry for legal assistance is filed by a court of the Republic of Armenia to be sent to a foreign state, the Ministry of Justice shall verify the compliance of the inquiry with the procedure defined and requirements set by the given international treaty, and shall submit it thereafter to the competent authority of the foreign state within a three-day period.

If it becomes clear that the inquiry is prepared with deficiencies, the Ministry of Justice shall recommend the respective court to eliminate them, and shall thereafter send the inquiry to the competent authority of the foreign state.

4. When legal assistance is provided through diplomatic channels or through direct communication between the court of the Republic of Armenia and the court of a foreign state, the court of the Republic of Armenia having received the inquiry of the court of a foreign state shall, if the execution of the inquiry does not fall under its competence, re-address it to the court which is competent as per this Code.

5. With regard to the execution of inquiries for mutual legal assistance through diplomatic channels or through direct communication between the courts, the courts of the Republic of Armenia shall, in connection with each inquiry, notify thereon the Ministry of Justice of the Republic of Armenia by indicating the year, month, day of preparing (receiving) the inquiry, the name of the court having prepared the inquiry, brief summary of the inquiry, name of the court having executed the inquiry and the brief summary of the execution.

(Article 247[2] supplemented by HO-39-N of 18 February 2004)

Article 247[3]. Execution of inquiries provided for by more than one international treaty

1. Where the obligation to execute an inquiry for legal assistance in civil proceedings, filed by a court of a foreign state, follows from more than one international treaty signed by the Republic of Armenia with the given state, the following rules shall apply, if the inquiry:

(1) indicates the international treaty based whereon the inquiry has been prepared and filed, then the court of the Republic of Armenia executing the inquiry shall be guided by that international treaty;

(2) indicates more than one international treaty in force between the Republic of Armenia and the given foreign state, then the court of the Republic of Armenia executing the inquiry shall be guided by that international treaty mentioned in the inquiry, which provides a more comprehensive resolution to the issues related to the execution of the inquiry meanwhile applying the provisions of the other treaty (treaties), which are not provided for by the international treaty providing a more comprehensive resolution but enable a more complete and timely execution of the inquiry;

(3) indicates no international treaty in force between the Republic of Armenia and the given foreign state, then the court of the Republic of Armenia executing the inquiry shall be guided by the international treaty which provides a more comprehensive resolution to the issues of executing the inquiry in full, without excluding the possibility of applying provisions of the other treaty (treaties) between the Republic of Armenia and the given foreign state, which supplements the treaty whereby the court is guided.

(Article 247[3] supplemented by HO-39-N of 18 February 2004)

Article 247[4]. Rejecting to execute an inquiry following from an international treaty

The execution of inquiries filed by competent courts of a foreign state based on an international treaty of the Republic of Armenia may be rejected on the grounds provided for in that treaty.

Where the inquiry is filed by the court of a foreign state with which the Republic of Armenia is bound by more than one international treaty, the execution of the inquiry may be rejected, if:

(1) the circumstance (condition) having served as a basis for the rejection is provided for in all the international treaties, irrespective of whether the inquiry has been prepared and filed in accordance with the treaty providing for the circumstance (condition) or in accordance with another international treaty;

(2) the execution of the inquiry may impair the constitutional order, sovereignty, national security of the Republic of Armenia.

(Article 247[3] supplemented by HO-39-N of 18 February 2004)

Article 247[4]. Rejecting to execute an inquiry arising from an international treaty

The execution of inquiries filed by competent courts of a foreign state based on an international treaty of the Republic of Armenia may be rejected on the grounds provided for in that treaty.

Where the inquiry is filed by the court of a foreign state with which the Republic of Armenia is bound by more than one international treaty, the execution of the inquiry may be rejected, if:

(1) the circumstance (condition) having served as a basis for the rejection is provided for in all the international treaties, irrespective of whether the inquiry has been prepared and filed in accordance with the treaty providing for the circumstance (condition) or in accordance with another international treaty;

(2) the execution of the inquiry may impair the constitutional order, sovereignty, national security of the Republic of Armenia.

(Article 247[4] supplemented by HO-39-N of 18 February 2004)

Article 247[5]. Appearance of persons

1. A witness, expert or specialist in civil proceedings, not considered as a citizen of the Republic of Armenia and residing in foreign states, having been summoned to, as prescribed by the international treaty of the Republic of Armenia, and having appeared before the court of the Republic of Armenia, shall enjoy the rights defined by this Code for a witness, expert or specialist while being in the territory of the Republic of Armenia.

These persons, in case of committing offences while being in the territory of the Republic of Armenia, shall be subject to liability provided for by the legislation of the Republic of Armenia to the extent and in the amount permitted by the respective international treaty.

2. Rules of point 1 of this Article shall also apply to persons considered as foreign citizens and having appeared before a court of the Republic of Armenia and having the status of a civil plaintiff and civil defendant or their representatives in civil proceedings.

(Article 247[5] supplemented by HO-39-N of 18 February 2004)

Article 247[6]. Recognising the decisions of courts of foreign states

1. In accordance with the international treaties of the Republic of Armenia, the judgments and decisions made by courts of foreign states on civil cases, as well as the judgments and awards of arbitration tribunals of foreign states (hereinafter referred to as "judicial acts"), which require execution, shall be subject to recognition in the territory of the Republic of Armenia.

Judgments and awards of the international arbitration court subject to execution in the Republic of Armenia (hereinafter referred to as "awards") shall also be subject to recognition, unless otherwise stipulated by an international treaty concerning the given international arbitration court.

2. The following shall have the competence to render a decision on recognising the judicial acts of foreign states in the Republic of Armenia:

(1) the Civil and Administrative Chamber of the Court of Cassation of the Republic of Armenia, if the judicial act subject to recognition has been delivered by the highest judicial authority of the foreign state;

(2) the Civil Court of Appeal of the Republic of Armenia, if the judicial act subject to recognition has been delivered by the court of appeal of the foreign state;

(3) the Court of First Instance of the Republic of Armenia, when the judicial act is to be enforced in the territory falling within the jurisdiction of that court, if the judicial act has been delivered by the competent court of first instance or an arbitration tribunal of the foreign state.

(4) ***(Paragraph 1 of sub-point 4 repealed by HO-277-N of 28 November 2007)***

Where the award of an international arbitration court is subject to recognition, in accordance with the international treaties concerning the given arbitration court, for the execution in the territory of the Republic of Armenia the decision on recognition shall be adopted by the Court of Cassation of the Republic of Armenia.

3. For adopting a decision on recognition, the judicial act of a court of a foreign state or the award of an international arbitration court, in accordance with the competence defined by point 2 of this Article, shall be submitted to the courts of the Republic of Armenia by the Ministry of Justice of the Republic of Armenia.

4. If the judicial act of a court of a foreign state or the award of an international arbitration court has been addressed to any court of the Republic of Armenia for the purpose of recognition, such court shall be obliged to:

(1) adopt a decision on its recognition, if it has such competence as per point 2 of this Article;

(2) re-address the judicial act of the court of the foreign state or the award of the international arbitration court to the court competent as per point 2 of this Article.

5. The competent court of the Republic of Armenia having adopted a decision on the recognition of the judicial act of a court of a foreign state or the award of an international arbitration court shall, within a three-day period, notify the Ministry of Justice of the Republic of Armenia by sending the copy of the decision.

(Article 247[6] supplemented by HO-39-N of 18 February 2004, amended by HO-153-N of 7 July 2006, by HO-61-N of 25 December 2006, supplemented, edited by HO-277-N of 28 November 2007)

Article 247[7]. Conditions for adopting a decision on recognition of the judicial act of a court of a foreign state or the award of an international arbitration court

1. When adopting a decision on recognition of the judicial act of a court of a foreign state or the award of an international arbitration court, the competent court of the Republic of Armenia shall only verify in so far as the judicial act of the court of the foreign state or the award of the international arbitration court complies with the requirements prescribed by the respective international treaties of the Republic of Armenia.

In cases of providing compliance with the requirements of the respective international treaty and in case of absence of grounds, as provided for by the given international treaty, for the rejection of the recognition, the competent court of the Republic of Armenia shall adopt a decision on recognising in the Republic of Armenia of the judicial act of a court of a foreign state or the award of an international arbitration court.

2. The decision of the court of the Republic of Armenia on recognition of the judicial act of a court of a foreign state or the award of an international arbitration court shall be executed as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

(Article 247[7] supplemented by HO-39-N of 18 February 2004)

S E C T I O N S E V E N

FINAL PROVISIONS

Article 248. Entry into force of this Code

1. This Code shall enter into force from 1 January 1999.

2. As from the moment of entry into force of this Code, the Civil Procedure Code of the Armenian SSR approved by the Law of the Armenian SSR of 4 June 1964 "On approving the Civil Procedure Code of the Armenian SSR" ("Bulletin of the Supreme Council of the Armenian SSR", 1964, No 17, Article 85) with the further amendments and supplements, as well as Annex 1 titled "The list of types of property of citizens, whereon levy in execution may not be imposed by execution documents" and Annex 2 titled "Recovery of lost court or execution proceedings" shall be repealed.

Article 249. The Economic Court of Appeal of the Republic of Armenia shall function until the Economic Court of the Republic of Armenia is formed in accordance with law.

From the moment of formation of the Economic Court of the Republic of Armenia, the economic cases pending at the Economic Court of Appeal and at the courts of first instance of the Republic of Armenia shall be transferred to the Economic Court of the Republic of Armenia, where the court examination of those cases shall continue respectively upon the rules of appeal proceedings and of case examination in the court of first instance.

(Article 249 supplemented by HO-214 of 11 September 2001)

President

of the Republic of Armenia **R. Kocharyan**

Yerevan

7 August 1998

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