LAW

OF THE REPUBLIC OF ARMENIA

Adopted on 9 February 2018

CIVIL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

SECTION 1

GENERAL PROVISIONS

CHAPTER 1

MAIN PROVISIONS

Article 1. Scope of the Code

1. This Code defines the procedure of conducting civil proceedings in a Court of First Instance of General Jurisdiction of the Republic of Armenia (hereinafter referred to as "Court of First Instance"), the Civil Court of Appeal of the Republic of Armenia (hereinafter referred to as "Court of Appeal") and the Civil and Administrative Chamber of the Court of Cassation of the Republic of Armenia (hereinafter referred to as "Court of Cassation").

2. The rules prescribed by this Code shall apply to bankruptcy proceedings in a bankruptcy court of the Republic of Armenia (hereinafter referred to as "bankruptcy court") and examination of separate civil cases within the scope of bankruptcy proceedings, unless otherwise provided for by the Law of the Republic of Armenia "On bankruptcy".

3. Civil proceedings shall be conducted in compliance with the law in force at the time of examination of the case or carrying out a separate procedural action.

Article 2. Procedural legal capacity and procedural active legal capacity

1. The capacity of having procedural rights and bearing procedural responsibilities shall be recognised equally for all natural and legal persons (procedural legal capacity).

2. The Republic of Armenia and communities shall act on equal basis with natural and legal persons in the relations regulated by this Code.

3. Provisions prescribed by this Code for legal persons shall also apply to institutions where the latter participate in disputed legal relations on their own behalf in accordance with law.

4. Natural and legal persons shall be endowed with a capacity to exercise their procedural rights and carry out responsibilities through their actions (procedural active legal capacity).

5. Procedural active legal capacity of legal persons shall arise upon state registration, and that of institutions — upon establishment.

6. Procedural active legal capacity of natural persons shall arise for upon acquiring full active legal capacity as provided for by the Civil Code of the Republic of Armenia.

7. The rights and lawful interests of minors, persons declared as having no or limited active legal capacity shall be represented in court by their parents (adopters), custodians or guardians, respectively.

8. In cases provided for by law, minors, citizens declared as having no or limited active legal capacity may independently present their interests in court. In cases provided for by law, they shall have the right to be heard with regard to issues relating to their interests during examination of the case.

9. Minors, persons declared as having no or limited active legal capacity may apply to court independently only in the cases provided for by this Code.

Article 3. The right to apply to court

1. All persons shall, as prescribed by this Code, have the right to apply to court for the protection of their rights and lawful interests prescribed by the Constitution, laws and other legal acts or provided for by a contract.

2. The right to apply to court for the protection of the rights and lawful interests of others in the cases provided for by law shall belong to persons vested with such a right or power by law.

3. Where a law or an agreement provides for an extrajudicial procedure for settlement of a dispute between the parties prior to applying to court, the dispute may be submitted for examination to the Court of First Instance thirty calendar days after the day of taking the actions provided for by the law or agreement for settling the dispute by the extrajudicial procedure, unless another procedure or time limit is prescribed by the law or agreement.

Article 4. Law applied by court when examining civil cases

1. In case of absence of substantive law or another legal act regulating disputed relations, the court shall apply the norms of the law regulating similar relations (analogy of statute). In case of absence of such norms, the court shall resolve the dispute based on general principles of law (analogy of law). Analogous application of written laws shall be prohibited with regard to procedural norms.

2. The court shall apply customary business practices in the cases provided for by law. The burden of proving the existence of applicable customary business practices shall be on the person participating in the case who has invoked them.

3. The court, in accordance with the Constitution, international agreements ratified by the Republic of Armenia, or law, may also apply legal norms of other states.

4. Where it is necessary to apply foreign law, the court shall establish the existence and content of the relevant norms in accordance with the interpretive and application practices used in the foreign state.

5. The court shall have the right to request substantiation from the parties in order to ascertain the existence and content of norms of foreign law.

6. In case of absence of norms of foreign law, the court shall apply the relevant norms of the law of the Republic of Armenia.

7. Where there is reasonable doubt regarding the constitutionality of a regulatory legal act applicable in a case of which a court is in charge and the court finds that the adjudication of the case is possible only through the application of that regulatory legal act, the court shall apply to the Constitutional Court in respect of its constitutionality.

Article 5. Judicial acts in civil cases and their mandatory nature

1. In civil cases a court shall render final and interim judicial acts.

2. Final judicial acts are:

   (1) the following rendered by the Court of First Instance:

      a. civil judgment; order on payment that has obtained the force of a judgment having entered into legal force;

      b. decisions rendered as a result of examination of applications for terminating case proceedings, leaving a claim or an application without consideration, annulment of a decision of a financial system mediator, issuing a writ of execution for compulsory enforcement of

an arbitral award, of a decision of a financial system mediator, recognition and compulsory enforcement of a foreign arbitral award, recognising and permitting execution of a foreign judicial act, restoring the missed time limits for submission of a writ of execution for execution, delaying the execution of a judicial act or ordering its execution in instalments, altering the manner of, and procedure for, its execution, reversing the execution of a judicial act;

(2) decisions rendered by the Court of Appeal as a result of examination of appeal filed against the final judicial act of the Court of First Instance, as well as decisions on dismissing an appeal, terminating the appeal proceedings.

(3) decisions rendered by the Court of Appeal as a result of examination of appeals filed against the final judicial acts of the Court of First Instance, as well as decisions on leaving a cassation appeal without consideration, dismissing a cassation appeal, terminating the cassation proceedings.

3. Interim judicial acts are the decisions not specified in part 2 of this Article which shall be rendered as separate acts or protocol decisions.

4. A protocol decision is a decision rendered by a court orally during a court session.

5. Judicial acts which have entered into legal force, as well as the requests of the court, shall be mandatory for execution for those to whom they are addressed and shall be subject to execution throughout the whole territory of the Republic of Armenia.

6. A final judicial act rendered by a court may determine the rights and responsibilities only of persons participating in the case.

7. Failure to execute a judicial act or a court's request shall entail liability provided for by law.

8. Recognition and execution of judicial acts of foreign courts and acts of arbitration tribunals in the territory of the Republic of Armenia shall be done as prescribed by international agreements of the Republic of Armenia, this Code and other laws.

Article 6. Requirements for a judicial act

1. A judicial act shall be lawful.

2. A judicial act shall be well-grounded and well-reasoned, unless otherwise provided for by this Code.

Article 7. Lawfulness of a judicial act

1. A judicial act shall be considered lawful where it is rendered in compliance with the requirements of the Constitution, constitutional laws, international agreements ratified by the Republic of Armenia, other laws and secondary regulatory legal acts, the norms whereof apply during the examination and resolution of the case in question.

Article 8. Well-groundedness of judicial act

1 A judicial act shall be considered well-grounded where it reflects necessary and sufficient factual and legal grounds for rendering it.

Article 9. Well-reasoned judicial act

1. A judicial act shall be considered well-reasoned where it reflects the court's process of thought in relation to the evaluation of the evidence, establishment of facts and application of the law, and the following conclusions.

2. Unless otherwise prescribed by this Code, the court shall be obliged to refer to, in the judicial act, all the essential arguments presented, legal grounds invoked, evidence submitted by the persons participating in the case in procedural documents, verbal explanations, responses to questions, except when the presented arguments or legal grounds are *prima facie* wrong, or a statute of limitations or a procedural time limit is to be applied, and referring to those arguments, legal grounds or evidence is not necessary for rendering the judicial act.

3. Reasoning in a judicial act may not be based on assumptions, except for assumptions which are permissible as presumptions established by law.

4. Reasoning in a judicial act may not be based on abstract judgements. A court may not rule that a person participating in the case has not fulfilled the duty to prove a factual circumstance, without indicating why the factual circumstance in question may not be deemed to be proved with the evidence existing in the case.

5. In case a dispute over a norm to be applied has arisen during the examination of a case, the judicial act must state the reason as to why exactly that norm must be applied.

Article 10. Appealing against a judicial act through appellate and cassation procedures

1. Persons participating in a case shall have the right to appellate review of judicial acts of the Court of First Instance in cases and in accordance with the procedure provided for by this Code.

2. Persons participating in a case shall have the right to file a cassation appeal against the judicial acts of the Court of Appeal in cases and in accordance with the procedure provided for by this Code.

3. Judicial acts shall be reviewed based on new or newly emerged circumstances in cases and in accordance with the procedure provided for by this Code.

4. A person who has not participated in the case and who is not regarded as a participant of the proceedings may file an appeal against a judicial act in cases and in accordance with the procedure provided for by this Code.

CHAPTER 2.

PRINCIPLES OF CIVIL PROCEDURE

Article 11. Equality before the law and court

1. The procedure in civil cases shall be conducted based on the principle of equality of all persons participating in the case before the law and court.

2. The court shall ensure that persons participating in the case are provided with an equal opportunity of presenting their position on each issue during examination of the case, except for cases provided for by this Code.

3. A judicial act may be based only on such evidence in relation to which all persons participating in the case have been provided with an equal opportunity of expressing their position, except as otherwise provided for by this Code.

Article 12. Disposition principle

1. A court shall institute a civil case only based on a statement of claim or an application.

2. Persons participating in a case shall exercise their procedural rights, dispose of the means and methods of judicial protection at their own discretion and in the manner prescribed by law.

3. The plaintiff (applicant) shall have the right to fully or partially waive the plaintiff's (applicant's) claim, change the subject matter and ground of the claim or any of them as prescribed by this Code; the respondent shall have the right to fully or partially accept the claim of the plaintiff; the parties may settle the dispute by a conciliation agreement, start a mediation process with the participation of a licensed mediator or submit the case to an arbitration tribunal.

Article 13. Adversarial system

1. Civil proceedings shall be conducted based on the argument of persons participating in the case, except for cases provided for by this Code.

2. The court shall, by maintaining independence and impartiality, administer the proceedings, clarify, where appropriate and as prescribed by this Code, for persons participating in the case their rights and responsibilities during the examination of the case, warn about the consequences of carrying out or failure to carry out the procedural actions, create conditions for establishing the factual circumstances of the case, comprehensively, thoroughly and objectively examining the evidence.

Article 14. Inadmissibility of abuse of procedural rights

1. Participants of proceedings must exercise their procedural rights and fulfil their procedural responsibilities in good faith.
2. Judicial sanctions provided for by this Code or other measures of legal influence provided for by law proportionate to the abuse shall be imposed on persons having abused procedural rights or other opportunities.

Article 15. Oral examination of cases

1. The examination of cases in a court shall be conducted orally, unless another procedure for examination of the case is provided for by this Code.

Article 16. Language of proceedings

1. In the Republic of Armenia the language of civil proceedings shall be Armenian.
2. Persons participating in a case shall submit all procedural documents in Armenian or in a foreign language accompanied by a proper Armenian translation. In case of failure to comply with the mentioned requirement, the court shall not consider or allow the procedural documents, and in cases provided for by this Code they shall be returned to the persons having submitted them.
3. Persons participating in a case shall have the right to use in the court the language they prefer, provided that they ensure translation into Armenian.
4. The court shall, at the expense of state funds, ensure services of an interpreter/translator for persons participating in the case, experts appointed upon the initiative thereof or witnesses invited upon the motion thereof, where the respective person does not have command of Armenian and the persons participating in the case prove that they do not have sufficient means for ensuring paid translation.

5. The opportunity of familiarising oneself with the materials of the case, exercising other rights prescribed by this Code and bearing responsibilities shall be ensured for persons with hearing or speech impairments in accordance with the provisions of this Article, by means of a sign language interpreter.

6. Access to judicial acts shall be ensured for persons with visual impairments through a method accessible for them in accordance with the provisions of this Article.

7. The procedure for designating an interpreter/translator upon a court's decision when a need for interpretation/translation services funded by the Republic of Armenia emerges in cases provided for by parts 4-6 of this Article, as well as the amount of and procedure for remuneration of the interpreter/translator, shall be established upon the decision of the Government.

Article 17. Publicity of judicial proceedings

1. In courts cases shall be examined in open court sessions.

2. For the purpose of protection of the privacy of the participants of the proceedings, including trade secrets, interests of minors or justice, as well as national security, social order or morality, the court may, upon the motion of a person participating in the case or on its own initiative, examine the case or a part thereof in a closed court session.

3. The issue of examining the case or a part thereof in a closed court session shall be resolved behind closed doors.

4. The court shall render a decision on examining the case or a part thereof in a closed session.

5. Examination of a case in a closed court session shall be carried out in compliance with the rules prescribed by this Code. In case of examining the case or a part

thereof in a closed session, the secretary of the court, persons participating in the case, their representatives, judicial bailiffs and, where necessary, also witnesses, experts, specialists and interpreters/translators shall have the right to be present at the court session. The court shall warn the mentioned persons of not disclosing the confidential information protected by law and of the liability for using it in violation of the established procedure by taking a signature from them.

6. Use of audio-visual telecommunication means shall be prohibited in a closed court session.

7. The final judicial act of a court and, in cases provided for by this Code or upon the decision of the Supreme Judicial Council, other judicial acts as well shall be published on the official website of the judiciary.

8. In case of examining the case or a part thereof in a closed session, the concluding part of the final judicial act shall be published on the official website of the judiciary, except for cases when the concluding part of the judicial act contains a secret protected by law. The concluding part of the final judicial act containing a secret protected by law shall be announced in a closed session.

9. In case of examining the case or a part thereof in a closed session, further examination of the respective case by other judicial authorities shall be carried out in closed sessions.

CHAPTER 3.

JURISDICTION AND COURT JURISDICTION OVER CASES

Article 18. Jurisdiction over civil cases

1. Civil cases shall be subject to examination by the Court of First Instance, except for cases provided for by the Law of the Republic of Armenia "On bankruptcy".
2. All cases bearing on a dispute over a right, except for cases reserved to the competence of the Administrative Court of the Republic of Armenia (hereinafter referred to as "the Administrative Court") or the Constitutional Court, shall be deemed to be civil cases.
3. Other cases reserved to the competence of the courts by this Code and other laws shall be subject to court examination.

Article 19. Settlement of dispute through mediation or submission thereof to an arbitration tribunal

1. In cases provided for by law, persons participating in a case may, by mutual consent, start the mediation process with the participation of a licensed mediator before completion of the trial in the Court of First Instance or before completion of examination of the appeal in the Court of Appeal.
2. A dispute subject to arbitration in accordance with law may be submitted for settlement by arbitration with the consent of the persons participating in the case before completion of the trial in the Court of First Instance, as prescribed by law.
3. A dispute being examined by way of mediation may not be submitted for settlement by arbitration. Neither a dispute in relation to which a mediation agreement exists, provided that the opportunity of settling the dispute through

mediation based on that agreement still persists, may be submitted for settlement by arbitration. Where the mediation process does not result in reconciliation of the parties, the restrictions prescribed in this part shall not apply.

Article 20. Jurisdiction over cases concerning several interrelated claims

1. The case concerning several interrelated claims — where one of those claims falls under the jurisdiction of the Court of First Instance and the other claim falls under the jurisdiction of the Administrative Court — shall be examined by the court which has jurisdiction over the main claim.
2. The main claim is the claim, the granting or rejection of which preconditions the settlement of claims deriving therefrom.

Article 21. General territorial jurisdiction over civil cases

1. A claim shall be filed with the Court of First Instance of the respondent's place of record-registration (principal place of business) or, in the case of citizens not record-registered anywhere, of their last known place of residence, unless otherwise prescribed by this Code or international agreements of the Republic of Armenia.

Article 22. Territorial jurisdiction over civil cases at the choice of the plaintiff

1. When filing a claim against several respondents, a plaintiff may choose to file it with the Court of First Instance of the place of record-registration (principal place of business) or, if the respondent is not record-registered anywhere, of the place of residence of one of the respondents.

2. A claim against a respondent who is not record-registered anywhere and whose last place of residence is unknown may be filed with the court of the place of location of the respondent's property.

3. A claim arising from a contract which contains direct indication of the place of conclusion of the contract may be filed with the Court of First Instance of the place of conclusion of the contract.

4. A claim for confiscation of alimony or determination of paternity may be filed with the Court of First Instance of the place of record-registration or residence of the plaintiff.

5. A claim for compensation of damage caused to health, honour, dignity, business image or caused by the death of one's breadwinner may be filed with the Court of First Instance of the place of record-registration (principal place of business) of the plaintiff or the court of the place where the damage was caused.

6. A claim for compensation of damage caused to an immovable property may be filed with the Court of First Instance of the place where the damage was caused.

7. A claim for divorce may be filed with the Court of First Instance of the place of registration or residence of the plaintiff, where the respondent has been declared missing or as having no active legal capacity as prescribed by law, is in detention or has been sentenced to custodial punishment, as well as in cases when a minor child is with the plaintiff.

8. A claim brought against a legal person arising from the activities of a representative office or a branch thereof may be filed with the Court of First Instance of the principal place of business of the respective representative office or branch.

9. When filing a claim for lifting the attachment of movable property, a plaintiff may choose to file it with the Court of First Instance of the place of record-registration

(principal place of business) or residence or location of the property of the plaintiff.

Article 23. Court jurisdiction by agreement

1. Court jurisdiction prescribed by Articles 21 and 22 of this Code may be changed by the written consent of parties before filing a statement of claim with the Court of First Instance.

Article 24. Exclusive territorial jurisdiction

1. A claims related to recognition of the right of ownership of land parcels, buildings, constructions, claiming back land parcels, buildings, constructions from illegal possession of another person, eliminating violations of rights of the owner or other legal possessor not related to deprivation of possession shall be filed with the Court of First Instance of the place of location of the land parcel, building, or construction.

2. A claim for lifting the attachment of immovable property shall be filed with the Court of First Instance of the place of location of the immovable property.

3. A claim of a creditor of a testator shall be filed with the Court of First Instance of the place of registration (location) or residence of the heir or executor of the will, and in case of absence of the mentioned persons, before the Court of First Instance of the place of opening the succession.

4. An action containing claims falling simultaneously under exclusive and other territorial jurisdiction shall be filed with the Court of First Instance defined by this Article.

Article 25. Transfer of cases from one court to another

1. The court shall, in compliance with the rules of territorial jurisdiction, examine the case that has been accepted for proceedings on the merits, even where it has subsequently become a case falling under the jurisdiction of another court.

2. The court shall transfer the case to another court for examination, where it has been revealed during examination of the case that it has been accepted for proceedings in violation of the rules prescribed by Articles 24 or 138 of this Code.

3. The court shall transfer the case to the bankruptcy court for examination, where, during the examination of the case, it was found that the case is subject to examination in a bankruptcy court.

4. The case that has been accepted for proceedings in violation of the rules of jurisdiction prescribed by Article 21 or 22 of this Code shall be transferred to another court for examination where the respondent objects to examination of the case by the respective court before a decision on distributing the burden of proof has been rendered.

5. A decision shall be rendered on transferring the case for examination by another court.

Article 26. Disputes on jurisdiction

1. The court that has received a case on the basis of territorial jurisdiction shall, within a seven-day period, render a decision on accepting the case for proceedings or, where there it disagrees on the territorial jurisdiction over the case, referring the case to the Chairperson of the Court of Cassation.

2. The jurisdiction over the case shall be determined within five days by the Chairperson of the Court of Cassation.

3. The court determined by the Chairperson of the Court of Cassation shall be deemed to be the competent court.

4. The procedure established by this Article shall also apply to cases readdressed by the Administrative Court.

CHAPTER 4.

COMPOSITION OF COURT

Article 27. Examining cases while sitting alone or in a panel

1. In the Court of First Instance, cases shall be examined by a single judge.

2. When examining cases while sitting alone, the judge shall act as a court.

3. The Court of Appeal shall examine the appeals lodged against the final judicial acts of the Court of First Instance and render a decision with regard thereto, as well as other issues provided for by Articles 384 and 385 of this Code as a panel composed of three judges.

4. The appeals lodged against final judicial acts rendered through the procedure of simplified proceedings, orders on payment and interim judicial acts of the Court of First Instance shall be examined and decisions with regard thereto shall be rendered by a single judge, except for appeals lodged against decisions rendered with regard to approval of the claims of creditors provided for by the Law of the Republic of Armenia "On bankruptcy" which shall be examined by the Court of Appeal as a panel composed of three judges.

5. The composition of the court shall remain unchanged during the examination of a case in the Court of First Instance and examination of an appeal in the Court of

Appeal, except for cases provided for by this Code. Where the composition of the court changes or in the case of a change in the composition, a decision on accepting the case (appeal) for proceedings shall be rendered and the examination of the case (appeal) shall start from the beginning.

6. In the Court of Cassation the issue of accepting a cassation appeal for proceedings, as well as the cassation appeal shall be examined by the majority of the total number of judges of the Civil and Administrative Chamber of the Court of Cassation.

7. Panel decisions shall be adopted by the majority of the total number of judges of the judicial composition, and in the Court of Cassation — by the majority of the total number of judges of the Civil and Administrative Chamber of the Court of Cassation.

8. A judge shall not have the right to abstain from voting when examining a case through a panel.

9. The judicial act shall contain a note, certified by the signature of the judge, on the special opinions of judges who do not agree with the opinion of the majority. The special opinion, certified by the signature of the judge having expressed the opinion, shall be attached to the judicial act.

10. The special opinion may relate to both the reasoning and concluding parts of the judicial act.

11. The special opinion shall be announced along with the judicial act.

CHAPTER 5.

SELF-RECUSAL AND RECUSAL

Article 28. Seeking recusal of a judge or self-recusal of a judge

1. A judge may be recused or shall be obliged to recuse himself or herself on his or her own initiative based on the grounds prescribed by the Constitutional Law "Judicial Code of the Republic of Armenia".

Article 29. Procedure for self-recusal and recusal and disposal thereof

1. In the Court of First Instance the judge may recuse himself or herself or be recused before completion of the preliminary court session, and in the Court of Appeal and the Court of Cassation the judge may recuse himself or herself or be recused before commencement of examination of the appeal. Where the case is examined without summoning a preliminary court session in cases provided for by this Code, the judge may recuse himself or herself, or he or she may be recused, before completion of examination of the case.
2. Self-recusal or recusal may be sought after completion of the preliminary court session and prior to completion of the trial where the person seeking the recusal or self-recusal justifies that the ground for self-recusal or recusal has arisen or become known to him or her after completion of the preliminary court session and could not have been known in advance.
3. Self-recusal or recusal may be sought after commencement of the examination of the appeal in the Court of Appeal or the Court of Cassation and prior to completion of the examination of the appeal where the person seeking the recusal or self-recusal justifies that the ground for self-recusal or recusal has arisen or become known to him or her after commencement of the examination of the appeal and could not have been known in advance.

4. Recusal shall be sought in writing, and evidence supporting the grounds for self-recusal of the judge may be attached thereto.

5. Recusal sought on the same ground shall not be subject to examination, unless new evidence substantiating the ground for recusal has been submitted.

6. The issue of self-recusal or recusal shall be resolved by the judge. Where the case is being examined by a panel of judges and recusal has been sought with regard to one of the judges or more than one judge or the whole judicial panel, each judge shall decide on the issue of the recusal sought with regard to him or her.

7. In case of seeking self-recusal or recusal, the examination of the case shall be interrupted until that issue is disposed of. The session may be postponed for not more than three days.

8. Upon examination of the issue of self-recusal or recusal, the judge shall render a decision stating the grounds for self-recusal or recusal. The decision shall be announced at the court session. The decision shall be handed or sent to the persons participating in the case immediately after announcement.

9. In case of seeking self-recusal or granting the recusal, the recused judge shall be replaced, and examination of the case shall be carried out from the beginning.

10. The judge shall be obliged to disclose for the parties the grounds for self-recusal which must be recorded. Where a judge is convinced that he or she is impartial in respect of the case in question, the judge may address the parties, recommending that they consider the issue of disregarding the self-recusal in his or her absence. Where in the absence of the judge the parties render a decision on disregarding the self-recusal of the judge, the judge shall carry out examination of the case after said decision is recorded.

CHAPTER 6.

PARTICIPANTS OF CIVIL PROCEEDINGS

Article 30. Participants of the proceedings

1. The participants of the civil proceedings (hereinafter referred to as "participants of the proceedings") are:

   (1) persons participating in the case, representatives thereof;

   (2) witnesses;

   (3) experts;

   (4) specialists;

   (5) interpreters/translators;

   (6) competent persons and bodies in cases provided for by law.

Article 31. Composition of persons participating in a case

1. The persons participating in a case are:

   (1) parties;

   (2) third persons;

   (3) applicants and other persons interested in the outcome of the examination of the application in cases provided for by this Code and other laws.

Article 32. Rights and responsibilities of persons participating in a case

1. Persons participating in a case shall, in compliance with the requirements of this Code and other laws, have the right to:

   (1) familiarise themselves with the materials of the case, receive their carbon copies, take excerpts from, take photos, make photocopies and carbon copies of the materials of the case;

   (2) seek recusals;

   (3) submit evidence and participate in its examination;

   (4) ask questions to the participants of the proceedings;

   (5) file motions, testify before the court;

   (6) present their arguments and position concerning all the issues arising during the court session;

   (7) express their position with regard to motions and arguments of other persons participating in the case during the examination of the case;

   (8) appeal against judicial acts;

   (9) carry out other procedural actions provided for by this Code or other laws.

2. Persons participating in a case shall have and bear only such procedural rights and responsibilities which are prescribed by the Constitution, international agreements, this Code and other laws of the Republic of Armenia.

Article 33. Parties

1. Parties to proceedings shall be the plaintiff and the respondent.

Article 34. Plaintiff

1. A plaintiff is a person participating in a case who has filed a statement of claim with the Court of First Instance for the protection of the plaintiff's rights or, in cases provided for by law, the rights of another person.

2. Replacing a plaintiff during the examination of the case shall not be allowed, except for cases of legal succession.

Article 35. Respondent

1. A respondent is a person participating in a case against whom a claim has been filed with the Court of First Instance.

2. Replacement of a respondent or involvement of a new respondent during the examination of the case shall be carried out as prescribed by this Code.

Article 36. Participation of co-plaintiffs and co-respondents in the proceedings

1. An action may be brought jointly by several plaintiffs (co-plaintiffs), as well as against several respondents (co-respondents).

2. Each of the co-plaintiffs and co-respondents shall act independently during the proceedings.

3. Co-plaintiffs or co-respondents may come to an agreement that one of them or several of them or one or several of their representatives shall act in the court on behalf of all of them. The agreement shall be formulated in the procedure prescribed for the letter of authorisation of a representative.

4. The characteristics of participation of co-plaintiffs under a class action shall be provided for by Chapter 26 of this Code.

Article 37. Third persons submitting individual claims in relation to the subject matter of the dispute

1. Third persons submitting individual claims in relation to the subject matter of the dispute may, by submitting a statement of claim, be involved in the case before a decision on distributing the burden of proof has been rendered or, in cases examined in the manner prescribed by Chapters 40-42 of this Code, before the court has announced the final judicial act.

2. Third persons submitting individual claims in relation to the subject matter of the dispute shall enjoy all the rights and bear all the responsibilities of the plaintiff.

3. The plaintiff and/or the respondent in the initial action may act as a respondent in the action brought by a third person submitting individual claims in relation to the subject matter of the dispute.

Article 38. Third persons not submitting individual claims in relation to the subject matter of the dispute

1. Third persons not submitting individual claims in relation to the subject matter of the dispute may be involved in the case for the plaintiff or the respondent before the completion of the trial or, in cases examined in the manner prescribed by Chapters 41 and 42 of this Code, before the announcement of the final judicial act, where the judgment in the case may influence the rights or responsibilities they have in relation to one of the parties or may lead to emergence of such rights and responsibilities.

2. Third persons not submitting individual claims in relation to the subject matter of the dispute may be involved in the case upon their motion.

3. Where the Court of First Instance finds that the judicial act may inevitably influence the rights and responsibilities of some persons, it shall notify those

persons of their right to be involved as a third person not submitting individual claims in relation to the subject matter of the dispute, and the procedure for exercising that right.

4. Where a person participating in a case finds that a judicial act will inevitably influence the rights and responsibilities of certain persons, that person may file a motion with the Court of First Instance for involving the persons concerned as a third person not submitting individual claims in relation to the subject matter of the dispute.

5. The Court of First Instance shall render a decision, in the form of a separate judicial act, on involving the third person not submitting individual claims in relation to the subject matter of the dispute in the case or rejecting the relevant application.

6. In case of involving the third person not submitting individual claims in relation to the subject matter of the dispute in the examination of the case, the examination of the case shall continue, unless that person files a motion on resuming the examination of the case.

7. Third persons not submitting individual claims in relation to the subject matter of the dispute shall enjoy the rights and bear the responsibilities of a party, except for the right to file a counterclaim, add or reduce the amount of the claims in an action, change the subject matter or ground of the action, waive the claims in an action, accept the claims in an action, request securing of claims, sign an arbitration agreement, sign a conciliation agreement, request compulsory enforcement of the judicial act and start a mediation process with the participation of a licensed mediator.

8. The Court of First Instance may, prior to completion of the trial and upon the motion of a person participating in the case or on own initiative, remove the third person not submitting individual claims in relation to the subject matter of the

dispute from the composition of persons participating in the case, where the grounds for involvement do not exist anymore. The Court of First Instance shall render a decision, in the form of a separate judicial act, on removing a third person from the composition of persons participating in the case.

Article 39. Applicants

1. The applicant is the person having submitted an application being examined through special or other proceedings provided for by this Code.

Article 40. Procedural legal succession

1. Where one of the persons participating in the case withdraws from the proceedings (death of the citizen, reorganisation of the legal person, surrender of claim, transfer of debt etc.), the court shall render a decision on replacing the person participating in the case with the legal successor thereof.
2. Legal succession shall be possible at any stage of the proceedings.
3. Where the plaintiff withdraws from the proceedings, the replacement of the plaintiff shall be carried out upon the motion of the legal successor thereof.
4. All actions which have been carried out during the proceedings prior to involvement of the legal successor in the case shall be binding for the legal successor insofar as they would have been binding for the person replaced with the legal successor.

Article 41. Participation of state and local self-government bodies in the case

1. State bodies shall, within the scope of their powers, be entitled to apply to court with a claim for protection of state interests.

2. A local self-government body and, in cases provided for by law, the head of an administrative district shall have the right to apply to court with a claim for protection of community interests.

3. The prosecutor shall, as provided for by this Code, file a claim for protection of state interests in cases provided for by law.

Article 42. Representatives of persons participating in a case

1. A representative of a person participating in a case is a person having the right to act in court on behalf of the person participating in the case in cases provided for by law.

Article 43. Witness

1. Any natural person who may be aware of information about any fact significant for disposition of the respective case may be a witness.

2. The following persons may not be interrogated as witnesses:

   (1) the representative, with regard to the facts of the case that have become known to him or her while providing legal services to the client, unless otherwise provided for by the mutual agreement of the representative and the person being represented;

   (2) advocates, for the purpose of discovering information that might be known to them in relation to applying for legal assistance or providing such

assistance, unless otherwise provided for by the mutual agreement of the advocate and the client;

(3) the Human Rights Defender, with regard to the facts of the case that have become known to him or her when carrying out his or her responsibilities;

(4) the judge, arbitrator or mediator, with regard to discussions related to a case examined by him or her or with the participation thereof;

(5) ordained confessor, with regard to the facts of the case that have become known to him during confession.

3. The following persons shall have the right not to answer certain questions while giving testimony as witnesses in a court:

(1) persons, with regard to themselves, their spouse or close relatives, i.e. parents, children, adopters, adoptees, full or half (paternal or maternal) brothers and sisters, grandparents, grandchildren, parents of their spouse or spouse of their child, where it is reasonably assumed that it may be used against themselves or the mentioned persons in the future;

(2) journalists, with regard to information related to the facts of the case whereby the source of the information may be disclosed.

4. Representatives of the Staff of the Human Rights Defender may be interrogated as witnesses about a decision of the Human Rights Defender in relation to a complaint held by the Human Rights Defender, as well as about the nature of a complaint held by them or a document related to a complaint only with the written consent of the Human Rights Defender.

5. Where a dispute over the right to refuse to give testimony as a witness arises, the Court of First Instance shall render a decision with regard thereto, which shall be binding for the participants in proceedings.

6. Giving false testimony or refusing to give testimony by the witness shall entail liability provided for by the Criminal Code of the Republic of Armenia.

Article 44. Expert

1. Natural persons with active legal capacity who have relevant education, abilities, skills or experience and, in cases provided for by law, also a relevant qualification (permit, licence, authorisation, etc.) may act as experts.

2. A person who has been assigned to conduct expert examination shall be obliged to appear when summoned by the Court of First Instance and deliver an impartial opinion on questions presented to him or her.

3. Where it is necessary for delivering an opinion, experts shall have the right to,:

   (1) familiarise themselves with the materials of the case ;

   (2) participate in court sessions;

   (3) ask questions to participants in proceedings upon permission of the court;

   (4) request the court to provide additional materials.

4. The expert shall also have the right to:

   (1) refuse to conduct an expert examination where he or she does not possess the required knowledge or skills;

   (2) receive payment for the services provided;

   (3) receive compensation for expenses incurred.

5. In case of insufficiency of materials provided thereto, the expert may refuse to deliver an expert opinion.

6. Refusal of an expert to deliver an opinion on grounds of insufficiency of materials must be reasoned.

7. A court shall have the right to impose a judicial fine on an expert that unreasonably refuses to comply or avoids complying with the decision of the court on calling for an expert examination.

8. In the case of delivering an obviously false opinion, an expert shall be held liable as prescribed by the Criminal Code of the Republic of Armenia.

Article 45. Specialist

1. A specialist is a natural person having theoretical or applied knowledge who, upon the motion of a person participating in a case, is invited to a court session to give professional explanations — without having done prior examinations — about issues that are of significance to the examination of the case.

2. Persons with full active legal capacity and having relevant education, abilities, skills or experience and, in cases provided for by law, also a relevant qualification (permit, licence, authorisation, etc.) may act as specialists.

3. A person who has been invited by a court as a specialist shall be obliged to appear at the first call and give verbal explanations at the court session.

4. A specialist shall have the right to, with the permission of the court, familiarise himself or herself with the materials of the case, participate in court sessions and ask the court to provide additional materials.

5. A specialist may refuse to give explanations about issues which are beyond the scope of his or her special knowledge, which require expert examination, as well as when the materials provided to him or her are insufficient to answer the questions of the court and the persons participating in the case.

6. In the case of providing obviously false explanations, a specialist shall be held liable as prescribed by the Criminal Code of the Republic of Armenia.

Article 46. Interpreter/translator

1. Natural persons with active legal capacity and having command of languages necessary for interpretation/translation may act as an interpreter/translator. The interpreter/translator shall have the right to ask questions to the participants of the proceedings and the court for the purpose of ensuring accurate and thorough interpretation/translation. The court shall warn the interpreter/translator of the criminal liability for obviously false translation.

2. The judge, witness, expert or secretary of the court shall not have the right to assume the responsibilities of an interpreter/translator. Persons participating in the case or their representatives may assume the responsibilities of an interpreter/translator, where there is no conflict of interests between them.

3. The interpreter/translator provided at the expense of the state must be qualified. The qualification procedure for interpreters/translators shall be determined by the Government.

Article 47. Competent bodies

1. Competent bodies are the persons or bodies whose participation in certain cases is, in accordance with law, mandatory.

CHAPTER 7.

JUDICIAL REPRESENTATION

Article 48. Acting in a case through a representative

1. A person participating in a case may act in a court personally or through a representative or several representatives.
2. Personal participation in the case shall not deprive a person participating in the case of the right to have a representative in that case.
3. The person participating in the case may carry out all procedural actions independently also in case when one or several representatives have been authorised thereby to conduct the relevant case, except for cases provided for by Article 225 of this Code.
4. Procedural actions carried out by a representative shall be as binding for the person participating in the case, as they would have been if they were carried out by the person participating in the case.
5. Provisions of the Civil Code of the Republic of Armenia on representation shall apply to judicial representation, subject to the specific aspects prescribed by this Code.

Article 49. Ex officio representatives

1. Persons provided for by parts 2-7 of this Article shall be considered as ex officio representatives of the person participating in the case.
2. Cases of legal persons shall be conducted in court by persons vested by law or the charter of the legal person with the power of representing the legal person.

3. The Republic of Armenia shall be represented in court by relevant state bodies within the scope of their competences, through the head or deputy head of that body.

4. The head or deputy head of a community shall act in court as ex officio representative of the community, within the scope of his or her competence.

5. Interests of natural or legal persons declared bankrupt shall be represented by the bankruptcy administrator in cases provided for by law. Interests of legal persons undergoing liquidation shall be represented by the chairperson of the liquidation committee.

6. In a case wherein a person declared missing as prescribed by law should have participated, the person appointed as a trust manager of the property thereof shall act as the representative thereof.

7. In a case wherein the heir of a dead person or of a person declared dead in the manner prescribed should have participated, the person appointed — in the manner prescribed — for the custody and management of the inherited property shall act as the representative of the heir, where no one has accepted the heritage yet.

Article 50. Legal representatives

1. The legal representative — parent (adopter), guardian or custodian — of a minor, person declared as having limited or no active legal capacity shall act in court on their behalf.

2. Other persons having such a power may act in court as a legal representative in cases prescribed by law.

Article 51. Assigning management of a case to another person by an *ex officio* and legal representative

1. An ex officio and legal representative may assign — as prescribed by this Code — the conduct of the case to one or several persons chosen by him or her as representatives in court.

Article 52. Persons having the right to act as representatives in court

1. Advocates, including foreign advocates certified as prescribed by law, shall be representatives in court.

2. The following persons may also be a representative in court:

   (1) persons directly provided for by this Code;

   (2) persons authorised by persons provided for by parts 2-5 of Article 49 of this Code that have employment relations with the legal person, state or local self-government body being represented;

   (3) persons who:

      a. represent, free of charge, the interests of their parents, children, grandparents, grandchildren, uncles and aunts, brothers and sisters of the whole-blood or half-blood (paternal or maternal), spouses or children of the latter, as well as of their spouses or parents, children, brothers or sisters of the whole-blood or half-blood (paternal or maternal) thereof,

      b. represent, free of charge or on paid basis, the interests of the legal person, twenty or over twenty percent of the shares or stocks of the authorised capital whereof is owned by them or by persons indicated in sub-point (a) of this point.

3. During examination of the case, the same person may act simultaneously as a representative of two or more persons participating in that case, where there is no conflict of interests between them.

Article 53. Prohibition to act as a representative in court

1. Persons not having the right to act as a representative as prescribed by law, as well as persons participating in the examination of the relevant case as a secretary of the court, interpreter/translator, expert, specialist, witness, or persons having participated in the examination of the case in question as a representative of the opposite party, may not be representatives in court.

Article 54. Excluding a representative from examination of a case

1. A court shall exclude a person carrying out representation in violation of the requirements prescribed by Articles 52 and 53 of this Code from the examination of the case.

2. The procedural actions carried out by the representative prior to exclusion from the examination of the case shall be binding for the person participating in the case where that person approves those activities.

Article 55. Documents attesting to powers of the representative

1. Powers of the representative of a person participating in the case shall be attested by:

   (1) letter of authorisation certified by a notary or an official having such a competence according to law, issued by a natural person to a non-advocate;

(2) letter of authorisation issued in a simple written form by the head of the executive body of the legal person or a person having, according to the charter, the right to represent that legal person without a letter of authorisation, by the head of the state body, local self-government body or administrative district or its head to the person provided for by point 2 of part 2 of Article 52 of this Code;

(3) letter of authorisation issued in a simple written form to an advocate.

2. The party participating in a court session with a representative shall have the right to confirm in court the powers of the representative thereof by stating orally the scope of powers thereof.

3. The powers of a legal and ex officio representative shall be confirmed by relevant documents attesting to the representative's status.

4. The original copies of the documents indicated in this Article may be returned to the person having submitted them after they have been reviewed by the court by attaching the carbon copies confirmed by the court to the materials of the case.

Article 56. Powers of representatives

1. The letter of authorisation to conduct the case in court shall empower the representative to carry out any procedural action on behalf of the person being represented, except for:

(1) signing the statement of the claim;

(2) signing an arbitration agreement and giving consent with regard to submitting the dispute to an arbitration tribunal;

(3) fully or partially waiving the claims in an action;

(4) fully or partially accepting the claims in an action;

(5) changing the subject matter and ground of the claim or any of them;

(6) signing a conciliation agreement;

(7) signing a mediation agreement;

(8) participating in a mediation process with the participation of a licensed mediator;

(9) delegating the powers to another person (reauthorisation);

(10) receiving judicial notifications and procedural documents;

(11) appealing the judicial act.

(12) submitting an application for issuing a writ of execution

2. In order to carry out each of the activities specified in part 1 of this Article the relevant power of the representative should be directly envisaged in the letter of authorisation issued by the person being represented.

3. Limitations provided for by part 1 of this Article shall not extend to ex officio and legal representatives.

4. The persons participating in the case that has issued a letter of authorisation and later has revoked it shall be obliged to promptly inform the court about the revocation of the letter of authorisation. The procedural actions carried out by the representative prior to informing the court about the revocation of the letter of authorisation shall be binding for the person participating in the case.

CHAPTER 8.

PROCESS OF PROVING

Article 57. Concept of evidence

1. Evidence is the fact based on the examination and assessment of which the court determines the existence or absence of other facts serving as a basis for the claims and objections of persons participating in the case, as well as other facts significant for disposition of the case or issue.

Article 58. Relevance of evidence

1. Evidence shall be considered relevant, where it makes the existence or absence of a fact significant for disposition of the case more or less probable than it would have been without that evidence.

2. The court shall examine and assess only the evidence, which may confirm or refute the facts serving as a basis for the claims and objections of persons participating in the case, taking into account the requirement of part 1 of this Article.

Article 59. Admissibility of evidence

1. Facts which must be confirmed only by certain evidence according to law or regulatory legal acts may not be confirmed by other evidence.

2. The use of evidence that has been obtained in violation of fundamental rights, or undermines the right to a fair trial shall be prohibited.

Article 60. Determining the scope of facts significant for disposition of the case and facts to be proved (fact subject to proving)

1. The scope of facts significant for disposition of the case shall be determined by the court, based on the claims and objections of persons participating in the case, guided by legal norms applicable to disputed legal relationship.

2. All the facts significant for disposition of the case, except for the facts provided for by Article 61 of this Code, shall be subject to proving.

Article 61. Grounds for exemption from proving

1. Facts of common knowledge need not be proved.

2. Facts significant for examination of the case that have been confirmed by a final judicial act of the court having entered into legal force in relation to a previously examined civil, bankruptcy or administrative case shall not be proved again while examining another case with the participation of the same persons participating in the case.

3. Facts with regard to certain acts confirmed by a judicial act having entered into legal force in relation to a criminal case and with regard to persons having committed them shall not be subject to proving while examining another case.

4. A fact confirmed by a notary after a notarial procedure shall not be subject to proving, unless the authenticity of the notary-certified document has been disputed as prescribed by this Code or the notarial procedure has been declared unlawful as prescribed by the Code of Administrative Procedure of the Republic of Armenia.

5. A person participating in a case shall be exempt from the obligation to prove any facts significant for disposition of the case which other persons participating in the case accept by means of a procedural document submitted to the Court of

First Instance, statement made during a court session, while expressing a position or giving testimony (undisputed facts), except for the case when the court finds that:

(1) there are reasonable suspicions that the fact is being accepted by deception, violence, threat, delusion, as a result of a malicious collusion between the representative of one party with another party, for the purpose of concealing the truth or covering up unlawful activities;

(2) that fact may be confirmed only by certain evidence prescribed by law or other legal act;

(3) confirmation of that fact inevitably affects the rights or responsibilities that a person not participating in the case has in relation to one of the persons participating in the case.

6. Acceptance of a fact by a person participating in the case during the mediation process shall not serve as a basis for considering that fact confirmed during the proceedings.

Article 62. Burden of proof

1. Each person participating in a case shall be obliged to prove the facts significant for disposition of the case that serve as a basis for that person's claims and objections, unless otherwise provided for by this Code or other laws.

2. A person denying a fact serving as a basis for the claims and objections of a person participating in the case may not bear the burden of proving the absence of that fact, except for cases provided for by part 3 of Article 76 of this Code.

3. The burden of proving the fact of fulfilment of the action constituting the essence of an obligation shall be on the debtor. The fact of improper fulfilment of the obligation must be proved by the person participating in the case alleging that fact.

4. Where by virtue of a law or another legal act the evidence of a fact alleged by a person participating in the case is held exclusively by another person participating in the case, the alleged fact shall be deemed to be confirmed as long as the other person participating in the case has not proved the opposite.

5. The person participating in the case shall not have the right to destroy or conceal any evidence or impede in any other way the obtainment or examination thereof by making the collection and submission of evidence impossible or difficult for other persons participating in the case. Where such facts exist, the impeding person shall bear the negative consequences of the fact to be proved remaining disputable.

6. Where the existence or absence of a fact remains disputable after examination of all the evidence, the party bearing the burden of proving that fact shall bear the negative consequences thereof.

Article 63. Submitting evidence

1. Evidence, as well as motions for obtaining them shall be submitted by persons participating in the case.

2. A person participating in the case shall be obliged to disclose before the Court of First Instance and other persons participating in the case and, where possible, provide the evidence known to that person at that point, to which that person refers as a basis for proving that person's claims and objections, before the end of the time limit determined by the decision on distributing the burden of proof.

3. The Court of First Instance shall, after the end of the time limit determined by the decision on distributing the burden of proof, accept the additional evidence submitted by a person participating in the case, and grant the motion on obtaining evidence, where the person submitting them justifies the impossibility of submitting the relevant evidence or motion within the time limits determined by the court due to reasons beyond that person's control.

4. Where the other persons participating in the case have not had the opportunity to familiarise themselves with the evidence accepted after the end of the time limit determined by the decision on distributing the burden of proof in advance, the Court of First Instance shall provide reasonable time limits to persons participating in the case for familiarising themselves with the evidence, presenting their position with regard thereto, including submitting evidence substantiating it.

Article 64. Requesting evidence

1. The person participating in the case may apply to the Court of First Instance examining the case with a motion to request evidence from another person participating in the case.

2. The person participating in the case who has not been provided with the relevant evidence within the time limit prescribed by law, or the provision of the evidence without the decision of the court is prohibited by law, may apply to the Court of First Instance with a motion to request that evidence from a person not participating in the case.

3. The motion provided for by part 1 of this Article shall indicate the relevant evidence, the facts significant for the case that may be confirmed by that evidence, as well as the location of the evidence, where it is known, and in cases provided for by part 2 of this Article, also the justification confirming the impossibility of obtaining that evidence independently.

4. Where the motion to request evidence has been granted, the Court of First Instance shall render a decision on requesting the evidence, which shall indicate:

   (1) number of the civil case and names of persons participating in the case;

   (2) evidence to be submitted to the court;

(3) time limits for submitting the evidence, and where necessary, also the procedure of submission;

(4) clarification with regard to the consequences of failure to comply with the decision of the court, provided for by this Article.

5. In the case of impossibility of complying with the decision on requesting evidence within the time limits established by the Court of First Instance, the addressee of the request shall apply to the Court of First Instance in writing to request a new time limit for complying with the decision by indicating the reasons for impossibility of complying with the decision within the time limits established by the Court of First Instance. The Court of First Instance may establish a new time limit for complying with the decision, taking into account the opinion of persons participating in the case.

6. In the case of impossibility of complying with the decision on requesting evidence, the addressee of the request shall apply to the Court of First Instance in writing to inform about the impossibility of complying with the decision by indicating the reasons for impossibility. The Court of First Instance may, taking into account the opinion of persons participating in the case, consider the reasons for not submitting the evidence valid.

7. In the case of not prescribing a new time limit for executing the decision on requesting evidence or in the case of considering the reasons for not submitting the evidence as invalid, the Court of First Instance shall immediately forward the writ of execution drawn up based on its decision on requesting evidence for compulsory enforcement and impose a fine on that person.

8. A decision on requesting evidence shall be enforced immediately, as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

Article 65. Securing evidence

1. The person participating in the case who finds that submission of the required evidence may become difficult or impossible shall have the right to file a motion with the Court of First Instance during the proceedings for securing that evidence.

2. The motion on securing evidence must indicate the evidence which needs to be secured, the facts for the confirmation of which the relevant evidence is necessary, and the reasons which have served as a basis for filing a motion on securing evidence.

3. The motion on securing evidence shall be immediately examined without convening a court session. The motion filed during a preliminary court session shall be examined during that session.

4. In the case of satisfying the motion on securing evidence, the Court of First Instance shall render a decision indicating the manner for securing the evidence.

5. Evidence may be secured through interrogation of witnesses and persons participating in the case, specialists, examining written or physical evidence, calling for expert examinations, interrogation of experts.

6. Evidence shall be secured during the court session, and persons participating in the case shall be informed about the time and location thereof. Failure of a person participating in the case to appear at the court session shall not prevent the securing of the evidence.

7. Evidence shall be secured without convening a court session and notifying persons participating in the case in cases provided for by this Code, as well as when the person filing a motion on securing evidence shows that it might become impossible to secure the relevant evidence as a result of notifying the persons participating in the case about securing the evidence.

Article 66. Assessment of evidence

1. The court shall, by assessing all the evidence in the case, decide whether the fact has been confirmed, through moral certainty based on comprehensive, thorough and objective examination of evidence.

2. Every piece of evidence shall be subject to assessment as to the relevance, admissibility, credibility, and the whole body of evidence shall be subject to assessment as to the sufficiency for confirmation of the fact.

3. The court shall consider the examined evidence not credible, where it is confirmed as a result of the examination, assessment and comparison thereof with other evidence that the information contained wherein does not correspond to reality.

4. No fact is considered a previously confirmed fact by the court, except for cases provided for by parts 1-4 of Article 61 of this Code.

Article 67. Types of evidence

1. The types of evidence shall be:

   (1) testimony of a witness;

   (2) written evidence;

   (3) physical evidence;

   (4) photos (photographic films), audio and video recordings;

   (5) expert opinion;

   (6) explanation of a specialist.

Article 68. Summoning a witness and testimony thereof

1. The Court of First Instance shall summon a witness to give testimony upon the motion of a person participating in the case, and in cases provided for by this Code — also on own initiative.

2. When filing a motion on summoning a witness, the fact in relation to which the witness is to be interrogated, the name and address of the witness must be stated.

3. Failure to comply with the requirement specified in part 2 of this Article shall be a ground for rejecting the motion on summoning a witness.

Article 69. Responsibility of witnesses to appear at court sessions

1. The witness shall be obliged to appear before the Court of First Instance when summoned by court.

2. The witness who has received a subpoena and cannot appear at the court session shall be obliged to inform the Court of First Instance thereof before the court session by indicating the reasons making it impossible to appear at the court session.

3. Where person, having received the subpoena, fails to appear at a court session and does not present reasons for not appearing or presents invalid reasons, the Court of First Instance shall render a decision on apprehending the witness, placing on him or her the expenses arising from failing to appear and imposing a judicial fine. The Court of First Instance shall immediately forward the writ of execution drawn up based on the decision on apprehension for enforcement.

4. The decision shall be enforced immediately, as prescribed by the Law of the Republic of Armenia “On compulsory enforcement of judicial acts”.

Article 70. Interrogation of a witness through procedure of judicial assignment

1. A witness may be interrogated by the Court of First Instance of his or her place of residence through the procedure of judicial assignment, where:

   (1) appearance by the witness at the trial is impractical due to a long distance;

   (2) a witness is not able to leave the place of his or her location due to illness or other reason.

2. The Court of First Instance shall render a decision on a judicial assignment, wherein the essence of the case being examined, scope of issues to be clarified, information about the witness to be interrogated is briefly stated.

3. The decision on the judicial assignment with regard to receiving testimony from the witness shall be mandatory for the Court of First Instance having received the assignment and must be executed within two weeks following the day of receiving it.

4. Judicial assignment shall be carried out at the court session in compliance with the rules prescribed by this Code.

5. A decision on the execution of the judicial assignment or impossibility thereof shall be rendered, which with the record of the court session shall be immediately forwarded to the Court of First Instance examining the case.

Article 71. Examination of the testimony of a witness

1. Before interrogating the witness, the Court of First Instance shall clarify the absence of prohibitions prescribed by part 2 of Article 43 of this Code for interrogating the respective person as a witness with regard to certain fact significant for disposition of the case, as well as shall clarify the rights prescribed by part 3 of Article 43 of this Code.

2. Every witness shall be interrogated separately, in the absence of other witnesses to be interrogated after him. The Court of First Instance must seek to organise interrogation of witnesses within the shortest period of time possible without prejudice to the interests of justice. Where necessary, the court shall undertake measures to eliminate communication between the witnesses at court.

3. The Court of First Instance shall forewarn the witness of the criminal liability for giving false testimony or refusing to give testimony. The Court of First Instance shall take a signature from the witness on being forewarned, which shall be attached to the record of the court session.

4. The Court of First Instance shall explain to a witness under sixteen years of age the importance of giving testimony and communicating only the truth, without forewarning him or her of the criminal liability for giving false testimony or refusing to give testimony.

5. During interrogation of a witness under sixteen years old, the Court of First Instance shall make sure that the method of interrogation or questions does not confuse the witness or subject him or her to undue psychological pressure, and, for that purpose, may remove any question, interrupt or stop the interrogation of the witness.

6. The Court of First Instance shall involve the legal representative of a minor witness in the interrogation thereof, and in case of interrogation of minors under fourteen years of age — also a child psychologist or a pedagogue. When interrogating a witness under fourteen years of age, persons participating in the case shall be removed from the courtroom, if they have a representative or their participation may influence the testimony of the witness. The representative of a person, participating in the case who has been removed, shall participate in the session.

7. Interrogation of the witness shall commence with questions addressed by the Court of First Instance to him or her about his or her name, place of birth, occupation, place of residence, nature of relationship with persons participating in the case.

8. Prior to commencement of the interrogation, the Court of First Instance shall clarify the awareness of the witness with regard to the facts over which he or she must be interrogated.

9. During the interrogation of the witness the Court of First Instance shall ask questions after the persons participating in the case ask their questions, and may ask questions at any point for the purpose of receiving clarification with regard to the testimony of the witness.

10. A witness, summoned to the Court of First Instance upon motion of a person participating in the case, shall be first interrogated by the person participating in the case who has filed the motion, then by the other persons acting on the side of the person who has filed the motion, and then by the opposing side.

11. A witness maybe asked only such questions which concern the facts specified in the motion on summoning the witness or relate to circumstances associated with the credibility of the testimonies of the witness, including his or her relationship with the other party. Questions, addressed outside of this scope, shall be removed by the court on own initiative or upon motion of a person participating in the case.

12. Leading questions or questions otherwise guiding the response shall not be permitted during the interrogation of the witness. The Court of First Instance may remove the leading or guiding question on own initiative or upon motion of a person participating in the case.

13. When giving testimony, a witness may make use of written notes upon permission of the Court of First Instance, where his or her testimonies are related to any

digital or other data which is difficult to keep in mind. Where necessary, the written notes may be attached to the case.

14. Where necessary, the Court of First Instance may resume the interrogation of the witness upon motion of a person participating in the case.

15. The interrogated witness may leave the court, unless the Court of First Instance obliges him or her not to leave the court.

16. Information communicated by the witness shall not be evidence, unless he or she clearly mentions the source of the information.

Article 72. Testimony of a person participating in the case as a witness

1. The Court of First Instance — upon motion of a person participating in the case — may permit the respective person to give testimony with regard to facts to be proved and which are significant for disposition of the case, in due procedure of this Code defined for testimony of a witness, by taking into account the specific aspects prescribed by this Article.

2. The Court of First Instance — upon motion of a person participating in the case — may suggest that another person participating in the case gives testimony with regard to facts to be proved and significant for disposition of the case, in due procedure of this Code defined for testimony of a witness.

3. Where a person, participating in the case, who acts as a witness, refuses (avoids) to give testimony or answer the question of a person participating in the case, the Court of First Instance — upon the motion of another person participating in the case or on own initiative — may consider the refusal or avoidance of the person participating in the case to give testimony or answer, as unjustified, and consider facts, significant for disposition of the case with regard to which the person participating in the case refuses (avoids) to give testimony or answer, as proved,.

4. The Court of First Instance shall forewarn a person participating in the case of the criminal liability for giving false testimony. The court shall take a signature from the person participating in the case on being forewarned, which shall be attached to the record of the court session.

Article 73. Face-to-face interrogation

1. Where testimonies of two persons, who have been interrogated previously, contradict each other, they may be interrogated face-to-face upon motion of a person participating in the case or on the initiative of the Court of First Instance.

2. Face-to-face interrogation shall be carried out in due procedure of this Code defined for interrogation, by taking into account the specific aspects prescribed by this Article.

3. At the beginning of face-to-face interrogation, the Court of First Instance shall clarify whether the persons confronted know each other and what kind of relationship they are in.

4. Persons, summoned for face-to-face interrogation, shall be recommended to give testimonies in turn with regard to facts for the clarification of which the confrontation is arranged.

5. Person, participating in the case, who has filed a motion on arranging a confrontation, shall be the first to ask questions. Afterwards, other persons participating in the case and the court shall ask questions to persons being interrogated face-to-face.

6. After the face-to-face interrogation, the Court of First Instance, upon motion of a person participating in the case, shall publish the testimonies given during the previous interrogation by persons summoned to face-to-face interrogation.

Article 74. Written evidence

1. Written evidence shall be individual or internal legal acts, transactions, statements, business and private correspondence and other written materials (documents) comprising information on facts significant for disposition of the case.

2. Information received electronically or via other means of communication shall also be deemed to be written evidence.

3. Either the original evidence or its copy shall be submitted. The original shall be mandatorily submitted at the request of the Court of First Instance or where the relevant facts, according to law, other legal acts or a contract, may be confirmed only by the original evidence. In case of failure to submit the original or failure to submit a duly certified copy of the original when it is impossible to submit the original, the Court of First Instance shall remove the copy from the list of evidence to be examined.

4. The Court of First Instance shall remove the written evidence composed in a foreign language from the list of evidence to be examined, unless a person participating in the case submits the duly Armenian translation of the written evidence.

5. Any material received electronically or via other means of communication shall be submitted on paper in print. The court may establish other procedure for submitting a material received electronically or via other means of communication.

6. Where only certain part of the document relates to the case being examined, a person participating in the case may submit the excerpt thereof. The Court of First Instance may request from the person participating in the case, who has submitted the excerpt, to submit the complete document, where the excerpt is not certified as prescribed by law or contains information with regard to other

parts of the document and its content may be clarified only with the content of the other part of the document or the complete document. In case of failure to submit the complete document, the relevant evidence shall be partially or fully removed from the list of evidence to be examined.

7. During examination of the case, the court may return the original copies of written evidence to the person having submitted them after examining them, where that person files such motion, and if granting such motion does not prevent further examination of the evidence. In this case the carbon copy or excerpt of the original document verified with the court seal, shall be attached to the case.

8. After the judgment of the court has entered into legal force, the court shall return the original copies of the documents upon motion of persons having submitted them, if returning those documents does not contradict the content and essence of the judgment. In case of returning the original copies of the documents, the carbon copy or excerpt of the original document verified with the court seal, shall be kept in the case.

Article 75. Motion on permitting written evidence

1. Motion on permitting written evidence shall be filed by submitting the evidence and with reference to the fact that a person, participating in the case, wishes to prove.

2. When filing a motion on permitting written evidence, a person participating in the case shall be obliged to provide other persons participating in the case with the relevant written evidence or the carbon copy of the written evidence, and in case the motion with regard to permission thereof is filed in writing, also with the carbon copy of the motion.

Article 76. Disputing the authenticity of written evidence

1. A person participating in a case may declare that the written evidence submitted by another person participating in the case is not authentic before the decision on distributing the burden of proof is rendered, unless that person justifies that it was impossible to do so beforehand due to reasons beyond that person's control.

2. In the case of disputing the authenticity of a written document, the person submitting the evidence must prove its authenticity, except for cases provided for by part 3 of this Article.

3. A person participating in a case who disputes the authenticity of a document issued or certified by a state or local self-government body of the Republic of Armenia, as well as of a notary-certified document, shall bear the burden of proving the non-authenticity of that document.

Article 77. Examination of written evidence

1. Written evidence shall be examined at a court session. Where necessary, the written evidence may be examined by applying technical means.

2. Persons, participating in the case, may express their standpoint or address questions to each other with regard to that evidence.

3. Where necessary, written evidence may be provided also to witnesses.

Article 78. Physical evidence

1. Physical evidence shall be the objects of the physical world which may become means for confirmation or negation of facts having significance for resolution of the case due to their existence, position, appearance, inner properties, location or other characteristics.

Article 79. Motion on permitting physical evidence

1. Motion on permitting physical evidence shall be filed by indicating the fact which a person participating in the case wishes to prove, and by submitting the physical evidence and where impossible — through indication of identification data of the physical evidence.

2. Where it is impossible to attach the physical evidence to the motion, carbon copy, photo or video recording of the evidence shall be attached thereto.

3. While filing a motion in writing on permitting physical evidence, a person, participating in the case, shall provide the carbon copy of the motion to other persons participating in the case, by attaching the carbon copy, photo or video recording of the physical evidence thereto.

Article 80. Examination of physical evidence

1. The Court of First Instance shall examine physical evidence through inspection with the purpose to reveal the specific aspects of the physical evidence significant for examining and resolving the case, by providing description of the object for inspection. Where necessary, experts, specialists or witnesses may be involved in the process of inspection.

2. The inspection shall be carried out at the court session. Where the object of inspection is not moveable, or the transportation thereof to the court is related to disproportionate complications or costs, the Court of First Instance shall carry out on-site inspection.

3. When carrying out on-site inspection, the procedure for a court session prescribed by this Code shall be maintained. Persons participating in the case shall be informed of the time and venue of the inspection. Failure to appear shall be no hindrance for carrying out the inspection.

4. In case there are circumstances which impede the course of inspection, the Court of First Instance shall render a decision on ensuring the course of inspection and shall immediately forward the writ of execution drawn up on the basis thereof for compulsory enforcement. The decision shall be executed immediately as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

5. The results of the inspection shall be recorded literally from the speech of the Court of First Instance. Plans, designs, photos, carbon copies of documents used or verified during the inspection, photos or video recordings made during the inspection, as well as other documents may be attached to the record.

6. The Court of First Instance, upon motion of a person participating in the case, shall examine perishable physical evidence, compliant to the procedure for securing evidence.

Article 81. Custody of physical evidence

1. Physical evidence shall be kept in the court or deposited for custody.

2. Physical evidence, which may not be brought to court, shall be kept on-site. They must be described in detail and (or) sealed, and, where necessary, photos or videos shall be made thereof. The relevant photo or audio recording shall be attached to the case.

3. Person, to whose custody the physical evidence has been deposited, or the court staff shall undertake measures to maintain the physical evidence unaltered.

Article 82. Handling physical evidence

1. The court shall decide on the issue of handling physical evidence in a final judicial act. The court, as a rule, shall return the physical evidence to the person, having submitted it, or hand it over to the person, whose right with regard thereto has been recognised by the court, or it shall be disposed as prescribed by law or other legal acts.

2. Objects which, by virtue of law, may not be in possession of natural or legal persons, shall be handed over to a relevant state body.

3. In certain cases, while examining the case, the court may return the physical evidence to the person having submitted it, once it has been examined, where that person files such motion and if granting such motion does not prevent further examination of evidence.

4. In cases provided for by parts 1 to 3 of this Article, the carbon copy, photo or video recording of the physical evidence shall be kept in the case.

Article 83. Photos (photo films), audio and video recordings

1. Photos (photo films), audio and video recordings and electronic carriers thereof shall be examined via relevant technical means or by observation.

2. While filing a motion on permitting photos (photo films), audio and video recordings and electronic carriers thereof, the person, submitting them, shall indicate when, where and who made the photos (photo films), audio and video recordings and in what conditions they were made. Failure to reveal those facts or submitting information with regard thereto, which does not correspond to reality, photos (photo films), audio and video recordings shall not be examined and shall be removed from the list of evidence.

3. Where the person's photo has been taken or audio or video recordings have been made without the consent or knowledge of that person, the evidence shall be admissible unless prohibited by law.

4. When filing a motion in writing for permitting photos (photo films), audio and video recordings and electronic carriers thereof, a person participating in the case shall provide the carbon copy of the motion to other persons participating in the case, by attaching thereto the duplicate of the relevant evidence on electronic carrier.

5. Articles 81 and 82 of this Code shall be applied to maintenance and handling of evidence as referred to in this Article insofar as they are applicable to photos (photo films), audio and video recordings and electronic carriers thereof.

Article 84. Expert opinion

1. Expert opinion is a written document obtained in the course of examining the case for the purpose of revealing and clarifying issues which requires applying special knowledge in science, technology, art, craft or any other field, which shall be delivered by answering the questions addressed to the expert in the decision on calling for an expert examination.

2. The Court of First Instance, having received the expert opinion, shall forward it to persons participating in the case within five days.

3. The expert opinion shall be examined at court session and shall be evaluated with other evidence.

4. The expert opinion shall be drawn up in writing. It must include information on the following:

   (1) indication of the person having conducted the expert examination, his or her qualification and number of years of professional experience;

(2) indication of the methods applied;

(3) detailed description of the examinations carried out;

(4) reasoned responses to the questions addressed.

Article 85. Interrogation of an expert

1. On the initiative of the Court of First Instance or upon motion of a person participating in the case, the expert may be summoned to court for interrogation for the purpose of clarifying his or her opinion.

2. Interrogation of the expert shall be conducted in due procedure of this Code defined for interrogation of a witness.

3. The expert shall be interrogated with regard to special knowledge only within the scope of the written opinion that he or she had delivered earlier.

Article 86. Calling for an expert examination

1. The Court of First Instance may call for an expert examination upon motion of a person participating in the case and in cases provided for by law — upon own initiative.

2. When filing a motion on calling for an expert examination, the person participating in the case shall indicate the fact to be proved which must be affirmed by expert opinion, and address questions which must be clarified at the expert examination.

3. Persons participating in the case shall be entitled to indicate the specialised expert examination institution or the expert, who may be assigned by the Court of First Instance to conduct expert examination. Where a license or qualification is required in order to conduct the relevant expert examination, a person

participating in the case shall submit along with the motion the evidence certifying that the specialised expert examination institution or expert recommended by that person is competent to conduct such expert examination.

4. When calling for an expert examination upon motion of a person participating in the case, the Court of First Instance may address to the expert only those questions which have been proposed by persons participating in the case. The Court of First Instance shall have the right to adjust the question addressed, based on the essence and content of the fact to be proved. The Court of First Instance shall provide reasoning for refusing those questions submitted by persons participating in the case, which are not addressed to the expert.

5. When calling for an expert examination on own initiative, in cases provided for by law, the Court of First Instance shall also have the right to address questions to the expert.

6. The Court of First Instance shall render a decision on calling for an expert examination, which shall indicate:

   (1) name of the Court of First Instance;

   (2) date of calling for an expert examination;

   (3) number of the case;

   (4) names of persons (legal persons) participating in the case;

   (5) fact to be proved;

   (6) questions addressed to the expert;

   (7) name of the expert or specialised expert examination institution;

   (8) list of materials (documents) provided to the expert, and, where necessary, conditions for their maintenance.

7. The Court of First Instance - and where a specialised expert examination institution has been assigned to conduct the expert examination, upon instruction of the court, the head of that institution - shall forewarn the expert of the criminal liability envisaged for delivering an obviously false opinion. The Court of First Instance shall take a signature from the expert on being forewarned, which shall be attached to the record of the court session. When conducting the expert examination in a specialised expert examination institution, the signature taken from the expert on being forewarned shall be attached to the opinion.

Article 87. Presence of persons participating in the case at expert examination. Procedure for taking samples

1. A person participating in the case shall be entitled to be present at the expert examination, except for cases when presence thereof may hinder regular activities of the expert or violate the rights of other persons.

2. The Court of First Instance, upon application of the expert, shall render a decision on prohibiting presence of persons participating in the case at the expert examination or certain stages thereof.

3. The court shall be entitled to render a decision on receiving samples that reveal characteristic properties of a man, animal, material or other objects where examination thereof is significant for conducting the expert examination assigned.

4. The court shall render a decision on receiving samples, whereby must be indicated: the person or object from whom or which the samples must be received; in what amount and specifically what samples must be received; when and to whom the person must appear to get the samples; where and to whom the samples must be submitted after receiving them, as well as the rights and responsibilities of the person from whom the samples must be taken.

5. It shall be prohibited to receive samples by means of inflicting on a person mental and physical suffering or endangering his or her health and corporeal integrity.

6. The expert shall summon the person or visit the place of his or her location and introduce to him or her, by asking to sign, the decision of the court on receiving a sample.

7. The expert shall carry out the required actions and receive the samples in the presence of the attesting witnesses. Except for documents, other samples shall be packed and sealed. Person, providing the samples, shall have the right to refuse participation of the attesting witness, by submitting to the expert a pertinent application in writing.

8. By receiving samples, the expert shall draw up a protocol, which shall comprise information on persons having participated in that action, shall describe, in precise sequence, all the actions taken for receiving the samples, scientific and technical methods and means applied, as well as the samples received.

9. The samples received or the results of the examination shall be attached to the protocol.

10. If a person participating in the case fails, without a valid reason, to comply with the court decision on receiving a sample or avoids abiding by it, the negative consequences of remaining disputable of the fact to be proved by the expert examination shall lie with the that person, where unfeasible to complete the expert examination without providing the sample.

Article 88. Procedure for conducting expert examination

1. Expert examination shall be conducted by employees of specialised expert examination institutions or other specialists, appointed as experts upon the

decision of the Court of First Instance. Forensic psychiatric expert examination may only be conducted by an expert commission.

2. The Court of First Instance may appoint more than one expert with the same or different specialities. The experts shall have the right to consult with each other and, in case they reach general conclusions, give a joint opinion. The experts, who do not agree with the joint opinion, shall submit a separate opinion.

3. Where a person from the expert examination institution having the competence to conduct expert examinations of the relevant type has been appointed as an expert, he or she shall be obliged to conduct the required expert examination. The expert shall immediately clarify whether the assigned expert examination refers to his or her field of expertise and the possibility to conduct it without involvement of other experts.

4. In other cases of existence of circumstances preventing the course of expert examination, as well as in case of hindrance to ensure the ordinary course of the expert examination, the expert shall be obliged to immediately inform the Court of First Instance on that. The Court of First Instance, without convening a court session, shall immediately render a decision on ensuring the process for conducting an expert examination. All the required measures, which must be undertaken in order to eliminate the mentioned obstacles, as well as to ensure the ordinary course of the expert examination, and the time limit for implementation thereof, shall be indicated in the decision. In case of failure to voluntarily comply with the decision, the writ of execution drawn up based on the decision shall immediately be forwarded for compulsory enforcement. The decision shall be enforced as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

5. The expert shall personally conduct the expert examination he has been assigned.

6. Where the expert examination is conducted by a specialised expert examination institution, persons having delivered an expert opinion, who have been assigned to conduct the expert examination in the relevant institution, shall be responsible for it.

Article 89. Objecting to expert opinion

1. Person participating in the case shall submit the written objection to the expert opinion to the Court of First Instance prior to the completion of the preliminary court session, except for cases, when the grounds for objection came to light during the trial, or the person submitting the objection justifies impossibility of submitting it within the established time limit, due to reasons beyond that person's control.

Article 90. Additional and repeated expert examination

1. In case the expert opinion is not clear or complete, the Court of First Instance may — on own initiative or upon motion of a person participating in the case — call for an additional expert examination, assigning it to the same or another expert (or a specialised expert examination institution).

2. Where the court or a person, participating in the case, has doubts on the justifiability of the expert opinion, or there are contradictions in several expert opinions or in expert opinion and explanation of specialist, or procedural rules for conducting an expert examination have been violated, the Court of First Instance may — on own initiative or upon motion of a person, participating in the case — call for a repeated expert examination with regard to the same issue, for which another expert shall be assigned (experts, specialised expert examination institution).

3. The Court of First Instance shall call for an additional or repeated expert examination by its decision, whereby the grounds for calling for additional or repeated expert examination shall be specified.

Article 91. Opinion of an expert proposed by a person participating in the case

1. The opinion of an expert proposed by a person participating in the case, shall be equivalent in its probative force to the expert opinion delivered as an assignment of expert examination upon decision of the Court of First Instance, where the expert having delivered it confirms the opinion in writing before the court prior to the completion of the preliminary court session, being forewarned of the criminal liability for delivering an obviously false opinion.
2. The Court of First Instance shall take a signature from the expert on being forewarned, which shall be attached to the record of the court session.
3. The opinion of the expert proposed by a person participating in the case shall comply to the requirements of part 4 of Article 84 of this Code.
4. The qualification of the expert having delivered the expert opinion and a document certifying his or her professional knowledge shall be attached to the opinion of the expert proposed by a person participating in the case.

Article 92. Interrogation of a specialist

1. Interrogation of a specialist shall be conducted in accordance with the same procedure prescribed by this Code for interrogation of a witness.
2. The Court of First Instance shall forewarn a specialist of the criminal liability for giving false testimony or refusing to give testimony. The Court of First Instance shall take a signature from the specialist on being forewarned, which shall be attached to the record of the court session.

CHAPTER 9

JUDICIAL NOTIFICATIONS: PROCEDURE FOR SENDING (HANDING) PROCEDURAL DOCUMENTS

Article 93. Judicial notification

1. Participants of the proceedings, except for the representatives of the persons participating in the case, shall be notified of the time and venue of the court session as prescribed by this Code, as well as of, in cases provided for by this Code, performance of specific procedural actions.

2. Where a request is submitted by a person participating in the case on sending a notification to that person's representative or where so authorised by the letter of authorisation, only the representative shall be notified.

3. In cases of representation provided for by Articles 49 and 50 of this Code, the representative of the person participating in the case shall be notified of the time and venue of the court session.

4. Notification shall be made so as to allow its addressee to be notified of the time and venue of the court session at least three days before appearing at the court session, except for cases provided for by this Code.

Article 94. Procedure for judicial notification

1. Participants of the proceedings shall be notified of the time and venue of the court session through a subpoena, unless otherwise provided for by this Code.

2. The subpoena shall include:

   (1) name of the court;

   (2) name of the person invited or summoned to court;

(3) indication of the case and the stage of the proceedings whereof the person is notified;

(4) indication of the time and venue of the court session;

(5) indication of the procedural status of the addressee;

(6) indication of consequences in case of failure to appear or failure to inform the court of the reasons for failure to appear before the court;

(7) address and electronic mail address of, or information about other means of electronic communication with, the court examining the case, using which the participant of the proceedings may send information and procedural documents to the court.

3. Subpoenas shall be sent to participants of proceedings by the court staff.

4. The subpoena shall be:

(1) sent via registered mail with delivery notification;

(2) handed in person;

(3) sent by means of electronic communication as prescribed by Article 97 of this Code.

5. Participants of the proceedings who are present at the court session shall be notified of the time and venue of the next court session by being informed by the judge during that court session. Where the record of the court session is maintained in the form of a simple hard copy record, the participant of the proceedings shall indicate about being informed of the time and venue of the next court session in the record and sign it.

6. During the settlement of disputes or exercise of rights and responsibilities arising from contracts, the parties may file a motion with the court to apply or the court, on its own initiative, may apply the procedure for notification stipulated in the

contract if the contract explicitly provides for such a possibility. This provision shall also apply in cases when such a possibility is prescribed by the charter of a legal person or by the prospectus of an issuer of securities. The procedure for notification mentioned in this part shall not apply in all cases where the fact of or procedure for notification itself is disputed.

Article 95. Sending the subpoena via registered mail

1. The subpoena shall be sent to the address indicated by the participant of the proceedings (notification address).

2. In the case of natural persons, the subpoena shall be handed personally to the addressee or to an adult co-habiting with him or her at the addressee's notification (record-registration) address or to an adult working with him or her at that address, except for cases when said adult is participating in the examination of the case as a party with contradicting interests.

3. If it follows from the materials of the case that the participant of the proceedings is at a place of detention, place of imprisonment, military unit, disciplinary unit, or receives in-patient treatment at a medical institution, the subpoena shall be sent to the addresses of those institutions. Once subpoena is received by the administrations of those institutions, they shall submit it to the addressee by sending the proof of receipt thereof by the addressee to the court examining the case.

4. In the case of legal persons, the subpoena shall be handed at the legal person's notification address to the head of the executive body of the legal person or to the person responsible for accepting correspondence or to a person whose authority to accept correspondence clearly arises from the situation in which that person acts (security officer, employee of general department or legal service, etc.).

5. If a participant of the proceedings has refused to receive the subpoena, or the subpoena sent to the address given by said participant has been returned to the court or if the court has not received a back notification (notification receipt) within two weeks from the day of sending the notification, the court shall send the subpoena to:

   (1) in the case of natural persons: that person's record-registration address, known work address and to the head of the corresponding community or administrative district of the last known place of residence of that person and if the materials of the case contain information on other addresses, including electronic mail, of that natural person, also to these addresses;

   (2) in the case of legal persons: the address of the principal place of business of the permanently operating body of that person if the materials of the case contain information on other addresses, including electronic mail, of that legal person, also to these addresses.

6. Along with taking the actions prescribed by part 5 of this Article, the subpoena shall also be posted on the official website for public notifications of the Republic of Armenia. On the 15th day after the actions provided for by this part have been taken, the person concerned shall be considered as notified.

7. The back notification must contain information regarding the person to whom the subpoena was handed.

8. Subpoena shall be sent to a person residing in a territory of another state with direct notification unless otherwise provided for by international agreements of the Republic of Armenia.

Article 96. Handing the subpoena in person

1. A participant of the proceedings may be notified of the time and venue of the court session by being handed the subpoena in person.

2. The subpoena shall be handed to the participant of the proceedings in person by the court staff.

3. If the representative lawyer of a person participating in the case so wishes, the subpoena may, with the consent of the court, be handed to the participant of the proceedings via the representative lawyer, subject to the requirements of Article 95 of this Code. Unless another time limit has been defined by the court, where the court does not receive a back notification within one week, the subpoena shall be handed by the court staff.

4. If the subpoena is handed in person, a document certifying that it has been handed shall be attached to the case.

Article 97. Sending a subpoena through means of electronic communication

1. Subpoenas addressed to state or local self-government bodies, legal persons, individual entrepreneurs, as well as representative lawyers of persons participating in a case, shall be sent to their official e-mail addresses, except for cases when notification by such means is impossible.

2. Participants of the proceedings may submit to the court in writing their means of communication, filing a motion to be notified by those means.

3. The bodies and persons provided for by parts 1 and 2 of this Article shall bear any unfavourable consequences of failing to read the subpoena sent to their e-mails or to the electronic means of communication provided by them.

4. Where a subpoena is sent to an electronic mail, the electronic confirmation on receipt thereof shall be attached to the case. Where a subpoena is sent by using other means of communication, evidence certifying the fact of sending (communicating) (record, formal telephone notice, audio recording, etc.) shall be attached to the case.

5. From the day of receipt of the decision on accepting the statement of claim (application) for proceedings, the decision on involvement as a person participating in the case or the subpoena, except for the cases provided for by part 5 of Article 95 and part 3 of Article 99 of this Code, the person participating in the case shall be notified of the time and venue of the subsequent court sessions from the relevant information posted on the official website of the judiciary. The persons participating in the case shall be obliged to take measures themselves in order to be informed of the time and venue of the court session from the official website of the judiciary. They shall be obliged to inform in writing the court examining the case immediately about the impossibility of receiving information from the official website of the judiciary due to reasons beyond their control. In this case, the court shall execute the notifications by other means provided for by Article 94 of this Code.

6. The procedure prescribed by part 5 of this Article shall not apply to natural persons who are not individual entrepreneurs, as well as persons participating in the case who are at a place of imprisonment, military unit or disciplinary battalion or who receive in-patient treatment at a medical institution.

Article 98. Obligation to inform the court of change of one's address (means of electronic communication) during the examination of a case

1. Participants of the proceedings shall be obliged to inform the court of any change of their address, e-mail or other means of electronic communication during the examination of a case. In the absence of any such information, the subpoena shall be sent to the address or by the means of electronic communication by which the participant of the proceedings was last notified and shall be considered as handed, even if the addressee has not actually received it.

Article 99. Procedure for sending (handing) procedural documents. Public notification on depositing documents. Procedure for submission of documents to a court by participants of proceedings

1. The rules of this Chapter on **sending (handing)** a subpoena **to participants of proceedings** shall apply to sending (handing) procedural documents to participants of proceedings.

2. Where a participant of proceedings has an obligation to send a procedural document, documents or proofs attached thereto to the court and other participants of the proceedings in cases provided for by this Code, the procedural document may also be sent via registered mail without delivery notification.

3. Where, pursuant to this Code, calculation of a procedural time limit starts from the day of receipt of a procedural document and the participant of the proceedings has refused to receive the procedural document, or the procedural document sent to the known address has been returned to the court, or the court has not received an acceptance receipt within two weeks from the day of sending

the procedural document, or the address of the participant of the proceedings is unknown, the court shall, along with taking the actions provided for by part 5 of Article 95 of this Code, post on the official website for public notifications of the Republic of Armenia a public notification that the specified procedural documents have been deposited with the Court of First Instance to familiarise oneself with them. On the 15th day after posting the public notification about depositing the procedural documents on the official website for public notifications of the Republic of Armenia, the procedural documents shall be considered as delivered (received).

4. The participants of the proceedings and other persons may submit the written documents provided for by this Code (statement of claim, application, appeal, response to statement of claim, motion, etc.) to the court in person, electronically or by mail.

Article 100. Procedure for submitting documents electronically

1. The documents provided for by this Code (statement of claim, application, appeal, response to statement of claim, motion, etc.) may be submitted as prescribed by law and the Supreme Judicial Council.

2. Documents attached to documents to be submitted electronically shall be scanned and submitted electronically, and if payment of state duty is required, the state duty shall be paid through the State Electronic Payment System (www.e-payments.am).

3. When attaching a simple letter of authorisation to documents submitted electronically, it shall be signed with an electronic signature, while a notary-certified letter of authorisation shall be attached in the form of a carbon copy along with a code allowing the court to verify its authenticity online or in the form of an electronic original.

CHAPTER 10

JUDICIAL COSTS

Article 101. Judicial costs

The judicial costs shall comprise state duty and other expenses related to case examination.

Article 102. State duty

1. The objects of levy of state duty, the amount of state duty and the procedure for payment thereof shall be defined by the Law of the Republic of Armenia "On state duty".
2. In case of appealing against the judicial act only with regard to judicial costs no state duty shall be levied from the appellant.
3. The amount of state duty for filing a monetary claim shall be determined based on the cost of the claim.
4. Relations pertaining to exemption from state duty, deterring the payment of state duty, reduction of the state duty and its rate shall be regulated by the Law of the Republic of Armenia “On state duty”.
5. Where information on the fact of payment of state duty is not available in the case, the Court of First Instance shall forward the writ of execution on confiscation of the state duty in favour of the Republic of Armenia for enforcement within one month following the entry into force of the judicial act.
6. For submission of statements of claim by third parties making independent claims concerning the subject of dispute the state duty shall be levied in a procedure stipulated for filing a claim.

7. The state duty levied for filing a statement of claim involving monetary and non-monetary claims shall be calculated and levied for each claim separately.

8. In case auxiliary demands are brought in addition to the principal claim, which are subject to implicit satisfaction if the principal claim is satisfied, no state duty shall be paid for the auxiliary demands.

9. If the claim in its nature is such that it is impossible to determine the cost of the claim at the moment of submitting the statement of claim, the plaintiff shall pay the amount of state duty determined by law for filing non-monetary statements of claim. In this case the court refers by a judicial act to the issue of levying additional state duty concurrent to the cost of the claim as determined in the course of examination of the case.

10. Where the plaintiff is exempt by law from paying a state duty, or the court has granted such privilege, the state duty shall be levied, based on a judicial act, from the other person participating in the case who is not exempt from state duty, proportionate to the amount of satisfied demands.

11. In case of changing the subject of the claim, the amount of state duty in shortage shall be levied at the moment of changing the subject of the claim as per changed subject of the claim.

Article 103. Reimbursing the state duty

1. The grounds and the procedure for reimbursement of paid state duty are defined by the Law of the Republic of Armenia "On state duty".

2. Given availability of grounds for reimbursement of paid state duty, the court shall mention in the judicial act the circumstances that served as ground for full or partial reimbursement of the state duty.

3. Where the plaintiff has changed the subject of the claim in the course of examination of the case, which resulted in surplus of state duty, the paid surplus shall not be subject to reimbursement.

Article 104. Cost of the claim

1. Cost of the claim shall be determined based on:

   (1) the amount of the funds claimed, for claims on confiscation of funds;

   (2) amount of payments to be made in the course of one year, for claims on confiscation of alimony; and if the claim on confiscation of alimony involves a period less than one year - based on the payments to be made for that period;

   (3) payments to be made in the course of one year, for claims on making term-payments, non-term payments or life-long payments; and if the claim on confiscation of alimony involves a period less than one year - based on the payments to be made for that period;

   (4) the amount whereby the payments will be reduced or increased for the period of one year, for claims on reducing or increasing the amount of payments.

2. The cost of the claim also comprises the amounts of surcharge (penalty, fine) and interest charges claimed as of the day of filing the statement of claim.

3. The cost of the claim, which includes several individual demands, shall be determined based on the total amount of all demands.

4. The cost of the claim shall not comprise judicial costs.

Article 105. Other expenses related to examination of a case

1. Other expenses related to examination of a case include:

(1) expertise and interpretation/translation costs;

(2) amounts to be paid to witnesses, experts, specialists and interpreters/translators;

(3) expenses related to transportation of persons participating in the case to the place of examination of the case, as well as expenses related to provision of temporary accommodation for participants summoned to court;

(4) sums of reasonable remuneration paid to an advocate with regard to examination of the case;

(5) costs related to on-site inspection of evidence;

(6) postal expenses of persons participating in the case;

(7) expenses of persons participating in the case incurred with regard to fulfilment of court requirements and completion of court assignments;

(8) expenses for maintaining physical evidence in accordance with Article 81 of this Code;

(9) amount of remuneration for mediator;

(10) other expenses as deemed necessary by the court for examination of the case.

Article 106. Amounts to be paid to witnesses, experts, specialists and interpreters/translators

1. The travel expenses for witnesses, experts, specialists and interpreters/translators to appear in court shall be subject to reimbursement. They shall be also paid per

diem and for overnight accommodation. In case of leaving the place of residence for another place at a distance of up to 30 kilometres or, irrespective of distance, leaving the place of residence and returning on the same day, only the travel expense shall be reimbursed.

2. Unemployed witnesses and specialists shall be compensated for their time based on the actual time spent and the amount of minimum salary as defined by law, while employed witnesses shall be compensated as per work hours as defined in the Labour Code of the Republic of Armenia.

3. Witnesses, experts, specialists and, in cases provided for by part 4 of Article 16 of this Code, interpreters/translators shall receive remuneration by the Republic of Armenia after completion of their duties. The date of fulfilment of the duties of witnesses, experts and interpreters/translators shall be the final day of the trial on a given case.

4. Within 10 days after fulfilment of duties by witnesses, experts, specialists and interpreters/translators, the court shall render a decision on the need to pay remuneration and shall submit it to the Judicial Department of the Republic of Armenia.

5. The Judicial Department shall pay the remuneration not later than 20 days after receiving pertinent decision, from funds allocated to the Judicial Department from the State Budget of the Republic of Armenia.

6. Per diem, overnight accommodation and travel costs for witnesses, experts and interpreters/translators shall not exceed the norms on secondment as defined by the Government of the Republic of Armenia.

Article 107. Reasonable remuneration paid to advocate with regard to examination of a case

1. The expenses of an advocate shall be incurred by the person participating in the case who has invited the advocate, except for cases provided for by law.

2. Reasonable remuneration paid to an advocate with regard to examination of the case shall be deemed to be the sums paid or to be paid to organisations of advocates.

3. Where the public defender's office has provided free legal assistance to the person participating in the case and the judicial act is adopted in favour of that person, the expenses provided for by this Article shall be paid in a reasonable amount to the State Budget of the Republic of Armenia, as prescribed by this Code, by the person participating in the case whereon the obligation to compensate for judicial costs is imposed.

4. When determining the expenses subject to compensation as provided for by this Article, the court shall accept as a ground the reasonable amount of expenses which is determined based on the work performed by the advocate, complexity of the case, average fees for work of an advocate as determined by the Board of the Chamber of Advocates of the Republic of Armenia, as well as the ratio of the amount subject to levy per judicial act and the fee for advocacy services.

5. When determining the amount of compensation for expenses provided for by this Article, the amounts paid to an advocate for preparing draft judicial acts shall not be taken into consideration.

Article 108. Filing claims related to judicial costs

1. Claims related to judicial costs shall be filed exclusively within the scope of a given case.

2. When deciding on the issue of reimbursement of judicial costs incurred as well as payable by persons participating in the case, the court shall accept as a ground only the costs justified with available documents related to the case.

Article 109. Distribution of judicial costs among persons participating in the case

1. Judicial costs shall be distributed among persons participating in the case in proportion to the amount of granted demands of the claim.

2. Where an agreement on distribution of judicial costs among persons participating in the case is reached upon submission of the statement of claim to the Court of First Instance, the judicial costs shall be distributed in accordance thereto.

3. The person participating in the case, against whom a final judicial act resolving the case on the merits has been adopted, shall reimburse the costs incurred with regard to witnesses, experts, specialists and interpreters/translators by the Republic of Armenia, as well as shall reimburse judicial costs incurred by the court and the persons participating in the case to the extent necessary for effective exercise of the right to a fair trial.

4. Where there are several plaintiffs or appellants in a case, each shall bear his or her or its share of judicial costs incurred due to his or her or its actions, and where there are several respondents, each of them shall bear his or her or its share of judicial costs incurred due to his or her or its actions, except when the disputed legal relation implies joint liability. In this case, the respondents shall be jointly liable for compensation of the judicial costs. Where it is not possible to determine the shares in judicial costs, said costs shall be distributed among them in equal proportions.

5. When adopting a judicial act on partial grant of the claim, the court shall offset the judicial costs incurred by the plaintiff and the respondent, thus relieving

them, partially or in full, of the obligation to compensate for the judicial costs incurred by the other party.

6. The obligation to reimburse judicial costs incurred with regard to examination of cases initiated based on statements of claims stipulated for special proceedings as well as envisaged in Chapters 44-52 of this Code shall be borne by the applicants.

Article 110. Distribution of judicial costs when leaving the claim without consideration or terminating the proceedings

1. In case of leaving the claim without consideration or terminating the proceedings, judicial costs shall be reimbursed by the plaintiff, except for the cases provided for by this Article.

2. In case of terminating the proceedings of the case due to voluntarily accession by the respondent to the claims in the course of examination of the case, the court shall impose the obligation of reimbursing judicial costs on the respondent.

3. When signing a conciliation agreement, the persons participating in the case shall refer to the issue of distribution of judicial costs, including reimbursement of the fees paid to the representatives.

4. Where parties to a conciliation agreement have not regulated the issue of distribution of judicial costs, the court shall impose judicial costs on the parties to the conciliation agreement in equal proportions.

Article 111. Reimbursement of judicial costs by third parties

1. Provisions on plaintiffs as defined in this Chapter shall apply to third parties making individual claims with regard to the subject of dispute.

2. Third parties who have made no individual claims with regard to the subject of the dispute shall bear responsibility for reimbursement of judicial costs only when judicial costs have been accrued due to their actions and if the judicial act is adopted against the party on whose side the third party who has made no individual claims has acted.

Article 112. Distribution of judicial costs at the Court of Appeal and the Cassation Court

1. Judicial costs incurred with regard to lodging an appeal at the Court of Appeal or Cassation Court and those related to examination of the appeal shall be distributed among persons participating in the case in compliance with the rules of this Chapter.
2. Where the appeal against a judicial act is withdrawn, the person shall bear the responsibility for reimbursing the judicial costs incurred with regard to lodging the appeal.
3. Where the disputed judicial act is reversed or changed, the Court of Appeal or the Court of Cassation shall re-distribute the judicial costs among persons participating in the case upon a final judicial act resolving the case on the merits in accordance with the rules of this Chapter.

Article 113. Reimbursement of judicial costs by persons participating in the case

1. Reimbursement of amounts paid by the Republic of Armenia to witnesses, experts, specialists and interpreters/translators and judicial costs incurred by the court shall be made within one month after the legal act addressing the issue of distribution of judicial costs enters into force; in case of failure to abide by, the amounts shall be levied through a procedure of enforcement of judicial acts.

2. Taking into account the property status of the person participating in the case, the court may exempt that person, by a final judicial act resolving the case on the merits, from the obligation to reimburse the amounts paid to witnesses, experts, specialists and interpreters/translators by the Republic of Armenia and the judicial costs incurred by the court.

CHAPTER 11

PROCEDURAL TIME LIMITS

Article 114. Defining procedural time limits

1. The procedural time limits shall be defined by this Code, other laws and in case not defined by law, they shall be defined by the court.

2. When defining time limits for individual procedural actions, the court shall take into account the sufficient time frame required for performing that procedural action.

Article 115. Calculation of procedural time limits

1. The procedural time limits shall be calculated in years, months, weeks and days. Non-working days as defined by law shall not be included in time limits calculated in days.

2. The procedural time limits calculated in years, months, weeks or days shall begin on the following day of the calendar year, month, week or day, or an inevitable event which marks its beginning.

3. The time limits for certain procedural actions shall be determined in calendar year, month, week, day or period during which the action may be performed.

Article 116. End of procedural time limits

1. Procedural time limit calculated in years shall expire on corresponding month and day of the last year of defined time limit.

2. Procedural time limit calculated in months shall expire on the corresponding day of the last month of the defined time limit. Where the end of a time limit calculated in months corresponds to such month, which has no corresponding day, the procedural time limit shall expire on the last day of that month.

3. Procedural time limit calculated in weeks shall expire on the corresponding day of the last week of the defined time limit.

4. Procedural time limit calculated in days shall expire on the last day of that time limit.

5. Where the last day of the procedural time limit is a non-working day as established by law or a legal act based thereon, the working day following that day is deemed to be the last day of the time limit.

6. The procedural time limit shall be deemed to be met, if the statement of claim, application, response to statement of claim, complaint, other documents or financial means are sent by post, transferred or submitted to an appropriate body or a person authorised to accept them until 24:00 of the last day of the procedural time limit.

7. If the procedural action is to be carried out in court, other state institution or organisation, the procedural time limit shall expire at the time when the working day ends in that court, other state body or organisation, according to established rules.

Article 117. Suspension of procedural time limits

1. All unexpired procedural time limits shall be suspended when suspending proceedings on the case.

2. Procedural time limits shall be resumed starting from the day when court proceedings are recommenced.

Article 118. Extending procedural time limits

1. Upon motion of the person participating in the case, the Court of First Instance may extend the procedural time limits defined by the court and not expired and — in cases provided for by law — procedural time limits defined by law and not expired.

2. The court shall decide on the motion on extending procedural time limits. If a decision is adopted to grant the motion, the court shall define a new time limit for a respective action.

Article 119. Missing and restoring procedural time limits

1. Once the procedural time limits expire, persons participating in the case shall be deprived of the right to perform actions linked to those time limits, except for cases when the court grants the motion on resuming the procedural time limits that have been missed.

2. The motion on resuming missed procedural time limit shall be filed with the court where the procedural action is to be carried out.

3. The motion on resuming missed procedural time limit shall be considered without convening a court session, except for the case when the motion is filed at the court session. A decision shall be rendered once the motion is considered.

4. Where the court finds out that the person participating in the case has missed the procedural time limit due to justified reason, it shall take a decision, without convening a court session, to grant the motion on resuming missed procedural time limit.

5. In cases provided for by law, missed time limit shall not be resumed.

SECTION II

PROCEEDINGS IN THE COURT OF FIRST INSTANCE

SUBSECTION ONE

GENERAL PROCEDURE FOR EXAMINATION OF CASES AT THE COURT OF FIRST INSTANCE (ADVERSARY PROCEEDINGS)

CHAPTER 12

PROCEDURE FOR BRINGING AN ACTION

Article 120. Bringing an action

1. An action shall be brought by filing a statement of claim as prescribed by this Code.

Article 121. Requirements for statement of claim

1. The statement of claim shall be filed in writing by observing the requirements mentioned in part 2 of Article 16 of this Code. The statement of claim must be legible.

2. The following must be included in the statement of claim:

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

   (2) name, record-registration address (address of principal place of business), notification address (if different from the record-registration address (address of principal place of business) of the claimant, including the data of the identification document of the claimant citizen (hereinafter referred to as "passport data"), the number of state registration of a claimant legal person; name, passport data, notification address of the representative thereof, and if the claim is filed by an official authorised to do so – also name, position of that person;

   (3) name, record-registration address (address of principal place of business) of the respondent or, if the responded is not record-registered anywhere, address of the place of residence;

   (4) names, record-registration addresses (addresses of principal place of business) of the other persons participating in the case or, if they are not record-registered anywhere, addresses of their places of residence;

   (5) facts whereon claims are based;

   (6) in case of monetary claim - the amount and calculation of sum claimed or disputed;

   (7) substantive claim(s) against the respondent, and in the event of filing claims against a number of respondents - the claim(s) of the plaintiff against each of them, where there are no joint and several claims;

(8) list of documents and evidence attached to the statement of claim.

3. The statement of claim may include:

(1) legal norms to be applied to disputed legal relations;

(2) evidence that prove each of the facts whereon the claim is based, with a relevant note indicating the evidence targeting specific facts;

(3) the plaintiff's motions;

(4) actions targeted at amicable settlement of the dispute, including information on applying to a mediator;

(5) other information that is of significance for the examination and for resolving the case;

(6) information on means of electronic communication, accompanied by a motion to execute notifications by those means.

4. The statement of claim shall be signed by the plaintiff or the plaintiff's representative. A document asserting the representative's authority and the carbon copy of the identification document of the representative are attached to the statement of claim signed by the representative.

5. The requirements defined for the statement of claim shall apply to the application unless otherwise prescribed by this Code, or otherwise arises from the nature of proceedings.

Article 122. Documents attached to the statement of claim

1. The following shall be attached to the statement of claim:

(1) carbon copy of the plaintiff's identification document;

(2) the original of the document proving payment of state duty in the procedure and in the amount prescribed by law or the corresponding code attesting transfer to the relevant treasury account and provided by the payment and settlement organisation or, in cases provided for by law, the motion on granting a privilege in terms of paying the state duty;

(3) letter of authorisation or other document, confirming the authority of the representative whenever the plaintiff acts through a representative, and a carbon copy of the document that proves the representative's identity;

(4) draft agreement, if the statement of claim is filed with regard to enforcement to sign an agreement;

(5) evidence confirming that a copy of the statement of claim and carbon copies of attached documents have been sent to the persons participating in the case, except for cases envisaged in part 2 of this Article;

(6) as many copies of the statement of claim and as many carbon copies of the attached documents as there are persons participating in the case, in cases provided for by part 2 of this Article.

(7) evidence confirming that the court decision on applying a preliminary measure for securing the claim, as well as a copy of the statement of claim and carbon copies of the documents attached thereto have been sent to the court having applied the preliminary measures for securing the claim.

2. Evidence confirming that copies of the statement of claim and carbon copies of the attached documents have been sent to the persons participating in the case shall not be attached to the statement of claim if:

(1) the plaintiff has filed a motion on applying a measure for securing the claim;

(2) the plaintiff has filed a motion on securing the evidence.

3. In case the evidence attached to the statement of claim is extensive, the evidence confirming that the statement of claim has been sent to the persons participating in the case shall be attached to the statement of claim.

4. Evidence that proves the facts based whereon the claim is filed may be submitted as an attachment to the statement of claim as prescribed by this Code.

5. The requirements prescribed by this Article shall apply to the documents attached to the application, unless otherwise provided for by this Code, or otherwise arises from the essence of the relevant proceedings.

Article 123. Joining and separating several cases and claims

1. The plaintiff shall be entitled to join a number of interrelated claims into one statement of claim.

2. Before rendering a decision on sharing the burden of proof, the Court of First Instance shall be entitled to join a number of related cases in one proceedings wherein persons participating in the case fully or partially match if the cases are interrelated and their joint examination may ensure more timely and effective resolution of the case.

3. The Court of First Instance shall be entitled to separate into different proceedings one or several joined claims before rendering a decision on sharing the burden of proof.

4. The Court of First Instance shall render a decision on joining cases or separating claims into different proceedings.

Article 124. Decisions rendered by the court after submitting a statement of claim

1. Within seven days after submitting the statement of claim, the Court of First Instance shall render a decision:

   (1) on accepting the statement of claim for proceedings;

   (2) on dismissing the statement of claim;

   (3) on returning the statement of claim.

Article 125. Accepting a statement of claim for proceedings

1. The Court of First Instance shall accept for proceedings the submitted statement of claim if there are no grounds to dismiss or return the statement of claim as defined by Articles 118 and 119 of this Code, or to return it.

2. Within three days from the day of rendering the decision on accepting the statement of claim for proceedings, the Court of First Instance shall send the decision to persons participating in the case.

3. Where the plaintiff has filed a motion with a request to secure the claim or evidence along with the statement of claim, and the court has granted that motion, the decision on accepting the statement of claim into proceedings, the statement of claim and the carbon copies of documents attached thereto and the court's decision on securing the claim or evidence of other persons participating in the case shall be sent to the respondent within three days after the court's decision is executed.

4. When the plaintiff has filed, along with the statement of claim, a motion with a request to secure a claim, and the court has fully rejected that motion, the decision on accepting the statement of claim for proceedings, the statement of claim and the carbon copies of the documents attached thereto shall be sent to

the respondent and other persons participating in the case two weeks after the day of rendering the decision on accepting the statement of claim for proceedings, where the decision on fully rejecting the motion on securing the claim has not been appealed.

5. In the case of upholding the appeal filed against the decision on fully rejecting the motion on securing a claim, the decision on accepting the statement of claim for proceedings, the statement of claim and carbon copies of the documents attached thereto shall be sent to the respondent and other persons participating in the case, as prescribed by part 3 of this Article or, in the case of rejection of the appeal, within three days after receiving the case from the Court of Appeal.

6. Where the evidence submitted along with the statement of claim is extensive, the court shall, along with the statement of claim, send a notification to the persons participating in the case to the effect that the documents are deposited with the Court of First Instance and that they may familiarise themselves with the documents. The notification shall include the time limits for familiarising oneself with these documents.

7. While sending the decision on accepting the statement of claim for proceedings to the respondent, the Court of First Instance, at the same time, informs the respondent about the right to respond to the statement of claim and the time limits for that.

Article 126. Dismissing a statement of claim

1. The Court of First Instance shall dismiss the statement of claim if:

   (1) the case is not subject to examination in civil proceedings;

   (2) there is a final judicial act resolving the case on the merits that has entered into legal force, or a decision on terminating the proceedings concerning a

case between the same persons, except for the decision on leaving the claim (application) without consideration;

(3) there is an arbitral award or decision of the financial system mediator concerning the case between the same persons, over the same subject and on the same factual grounds, except for the case where the court refuses to issue a writ of execution for enforcement of the arbitral award or the decision of the financial system mediator;

(4) there is a decision on dismissing the statement of claim concerning the case between the same persons, over the same subject and on the same factual grounds;

(5) the claim is filed with violation of part 4 of Article 140 of this Code.

2. The Court of First Instance shall render a decision on dismissing the statement of claim by sending the decision to the plaintiff along with the statement of claim and the documents attached thereto. The court's decision shall be also sent to other persons mentioned in the statement of claim.

3. A decision of the Court of First Instance on dismissing a statement of claim may be appealed as prescribed by this Code.

4. Where the decision on dismissing the statement of claim is cancelled, the Court of First Instance shall accept the statement of claim for proceedings if the grounds to return the statement of claim as provided for by Article 119 of this Code do not exist. In this case the statement of claim is deemed to be submitted to the Court of First Instance on the initial day of its submission.

Article 127. Returning a statement of claim

1. The Court of First Instance shall return the statement of claim if:

(1) the case is not subject to the jurisdiction of the Court of First Instance;

(2) the statement of claim is filed by a person who lacks procedural active legal capacity, except for cases provided for by this Code;

(3) requirements set by this Code for the form and content of and documents attached to the statement of claim are not met;

(4) a document proving the payment of state duty is not submitted in a procedure and in the amount defined by law or, respective code confirming the transfer to the respective state treasury account as provided by a payment and settlement service organisation, and in cases when the law envisages exemption from the state duty, deferred payment thereof or applying a reduced rate, no motion has been filed thereon or the court has not granted it;

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

(6) the plaintiff has not followed the extrajudicial procedure provided for by law or by the agreement on settlement of the dispute existing between the parties before applying to court, except for cases when the court finds that the agreement laying down the extrajudicial procedure for settlement of the dispute is null and void, is repealed or it is obvious that it cannot be implemented;

(7) there is a dispute between the same persons, over the same subject and on the same factual grounds being considered by another court or arbitration tribunal;

(8) husband has filed a statement of claim for divorce without wife's consent at the time the latter is pregnant;

(9) unrelated claims against one or a number of respondents are combined into one statement of claim;

(10) the statement of counterclaim is not in line with the requirements set by part 3 of Article 140 of this Code or has been filed in violation of the time limit defined by this Code;

(11) the plaintiff has applied with a request to return the statement of claim before the decision on accepting the statement of claim for proceedings is rendered;

(12) the statement of claim by a third party, raising an individual demand with regard to the subject of the dispute has filed the statement of claim in violation of the requirements set in Article 37 of this Code.

2. The Court of First Instance shall render a decision on returning the statement of claim by sending the decision to the plaintiff, along with the statement of claim and the documents attached thereto. The decision of the Court shall also be sent to other persons referred to in the statement of claim.

3. All the grounds for returning the statement of claim shall be explained in the decision on returning the statement of claim .

4. The Court of First Instance shall provide a three-day time limit to eliminate the shortcomings in the statement of claim, starting from the day of receiving the decision on returning the statement of claim, except for cases stipulated in points 1, 2, 6, 7 and 10-12 of part 1 of this Article.

   In case of eliminating the shortcomings in the statement of claim within three days and returning it to the court, the statement of claim shall be deemed to be submitted to the Court of First Instance on the initial day of submission.

5. The decision of the Court of First Instance on returning the statement of claim may be appealed as prescribed by this Code, except for the cases provided for by points 1 and 12 of part 1 of this Article.

6. Where the decision on returning the statement of claim is cancelled, the Court of First Instance shall accept it for proceedings if the grounds for dismissing the statement of claim do not exist. In this case the statement of claim is deemed to be submitted to the Court of First Instance on the initial day of its submission.

CHAPTER 13

SECURING THE CLAIM

Article 128. Grounds for applying measures to secure the claim

1. Upon motion of the person participating in the case, the Court of First Instance shall take measures to secure the claim, if failure to take such measures may make it impossible, difficult to execute the judicial act, may cause a change in factual conditions or legal status of the property under dispute or lead to essential damage to the person filing a motion.

2. Based on the application of a party to an arbitration agreement, the court shall, before or at any moment during the arbitration, apply the measures for securing a claim in compliance with the rules prescribed by this Chapter, subject to the specific aspects defined by the Law of the Republic of Armenia "On commercial arbitration".

3. Where a measure for securing a claim is applied before the formation of an arbitration panel or designation of a sole arbiter, the person filing a motion on applying a measure for securing the claim shall, within two months from the day of applying the measure for securing the claim, be obliged to submit to the court sufficient evidence that an arbitration panel has been formed or a single arbiter has been designated. Otherwise, the measure for securing the claim applied by the court shall be removed based on the application of an interested person.

Article 129. Measures for securing the claim

1. Measures for securing the claim are:

   (1) imposing attachment on the property of the respondent in the amount of the cost of the claim;

   (2) prohibiting certain actions of the respondent;

   (3) prohibiting certain actions of other people in relation to the object of the dispute;

   (4) obliging the respondent or other persons to perform certain actions relating to the subject of the dispute;

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

   (6) imposing attachment on the property that belongs to the plaintiff and is at the disposal of the respondent;

   (7) other measures for securing the claim as prescribed by law.

2. If necessary, the court may apply more than one measure for securing the claim.

3. A measure for securing a claim must be proportionate to the submitted request and the goal of securing the claim.

4. A measure for securing a claim being applied must not lead to actual impossibility for a legal person to carry out its activities or create essential obstacles for its activities or lead to violation by the legal person of the requirements set by the legislation of the Republic of Armenia. In disputes related to procurement procedures provided for by the Law of the Republic of Armenia "On procurement" no measure for securing a claim that will lead to suspension of the procurement process or procurement contract may be applied.

Article 130. Motion on applying a measure for securing a claim

1. A motion on applying a measure for securing a claim may be filed with the Court of First Instance along with the statement of claim or before the end of the trial of the case. A motion on applying a measure for securing a claim may be formulated in the statement of claim.

2. A motion on applying a measure for securing a claim must contain substantiations regarding the existence of a ground for applying a measure for securing the claim and an indication on the measure(s) for securing the claim.

Article 131. Procedure for examination of a motion on applying a measure for securing a claim

1. A court shall examine a motion on applying a measure for securing a claim without convening a court session not later than the day following receipt thereof or if the motion has been filed along with the statement of claim, along with accepting the statement of claim for proceedings.

2. Where a motion on applying a measure for securing a claim does not comply with the requirements set in part 2 of Article 130 of this Code, it shall not be examined by the court, to which effect the person having filed the motion shall be informed not later than the following day.

3. As a result of examination of the motion, a court shall render:

   (1) a decision on applying a measure for securing the claim;

   (2) a decision on partially granting the motion on applying a measure for securing the claim;

   (3) a decision on rejecting the motion on applying a measure for securing the claim.

4. A motion on applying a measure for securing a claim shall be fully or partially rejected, where the grounds for applying the measure for securing the claim are missing.

5. A court's decision on a motion on applying a measure for securing a claim shall be sent to the person having filed the motion not later than the following day after the decision is rendered.

6. A court's decision on rejecting a motion on applying a measure for securing a claim or on partially granting a motion on applying a measure for securing a claim may be appealed to the Court of Appeal with respect to the rejected part. If the appeal is upheld by the Court of Appeal, the measures for securing the claim shall be applied based on the decision of the Court of Appeal. The decision of the Court of Appeal shall not be subject to appeal.

Article 132. Execution of a decision on applying a measure for securing a claim

1. The court shall immediately send the writ of execution drawn up based on the decision on applying a measure for securing a claim for compulsory enforcement.

2. A decision of a court on applying a measure for securing a claim shall be executed immediately, in the manner prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

3. Where measures for securing a claim provided for by points 2 and 3 of part 1 of Article 129 of this Code are applied, the court may, without issuing a writ of execution for compulsory enforcement, directly send the decision on applying a measure for securing the claim or hand it in person to the person against whom the measure for securing the claim has been applied.

4. Where the court has directly sent the decision on applying a measure for securing the claim or handed it in person to the person against whom the measure for securing the claim has been applied, by the court's decision, a judicial fine may be imposed for violation of the prohibitions provided for by points 2 and 3 of part 1 of Article 129 of this Code.

Article 133. Substituting one measure for securing the claim with another, changing a measure for securing the claim

1. Upon motion of the person participating in the case, the court has a right to substitute one measure securing the claim with another, or change it.
2. The matter of substituting one measure for securing the claim with another, or changing it, is resolved as prescribed by part 3 of Article 134 of this Code.

Article 134. Removing a measure for securing a claim

1. Upon motion of the person participating in the case or in cases provided by this Code, the court may, on own initiative, remove the measure for securing the claim.
2. A measure for securing a claim may be fully or partially removed where:
   (1) the grounds provided for by this Code for applying a measure for securing the claim are missing;
   (2) the person participating in the case upon whose motion the measure for securing the claim was applied has agreed in writing on fully or partially removing the measure for securing the claim;
   (3) in other cases provided for by this Code.

3. A motion on removing a measure for securing a claim filed on the ground provided for by point 1 of part 2 of this Article shall be examined in a court session. The judicial act bearing on the results of examination of the motion must be rendered within 15 days after receiving the motion.

4. A motion on removing a measure for securing a claim filed on the grounds provided for by points 2 and 3 of part 2 of this Article shall be resolved within three days after receiving the motion.

5. A decision shall be rendered based on the results of examination of a motion on removing a measure for securing a claim.

6. A court's decision on fully or partially removing a measure for securing a claim on the ground provided for by point 1 of part 2 of this Article may be appealed to the Court of Appeal by the person upon whose motion the measure for securing the claim was applied. The decision of the Court of Appeal shall not be subject to appeal.

Article 135. Counter security

1. The person participating in the case, against whom measure for securing the claim is applied, may file a motion on claiming a security (counter securing) from the person participating in the case, who has filed motion with the purpose to compensate for possible damages.

2. The motion on claiming counter security shall be considered at a court session.

3. The judicial act bearing on the results of examination of a motion claiming counter security shall be rendered within 15 days after receiving the motion.

4. A court's decision on rejecting a motion claiming counter security may be appealed to the Court of Appeal. The decision of the Court of Appeal shall not be subject to appeal.

5. In case of granting the motion on counter security, the person participating in the case who has filed a motion on securing a claim shall be obliged to transfer the sum of counter security to the court depositary within three days after receiving a decision thereon and to submit to the court evidence confirming the transfer.

6. In case of failure to fulfil the obligation as defined in part 5 of this Article, the court shall, upon motion of the person participating in the case, render a decision on removing the measure for securing the claim within three days, without convening a court session.

7. After the judicial act on granting the claim in full enters into legal force, the court shall, upon motion of the person who has provided the counter security, render a decision on returning the amount of counter security to that person.

8. Following one month after the judicial act on granting the claim partially or rejecting the claim in full, terminating proceedings of the case or leaving the claim without consideration enters into legal force, the court shall, upon motion of the person who has provided the counter security, render a decision on returning the amount of counter security to that person.

9. If a claim has been filed with a request to compensate for damages incurred with regard to securing the claim, the motion of the person who has provided counter security shall be granted in the amount exceeding the sum claimed in the statement of claim.

Article 136. Upholding measures for securing the claim

1. Where a decision is rendered on granting the claim, the measures applied for securing the claim are upheld until the decision is executed. Following a decision on granting the claim, the measure for securing the claim may be removed based on a court decision, upon motion of the person requesting securing the claim.

2. Where a decision is made on dismissing the claim, the measures applied for securing the claim are upheld until the decision enters into force.

3. Upon partial granting of the claim, the court, based on circumstances of the case, shall resolve the issue of removing the measure for securing the claim in full or partially.

Article 137. Applying preliminary measures for securing a claim

1. The Court of First Instance may, upon the application of a person, apply preliminary measures for securing a claim that are aimed at securing a claim to be lodged by the applicant.

2. Preliminary measures for securing a claim shall be applied in accordance with the rules defined by this Chapter, subject to the specific aspects provided for by this Article.

3. An application for applying preliminary measures for securing a claim shall be submitted to the court of the place of record-registration (principal place of business) of the applicant.

4. An application for applying preliminary measures for securing a claim shall indicate:

   (1) name of the court to which the application is submitted;

   (2) name, place of record-registration (principal place of business), notification address (if different from the record-registration address (address of principal place of business)) of the applicant, passport data of the applying citizen, state registration number of the applying legal person, name and passport data of its representative and, where the claim is filed by an official entitled to do so, also the name and position of that person;

(3) name, record-registration address (address of principal place of business) of the debtor;

(4) subject matter of the claim to be lodged, in relation to which the preliminary measure for securing the claim will be applied;

(5) substantiations as to why it is currently impossible to file a statement of claim;

(6) list of documents submitted along with the application.

5. The following shall be attached to an application for applying preliminary measures for securing a claim:

(1) carbon copy of the applicant's identification document or document certifying the applicant's state registration;

(2) either original of the document certifying payment of the state duty as and in the amount prescribed by law or the relevant code — provided by the payment and settlement organisation — confirming transfer of the state duty to the relevant treasury account or, in cases provided for by law, the motion on granting a privilege in terms of paying the state duty;

(3) documents certifying the existence of the applicant's claims against the person mentioned as the debtor in the application;

(4) evidence to the effect that it is currently impossible to file a statement of claim;

(5) document confirming payment of a deposit with the court in an amount equal to the cost of the claim to be lodged or, in the case of non-monetary claims, equal to at least 500 times the minimum salary to secure compensation for possible damages to the debtor.

6. The court shall examine the application for applying a preliminary measure for securing a claim without convening a court session within three days after receiving the application.

7. The court shall render a decision on returning the application where it does not meet the requirements set in parts 4 and 5 of this Article or where the court rejects the motion on granting a privilege in terms of paying the state duty. The decision on returning the application shall be sent to the applicant not later than the following day.

8. When an extrajudicial procedure for settling a dispute existing between parties before appealing to court is provided for by law or by the agreement concluded by the parties, an applicant shall be obliged to:

   (1) take the actions provided for by law or the agreement for settling the dispute under extrajudicial procedure within one week following the day of receipt of the court's decision on applying preliminary measures for securing the claim;

   (2) file a statement of claim with the court with the claim mentioned in the application for applying preliminary measures for securing the claim within one week following the expiry of the period defined by law or the agreement for settling the dispute under extrajudicial procedure.

9. In cases not covered by part 8 of this Article, the statement of claim shall be filed not later than within two weeks, starting from the day when the applicant received the court's decision on applying preliminary measures for securing the claim.

10. In case provided for by part 8 of this Article, the applicant shall be obliged to submit to the court having applied the preliminary measures for securing the claim evidence confirming the fact that the relevant actions were taken within the defined period.

11. The court shall, within a three-day period, remove the preliminary measures for securing the claim based on the application of an interested person where:

(1) the applicant does not submit, within the defined period, evidence confirming the fact that the actions provided for by law or the agreement for settling the dispute under extrajudicial procedure were taken;

(2) the applicant does not, as prescribed by this Code, file a statement of claim against the debtor with the claim mentioned in the application;

(3) the debtor submits written evidence confirming the fact that the applicant's claim has been discharged.

12. A decision on removing preliminary measures for securing a claim shall be sent to the applicant and other interested persons not later than the day after the decision is rendered. A decision on removing preliminary measures for securing a claim shall not be subject to appeal.

13. If the applicant files a statement of claim within the prescribed period, the applied preliminary measures for securing the claim shall serve as measures for securing the claim.

14. Substitution of a preliminary measure for securing the claim, change thereof, as well as securing a counterclaim, shall be carried out within a 10-day period from the day of filing the relevant motion, in the manner prescribed by this Chapter.

Article 138. Compensation for damages related to securing a claim

1. A person participating in the case or another person against whom a measure for securing a claim has been applied shall be entitled to file a statement of claim with the same court against the person participating in the case who has requested applying a measure for securing the claim, demanding from that participant compensation for the damages related to securing the claim if the claim has been partially or fully rejected by the court's judicial act having entered into legal force or has been left without consideration or where the proceedings

of the case have been terminated on a ground provided for by points 1-3, 7 or 11 of part 1 of Article 182 of this Code.

2. A person against whom a preliminary measure for securing a claim has been applied shall be entitled to file a statement of claim with the same court against the person having requested a preliminary measure for securing the claim, demanding compensation for any damages suffered in relation to the preliminary securing measure where in the prescribed period no statement of claim has been filed with the claim with regard to which the preliminary securing measure was applied or where the claim filed has been rejected, left without consideration or the proceedings of the case have been terminated on a ground provided for by points 1-3, 7 or 11 of part 1 of Article 182 of this Code.

3. A person participating in a case upon whose motion a measure for securing a claim has been applied shall be entitled to file a statement of claim with the same court, demanding compensation for any damages suffered as a result of failure to execute the decision on applying a measure for securing the claim.

CHAPTER 14

MEANS OF PROTECTION OF A RESPONDENT AGAINST A CLAIM

Article 139. Response to the statement of claim

1. The respondent shall, within two weeks after receiving the decision on accepting the statement of claim into proceedings, send the response to the statement of claim to court. The response to the statement of claim shall be filed in writing in accordance with the requirements mentioned in part 2 of Article 16 of this Code. The response to the statement of claim shall be eligible. Depending on nature of

the case, the court may extend the term for submitting the response upon motion of the respondent.

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

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

(2) number of the case;

(3) name, address of registration (location), notification address (if different from address of registration (location)) of the respondent, passport data of the respondent as a citizen, state registration number of the respondent as a legal person;

(4) names of other persons participating in the case;

(5) statement of the respondent with regard to accepting or partially or fully objecting to the demand as presented in the statement of claim;

(6) statement with regard to factual grounds of the claim;

(7) facts substantiating the response (objections);

(8) list of documents and evidence attached to the response to the statement of claim.3. The response may include:

(1) legal norms to be applied to the disputable legal relationships;

(2) evidence that prove each of the facts substantiating the objections, with a relevant note indicating the evidence targeting specific facts;

(3) motions of the respondent,

(4) other information that is of significance for examination and resolution of the case;

(5) information on means of electronic communication, with a motion to send the notification via that means.

4. The response shall be signed by the respondent or the respondent's representative. A document asserting representative's authority and a carbon copy of the document verifying the representative's identity shall be attached to the response signed by the representative, unless such information has been submitted earlier with regard to the same case. Where a document asserting the representative's authority is not available, the response shall be deemed to be not submitted if the respondent does not confirm the response or does not submit a document asserting the authority of the representative during the preliminary court session.

5. The response to the statement of claim shall be appended with the response to the statement of claim, documents attached thereto and the evidence confirming the fact of sending the evidence to the persons participating in the case. In case the evidence attached to the response is plenteous, the evidence confirming that the response to the statement of claim has been sent to the persons participating in the case shall be attached to the response to the statement of claim.

6. The respondents may submit along with the response the evidence that proves each of the facts substantiating the response, as prescribed by this Code;

7. The response submitted in violation of the requirements of parts 2, 4, 5 of this Article shall be deemed to be not submitted. Within three days, the Court of First Instance shall inform thereon the person having submitted the response, by explaining to him the right to eliminate the mentioned violations before a decision is rendered on the distribution of burden of proof.

8. In case of granting a motion of the plaintiff on change of the subject and the ground of the claim or one of the mentioned two, the Court of First Instance shall, at preliminary court session, provide no less than one week to the respondent for submitting a response to changed statement of claim.

Article 140. Filing a counterclaim

1. Before a decision on distributing the burden of proof is rendered, the respondent shall have a right to file a counterclaim against the plaintiff to be examined together with the initial claim.

2. The counterclaim shall be filed, accepted for proceedings, dismissed or it shall be returned in due procedure of this Code envisaged for the statement of claim.

3. The Court of First Instance shall accept the counterclaim for proceedings, if:

   (1) counterclaim is meant for the offset of the initial claim;

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

   (3) there is an interrelation between the counterclaim and the initial claim, and their joint examination may provide for more expedient and efficient resolution of the case.

4. Failure to submit a counterclaim on grounds as defined in point 2 of part 3 of this Article, shall deprive the respondent of the opportunity to submit such claim in future which could fully or partially exclude granting the initial claim, except for cases when submitting a counterclaim as provided for by this Article is proved impossible due to reasons beyond the respondent's control.

CHAPTER 15

GENERAL RULES OF COURT SESSION

Article 141. Court session

1. Examination of the case shall be carried out through court session held in a court building, in facilities assigned for that purpose (hereinafter referred to as " courtroom"), except for cases provided for by this Code.

2. If examination of evidence implies procedural actions to be performed in another place, the court session shall be held outside the courtroom (on-site court session). On-site court session may be held in any location.

3. General rules on court session shall apply to examination of appeals and cassation appeals, with consideration of specific aspects of their examination as defined by this Code.

Article 142. Chairman of the court session

1. The single judge examining the case shall preside in the court session.

2. When examining the case in a panel, the court session shall be presided by one of the judges.

3. The presiding judge shall lead the session by rejecting everything irrelevant to the case under consideration.

4. The presiding judge shall take measures necessary to maintain proper order at the court session.

5. Instructions of the presiding judge shall be imperative for persons participating in the case and other persons present at the court session.

Article 143. Opening of court session

1. The presiding judge shall open the court session at the time envisaged for opening the court session, announce the composition of the court and the case subject to examination.

Article 144. Procedure at the court session

1. Everyone present in the courtroom shall rise to their feet when the judge enters the courtroom, and shall then, at the behest of the presiding judge, take their seats. Those present shall rise to their feet when the judge leaves the courtroom.
2. Those present at the courtroom shall listen to the final judicial acts of the court standing.
3. The participants of the proceedings shall communicate with the court and other participants at the court session standing.
4. The court shall be addressed as “Honourable court”.
5. The requirements defined in parts 1-3 of this Article may not be observed upon permission of the presiding judge.
6. The court session shall be held in such conditions as to ensure security of persons present in the courtroom, as well as to ensure proper order.
7. Participants of the proceedings and those present at the court session shall comply with the order defined by this Code.
8. Persons participating in the case and those present at a court session held in public shall be entitled to take notes, short-hand notes and sound recording without court's permission.
9. Filming and photo shooting, video recording, as well as broadcasting by radio, TV or other means of telecommunication of the court session or part thereof shall be

performed after opening of the court session upon consent given by persons participating in the case and upon permission of the court.

Article 145. Participation of participants of the proceedings in a court session by using means of audio-visual telecommunication

1. Upon a reasoned motion of a participant of the proceedings, the court shall permit the same or another participant of the proceedings to participate in the court session by using means of audio-visual telecommunication if a system enabling such communication is installed in the courtroom. Neither translators may participate in a court session nor face-to-face interrogation may be conducted by using means of audio-visual telecommunication.

2. A person participating in the case may file a motion on participating in the court session by using means of audio-visual telecommunication at least seven days before the start of the court session. A motion on the next court session may be filed during the court session.

3. A motion on participating in a court session by using means of audio-visual telecommunication shall be considered within three days, without convening a court session. A motion filed during a court session shall be considered during the same court session.

4. The court shall render a decision based on the results of examination of the motion.

5. The decision on permitting participation in a court session by using means of audio-visual telecommunication shall be forwarded to the relevant court not later than the following day.

6. The decision on permitting participation in a court session by using means of audio-visual telecommunication shall be executed through the court staff having

received the assignment, which shall ensure the possibility of audio-visual communication with the court examining the case, check the presence and identity of the participant of the proceedings, take, in cases provided for by this Code, a signature from the participant of the proceedings on being forewarned about the criminal liability for giving false testimony or refusing to testify or giving a obviously false opinion or professional explanation. The document on forewarning the participant of the proceedings shall, within a five-day period, be forwarded to the court examining the case and attached to the record of the court session.

7. The court shall reject a motion on participation in a court session by using means of audio-visual telecommunication where:

(1) there is no technical possibility to participate in the court session by using means of audio-visual telecommunication;

(2) the motion has been filed in violation of the time limit defined by part 2 of this Article;

(3) the court session is held behind closed doors.

Article 146. Checking the presence of persons participating in a case and other participants of proceedings

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

2. The presiding judge shall establish the identity of the participants present at the court session and shall verify the authority of representatives.

3. In case any of the participants of the proceedings does not appear to the court session, the court, by hearing the opinion of the persons participating in the case, shall render a decision on examining the case without the absent participant or on postponing the court session.

4. Failure by interpreter to appear at two consecutive court sessions without good reason shall not be an obstacle for examination of the case, except for the cases defined by part 4 of Article 16 of this Code.

Article 147. Examination of a case in the absence of a person participating in the case

1. Persons participating in a case shall be entitled to ask the court to examine the case in their absence, based on submitted documents and materials.

2. Person participating in a case shall be entitled to ask the court to conduct the court session in their absence.

3. Failure to attend the court session by a person participating in a case who has been duly notified of the time and venue of the court session shall be no hindrance to the examination of the case.

Article 148. Explaining their rights and responsibilities to persons participating in the case

1. If necessary, presiding judge shall verbally explain to persons participating in the case and their representatives their procedural rights and responsibilities.

2. Where an interpreter is involved in the examination of a case, his or her rights shall be explained in priority order.

3. Presiding judge shall not explain the rights and responsibilities to an advocate representing a party.

4. The court shall explain in writing the rights, responsibilities and the procedure of exercising thereof to the persons participating in the case.

Article 149. Waiving the claims

1. A plaintiff shall be entitled to waive his or her or its claims in full or in part before the Court of First Instance completes the trial.

2. Before adopting a decision on termination of proceedings on the case, the Court of First Instance shall explain to persons participating in the case the judicial consequences of waiving the claim.

3. In case the plaintiff partially waives his or her or its claims, the Court of First Instance, for that part of the waived claim, may separate individual proceedings. The Court of First Instance shall consider the examination as completed for the part of proceedings of the waived claim and shall render a decision on terminating proceedings on the case.

Article 150. Accepting claims

1. The respondent shall be entitled to accept the plaintiff's claims in full or in part before the Court of First Instance completes the trial.

2. If the respondent accepts the claims of the plaintiff, the Court of First Instance may apply accelerated proceedings as defined by this Code.

3. If the respondent accepts the claims of the plaintiff in part, the Court of First Instance may separate individual proceedings with regard to the accepted claims and conduct accelerated proceedings for that part of proceedings.

4. The court may declare illegitimate acceptance of the claims, if such acceptance contradicts the law or other legal acts, infringes the rights and legitimate interests of other persons, or if there are grounds to suspect that the respondent accepts the claims of the plaintiff under deception, violence, threat, substantial delusion or to disguise unlawful actions.

5. Before performing the actions provided for by parts 2 and 3 of this Article, the Court of First Instance shall explain to the respondent the procedural consequences of accepting the claim.

Article 151. Conciliation agreement

1. Persons participating in the case may, at any stage of the trial, complete the case by entering into a conciliation agreement which shall be formulated in writing, signed by the persons participating in the case and submitted for the approval of the court.

2. The court shall deliberate the conciliation agreement at a court session with participation of the persons participating in the case, unless the latter have filed a motion to deliberate the conciliation agreement in their absence. Before approving the conciliation agreement, the court shall explain the procedural consequences thereof to persons participating in the case present at the court session.

3. In case of approving the conciliation agreement, the court shall deliver a judgment.

4. The court shall not approve the conciliation agreement, if:

   (1) it contradicts the law or other legal acts;

   (2) it infringes the rights and legitimate interests of others;

(3) it contains terms which fail to clearly disclose the amount to be allocated, the property subject to transfer or the actions the party is to carry out;

(4) it contains responsibilities, the fulfilment whereof is conditioned by performance of an obligation by another party.

5. In case the conciliation agreement is not approved by the court, examination of the case shall proceed. The court shall render a protocol decision in case it does not approve the conciliation agreement. The conciliation agreement not approved by the court shall entail no material-legal or procedural consequence.

6. In case some of the persons participating in the case formulate and submit a conciliation agreement to the court, the court may separate proceedings on the case with regard to those persons and shall deliver a judgment, on completing proceedings on the case with conciliation agreement.

Article 152. Court's resolution of motions filed by persons participating in the case

1. The court shall resolve the motions filed by persons participating in the case concerning all questions related to examination of the case, after considering the opinions of other persons participating in the case present at the court session, except for cases provided for by this Code.

2. A motion filed outside a court session shall be signed by the person participating in the case filing the motion or that person's representative. A motion signed by a representative shall be accompanied by a document certifying the representative's authority where such document is missing in the case.

3. The person having filed a motion outside the court session shall attach to the motion evidence proving the fact of sending that motion and the documents attached thereto to the persons participating in the case or shall present in the

motion justifications for impossibility of sending those documents to the persons participating in the case, except for cases provided for by this Code and for motions whereby the person participating in the case exercises his or her or its rights and which do not affect the rights, responsibilities, interests, status of other persons participating in the case or the course of the trial.

4. A person having filed a written motion at a court session shall be obliged to provide carbon copies of the motion and of the documents attached thereto to the other persons participating in the case who are present at the court session.

5. Where the requirements set in 2-4 of this Code have not been met, the motion filed shall not be considered.

6. Filing a second motion on the same ground shall be prohibited. A motion which has been previously rejected shall not be considered if it is filed again on the same ground.

7. The court shall make a decision based on the results of considering the motion.

8. A motion of a person participating in the case may be rejected where filing such motion constitutes misuse of the right to file a motion and has an obvious purpose of making the court session fail or slowing down the judicial examination of the case.

9. Persons participating in a case may not file motions after completion of the examination of the case until the announcement of the final judicial act. Motions filed in this period shall not be considered.

Article 153. Judicial sanctions and the general procedure for application thereof

1. Courts shall be entitled to apply, on grounds provided for by the Constitutional Law "Judicial Code of the Republic of Armenia", the following sanctions against participants of proceedings or other persons present at a court session:

(1) warning;

(2) removal from the courtroom;

(3) judicial fine.

2. A judge shall, where appropriate, warn in a clear manner of the power of the court to apply judicial sanctions, as well as clarify the grounds for and consequences of applying a judicial sanction.

3. When applying a sanction against a person present in the courtroom, the court shall, where appropriate, provide that person with an opportunity to express oneself. The court must provide reasons where it decides not to grant a right to express oneself when imposing a fine or removing a person participating in the case from the courtroom.

4. Where a person accepts the unlawfulness of his or her conduct and pleads the forgiveness of the court, a judicial sanction need not be applied against the specified person.

5. Where a person subject to a judicial sanction misuses the right provided for by parts 3 and 4 of this Article and uses the right to express oneself to continue the act constituting a ground for applying a judicial sanction or to commit a new act, the court shall have the power to apply a stricter judicial sanction against that person.

6. Where a court finds that a participant of the proceedings or another person present at the court session has displayed a conduct or committed an act against the court which entails criminal liability, the court may apply a judicial sanction against the participant of the proceedings or the other person present at the court session and address the prosecutor with a motion to initiate a criminal case.

Article 154. Specific aspects of applying a warning and removal from courtroom

1. Participants of the proceedings may be removed from the courtroom for not longer than until the end of the same court session, while other persons present at the court session may be removed for a certain period or until a certain procedural action has been completed or until the end of the trial.

2. Removal from the courtroom may not be applied against prosecutors acting as participants of the proceedings, advocates acting as representatives, witnesses or experts testifying or specialists giving explanations at that moment, as well as against interpreters/translators.

3. Upon motion of the person participating in the case removed from the courtroom or his or her representative, the court may restore participation of the person removed in the court session prior to completion of the term of the sanction.

4. A warning and removal from the courtroom shall be applied based on a protocol court decision rendered at the same court session, which enters into force from the moment of announcement.

5. When failing to immediately and voluntarily comply with the decision on removing from the courtroom, the decision shall be enforced compulsorily through judicial bailiffs.

Article 155. Specific aspects of applying a judicial fine

1. The maximum amount of an applicable judicial fine shall be 100 000 Armenian drams.

2. A court decision on applying a judicial fine shall enter into force as soon as it is rendered, and the writ of execution drawn up based thereon shall be forwarded for compulsory enforcement where it is not executed on a voluntary basis within

one month from the day of entry into force. The decision shall be enforced as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

3. A decision of the Court of First Instance or the Court of Appeal on applying a judicial fine may be appealed to the Court of Appeal or the Court of Cassation, respectively, within a seven-day period upon receipt thereof. Such appeal shall suspend the enforcement of the court decision.

Article 156. Postponing examination of a case

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

   (1) one of the persons participating in the case or the representative of such person has not appeared at the court session for a reason declared valid by the court;

   (2) it cannot be carried out at the given court session because of the absence of one of the participants of the proceedings;

   (3) it is conditioned by need to submit evidence;

   (4) it is conditioned by the exigency that other persons participating in the case familiarise themselves with the additional evidence submitted by a person participating in the case;

   (5) one of the persons participating in the case files a motion on providing reasonable time limit for amicable settlement of the dispute, and other persons participating in the case do not object, or the court has assigned mediation;

   (6) plaintiff has filed a motion on changing the subject matter or grounds, or both, of the claim and the respondent has not filed a motion on proceeding with the case examination;

(7) a counterclaim or an individual claim on the subject matter of the dispute has been filed;

(8) working day has ended, except for cases when continuing the court session is dictated by the necessity of following the special time limit for examination of the case as prescribed by law;

(9) the court session may not continue due to violation of the procedure of the court session by the participant of the proceedings or persons present in the courtroom;

(10) the Court of First Instance has decided to involve in examination of the case a new person participating in the case;

(11) there are valid circumstances concerning the state of health of the judge or other valid circumstances, which make examination of the case by the court impossible;

(12) it is impossible to ensure operation of a computer recording system installed in the courtroom due to its malfunctioning and the persons participating in the case and present at the court session object to recording the court session in the form of a simple hard copy;

(13) it is impossible to ensure participation of a participant of the proceedings in the court session due to malfunctioning of the audio-visual communication system installed in the courtroom or for other technical reasons;

(14) in the case of existence of grounds defined by law.

2. The court shall render a reasoned decision on postponing examination of the case, with an indication of the time and venue of the next court session.

3. When examination of the case is postponed, it shall proceed from the moment it has been interrupted.

Article 157. Grounds for suspension of proceedings on the case

1. The court shall suspend proceedings on the case where:

   (1) examination of the given case is impossible unless a final act is rendered on another matter or case examined under constitutional, civil, criminal or administrative proceedings;

   (2) force-majeure, impeding further examination of the case, exists;

   (3) respondent serves in the armed forces under martial law, or the plaintiff serving in the armed forces under martial law has filed a relevant motion;

   (4) person participating in the case has passed away and the disputed legal relationship allows for legal succession;

   (5) person participating in the case has been declared as missing and a trust manager of his or her property has not been appointed;

   (6) person participating in the case has been declared as having no active capacity or limited active capacity and no guardian or trustee is appointed as prescribed by law;

   (7) legal representatives of the minor citizen participating in the case have passed away and no guardian or trustee is appointed to him/her as prescribed by law;

   (8) the court has applied to the Constitutional Court of the Republic of Armenia as prescribed by part 4 of Article 169 of the Constitution of the Republic of Armenia.

2. The court shall be entitled to suspend proceedings on the case where:

   (1) an expert examination is assigned;

   (2) the legal person participating in the case is being reorganized;

   (3) the interim judicial act rendered on the case has been appealed as prescribed by law.

3. The court may suspend proceedings on the case also in other cases provided for by law.

Article 158. Inadmissibility of performing procedural actions upon suspension of proceedings on the case

1. Upon suspension of proceedings on the case and until it is resumed, it shall be prohibited perform procedural actions, except for procedural actions relating to recusal or self-recusal, securing a claim, securing evidence, accepting a counter-claim for proceedings, ensuring the process of implementation of an expert examination, issuing a writ of execution upon motion filed by an expert.

2. The court shall perform procedural actions referred to in part 1 of this Article without resuming proceedings on the case, by observing the rules prescribed by this Code.

Article 159. Resuming proceedings on the case

1. The court shall, within a three-day period after becoming aware of elimination of the circumstances triggering suspension of proceedings on the case, resume proceedings on the case on own initiative or upon motion of a person participating in the case.

2. Except for cases provided for by part 1 of this Article, the court shall resume proceedings on the case where, after suspension of proceedings on the case, grounds for terminating proceedings on the case or leaving the claim without consideration has emerged, with the aim to consider those grounds with persons participating in the case and, respectively, to terminate proceedings on the case or to leave the claim without consideration. or when a change has been made in the composition of the court, and the new judge has accepted the case for proceedings.

3. Proceedings on the case suspended on the grounds provided for in point 8 of part 1 of Article 157 of this Code shall be resumed, where:

(1) the application submitted to the Constitutional Court has been returned, and in the case of appeal thereof, a decision on rejecting the appeal has been rendered in relation to that application;

(2) Constitutional Court has terminated proceedings on the case;

(3) Constitutional Court has fully dismissed the case, except for cases when a court trial is conducted in the Constitutional Court on the basis of another application (applications) relating to the subject matter of the application;

(4) decision of the Constitutional Court has entered into force regarding the issue of compliance with the Constitution of the provision of the legal act subject to application.

4. If no motion on replacing the plaintiff is filed within one year following suspension of the proceedings on the case on the ground provided for by point 4 of part 1 of Article 157 of this Code, the court shall resume the proceedings on the case and render a decision on leaving the claim without consideration.

Article 160. Procedure for suspending and resuming proceedings on the case

1. The court shall render a decision on suspending or resuming proceedings on the case by sending it to persons participating in the case by registered mail, with a notification on delivery.

2. Persons participating in the case may appeal the decisions of the court on suspending proceedings on the case, as well as on rejecting the motion on resuming proceedings on the case, as prescribed by this Code.

3. Once a decision of the court on suspending proceedings on the case, as well as on rejecting the motion on resuming proceedings on the case, has been cancelled, the proceedings on the case shall be deemed resumed.

Article 161. Form of recording court session

1. A record of actions performed at a court session shall be compiled.

2. Where there is a special computer recording system installed in the courtroom the recording shall be made by way of voice recording and simultaneous computer summarisation of the court session. Summarisation is the set of notes on actions performed in the courtroom.

3. If no special computer recording system is available or it is impossible to use it, the record shall be kept in the form of a simple hard copy recording. If the special computer recording system is restored, the record shall be kept in the form referred to in part 2 of this Article.

Article 162. Content of a simple hard copy record

1. Simple hard copy record of the court session shall include information on:

   (1) year, month, day and venue of the court session;

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

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

   (4) name of the case;

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

(6) information on the participants of the proceedings participating in the court session by using means of audio-visual telecommunication;

(7) information on clarifying for the persons participating in the case and other participants of the proceedings their procedural rights and responsibilities;

(8) protocol decisions and instructions of the court;

(9) statements, motions and explanation of persons participating in the case and other participants of proceedings;

(10) testimonies of witnesses and experts;

(11) publication, examination and survey of evidence;

(12) facts of breaching the order in the courtroom and cases of disrespectful conduct demonstrated towards the court and information on the person responsible for the breach, as well as sanctions imposed on that person by the court;

(13) concluding part of decisions formulated in the form of a separate judicial act;

2. Information provided for by points 8-13 of part 1 of this Article shall be strictly recorded by the secretary of the court.

Article 163. Making records

1. Records shall be made by the secretary of the court.

2. Simple hard copy records shall be taken in writing or on computer at the court session. It shall be attached to the case materials and shall be signed by presiding judge and the secretary of the court.

3. Where record is made through special computer recording system, summarisation thereof shall be done simultaneously on a computer.

Summarisation made on a hard copy and signed by the secretary of the court, and the record kept on a sound carrier shall be attached to the case materials.

4. Copy of the carrier of computer recording of the court session, along with the summarisation thereof shall be provided upon written request of persons participating in the case immediately after the court session.

5. Where simple hard copy records of the court session is made, a carbon copy of the records shall be provided to persons participating in the case not later than on the following day, upon written request of persons participating in the case.

6. Only recording done by the court through a special computer recording system shall be considered as official records of the court session.

Article 164. Comments on simple hard copy records

1. Participants of proceedings shall have the right to familiarise themselves with the records of the court session made in a simple hard copy form and submit comments on completeness and accuracy thereof until the judgment enters into force. Participants of proceedings shall have the right to submit to the court the audio recording, video recording or shorthand notes of the court session made thereby.

2. Comments on records shall be examined by the presiding judge having singed the minutes within a three-day period from the date of submission.

3. The court shall render a decision on accepting or rejecting the comments concerning the records.

CHAPTER 16.

THE PRELIMINARY COURT SESSION

Article 165. Mandatory nature of preliminary court session

1. Holding a preliminary court session on cases under adversary proceedings shall be mandatory, except for cases when the court examines the case through the procedure of simplified proceedings or applies an expedited trial.

2. The Court of First Instance shall, based on specific aspects of the case initiated upon application referred to in this Code, be entitled to convene a trial without holding a preliminary court session, except for cases provided for by this Code. When examining the case without convening a preliminary court session, the actions referred to in Article 167 of this Code may, upon necessity, be carried out at the trial.

Article 166. Scheduling a preliminary court session

1. The Court of First Instance shall — within a three-day period following the day of receiving a response from the respondent, and in case such response is not submitted, following the expiry date of the time limit prescribed for sending a response, as well as following the day of receiving the case from the superior court within the time limit prescribed by Article 367 of this Code — render a decision on convening a preliminary court session, which shall be sent to persons participating in the case by registered mail, with notification on delivery.

2. Preliminary court session shall be convened within a thirty-day period following the decision on convening it.

Article 167. Scope of issues subject to resolution at the preliminary court session

1. At preliminary court session the Court of First Instance shall:

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

(2) establish the factual and legal grounds of the respondent's objections;

(3) establish the composition of those participating in proceedings; decide on the issue concerning involvement of other persons in examination of the case;

(4) establish the nature of disputed legal relationship, including the applicable legal norms, without being limited to the legal norms indicated by the persons participating in the case;

(5) decide on the issue concerning transference of the case accepted for proceedings with violation of rules of jurisdiction, to another court's examination;

(6) establish whether the plaintiff insists on his or her or its claims, whether the respondent accepts partially or in full the claims of the plaintiff and whether or not the persons participating in the case are willing to sign a conciliation agreement or settle the dispute through mediation by clarifying the essence of mediation;

(7) discuss with persons participating in the case the scope of facts significant for disposition of the case, including the facts that need not be proved and those to be proved;

(8) discuss with persons participating in the case the issue concerning distribution of burden of proof among them;

(9) discuss with persons participating in the case the time limits for submitting evidence and filing motions on obtaining them;

(10) discuss with persons participating in the case the issue concerning the relevance and admissibility of evidence submitted and shall decide on that issue;

(11) upon motion of persons participating in the case, and, in cases provided for by this Code, on own initiative, resolve the issues concerning securing a claim, securing a counter-claim, demanding an evidence, securing an evidence, ordering an expert examination, summoning a witness, an expert for the court session, involving an interpreter, interrogating the person participating in the case, giving judicial assignments, examining the evidence on-site;

(12) determine the sequence of examining the evidence;

(13) examine other motions aimed at efficient examination of the case as filed by persons participating in the case, as well as shall carry out other actions provided for by this Code for efficient examination of the case.

2. While carrying out the procedural actions referred to in part 1 of this Article the court shall examine the submitted evidence to the extent necessary for effectively preparing the case for trial.

3. Upon performance of the procedural actions referred to in point 6 of part 1 of this Article, the court may assign a free mediation process for up to four hours if there is a great possibility that the dispute may end in reconciliation.

Article 168. Motion on applying a statute of limitations and its examination at a preliminary court session

1. A person participating in a case may invoke the fact of expiry of the statute of limitations before the decision on distribution of the burden of proof in the case has been rendered, unless that person justifies that it was impossible to invoke

said fact beforehand due to reasons beyond that person's control. In this case, the fact of expiry of the statute of limitations may be invoked not later than until the end of the trial in the Court of First Instance.

2. If a motion on applying a statute of limitations is filed, the court, upon performance of the procedural actions referred to in points 1-6 of part 1 of Article 167 of this Code shall, based on the application for applying a statute of limitations and objections brought against it, do the following by rendering a protocol decision:

   (1) determine the scope of facts that are significant for disposition of the motion;

   (2) distribute among the persons participating in the case the burden of proof of facts that are significant for disposition of the motion;

   (3) discuss with the persons participating in the case the issue of giving them a period of time to submit evidence and, where appropriate, set the time limit for submitting the evidence;

   (4) perform other actions aimed at effective examination of the motion of applying a statute of limitations.

3. Upon performance of the actions provided for by part 2 of this Article, the court shall, taking into consideration the opinions of the persons participating in the case, decide on the issue of examining the motion on applying a statute of limitations at the same or next court session.

4. Upon consideration of the motion on applying statute of limitations and objections brought against it, the court shall declare examination of the case as completed and announce the time and venue of announcement of the judicial act.

5. In the case of absence of grounds for applying a statute of limitations, the court shall render a decision on rejecting the motion on applying a statute of

limitations and resuming examination of the case, designating the time and venue of the preliminary court session. The decision on resuming examination of the case shall, within a three-day period, be sent to the persons participating in the case.

6. In the case of existence of grounds for applying a statute of limitations, the court shall render a judgment on rejecting the claim, without touching upon establishment or assessment of the other facts in the case.

7. In the case of existence of grounds for applying a statute of limitations to certain claims filed in an action, the court shall separate the proceedings on the case with regard to these claims and render a judgment on rejecting the separated claims. The decision on separating a part from the case shall be announced along with the judgment. The decision on separating a part from the case shall also designate the time and venue of the preliminary court session. The decision on separating a part from the case shall be sent to the persons participating in the case within a three-day period.

Article 169. Decision on distribution of burden of proof

1. After considering the issues provided for by points 1-9, part 1 of Article 167 of this Code, the Court of First Instance shall render a decision on distribution of burden of proof.

2. In case an appeal is filed against the decision on returning the counter-claim or dismissing the counterclaim, the decision on distribution of burden of proof shall be rendered as soon as the final judicial act concerning the appeal enters into force.

3. The following shall be defined in the decision of the Court of First Instance on distribution of burden of proof:

(1) facts of significance for resolving the case;

(2) facts that need not be proved;

(3) facts to be proved;

(4) burden of proof imposed on each person participating in the case;

(5) time limits for submitting evidence and filing motions on obtaining the given evidence by persons participating in the case;

4. The Court of First Instance may amend the decision on distribution of burden of proof before concluding the preliminary court session.

5. The decision on distribution of burden of proof may be amended after concluding the preliminary court session, where such exigency arises as a consequence of procedural actions performed or considering the motions filed in due procedure of this Code after rendering the decision on distribution of burden of proof .

6. Where the person participating in the case or such person's legal representative has failed to appear at the court session, the court shall, within three days after rendering a decision on distribution of burden of proof or making amendments thereto, send it to persons participating in the case by registered mail, with a notification on delivery.

Article 170. Changing the subject and the grounds of the claim

1. The plaintiff shall submit in writing a motion seeking permission to change the subject matter or grounds of the claim, or both before the decision on distribution of burden of proof is rendered.

2. Within the meaning of this Code, changing the subject matter of the claim shall mean substituting the substantive claim of the plaintiff brought against the

respondent with another claim, changing the claim or supplementing it, including increasing or reducing the scope of the claims, which the Court of First Instance shall allow.

3. Within the meaning of this Code, changing the grounds of the claim shall mean substituting by the plaintiff the facts, whereon the claim is initially based, with other facts, as well as clarifying the scope of the facts whereon the claim is based, by expanding or constricting it.

4. The Court of First Instance shall render a decision, in the form of a separate judicial act, on permitting to change the subject matter or the grounds of the claim or on dismissing it, except for cases when that motion is considered and the decision on permitting or dismissing it is rendered at the court session in the presence of persons participating in the case.

5. The court shall dismiss the motion on seeking permission to change the subject matter or the grounds of the claim, where granting thereof shall change the right or the interest protected by law, for protection of which the claim has been initially filed or where the case under examination shall exceed the jurisdiction of the Court of First Instance.

6. Where changing the subject matter or the grounds of the claim is permitted, the court shall, where necessary, perform procedural actions provided for by Article 167 of this Code.

Article 171. Inadmissibility of invoking a new fact after rendering the decision on distribution of burden of proof

1. Persons participating in the case shall, once the court renders a decision on distribution of burden of proof, be divested of their right to invoke a new fact to justify their substantive claims and objections, except for cases, when

(1) a written request on applying a statute of limitations has been submitted or the exigency to invoke a new fact has arisen in the result of granting of motions and procedural actions performed in due procedure of this Code after the decision on distribution of burden of proof has been rendered.

(2) a person invoking a new fact shall justify that it was impossible to invoke that fact earlier due to reasons beyond that person's control.

Article 172. Substituting the improper respondent

1. When disclosing the fact that the claim has been initiated not against the person who is to respond to that claim, the court may allow, before the preliminary session is closed, to substitute the respondent with a proper respondent, upon consent of the plaintiff.

2. The court shall render a decision on substituting an improper respondent by sending the decision, within a three-day period, to persons participating in the case, including the improper respondent and the proper respondent.

3. After substituting the improper respondent, the court shall carry out the procedural actions provided for by Article 167 of this Code.

4. Judicial costs incurred by improper respondent substituted with the proper respondent irrespective of the outcome of the case, shall be reimbursed by the plaintiff.

Article 173. Involving a new respondent

1. When disclosing that the claim has been filed not against all persons, who are to respond to that claim, the plaintiff may, before the preliminary court session is closed, file a motion in writing to the Court of First Instance on involving those persons as respondents

2. The court shall render a decision on involving a new respondent by sending it, within a three-day period, to persons participating in the case, including the new respondent, by registered mail, with a notification on delivery.

3. In case the new respondent is involved in the case, the court shall carry out the procedural actions provided for by Article 167 of this Code.

Article 174. Decision on closing the preliminary court session and assigning a trial

1. Considering that the case is ready for court examination, the court shall, at the preliminary court session, adopt a decision on closing the preliminary court session and assigning a trial. The time and venue of the court session shall be mentioned in that decision.

2. The court shall, upon consent of the persons participating in the case, be entitled to immediately proceed to trial after the preliminary court session, where all persons participating in the case or their representatives are present at the preliminary court session, except for cases of applying remote trial provided for by this Code.

3. The court shall, within a three-day period, send the decision on closing the preliminary court session and assigning a trial to persons participating in the case who have failed to appear at the preliminary court session.

CHAPTER 17.

TRIAL OF THE CASE

Article 175. Actions performed in the preparatory stage of the trial

1. After performing the actions provided for by Articles 143, 146 and 148 of this Code, the Court of First Instance shall clarify whether the plaintiff insists on his or her or its claims, whether the respondent accepts the claims of the plaintiff and whether the persons participating in the case are willing to sign a conciliation agreement or file motions. The presiding judge shall also clarify whether persons participating in the case are willing to settle their dispute through mediation, by explaining the essence of mediation process.

Article 176. Sequence of examination of evidence

1. The court shall examine the evidence in the sequence defined at the preliminary court session.

2. Where necessary, the court may, by considering the opinions of persons participating in the case, establish another sequence of examination of evidence.

Article 177. Examination of evidence

1. While examining the case on the merits, the court shall directly examine the evidence available in the case.

2. Interrogation of a witness, expert and specialist may be conducted by using means of audio-visual telecommunication, as prescribed by this Code.

3. The Court of First Instance shall organise examination of evidence in such manner that the persons participating in the case might take part in its

examination and, upon a request of the Court of First Instance or on their own initiative, indicate the fact or facts for proving of which that evidence is necessary. The Court of First Instance shall present an opportunity to persons participating in the case to express their position with regard to that evidence or the fact to be proved.

4. At the trial, acceptance by a person participating in the case of the fact based on which the other person participating in the case justifies his or her or its claims or objections, shall be a ground for leaving the evidence proving that fact unexamined by the Court of First Instance, except for cases provided for by part 5 of Article 61 of this Code, as well as those cases, when that evidence is necessary to reveal the availability or lack of other facts of significance for resolving the case.

Article 178. Concluding the trial of the case

1. Upon examination of the evidence, the presiding judge shall ask the persons participating in the case whether or not they are willing to file motions or drafts of the final judicial act.

2. Where a motion is filed for granting an additional time period for submitting a draft final judicial act, the court shall grant three to five days to the persons participating in the case for submission of the draft. No additional time period for submitting a draft judgment shall be granted where the court examines the case through a simplified procedure, as well as where a brief time period is prescribed by this Code for rendering and announcing a final judicial act in the case.

3. In the absence of such motions, as well as upon resolution of the issues provided for by part 1 of this Article, the presiding judge shall declare the trial of the case complete, announce the time and venue of announcement of the judgment,

clarifying the procedure for sending the judgment to the persons participating in the case.

Article 179. Announcement of a judgment

1. A judgment shall, as prescribed by this Code, be announced within a fifteen-day period following the conclusion of examination of the case, unless a shorter time limit for announcement of the judgment is prescribed. In exceptional cases, when there are valid circumstances concerning the state of health of the judge or other valid circumstances which make announcement of the judgment within the announced period impossible, the court may extend the time limit for announcement of the judgment by up to 15 days, notifying thereof the persons participating in the case.
2. A copy of the judgment shall be sent to persons participating in the case not later than the day following the announcement, unless it has been handed to them in person prior to that.

CHAPTER 18.

CONCLUDING PROCEEDINGS WITHOUT RESOLVING THE CASE ON THE MERITS

Article 180. Grounds for leaving the claim or application without consideration

1. Court of First Instance shall leave the claim or the application without consideration in any stage of proceedings, where:

(1) statement of claim or application has been submitted by the person having no procedural capacity, except for cases provided for by this Code, as well as cases, when the legal representative of the person divested of procedural capacity insists on the statement of claim or application;

(2) there is a case concerning a dispute between the same persons, on the same subject matter and on the same factual grounds in the proceedings of the same or another court or in the arbitration tribunal;

(3) before the end of the time limit defined for submitting a response to the statement of claim, the respondent invokes the arbitration agreement entered into by the parties on submitting the dispute for settlement to an arbitration tribunal and where the opportunity of applying to an arbitration tribunal on the basis of that agreement still persists, except when existence of an arbitration agreement does not restrict the right of the party to apply to court as provided for by law;

(4) before the end of the time limit defined for submitting a response to the statement of claim, the respondent invokes an agreement on settlement of the dispute through mediation, except when the court declares the agreement as null and void or expired or when it obviously may not be executed;

(5) before the end of the time limit defined for submitting a response to the statement of claim, the respondent invokes the fact that the plaintiff has violated a law or an agreement providing for an extrajudicial procedure for settlement of the dispute between the parties prior to applying to court, except when the court finds that the agreement laying down the extrajudicial procedure for settlement of the dispute is null and void or expired or when it obviously may not be executed;

(6) husband has filed for divorce without the consent of the wife, while the wife is pregnant;

(7) the statement of claim or the application has been signed by a person not entitled to sign, except for cases when the person entitled to sign the statement of claim or the application insists on the statement of claim or the application;

(8) a dispute has arisen regarding the right during examination of a case under special proceedings;

(9) ground prescribed by part 4 of Article 159 of this Code is available.

(10) ground prescribed by part 3 of Article 229 of this Code;

(11) where the notified plaintiff (applicant) or plaintiff's (applicant's) representative has failed to appear at two consecutive court sessions and has not filed a motion on postponing the examination of the case or on resolving the case in the plaintiff's (applicant's) absence, provided that the respondent has not filed a motion on proceeding with the examination of the case.

Article 181. Procedure and consequences for leaving the claim or the application without consideration

1. The Court of First Instance shall render a decision on leaving the claim or the application without consideration, whereby it resolves issues concerning distribution of judicial costs among participants of the proceedings and elimination of measures for securing the claim.

2. In the case of existence of grounds for leaving certain claims filed in a statement of claim or an application without consideration, the Court of First Instance shall separate the proceedings on the case with regard to these claims and leave the separated part of the claim or application without consideration.

3. A decision on leaving a claim or an application without consideration shall enter into legal force in seven days from the date of announcement.

4. A decision on leaving a claim or an application without consideration shall be sent to persons participating in the case not later than the day following its announcement, unless it has been handed to them in person prior to that.

5. Persons participating in the case may appeal the decision of the Court of First Instance on leaving the claim or the application without consideration to the Court of Appeal in the procedure prescribed by this Code.

6. Where the decision on leaving the claim or the application without consideration is cancelled, proceedings on the case shall proceed from the moment of rendering the decision on leaving the claim or the application without consideration.

Article 182. Grounds for terminating proceedings on the case

1. The Court of First Instance shall terminate proceedings on the case at any stage of court proceedings where:

   (1) the case is not subject to consideration under civil proceedings;

   (2) a final judicial act entered into legal force, bearing on the same case between the same persons, on the same subject matter and on the same factual grounds exists, unless it is a decision on leaving the claim (application) without consideration;

   (3) there is an order on payment, an arbitral award or decision of the financial system mediator, which has become mandatory for the parties, concerning a dispute between the same persons, over the same subject matter and on the same grounds, except for the case where the court refuses to issue a writ of execution for enforcement of the arbitral award or the decision of the financial system mediator, which has become mandatory for the parties;

(4) the disputed legal relationship does not assume legal succession after the death of the plaintiff or respondent participating in the case;

(5) the claim has been brought against a respondent who died before the claim was brought;

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

(7) the plaintiff or applicant has withdrawn the claim;

(8) the dispute has been exhausted on the merits;

(9) the court has approved the conciliation agreement signed, including the conciliation agreement signed by virtue of mediation;

(10) the parties have signed a conciliation agreement by virtue of mediation, in which they have made a note on terminating proceedings on the case without having the conciliation agreements approved by the court;

(11) the claim has been submitted in violation of requirements of part 4 of Article 140 of this Code;

(12) in other cases provided for by law.

Article 183. Procedure and consequences of terminating proceedings on the case

1. The Court of First Instance shall render a decision on terminating proceedings on the case, except for cases provided for by point 9 of part 1 of Article 182 and part 2 of this Article.

2. Upon availability of grounds for terminating a part of proceedings on the case, the Court of First Instance may separate proceedings on the case for that part and render a decision on terminating proceedings on the case for that separated part or may resolve that issue with a judgment.

3. The judicial act on terminating proceedings on the case shall also resolve issues concerning distribution of judicial costs among participants of the proceedings and elimination of measures for securing the claim.

4. A decision on terminating proceedings on the case shall enter into legal force in a month following its announcement, unless it is appealed at the Court of Appeal.

5. A decision on terminating proceedings on the case shall be sent to the persons participating in the case not later than on the day following its announcement, unless it has been handed to them in person prior to that.

6. Persons participating in the case may appeal the decision of the Court of First Instance on terminating proceedings on the case in due procedure of this Code.

7. Where a decision on terminating proceedings on the case is cancelled, the proceedings shall commence again and examination of the case shall be assigned to another judge of the same court.

8. If proceedings on the case are terminated, it shall be prohibited to apply to court regarding the dispute between the same persons, on the same subject matter and on the same grounds, except for cases when the court, after terminating proceedings on the case on the grounds provided for by point 3 of part 1 of Article 182 of this Code, refuses to issue a writ of execution for enforcement of the arbitral award or the decision of a financial system mediator, which has become mandatory for the parties.

9. When a plaintiff submits, out of the court session, a motion in writing on waiving the claims, the Court of First Instance shall — within a ten-day period after it receives the motion — convene a court session to consider the issues concerning waiving the claims and distribution of judicial costs. When the plaintiff insists at the session on his or her or its motion on waiving the claims or, being duly notified, fails to appear at the court session being the Court of First Instance shall render a decision on terminating proceedings on the case.

CHAPTER 19.

MEDIATION

Article 184. Assigning mediation and appointing a mediator

1. At any stage of the proceedings, the Court of First Instance or the Court of Appeal shall be entitled, with the consent of the parties or upon a motion filed by them, assign a mediation process with the participation of a licensed mediator to reach reconciliation between the parties.

2. Where there is a great possibility that the dispute may end in reconciliation, the court may, on its own initiative, assign a one-time free mediation process for up to four hours.

3. A mediation process may be assigned with respect to the whole judicial dispute, as well as a separate claim if separate disposition of that part is possible through a mediation process.

4. The court shall assign a mediation process by rendering a decision, indicating the persons participating in the case, the nature of the dispute between the parties, their claims, time limits for mediation, the name of the licensed mediator, other necessary data, the time and venue of the upcoming court session.

5. The court shall appoint the licensed mediator as selected by the parties, and in case the parties fail to select a licensed mediator, or if the mediation is assigned on the initiative of the court, the mediator shall be appointed by the court.

   The licensed mediator shall be appointed from the list of mediators with relevant specialization, in alphabetical order of surnames, pursuant to specialisation and the workload of the licensed mediator. The licensed mediator having the least workload, with specialisation in the relevant field of disputable legal relationship, shall be selected irrespective of the alphabetical order of surnames.

6. The decision on assigning a mediation process shall be sent to the persons participating in the case within a 10-day period.

Article 185. Time limits of mediation process

1. The initial time limit of a court-assigned mediation process may not exceed three months. The mentioned time limit may be extended only once, by up to a six-month period, upon joint motion of the parties.

Article 186. Conclusion of a mediation process

1. Each party, as well as the mediator may, at any time, stop the mediation process after it has begun.

2. A mediation process shall be concluded by discontinuing the process by at least one of the parties or the mediator or by signing a conciliation agreement by virtue of mediation process. In case a conciliation agreement is signed, the parties shall receive one original copy each, and two more original copies shall be kept with the mediator.

3. In the case of signing a conciliation agreement, one copy shall be given to each of the parties, the mediator and the court.

4. In case a conciliation agreement is signed by virtue of mediation, the licensed mediator shall, within two working days from the date of signing the conciliation agreement, duly notify the court by attaching the original copy of the conciliation agreement thereto.

5. Where the conciliation agreement contains a confidentiality clause, whereby the parties have agreed upon terminating the case without approving the conciliation agreement, the licensed mediator shall — upon the consent of the parties, within two working days from the date of signing the conciliation

agreement — duly notify the court of the settlement of the dispute through mediation and of the confidentiality clause. The parties shall jointly file the motion on terminating the case without approving the conciliation agreement and, in case such motion is missing, the court shall resume the examination of the case from the moment it has been interrupted.

6. Upon being duly notified by the mediator on settlement of the dispute through mediation, the court, pursuant to requirements of Article 151 of this Code, shall — within the shortest terms possible, but not later than within a two-week period — approve or reject the conciliation agreement entered into by the parties or shall terminate proceedings on the case by ensuring confidentiality of the mediation process.

7. Where the mediation process does not result in the reconciliation of the parties, the court shall continue examination of the case from where it was interrupted.

Article 187. Distribution of costs pertaining to mediation

1. In case of terminating proceedings on the case under the ground of conclusion of a conciliation agreement, the parties shall bear the costs attributed to mediation equally, unless otherwise determined upon agreement of parties.

2. Where mediation is assigned by the court, and parties sign a conciliation agreement within the time period prescribed by the court for mediation process, the state duty paid shall be reimbursed as prescribed by the Law of the Republic of Armenia "On state duty".

3. Where the parties do not submit evidence of remuneration of a mediator with the participation of a licensed mediator, the court shall distribute the amount of remuneration of the mediator among the parties, confiscating it in favour of the mediator.

4. Irrespective of the outcome of the case, judicial expenses shall be fully or partially placed on the person participating in the case who has refused to participate in the mediation process for reasons declared invalid by the court.

CHAPTER 20.

JUDICIAL ACTS OF THE COURT OF FIRST INSTANCE

Article 188. Types of judicial acts of the Court of First Instance

1. The Court of First Instance shall deliver judgments and render decisions.
2. In cases provided for by this Code the Court of First Instance shall issue an order on payment.

Article 189. Judgment of the court

1. When resolving the case on the merits, the Court of First Instance shall deliver a judgment.
2. The judgment shall be delivered in the name of the Republic of Armenia.
3. The judgment shall be drawn up by the judge having examined the case. The judge having examined the case shall seal each page of the judgment and sign the concluding part of the judgment.

Article 190. Submission by persons participating in a case of a draft judicial act

1. Before the examination of a case has been concluded, persons participating in the case shall be entitled to submit to the Court of First Instance drafts of the interim or final judicial act or separate parts (descriptive, reasoning, concluding) thereof. After the examination of the case has been concluded, a draft of the final judicial act may be submitted within the time limit defined by the court as provided for by part 2 of Article 178 of this Code.

2. Each person participating in a case shall be entitled to submit only one draft of each judicial act, except for cases when, as prescribed by this Code, examination of the case starts anew or is resumed, in which case a new draft of the final judicial act, or a supplement or amendment to the draft submitted in the past, may be submitted.

3. A draft judicial act submitted by a person participating in a case shall not serve as evidence, an explanation or a motion, and submission thereof shall not substitute the relevant procedural actions that must be performed separately.

4. A draft judicial act shall be submitted in paper form. The electronic version of the text of the draft may be attached to the draft judicial act on an appropriate carrier. The draft judicial act and the electronic copy thereof, submitted in compliance with the requirements set in this Article, shall be attached to the materials of the case.

5. Draft judicial acts shall not be considered with persons participating in the case.

6. The court may use the drafts judicial acts submitted as prescribed by this Code and take them into consideration when rendering a judicial act, but shall not be bound by them and, when rendering a judicial act, shall independently analyse the factual and legal circumstances of the case based on moral certainty.

7. Partially or fully using or not using draft judicial acts submitted by one or several persons participating in the case when the court draws up a judicial act shall not be considered as evidence of bias of the court, a ground for recusal or for self-recusal, as well as a ground for subjecting a judge to disciplinary liability.

8. In the final judicial act, the court shall neither refer to draft judicial acts submitted by persons participating in the case nor be obliged to state the motives for using or not using the draft judicial act.

Article 191. Issues to be resolved by the court when delivering a judgment

1. While delivering a judgment, the Court of First Instance shall:

   (1) evaluate the evidence;

   (2) establish which of the facts significant for the case have been proved and which have not;

   (3) establish the legal norms to be applied to the given case;

   (4) decide on the issue of granting the claim fully or partially, or dismissing it;

   (5) distribute the judicial costs among persons participating in the case;

   (6) decide on the issue whether to uphold or eliminate the measures for securing the claim.

2. Finding it necessary to clarify the circumstances significant for the case, the court may resume the trial on the case not more than once to additionally examine the evidence available on the case.

3. The court shall render a decision on resuming the trial on the case, with an indication of the time and venue of the trial.

Article 192. Contents of a judgment

1. A judgment of the Court of First Instance shall have introductory, descriptive, reasoning and concluding parts.

2. In the introductory part of a judgment the name of the Court of First Instance having adopted the judgment, composition of the court, case number, year, month and day of adoption of the judgment, names of persons participating in the case, subject matter of the claim shall be indicated. In the introductory part of the judgment the passport data of the citizens and the taxpayer's registration number and the number of the state registration certificate of the legal persons who are persons participating in the case shall be also indicated.

3. The descriptive part of a judgment must include the following:

   (1) indication of the date the claim has been brought to the Court of First Instance and the date it has been accepted for proceedings;

   (2) the relevant procedural overview and the scope of the new examination of the case as defined by the higher court, if the case has been sent by the higher court for new examination;

   (3) indication of involving third parties in the case;

   (4) summary of the plaintiff's stance : each of the claims, legal and factual grounds of each claim;

   (5) indication of whether the subject matter or the grounds of the claim is changed, and if so, the date of making the change and the essence of the change;

   (6) summary of the respondent's stance with regard to accepting each claim made by the plaintiff or objecting to it fully or partially, the legal and factual grounds for objection;

(7) stance of a third party submitting an individual claim with regard to the subject matter of the dispute, which shall be stated as prescribed by point 4 of part 3 of this Article;

(8) stance of a third party submitting no individual claim with regard to the subject matter of the dispute, which is stated as prescribed by points 4 or 6 of part 3 of this Article, respectively;

(9) stances of the counter-plaintiff and the respondent on counterclaim, which are stated as prescribed by points 4 and 6 of part 3 of this Article, respectively;

(10) indication about rendering the decision provided for by Article 169 of this Code;

(11) where necessary, indication of other decisions rendered in the form of a separate act;

4. The reasoning part of a judgment must include the following:

(1) analysis on the applicable law, by making reference to those norms of international agreements, laws and other legal acts, decisions of the bodies operating on the basis of the international agreements on human rights ratified by the Republic of Armenia, the European Court of Human Rights, as well as the Constitutional Court, the Court of Cassation, which the Court of First Instance finds applicable;

(2) scope of facts significant for disposition of the case;

(3) facts that need not be proved, by indicating the relevant part of Article 61 of this Code and the grounds based whereon the person participating in the case is released of the obligation to prove the fact in question;

(4) facts to be proved:

a. by stating each fact to be proved;

b. by indicating who bears the obligation to prove each fact to be proved and based on which legal norm;

c. conclusion of the Court of First Instance on whether the given fact has been proved, by evaluating each piece of evidence presented by persons participating in the case for confirmation or rejection of the given fact;

(5) where the evidence presented by a person participating in the case is deemed inadmissible or non relevant:

a. a reference shall be made to those legal norms, based whereon the evidence has been considered inadmissible or non relevant;

b. statement of those facts, based whereon the court has reached such conclusion.

(6) conclusion regarding justifiability of claims and objections made by persons participating in the case;

(7) reasoning of the Court of First Instance with regard to distribution of judicial costs among persons participating in the case.

5. Concluding part of a judgment must include the following:

(1) conclusion of the court on granting or rejecting every claim;

(2) conclusions of the Court of First Instance on distribution of judicial costs among the persons participating in the case;

(3) conclusions on upholding or eliminating the applied measures for securing the claim;

(4) where granting a judgment fully or partially and rendering a decision which assumes execution, an indication shall be made with regard to execution of the decision by judicial acts Compulsory Enforcement Service at the expense of the debtor, provided that it has not been executed voluntarily;

(5) time limits for appealing the judgment and the superior judicial instance where the appeal may be lodged.

Article 193. Judgment on concluding proceedings on the case with a conciliation agreement

1. Where the conciliation agreement entered into by persons participating in the case is approved, the Court of First Instance shall deliver a judgment on concluding proceedings on the case with a conciliation agreement, which shall include information prescribed by part 2, points 1 to 9 of part 3 of Article 192 of this Code and the word for word content of the conciliation agreement.

2. Where proceedings on the case are concluded with a conciliation agreement the Court of First Instance shall eliminate the measures for securing the claim upon a judgment and shall distribute the judicial costs, unless otherwise prescribed by conciliation agreement.

Article 194. Specific aspects of the concluding part of the judgment on specific cases

1. Concluding part of the court judgment delivered on specific cases must include the following:

   (1) where the claim on confiscation of funds is granted - the total amount of the funds to be confiscated, by separately indicating the amounts of the main debt, surcharges (fine, penalty), damages, as well as the sum of money on which interest charges are to be imposed, the sum of the mentioned interest charges and the date of imposing it;

   (2) where the claim on confiscation of funds for violation of obligations assumed by a pension fund manager as provided for by the Civil Code of

the Republic of Armenia is granted, it shall be established whether the funds to be confiscated shall be collected only on the assets of the relevant fund, or only on the assets of the debtor fund manager, which are not considered as fund resources, and, in case such resources are not enough— also on the assets of the debtor fund manager, which are not considered as fund resources;

(3) in case of allocation of property — the name of the property subject to allocation its identification data, and where available – also its location;

(4) where delivering a judgment in favour of multiple plaintiffs — the extent of satisfying the claim submitted by each of them or an indication that the right of claim is joint;

(5) where delivering a judgment against multiple respondents — an indication of the share of individual liability or an indication that they incur joint and several liability.

(6) for the dispute on enforcing to conclude a contract — those provisions in observance of which the parties shall be obliged to conclude a contract, and, for the dispute on introducing changes to the contract — the final wording of each disputed provision of the contract;

(7) other information as defined by law.

Article 195. Execution of a judgment

1. When delivering a judgment the Court of First Instance shall, upon motion filed by persons participating in the case, for the period starting from the date of delivering a judgment and until it enters into legal force, apply measures for securing execution of a judgment.

2. Motion on applying measures for securing execution of a judgment shall be considered immediately, without convening a court session.

3. Rules of Chapter 13 of this Code shall apply to measures for securing execution of a judgment.

Article 196. Supplementary judgment

1. The Court of First Instance having delivered a judgment, upon motion of persons participating in the case or on own initiative, shall deliver a supplementary judgment, where:

   (1) by making a reference to any claim in the reasoning part of the judgment, it has not resolved on the merits the issue on granting or dismissing that claim in the concluding part of the judgment;

   (2) by resolving the issue concerning the right, it has failed to indicate the sum of money to be paid, property to be transferred or the actions the person participating in the case is obliged to carry out;

   (3) it has not resolved the issue of judicial costs or has partly resolved it.

   (4) it has not resolved the issue of eliminating the measures for securing the claim.

2. The supplementary judgment may be delivered on the initiative of the court, and the motion thereon may be submitted before the judgment enters into legal force. Application for delivering a supplementary judgment, submitted with regard to a judgment having entered into legal force from the date of announcement may be filed within one-month period following the date of announcement.

3. On the ground provided for by point 4 of part 1 of this Article, the motion on delivering a supplementary judgment may also be filed upon entry into legal force of the judgment.

4. An issue of delivering a supplementary judgment shall be resolved at the court session, except for motions on delivering a supplementary judgment on the ground provided for by point 4 of part 1 of this Article, which shall be examined without convening a court session. The persons participating in the case shall be properly notified of the time and venue of the court session. Failure to appear at the court session shall be no hindrance for considering the issue.

5. The Court of First Instance shall consider the motion on delivering a supplementary judgment and resolve the issue within 20 days from the moment of receiving it.

6. The Court of First Instance shall render a decision on dismissing the application for delivering a supplementary judgment.

7. Supplementary judgment or the decision on dismissing the application for delivering a supplementary judgment may be appealed.

8. The Court of First Instance may not deliver a supplementary judgment with regard to the issue, whereon an appeal has been lodged.

9. Where the judgment is reversed, the supplementary judgement shall be considered as reversed, unless otherwise prescribed by the decision of the higher judicial instance.

10. Where proceedings on the case are terminated or the claim is left without consideration, the court shall, on the grounds provided for by points 3 and 4 of part 1 of this Article, render a supplementary decision to which the rules of this Article shall apply.

Article 197. Correction of misprints, misspellings and miscalculations

1. A motion on correcting misprints, misspellings and miscalculations in the judicial act may be submitted, and the court shall carry out these actions on own initiative within the period from date of delivering a judicial act until its execution.

2. The court shall resolve the issue on correcting misprints, misspellings and miscalculations in the judicial act of the Court of First Instance without convening a court session. The Court of First Instance shall consider the motion on correcting misprints, misspellings and miscalculations in the judicial act and resolve it within ten days from the date of receiving it.

3. The Court of First Instance shall render a decision on correcting misprints, misspellings and miscalculations made in the judicial act.

4. The decision on correcting misprints, misspellings and miscalculations in the judicial act or the decision on dismissing the motion thereon may be appealed in the procedure prescribed by this Code.

5. Where the judicial act is reversed, the decisions on correcting misprints, misspellings and miscalculations made therein shall be repealed, unless otherwise prescribed by the decision of a higher judicial instance.

Article 198. Entry into legal force of a judgment

1. A judgment shall enter into legal force in a month upon its announcement, unless otherwise provided for by this Code.

2. Where a judgment is appealed and not reversed by the Court of Appeal, it shall enter into legal force when the relevant decision of the Court of Appeal enters into force.

3. Where a judgment is appealed and partially reversed by the Court of Appeal, the non-reversed part of the judgment shall enter into legal force upon entry into force of the relevant decision of the Court of Appeal.

4. Where a judgment is appealed and the appeal is returned or dismissed by the Court of Appeal, the judgment of the court shall enter into legal force upon expiration of the time limit prescribed for appealing the decision on returning or

dismissing the appeal, and, where the relevant decision of the Court of Appeal is appealed to the Court of Cassation — on the date the appeal is returned, left without consideration, dismissed or rejected by the Court of Cassation.

5. The judgment on concluding the case proceedings with a conciliation agreement shall enter into legal force upon its announcement.

6. Judgments on confiscation of alimony and on compensation for damages in the case of loss of one's breadwinner shall enter into legal force upon their announcement.

7. Where the cost of the claim or the cost of the subject matter of the claim evaluated in monetary terms does not exceed fifty times the minimum salary, the judgment of the court shall enter into legal force upon its announcement.

8. A judgement shall enter into legal force upon its announcement also in other cases provided for by this Code.

9. In exceptional cases, a judgment may be declared as having entered into legal force where failure to do so would inevitably give rise to grave consequences for a person participating in the case.

Article 199. Decisions of the Court of First Instance

1. The Court of First Instance shall render the decisions in the form of a separate act, which shall be:

   (1) subject to appeal;

   (2) rendered out of the court session;

   (3) rendered in the form of a separate act pursuant to this Code.

2. Decisions not mentioned in part 1 of this Article may, at the discretion of the court, be rendered in the form of a separate judicial act or included in the records of the court session.

3. A decision of the Court of First Instance shall enter into legal force as soon as it is rendered, unless otherwise provided for by this Code.

4. The decision of the Court of First Instance rendered in the form of a separate judicial act shall be handed over to the persons participating in the case personally, and, if not possible, it shall be forwarded to them by registered mail with a notification on delivery within a three-day period after rendering the decision, unless other time period is provided for by this Code.

Article 200. Contents of the court decision rendered in the form of a separate act

1. Decision rendered by the Court of First Instance in the form of a separate act shall include the following information:

   (1) name of the Court of First Instance, composition of the court, case number, the year, month, day on which the decision has been rendered, subject matter of the claim;

   (2) names of persons participating in the case;

   (3) issue with regard to which the decision is rendered;

   (4) grounds based whereon the court has drawn conclusions, with reference to laws and other legal acts;

   (5) conclusion on the matter under consideration;

   (6) procedure and time limit for appealing the decision, where it is subject to appeal, and, if not, an indication thereon.

SUBSECTION TWO

SPECIAL ADVERSARY PROCEEDINGS

CHAPTER 21.

GENERAL PROVISIONS

Article 201. Procedure of special adversary proceedings

1. Courts shall carry out special adversary proceedings pursuant to the general rules concerning examination of the case as provided for by this Code, in observance of special rules prescribed by provisions of this Subsection.

Article 202. Cases examined under special adversary proceedings

1. The court shall examine the following cases under special adversary proceedings:

   (1) cases on family law;

   (2) cases on return of the child wrongfully removed to or retained in the Republic of Armenia;

   (3) cases on separate labour disputes;

   (4) cases on corporate disputes;

   (5) cases examined based on a group action;

   (6) appealing against the decisions of the Central Bank of the Republic of Armenia and the decisions of the temporary administration of an insolvent bank, credit organisation, investment company, investment fund manager and an insurance company.

CHAPTER 22.

FAMILY PROCEEDINGS

Article 203. Specifics of examination of cases on family disputes

1. When examining family disputes, examination of the case shall be carried out in compliance with the rules provided for by this Code taking into account the specifics prescribed by the Family Code of the Republic of Armenia and part 2 of this Article.

2. To ensure protection of the child's best interests to the maximum extent, with the aim of reaching moral certainty to resolve the case, the court shall be obliged to take reasonable measures — not limiting itself to the motions of the persons participating in the case, the evidence they have submitted and other materials available in the case — to carry out the examination of the case in a complete, comprehensive manner, by, in particular, requesting information, evidence, additional explanations, instructing the persons participating in the case to appear at the court session, assigning an expert examination, interrogating witnesses, inquiring documents from public and local self-government bodies and physical and legal persons, announce search for the respondent and/or respondent's property, including income.

3. Based on the need for protection of the child's best interests, the court may, on its initiative or upon motion of a party, under the procedure for securing the claim, prohibit persons participating in the case or other persons from performing or oblige them to perform certain actions, even if the measure applied for securing the claim *prima facie* leads to actual discharge of the claims filed.

CHAPTER 23

PROCEEDINGS ON CASES RELATING TO THE RETURN OF A CHILD UNLAWFULLY TRANSPORTED TO OR ILLEGALLY KEPT IN THE REPUBLIC OF ARMENIA

Article 204. Filing a statement of claim

1. The statement of claim on the return of a child unlawfully transported to or illegally kept in the Republic of Armenia shall be filed by the central body specified by the Government within the scope of the [Hague] Convention on the Civil Aspects of International Child Abduction of 25 October 1980 (hereinafter referred to as "the Central Body").

   The statement of claim shall be filed to the court of general jurisdiction of the place of residence of the child. Where the place of residence of the child is unknown, the statement of claim shall be filed to the court located in the place where the Central Body operates.

Article 205. Requirements to the statement of claim

1. The statement of claim must indicate the following:

   (1) the name and address of the Central Body;

   (2) the name, place of residence (if known) of a child unlawfully transported to or illegally kept in the Republic of Armenia;

   (3) the demand for approval of the opinion of the Central Body relating to the return of a child or rejection of the return of a child unlawfully transported to or illegally kept in the Republic of Armenia.

2. Several demands may not be combined in one statement of claim, except for the cases where a demand on the return of two or more children unlawfully transported to or illegally kept in the Republic of Armenia is filed by the same person.

3. The following shall be attached to the statement of claim:

   (1) the opinion on the return of a child or on rejection of the return of a child unlawfully transported to or illegally kept in the Republic of Armenia;

   (2) all materials of the proceedings on the return of a child;

   (3) the list of measures ensuring the return of a child and calculation of expenses.

Article 206. Admitting the statement of claim for proceedings and securing the claim

1. The court shall decide on the issue of admitting the statement of claim for proceedings immediately, not later than the day following the submission of the statement of claim.

2. The court shall, upon the decision on admitting the statement of claim for proceedings and until to the entry into legal force of the civil judgment under the case on the return of a child unlawfully transported to or illegally kept in the Republic of Armenia, prohibit the respondent to change the place of residence of the child.

3. The court may apply other measures of securing the claim as prescribed by this Code.

Article 207. Time limit for submitting a reply to the statement of claim

1. The reply to the statement of claim shall be submitted within a period of five days following the receipt of the decision on admitting the statement of claim for proceedings.

Article 208. Examination of the case

1. The court shall examine the case on the return of a child unlawfully transported to or illegally kept in the Republic of Armenia without convening a court session and shall deliver a civil judgment within a period of ten days following the expiry of the time limit prescribed for submitting a reply to the statement of claim.

2. The court shall not be bound by the materials of the proceedings on the return of a child unlawfully transported to or illegally kept in the Republic of Armenia, the evidence submitted, motions filed, recommendations made, explanations and objections submitted by the participants of the proceedings and shall, at its initiative, undertake adequate measures to obtain possible and available information about the actual facts required to decide on a certain case.

Article 209. Civil judgement of the court

1. The court shall deliver a civil judgment upon the results of examination of the case.

2. The court shall, upon the civil judgment on granting the claim, also distribute the current and further expenses related to ensuring the return of a child.

3. The civil judgement of the court shall enter into legal force after seven days following the day of its delivery in public, where an appeal is not brought against it.

4. The civil judgement on granting the claim, entered into legal force, shall serve as a ground for organising by the Central Body the process of ensuring the return of a child as prescribed by law.

CHAPTER 24

PROCEEDINGS ON INDIVIDUAL LABOUR DISPUTES

Article 210. Labour disputes examined under special adversary proceedings and time limit for the settlement thereof

1. The court shall, as prescribed by this Chapter, examine and settle individual labour disputes related to the change, rescission of employment contract and subjecting an employee to disciplinary liability (hereinafter referred to as "labour disputes").

2. Labour disputes shall be examined and settled at the Court of First Instance within three months following the admission of the statement of claim for proceedings.

Article 211. Admitting the statement of claim for proceedings and the actions of the court following the admission of the statement of claim for proceedings

1. The court shall decide on the issue of admitting the statement of claim for proceedings within a period of three days following the submission of the statement of claim.

2. Alongside with admission of the statement of claim for proceedings, the court shall render a decision on requiring the following evidence from the respondent:

   (1) evidence supporting the facts underlying the disputed individual legal act;

   (2) the internal and individual legal acts invoked as a ground within the disputed individual legal act;

   (3) agreements regulating the activities of the employee.

3. The decision on requiring evidence shall be enforced within one week following the receipt by the respondent of the decision.

4. When preparing the case for court examination, the court may recommend, by way of changing the claim, to ascertain the unclear, incomplete or wrongly formulated demands, to replenish insufficient factual data, as well as to submit evidence required for clarifying and assessing the factual circumstances of the case.

Article 212. Time limit for submitting a reply to the statement of claim

1. The reply to the statement of claim shall be submitted within a period of one week following the receipt of the decision on admitting the statement of claim for proceedings.

Article 213. Rules of distribution of burden of proof under labour dispute

1. The burden of proof as to having observed the procedure underlying the disputed individual legal act and established by the law relating to the adoption of the given individual legal act, other regulatory legal act or internal legal act of the employer, shall be borne by the respondent.

2. The respondent may submit evidence justifying the lawfulness of the disputed individual legal act only during the enforcement of the decision on requiring evidence, except for the cases where the respondent justifies the impossibility of submitting evidence due to reasons beyond his or her control.

Article 214. Circumstances taken into consideration when delivering a civil judgement

1. Violation of the requirements prescribed by law and referred to in the disputed individual legal act as well as relating to individual legal acts shall not itself serve as a ground for declaring the given act as invalid.

2. In all cases, the court shall declare the disputed individual act as invalid, where:

   (1) the factual or legal ground for changing, rescinding an employment contract or subjecting the employee to disciplinary liability is not indicated therein, respectively;

   (2) the respondent has violated the procedure for changing or rescinding an employment contract or that for subjecting an employee to disciplinary liability, established by law, other regulatory legal act or internal legal act of the employer.

3. In the cases where the disputed individual legal act has been adopted under more than one factual ground, establishment of the fact that at least one of these grounds exists shall be sufficient to reject the demand for declaring the disputed individual legal act as invalid.

CHAPTER 25

PROCEEDINGS ON CASES ON CORPORATE DISPUTES

Article 215. Cases on disputes arising from corporate legal relations

1. The court shall, under the procedure for special adversary proceedings, examine the disputes arising from legal relations related to the creation and management of a legal entity as well as participation in (membership to) the statutory capital of a legal entity (hereinafter referred to as "corporate disputes"), including:

   (1) disputes related to the creation, re-organisation and liquidation of a legal entity;

   (2) disputes related to belonging of stocks, shares in authorised (share) capital and the equities of members of a cooperative, restrictions thereon and exercise of rights arising from these restrictions, including disputes arising from transactions concluded in relation to stocks, shares in authorised (share) capital, equities of the members of a cooperative, on declaring those transactions as invalid and/or applying the consequences arising from the invalidity thereof, disputes related to levying execution on stocks and shares in authorised (share) capital, except for the disputes related to division of heritage including stocks, shares in authorised (share) capital, equities of a member of a cooperative or division of common ownership of spouses;

   (3) disputes of founders, participants or members of a legal entity related to demands for compensating the damage caused to the legal entity, declaring the transaction concluded by the legal entity as invalid and those for applying the consequences arising from invalidity of a transaction;

   (4) disputes related to the formation of management and oversight bodies of a legal entity or appointment (election) of persons included in the

composition thereof, as well as related to termination or suspension of powers of these persons, to the liability of persons included or having been previously included in the management and oversight bodies of the legal entity;

(5) disputes related to issuance of securities, lawfulness of the decisions of management bodies of the issuer and those related to challenging the transactions concluded during the distribution of securities;

(6) disputes arising from the activities of specialised participants of the securities market that are related to record-registration (registration) of the rights to stocks and other securities, as well as those related to the exercise of other rights and fulfilment of other obligations, provided for by law, concerning the distribution and/or circulation of securities;

(7) disputes related to convening a general assembly of participants of the legal entity;

(8) disputes related to the lawfulness of decisions of management bodies of the legal entity;

(9) disputes related to the withdrawal and removal from the legal entity of a participant (member) of the legal entity;

(10) disputes related to the exercise of rights and fulfilment of obligations, provided for by law, of the participant (member) of a legal entity.

Article 216. Jurisdiction over cases under corporate disputes

1. Cases under corporate disputes shall be examined at the court located in the place where operates the legal entity referred to in part 1 of Article 215 of this Code.

Article 217. Requirements to the statement of claim under corporate disputes

1. The requirements to a statement of claim, prescribed by this Code, shall extend to the statement of claim filed to the court under corporate disputes. The statement of claim shall also indicate the state registration number and address of location of the legal entity referred to in part 1 of Article 215 of this Code.

2. The excerpt from the single state register of legal entities or another document certifying the state registration of a legal entity, which contains information on the state registration number and location, shall be also attached to the statement of claim.

Article 218. Access to information on the case under corporate disputes

1. In the cases where the legal entity referred to in part 1 of Article 215 of this Code does not hold the status of a person participating in the case, the court shall forward to the given legal entity the decisions on admitting the statement of claim for proceedings and on authorising the change to the subject matter or ground of the claim, by notifying it on the right to be engaged as a third party not pursuing demands independently to the subject matter of the dispute and on the procedure for the exercise of this right in case of existence of the grounds referred to in Article 39 of this Code.

2. The legal entity referred to in part 1 of Article 215 of this Code shall be entitled to get familiarised with the materials of the case, obtain the carbon copies thereof, make excerpts from, take photos, make photocopies and carbon copies of the materials of the case, receive from the court information on the examination process of the case by means of electronic communication also in the cases where it does not hold the status of a person participating in the case.

3. The court may, upon the decision on admitting the statement of claim for proceedings, oblige the legal entity to inform the participants (members) of the given legal entity, persons included in the composition of its management and oversight bodies as well as specialised participants of the securities market about admitting the statement of claim for proceedings, the subject matter and grounds of the claim filed, as well as their right to be engaged in the examination of the case in the cases and under the procedure prescribed by this Code.

   In case of failure to fulfil or improper fulfilment of the obligation defined by this part, the court may apply a judicial fine to the head of the executive body of the legal entity.

Article 219. Waiver of a claim under corporate disputes, conciliation agreement and specific aspects of the mediation process

1. The court may declare the waiver of the demands as non-legitimate, where such waiver contradicts the law or other legal acts, violates the rights and legal interests of another person, including those of the legal entity referred to in part 1 of Article 215 of this Code, or where there are grounds giving rise to the suspicion that the plaintiff waives the demand under the influence of deception, violence, threat or substantial misrepresentation.

2. The court shall not approve the conciliation agreement, where it violates the rights and legal interests of the legal entity referred to in part 1 of Article 215 of this Code, or where there are grounds to believe that the agreement is concluded under the influence of deception, violence, threat or substantial misrepresentation or for the purpose of concealing non-legitimate actions.

3. The parties of mediation under corporate disputes may not enjoy the right to conclude a conciliation agreement under the condition of confidentiality and the right to reach an agreement on dismissing the proceedings of the case without approving the conciliation agreement through judicial procedure.

Article 220. Specific aspects of examination of disputes related to convening a general assembly of participants (members) of the legal entity

1. Proceedings on the cases under disputes related to convening a general assembly of participants (members) of the legal entity shall be conducted as prescribed by Chapter 41 of this Code, in compliance with the requirements of this Chapter.

2. In case of granting the claim, the court shall oblige the legal entity to convene a general assembly of participants (members) of the legal entity within the time limit prescribed by law.

Article 221. Specific aspects of the proceedings relating to the demand of the participant (member) of the legal entity to provide information regarding the activities of the legal entity

1. Proceedings under the case relating to the demand of the participant (member) of the legal entity to provide information regarding the activities of the legal entity shall be conducted as prescribed by Chapter 41 of this Code, in compliance with the requirements of this Chapter.

2. In case of granting the claim, the court shall oblige the legal entity to provide the participant (member) of the legal entity, in a prescribed manner, with the information specified in the civil judgment.

Article 222. Specific aspects of the proceedings relating to the demand of participants (members) of the legal entity to compensate the damage caused to the legal entity, declare the transaction concluded by the legal entity as invalid and apply the consequences arising from invalidity of the transaction

1. In the cases where the participant (member) of the legal entity applies to the court under the demand of compensating the damage caused to the legal entity, declaring the transaction concluded by the legal entity as invalid and/or applying the consequences arising from invalidity of the transaction, he or she shall enjoy the rights of the plaintiff, bear the obligations thereof, as well as may require compulsory enforcement of the civil judgment delivered under the case to the benefit of the legal entity.

2. The civil judgment granting the demand for compensating the damage caused to the legal entity shall be delivered to the benefit of the legal person for the protection of the interests whereof the claim has been filed. Upon the motion of the person or legal entity having filed a demand for compensating the damage, the court shall directly forward the writ of execution to the Judicial Acts Compulsory Enforcement Service.

3. The participants (members) having filed a demand for compensating the damage caused to the legal entity shall bear, in equal portions, the judicial expenses under the case on compensating the damage caused to the legal entity. Compensation of judicial expenses made shall be carried out under the general rules of this Code.

Article 223. Group action under corporate disputes

1. Proceedings on the case instituted on the basis of group action under corporate disputes shall be conducted in accordance with the rules provided for by Chapter 26 of this Code, in compliance with the special rules defined by the provisions of this Chapter.

CHAPTER 26

PROCEEDINGS ON CASES EXAMINED ON THE BASIS OF A GROUP ACTION

Article 224. The right to apply to court with a group action

1. The claim submitted jointly by at least twenty co-plaintiffs, shall be deemed to be a group action, where

   claim is initiated against the same respondent (co-respondents) and

   subject matter and the grounds of the claim are the same.

2. The statement of claim shall be prepared pursuant to the requirements of Articles 121 and 12 of this Code.

3. A document certifying the authority of the representative with regard to the group action shall be attached to the statement of claim.

Article 225. Managing cases involving a group action through a representative

1. Plaintiffs of the group action shall manage cases at the court through a group action representative.

2. The number of group action representatives may not exceed five, who shall represent the interests of all the plaintiffs equally.

3. Participation of a group action representative shall exclude participation of a plaintiff in the trial, except for cases when the plaintiff acts as a representative on a group action.

4. Participation of a group action representative shall not prevent plaintiffs in a group action from exercising their right to familiarise oneself with the case materials, waiving the claim on their part, and terminating the powers of the representative on their part.

5. Where procedural actions prescribed by this Code are to be performed with participation of the group action representative, such actions shall be deemed performed upon participation of all plaintiffs.

6. The number of representatives of a group action respondent may not exceed five.

Article 226. Persons who may act as group action representatives in court

1. Any of the plaintiffs of the given group action, non-governmental organisation engaged in legal defence or an advocate producing a properly stated authority for conducting the case in a court may be a group action representative in the court.

Article 227. Statement and approval of the authority of a group action representative

1. The letter of authorisation shall be issued to the group action representative by way of preparing a general letter of authorisation in written form by all plaintiffs of the group action.

Article 228. Termination of powers of a group action representative

1. The court shall terminate the powers of the group action representative upon request of the majority of plaintiffs of the group action or in cases provided for by law.

2. Where the part of the plaintiffs of the group action, not constituting majority, wishes to terminate the powers of the group action representative or to substitute him or her, the court shall separate proceedings on the case for the part of their request, in the procedure prescribed by Article 123 of this Code.

3. The initial case, as well as the separated case shall be examined compliant to the rules of this Chapter, where after separation of the case the number of co-plaintiffs in each case is twenty or is more.

Article 229. Substituting the group action representative and leaving the group action without consideration

1. In case the powers of the group action representative are terminated, the plaintiffs of the group action shall authorise the former or new group action representative within one-month period.

2. In case the powers of the group action representative are terminated, the court shall postpone examination of the case for up to one-month period.

3. In case a new group action representative is not appointed within the time period provided for by part 1 of this Article, the group action shall be left without consideration, which shall not deprive the co-plaintiffs of the right to apply to court with a separate claim for protection of their violated rights and legal interests.

Article 230. Procedure for examining cases involving a group action

1. The court shall forward the decision on accepting the group statement of claim for proceedings, as well as all the judicial acts delivered with regard to the case, to the group action representative (representatives) within a three-day period upon rendering the decision, as prescribed by this Code.

2. Each plaintiff having filed a group action shall be provided with the judicial act he or she has requested within a three-day period after submitting a relevant written application to the court.

3. In case the plaintiff withdraws from the group action, examination of the case for the part of other plaintiffs shall continue under the rules of this Chapter, where the number of plaintiffs is twenty or more. Otherwise, the case shall be examined in the general procedure prescribed by this Code.

4. In case all plaintiffs withdraw from the action, the court shall terminate proceedings on the case.

Article 231. Judicial notifications on the group action

1. The group action representative (where there are several group action representatives — all representatives) shall be notified of the court session in due procedure provided for by Chapter 9 of this Code.

2. The notification shall be forwarded to the group action representative two weeks prior to the court session with the aim to notify all the plaintiffs of the time and venue of the court session.

3. All plaintiffs shall be deemed notified, if the group action representative is notified of the time and venue of the court session.

Article 232. Judgment of the court on the group action

1. The court shall deliver a judgment on the group action in the procedure prescribed by Chapter 20 of this Code.

2. The facts previously examined within the scope of the group action, as confirmed by the final judicial act of the court having entered into legal force with regard to the civil case, shall not be proved again while examining a case having the same subject matter and grounds brought against the same respondent, unless the plaintiff claims otherwise.

Article 233. Appealing the judicial act delivered with regard to the group action

1. The appeal against the judicial act on the group action may be submitted in the name of the group action representative.

CHAPTER 27.

PROCEEDINGS ON CASES ON APPEALING AGAINST DECISIONS OF THE CENTRAL BANK OF THE REPUBLIC OF ARMENIA AND AN INSOLVENT BANK, CREDIT ORGANISATIONS, INVESTMENT COMPANIES, INVESTMENT FUND MANAGERS AND TEMPORARY ADMINISTRATION OF INSURANCE COMPANIES

Article 234. Appealing against decisions of the Central Bank of the Republic of Armenia and an insolvent bank, credit organisation, investment company, investment fund manager and temporary administration of an insurance company

1. Decisions and actions of the Board of the Central Bank of Armenia and the temporary administration, as well as decisions and actions of their officials may be appealed to the Court of First Instance within the scope of the law of the Republic of Armenia "On bankruptcy of banks, credit organisations, investment companies, investment fund managers and insurance companies".

2. Decisions of the Board of the Central Bank and the temporary administration, as well as decisions 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 performance thereof.

3. The statement of claim on declaring invalid the decisions and actions referred to in part 1 of this Article shall include the provision of the legal act, which has been breached when adopting the disputed decision, or in contradiction to which the appealed action has been performed.

4. The statements of claim filed after the time limit referred to in part 2 of this Article or not including the information defined in part 3 of this Article shall be returned by the court to persons having submitted them.

5. Court may declare the decisions and actions referred to in part 1 of this Article as invalid only where the appealed decision is made in violation of requirements of law, or where the action contradicts to 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.

SUBSECTION THREE

SPECIAL PROCEEDINGS

CHAPTER 28.

GENERAL PROVISIONS

Article 235. Procedure for conducting special proceedings

1. Courts shall conduct special proceedings pursuant to the general rules for examination of a case as defined by this Code, by observing special rules prescribed by the provisions of this Subsection.

Article 236. Cases subject to examination under special proceedings

1. The court shall examine the following cases under special proceedings:

   (1) cases on confirmation of facts having legal significance;

   (2) cases on declaring a movable property as ownerless and recognising the ownership right of the applicant thereon;

   (3) cases on declaring a minor as having full active legal capacity (emancipation);

   (4) cases on declaring a citizen as having no active legal capacity or as having limited active legal capacity, declaring the citizen having no active legal capacity as having active legal capacity or on remove limitations on active legal capacity of a citizen;

   (5) cases on declaring a citizen as missing or dead;

(6) cases on adoption of a child;

(7) cases on subjecting a person to hospitalisation in a psychiatric organisation against his or her will;

(8) cases on subjecting a citizen to forced medical examination and/or treatment;

(9) cases on reinstating the rights ascertained with bearer and order securities lost (bearer proceedings);

(10) cases on reviewing the judgment of the court based on conciliation agreement of parties, as initiated upon enforcement officer's application.

(11) cases on approving a conciliation agreement concluded through extrajudicial procedure, with the participation of a licensed mediator.

CHAPTER 29.

PROCEEDINGS ON CASES ON CONFIRMATION OF FACTS HAVING LEGAL SIGNIFICANCE

Article 237. Examination by court of cases on confirming facts having legal significance

1. The Court of First Instance shall, in compliance with territorial jurisdiction, confirm the facts causing origination, alteration or termination of personal or property rights of citizens or legal persons.

2. The court shall examine those cases on confirmation 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 certain time and under certain circumstances, where civil status acts registration bodies refuse to register the death;

(5) acceptance of inheritance and place of opening of inheritance;

(6) an accident;

(7) ownership of documents establishing rights, except for passport and military documents;

(8) possession of property by ownership right;

(9) existence of force major.

3. The court shall, in cases provided for by law, examine other facts having legal significance.

Article 238. Territorial jurisdiction of cases on confirmation of facts having legal significance

1. Cases on confirmation of facts having legal significance shall be examined at the court located in an applicant's place of record-registration (location), and in case of not having a place of record-registration –— at the court of the place of residence, except for cases on confirming the fact of possession of immovable property by ownership right, which shall be examined at the court of the area where the immovable property is located.

Article 239. Necessary condition for confirmation of a fact having legal significance

1. The court shall confirm the fact having legal significance only in case the applicant is not able to otherwise receive appropriate documents verifying the fact or when it is not possible to recover lost documents.

Article 240. Requirements for the application on confirming facts having legal significance

1. Application on confirming facts having legal significance shall include indication of the purpose for which confirmation of the given fact is sought by the applicant, as well as shall include evidence attesting the impossibility of obtaining appropriate documents or recovering lost documents by the applicant.

2. The court shall return the application as prescribed by Article 127 of this Code upon failure to comply with the requirement stated in part 1 of this Article.

Article 241. Judgment of the court

1. Judgment of the court confirming the fact having legal significance must include statement of the confirmed fact.

2. Judgment of the court on confirming the fact having legal significance shall serve as a basis for registration by relevant authorities of the fact or for statement of the rights that arise in relation to the confirmed fact.

CHAPTER 30.

PROCEEDINGS ON CASES ON DECLARING THE MOVABLE PROPERTY AS OWNERLESS AND RECOGNISING THE OWNERSHIP RIGHT OF THE APPLICANT TO THE MOVABLE PROPERTY

Article 242. Jurisdiction of cases

1. Application on declaring a movable property as ownerless and recognising the ownership right of the applicant thereon shall be filed with the Court of First Instance of the place of record-registration (location), and in case of not having a place of record-registration — with the Court of First Instance of the place of residence of the applicant.

Article 243. Requirements for an application

1. Application on declaring property as ownerless and recognising the ownership right of the applicant thereon shall include:

   (1) indication of the property to be declared as ownerless;

   (2) description of main distinctive features of the property being declared as ownerless.

2. In case of failure to comply with the requirements stated in part 1 of this Article, the court shall return the application as prescribed by Article 127 of this Code.

Article 244. Peculiarities of examination of the case

1. Preparation of the case provided for by this Chapter for court examination shall be carried out during the preliminary court session. During the preliminary court session, the Court of First Instance shall:

(1) make inquiries from relevant authorities for the purpose of receiving information on the property being declared as ownerless;

(2) take measures to involve the owner of the property as a witness based on information existing in the case;

(3) post a communication on initiating a case on recognising the given property as ownerless on the official website for public notifications of the Republic of Armenia.

Article 245. Judgment of the court

1. The Court of First Instance shall deliver a judgment on declaring property as ownerless and recognising the ownership right of the applicant thereon where during examination of the case it is affirmed that:

(1) the property is ownerless;

(2) it has been transferred to the possession of the applicant upon one of the bases prescribed by law.

CHAPTER 31.

PROCEEDINGS ON CASES ON DECLARING A MINOR AS HAVING FULL ACTIVE LEGAL CAPACITY (EMANCIPATION)

Article 246. Application on declaring oneself as having full active legal capacity (emancipated)

1. In cases provided 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 his or her place of residence on declaring oneself as having full active legal capacity (emancipated).

2. Application on declaring a minor as having full active legal capacity (emancipated) may also be filed by his or her parent (adoptive parent) or the curator.

Article 247. Examination of the application

1. The court shall examine the application upon mandatory participation of the applicant, his or her parents (adoptive parents, curator) or the representative of guardianship and curatorship authorities. Their failure to appear shall be a hindrance for examination of the case.

Article 248. Judgment of the court

1. Based on the results of examination of the application, the court shall deliver a judgment on granting or dismissing the application.

2. In case the application is granted, the minor having attained the age of sixteen shall be declared as having full active legal capacity (emancipated) from the day of entry into force of the final judicial act.

CHAPTER 32.

PROCEEDINGS ON CASES ON DECLARING A CITIZEN AS HAVING NO ACTIVVE LEGAL CAPACITY OR HAVING LIMITED ACTIVE LEGAL CAPACITY, DECALRING A CITIZEN HAVING NO ACTIVE LEGAL CAPACITY AS HAVING ACTIVE LEGAL CAPACITY OR ON REMOVING LIMITATIONS ON ACTIVE LEGAL CAPACITY OF A CITIZEN

Article 249. Filing an application on declaring a citizen as having no active legal capacity or having limited active legal capacity

1. Proceedings on declaring a citizen as having no active legal capacity shall be initiated upon an application filed by a family member of the person, guardianship and curatorship authorities or administration of the psychiatric organisation.

2. Proceedings on declaring a citizen as having limited active legal capacity shall be initiated upon the application filed by a family member of the person or guardianship and curatorship authorities.

3. The application on declaring a citizen as having no active legal capacity or having limited active legal capacity shall be filed with the Court of First Instance of the citizen's place of record-registration, and where a citizen is being treated in a psychiatric organisation - with the Court of First Instance of the area where the psychiatric organisation is located. The application against a citizen having no place of record-registration shall be filed with the Court of First Instance of his or her last known place of record-registration or residence or of the area where the property of the person is located.

Article 250. Content of the application on declaring a citizen as having no active legal capacity or having limited active legal capacity

1. Application on declaring a citizen as having no active legal capacity shall state the circumstances that serve as a basis for declaring the citizen as having no active legal capacity.

2. Application on declaring a citizen as having limited active legal capacity shall state the circumstances that serve as a basis for declaring the citizen as having limited active legal capacity.

3. The court shall return the application as prescribed by Article 127 of this Code, upon failure to comply with the requirements stated in this Article.

Article 251. Examination of the application on declaring a citizen as having no active legal capacity or having limited active legal capacity

1. The Court of First Instance shall examine the application on declaring the citizen as having no active legal capacity or having limited active legal capacity with the mandatory participation of the person being declared as having no active legal capacity or having limited active legal capacity, his or her advocate, as well as guardianship and curatorship authorities. Considering the state of health of the person being declared as having no active legal capacity or having limited active legal capacity, the court shall examine the case at the place of record-registration of a citizen, and in case of not having a place of record-registration — at the place of residence or at the place where the psychiatric organisation is located.

2. Upon accepting for proceedings the application on declaring the citizen as having no active legal capacity or having limited active legal capacity, the court shall render a decision on granting legal aid to the person being declared as

having no active legal capacity or having limited active legal capacity, except for the case provided for by part 3 of this Article. The decision on granting legal aid to the citizen shall be forwarded to the Office of the Public Defender of the Chamber of Advocates within a three-day period.

3. Upon accepting for proceedings the application on declaring the citizen as having no active legal capacity or having limited active legal capacity, the person being declared as having no active legal capacity or having limited active legal capacity may refuse a public defender, where he or she informs on continuing examination with the participation of the advocate chosen by him or her, and submits a document certifying the powers of the given advocate, as prescribed by legislation.

4. During examination of the application on declaring the citizen as having no active legal capacity or having limited active legal capacity, the given citizen shall enjoy the rights of the persons participating in the case as provided for by this Code.

Article 252. Assigning an expert examination for establishing a person's mental state

1. Where there are justified doubts that a citizen suffers from a mental disorder, the Court of First Instance shall assign forensic psychiatric expert examination for the purpose of ascertaining the grounds for declaring a citizen as having no active legal capacity.

2. The citizen shall be entitled to appear at forensic psychiatric expert examination with his or her representative.

3. In case the person, in relation to whom application on declaring him or her as having no active legal capacity has been filed, evidently avoids undergoing forensic psychiatric expert examination, the Court of First Instance shall render a decision on sending the person to a forced forensic psychiatric expert

examination and shall immediately forward the writ of execution based thereon for compulsory enforcement.

4. The decision shall be executed immediately as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

Article 253. Allocation of judicial costs in cases on declaring a citizen as having no active legal capacity or having limited active legal capacity

1. The applicant shall be exempted from judicial costs pertaining to examination of the case on declaring a citizen as having no active legal capacity or having limited active legal capacity.

2. Where the court establishes that the family member who has filed the application has not acted in good faith with the purpose of unduly divesting the person of active legal capacity or limiting his or her active legal capacity, judicial costs shall be levied on him or her.

Article 254. Judgment on declaring a citizen as having no active legal capacity or limiting his or her active legal capacity

1. Based on the results of examination of the application, the court shall deliver a judgment on granting or dismissing the application.

2. Within three days after the day of entry into legal force of the final judicial act on declaring a person as having no active legal capacity or on limiting his or her active legal capacity, the court shall send to the guardianship and curatorship authorities of the place of residence of the citizen for assigning guardianship or curatorship to him or her.

Article 255. Declaring a citizen having no active legal capacity as having active legal capacity and removing limitation on his or her active legal capacity

1. In cases provided for by the Civil Code of the Republic of Armenia, the court, upon an application filed by the citizen declared as having no active legal capacity, his or her guardian, family member or the psychiatric organisation, based on relevant conclusion of the forensic psychiatric expert examination, shall deliver a judgment on declaring the citizen as having active legal capacity. Guardianship assigned to a person shall be removed based on the final judicial act.

2. In cases provided for by the Civil Code of the Republic of Armenia, the court — upon an application filed by a citizen, his or her guardian or family member — shall deliver a decision on removing limitation on the person's legal capacity. Curatorship assigned to the citizen shall be removed based on the final judicial act.

CHAPTER 33.

PROCEEDINGS ON CASES ON DECLARING A CITIZEN AS MISSING OR DEAD

Article 256. Filing an application

1. Application on declaring a citizen as missing or dead shall be filed with the Court of First Instance of the citizen’s last known place of record-registration, and in case of not having a place of record-registration —with the Court of First Instance of the last known place of residence.

Article 257. Application requirements

1. The following shall be indicated in the application:

   (1) where the citizen is declared as missing or dead, the expected legal consequences for the applicant;

   (2) circumstances attesting to the fact that the citizen is missing;

   (3) circumstances entailing threat of death for the missing person or other circumstances which lead to the assumption that the citizen's death is conditioned by an accident.

2. In case of failure to comply with the requirements stated in part 1 of this Article, the court shall return the application as prescribed by Article 127 of this Code.

Article 258. Judge's actions after accepting the application for proceedings

1. To obtain information about the place of location of the missing person, the judge shall request information from the local self-government bodies of the last known place of residence, the last known employer of the missing person, the Police and the bodies of civil status acts registration, as well as shall post a communication, on the official website for public notifications of the Republic of Armenia, on initiating a case on declaring the citizen as missing or dead.

2. Upon receipt of the application, the court may suggest that the guardianship and curatorship authorities assign a trust manager for maintenance and management of the missing citizen's property.

3. In case of establishing the fact that the citizen is searched for or is dead, the court shall terminate proceedings on the case, as prescribed by this Code.

Article 259. Consequences of the court judgment

1. Based on the court judgment on declaring the citizen as missing, the guardianship and curatorship authority of the area where the missing person's property is located shall assign a trust manager for that property as prescribed by law.

2. Based on the court judgment on declaring the citizen as dead, the civil status acts registration body shall make an entry on the citizen's death in the civil status acts registry.

Article 260. Consequences of appearance of a citizen declared as missing or dead

1. In case the citizen declared as missing or dead appears, the court, on the basis of his or her application, shall deliver a judgment on cancelling previously delivered final judicial act. Based on that judicial act, the assigned trust management over the property shall be withdrawn, and the entry in civil status acts registry on the person's death shall be invalidated.

CHAPTER 34.

PROCEEDINGS ON CASES ON ADOPTION OF A CHILD

Article 261. Filing an application

1. Application on adoption of a child shall be filed with the Court of First Instance of the place of record-registration, and in case of not having a place of record-registration — of the place of residence of the child being adopted.

Article 262. Requirements for the application

1. The following shall be indicated in the application:

   (1) the name and place of residence of the person(s) willing to adopt;

   (2) the 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 on changing the child's date of birth, if so desired by the person(s) willing to adopt;

   (4) the motion filed by person(s) willing to adopt on changing the name, place of birth of the child to be adopted, and on being registered as a parent (parents) of the child to be adopted, if so desired by them.

2. The following documents shall be attached to the application:

   (1) copy of the identification document of the person(s) willing to adopt;

   (2) copy of the marriage certificate of the person(s) willing to adopt, where the person(s) is (are) married;

   (3) consent of a child having attained the age of 10. Where the child has lived in the family of an adopter and considers that person to be his or her parent, the adoption process, as an exception, may 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.

   (4) birth certificate (copy) of the child to be adopted;

   (5) statement of information on the state of health;

   (6) statement of information on centralised record-registration of the child to be adopted;

(7) written consent of guardians (curators) of a child under guardianship (curatorship);

(8) documents certifying legal grounds for adoption: written refusal or written consent of parents of the child to be adopted on giving the child for adoption; death certificate(s) of the parent(s); a copy of a court judgment on depriving the parent(s) of parental rights, on declaring parents as having no active legal capacity, missing or dead, and in case the child is a foundling – documents certifying that fact;

(9) when adopting a child of minor parents, consent of their parents or guardians (curators), as well as the consent of the guardianship and curatorship authorities is required in case of absence of parents or a guardian (curator);

(10) conclusion of the body authorised by the Government on validation of the adoption and on compatibility of the adoption with the child's best interests, by including information on the fact of personal contact between the child to be adopted and the adopter(s), as well as copies of all the documents the person(s) willing to adopt have submitted for obtaining the conclusion;

(11) where citizens of the Republic of Armenia adopt in the territory of the Republic of Armenia a child who is a citizen of a foreign state - 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 a child having attained the age of 10, where so envisaged by the legislation of the referred state;

(12) the decision of the Government on permitting adoption of a child, as prescribed by law, where citizens of foreign states or persons having no citizenship adopt a child in the territory of the Republic of Armenia being a citizen of the Republic of Armenia.

3. In case of failure to comply with the requirements stated in this Article, the court shall return the application as prescribed by Article 127 of this Code.

Article 263. Examination of the application

1. The court shall examine the cases on approving the child's adoption:

   (1) with the mandatory participation of the person willing to adopt, guardianship and curatorship authorities and the child having attained the age of 14, where children are adopted by citizens of the Republic of Armenia;

   (2) with the mandatory participation of the person willing to adopt, the central body determined by the Government of the Republic of Armenia within the scope of the Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, and with the mandatory participation of the child having attained the age of 14 in case foreign citizens and persons having no citizenship, as well as citizens of the Republic of Armenia residing outside the borders of the Republic of Armenia adopt children who are citizens of the Republic of Armenia.

2. The court shall address questions to the child to be adopted to learn the child’s opinion regarding the adoption, taking into consideration his or her age and the level of maturity.

3. Where necessary, the court may involve the child’s parent(s) or other legal representatives and other interested persons in the examination of the case.

4. Court examination of cases on adoption shall be held behind closed doors, a decision on which shall be rendered when accepting the application for proceedings.

5. The final judicial act on the case of adoption shall not be announced.

Article 264. Court judgment

1. In case of changing first name, patronymic and last name, date and/or the place of birth of the child to be adopted, if being registered as parents of the adopted child, as well as in case it is necessary to maintain the adopted child's relationship with one of the parents or relatives of the deceased parent, such information shall be indicated in the judgement of the court on granting the application on adoption.

2. Application on adoption shall be dismissed:

   (1) where the submitted documents are incomplete or the court, upon assessment of the submitted documents, comes to the conclusion that the adoption does not meet the best interests of the child;

   (2) in other cases provided for by law.

3. Court judgment granting the application on adoption shall be basis for state registration of it by civil status acts registration bodies.

Article 265. Cancelling adoption

1. Examination of cases on cancelling an adoption shall be carried out in accordance with the rules of adversary proceedings.

CHAPTER 35.

PROCEEDINGS ON CASES ON SUBJECTING A CITIZEN TO HOSPITALISATION IN A PSYCHIATRIC ORGANISATION AGAINST THE CITIZEN'S WILL

Article 266. Person having the right to file an application on subjecting a citizen to hospitalisation in a psychiatric organisation against the citizen's will

1. The executive body of the psychiatric institution wherein a citizen is located or is treated shall have the right to file an application on subjecting the citizen to hospitalisation in a psychiatric organisation against the citizen's will.

Article 267. Jurisdiction of the case on subjecting a citizen to hospitalisation in a psychiatric organisation against the citizen's will

1. The case on subjecting a citizen to hospitalisation in a psychiatric organisation against his or her will falls under jurisdiction of the Court of First Instance of the area where the psychiatric organisation is located.

Article 268. Content of the application and time limits for filing it

1. The circumstances serving as grounds for involuntary hospitalisation of a citizen as prescribed by law must be indicated in the application.
2. Grounded conclusion of the psychiatric commission providing a professional opinion on the issue of hospitalisation of a person in a psychiatric organisation shall be attached to the application.

3. The application shall be filed within 72 hours from the time the person refuses to give written consent to receive medical aid and services upon hospitalisation in a psychiatric organisation.

4. In case of failure to comply with the requirements stated in part 1 and 2 of this Article, the court shall return the application as prescribed by Article 127 of this Code.

Article 269. Examination of the application

1. The Court of First Instance shall resolve the issue of accepting for proceedings the case on subjecting a citizen to involuntary hospitalisation in a psychiatric organisation within 1 day and shall schedule the court session for examination of the application within 5 days from the day of accepting the application for proceedings.

2. The Court of First Instance, by initiating the proceedings, shall extend the period of keeping the citizen in the psychiatric organisation for an appropriate term necessary for concurrent examination and disposition of the case.

3. When examining the application, participation of the representative of the psychiatric organisation upon whose initiative the proceedings have been initiated, as well as participation of the person and his or her representative with regard to whom the issue of involuntary hospitalisation is being considered, is mandatory.

4. Where the representative of a citizen fails to participate in examination of the application without a reason declared as valid by the Court of First Instance, or where the citizen has no representative, participation of the representative of guardianship and curatorship authority of the citizen's place of residence, and in case the place of residence is unknown, participation of the representative of guardianship and curatorship authority of the area where the psychiatric organisation is located, shall be mandatory during examination of the application.

5. For examination of the application as provided for by this Article, the court shall be entitled to render a decision in the form of a separate act on holding a circuit court session, whereby shall be defined the time and venue of the circuit court session, the circumstances having served as a basis for holding a circuit court session and the subject-matter of examination of the circuit court session.

Article 270. Court judgment

1. Based on the results of examination of the application, the Court of First Instance shall deliver a judgment on granting or dismissing the application, which shall enter into legal force from the moment of announcing it.
2. Judgment on granting the application shall serve as a basis for involuntary hospitalisation of the citizen in a psychiatric organisation.
3. Judgment on dismissing the application shall serve as a basis for immediately releasing the citizen from the psychiatric organisation.

CHAPTER 36.

PROCEEDINGS ON CASES ON SUBJECTING A CITIZEN TO INVOLUNTARY MEDICAL EXAMINATION AND/OR TREATMENT

Article 271. Grounds for filing an application with the court on subjecting a citizen to involuntary medical examination and/or treatment

1. In case a citizen is infected with an illness of threat to the surroundings included in the list of illnesses established by the Government or there is evidence of

possible infection of the person with that illness, persons or public authorities as provided for by Article 272 of this Code shall have the right to apply to the court with a request to subject the given citizen to involuntary medical examination and/or treatment.

Article 272. Persons entitled to file an application with court on subjecting a citizen to involuntary medical examination and/or treatment

1. The authorised body of the Republic of Armenia, as well as the medical organisation, where the given citizen is being treated, shall have the right to file an application with the court on subjecting a citizen to involuntary medical examination and/or treatment.

Article 273. Application filed with court on subjecting a citizen to involuntary medical examination and/or treatment

1. Application on subjecting a citizen to involuntary medical examination and/or treatment shall be filed with the Court of First Instance of the place of record-registration of the patient or infected person suffering from an illness that poses a danger to the surroundings or of the person or infected person suspected of an illness that poses a danger to the surroundings, and where the person's place of record-registration is unknown - with the court of general jurisdiction of the applicant's location.
2. All the circumstances attesting to the fact that the given citizen is infected with one of the illnesses provided for by Article 271 of this Code and refuses to be voluntarily examined and/or treated at a relevant medical organisation must be indicated in the application.

3. Evidence confirming the fact that the given citizen is ill or infected or evidence confirming the possibility of being ill or infected shall be attached to the application.

4. In case of failure to comply with the requirements stated in this Article, the court shall return the application as prescribed by Article 127 of this Code.

Article 274. Examination of the application on subjecting a citizen to involuntary medical examination and/or treatment

1. The court shall examine the application on subjecting a citizen to involuntary medical examination and/or treatment within the shortest terms possible after receiving it, but not later than within 5 days upon filing the application. In case of illness that poses a danger to the surroundings, for the prevention of the spread of which it is necessary to immediately undertake relevant measures, the court shall, upon motion of the applicant, examine the case and deliver a judgment immediately, but not later than within 24 hours from the moment of filing the application.

2. Before delivering a judgment on a case, the court shall be obliged to provide information to the person suffering from illness that poses a danger to the surroundings or to the infected person or the person suspected of suffering from or being infected with an illness that poses a danger to the surroundings or representative thereof on the nature of illness, purpose of proposed treatment, methodology, duration, as well as on side effects and expected results.

3. The court shall examine the application on subjecting a citizen to involuntary medical examination and/or treatment with participation of the applicant or the representative thereof and the person or representative of the person with regard to whom the issue on subjecting to involuntary medical examination and/or treatment is being considered.

4. Where the person with regard to whom the issue on subjecting to involuntary medical examination and/or treatment is being considered is unable to participate in the examination of the application due to state of health and does not have a representative, participation of the representative of guardianship and curatorship authority of the place of record-registration of that person, and in case there is no place of record-registration — the representative of the guardianship and curatorship authority of the place of residence, and in case the place of residence is unknown - the representative of guardianship and curatorship authorities of the place of location of the applicant is mandatory during examination of the application.

5. The absence of the persons duly notified of the date and venue of the court session shall be no hindrance for examination and disposition of the case.

6. For the purpose of examining the application provided for by this Article, including for the purpose of preventing possible spread of the infection, the court shall, upon motion of the applicant, be entitled to render a decision on holding a circuit court session. The decision on holding a circuit court session shall lay down the venue and time of holding a circuit court session and the circumstances that served as a ground for holding a circuit court session.

7. In case of participation of a person suffering from an illness that poses a danger to the surroundings or infected person or the person suspected of suffering from or being infected with an illness that poses a danger to the surroundings or representative thereof in the court session, the applicant shall, if necessary, ensure appropriate conditions for the purpose of preventing possible spread of the infection.

Article 275. Court judgment

1. Based on the results of examination of the application on subjecting a citizen to involuntary medical examination and/or treatment, the court shall deliver a judgment on granting or dismissing the application.

2. The court judgment on granting the application on subjecting a citizen to involuntary medical examination and/or treatment shall serve as a basis for subjecting a citizen to involuntary examination and/or treatment within a medical organisation.

3. In the court judgment on granting the application on subjecting a citizen to involuntary medical examination and/or treatment, shall be also indicated the name of the institution providing medical aid and service where the person shall be subjected to involuntary examination and/or treatment, as well as the time limits for subjecting the person to involuntary examination and/or treatment.

4. The court judgment on granting the application on subjecting a citizen to involuntary medical examination and/or treatment shall enter into legal force once announcing it.

Article 276. Repealing the court judgment on subjecting a citizen to involuntary treatment

1. In case a person recovers earlier than prescribed by the time limits defined in the court judgment on subjecting a citizen to involuntary treatment, the court shall deliver a judgment on repealing previously delivered judgment on subjecting a citizen to involuntary treatment upon the application filed by the given citizen, his or her family members, the medical organisation where the given citizen is being treated, the authorised body of the Government in the healthcare sector or guardianship and curatorship authority of the place of location of the medical organisation providing involuntary treatment and based

on relevant medical conclusion. Based on the court judgment, the actions aimed at subjecting a citizen to involuntary treatment shall be cancelled.

2. The court judgment on granting the application provided for by part 1 of this Article shall enter into legal force once announcing it.

3. Applications provided for by part 1 of this Article shall be filed with the court which had previously delivered a judgment on subjecting a citizen to involuntary treatment.

CHAPTER 37.

PROCEEDINGS ON CASES ON REINSTATING THE RIGHTS ASCERTAINED WITH BEARER AND ORDER SECURITIES LOST (BEARER PROCEEDINGS)

Article 277. Filing an application

1. The person having lost bearer or order securities (hereinafter referred to as "securities") may, in compliance with the territorial jurisdiction of cases, file an application with the Court of First Instance on revoking the lost security and on reinstating the right ascertained with it.

2. The right ascertained with a security may also be reinstated in case of loss of the solvency features of the security caused by undue maintenance thereof or for other reasons.

Article 278. Territorial jurisdiction of cases on reinstating the right ascertained with lost security

1. Cases on reinstating the right ascertained with lost security shall be examined at the Court of First Instance of the area where the organisation having issued the security is located.

Article 279. Requirements for application on reinstating the right ascertained with lost security

1. Requisites of lost securities, name of the organisation having granted the security shall be indicated, and the circumstances of the loss of the security shall be stated in the application on reinstating the right ascertained with lost security.

2. In case of failure to comply with the requirements stated in part 1 of this Article, the court shall return the application as prescribed by Article 127 of this Code.

Article 280. Court's actions following receipt of the application

1. The court shall, upon receipt of the application on reinstating the rights ascertained with lost securities, deliver a decision on prohibiting payments or transfers with those securities.

2. The court shall, at the expense of the applicant, publish an official communication in the press.

3. The following shall be mentioned in the communication:

   (1) name of the court;

   (2) applicant's name and place of record-registration (location), and in case there is no place of record-registration — the place of residence;

   (3) name, requisites and other distinctive features of the lost securities;

   (4) offer to the person possessing the security to notify the court within a two-month period following publication of the communication about his or her rights to the security and submit the original document or the copy thereof;

Article 281. Examination of the case

1. The court shall examine the case on reinstating the right ascertained with lost security in two months following the day of publication of the communication.

Article 282. Court judgment

1. Based on the results of examination of the application, the Court of First Instance shall deliver a judgment on granting or dismissing the application. In case of granting the application, a judgment shall be delivered on revoking the lost security and on reinstating the applicant's right ascertained with it.

2. Based on the final judicial act of the court, the relevant organisation shall issue a new security to the applicant.

Article 283. Court's actions in case of receipt of statement of the person possessing the security

1. The court shall leave without consideration the application of the person having lost the security, if it receives a statement by the person possessing the security on his or her rights to the security within a two-month period following the day of publication of the communication..

Article 284. Right of the person possessing the security to file a claim with regard to unjust acquisition of property

1. The person possessing the security who failed to notify of his or her rights to a security within a two-month period following publication of the communication may file a statement of claim against the person having received a new security based on the court judgment on reclaiming the property from the person on the basis of unjust acquisition.

CHAPTER 38.

PROCEEDINGS ON CASES ON REVIEWING THE COURT JUDGMENT BASED ON CONCILIATION AGREEMENT OF THE PARTIES, AS INITIATED UPON APPLICATION OF AN ENFORCEMENT OFFICER

Article 285. Conciliation agreement of the parties entered in the course of enforcement of the court judgement

1. The parties shall have the right to conclude a conciliation agreement in the course of enforcement of the judgment.
2. Conciliation agreement of parties may refer to the manner, time limits and procedure of execution of the court judgment.
3. The parties shall conclude a 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 enforcement officer.

Article 286. Enforcement officer's actions upon receiving the conciliation agreement

1. The enforcement officer shall, upon receiving the conciliation agreement, suspend the enforcement proceedings and immediately apply to the court having delivered the judgment.

Article 253. Review of the judgment

1. The court shall, based on the application of the enforcement officer, review the judgment within seven days following receipt of the application without convening a court session.

2. Upon reviewing the judgment, the court shall deliver a new judgment which shall literally state the content (text) of the conciliation agreement entered by the parties.

3. The court judgment shall enter into legal force from the moment of announcing it.

CHAPTER 39

PROCEEDINGS ON APPROVING CONCILIATION AGREEMENT CONCLUDED UNDER EXTRAJUDICIAL PROCEDURE WITH PARTICIPATION OF LICENSED MEDIATOR

Article 288. Filing the application

1. Where, in the result of mediation, the conciliation agreement has been concluded under extrajudicial procedure, with the participation of a licensed mediator, each party to the mediation shall, within six months following the day of conclusion of the conciliation agreement, be entitled to apply to the court of general jurisdiction of his or her place of residence with the request that the court approve the conciliation agreement concluded between the parties.

Article 289. Requirements for the application

1. The original of the conciliation agreement, the documents confirming legal title on the rights possessed under conciliation agreement (if available), as well as evidence confirming the fact that the copy of the application has been sent to other persons having concluded the conciliation agreement, shall be attached to the application.

2. In case of failure to fulfil the requirements specified in part 1 of this Article, the court shall return the application as prescribed by Article 127of this Code.

Article 290. Examination of the application

1. The court shall examine the application without convening a court session and shall deliver a judgment within seven days following receipt of the application.

2. In certain cases, the court may request from the applicant documents excluding circumstances that serve as a ground for dismissing the conciliation agreement, which the party is obliged to provide within 10 days following receipt of the court's request. The court shall deliver a judgment within seven days following the time period defined for receiving the specified documents, without convening a court session.

Article 291. Court judgement

1. Based on the results of examination of the application, the court shall, under the rules on approving the conciliation agreement defined by this Code, deliver a judgment on approving the conciliation agreement or on dismissing the application.

2. The judgment on approving the conciliation agreement shall literally contain the statement (text) of the conciliation agreement.

3. The judgment on approving the conciliation agreement shall enter into legal force from the moment of announcing it.

SUBSECTION FOUR

SIMPLIFIED PROCEDURES

CHAPTER 40.

REMOTE TRIAL

Article 292. Grounds for applying remote trial

1. Upon consent of a plaintiff, and - where there are several plaintiffs – upon their consent, the Court of First Instance shall be entitled to apply remote trial, if the notified respondent has not appeared at the preliminary court session and has not filed a motion on delaying the examination of the case, on examining the case in his or her absence based on documents and materials submitted, or a motion on holding a court session in his or her absence.

2. Where there are several respondents participating in the case, a remote trial may be applied where all respondents who have been notified of the preliminary court session have not appeared and have not filed motions as referred to in part 1 of this Article.

3. In case a motion of the plaintiff seeking permission to change the subject-matter and/or the grounds of the claim is granted, remote trial in the given court session may not be applied.

4. Remote trial may not be applied, where the court has accepted for proceedings the counterclaim filed by a respondent or the claim of a third person having individual demands on the subject-matter of the dispute.

Article 293. Procedure for remote trial

1. After performing at preliminary court session the actions - as and when needed - prescribed by Article 167 of this Code, the Court of First Instance shall deliver a protocol decision on applying remote trial, after which it shall immediately start the trial of the case in the absence of the respondent in compliance with the general rules prescribed by this Code.

2. While examining the case on the merits at a remote trial, the Court of First Instance shall examine the evidence on general basis revealed to the respondent by persons participating in the case prior to rendering a decision on applying remote trial, by taking into consideration the position expressed in the reply to the statement of the claim as well.

3. Following examination of evidence, the presiding judge shall, by concluding the trial of the case, announce the time and venue of announcing the final judicial act.

Article 294. Discontinuing remote trial

1. The court shall render a decision on discontinuing the remote trial and carrying out examination of the case under general procedure, where:

   (1) during examination of the case at remote trial, the person participating in the case has submitted new evidence with a motion to consider it as admissible or has filed a motion for obtaining new evidence and that motion has been granted by the court;

   (2) during examination of the case at remote trial, other circumstances have come to light, for clarification whereof examination of the case under general procedure is required.

2. In case of delivering the decision defined in part 1 of this Article, the court shall resume the preliminary court session.

3. The decision on discontinuing the remote trial and carrying out examination of the case under general procedure shall, with an indication of time and venue of the preliminary court session, be forwarded to persons participating in the case by registered mail within three days, with notification on delivery.

Article 295. Final judicial act delivered at remote trial

1. General rules of this Code shall be applied to the final judicial act delivered at remote trial. It shall be delivered, announced, handed over and sent to the persons participating in the case under general procedure.

CHAPTER 41.

EXAMINATION OF CASES IN THE PROCEDURE OF SIMPLIFIED PROCEEDINGS

Article 296. Procedure of conducting simplified proceedings

1. Courts shall implement simplified proceedings pursuant to the general rules on examination of cases as provided for by this Code, by observing special rules prescribed in this Chapter.

Article 297. Cases examined in the procedure of simplified proceedings

1. The Court of First Instance shall render a decision on examining the case in the procedure of simplified proceedings when a claim on confiscation of an amount not to exceed two thousand-fold of the minimum salary has been filed.

2. The Court of First Instance may also examine other cases in the procedure of simplified proceedings upon written consent of all persons participating in the case on examining the case in the procedure of simplified proceedings and when no person participating in the case has objected examination of the case in the procedure of simplified proceedings within the time limit defined for submitting a response to the statement of claim..

3. The case may not be examined in the procedure of simplified proceedings where:

   (1) there is need to question persons participating in the case, the witnesses, the expert or specialist, to assign an expert examination, to request evidence, to examine the evidence on-site, or to issue court assignments;

   (2) court has accepted for proceedings a counterclaim or a claim submitted by a third person having individual demands on the subject-matter of the dispute;

   (3) there is need to substitute an improper party or to involve other persons in the proceedings;

   (4) a group claim has been submitted;

   (5) there is need to determine other facts of significance for disposition of the case not invoked by persons participating in the case.

4. A case with interrelated claims joined into one statement of claim, where one of the claims is subject to being examined in the procedure of simplified proceedings and the other - in general procedure of adversary proceedings, the court shall examine the case in general procedure of adversary proceedings, except for cases where it separates joined claims to separate proceedings as prescribed by Article 123 of this Code, or the interrelated claims arise from the claim to be examined in the procedure of simplified proceedings.

5. The Court of First Instance shall examine the case in the procedure of simplified proceedings also in other cases provided for by this Code.

Article 298. Decision of the court on examining the case in the procedure of simplified proceedings

1. The court shall — within a seven-day period following the day of receipt of the response to the statement of claim from the respondent, and in case the response is not submitted, following the day of termination of the time period prescribed for sending the response — render a decision on examining the case in the procedure of simplified proceedings wherein the time and venue for announcing the judicial act shall be indicated.

2. The decision of the Court of First Instance on examining the case in the procedure of simplified proceedings shall be sent to the persons participating in the case on the following day after rendering the decision.

Article 299. Actions of participants of the case after receiving the decision of the court on examining the case in the procedure of simplified proceedings

1. Facts whereon material and legal claims and objections of persons participating in the case are based and the evidence substantiating them, as well as the motions shall be presented not later than within a two-week period after receiving the decision of the court on examining the case in the procedure of simplified proceedings. Depending on peculiarities of the case, upon motion of a person participating in the case, the mentioned period may be extended based on a court decision.

2. Within the scope of simplified proceedings a counter-claim may be filed within the period provided for by part 1 of this Article.

3. Facts presented in violation of time limits prescribed by part 1 of this Article shall not be considered and the procedural documents and evidence, upon a court decision, shall be returned to persons having submitted them, except for cases where the person submitting them (presenter) substantiates unfeasibility of presenting the procedural document or evidence within the prescribed time limits.

4. Changing the subject-matter or the grounds of the claim shall not be allowed from the time when the court renders a decision on examining the case in the procedure of simplified proceedings.

Article 300. Procedure and time limits of examining a case in simplified proceedings

1. Examination of the case in the procedure of simplified proceedings shall be conducted without convening a court session.

2. In the result of examining the case in the procedure of simplified proceedings, the Court of First Instance shall render and announce the final judicial act within one-month period after the date of expiry of the time limit prescribed by part 1 of Article 299 of this Code, and in case that time limit is extended by the court — within one-month period after the extended date of expiry.

3. The court may change the time and venue for announcing the judgment during examination of the case in the procedure of simplified proceedings.

Article 301. Discontinuing simplified proceedings

1. Where the circumstances prescribed by part 2 of Article 297 of this Code have emerged after rendering the decision on examining the case in the procedure of simplified proceedings, but not later than prior to announcing a final judicial act, the court shall render a decision on examining the case in the general procedure of adversary proceedings and shall convene a preliminary court session as prescribed by Article 166 of this Code.

Article 302. Final judicial act delivered on cases examined in the procedure of simplified proceedings

1. The circumstances of the case established by the court, the evidence on which the conclusions of the court are based, the arguments for dismissing this or that evidence, as well as the laws and other legal acts by which the court was governed when delivering the judgment, shall be indicated in the reasoning part of the judgment delivered in the procedure of simplified proceedings.
2. A final judicial act delivered in the procedure of simplified proceedings shall be announced, delivered to the persons participating in the case and forwarded under general procedure.
3. The judgment delivered in the procedure of simplified proceedings, as well as the decision on terminating proceedings on the case shall enter into force within a 15-day period after announcing it, where no appeal is lodged against it.
4. The decision on leaving the claim examined in simplified proceedings without consideration shall enter into legal force within a seven-day period after announcing it, where no appeal is lodged against it.
5. Where the final judicial act delivered in the procedure of simplified proceedings is appealed and not reversed by the Court of Appeal, it shall enter into force from the time when the decision of the Court of Appeal is rendered.

CHAPTER 42.

ACCELERATED TRIAL

Article 303. Grounds for applying accelerated trial

1. Where it is not necessary to question persons participating in the case, witnesses, the experts or specialist, to examine the evidence on-site or give court assignments, the Court of First Instance shall be entitled to apply accelerated trial provided:

   (1) a claim on confiscation of an amount not to exceed fifty-fold of minimum salary has been filed;

   (2) a claim is based on a written transaction, and the respondent does not dispute the validity thereof;

   (3) a claim on confiscation of alimony has been filed;

   (4) a claim on confiscation of calculated and unpaid salary and on confiscating other payments pertaining to employment relations has been filed;

   (5) persons participating in the case have notified the court in writing of their absence in the trial;

   (6) persons participating in the case have submitted a written consent for applying accelerated trial for the case;

   (7) facts having significance for resolving the case are indisputable, and it is required from the court to determine issues concerning exclusively the law to resolve the case, or the respondent has accepted the claims.

Article 304. Decision of the court on applying accelerated proceedings

1. The court shall render a decision on applying accelerated proceedings.

2. Decision on applying accelerated proceedings may be rendered any time during examination of the case, but not earlier than submission of response by the respondent to the statement of claim and if not presenting the response - not earlier than expiry of the time limit envisaged for sending a response.

3. The respondent may file a counterclaim before a final judicial act is rendered by the Court of First Instance.

4. The court shall send the decision on applying accelerated trial to participants of the case on the following day after rendering the decision.

Article 305. Procedure and time limits of accelerated trial

1. From the time when the decision on applying accelerated trial is rendered, Court of First Instance shall proceed to delivering the final judicial act.

2. A final judicial act shall be announced not later than within a 15-day period after rendering the decision on applying accelerated trial.

3. The time and venue of announcing the final judicial act shall be mentioned in the decision on applying accelerated trial.

4. The final judicial act delivered in the accelerated trial shall enter into legal force within 15 days after delivering it, unless an appeal is lodged against it..

Article 306. Discontinuing application of accelerated trial

1. When such circumstances arise in the course of delivering a final judicial act, clarification of which requires examination of the case in general procedure, or the court has accepted the counterclaim for proceedings, the court shall render

a decision on discontinuing application of accelerated trial and on conducting examination of the case in general procedure.

2. In case a decision provided for by part 1 of this Article is rendered, the court shall conduct examination of the case from the time when the decision on applying accelerated trial has been rendered.

3. The decision on discontinuing application of accelerated trial and conducting examination of the case in general procedure shall be sent to persons participating in the case within a three-day period, by mentioning the time and venue of the court session.

CHAPTER 43.

PROCEEDINGS ON CASES ON ISSUING AN ORDER ON PAYMENT

Article 307. Admissibility of proceedings on cases on issuing an order on payment

1. Proceedings on a case on issuing an order on payment shall be admissible only when having identifiable monetary claim, except for the cases when it is related to unperformed counter-obligations.

2. Within the meaning of this article, a claim shall be considered as identifiable where it is defined upon agreement of parties or may be precisely determined based on law or contract.

Article 308. Jurisdiction of cases on issuing an order on payment

1. The case on issuing an order of payment shall fall under jurisdiction of the Court of First Instance of the place of record-registration (location) of the respondent.

Article 309. Form and content of applications on issuing an order on payment

1. An applications on issuing an order on payment shall be submitted in writing, whereby shall be mentioned:

   (1) name of the Court of First Instance whereto the application is submitted;

   (2) name, address of the place of residence, passport data of the applicant, and in case the applicant is a legal person - the company name, address of the place of location, taxpayer identification number and the number of state registration or the number of state registration certificate, as well as the fax, telephone number or e-mail of the applicant;

   (3) name and the address of place of residence (location) of a debtor;

   (4) grounds and amount of primary and supplementary claims, presented separately;

   (5) evidence confirming the claim;

   (6) claim on issuing an order on payment;

   (7) a statement on that the claim is not related to unperformed counter-obligations, or that counter-obligations are already performed;

   (8) list of documents attached to the application.

2. Evidence confirming the claim shall be attached to the application.

3. An application shall be signed by an applicant or his or her representative. In case the application is signed by a representative, a corresponding document attesting his or her powers shall be attached.

4. An application and the accompanying documents shall be submitted to the court in two copies.

Article 310. Dismissing an application on issuing an order on payment

1. An application on issuing an order on payment shall be dismissed within the time limits prescribed by Article 309 of this Code, where:

   (1) it contradicts the requirements of Articles 307, 308 or 309 of this Code;

   (2) any of the grounds specified in Articles 126 or 127 of this Code are available;

   (3) claim is prima facie not substantiated;

   (4) transaction underlying the claim prima facie contradicts the law;

   (5) there is a decision on rejecting to issue an order on payment with regard to the same persons, on the same factual grounds and based on the same claim.

2. The decision on dismissing a claim on issuing an order on payment shall be no hindrance for submitting dismissed claim in the procedure of adversary proceedings.

Article 311. Time limits for examining an application on issuing an order on payment

1. The Court of First Instance, without convening a court session, shall initiate one of the following actions within a two-week period after the receipt of the application:

(1) issue an order on payment;

(2) fully dismiss the application on issuing an order on payment;

(3) partially dismiss the application on issuing an order on payment, by issuing an order on payment for the other part of the application.

Article 312. Content of an order on payment and sending it to the debtor

1. An order on payment shall include the following:

(1) indication that the Court of First Instance has not verified on the merits the substantiation of the claim;

(2) executive order to perform one of the following actions within a two-week period:

(a) to abide by the claim on payment, where the debtor considers that the claim is substantiated;

(b) to present a written objection to the Court of First Instance, where the debtor considers a part of the claim as unsubstantiated, while making the payment as regards the other part of the claim;

(c) to present a written objection to the Court of First Instance, where the debtor considers the claim as unsubstantiated.

(3) indication that in case an objection is submitted the disputed part of the claim may be examined on the merits in the procedure of adversary proceedings, in which case the defeated party shall incur the court costs;

(4) indication that in case of failure to file an objection within two weeks, the order on payment shall be regarded as having the legal power of a judgment having entered into force and shall be subject to enforcement.

2. The order on payment, copies of the application and accompanying documents shall be sent to the debtor on the following day after being issued.

Article 313. Cancelling an order on payment

1. A Court of First Instance shall make a decision on cancelling an order on payment where:

   (1) objection has been submitted by the debtor within a two-week period after receiving the application;

   (2) debtor has abided by the payment claim;

   (3) it is impossible to send the order on payment to the address mentioned in the application.

2. In the decision on cancelling the order on payment based on grounds that an objection has been received regarding the order on payment or that it is impossible to deliver the order on payment to the debtor, the Court of First Instance shall clarify to the applicant the right to submit his or her claims in the general procedure of adversary proceedings.

Article 314. Order on payment with the power of a judgment that has entered into legal force

1. In case no objection is submitted to the court within a two-week period after the order on payment is received by the debtor, the order on payment shall have the power of a judgment that has entered into legal force and shall be subject to enforcement.

SUBSECTION FIVE

PROCEEDINGS ON CASES BROUGHT UPON APPLICATIONS ON ANNULMENT OF ARBITRAL AWARDS, ON ISSUING A WRIT OF EXECUTION FOR ENFORCEMENT OF ARBITRAL AWARDS, ON RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS, ON PROVIDING JUDICIAL SUPPORT TO ARBITRATION

CHAPTER 44

GENERAL PROVISIONS

Article 315. Procedure of examination of applications

1. Proceedings on cases regarding applications on challenging arbitral awards, issuing a writ of execution for enforcement of arbitral award, recognising and executing foreign arbitral awards, providing judicial support to arbitration shall be conducted pursuant to the general rules determined for examination of cases as provided for by this Code, by observing the special rules defined by provisions of this Subsection and the Law of the Republic of Armenia "On commercial arbitration".

CHAPTER 45

PROCEEDINGS ON CASES BROUGHT UPONN APPLICATIONS ON ANNULMENT OF ARBITRAL AWARDS

Article 316. Filing an application on annulment of arbitral awards

1. The arbitral award rendered in the territory of the Republic of Armenia may be challenged in court - upon submitting an application on annulment of the arbitral award - by participants of arbitration, as well as those persons on whose rights and obligations an arbitral award has been rendered pursuant to the Law of the Republic of Armenia "On commercial arbitration".

2. An application on annulment of arbitral award shall be submitted with the court defined in the Law of the Republic of Armenia "On commercial arbitration" within the time limit prescribed by the Law.

3. Those persons on whose rights and obligations the arbitral award has been made, may submit an application on annulment of arbitral award within a one-month period from the day they learnt of such arbitral award.

Article 317. Requirements for applications

1. The following shall be indicated in the application on annulment of the arbitral award:

   (1) name of the court whereto the application is submitted;

   (2) name of the arbitration tribunal that has rendered the arbitral award, its place and composition;

(3) names of participants of the arbitration, address of their record-registration (location), passport data of the applicant citizen, state registration number of the applicant legal entity;

(4) year, month, day, venue and the number of the arbitral award (if available);

(5) date on which the applicant received the arbitral award;

(6) claim of the applicant and grounds for challenging the arbitral award.

2. The following shall be attached to the application on annulment of the arbitral award:

(1) original copy of the arbitral award or a duly certified copy thereof;

(2) original copy of the arbitration agreement or its duly certified copy and, where concluding an arbitration agreement in one of the manners prescribed by the Law of the Republic of Armenia "On commercial arbitration" - the original copy of the evidence proving its conclusion or a duly certified copy thereof;

(3) a document certifying payment of the state duty in the procedure and amount as prescribed by law;

(4) a document certifying delivery of a copy of the application on annulment of the arbitral award to the other party of arbitration.

3. The copies of the documents referred to in part 2 of this Article may be certified by the chairperson of the permanently operating arbitration court, and where the arbitration court has been formed to settle a certain dispute (ad hoc) — the copies of the documents shall be certified by a notary.

4. An application submitted in violation of requirements of Article 316 of this Code, as well as this Article, shall be returned to the person having submitted it, as prescribed by Article 127 of this Code.

Article 318. Examination of an application

1. An application on annulment of arbitral award shall be examined and decided on within a one-month period from the day of accepting the application for proceedings, without convening a court session.

2. The court may convene a court session, where this is dictated by the need to receive clarifications regarding the circumstances having significance for the disposition of the case and the evidence existing in the case. In this case, the application on annulling the arbitral award shall be examined and a decision thereon shall be rendered within a two-month period from the day of accepting the application for proceedings.

3. The time and venue of announcing the final judicial act to be rendered based on the results of examination of the case shall be indicated in the decision on accepting the application for proceedings.

4. The court may request from the arbitration tribunal the materials of the case based on which arbitral award has been made, which is challenged in the court.

5. During examination of the case the court, on own initiative, shall verify availability or absence of mandatory grounds for annulment of the arbitral award as provided for by the Law of the Republic of Armenia "On commercial arbitration".

6. The court may, upon motion of the person participating in the case or on own initiative postpone, for a reasonable term, rendering of the decision, where the court finds that the ground for annulling the arbitral award may be eliminated by way of restarting the proceedings on arbitration. The decision on postponing rendering of the decision shall be sent to the arbitration tribunal and the parties to the proceedings on arbitration not later than on the following day.

7. In case the court renders a decision on postponement, the term of postponement shall not be calculated in the time limit provided for by parts 1 and 2 of this Article.

Article 319. Grounds for annulment of arbitral award

1. Arbitral award may be annulled by the court exclusively on the grounds stipulated in the Law of the Republic of Armenia "On commercial arbitration".

Article 320. Decision of the court on annulment of arbitral award

1. The court, in the result of examination of the application on annulment of arbitral award, shall render a decision by observing requirements of Article 200 of this Code.

2. The following shall be included in the court decision:

   (1) name of the arbitration tribunal that has made the arbitral award, its place and composition;

   (2) year, month, day and venue, where the disputed arbitral award has been made;

   (3) names of persons participating in the case, their place of residence (location);

   (4) conclusion of the court on fully or partially annulling the arbitral award or fully dismissing the application.

3. Decision of the court shall be announced as prescribed by this Code for announcement of a judgment and shall enter into legal force after announcing it.

4. Annulment of arbitral award shall be no hindrance for referring to arbitration again, where the right to refer to arbitration is not exhausted.

5. Where the arbitral award is fully or partially annulled due to invalidity of the arbitration agreement, or such arbitral award has been made on a dispute beyond the scope of arbitration ,as defined in an arbitration agreement, or fails to comply with its requirements, or includes decisions on matters not stipulated

in an arbitration agreement, the parties of arbitration may apply to the court to settle their dispute in compliance with the general rules provided for by this Code.

CHAPTER 46.

PROCEEDINGS ON CASES BROUGHT UPON APPLICATIONS ON ISSUING A WRIT OF EXECUTION FOR ENFORCEMENT OF ARBITRAL AWARDS

Article 321. Issuing a writ of execution for enforcement of arbitral awards

1. An application on issuing a writ of execution for enforcement of the arbitral award shall be examined by the court where the venue of arbitration has been the territory of the Republic of Armenia.
2. The matter of issuing a writ of execution for enforcement of the arbitral award shall be examined by the court based on the application of the person in favour of whom the arbitral award has been made.
3. An application on issuing a writ of execution for enforcement of arbitral award shall be submitted to the court referred to in the Law of the Republic of Armenia "On commercial arbitration".
4. An application on issuing a writ of execution for enforcement of arbitral award may be submitted to the court within a one-year period from the date when it is received.

Article 322. Requirements for applications

1. In the application on issuing a writ of execution for enforcement of arbitral award shall be included the following information:

   (1) name of the court whereto the application is submitted;

   (2) name of the arbitration tribunal which has made the arbitral award, its place of location and composition;

   (3) names of participants of arbitration, their address of record-registration (location), passport data of the applicant citizen, state registration number of the applicant legal person;

   (4) year, month, day, venue and the number of the arbitral award made;

   (5) request on issuing a writ of execution for enforcement of arbitral award.

2. An application on issuing a writ of execution for enforcement of arbitral award shall be accompanied with the following:

   (1) original copy of the arbitral award or a duly certified copy thereof;.

   (2) original copy of arbitral award or a duly certified copy thereof;

   (3) document certifying payment of the state duty in the procedure and amount defined by law;

   (4) document certifying submission or sending the copy of the application on issuing a writ of execution for enforcement of arbitral award to the other party of arbitration.

3. Copies of the documents referred to in part 2 of this Article may be certified by the chairman of the permanently operating arbitration tribunal, and where the arbitration tribunal has been formed to settle a certain dispute (ad hoc) — shall be certified under notarial procedure.

4. The application may also include or may have attached to it the motions of the applicant, including a motion on ensuring execution of the arbitral award, for which the rules of Chapter 13 of this Code shall apply.

5. An application submitted in violation of requirements of Article 321 of this Code, as well as this Article, shall be returned to the person having submitted it, as prescribed by Article 127of this Code.

Article 323. Examination of applications

1. An application on enforcement of arbitral award shall be examined and decided on within a one-month period from the day of accepting the application for proceedings, without convening a court session.

2. The court may convene a court session, where this is conditioned by the need to receive clarifications regarding the circumstances having significance for the disposition of the case and the evidence existing in the case. In this case, the application on issuing a writ of execution for enforcement of arbitral award shall be examined and a decision thereon shall be rendered within a two-month period from the day of accepting the application for proceedings.

3. The time and venue of announcing the final judicial act to be rendered based on the results of the examination of the case shall be indicated in the decision on accepting the application for proceedings.

4. The court may request from the arbitration tribunal the materials of the case for which a writ of execution is requested.

5. During the trial, the court shall determine availability or absence of the grounds for issuing a writ of execution for enforcement of arbitral award as defined in the Law of the Republic of Armenia “On commercial arbitration”.

6. While considering the application on issuing a writ of execution for enforcement of arbitral award, if it is revealed that there is an application on annulling an arbitral award in the proceedings of the court, the court shall suspend examination of the application on issuing a writ of execution for enforcement of arbitral award.

7. No application on annulling arbitral award shall be submitted once the writ of execution for enforcement of arbitral award is issued, except for cases when the person having submitted the application on annulment of the arbitral award provides justifications for not being able to file such application during the proceedings initiated upon an application on issuing a writ of execution for enforcement of arbitral award, due to reasons beyond his or her control.

Article 324. Grounds for rejecting issuance of a writ of execution for enforcement of arbitral award

1. Enforcement of arbitral award shall be rejected upon the grounds defined in the Law of the Republic of Armenia "On commercial arbitration".

Article 325. Decision of the court on the case on issuing a writ of execution for enforcement of arbitral award

1. The court, in the result of examination of the application on issuing a writ of execution for enforcement of arbitral award, shall render a decision which must comply with the requirements of Article 200 of this Code.

2. The following shall be included in the court decision:

   (1) name of the arbitration tribunal that has made the arbitral award, its place and composition;

   (2) names of participants of the arbitration, their place of residence (location);

(3) year, month, day and venue of the arbitral award made;

(4) conclusion of the court on issuing a writ of execution for enforcement of arbitral award or rejecting to issue a writ of execution.

3. Decision of the court shall be announced as prescribed by this Code for the announcement of a judgment, and shall enter into legal force after announcing it.

4. Rejection to issue a writ of execution for enforcement of arbitral award shall be no hindrance for referring to arbitration tribunal again, where the right to refer to the arbitration tribunal is not exhausted.

5. Where the court fully or partially rejects issuing a writ of execution for enforcement of arbitral award due to invalidity of the arbitration agreement, or on the grounds that arbitral award has been made on a dispute beyond the scope of arbitration agreement or it fails to comply with its requirements or decides on issues that are beyond arbitration agreement, parties of arbitration may apply to court to settle the dispute between them pursuant to the general rules of this Code.

CHAPTER 47.

PROCEEDINGS ON CASES BROUGHT UPON APPLICATIONS ON RECOGNISING AND ENFORCING FOREIGN ARBITRAL AWARDS

Article 326. Recognition and execution of foreign arbitral awards

1. Recognition and execution of arbitral awards of arbitration courts and international commercial arbitration courts (foreign arbitral awards) made in the

territory of foreign countries shall be done by court provided for by the Law of the Republic of Armenia "On commercial arbitration" in cases defined by the referred Law.

2. Issues of recognition and enforcement of foreign arbitral awards shall be examined upon an application filed by a party to foreign arbitration.

3. The party may apply to the court only for recognition of the arbitral award, depending on the nature of such award.

4. An application on recognition and execution of foreign arbitral award pending execution may be submitted for enforcement of the foreign arbitral award within a three-year period after the date it enters into force.

Article 327. Requirements for applications

1. The application on recognition and enforcement of foreign arbitral award shall include the following:

   (1) name of the court whereto the application is submitted;

   (2) name of a foreign arbitration court that has made the arbitral award, its place and composition;

   (3) claimant's name, place of residence (location);

   (4) debtor's name, place of residence (location);

   (5) year, month, day and the number of the arbitral award made (if available);

   (6) claim of the applicant on recognising and executing foreign arbitral award;

   (7) list of documents attached to the application.

2. An application on recognition and enforcement of foreign arbitral award shall be accompanied with the following:

(1) original copy of the arbitral award or a duly certified copy thereof;

(2) original copy of the arbitration agreement or a duly certified copy thereof.

3. Copies of the documents referred to in part 2 of this Article may be certified by the chairperson of the permanently operating arbitration tribunal, and where the arbitration tribunal has been formed to settle a certain dispute (ad hoc) — shall be certified under notarial procedure.

4. The application on recognition and enforcement of foreign arbitral award shall be also accompanied with a document certifying payment of state duty in the procedure and amount prescribed by the Law of the Republic of Armenia "On state duty" required for submitting an application with the court on issuing a writ of execution for executing the arbitral award.

5. The application submitted in violation of requirements of Article 326 of this Code, as well as this Article, shall be returned to the person having submitted it, as prescribed by Article 127 of this Code.

Article 328. Examination of applications

1. An application on recognition and enforcement of foreign arbitral award shall be examined and decided on within a two-month period from the day of accepting the application for proceedings, without convening a court session, unless otherwise provided for by international agreements of the Republic of Armenia.

2. The court may, within the time limit provided for by part 1 of this Article, convene a court session, where this is conditioned by the need to receive clarifications regarding the circumstances having significance for the disposition of the case and the evidence existing in the case.

3. The time and venue of announcing of the final judicial act rendered based on the results of the examination of the case shall be indicated in the decision on accepting the application for proceedings.

4. During examination of the case the court shall verify availability or absence of grounds for recognition and execution of foreign arbitral awards as defined in the Law of the Republic of Armenia "On commercial arbitration".

Article 329. Grounds for rejecting recognition and enforcement of foreign arbitral awards

1. Grounds for rejecting recognition and enforcement of foreign arbitral awards are provided for by the Law of the Republic of Armenia "On commercial arbitration".

Article 330. Decision of the court regarding cases on recognition and enforcement of foreign arbitral award

1. In the result of examination of the application on recognition and enforcement of foreign arbitral award, the court shall render a decision, which must comply with the requirements of Article 200 of this Code.

2. The following shall be included in the court decision:

   (1) name of foreign arbitration court or international commercial arbitration court which has made the arbitral award, its place of location and composition;

   (2) names of the claimant and debtor;

   (3) year, month, day and venue where the foreign arbitral award has been made;

   (4) conclusion of the court on recognition and enforcement of foreign arbitral award or rejecting recognition and enforcement thereof.

3. Decision of the court shall be announced as prescribed by this Code for announcement of a judgment, and shall enter into legal force in seven days after announcing it, unless an appeal is filed against it.

Article 331. Enforcement of foreign arbitral award

1. Foreign arbitral award shall be executed based on a writ of execution issued by a court that has delivered a judgment on recognition and enforcement of foreign arbitral award in compliance with this Code and the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

CHAPTER 48

PROCEEDINGS ON CASES BROUGHT UPON APPLICATIONS ON PROVIDING JUDICIAL SUPPORT TO ARBITRATION TRIBUNAL

Article 332. Filing an application on providing judicial support to the arbitration tribunal

1. In cases provided for by Article 9, parts 3 and 4 of Article 11, part 3 of Article 13, part 1 of Article 14, part 3 of Article 16 and Article 27 of the Law of the Republic of Armenia “On commercial arbitration”, the arbitration tribunal or participant of the arbitration proceedings shall be entitled to apply to court with an application on providing judicial support to the arbitration tribunal.

2. The application shall be filed to the court defined by the Law of the Republic of Armenia “On commercial arbitration”.

3. The application may be filed to the court within a one-month period from the day when the applicant learned or could have learned of the circumstances serving as a ground for filing the application, unless other time limit is defined by the Law of the Republic of Armenia "On commercial arbitration" or by arbitration agreement.

Article 333. Requirements for applications

1. The following shall be included in the application:

   (1) name of court whereto the application is filed;

   (2) name, place and composition of the arbitration tribunal examining the dispute;

   (3) names of participants of the arbitration, address of their record-registration (location), passport data of the applicant citizen, state registration number of the applicant legal entity;

   (4) circumstances that served as a ground for applying to the court, invoking the provisions of the Law of the Republic of Armenia "On commercial arbitration" that provide for implementation of the requested functions by the court;

   (5) claim of the applicant.

2. The application on applying measures for securing the claim must also meet the requirements in part 2 of Article 130 of this Code.

3. With the request for adopting a decision on recusal of the arbiter, information about the arbiter being recused must also be indicated in the application on providing support.

4. The following shall also be included in the application on obliging to provide documents or evidence related to the arbitration proceedings to the arbitration tribunal or to the parties to the arbitration proceedings:

   (1) name and place of residence (location) of the person on whom the obligation to provide documents or evidence by a court decision shall be placed;

   (2) name and place of residence (location) of the party to the arbitration whereto that obligation must be fulfilled;

   (3) list of documents to be provided to the parties of the arbitration proceedings or to the arbitration tribunal;

5. Information on the evidence, for obtainment of which the support of the court is anticipated, as well as the means of support that is anticipated, shall be indicated in the application on providing support in obtaining evidence. The name and address of record-registration of the witness shall also be indicated in the application on ensuring the appearance during the hearings.

6. The following shall be attached to the application:

   (1) the duly certified copy of the decision of the arbitration tribunal on accepting the statement of claim for proceedings, except for cases when an application on applying preliminary measures for securing the claim has been filed;

   (2) the original copy or duly certified copy of the arbitration agreement, and in case of concluding the arbitration agreement in one of the ways defined by the Law of the Republic of Armenia "On commercial arbitration", the original copy or duly certified copy of evidence on conclusion thereof;

   (3) document confirming the fact that the state duty has been paid in the manner and in the amount prescribed by law;

(4) document confirming the fact that the copy of the application has been delivered or sent to the other party to the arbitration proceedings, except for cases when an application on applying measures for securing the claim, on obliging to provide documents or evidence related to the arbitration proceedings to the arbitration tribunal or to the parties to the arbitration proceedings or on providing support in obtaining evidence, has been filed.

7. Copies of the documents referred to in part 6 of this Article may be certified by the chairperson of the permanently operating arbitration tribunal, and where the arbitration tribunal has been formed to settle a certain dispute (ad hoc) — shall be certified under notarial procedure.

8. Consent of the arbitration tribunal for applying to a court with an application on obliging to provide documents or evidence related to the arbitration proceedings to the arbitration tribunal or to the parties to the arbitration proceedings, on providing support in obtaining evidence filed by the participant of the arbitration proceedings shall be attached to the application.

9. The application filed in violation of the requirements defined by Article 332 of this Code and by this Article shall be returned to the person having filed the application, as prescribed by Article 127 of this Code.

Article 334. Examination of the application

1. An application shall be examined in a court session, and a decision thereon shall be rendered within a one-month period following the day of accepting the application for proceedings, except for applications on applying measures for securing the claim, on obliging to provide documents or evidence related to the arbitration proceedings to the arbitration tribunal or to the parties to the arbitration proceedings, on providing support in obtaining evidence, in relation

to which the court shall render a decision not later than on the following day after receiving the application, without convening a court session.

2. In relation to the application on designating an arbiter, the court shall render a decision within a 15-day period following receipt of the application, without convening a court session.

3. Where, during examination of the application on taking a decision on the recusal of an arbiter or on competence of the arbitration tribunal, it is found that the arbitration tribunal has delivered a judgment resolving the case on the merits, the application shall be left without consideration on the grounds of concluding the proceedings in the arbitration tribunal. In case of leaving the application without consideration, the participant of the arbitration proceedings, who has filed the application on providing support, shall not be deprived of the right to invoke the circumstances underlying the application on providing support during examination of the application on annulling the arbitral award or on issuing a writ of execution for enforcement of the arbitral award.

Article 335. Judicial act rendered in the result of examination of the application

1. Based on the results of the examination of the application, the court shall render a decision that must meet the requirements defined by Article 200 of this Code.

2. The following must be mentioned in the court's decision:

   (1) name, place and composition of the arbitration tribunal;

   (2) names of parties to the arbitration proceedings, their place of residence (location);

(3) circumstances serving as a ground for applying to the court, by invoking the provisions of the Law of the Republic of Armenia "On commercial arbitration" that provide for implementation of the requested functions by the court;

(4) conclusion of the court on fully or partially granting the application or on fully or partially dismissing the application, with indication of the motives by which the court granted or dismissed the claims of the applicant.

3. Information about the designated arbiter must be indicated in the decision on granting the application on adopting a decision on designation of an arbiter.

4. The court's decision shall be announced in the manner defined in this Code for announcement of a judgment.

5. The judicial act rendered in the result of examination of the application shall enter into legal force from the moment of announcing it and shall not be subject to appeal.

6. A writ of execution shall be issued for the decision of the court implying enforcement, as prescribed by law.

SUBSECTION SIX

PROCEEDINGS ON CASES BROUGHT UPON APPLICATIONS ON ANNULMENT OF A DECISION OF FINANCIAL SYSTEM MEDIATOR AND ISSUING A WRIT OF EXECUTION FOR ENFORCEMENT OF A DECISION OF FINANCIAL SYSTEM MEDIATOR

CHAPTER 49

GENERAL PROVISIONS

Article 336. Procedure of examination of applications

1. Proceedings on applications on annulment of the decision of Financial System Mediator and on issuing a writ of execution for enforcement of a decision of Financial System Mediator shall be conducted in accordance with the general rules on examination of cases as provided for by this Code, by observing special rules prescribed by provisions of this Subsection.

CHAPTER 50.

PROCEEDINGS ON CASES BROUGHT UPON APPLICATIONS ON ANNULMENT OF A DECISION OF FINANCIAL SYSTEM MEDIATOR

Article 337. Submission of an application on annulment of a decision of Financial System Mediator

1. A decision of Financial System Mediator having become binding for the parties may be challenged through judicial procedure by way of submitting an application on annulment of the decision of Financial System Mediator.
2. A decision of Financial System Mediator having become binding for the parties may not be challenged by the organisation which has waived its right to challenge the decisions of the Financial System Mediator under an agreement concluded with the office of Financial System Mediator.
3. The application on annulment of a decision of Financial System Mediator shall be submitted with the Court of First Instance of the place of residence of the client.
4. The application on annulment of a decision of Financial System Mediator may be submitted with the court within a one-month period after the receipt of the notification as provided for by the Law of the Republic of Armenia "On Financial System Mediator."

Article 338. Requirements for application

1. The application on annulment of a decision of Financial System Mediator shall include:

   (1) name of the court whereto the application is submitted;

(2) names, addresses of the place of residence (location) of the parties provided for by the Law of the Republic of Armenia "On Financial System Mediator";

(3) year, month, day, venue and the number of decision being challenged;

(4) date when the decision being challenged became binding for the parties;

(5) grounds and substantiations for challenging the decision;

(6) claim on annulment of the decision being challenged.

2. The application on annulment of a decision of Financial System Mediator shall include:

(1) copy of the decision of Financial System Mediator being challenged;

(2) document certifying payment of the state duty in the procedure and in the amount defined by law;

(3) document confirming the fact of sending the application and the documents attached thereto to the other party and to Financial System Mediator.

3. The court shall, as prescribed by Article 127 of this Code, return the application on annulment of a decision of Financial System Mediator where it has been submitted in violation of Article 337 of this Code, as well as the requirements of this Article.

Article 339. Examination of an application

1. The Court of First Instance shall examine the application on annulment of a decision of Financial System Mediator within one-month period after the day of accepting the application for proceedings, without convening a court session.

2. The court may, within the time period provided for by part 1 of this Article, convene a court session, where this is conditioned by the need to receive

clarifications regarding the circumstances having significance for the disposition of the case and the evidence existing in the case. The parties and the office of the Financial System Mediator shall be notified of the time and venue of the court session.

3. The time and venue for announcing the final judicial act delivered based on the results of the examination of the case shall be indicated in the decision on accepting the application for proceedings.

4. The court may request from the office of the Financial System Mediator the materials of the case, the decision whereon is being challenged in court.

5. During examination of the application, the court shall decide on availability or absence of grounds for annulment of a decision of Financial System Mediator as provided for by the Law of the Republic of Armenia "On Financial System Mediator".

Article 340. Court decision

1. The court, in the result of examination of the case, shall render a decision on fully or partially granting the application and on fully or partially annulling the decision of Financial System Mediator that has become binding for the parties, or a decision on fully dismissing the application.

2. The decision of the court shall meet the requirements of Article 200 of this Code.

3. The decision of the court shall be announced in the procedure defined in this Code for announcement of a judgment and shall enter into legal force in seven days after announcing it, unless an appeal is filed against it.

4. The decision of the court shall be forwarded to the parties and the office of the Financial System Mediator within a three-day period after it is adopted.

CHAPTER 51.

PROCEEDINGS ON CASES BROUGHT UPON APPLICATIONS ON ISSUING A WRIT OF EXECUTION FOR ENFORCEMENT OF THE DECESION OF FINANCIAL SYSTEM MEDIATOR

Article 341. Filing an application on issuing a writ of execution for enforcement of the decision of Financial System Mediator

1. An application on issuing a writ of execution for enforcement of the decision of Financial System Mediator having become binding for the parties may be filed by the client in cases as provided for by the Law of the Republic of Armenia "On financial system mediator".

2. An application on issuing a writ of execution for enforcement of the decision of Financial System Mediator having become binding for the parties shall be filed with the Court of First Instance of the place of residence of the client.

Article 342. Requirements for application

1. In the application on issuing a writ of execution for enforcement of the decision of Financial System Mediator having become binding for the parties shall be stated:

   (1) name of the court whereto the application is submitted;

   (2) names of the parties, addresses of their place of residence (location);

   (3) year, month, day, venue and the number of the decision of Financial System Mediator;

   (4) date on which the decision of Financial System Mediator has become binding for the parties;

(5) request for issuing a writ of execution for enforcement of the decision of Financial System Mediator having become binding for the parties.

2. The following shall be attached to the application:

(1) copy of the decision of Financial System Mediator;

(2) document confirming the fact of payment of the state duty in the amount and in manner prescribed by law;

(3) documents confirming the fact of sending the application and the documents attached thereto to the other party and to the Financial System Mediator.

3. The court shall, as prescribed by Article 127 of this Code, return the application on issuing a writ of execution for enforcement of the decision of Financial System Mediator, where it has been filed in violation of Article 341 of this Code, as well as the requirements of this Article.

Article 343. Examination of the application

1. The Court of First Instance shall examine the application on issuing a writ of execution for enforcement of the decision of Financial System Mediator having become binding for the parties within one month after accepting the application for proceedings, without convening a court session.

2. 2. The court may, within the time period provided for by part 1 of this Article, convene a court session, where this is dictated by the need to receive clarifications regarding the circumstances having significance for the disposition of the case and the evidence existing in the case. The parties and the Office of Financial System Mediator shall be notified of the time and venue of the court session.

3. The time and venue for announcing the final judicial act to be rendered based on

the results of the examination of the case shall be indicated in the decision on accepting the application for proceedings.

4. The court may request from the Financial System Mediator the materials of the case, for enforcement of the decision delivered whereon requires issuance of a writ of execution.

5. When examining the application, the court shall find out the availability or absence of the grounds provided for by the Law of the Republic of Armenia "On financial system mediator" for annulling the decision of the Financial System Mediator.

6. Where during examination of the application on issuing a writ of execution for enforcement of the decision of Financial System Mediator is revealed the fact that there is an application in proceedings of the court on annulling the same decision of the Financial System Mediator, the court shall leave without consideration the examination of the application on issuing a writ of execution for enforcement of the decision of Financial System Mediator.

Article 344. Simplified procedure for examining an application on issuing a writ of execution by the court

1. The court shall examine the application on issuing a writ of execution in a three-day period following the receipt of the application and shall render one of the decisions provided for by part 1 of Article 345 of this Code, where:

   (1) evidence has been attached to the application that the organisation has waived the right to dispute the decisions of the Financial System Mediator;

   (2) there is a court decision that entered into legal force, based on which the application on annulling the decision of Financial System Mediator has been

dismissed in full or has been partially annulled and the writ of execution is claimed for the part not annulled.

2. Evidence defined by point 1 of part 1 of this Article may be a letter provided by the Office of Financial System Mediator on the fact that the given organisation has waived the right to dispute the decisions of Financial System Mediator based on a written agreement entered with the Office of Financial System Mediator.

Article 345. Decision of the court

1. The court shall, in the result of examination of the application, deliver one of the following decisions on:

   (1) granting the application, recognising the decision of Financial System Mediator and issuing a writ of execution for enforcement thereof;

   (2) dismissing the application, annulling the decision of Financial System Mediator and on dismissing issuance of a writ of execution for enforcement thereof.

2. The application on issuing a writ of execution for enforcement of the decision of Financial System Mediator having become binding for the parties shall be dismissed, where after examining it the court reveals that the decision of Financial System Mediator is subject to being annulled.

3. The court decision must meet the requirements prescribed by Article 200 of this Code.

4. The decision of the court shall be announced in the procedure defined by this Code for the announcement of the judgment and shall enter into legal force in seven days upon announcing it, unless an appeal is filed against it.

5. The decision of the court shall be forwarded to the parties and to the Office of Financial System Mediator within a three-day period from the moment it is adopted.

SUBSECTION SEVEN

PROCEEDINGS ON CASES BROUGHT UPON APPLICATIONS ON RECOGNSING FOREIGN JUDICIAL ACTS AND PERMITTING EXECUTION THEREOF

CHAPTER 52.

PROCEEDINGS ON CASES BROUGHT UPON APPLICATIONS ON RECOGNISING FOREIGN JUDICIAL ACTS AND PERMITTING EXECUTION THEREOF

Article 346. Recognition of foreign judicial acts in the Republic of Armenia and permitting execution thereof

1. Judicial acts delivered by courts of foreign states on civil cases shall be recognised, and the judicial acts requiring also execution shall be executed in the Republic of Armenia, where such recognition and execution is provided for by an international agreement entered by the Republic of Armenia or on the basis of reciprocity.

2. Within the meaning of this Subsection, a foreign judicial act shall be the final judicial act as delivered by a judicial authority of another state, irrespective of its title, which has legal force in the state where it has been delivered, including conciliation agreements approved by a foreign court, judicial orders and orders on payment, criminal judgments with regard to criminal cases involving compensation for damage incurred as a consequence of crime.

3. Decisions of a foreign court on securing a claim may be also recognised in the Republic of Armenia.

4. Foreign judicial act shall be subject to recognition and execution in the Republic of Armenia, where the dispute resolved by that act involves a civil case under legislation of the Republic of Armenia, unless otherwise provided for by a relevant international agreement entered by the Republic of Armenia.

5. Where the recognition and execution of a foreign judicial act depend on reciprocity, the reciprocity shall be considered existing unless otherwise proved.

6. The following shall be recognised in the Republic of Armenia without an international agreement or reciprocity:

   (1) judicial acts on legal status of persons;

   (2) foreign judicial acts on divorce between foreign citizens or on declaring the marriage as invalid;

   (3) foreign judicial acts on divorce between citizens of the Republic of Armenia or between citizens of the Republic of Armenia and foreign citizens or persons having no citizenship or on declaring a marriage as invalid.

   (4) other foreign judicial acts in cases provided for by law.

Article 347. Procedure for examination of applications on recognising foreign judicial acts and permitting execution thereof

1. Proceedings on applications on recognising foreign judicial acts and permitting execution thereof in the Republic of Armenia shall be carried out pursuant to the general rules of examination of a case as provided for by this Code, by observing special rules prescribed by provisions of this Subsection.

Article 348. Time limits for submitting a foreign judicial act subject to enforcement for recognition and execution in the Republic of Armenia

1. A foreign judicial act subject to enforcement may be submitted to competent court of the Republic of Armenia for recognition and execution within three years from the date the foreign judicial act enters into legal force.

2. The date of entering into legal force of a foreign judicial act shall be determined by the legislation of the state where the judicial act has been delivered.

Article 349. Courts examining applications on recognising a foreign judicial act and permitting execution thereof

1. Application on recognising a foreign judicial act and permitting execution thereof shall be filed with the court of place of residence (location) of the debtor.

2. Where the debtor has no place of residence (location) in the Republic of Armenia or the place of residence (location) thereof is unknown, the application shall be filed with the court of the area where the property belonging to the debtor is located.

3. Where a foreign judicial act in its nature does not assume enforcement activity against any debtor or does not require enforcement at all, application on recognising such act and permitting execution thereof shall be filed with the court of the place of residence (location) of the person filing the application.

4. Where the application on recognising the judicial act and permitting execution thereof has been filed with non-competent court, the latter shall be obliged to transfer it to the competent court as prescribed by Article 25 of this Code.

Article 350. Persons entitled to file an application on recognising a foreign judicial act and permitting execution thereof

1. Application on recognising a foreign judicial act may be filed with competent court by persons with regard to whose rights and responsibilities the given foreign judicial act has been delivered.

2. Application on recognising a foreign judicial act and permitting execution thereof may be filed with a competent court by:

   (1) the person in favour of whom the foreign judicial act has been delivered;

   (2) the foreign court having delivered an act with respect to confiscation of judicial costs to be levied in favour of state budget of the given state.

Article 351. Requirements for application on recognising a foreign judicial act and permitting execution thereof

1. In the application on recognising a foreign judicial act and permitting execution thereof shall be stated:

   (1) name of the court whereto the application is submitted;

   (2) applicant’s name, address of residence (location) thereof;

   (3) debtor's name, address of residence (location) thereof or address (addresses) of place of location of the debtor’s property in the Republic of Armenia, where execution of the judicial act is also implied;

   (4) name of the court having delivered the foreign judicial act;

   (5) applicant’s request for recognising and permitting execution of foreign judicial act;

   (6) motivations for filing the application.

(7) list of documents attached to the application.

2. The following documents must be attached to the application on recognising a foreign judicial act and permitting execution thereof unless otherwise provided for by international agreements of the Republic of Armenia:

(1) foreign judicial act or the copy thereof certified by a foreign court;

(2) document certified by a foreign court that states that the judicial act has entered into legal force, if this is not inferred from the content of the judicial act;

(3) official document as to what extent and starting from when the foreign judicial act is subject to execution, if it has been previously executed;

(4) official document, which states that the party having not participated in the proceedings and, upon absence of procedural active legal capacity of the latter - his or her legal representative, has been notified of time and venue of the court session;

(5) letter of authorisation attesting powers of the representative, where the application is filed by the representative;

(6) document that attests to the agreement of parties regarding the cases involving contractual jurisdiction;

(7) duly certified Armenian translations of the documents provided for by this part.

3. The court shall, as prescribed by Article 127 of this Code, return the application on recognising a foreign judicial act and permitting execution thereof where it is filed in violation of requirements of this Article.

Article 352. Ensuring execution of foreign judicial act

1. Upon motion of the person having filed an application on recognising a foreign judicial act and permitting execution thereof, the court examining the application shall take measures for ensuring execution of a foreign judicial act by observing rules prescribed by Chapter 13 of this Code.

Article 353. Examination of application on recognising a foreign judicial act and permitting execution thereof

1. The court shall examine the application on recognising a foreign judicial act and permitting execution thereof and shall deliver a decision on it within reasonable time limits.

2. The court examining the application shall, during examination of the case, only determine the extent of compliance of the foreign judicial act with requirements of this Chapter and international agreements of the Republic of Armenia.

3. During examination of the application on recognising a foreign judicial act and permitting execution thereof, the court may receive information from the person having filed the application, and also from the debtor, provided there is one, and where necessary - also from the court having delivered the judicial act.

Article 354. Grounds for rejecting recognition and execution of a foreign judicial act

1. The court shall reject an application on recognising a foreign judicial act and permitting execution thereof, where:

   (1) the judicial act has not entered into legal force under the legislation of the state where it has been delivered;

(2) the party has been deprived of an opportunity to participate in the proceedings;

(3) there is a judicial act on a case between the same persons, on the same subject matter and on the same grounds delivered by the court of the Republic of Armenia, which has entered into legal force, or a judicial act delivered by the court of a foreign state and recognised by the court of the Republic of Armenia;

(4) there is a proceeding initiated earlier on a case between the same persons, on the same subject matter and on the same grounds in a court of the Republic of Armenia;

(5) the case on which the judicial act of the court of a foreign state has been delivered, belongs to the exclusive jurisdiction of the courts of the Republic of Armenia;

(6) the case on which the judicial act of the court of a foreign state has been delivered, is not within the international jurisdiction of the court of that state;

(7) recognition and execution of a judicial act contradict public order of the Republic of Armenia;

(8) the judicial act is not subject to execution according to the legislation of the state where it has been delivered.

2. The court of the Republic of Armenia shall reject the application on recognising the judicial act of the court of a foreign state and permitting execution thereof, for the part permitting its execution, where a three-month time limit for submitting the act for execution has expired and that time limit has not been restored by the court of the Republic of Armenia.

3. Where the grounds as provided for by points 1 and 4 of part 1 of this Article for rejecting the motion on recognition and execution of a foreign judicial act are eliminated, the interested person shall be entitled to file an application on recognition and execution of a foreign judicial act with a competent court of the Republic of Armenia again.

4. Where an international agreement of the Republic of Armenia is available, the foreign judicial act is subject to recognition and execution in the Republic of Armenia if it meets the requirements of the international agreement on recognition and execution of judicial acts, as well as where the recognition and execution thereof do not contradict the public order of the Republic of Armenia.

Article 355. Powers of the court

1. Based on the results of examination of the application, the court shall deliver a decision on recognising a foreign judicial act and permitting execution thereof or on rejecting such recognition and the permission for execution.

2. In case it is possible to recognise a foreign judicial act partially the court may do so, where specific legal consequences of the foreign judicial act are not provided for by the legislation of the Republic of Armenia or where upon availability of one of the grounds for rejecting recognition and permission for execution of a foreign judicial act provided for by part 1 of Article 354 of this Code, it is possible to recognise the act for the part with regard to which such ground for rejecting is absent .

Article 356. Judicial act delivered in the result of examination of application on recognising a foreign judicial act and permitting execution thereof

1. In the result of examination of application on recognising a foreign judicial act and permitting execution thereof, the court shall deliver a decision, which must meet the requirements of Article 200 of this Code.

2. The decision of the court shall be announced in the procedure defined in this Code for announcement of a judgment and shall enter into legal force in seven days after announcing it, unless an appeal is filed against it.

3. The court having delivered a decision on recognising the foreign judicial act and permitting execution thereof shall, within three days, notify of it to the Ministry of Justice of the Republic of Armenia by sending the copy of the decision.

Article 357. Enforcement of a foreign judicial act

1. The decision of the court on recognising a foreign judicial act and permitting execution thereof having entered into legal force shall be executed as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

Article 358. Recognition of foreign judicial acts in the Republic of Armenia not requiring enforcement

1. The competent court shall examine applications on recognising foreign judicial acts not requiring enforcement without convening a court session.

2. Within the meaning of this Article, foreign judicial acts not requiring enforcement shall be:

(1) judicial acts on legal status of a person as rendered by a court of the state the citizen whereof he or she is;

(2) foreign judicial acts on divorce between foreign citizens or declaring the marriage as invalid;

(3) foreign judicial acts on divorce between citizens of the Republic of Armenia and foreign citizens or persons having no citizenship, where one of the spouses at the moment of divorce has been permanently or mostly residing in the territory of the state, the court whereof has delivered the judicial act;

(4) judicial acts on declaring the marriage between citizens of the Republic of Armenia and foreign citizens or persons having no citizenship as invalid, where the marriage has been concluded in the territory of the state, the court whereof has delivered the decision on declaring it as invalid.

(5) other foreign judicial acts in cases provided for by law.

Article 359. Refusing recognition of foreign judicial acts not requiring execution

1. The court shall refuse recognition of foreign judicial acts not requiring execution upon availability of one of the grounds provided for by points 1-7 of part 1 of Article 354 of this Code.

SECTION 3

PROCEEDINGS IN THE COURT OF APPEAL

CHAPTER 53.

APPEALING AGAINST JUDICIAL ACTS BY APPELLATE PROCEDURE

Article 360. Right to lodge an appeal

1. The following shall have the right to lodge an appeal against the judgments of the Court of First Instance and the decisions prescribed by part 1 of Article 361 of this Code:

   (1) persons participating in the case;

   (2) the prosecutor, in cases provided for by law;

   (3) persons not involved in the case as participants, with regard to whose rights and responsibilities a judicial act has been delivered;

   (4) persons on whom a court fine has been imposed by the Court of First Instance, in respect of the decision on imposing a judicial fine.

2. Persons stated in points 3 and 4 of part 1 of this Article shall enjoy the rights of persons participating in the case and bear responsibilities prescribed for them.

3. A debtor shall have the right to lodge an appeal against the order on payment.

4. A person may lodge an appeal only against the part of a judicial act unfavourable for that person, except for cases provided for by law.

Article 361. Decisions subject to appeal

1. The following decisions of the Court of First Instance shall be subject to appeal by appellate procedure:

(1) decision on dismissing the statement of claim;

(2) decision on returning the statement of claim;

(3) decisions on applying a measure for securing the claim, on dismissing motions on securing the counterclaim, on eliminating securing of the claim;

(4) decisions on refusing to deliver a supplementary judgment, on clarifying the judgment or refusing to clarify the judgment, on correcting the errors, misspellings and miscalculations or on refusing to make a correction;

(5) decisions of the court on suspending proceedings of a case, on dismissing a motion on resuming proceedings of a case;

(6) decision on leaving a claim (application) without consideration;

(7) decision on terminating proceedings of a case;

(8) decision on imposing a judicial fine;

(9) decision delivered in the result of examination of application on recognition and enforcement of a foreign arbitral award;

(10) decision delivered in the result of examination of the application on annulling the decision of Financial System Mediator;

(11) decision delivered in the result of examination of application on issuing a writ of execution for enforcement of the decision of Financial System Mediator;

(12) decision delivered in the result of examination of application on recognising a foreign judicial act and permitting execution thereof;

(13) decision delivered in the result of examination of a motion for restoring missed time limit for submitting the writ of execution for enforcement;

(14) decision delivered in the result of examination of an application on reversing the execution of the judicial act;

(15) other decisions as stipulated by law.

2. Appealing against the decisions of the court defined by points 3 and 8 of part 1 of this Article shall not be hindrance for examination of the case in the court.

Article 362. Time limit for lodging an appeal

1. An appeal against a judgment as well as against a decision on terminating proceedings of a case may be lodged within a month upon announcing it.

2. An appeal against a decision or judgement on terminating the proceedings of a case rendered or delivered under the procedure of simplified proceedings may be lodged within a 15-day period after announcing the decision or judgment.

3. An appeal challenging an order on payment may be lodged within one month from the day when the person having lodged an appeal knew or may have known about the order on payment.

4. An appeal against a decision of the Court of First Instance may be lodged, in cases provided for by this Code, within 7 days after receiving it; where provided for by Article 181 and part 4 of Article 302 - within 7 days upon announcing it.

5. Persons not involved in a case as participants, with regard to whose rights and responsibilities a judicial act has been delivered, shall be entitled to lodge an appeal within three months from the day when they learnt or may have learnt of such judicial act, except for cases, where the person not involved in the case as a participant has been notified of the case under examination, but has not applied for being involved in the case.

6. An appeal on reviewing a judicial act upon newly emerged or new circumstances may be lodged within time limits prescribed by Article 420 of this Code.

7. An appeal may not be lodged where 20 years have passed after the entry of the judicial act into legal force. The mentioned time limit shall not be restored.

Article 363. Grounds for appealing against a judicial act

1. Grounds for appealing against a judicial act are:

   (1) violation or erroneous application of norms of substantive law;

   (2) violation or erroneous application of norms of procedural law;

   (3) a newly emerged or new circumstance.

Article 364. Violation or erroneous application of norms of substantive law

1. Norms of substantive law shall be deemed violated or applied erroneously, where the court:

   (1) has not applied the law or the international agreement of the Republic of Armenia or other legal act which it should have applied;

   (2) has applied the law or the international agreement of the Republic of Armenia or other legal act which it should not have applied;

   (3) has made incorrect interpretation of the law or the international agreement of the Republic of Armenia or other legal act.

2. Violation or erroneous application of a norm of substantive law shall serve as a ground for reversing the judgment where it has resulted in erroneous disposition of the case.

Article 365. Violation or erroneous application of norms of procedural law

1. Violation or erroneous application of norms of procedural law shall serve as a ground for reversing a judicial act where it has or might have resulted in erroneous disposition of the case. The judgment of a court, which is correct in essence, shall not be reversed only for formal reasons.

2. A judicial act shall be reversed in all cases, where:

   (1) court has examined the case by a panel composed unlawfully, including by such judge who was obliged to recuse oneself;

   (2) court has examined the case in the absence of the person having lodged an appeal who, within the meaning of this Code, is not considered as notified of the time and venue of the court session;

   (3) judicial act is not signed or sealed;

   (4) judicial act is not signed or sealed by the judge having delivered it;

   (5) judicial act has been delivered by the judge who is not in the panel of the court examining the given case;

   (6) records of the court session are missing from the case;

   (7) records of the court session have been made with such errors that make it impossible to learn of the existence or absence of circumstances of significance for examination of the appeal;

   (8) the right of a person participating in the case to have an interpreter/translator has been violated in course of examination of a case;

   (9) judicial act has no reasoning part;

   (10) judicial act affects the rights and responsibilities of persons who have not been involved in the case as participants, except for the cases where the

court has notified that person of examination of the case, but the person has not shown willingness to be involved in the case;

(11) there have been grounds for terminating proceedings in the lower court;

(12) there have been grounds for leaving a claim or an application without consideration in the lower court.

3. Irrespective of grounds and substantiations of an appeal, a judicial act is subject to reversing where there are grounds for unreservedly reversing the judicial act as prescribed by points 3, 4, 5, 7, 9 and 11 of part 2 of this Article.

4. In case there are violations prescribed by part 2 of this Article, the Court of Appeal may not apply the power provided for by points 4 and 5 of part 1 of Article 380 of this Code.

Article 366. Newly emerged or new circumstances

1. Grounds for lodging an appeal based on newly emerged or new circumstances shall be defined by Articles 418 and 419 of this Code.

Article 367. Procedure for lodging an appeal

1. The appeal and the documents attached thereto shall be sent or forwarded to the Court of Appeal. The person having lodged the appeal shall send the appeal and the documents attached thereto to persons participating in the case, and the copy of the appeal - to the court having delivered the judicial act.

2. The person having lodged the appeal shall not send the appeal and the documents attached thereto to persons participating in the case where the appeal has been lodged against:

(1) decision on returning the statement of claim;

(2) decision on dismissing the statement of claim;

(3) decision on imposing a judicial fine.

3. The court having delivered a judicial act shall send the case to the Court of Appeal immediately, but not later than on the fifth day after receiving the copy of the appeal.

Article 368. Form and content of the appeal

1. An appeal shall be compiled in writing in compliance with the requirements stated in part 2 of Article 16 of this Code. The appeal must be legible.

2. In an appeal shall be stated:

(1) name of the Court of Appeal;

(2) name and address of the person having lodged the appeal and of persons participating in the case;

(3) name of the court having delivered the judicial act against which the appeal is lodged, the number of the case and the year, month and day of delivering the judicial act;

(4) grounds for appeal - violations of norms of substantive or procedural law that may influence the judgment delivered on the case;

(5) substantiations of the appeal - substantiations with regard to violations of norms of substantive or procedural law as stated in the appeal, as well as their impact on the judgment of the case;

(6) claim of the person having lodged the appeal;

(7) list of documents enclosed in the appeal.

3. Where the person having lodged an appeal has been deprived of the opportunity to express his or her stance in the Court of First Instance regarding any of the issues stated in substantiations of the appeal, then the person must also state in the appeal his or her stance regarding that issue.

4. An appeal shall be signed by the person lodging the appeal or by the representative thereof.

5. The evidence confirming payment of the state duty, sending the appeal to the persons participating in the case, and the evidence confirming sending a copy of the appeal to the court having delivered the judicial act, shall be attached to the appeal. When a privilege in terms of state duty is stipulated by law, a motion thereon shall be attached to or included in the appeal, where the person lodging the appeal is not exempt from the obligation of paying the state duty. Other motions of the person lodging an appeal may be attached to the appeal. A document attesting the powers of the representative shall be attached to the appeal signed thereby, where the letter of authorisation is not available in the case.

6. Grounds and substantiations of the appeal shall be submitted exclusively in the appeal. After lodging an appeal, the grounds and substantiations thereof may not be supplemented or changed, except for cases of lodging the appeal again after it has been returned.

Article 369. Responding to the appeal

1. Person participating in the case shall be entitled to submit a response to the appeal:

   (1) for an appeal lodged against a judgment - from the day of receiving the copy of the appeal until the 15th day following receipt of the decision on accepting the appeal for proceedings;

(2) for an appeal lodged against a decision or order on payment - from the day of receiving the copy of the appeal until the fifth day following receipt of the decision on accepting the appeal for proceedings.

2. The response to the appeal shall be sent or delivered in person to the Court of Appeal and to the persons participating in the case.

3. The response to the appeal shall be filed in writing in compliance with requirements stated in part 2 of Article 16 of this Code. The response to the appeal must be legible.

4. The following shall be stated in the response to the appeal:

(1) name of the Court of Appeal;

(2) name of the person having submitted the response and names of persons participating in the case;

(3) name of the court having delivered the judicial act against which the appeal is lodged, the number of the case and the year, month, day of delivering the judicial act;

(4) stance regarding the grounds and substantiations of the appeal and validation of it.

5. Confirmation on sending or delivering in person the copies of the response to persons participating in the case shall be attached to the submitted response.

6. The response to the appeal shall be signed by the person having filed the response or by his or her representative. The letter of authorisation attesting the powers of the representative to administer the case shall be attached to the response signed by the representative, where it is not available in the case.

7. Failure to file a response to the appeal shall not be viewed as an assent to substantiations included in the appeal.

Article 370. Decision on accepting appeal for proceedings

1. Where there are no grounds for returning or rejecting the acceptance of the appeal lodged against a judgment, after expiry of the deadline for lodging an appeal not later than within 15 days after receiving the case, and in case the appeal is lodged by persons provided for by point 3 of part 1 of Article 360 of this Code - not later than within 15 days after receiving the case, the Court of Appeal shall render a decision on accepting the appeal for proceedings.

2. Where there are no grounds for returning or dismissing the appeal lodged against a decision or to challenge an order on payment, the Court of Appeal shall, not later than within 3 days upon receiving the case, deliver a decision on accepting the appeal for proceedings .

3. The Court of Appeal, within 3 days upon rendering a decision on accepting the appeal for proceedings, shall send the decision to persons participating in the case, except for the decisions on accepting those appeals for proceedings that are lodged against the decisions prescribed by part 2 of Article 367 of this Code; in case an appeal is lodged against such decisions, the decision on accepting the appeal for proceedings shall be sent only to the person having lodged an appeal.

4. Persons participating in the case shall be informed of their right to submit a response to the appeal when they receive a decision on accepting the appeal for proceedings.

5. When an appeal lodged against a judicial acts that has entered into legal force is accepted for proceedings, the Court of Appeal may, upon own decision, fully or partially suspend execution of the judicial act, except for cases provided for by law.

Article 371. Returning an appeal

1. The appeal shall be returned upon absence of grounds for dismissing an appeal, where:

   (1) requirements of Article 368 of this Code have not been observed;

   (2) appeal has been lodged after expiry of the defined time limit and does not include a motion on restoring missed time limit;

   (3) prior to rendering by the Court of Appeal a decision on accepting the appeal for proceedings, the person having lodged the appeal has submitted a request on withdrawal of the appeal;

   (4) a motion has been filed by the person having lodged an appeal on deferred payment of state duty or reducing the amount thereof, which has been rejected;

   (5) an appeal has been lodged against more than one judicial acts.

2. The Court of Appeal, after receiving the case, shall render a decision on returning the appeal:

   (1) within 7 days - for an appeal against a judgment;

   (2) within 3 days - for an appeal lodged to challenge an order on payment or a decision.

3. In the decision on returning the appeal shall be mentioned contraventions made in the appeal.

4. Where a decision is rendered on returning an appeal, the decision of the Court of Appeal, the appeal and the documents attached thereto shall be sent to the person having lodged an appeal by attaching copies thereof to the case. The decision on returning the appeal shall be also sent to other persons participating in the case.

5. Once eliminating contraventions made in the appeal after the appeal has been returned on grounds provided for by points 1, 2, 4 and 5 of part 1 of this Article and upon receiving a decision, when lodging over again an appeal in due procedure within 15 days - where an appeal is brought against a judgment and within 3 days - where an appeal is lodged to challenge an order on payment or a decision, the appeal shall be considered as lodged with the Court of Appeal on the initial date. A new time limit for eliminating existing contraventions of the appeal lodged over again shall not be provided.

6. A decision on returning the appeal may be appealed to the Court of Cassation in due procedure prescribed by this Code.

7. In case the Court of Cassation cancels the decision, the Court of Appeal shall accept the appeal for proceedings, upon absence of other grounds for returning the appeal or grounds for dismissing the appeal as provided for by part 1 of Article 331 of this Code.

Article 372. Dismissing the appeal

1. The appeal shall be dismissed, where:

   (1) the person having lodged an appeal within time limits prescribed by part 5 of Article 371 of this Code, has lodged a new appeal, wherefrom have not been eliminated all contraventions mentioned in the decision on returning the appeal; or the appeal has been lodged in violation of time limits prescribed by part 5 of Article 371 of this Code; or has filed a motion, within time limits prescribed by part 5 of Article 371 of this Code, on granting a privilege in terms of state duty, which has been dismissed;

   (2) appeal has been lodged after expiry of the time limit set, and the motion on restoring the missed time limit has been rejected;

(3) the Court of Appeal has already rendered a decision under the same case, on the grounds specified in the appeal;

(4) appeal has been lodged by a person not entitled to appeal against a judicial act;

(5) an appeal has been lodged to challenge the judicial act, which is not subject to appeal by appellate procedure;

(6) the appeal has been lodged under a civil case with a property claim, where the value of the subject of the dispute under the given case does not exceed fifty-fold of the minimum salary, except for cases when the person lodging the appeal provides justifications in his or her appeal that the Court of First Instance has made a judicial error distorting the essence of the right to a fair trial;

(7) twenty years have passed since the time when the judicial act being appealed entered into legal force.

2. The Court of Appeal, after receiving the case, shall render a decision on dismissing the appeal:

(1) within 7 days – for an appeal against a judgment;

(2) within 3 days – for an appeal lodged to challenge an order on payment or a decision.

3. The decision on dismissing the appeal shall be sent to persons participating in the case.

4. The decision of the Court of Appeal on dismissing the appeal may be appealed to the Court of Cassation in.

5. Where the Court of Cassation cancels the decision, the Court of Appeal shall accept the appeal for proceedings, upon absence of other grounds for dismissing the appeal or grounds for returning the appeal as provided for by part 1 of

Article 330 of this Code.

Article 373. Withdrawing an appeal

1. After accepting the appeal for proceedings and prior to announcing about conclusion of examination of the appeal, the person having lodged the appeal shall have the right to file an application on withdrawing the appeal.

2. Where a person having lodged an appeal withdraws the appeal, the Court of Appeal shall deliver a decision on terminating the appellate proceedings. Where other persons have also appealed against the judicial act, the proceedings shall be dismissed only in respect of the given appeal.

3. The judicial act of the Court of First Instance shall enter into legal force from the moment when the Court of Appeal delivers a decision on terminating the appellate proceedings, if no other persons have appealed against it.

4. Upon the decision of the Court of Appeal on terminating the appellate proceedings, judicial costs related to appellate proceedings shall be borne by the person having withdrawn the appeal, except for cases mentioned in part 2 of Article 109 of this Code.

CHAPTER 54.

PROCEDURE FOR EXAMINATION OF THE APPEAL ACCEPTED FOR PROCEEDINGS BY THE COURT OF APPEAL

Article 374. Procedure of examination of appeal in the Court of Appeal

1. The Court of Appeal shall examine appeals lodged against a judicial act of the Court of First Instance and accepted for proceedings and shall deliver decisions thereon through a written procedure, except for cases where the Court of Appeal, upon

motion of the person participating in the case or on own initiative, has come to the conclusion that it is necessary to examine the appeal in the court session.

2. A motion on examining the appeal in a court session may be presented by a person participating in the case in the appeal or in the response to the appeal.

3. The Court of Appeal shall render a decision on examining the appeal in a court session or through written procedure upon expiry of the deadline for submitting a response to the appeal.

4. The issue of examining the appeal in a court session may also be resolved by the decision on accepting the appeal for proceedings.

Article 375. Examination of appeal in a court session

1. Where a decision is made on examining the appeal in a court session the person having lodged an appeal and other persons participating in the case shall be notified of time and venue of the court session. Their failure to appear shall be no hindrance for examination of the appeal.

2. Examination of the case in the court session shall commence by performance of the actions prescribed by Articles 143, 146 and 148 of this Code by the presiding judge, thereafter the presiding judge shall come up with a report. The reporter shall state each of the grounds of the appeal and a brief substantiation thereof, the stance of the person having filed a response to the appeal regarding each of the grounds and substantiation of the appeal. Where new evidence has been submitted to the Court of Appeal, a statement on this shall be included in the report.

3. Judges included in the panel shall have the right to ask questions to the reporter and to persons participating in the case having appeared in the session, thereafter examination of the appeal shall be considered as concluded and the

day of announcing the judicial act shall be stated.

Article 376. Examination of appeal through written procedure

1. Examination of appeal shall be conducted through written procedure, without convening a court session.

2. Where a decision is made on examining the appeal through written procedure, persons participating in the case shall only be notified of the day for announcing the judicial act to be rendered in the result of examination of the appeal.

3. During examination of the appeal through written procedure, the reporting judge shall prepare the draft decision of the Court of Appeal, which, along with the materials of the case, shall be provided to the other judges of the panel of the Court of Appeals.

4. Judges included in the panel may submit comments and suggestions regarding the draft decision, on the basis of which the reporting judge shall modify the draft decision.

5. If the judges included in the panel fail to submit comments and suggestions regarding the draft decision of the Court of Appeal or once the draft is modified on the basis of such comments and suggestions or if the comments and suggestions are not accepted, the reporter shall submit the decision for voting.

6. Where, based on the results of the voting, the draft submitted by the reporter is not accepted, the new draft decision under the given case shall be drawn up by the judge included in the panel of judges having voted against and nominated thereby.

Article 377. Time limit for examination of an appeal in the Court of Appeal

1. The Court of Appeal shall examine the appeals lodged against a judgment and deliver a decision within reasonable terms, but not later than within 3 months after accepting the appeal for proceedings.

2. The Court of Appeal shall examine the appeals lodged to challenge intermediate judicial acts of the Court of First Instance or an order on payment and shall deliver a decision within 2 weeks after accepting the appeal for proceedings, and the appeals lodged against the decisions delivered with regard to approval of the claims of creditors as provided for by Law of the Republic of Armenia "On bankruptcy" - within a month after accepting the appeal for proceedings.

Article 378. Examination of evidence and accepting new evidence by the Court of Appeal

1. The Court of Appeal shall not be entitled to accept new evidence and, when examining the appeal, shall take as a basis only the evidence that has been submitted to the Court of First Instance, except for cases where the person participating in the case substantiates in the appeal that the new evidence submitted to the Court of Appeal has not been submitted to the Court of First Instance due to circumstances beyond his or her control.

2. Where in the Court of First Instance the evidence has not been submitted during examination of the case due to circumstances beyond control of the person participating in the case, the Court of Appeal shall reverse the judicial act and remand it to the respective court for new examination, if it finds that the evidence is of essential significance for disposition of the case.

3. Evidence may not be considered as not having been submitted to the Court of First Instance due to circumstances beyond control of the person participating in the case, where it has not been available during examination of the case in the Court of First Instance or it has not been under disposition of the person

participating in the case, however the person participating in the case has had the opportunity to obtain it and submit it to the Court of First Instance or to demand it as prescribed by Article 64 of this Code.

4. The Court of Appeal shall examine the evidence:

   (1) admissibility, relevance or reliability whereof is disputed in the appeal;

   (2) which, as per affirmation of the person participating in the case, has not been submitted to the court due to circumstances beyond his or her control and which has essential significance for examination of the case.

5. When it is necessary to examine the testimony of a witness, the Court of Appeal shall examine the part of the records of the court session containing the testimony of the witness.

6. The Court of Appeal shall examine the newly submitted evidence only from the perspective of their material significance for examination of the case.

7. The Court of Appeal may not apply the powers prescribed by points 4 and 5 of part 1 of Article 380 of this Code based on the new evidence submitted to the Court of Appeal.

Article 379. Limits of re-examination in the Court of Appeal

1. The Court of Appeal shall review the judicial act within the limits of grounds and substantiations of the appeal, except for cases provided for by part 3 of Article 365 of this Code.

2. The Court of Appeal shall be obliged to consider all grounds and substantiations of the appeal, except for cases where it reverses the judicial act on the grounds provided for by part 2 of Article 365 of this Code.

3. The Court of Appeal shall not be restricted by the claim of the person having

lodged the appeal.

4. The Court of Appeal shall not be restricted by the factual or legal stance of the person having filed a response to the appeal.

5. The Court of Appeal shall consider the grounds and substantiations of the appeal, where the person having lodged an appeal has expressed his or her stance on the given issue during examination of the case in the Court of First Instance. An exception shall be the case, when the person, having lodged the appeal has been deprived of the opportunity to express his or her stance during examination of the case in the Court of First Instance.

6. Facts confirmed in the Court of First Instance shall be taken as a basis in the Court of Appeal during examination of the appeal, except for the case, when that fact is disputed in the appeal, and the Court of Appeal comes to the conclusion that the court has made an error in arriving to a conclusion with respect to the given fact. In such cases the Court of Appeal shall have the right to consider a new fact as confirmed or not to consider the fact confirmed by the lower court as confirmed, where based on the pieces of evidence examined by the court it is possible to arrive to such conclusion.

7. Where the Court of First Instance has not confirmed any fact on the basis of the evidence examined, which it had been obliged to confirm, then the Court of Appeal shall have the right to consider a new fact as confirmed, where the person having lodged an appeal disputes not confirming the given fact by the Court of First Instance on the basis of the evidence examined and where it is possible to confirm such fact by taking as a basis the evidence examined by the Court of First Instance.

Article 380. Powers of Court of Appeal

1. In the result of examination of the appeal lodged against a judgment, the Court

of Appeal shall:

(1) dismiss the appeal by leaving the judgment unaltered. Where the Court of Appeal dismisses the appeal, but substantiation or reasoning of the judgment delivered by the court is faulty or incorrect, the Court of Appeal shall substantiate or reason the judgment, which is left unaltered;

(2) grant the appeal by altering the reasoning part of the judgment without considering the concluding part thereof;

(3) grant the appeal fully or partially, by accordingly reversing the judgment fully or partially. For the reversed part, the case shall be sent to the relevant lower court for a new examination, by defining the scope of the new examination. The judgment shall enter into legal force for the part not reversed;

(4) reverse and alter the judgment fully or partially by confirming a new fact on the basis of evidence examined by the Court of First Instance or by considering the fact confirmed by the court as not confirmed, where it is in the interests of efficiency of justice;

(5) reverse or alter the judgment fully or partially, where the factual circumstances confirmed by the Court of First Instance provide an opportunity to deliver such act and where it is in the interests of the efficiency of justice, by leaving the part of judgment, that has been appealed against and not reversed, unaltered. The judgment shall enter into legal force for the part not reversed;

(6) reverse the judgment fully or partially and shall terminate the proceedings on the case fully or partially by leaving the part of the judgment, that has been appealed against and not reversed, unaltered. The judgment shall enter into legal force for the part not reversed;

(7) reverse the judgment fully or partially and shall fully or partially leave the claim or application without consideration, by leaving the judgment, that has been appealed against and not reversed, unaltered. The judgment shall enter into legal force for the part not reversed;

(8) reverse the judgment fully or partially and shall confirm the conciliation agreement concluded by persons participating in the case, by leaving the part of the judgment, that has been appealed against and not reversed, unaltered. The judgment shall enter into legal force for the part not reversed.

2. In the result of examination of appeals lodged against a decision, the Court of Appeal shall dismiss the appeal by leaving the decision in legal force or shall cancel the decision by granting the appeal and(or) shall deliver a new decision.

3. In the result of examination of appeals lodged against the decisions on bankruptcy cases, the Court of Appeal shall dismiss the appeal by leaving the decision in legal force, or shall grant the appeal by cancelling the decision of the court and(or) shall deliver a new decision or cancel the decision by sending the issue to the relevant court for new examination.

4. In the result of examination of an appeal lodged to challenge an order on payment, the Court of Appeal shall dismiss the appeal by leaving the order on payment in legal force or shall cancel the order on payment by granting the appeal.

5. In case of existence of grounds for suspending proceedings on a case, the Court of Appeal may suspend the proceedings on a case. The decision on suspending proceedings on a case may be appealed as prescribed by this Code.

Article 381. Decision delivered by Court of Appeal based on results of examination of an appeal lodged against a final judicial act

of the Court of First Instance

1. Based on the results of examination of the appeal lodged against a judgment, the Court of Appeal shall deliver a decision. The decision shall be delivered in the name of the Republic of Armenia.

2. The decision delivered in the result of examination of the appeal lodged against a judgment shall be comprised of introduction, descriptive, reasoning and concluding parts.

3. In the introductory part of the decision shall be included the following information:

   (1) full name of the Court of Appeal, number of the case, date and place of delivering the decision and the composition of the Court of Appeal;

   (2) date of delivering the judgment of the Court of First Instance, name of the Court of First Instance having delivered it and the name of the judge;

   (3) names of persons participating in the case, name of the person having lodged the appeal, and where a response has been submitted to the appeal – also the name (of the person having submitted the response.

4. In the descriptive part of the decision must be included the following information:

   (1) procedural background of the case, by taking into consideration the scope of facts of significance for examination of the appeal;

   (2) grounds and substantiations of the appeal, the claim of the person having lodged the appeal, where a response to the appeal is submitted – the stance and substantiations of the person having filed the response;

   (3) an indication, as deemed necessary, of decisions delivered in the form of a separate act;

5. In the reasoning part of the decision shall be included the following:

(1) facts revealed with respect to the case and having essential significance for examination of the appeal, including:

(a) those facts, which have been confirmed by the Court of First Instance and have not been disputed in the appeal;

(b) those facts, which have been confirmed by the Court of First Instance and have been disputed in the appeal, however with regard whereto the Court of Appeal has concluded that the Court of First Instance had not made an error when arriving to a conclusion on the given fact – by reasoning such conclusion and making reference to the evidence whereon such conclusion is based;

(c) those facts, which have been confirmed by the Court of First Instance and have been disputed in the appeal, and the Court of Appeal has concluded that the Court of First Instance had made an error when arriving to a conclusion on the given fact – by reasoning such conclusion and making reference to the evidence whereon such conclusion is based. In such cases the Court of Appeal must state which new fact it considers as confirmed instead of the fact confirmed by the Court of First Instance or which fact confirmed by the Court of First Instance it does not consider as confirmed - by reasoning such conclusion and making reference to relevant evidence examined by the Court of First Instance;

(d) those facts, which have not been confirmed by the Court of First Instance, and the act of not confirming thereof has been disputed in the appeal, and the Court of Appeal, based on the evidence examined by the Court of First Instance, has considered them as confirmed – by

making reference to the relevant stance of the person having lodged the appeal and to the evidence examined by the Court of First Instance, whereon the confirmation of the fact is based;

(2) conclusion with regard to each of the grounds of the appeal, in particular, by answering the following questions:

(a) whether the grounds of the appeal are substantiated within the scope of substantiations introduced with regard to the given grounds as stated in the appeal;

(b) where the grounds of the appeal are unsubstantiated - then the grounding for it, by making reference to those norms of international agreement of the Republic of Armenia, laws and other legal acts, those decisions of the bodies operating on the basis of international agreements on human rights ratified by the Republic of Armenia, including the European Court of Human Rights, as well as the Constitutional Court, Court of Cassation, on the basis whereof the Court of Appeal finds the grounds of the appeal as unsubstantiated;

(c) where the grounds of the appeal are substantiated - then the grounding for it, by making reference to those norms of international agreements of the Republic of Armenia, laws and other legal acts, those decisions of the bodies operating on the basis of international agreements on human rights ratified by the Republic of Armenia, including the European Court of Human Rights, as well as the Constitutional Court, Court of Cassation, on the basis whereof the Court of Appeal finds the grounds of the appeal as substantiated;

(d) where the appeal is substantiated - whether the violation of substantial or procedural law committed by the court is a basis to reverse the

judicial act - by reasoning the relevant stance.

(3) where exercising the power provided for by point 3 of part 1 of Article 380 of this Code - the volume of new examination of the case or an indication that the case must be fully examined;

(4) in case of exercising the power provided for by points 4 or 5 of part 1 of Article 380 of this Code - substantiations with regard to existence of the interest of efficiency of justice;

(5) conclusions on the scope of facts having significance for disposition of the case, the scope of facts to be proved, the scope of facts that need not to be proved or conclusion on allocation of burden of proof, where the Court of Appeal has found that the Court of First Instance had delivered a wrong decision on the scope of the facts having significance for disposition of the case, on scope of the facts to be proved and on the scope of the facts not to be proved, or it has erroneously allocated the burden of proof;

(6) the stance of the Court of Appeal with regard to distribution of judicial costs among persons participating in the case, by making reference to relevant legal norms.

6. In the concluding part of the decision shall be mentioned the following:

(1) conclusion of the court on granting or dismissing the appeal;

(2) in case of granting the appeal –relevant procedural consequence;

(3) conclusions of the court on distribution of judicial costs among persons participating in the case;

(4) where reversing or altering the judgment fully or partially – conclusions on maintaining or cancelling the applied measures of securing the action and execution of the judgment;

(5) in case of delivering a decision which implies execution – an indication on

execution of the decision through Compulsory Enforcement Service at the expense of the debtor, provided the decision has not been executed voluntarily;

(6) time limit for appealing the decision and the superior judicial instance where the appeal may be lodged.

7. Each page of the decision of the Court of Appeal shall be stamped with the seal of the judge reporting on the case, and the concluding part of the decision shall be signed and sealed by judges having examined the appeal.

8. The Court of Appeal shall, by considering it necessary to pursue revealing circumstances having significance for examination of the appeal, shall have the right to resume examination of the appeal only once.

9. The Court of Appeal shall deliver a decision on resuming examination of the appeal, wherein shall be stated the time and venue of examination of the appeal.

10. The requirements defined by this Article shall be applicable for a decision rendered by the Court of Appeal in the result of examination of the appeal lodged against the interim judicial act of the Court of First Instance, unless otherwise follows from the essence of the relevant interim judicial act.

Article 382. Interim judicial act delivered by Court of Appeal as a separate act

1. The interim judicial act of the Court of Appeal delivered as a separate act must meet the requirements prescribed by Article 200 of this Code.

Article 383. Supplementary decision of the Court of Appeal

1. The Court of Appeal, upon application of persons participating in the case or upon own initiative, shall deliver a supplementary decision:

   (1) when reversing and altering the judgment, the court has considered a claim in the reasoning part of the decision, but it has not, in essence, solved the issue of granting or dismissing the claim in the concluding part of the decision;

   (2) when reversing and altering the judgment, the court has solved the issue of right, but it failed to state the amount of money to be allocated, property subject to transfer or the actions a respondent is obliged to carry out;

   (3) if it has not solved the issue of judicial costs or has solved it with faults;

   (4) if it has not solved the issue of eliminating the measures for securing the claim.

2. Rules of Article 196 of this Code shall be applied to the supplementary decision of the Court of Appeal.

3. Supplementary decision or the decision on rejecting delivering it may be appealed in the procedure prescribed by this Code.

4. The Court of Appeal may not deliver a supplementary decision on the issue, with regard to which a cassation appeal has been filed.

5. When fully reversing the decision of the Court of Appeal, the supplementary decision shall be repealed, and when reversing the decision of the Court of Appeal partially, the supplementary decision of the Court of Appeal shall be invalid where it refers to the part reversed.

Article 384. Correction of misprints, misspellings and miscalculations in the decision of the Court of Appeal

1. Correction of misprints, misspellings and miscalculations in the decision of the Court of Appeal shall be carried out by the Court of Appeal in the procedure prescribed by Article 197 of this Code.

2. The decision on correcting misprints, misspellings and miscalculations in the decision of the Court of Appeal or the decision on rejecting the motion thereon may be appealed in the procedure prescribed by this Code.

3. Where the decision of the Court of Appeal is reversed, the decisions on correction of misprints, misspellings and miscalculations existing therein shall be repealed.

Article 385. Ensuring execution of decision

1. In case of exercising the power prescribed by points 4 or 5 of part 1, Article 380 of this Code, the Court of Appeal shall, after rendering a decision upon motion of the person participating in the case whose appeal has been granted, apply measures for ensuring execution of the decision for the period until the decision enters into legal force, in compliance with the rules of Chapter 13 of this Code.

2. The motion on applying a measure for ensuring execution of a decision shall be immediately examined without convening a court session.

Article 386. Announcing judicial acts of the Court of Appeal and sending them to persons participating in the case

1. Judicial acts delivered in the result of examination of the appeal shall be announced as prescribed by this Code.

2. The decision delivered in the result of examination of the appeal lodged against a final judicial act and examined in a court session shall be announced within 15

days after concluding examination of the appeal. In special cases when there are excusable circumstances related to the health condition of the judge that make it impossible to announce the decision within the declared time period, the court may extend the time limit for announcing the decision for 15 days, by notifying the persons participating in the case thereon.

3. The copy of the decision shall be sent to persons participating in the case not later than on the following day after announcing it, unless it has been delivered in person prior to that.

Article 387. Entry into legal force of decision of Court of Appeal

1. Decisions rendered by the Court of Appeal in the result of examination of appeals lodged against a judgment shall enter into legal force in a month upon announcing it. The decisions rendered by the Court of Appeal in the result of examination of appeals lodged against other final judicial acts shall enter into legal force in 15 days upon announcing it.

2. Decisions rendered by the Court of Appeal in the result of examination of appeals lodged against decisions delivered with regard to approval of claims filed by creditors as provided for by the Law of the Republic of Armenia "On bankruptcy", shall enter into legal force upon announcing it.

3. Decisions of the Court of Appeal not referred to in parts 1 and 2 of this Article shall enter into legal force upon delivering thereof.

4. In case a cassation appeal is filed against the decisions referred to in part 1 of this Article within prescribed time limits, those decisions shall be considered as not having entered into legal force.

5. Where the Court of Cassation, after reviewing the decision delivered in the result of appealing a final judicial act, leaves the decision of the Court of Appeal fully or

partially unaltered, the decision (relevant part of the decision) of the Court of Appeal left unaltered shall enter into legal force upon announcing the decision of the Court of Cassation.

6. The decision of the Court of Appeal delivered in the result of appealing against a final judicial act shall enter into legal force from the date of delivering a decision by the Court of Cassation, where:

(1) acceptance for proceedings of the cassation appeal has been rejected;

(2) Court of Cassation has returned the appeal and contraventions made in the appeal have not been eliminated within prescribed time limit or the appeal has not been lodged again in due procedure;

(3) cassation appeal has been left without consideration.

SECTION 4

PROCEEDINGS IN THE COURT OF CASSATION

CHAPTER 55.

APPEALING AGAINST JUDICIAL ACTS BY CASSATION PROCEDURE

Article 388. Judicial acts subject to appealing by cassation procedure

1. Court of Cassation, based on a cassation complaint, shall examine cassation appeals lodged against final and interim judicial acts of the Court of Appeal in

cases and in the procedure provided for by this Code.

Article 389. Persons having the right to lodge a cassation appeal

1. Those who have the right to lodge a cassation appeal against final judicial acts of the Court of Appeal shall be:

   (1) persons participating in the case;

   (2) Prosecutor General and deputies thereof, in cases provided for by law.

2. Persons participating in the case shall have the right to lodge a cassation appeal against interim judicial acts of the Court of Appeal.

3. Persons not involved in the case shall have the right to lodge a cassation appeal against the decision rendered in the result of examination of an appeal lodged by them, against the decisions on returning an appeal lodged by them, on dismissing the appeal, on terminating the appellate proceedings instigated based on the appeal lodged by them or suspending proceedings on the case, as well as on the decisions of the Court of Appeal rendered on issues provided for by Articles 383 and 384 of this Code.

4. A person may lodge a cassation appeal only against the part of the judicial act that is unfavourable for oneself.

Article 390. Grounds for lodging a cassation appeal

1. A cassation appeal shall be lodged on the grounds provided for by Article 363 of this Code.

2. Norms of substantive law shall be deemed violated or applied erroneously where any of the grounds provided for by Article 364 of this Code exists.

3. Norms of procedural law shall be deemed violated or applied erroneously where

any of the grounds provided for by Article 365 of this Code exists.

4. Grounds for lodging a cassation appeal based on newly emerged or new circumstances shall be prescribed by Articles 418 and 419 of this Code.

5. A person may not appeal to the Court of Cassation against a final judicial act subject to appeal in appellate procedure, unless he or she has appealed against the judicial act to the Court of Appeal on the same grounds.

Article 391. Terms for lodging a cassation appeal

1. A cassation appeal against a judicial act of the Court of Appeal may be lodged prior to termination of the time limit prescribed for entry into force of that act, except for the case provided for by part 3 of this Article.

2. Interim judicial acts of the Court of Appeal may be appealed against within a fifteen-day period 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 resolving the case on the merits has been rendered, shall have the right to lodge a cassation appeal within a three-month period from the day when they have learnt or might have learnt of rendering such judicial act.

4. A cassation appeal may not be lodged where twenty years have passed after the entry of the judicial act into legal force. The mentioned term shall not be restored.

Article 392. Procedure for lodging a cassation appeal

1. If there are grounds for lodging an appeal, the cassation appeal shall be sent or

delivered in person to the Court of Cassation, and the copy of the appeal — to the court having rendered the judicial act and to persons participating in the case.

2. The court having rendered the judicial act shall send the case to the Court of Cassation promptly, but not later than on the fifth day after receiving the copy of the appeal.

Article 393. Form and content of cassation appeal

1. A cassation appeal shall be compiled in writing in accordance with the requirements mentioned in part 2 of Article 16 of this Code. The cassation appeal must be legible.

2. The following shall be indicated in the cassation appeal:

(1) name of the court whereto the appeal is addressed;

(2) name and address of the person having lodged the complaint and of persons participating in the case;

(3) name of the court having rendered the judicial act against which the appeal is lodged, the number of the case and the date of rendering the judicial act;

(4) grounds for the cassation appeal - the violations of substantive or procedural law that have affected or might have affected the outcome of the case;

(5) substantiations of the cassation appeal - substantiation with regard to violations of norms of substantive or procedural law indicated in the cassation appeal, as well as their impact on the outcome of the case;

(6) grounds for accepting the cassation appeal for proceedings and substantiation thereof;

(7) claim of the person having lodged the appeal;

(8) list of documents attached to the appeal.

3. A cassation appeal shall be signed by the person lodging the appeal or by the representative thereof.

4. The cassation appeal shall be accompanied by a document certifying the payment of the state duty in the procedure and amount prescribed by law and evidence of having sent or handed the copy of the appeal to the court examining the case and persons participating in the case, the electronic carrier of the cassation appeal. Where a privilege in terms of state duty is stipulated by law, the motion thereon shall be attached to or included in the cassation appeal. A document attesting the powers of the representative shall be attached to the appeal signed thereby, unless the letter of authorisation is available in the case.

5. The grounds and substantiations of the cassation appeal shall be presented exclusively in the cassation appeal. After the cassation appeal is lodged, the grounds and substantiations thereof may not be supplemented or changed, except for cases of lodging the cassation appeal again after it is returned.

Article 394. Grounds for accepting the cassation appeal for proceedings

1. The cassation appeal shall be accepted for examination where the Court of Cassation comes to the conclusion that:

   (1) the decision of the Court of Cassation on the issue raised in the appeal may be of significant importance for the uniform application of law and other regulatory legal acts;

   (2) a prima facie fundamental violation of human rights and freedoms has been made.

2. Within the meaning of this Article, the decision of the Court of Cassation on the issue raised in the appeal may be of significant importance for the uniform application of law and other regulatory legal acts, particularly where:

(1) the same norm has been applied or has not been applied with contradictory interpretation in a judicial act of a lower court with regard to at least one other case;

(2) interpretation of any norm in the judicial act being appealed contradicts the constitutional and legal content of the given norm revealed in the concluding part of the decision of the Court of Cassation of the Republic of Armenia;

(3) there is an issue of development of law with regard to the norm of substantive or procedural law applied by the court..

3. Within the meaning of this Article, there is prima facie fundamental violation of human rights and freedoms, where:

(1) when rendering a judicial act being appealed, the court has committed such a violation of the norms of substantial or procedural law that it has distorted the essence of justice;

(2) there is a new or newly emerged circumstance.

4. The Court of Cassation shall render a decision on accepting the cassation appeal for proceedings within a three-month period after receiving the case in the Court of Cassation. The decision of the Court of Cassation must comply with the requirements prescribed by Article 200 of this Code.

5. The decision of the Court of Cassation on accepting the cassation appeal for proceedings shall enter into force from the moment it is rendered, shall be final and not subject to appeal. The decision on accepting the cassation appeal for proceedings shall be sent to the person having lodged it and to persons participating in the case within a two-week period after rendering the decision.

6. In case of accepting for proceedings the cassation appeal lodged against judicial acts having entered into legal force, the Court of Cassation may, upon own decision, fully or partially suspend execution of the judicial act, except for cases

provided for by law.

Article 395. Returning the cassation appeal

1. The cassation appeal shall be returned where it does not comply with the requirements of Article 393 of this Code, the cassation appeal has been lodged upon expiry of the defined time limit, and the motion on restoring the missed time limit is missing, or the court has rejected the motion on setting privileges in terms of state duty.

2. Court of Cassation shall render a decision on returning the cassation appeal within a month after receiving the case, by mentioning faults of the appeal. The decision of the Court of Cassation must comply with the requirements prescribed by Article 200 of this Code.

3. By the decision on returning the cassation appeal, the Court of Cassation shall establish a period of up to one month to remedy the faults of the appeal and to lodge the cassation appeal again.

4. Where the cassation appeal has been lodged over again, the term provided for by part 2 of this Article shall start again.

5. The decision on returning the cassation appeal shall be sent to the person having lodged it and to persons participating in the case within a two-week period after rendering it.

6. Cassation appeal shall be returned where the grounds for leaving the cassation appeal without consideration are absent.

7. The decision of the Court of Cassation on returning the cassation appeal shall enter into force from the moment of announcing it, shall be final and not subject to appeal.

Article 396. Leaving cassation appeal without consideration

1. The cassation appeal shall be leaved without consideration where:

   (1) cassation appeal has been lodged after expiry of the period prescribed and the motion on restoring the missed time limit has been dismissed;

   (2) cassation appeal has been lodged by a person not entitled to lodge a cassation appeal;

   (3) appeal has been lodged against a judicial act which is not subject to be appealed by cassation procedure;

   (4) person having lodged the cassation appeal has submitted — prior to rendering a decision on accepting the cassation appeal for proceedings — an application on withdrawing the cassation appeal;

   (5) Court of Cassation has already rendered a decision on the same case on the grounds referred to in the appeal;

   (6) faults indicated in the decision on returning the cassation appeal have not been remedied or new contraventions have been committed when lodging the appeal over again;

   (7) twenty years have passed after entering into legal force of the judicial act being appealed.

2. Court of Cassation, within a one-month period after receiving the case in the Court of Cassation, shall render a decision on leaving the cassation appeal without consideration. The decision of the Court of Cassation must comply with the requirements prescribed by Article 200 of this Code.

3. The decision of the Court of Cassation on leaving the cassation appeal without consideration shall enter into force from the moment of announcing it, shall be

final and not subject to appeal.

4. The decision on leaving the cassation appeal without consideration shall be sent to the person having lodged it and to persons participating in the case within a two-week period after rendering it.

Article 397. Grounds for dismissing cassation appeal

1. Cassation appeal shall be dismissed where there are no grounds for accepting the cassation appeal for proceedings, returning it or leaving it without consideration.

2. The Court of Cassation shall render a decision on dismissing the cassation appeal within a three-month period after receiving the case in the Court of Cassation. The Court of Cassation must substantiate the absence of each of the grounds provided for by Article 200 of this Code as invoked in the cassation appeal.

3. The decision on dismissing the cassation appeal shall be rendered in the name of the Republic of Armenia.

4. The decision of the Court of Cassation on dismissing the cassation appeal shall enter into force from the moment of announcing it, shall be final and not subject to appeal.

5. The decision on dismissing the cassation appeal shall be sent to the person having lodged it and to persons participating in the case within a two-week period after rendering it.

Article 398. Response to the cassation appeal

1. The person participating in the case shall have the right to submit the response

to the cassation appeal from the day of receiving the copy of the cassation appeal until the 15th day following receipt of the decision on accepting the cassation appeal for proceedings.

2. Response to the cassation appeal shall be sent or delivered in person to the Court of Cassation and persons participating in the case.

3. Response to the cassation appeal shall be submitted in writing in accordance with the requirements mentioned in part 2 of Article 16 of this Code.

4. The following shall be mentioned in the response to the cassation appeal:

   (1) name of the Court of Cassation;

   (2) name of the person having submitted the response and names of persons participating in the case, name of the Court of Appeal having rendered the judicial act against which the cassation appeal is lodged, the number of the case and the year, month, day of rendering the judicial act;

   (3) stance regarding the grounds and justifications of the appeal, and its substantiations.

5. Evidence confirming sending or delivering in person the copies of the response to persons participating in the case shall be attached to the response submitted.

6. The response to the cassation appeal shall be signed by the person having submitted the response or by the representative thereof. The letter of authorisation attesting the powers of the representative to administer the case shall be attached to the response signed by him or her where not available in the case.

7. Default on submitting response to the cassation appeal may not be considered as assent to the grounds and justifications of the cassation appeal.

Article 399. Withdrawal of a cassation appeal

1. After accepting the cassation appeal for proceedings and before announcing about conclusion of the examination of the appeal, the person having lodged the cassation appeal shall have the right to submit an application on withdrawing the cassation appeal.

2. In case the person having lodged the cassation appeal withdraws it, the Court of Cassation shall render a decision on terminating cassation proceedings. In case of withdrawing the cassation appeal before the court session, the Court of Cassation shall render the decision referred to in this part without convening a court session.

3. The decision of the Court of Cassation on terminating cassation proceedings must meet the requirements prescribed Article 200 of this Code.

4. The decision of the Court of Cassation on terminating cassation appeal shall enter into force from the moment of announcing it, shall be final and not subject to appeal.

5. Where the judicial act has been appealed against also by other persons, the cassation proceedings shall be terminated only for the part of the given appeal.

6. The decision of the Court of Appeal shall enter into legal force from the moment the Court of Cassation renders the decision on terminating the case, where no other persons have appealed against it.

7. By the decision of the Court of Cassation on terminating the cassation appeal, judicial costs related to cassation proceedings shall be borne by the person having abandoned the cassation appeal, except for cases mentioned in part 2 of Article 109 of this Code.

8. The decision on terminating the cassation proceedings shall be sent to the person having lodged it and to persons participating in the case within a two-

week period after rendering it.

CHAPTER 56.

PROCEDURE OF EXAMINATION OF APPEALS ACCEPTED FOR PROCEEDINGS IN THE COURT OF CASSATION

Article 400. Time limits for examination of cassation appeals

1. The Court of Cassation shall examine the cassation appeal accepted for proceedings and render a decision within a reasonable period. The cassation appeal accepted for proceedings lodged against an interim judicial act of the Court of Appeal shall be examined by the Court of Cassation not later than within a three-month period.

Article 401. Procedure of examination of appeals in the Court of Cassation

1. The Court of Cassation shall examine cassation appeals lodged against a judicial act of the Court of Appeal and accepted for proceedings and render decisions on them through a written procedure, except for cases where the Court of Cassation has come to the conclusion that it is necessary to examine the cassation appeal in a court session.

2. A decision on examining the cassation appeal in a court session shall be rendered.

Article 402. Examination of cassation appeal in a court session

1. The person having lodged the appeal and other persons participating in the case shall be notified of the time and venue of the court session. Their failure to appear shall be no hindrance for examination of the appeal.

2. Examination of the appeal in the court session shall commence with the report of a judge of the Chamber of the Court of Cassation. The reporting judge shall present the cassation appeal and the arguments presented in the response submitted against the cassation appeal.

3. Judges of the Court of Cassation shall have the right to ask questions to the reporting judge and persons participating in the case who have appeared in the court session, after which examination of the appeal shall be announced concluded.

Article 403. Examination of cassation appeal through written procedure

1. Examination of cassation appeal through written procedure shall be conducted without convening a court session.

2. In case a decision on examining a cassation appeal through written procedure is rendered, persons participating in the case shall be informed only about the day of announcement of the judicial act to be rendered after examination of the appeal.

3. During examination of the cassation appeal through written procedure, the reporting judge shall prepare the draft decision of the Court of Cassation which, along with the materials of the case, shall be provided to the other judges of the Court of Cassation.

4. The judges of the Court of Cassation may submit their comments and suggestions regarding the draft decision, on the basis of which the reporting judge may modify the draft decision.

5. If the judges of the Court of Cassation fail to submit comments and suggestions regarding the draft decision of the Court of Cassation or after modification of the draft based on comments and suggestions or if the submitted comments and suggestions are not accepted, the reporter shall submit the draft for voting.

6. If the draft submitted by the reporter is not accepted in the result of voting, the new draft decision on the given case shall be prepared by the judge included in the panel of judges having voted against and nominated thereby.

Article 404. Scope of cassation proceedings

1. In the course of examination of the case by cassation procedure, the Court of Cassation shall review the judicial act within the scope of grounds and substantiations of the cassation appeal, except for cases provided for by part 3 of Article 365 of this Code.

2. The Court of Cassation shall not be restricted with the claim of the person having lodged the appeal.

3. The Court of Cassation shall not be restricted with the factual or legal stance of the person having submitted the response to the cassation appeal.

Article 405. Powers of the Court of Cassation

1. In the result of examination of the cassation appeal lodged against a final judicial act of the Court of Appeal, the Court of Cassation shall:

   (1) reject the cassation appeal, by 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 rightfully resolves the case on the merits, is substantiated or reasoned incompletely or incorrectly, the Court of Cassation shall substantiate or reason the judicial act, which is left unaltered.

   (2) fully or partially grant the cassation appeal, and, accordingly, fully or partially reverse the judicial act. For the reversed part, the case shall be sent to the relevant lower court for a new examination, by defining the

scope of the new examination. Non-reversed part of the judicial act shall enter into legal force;

(3) fully or partially reverse and amend the act of the lower court, where the factual circumstances established by the lower court enable the delivery of such act, and where this follows from the interests of effectiveness of justice;

(4) fully or partially reverse the judicial act and terminate proceedings on the case in full or in part, or leave the appeal without consideration fully or in part. Non-reversed part of the judicial act shall enter into legal force;

(5) grant the cassation appeal by changing the reasoning part of the decision of the Court of Appeal, without referring to the concluding part thereof;

(6) fully or partially reverse the judicial act and approve the conciliation agreement entered by parties. Non-reversed part of the judicial act shall enter into legal force;

(7) in cases where the judicial act has been amended by the Court of Appeal, fully or partially reverse the judicial act of the Court of Appeal and grant full or partial legal force to the judicial act of the Court of First Instance. Non-reversed part of the judicial act shall enter into legal force;

(8) fully or partially grant the cassation appeal, and, accordingly, fully or partially reverse the decision rendered by the Court of Appeal on terminating proceedings on the case or leaving the claim (application) without consideration, by remanding corresponding part of the case to the Court of First Instance for new examination;

(9) grant the cassation appeal by reversing the decision on the order on payment as rendered by the Court of Appeal and shall grant legal power to the order on payment delivered by the Court of First Instance or amend the

decision of the Court of Appeal on the order on payment and annul the order on payment.

2. In the result of examination of the cassation appeal lodged against an interim judicial act of the Court of Appeal, the Court of Cassation shall reject the cassation appeal, by leaving the judicial act in legal force or shall grant the cassation appeal and annul the decision of the Court of Appeal, by delivering a new judicial act where necessary. The decision of the Court of Cassation shall enter into legal force from the moment when it is rendered.

Article 406. Decision of the Court of Cassation rendered in the result of examination of cassation appeal

1. The Court of Cassation shall render a decision in the result 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 by open voting, in the absence of the persons participating in the case and other persons.

4. The decision of the Court of Cassation shall be signed by judges having rendered it.

5. The decision of the Court of Cassation rendered in the result of examination of the appeal shall include the following:

   (1) number of the case and the year, month, day of rendering the decision, composition of the Court of Cassation having rendered the decision;

   (2) name 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 delivering the judgment; name of the judge having delivered

the judgment;

(4) brief summary of the essence of the delivered judicial act, names of persons participating in the case;

(5) grounds whereon the issue of verifying lawfulness of the judicial act has been based;

(6) substantiation on availability of at least one of the grounds provided for by part 1 of Article 394 of this Code with regard to accepting the cassation appeal for proceedings;

(7) laws, international agreements of the Republic of Armenia and other legal acts, by which the Court of Cassation has been guided in rendering the decision;

(8) where reversing the judicial act, the motives on which the Court of Cassation has disagreed with the conclusions of the court having delivered that act;

(9) conclusion in the result of examination of cassation appeal;

(10) conclusions of the court on distribution of judicial costs among participants of the case.

6. When concluding that the violations of norms of law committed by the court having examined the case do not serve as grounds for reversing the judgment, the Court of Cassation must mention about it in the decision rendered.

Article 407. Correction of misprints, misspellings and miscalculations in the decision of the Court of Cassation

1. Correction of misprints, misspellings and miscalculations in the decision of the Court of Cassation shall be done by the Court of Cassation without convening a

court session, within one-month period after submitting relevant motion to the reporting judge or when need for it arises.

Article 408. Entry into legal force of the decision of the Court of Cassation

1. The act of the Court of Cassation shall enter into legal force from the moment of announcing it, shall be final and not subject to appeal.

Article 409. Sending the decision of the Court of Cassation to the person having lodged the appeal and persons participating in the case

1. The decision of the Court of Cassation rendered in the result of examination of the appeal shall be sent to the person having lodged the appeal, persons participating in the case, and to the respective court within a reasonable period from the day of rendering it.

SECTION 5

NEW EXAMINATION OF CASES

CHAPTER 57.

NEW EXAMINATION OF CASES WITH REVERSED FINAL JUDICIAL ACTS

Article 410. Forwarding cases to courts

1. When a judicial act on reversing the final judicial act of the court and remanding the case for new examination has been delivered, the case shall be forwarded to the relevant court within a three-day period from the moment when the judicial act enters into legal force.

Article 411. Initiation of new proceedings on the case

1. When delivering a judicial act on reversing the final judicial act of the court and remanding it for new examination, the court shall render a decision on accepting the case for proceedings within a three-day period after receiving the case.
2. The decision on accepting the case for proceedings shall be sent to persons participating in the case.

Article 412. Composition of the court during new examination of a case

1. The judge having participated in examination of the case may not participate in new examination of the case, except for cases provided for by law.

Article 413. Procedure for new examination of cases

1. New examination of the case in court shall be implemented in compliance with rules on examination of cases in court as prescribed for by this Code, by taking into account peculiarities of this Chapter.

2. During new examination of the case, the subject or grounds of the claim may not be changed, as well as a counterclaim may not be brought.

3. Written motion on applying statute of limitation may not be filed during new examination of a case, except for cases when the person filing the motion was, for reasons beyond his or her control, deprived of the opportunity to invoke the expiry of the time limit for the statute of limitation during the previous examination of the case in the Court of First Instance.

Article 414. Scope of new examination of cases

1. New examination of the case in court shall be implemented within the scope prescribed by the decision on remitting the case for new examination.

2. During new examination of the case, opinion on legal issues expressed by the Court of Appeal or by the Court of Cassation on the norms applicable to the given case shall be mandatory for the court examining the case, except for the case when the court substantiates that they are not applicable to those factual circumstances, by bringing solid arguments.

3. Facts of the case proven prior to new examination of the case shall be mandatory for the court during new examination thereof, except for cases when the case is examined in full.

4. During new examination of the case, the person participating in the case may present new evidence and file motions aimed at obtaining thereof, where:

(1) the person substantiates that he or she had not submitted the new evidence during the previous examination of the case in the Court of First Instance for reasons beyond his or her control;

(2) the court, while allocating the burden of proof, has imposed on that person the obligation to prove the fact, proving whereof has not been imposed on him or her during previous examination of the case.

5. In the case of allowing new evidence during new examination of the case, new evidence proving or refuting the fact to be proved may also be presented by other persons participating in the case, except for the case where the obligation to prove that fact was imposed on them during previous examination of the case.

6. Evidence not admitted during previous examination of the case shall not be subject to examination and evaluation in new examination thereof, except for the case where the judicial act has been reversed on the grounds of the given fact being inadmissible.

SECTION 6

PROCEEDINGS FOR REVIEWING JUDICIAL ACTS BASED ON NEWLY EMERGED OR NEW CIRCUMSTANCES

CHAPTER 58.

PROCEEDINGS FOR REVIEWING JUDICIAL ACTS BASED ON NEWLY EMERGED OR NEW CIRCUMSTANCES

Article 415. Judicial acts subject to reviewing based on newly emerged or new circumstances

1. Judicial acts of a Court of First Instance and of the Court of Appeal having entered into legal force, which are subject to appeal, orders on payment, as well as the decisions rendered by the Court of Cassation on returning the cassation appeal, leaving it without consideration, dismissing the cassation appeal and the decisions rendered based on examination of the cassation appeal may be reviewed based on newly emerged or new circumstances.

Article 416. The court reviewing a judicial act delivered upon newly emerged or new circumstances

1. The judicial act delivered by a Court of First Instance having entered into legal force shall be reviewed by the Court of Appeal upon newly emerged or new circumstances.

2. The judicial acts delivered by the Court of Appeal or by the Court of Cassation having entered into legal force shall be reviewed by the Court of Cassation upon newly emerged or new circumstances.

Article 417. Persons having the right to lodge an appeal for reviewing a judicial act upon newly emerged or new circumstances

1. Persons having the right to lodge an appeal for reviewing a judicial act upon newly emerged or new circumstances shall be:

   (1) persons participating in the case and the legal successors thereof, where the disputed legal relationship or that established by a judicial act allows legal succession;

   (2) Prosecutor General and the deputy thereof, in cases provided for by law.

Article 418. Grounds for reviewing a judicial act based on newly emerged circumstances

1. Newly emerged circumstances shall be a basis for reviewing a judicial act, where:

   (1) the person having lodged the appeal proves that those circumstances existed at the time of disposition of the case, have not been known and might have not been known to the person having lodged the appeal and to the court, and that those circumstances are of essential significance for disposition of the case;

   (2) false testimonies of a witness, obviously false opinion of an expert, obviously incorrect translation of a translator, falsified written or physical evidence confirmed by a court judgment having entered into legal force have resulted in delivering an unlawful or unsubstantiated judicial act;

   (3) it has been proven by a court judgment having entered into legal force that persons participating in the case other than the person having lodged the appeal or the representatives thereof have committed a criminal act with regard to examination of the case, which has resulted in delivering an unlawful or unsubstantiated judicial act, or the criminal action with regard to examination of the case has been committed by the judge.

Article 419. Grounds for reviewing a judicial act upon new circumstances

1. New circumstances shall be a basis for reviewing a judicial act, where:

(1) the Constitutional Court has declared the provision of the law or other regulatory legal act applied by the court in a civil case as contradicting the Constitution of the Republic of Armenia and as invalid or has declared it as complying with the Constitution of the Republic of Armenia, but has found that the given provision has been applied with divergent interpretation when revealing its constitutional and legal nature in the concluding part of the decision;

(2) in a judgment or a decision, having entered into legal force, of an international court operating based on international agreements ratified by the Republic of Armenia, has been substantiated the fact that a person's right, as defined in the international agreement ratified by the Republic of Armenia, has been violated, or where the person, at the moment of entry into force of the given judgement or decision, has had the opportunity to exercise that right in compliance with the requirements (time limits) provided for by international agreements;

(3) the Supreme Judicial Council has adopted a decision compliant to which the judge having rendered the given judicial act has been subjected to disciplinary liability for an overt and crude violation of a substantive or procedural norm while administration of justice;

(4) certificate of inheritance or the transaction, which has served as basis for delivering the given judicial act, has been declared invalid by a judicial act of a court that has entered into legal force;

(5) a judicial act or the criminal judgment has been reversed, or an administrative act has been declared as invalid from the moment of adoption, based on which the given judicial act has been delivered ;

(6) the Administrative Court has declared the regulatory legal act as void from the moment it entered into force, based on which the given judicial act has been delivered.

Article 420. Time limit for lodging an appeal for reviewing a judicial act upon newly emerged or new circumstances

1. An appeal on reviewing a judicial act upon newly emerged or new circumstances may be lodged within a three-month period, which shall start:

(1) in cases provided for by point 1, part 1 of Article 418 of this Code - from the time when the person having lodged the appeal has known or might have known about their emerging;

(2) in cases provided for by points 2 and 3 of part 1 of Article 418 of this Code - from the day when the judgment enters into legal force;

(3) in case provided for by point 1, part 1 of Article 419 of this Code - from the date when the respective decision of the Constitutional Court of the Republic of Armenia is published in the Official Journal of the Republic of Armenia;

(4) in case provided for by point 2, part 1 of Article 419 of this Code - from the day when the judgment or the decision of an international court - to which the Republic of Armenia is a participant - having entered into force, is delivered to the person having applied to that court in the procedure prescribed by regulations of that court;

(5) in the case provided for by point 3 of part 1 of Article 419 of this Code, from the day when the decision of the Supreme Judicial Council enters into legal force;

(6) in cases provided for by point 5 of part 1 of Article 419 of this Code - from the day when the judicial or administrative act, whereby the respective judicial act, criminal judgment or administrative act has been cancelled, enters into legal force;

(7) in cases provided for by points 4 and 6 of part 1 of Article 419 of this Code - from the day when the respective judicial act enters into legal force.

2. An appeal on reviewing a judicial act may not be lodged where twenty years have passed since the entry of the judicial act into legal force. The mentioned time limit shall not be restored.

Article 421. Form and content of an appeal

1. An appeal on reviewing a judicial act upon newly emerged or new circumstances shall be compiled in writing, in compliance with the requirements of part 2 of Article 16 of this Code. The appeal must be legible.

2. In the appeal on reviewing judicial acts upon newly emerged or new circumstances shall be included the following:

(1) name of the court whereto the appeal is addressed;

(2) names of the person having lodged the complaint and persons participating in the case, the addresses of their residence (location);

(3) name of the court having delivered the judicial act against which the appeal is lodged, the number of the case and the year, month, day of delivering the judicial act;

(4) expounding of the newly emerged or new circumstance serving as a basis for reviewing the judicial act and substantiation of the reason it must be a basis for reviewing the judicial act;

(5) claim of the person having lodged the appeal;

(6) list of documents attached to the appeal.

3. The following shall be attached to the appeal:

(1) document attesting the powers of the representative, if not available in the case and where the application has been signed by the representative;

(2) evidence confirming newly emerged or new circumstance;

(3) document attesting to the fact of legal succession where the appeal has been lodged by the legal successor of the person participating in the case;

(4) a motion on restoring the term for lodging an appeal where the appeal has been lodged in violation of the time limit as provided for by part 1 of Article 420 of this Code;

(5) evidence of having sent the appeal to the court having delivered the judicial act, except for the case where the appeal is lodged against a judicial act delivered by the Court of Cassation;

(6) evidence of having sent or handed the appeal and the attached documents to other persons participating in the case.

4. Motions provided for by part 3 of this Article, as well as other motions of the person having lodged the appeal may also be submitted by being included in the appeal.

5. The appeal on reviewing a judicial act upon newly emerged or new circumstances shall be signed by the person having lodged it or the representative thereof.

Article 422. Returning an appeal lodged for reviewing a judicial act upon newly emerged or new circumstances

1. The court shall render a decision on returning the appeal lodged for reviewing a judicial act under newly emerged or new circumstances within a one-month period after receiving it, where:

   (1) requirements provided for by Article 421 of this Code have not been observed;

   (2) an appeal has been lodged against the judicial act of a lower court where there is a judicial act of a higher court that has entered into legal force with regard to the given case or the given issue;

   (3) existence of a newly emerged or new circumstance has not been obviously substantiated within the scope of the appeal.

2. The appeal lodged for reviewing a judicial act shall be also subject to return by the Court of Appeal and the Court of Cassation on the grounds prescribed by Articles 371 and 395 of this Code.

3. In the decision of the court on returning the appeal lodged for reviewing a judicial act shall be indicated all prima facie contraventions made in the appeal. In case of rendering such decision, only the decision on returning the appeal for reviewing a judicial act shall be sent to the person having lodged the appeal.

4. In case of eliminating the committed contraventions and lodging an appeal again within a two-week period following receipt of the decision on returning the appeal on the grounds of contravention of the requirements of Article 420 of this Code, lodging an appeal upon expiry of the defined time limit and not containing a motion on restoring the defined time limit or having lodged an appeal against more than one judicial act, the court shall, within a month time, render a decision on initiating proceedings for reviewing the judicial act upon newly emerged or new circumstances. In case of lodging the appeal over again, new time limits shall not be provided for elimination of contraventions.

5. The decision of the Court of Appeal on returning the appeal lodged for reviewing a judicial act may be appealed against in cassation procedure within two weeks after receiving it. Where the Court of Cassation cancels the decision, the court shall render a decision on initiating proceedings for reviewing a judicial act upon newly emerged or new circumstances within a three-day period after receiving the case.

Article 423. Leaving the appeal for reviewing a judicial act without consideration and rejecting the appeal

1. The Court of Appeal shall reject to accept for proceedings the appeal for reviewing a judicial act on the grounds and in the procedure as prescribed by Article 372 of this Code.

2. The Court of Cassation shall leave without consideration the appeal for reviewing a judicial act and shall reject to accept for proceedings in compliance with the grounds and the procedure as prescribed by Articles 396 and 397 of this Code.

Article 424. Accepting the appeal for reviewing a judicial act for proceedings

1. Where there are no grounds for returning an appeal lodged for reviewing a judicial act, leaving it without consideration or dismissing it, the Court of Appeal shall render a decision on accepting the appeal lodged for reviewing the judicial act upon newly emerged or new circumstances for proceedings within one-month period after receiving the appeal, and the Court of Cassation - within a three-month period.

2. The court shall send the decision on accepting for proceedings the appeal lodged for reviewing the judicial act to the person having lodged it and to other persons participating in the case after rendering the decision.

3. By the decision on accepting for proceedings the appeal lodged for reviewing the judicial act, or during examination of the case, the court may, on own initiative or upon motion of a person participating in the case, suspend execution of the judicial act or a part thereof.

4. Suspension of execution of the judicial act appealed against or a part thereof shall be retained until the judicial act rendered in the result of the appeal enters into legal force, and in case the proceedings for reviewing the judicial act are terminated - before announcement of the judicial act on that.

Article 425. Response to the appeal lodged for reviewing a judicial act

1. The person participating in the case shall have the right to send a response or submit it to the court and other persons participating in the case within a two-week period after receiving the decision of the court on accepting for proceedings the appeal lodged for reviewing a judicial act upon newly emerged or new circumstances.

2. The response to the appeal lodged for reviewing a judicial act must comply with the requirements prescribed by Articles 369 or 398 of this Code respectively.

3. The person submitting the response may attach evidence to the response to the appeal lodged for reviewing a judicial act.

4. The response shall be attached to the response submitted, and, in case evidence has been submitted, also confirmation on having sent the copies of that evidence to other persons participating in the case.

5. Response shall be signed by the person having submitted it or by representative thereof. A document attesting powers of the representative shall be attached to the response signed by the representative.

Article 426. Procedure of examining the appeal lodged for reviewing a judicial act

1. While reviewing judicial acts upon newly emerged or new circumstances, the Court of Appeal and the Court of Cassation shall examine the case in the procedure of review in compliance with the rules defined for examination of cases in a relevant court prescribed by this Code, unless otherwise provided by this Chapter.

2. During examination of the appeal on reviewing a judicial act, the court shall study the evidence existing in the case.

3. For the purpose of determining availability or absence of grounds of the appeal lodged for reviewing a judicial act, the court shall evaluate the evidence examined and may consider new evidence as confirmed, where it is possible to arrive to such conclusion based on the evidence examined.

Article 427. Powers of the court reviewing a judicial act

1. When determining availability of grounds provided for by Article 418 or points 1 and 3-6 of part 1 of Article 419 of this Code, the court shall reverse the judicial act being reviewed and remand it to the respective court for new examination, if it is not possible to amend it.

2. Upon availability of the grounds provided for by point 2 of part 1 of Article 419 of this Code, the court may not reverse the judicial act being reviewed only where it substantiates that, in essence, it might not have affected the outcome of the case.

3. When reversing the judicial act being reviewed, the court shall amend it where the facts confirmed in the case make it possible to deliver a new judicial act without new examination of the case.

4. In the result of examination of the appeal lodged for reviewing a judicial act upon newly emerged or new circumstances, the court shall render a decision which must comply with the requirements of Articles 381 and 406, respectively.

5. The judicial act of the Court of Appeal may be appealed against in the Court of Cassation pursuant to the general procedure prescribed by law.

-SECTION 7

PROCEEDINGS ON CASES WITH PARTICIPATION OF FOREIGN PERSONS

CHAPTER 59.

PROCEEDINGS ON CASES WITH PARTICIPATION OF FOREIGN PERSONS

Article 428. Procedural rights of foreign persons

1. Foreign citizens and legal persons, stateless persons, states, public legal formations, international organisations (hereinafter referred to as " foreign persons") shall have the right to apply to the courts of the Republic of Armenia to protect their rights and interests.

2. Foreign persons shall enjoy equal procedural rights and bear equal procedural responsibilities with citizens and legal persons of the Republic of Armenia.

3. Longer time limits for lodging an appeal or cassation appeal may be stipulated for foreign persons in cases prescribed by international agreements of the Republic of Armenia.

4. Republic of Armenia may prescribe reciprocal restrictions with respect to the procedural rights of foreign persons of those states, in the courts whereof restrictions on procedural rights of citizens and legal persons of the Republic of Armenia are applied.

Article 429. Court proceedings with participation of foreign persons

1. Court proceedings with participation of foreign persons shall be conducted in accordance with this Code and other laws of the Republic of Armenia.

Article 430. Exclusive jurisdiction of courts of the Republic of Armenia over cases with participation of foreign persons

1. The following cases shall be exclusively under the jurisdiction of courts of the Republic of Armenia:

   (1) cases on rights over immovable property in the territory of the Republic of Armenia;

   (2) cases on adoption of citizens of the Republic of Armenia;

   (3) cases on disputes arisen from contract on transportation, where the transporters are located in the territory of the Republic of Armenia;

   (4) cases on divorce of citizens of the Republic of Armenia and foreign citizens or stateless persons, where the spouses reside in the Republic of Armenia.

Article 431. Jurisdiction of courts of the Republic of Armenia over cases with participation of foreign persons

1. Courts of the Republic of Armenia shall examine civil cases with participation of foreign persons, where the respondent foreign natural person resides in the territory of the Republic of Armenia at the time of filing a claim or the other respondent foreign persons are in the territory of the Republic of Armenia.

2. Courts of the Republic of Armenia shall also have the right to examine civil cases with participation of foreign persons, where:

   (1) there is an agreement thereon between a citizen or a legal person of the Republic of Armenia and a foreign person;

   (2) the respondent has property in the territory of the Republic of Armenia for property-related disputes ;

   (3) at least one of the spouses is a citizen of the Republic of Armenia - for cases on divorce;

   (4) damage has been caused in the territory of the Republic of Armenia - for cases on damage caused to health, honour, dignity, business reputation and damage caused in the result of death of the breadwinner;

   (5) act or other circumstance having served as grounds for filing a claim for compensation of damage has taken place in the territory of the Republic of Armenia – for cases on compensation of damage caused to property;

   (6) branch office or representative office of a foreign person is located in the territory of the Republic of Armenia;

   (7) claim is filed on the basis of an agreement, whereby the execution of the agreement has been done or must be done in the territory of the Republic of Armenia;

(8) claim is filed on the basis of unjust enrichment which has occurred in the territory of the Republic of Armenia;

(9) one of the persons participating in the case is a citizen of the Republic of Armenia and the foreign person participating in the case accepts jurisdiction of a court of the Republic of Armenia by declaring thereon or submitting relevant motions for implementation of jurisdiction.

3. A case accepted by the court for examination based on rules provided for by this Article, shall be resolved on the merits by the court, even if, due to any circumstance, in the course of examination of the case it has fallen within jurisdiction of the court of another state.

4. Jurisdiction of a case with participation of a foreign person shall be determined by the rules in Chapter 3 of this Code.

Article 432. Judicial immunity

1. Filing a statement of claim against a foreign state, involving it as a third person in the case, imposing attachment on the property of a foreign state, located in the territory of the Republic of Armenia and undertaking other measures for securing the claim with respect to it, confiscation of that property in execution of the procedure of enforcement of a court judgment shall be permitted only upon consent of competent authorities of the respective state, unless otherwise provided for by international agreements of the Republic of Armenia.

2. A foreign state shall be deemed to have waived its judicial immunity under a specific case, where, under the specific case, it has filed a claim to a court of the Republic of Armenia and has, on own initiative, been involved in the proceedings on the case under examination in the court of the Republic of Armenia as a person participating in the case.

3. A foreign state shall be deemed to have waived its judicial immunity with respect to any claim, where the given foreign state, under the given case, has filed a counterclaim to a court of the Republic of Armenia.

4. A foreign state shall be deemed to have waived its judicial immunity with respect to any counterclaim, where the given foreign state has filed, under the given case, a claim to a court of the Republic of Armenia.

5. Judicial immunity of international organisations shall be prescribed by international agreements of the Republic of Armenia.

Article 433. Procedural consequences of examination by a court of a foreign state of a case on a dispute between the same persons, on the same subject and on the same grounds

1. A court of the Republic of Armenia shall leave the claim without consideration, where, prior to filing of a claim in a court of the Republic of Armenia, the competent court of a foreign state has accepted the claim for examination and, as of the moment of leaving the claim without consideration, is examining a case on a dispute between the same persons, on the same subject and on the same factual grounds.

2. A court of the Republic of Armenia shall leave the claim without consideration, where the competent court of a foreign state has delivered a judgment with respect to the case on a dispute between the same persons, on the same subject and on the same factual grounds, which has entered into legal force.

3. Consequences referred to in parts 1 and 2 of this Article shall not arise, where the case being examined or examined in another court concerns exclusive jurisdiction of a court of the Republic of Armenia.

SECTION 8

LEGAL SUPPORT IN CIVIL CASES IN COMPLIANCE WITH INTERNATIONAL AGREEMENTS OF THE REPUBLIC OF ARMENIA

CHAPTER 60.

LEGAL SUPPORT IN CIVIL CASES IN COMPLIANCE WITH INTERNATIONAL AGREEMENTS OF THE REPUBLIC OF ARMENIA

Article 434. Procedure of legal support in civil cases in international relations

1. Procedural actions initiated in the territories of foreign states based on inquiries of courts of the Republic of Armenia, as well as delivering subpoenas, decisions, judgments and other documents and other actions provided for by this Code, including procedural actions initiated by courts of the Republic of Armenia in the territory of the Republic of Armenia based on inquiries of competent courts of foreign states, shall be carried out as prescribed by international agreements ratified by the Republic of Armenia and this Code.

2. In execution of procedural actions in the territory of the Republic of Armenia based on an inquiry of a competent court of a foreign state, the courts of the Republic of Armenia shall apply the rules of this Code along with the exceptions provided for by a relevant ratified international agreement.

3. In execution of procedural actions in the territory of the Republic of Armenia based on an inquiry of a court of a foreign state, the courts of the Republic of Armenia may apply the norms of civil procedure law of a respective foreign state, where the possibility of application of those norms is provided for by an

international agreement ratified by the Republic of Armenia, or where those norms do not contradict to this Code and other laws of the Republic of Armenia comprising norms of civil procedure.

4. Inquiries of a court of a foreign state shall be executed in the territory of the Republic of Armenia within the time limits provided for by this Code, unless other time limits are provided for by a relevant international agreement.

Article 435. Procedure of communication in matters of legal support

1. Communication for providing reciprocally legal support to courts on civil cases on the basis of an international agreement of the Republic of Armenia shall be carried out through the Ministry of Justice of the Republic of Armenia, and where provided for by an international agreement – though diplomatic channels, as well as through direct communication between a court of the Republic of Armenia and a court of a foreign state.

2. Where the communication is carried out through the Ministry of Justice of the Republic of Armenia, the latter shall immediately send the inquiry received from a court of a foreign state to a 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. Where a court of the Republic of Armenia submits an inquiry on legal support to be provided to a foreign state, the Ministry of Justice of the Republic of Armenia shall verify the compliance of the inquiry with the procedure defined and requirements set forth in the given international agreement, and thereafter — within a three-day period — shall submit it to a competent authority of a foreign state. Where it is revealed that there are flaws in the inquiry, the Ministry of Justice of the Republic of Armenia shall recommend that the relevant court of the

Republic of Armenia eliminate them, and thereafter shall forward the inquiry to a competent authority of a foreign state.

4. Where legal support is provided through diplomatic channels or by direct communication between a court of the Republic of Armenia and a court of a foreign state, the court of the Republic of Armenia having received the inquiry of the court of a foreign state, where acting in response to the inquiry is beyond its jurisdiction, shall re-address it to the competent court, in accordance with this Code.

5. With regard to satisfaction of inquiries for mutual legal support through diplomatic channels or through direct communication between courts, the courts of the Republic of Armenia shall, in connection to each inquiry, notify the Ministry of Justice of the Republic of Armenia by indicating the date of preparing (receiving) the inquiry, name of the court having made the inquiry, brief summary of the inquiry, name of the court having acted in response to the inquiry and brief description of execution.

Article 436. Acting in response to inquiries stipulated in more than one international agreements

1. Where the obligation to act in response to an inquiry of a court of a foreign state regarding legal support with respect to civil cases follows from more than one international agreement entered by the Republic of Armenia with the given state, the following rules shall apply:

   (1) if in the inquiry is indicated the international agreement based whereon the inquiry has been prepared and submitted, the court of the Republic of Armenia acting in response to the inquiry shall be guided by that international agreement;

(2) if in the inquiry are indicated more than one international agreements in force between the given foreign state and the Republic of Armenia, the court of the Republic of Armenia acting in response to the inquiry shall be guided by the international agreement mentioned in the inquiry, which provides a more comprehensive solution to the issues related to the inquiry, by also applying those provisions of other treaty (treaties), which are not provided for by the international agreement providing a more comprehensive solution, yet enable more complete and timely execution of the inquiry;

(3) if in the inquiry there is no indication of an international agreement in force between the given foreign state and the Republic of Armenia, the court of the Republic of Armenia acting in response to the inquiry shall be guided by the international agreement which provides a more comprehensive solution to the issue related to the inquiry, without excluding the possibility of applying provisions of other treaty (treaties) in force between the given foreign state and the Republic of Armenia, which supplements the treaty whereby the court is guided.

Article 437. Rejecting the inquiry made in compliance with an international agreement

1. An inquiry of a competent court of a foreign state made in compliance with an international agreement of the Republic of Armenia may be rejected upon grounds provided for by that treaty.

2. Where the inquiry is made by a court of a foreign state with which the Republic of Armenia is bound by more than one international agreements the inquiry may be rejected, where:

(1) circumstance (condition) having served as grounds for rejection is provided for by all the international agreements, irrespective of whether the inquiry has been prepared and filed in accordance with a treaty providing for the circumstance (condition) or other international agreement;

(2) acting in response to the inquiry may harm the constitutional order, sovereignty and national security of the Republic of Armenia.

Article 438. Appearing of persons

1. A witness and an expert in a civil case who is not considered a citizen of the Republic of Armenia and who is in a foreign state, being summoned to the court and having appeared at the court of the Republic of Armenia as prescribed by an international agreement of the Republic of Armenia shall enjoy the rights prescribed by this Code for a witness and an expert while being in the territory of the Republic of Armenia. When committing offences while being in the territory of the Republic of Armenia, those persons shall incur liability provided for by legislation of the Republic of Armenia in the extent and in the amount stipulated by a relevant international agreement.

2. Rules of point 1 of this Article shall also apply to persons considered citizens of the Republic of Armenia and having appeared at the court of the Republic of Armenia and having the status of a plaintiff and a respondent or a representative thereof in a civil case.

SECTION 9

FINAL AND TRANSITIONAL PROVISIONS

CHAPTER 61

FINAL AND TRANSITIONAL PROVISIONS

Article 439. Final and transitional provisions

1. This Code shall enter into force on the day of assumption of office by the newly elected President of the Republic of Armenia.

2. The Civil Procedure Code of the Republic of Armenia of 17 June 1998 shall be repealed upon entry into force of this Code.

3. When resolving the issue of accepting the statements of claims, applications and appeals filed prior to entry into force of this Code for proceedings, the norms of the Civil Procedure Code of the Republic of Armenia of 17 June 1998 shall apply.

4. The civil cases brought prior to entry into force of this Code, which are in the proceedings of the Court of First Instance shall be examined compliant to the norms of the Civil Procedure Code of the Republic of Armenia of 17 June 1998.

5. Motion on applying statute of limitation under civil cases brought prior to entry into force of this Code may be filed prior to end of the trial over the case.

6. The provisions on applying judicial fine as a judicial sanction against the prosecutor participating in examination of the case and against the advocate participating as a representative of the party, shall be in effect starting from 1 January 2019.

President of the

Republic of Armenia **S. Sargsyan**

27 February 2018

Yerevan

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