



ON BEHALF OF THE REPUBLIC OF ARMENIA

**DECISION
OF THE CONSTITUTIONAL COURT
OF THE REPUBLIC OF ARMENIA**

**THE CASE ON CONFORMITY OF ARTICLE 26,
PART 1 OF THE LAW OF THE REPUBLIC OF ARMENIA
ON COMPULSORY ENFORCEMENT OF JUDGMENTS WITH
THE CONSTITUTION OF THE REPUBLIC OF ARMENIA
ON THE BASIS OF THE APPLICATION OF “HSBC BANK
ARMENIA” CJSC, “ACBA-CREDIT AGRICOLE BANK” CJSC,
“VTB-ARMENIA BANK” CJSC AND “ARTSAKHBANK” CJSC**

Yerevan

23 April 2013

The Constitutional Court of the Republic of Armenia composed of G. Harutyunyan (Chairman), Justices F. Tokhyan, M. Topuzyan, A. Khachatryan, H. Nazaryan (Rapporteur), A. Petrosyan, V. Poghosyan,

with the participation of the representatives of the Applicant: H. Harutyunyan, S. Gishyan, K. Petrosyan and M. Mkoyan

official representatives of the Respondent: S. Hambardzumyan, the Chief Specialist and H. Sardaryan, the Leading Specialist of the Legal Expertise Division of the Legal Department of the National Assembly Staff of the Republic of Armenia,

pursuant to Article 100, Point 1, Article 101, Part 1, Point 6 of the

Constitution of the Republic of Armenia, Articles 25, 38 and 69 of the Law on the Constitutional Court of the Republic of Armenia,

examined in a public hearing by a written procedure the Case on conformity of Article 26, Part 1 of the Law of the Republic of Armenia on Compulsory Enforcement of Judgments with the Constitution of the Republic Of Armenia on the basis of the application of “HSBC Bank Armenia” CJSC, “ACBA-Credit Agricole Bank” CJSC, “VTB-Armenia Bank” CJSC and “Artsakhbank” CJSC.

The Case was initiated on the basis of the application submitted to the Constitutional Court of the Republic of Armenia by “HSBC Bank Armenia” CJSC, “ACBA-Credit Agricole Bank” CJSC, “VTB-Armenia Bank” CJSC and “Artsakhbank” CJSC on 29.03.2013.

Having examined the report of the Rapporteur on the Case, the explanations of the Applicant and the Respondents, having studied the Law of the Republic of Armenia on Compulsory Enforcement of Judgments of the Republic of Armenia and other documents of the Case, the Constitutional Court of the Republic of Armenia **ESTABLISHES:**

1. The Law of the Republic of Armenia on Compulsory Enforcement of Judgments was adopted by the RA National Assembly on 5 May 1998, signed by the RA President on June 3 and came into force on 1 January 1999.

The challenged Part 1 of Article 26 of the mentioned Law titled “Judgment enforcement remand” prescribes, “Where an enforced judgment has been reversed and a new judgment on fully or partially rejecting the action has been rendered, or the proceedings of the case have been struck out, or the action has been dismissed, the court shall render a judgment on full or partial return of the property to the debtor in accordance with the new judgment”.

2. The procedural background of the case is the following: on 12 October, 2009 the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of Yerevan rendered the Judgment ԵԿԴ-0094/01/09 on the criminal case, according to which found Cornel Konstantin Romica Stengachu, citizen of Rumania guilty of crimes prescribed by a number of articles of the RA Criminal Code and sentenced him to imprisonment for the term of 12 years, along with the confiscation

of the entire property equivalent to the amount not exceeding 64.142.000 AMD, and with the confiscation of the proceeds of crime prescribed by Article 55, Part 4 of the RA Criminal Code. The Court satisfied the Civil claims of the Applicants and decided to confiscate from the convict 25,457,000 AMD in total, as compensation for the damage caused by the crime. After the judgment entered into force, the Applicants received writs of execution regarding the satisfaction of their civil claims and submitted them to the Judgments Compulsory Enforcement Service of the RA Ministry of Justice, which informed them that the RA Prosecutor's Office was the first to submit a writ of execution regarding this Case to ensure confiscation of the entire property of the convict equivalent to the amount not exceeding 64.142.000 AMD. The Applicants applied to the Court which rendered the judgment, demanding to interpret the ambiguity of the judgment on the abovementioned criminal case, which concerns the provisions on property obligations of the accused in part of the implementation of the judgment and confiscation of the proceeds from crime. On 3 June 2010, the Court made a Decision interpreting the ambiguity of the rendered judgment and stated that the property, recognized as physical evidence, being proceeds of crime are confiscable regardless the ownership or the possession by the convict or any third party; and that property (amounts, items) may not be confiscated in favor of Civil Claimants and may not be aimed to compensate the damages caused to the Civil Claimants and the Aggrieved, but for implementation of the judgment regarding satisfied civil claims, the confiscation shall be extended to the funds and other property owned by the accused. The Applicants' complaints were declined by the Appeal Court, and returned by the Cassation Court.

Based on the Applicants' application, the Constitutional Court considered the conformity of the provision stipulated in Article 55, Part 4 of the RA Criminal Code with the RA Constitution (DCC-983) and held that in regard to the interpretation in law-enforcement practice it does not guarantee necessary protection of property interests and right to ownership of the aggrieved (legal possessor), to be incompatible with the requirements of Article 20, Part 5 and Article 31, Part 2 of the Constitution of the Republic of Armenia with the requirements of Part 5 of Article 20 and Part 2 of Article 31 of the RA Constitution.

Due to new circumstance, on October 12, 2011 based on the above-

mentioned decision of the Constitutional Court, the Applicants submitted an appeal to the RA Appeal Criminal Court with the demand to reverse the judgment of ԵԿԴ 0094/01/09 (with the interpretation provided by the decision of the same Court dated June 3, 2010 on interpretation of ambiguity of the judgment) of the General Jurisdiction Court of Kentron and Nork-Marash Administrative Districts dated October 12, 2009 (in regard to the part of not prescribing guarantees for returning the proceeds from crime and recognized as physical evident primarily to the Aggrieved parties) and, in particular, with the demand to change the judgment which was refused on 14 November 2011. As a result of the consideration of the cassation complaint admitted on 30 March 2012, the RA Cassation Court reversed the mentioned decision of the RA Appeal Criminal Court and the case was sent to the same court with the demand of new consideration. On 14 June 2012 the RA Appeal Criminal Court made a decision to satisfy the appeal complaints, according to which financial means recognized as physical evident were proportionally divided among the aggrieved parties. Simultaneously, the demand of the Applicants concerning the remand of the judgment of the General Jurisdiction Court of Kentron and Nork-Marash Administrative Districts (concerning the physical evidences confiscated in favour of the state budget) was not satisfied. On July 13, 2012, the Applicants submitted an application to the RA Appeal Criminal Court which was left without consideration on the reasoning that the remand of the judgment is not in the scopes of competence of that Court. The cassation complaint was returned based on the Decision of the RA Cassation Court of September 24, 2012.

3. Challenging Part 1 of Article 26 of the Law of the Republic of Armenia on Compulsory Enforcement of Judgments with the interpretation provided by the RA Appeal Criminal Court concerning the Case ԵԿԴ-0094/01/09 of 27 July 2012 and quoting international legal instruments and case law of the European Court of Human Rights, as well as Decision DCC-983 of the Constitutional Court dated 12 July 2011, the Applicants state that they were deprived of the effective means of protection of their rights consonant with the obligations assumed by the Republic of Armenia, which according to the Applicants, contradicts Article 3, Part 2 and Article 18, Part 1 of the RA Constitution. They also state that they are deprived of the possibility of consideration of their case for protection of

their violated rights, which is incompliance with Article 19 of the RA Constitution. In its turn, it also leads to the fact that the right to property of the Applicants is not protected and they, as aggrieved parties of the criminal case, do not receive compensation for their damages, which contradicts Article 8, Part 1 and Article 20, Part 5 of the Constitution. As a result, the Party thinks that interpretation provided by the RA Appeal Criminal Court to the provision stipulated in Article 26 of the RA Law on Compulsory Enforcement of Judgments brings to its unconstitutionality.

4. The respondent states that the challenged norms of the RA Law on Compulsory Enforcement of Judgments, in essence, are civil procedural norms and they regulate "...only the issue of the remand of the judgment in favour of the debtor, as means of protection of the right of the debtor."

According to the Respondent "In criminal procedure the remand of the judgment is stipulated only for the cases when the acquittal judgment, or the decision to terminate the criminal case or discontinue legal prosecution, upon which the damage was compensated, is abolished and indictment judgment was made. In this case, the amount paid as compensation of damage, may be seized in accordance with the court's decision according to the procedure of the remand. "

The Respondent states that there is no "possibility of remand of the enforced judgment in the RA Law on Compulsory Enforcement of Judgments "...from a person in favour of the aggrieved one". According to the Respondent, such a legal regulation is not conditioned with the absence of term "judgment" in the challenged norm; it is directed towards protection of the interests of the debtor. Although, as the Respondent finds, "...there is a legislative gap, which does not regulate the remand of enforced judgment in favour of the aggrieved and in the terms of which the possibility of the effective restoration of the violated rights is not ensured".

5. In the frames of this Case, while evaluating the constitutionality of the challenged legal regulation, the Constitutional Court considers necessary to touch upon the legal positions expressed in Decision DCC-983 of the Constitutional Court of 12 July 2011 insofar as the matter in dispute concerns the positive duty of the state to protect private individual's property from illegal actions of others as well as to ensure effective protection of the rights and lawful interests of persons who suffer property

damage in the frames of enforcement of this duty. In this concern, the challenged norm directly prescribes the manner and terms of the remand of the enforced judgment based on certain grounds in the sphere of regulation of civil-legal relations, which generally, is a guarantee for protection of the property rights of persons, who suffered damages from an offence, as well as the right to fair examination and access to justice guaranteed by the Constitution.

As it derives from the content of the challenged legal regulation of the RA Law on Compulsory Enforcement of Judgments, **from procedural perspective** the issue of remand of the enforced judgment may be resolved if:

- the enforced judgment of the court is available, and
- if the enforced judgment of the court is reversed by the competent court and a new judgment is adopted on rejecting partially or entirely the action, or the proceedings of the case have been struck out or the action is left without consideration.

In the case of availability of the above-mentioned legal requirements, the competent court renders a ruling, i.e. a decision or a judgment, to return **the property** (movable or immovable) to the party concerned, i.e. debtor (i.e. in accordance with the previous judgment, the person who is liable for the other party) in accordance with new judgment. That is, it is unequivocal that the institute of remand of judgment **aimed at regulating the civil-legal relations** rehabilitation (compensation) of the damage caused to a person (persons) because of enforcement of the judgment based on judicial error (new or newly revealed or other circumstances).

Article 26, Part 2 of the above-mentioned Law stipulates the terms of enforcement of remand of the judgment, which have not been implemented.

From substantive perspective, the issue of remand of the enforced judgment of the court may be solved in such particular cases, when there are legislatively prescribed grounds for (partial or entire) reverse of the judgment of the court, termination of the case proceedings and leaving the action without consideration; and consequently there is a legal necessity to abolish the legal consequences (restoration of legal condition prior to enforcement of that act, the previous rights and obligations of the concerned party (aggrieved) based on circumstances of the case) resulted from the enforcement of that act. That is, the aim of the remand of enforced judgment of the court is to ensure the administration of fair and

effective justice (enforcement of the goals of justice), and the object is **right to property** and rights and obligations of the parties, conditioned with the lawfulness of their implementation in the frames of the given civil dispute. That is, by implementation of institute of remand of judgment, the state, in the name of the competent court, pursue the aim to fulfill its positive duty to protect property of the persons (including from illegal actions of others), which is also one of the main tasks of administration of justice.

Thus, the Constitutional Court states that the institute of remand of the enforced judgment of the court is an important guarantee concerning protection of rights and freedoms of individuals prescribed in Articles 8, 18, 19 and other articles of the RA Constitution, and in the frames of the legal regulation, it may not cause issue of constitutionality itself, if the legislation prescribes effective procedure for its enforcement, in particular, possibility of **swift, complete and effective** restoration of the rights and freedoms of persons violated as a result of the enforcement of an unlawful judgment. The examination of the documents and, in particular, judgments attached to the application states that the statements of the Applicants contain factual demand of necessity to ensure such procedures for **restoration of the damage caused by crime**, which, as follows from the procedural background of the Case, although has not been directly related to the issue of necessity of implementation of the institute of remand of the judgment of the civil case, but is also aimed at solving of this issue based on general goals of legal regulation. Consequently, ruled by requirements of Article 19 of the RA Law on Constitutional Court, in the frames of this case, the Constitutional Court considers necessary to touch upon the issue of necessity of relevant legislative regulations on ensuring constitutional-legal principles of restoration of pecuniary (property) damage caused to persons by the crime and especially in accordance with its legal positions concerning that issue expressed in previous decisions.

6. In the frames of the statements in dispute, the complex study of the legislative acts regulating procedural relations states, that there are still no effective procedures for compensation of pecuniary damage caused to a person as a result of an offence at the level of legislative regulation. In particular, the Constitutional Court signifies the necessity of successive implementation of such conceptual approach at the level of legislative reg-

ulation, which will guarantee swift, complete and effective (fair) restoration (compensation) in **the frames of one case by single judicial procedure, based on the possible simplified procedure**. The necessity to guarantee legislatively such legal requirements is a constitutional legal demand and derives from Articles 1, 3, 14, 14.1, 18, 19 and other numerous articles of the RA Constitution. The necessity to administer justice based on assurance of these guarantees is also signified by the decisions of the Constitutional Court (DCC-929, DCC-983).

Stating their primary significance, considering peculiarities of the consideration of the constitutionality of legal regulation (Article 55, Part 4 of the RA Criminal Code) related to the challenged issue in structural perspective in Decision DCC-983 of July 12, 2011, the Constitutional Court drew attention especially to the following legal positions expressed in that decision:

- "...the principle of immunity of property not only means that the owner, as the holder of subjective rights, is entitled to demand from others not to violate his/her right to property but also assumes the duty of the State to protect the persons' property from illegal infringement. In the situation in question, this duty of the State requires **to ensure effective mechanism for protection of property rights of the crime victims and for recovery of damages**".
- "... If, in the case of confiscation as a supplementary type of the punishment prescribed by Article 55, Part 1, the object is exclusively the **legitimate** property of the convict, then the object of confiscation prescribed by the challenged Part 4 of this Article is not the legitimate property of the convict, but the property gained from the commitment of the crime, and, as a rule, it is the property of the aggrieved".
- " that confiscation of property as a supplementary type of the punishment and confiscation of property gained from crime are different institutions by their constitutional legal content, which have different tasks and objectives. The institution of confiscation, as a supplementary type of the punishment straightly directed against the property of the convict, follows from Article 31, Part 2 of the RA Constitution, as **in this case confiscation of the property of the convict is a measure of compulsion following from liability that lawfully restricted his right of ownership**. Meanwhile, in the case

of confiscation of the property gained from crime, the aim of confiscation is to withdraw the property gained from crime from the convict, and in this case, the right of ownership of the convict is not restricted. Hence, taking into account that, as a rule, the property gained from crime is the property of the aggrieved, while confiscating that property, understanding of the concept of confiscation by implication of Article 55, Part 1 of the RA Criminal Code, that is, gratuitous transfer of the confiscated property to the state's ownership without restoring the right of ownership of the aggrieved, is inadmissible, as in the case of such understanding the measure of confiscation is straightly directed against the right of ownership of the aggrieved unlawfully restricting his/her right of ownership. **The Constitutional Court finds that gratuitous transfer of that property to the state's ownership blocks the possibility to satisfy the property interests of the aggrieved at the expense of the property gained from crime and the possibility to restore violated right of ownership."**

- " during the application of the challenged norms on confiscation of the property gained from crime it is pivotal to guarantee the compensation of damages caused by the crime to the aggrieved, which is also a constitutional legal duty of the state particularly stipulated by Articles 3, 20 (Part 5) and 43 (Part 2) of the RA Constitution."
- "money, valuables and other objects and documents, which may serve as means to discover a crime, determine factual circumstances, expose the guilty person, prove a person's innocence or mitigate responsibility are acknowledged to be physical evidence. Article 119 of the same Code states the rules according to which the issue of physical evidence shall be solved in the sentence of the court as well as in the decision on dismissing the case. According to Part 1, Point 3 of the said Article, money and other valuables, which may not be legally possessed due to committing a crime, **shall be returned to the owners, possessors or their successors**. According to Part 1, Point 4 of the said Article, money, items and other valuables obtained in an illegal way shall be used **to cover** the court expenses and **damages of the crime**, and if the person who suffered the damages is unknown, the money shall be forwarded to the state budget. Simultaneously, according to these provisions, Article 59,

Part 1, Point 17 and Article 61, Part 2, Point 3 of the RA Criminal Procedure Code state the right of the aggrieved and the civil plaintiff, respectively, to get back the property, seized by the body conducting criminal proceedings as physical evidence".

- " The Constitutional Court states that Article 55, Part 4 of the RA Criminal Code, according to which, property gained from crime shall be confiscated regardless the ownership or the possession of the convict or any other third party, and, in accordance with Article 119, Part 1, Point 3 of the RA Criminal Procedure Code, it does not stipulate the condition of necessary protection of the right to property of the aggrieved. In such situation not only intersystem contradictions emerged, but also the institutions of confiscation of the property of the convict, as a type of punishment and confiscation of the property gained from crime became identical. In the law-enforcement practice, the challenged legal regulation is interpreted in a way that in the case of confiscation of property gained from crime the entire property is gratuitously transfer to the State without protection of the property interests and right of ownership of the aggrieved (legal possessor)."

So, by its abovementioned decision, the Constitutional Court, signifying the assurance of lawful implementation of the institution of compensation of the damage caused by crime in law enforcement practice, pointed out the constitutional legal principles for ensuring legislative regulation of the latter which will be also guarantees for complex and effective legal regulation of the challenged issue in this case, as well as for formation of further unified judicial practice.

Taking into consideration the current law enforcement practice, the abovementioned legal positions, shall be considered also by the RA Prosecutor's Office in regard to guaranteeing restoration of the violated rights of the victims in the frames of its competence.

Simultaneously, the task and constitutional obligation of the RA National Assembly is, on the basis of the requirements of Article 83.5, Points 1 and 2 of the RA Constitution, to overcome the gap of legal regulation and to prescribe precise provisions for ensuring the possibility of full restoration of the rights of persons in the frames of the challenged issue.

7. The study of international practice states that there are diverse solutions of the legislative regulation on compensation of the damage caused by crime. Although the general analysis points out the following main approaches:

- The issue of compensation of the damage caused by an offence is solved in the scopes of one proceeding, in some cases authorizing the concerned parties to choose the type of litigation (civil or criminal),
- Prescription of the precise procedure for satisfying the demand to return the property obtained as a result of an offence to its lawful owner,
- The action of compensation of the damage may be submitted to the same court considering the case, during which the person is deprived of the possibility to apply simultaneously to other court of general jurisdiction,
- The actions of the court within the criminal case for compensation of damages are regulated by the civil procedure without any reservation,
- The civil action deriving from the civil case is considered in accordance with the rules of civil procedure,
- The civil claim on compensation of the damage may be subject to consideration despite the results of consideration of the criminal case,
- Parallel to main damages based on civil action, the demand of compensation of moral damage may raise,
- In some cases the demand of compensation of damage may be submitted even orally in the court which may be considered immediately,
- If the proceeding is realized in the frames of criminal procedure, demand to compensate the damage may be subject to obligatory consideration only in the given court,
- The action on compensation of damage based on civil procedure rules may be subject to consideration, if in the frames of criminal proceeding the newly acquired facts are not enough,
- Till the end of the consideration of the criminal case, urgent measures may be undertaken for ensuring civil action regarding compensation of damage,
- The action on compensation of damage may include the demand on return of property,
- The decision of the court on compensation of damage in the frames

of criminal case may be appealed in regard with that part in accordance with rules of civil procedure.

8. The study of the case law of the European Court of Human Rights regarding compensation of damage by crime states that the Court, in respect to prescribing means of submitting a complaint on ensuring compensation of the damage caused by crime, considers in the wide discretion of the state. Meanwhile, it is stated that prolonged compensation, which obliges the Applicant disproportionately, as a result the balance is violated, which is available between the protection of the right to property and common interest (Case of Karoly Hegedus v. Hungary. (Application no.11849/07), Judgment, November 2011, Final.03/02.2012):

- concluded that civil plea on compensation principally is effective means of judicial protection (see: Lukenda v. Slovenia, no. 23032/02, §59, ECHR 2005-X; Jazbec v. Slovenia no.31489/02, §75, 14 December 2006, Varacha v. Slovenia, no. 9303/02, §32, 9 November 2006, and Lakota v. Slovenia, no. 33488/02, §35, 7 December 2006; a contrario. Ommer v. Germany (no.1), no. 10597/03, §75, 13 November 2008).
- stated that Article 6, Paragraph 1 of the Convention is “right to trial,” which is related to accessibility of the court, i.e. right to file a proceeding in the court on the basis of civil plea is one of its elements (see: The Holy Monasteries v. Greece judgment of 9 December 1994, Series A no. 301-A, pp. 36-37, para. 80). Hereinafter it added that doubtlessly Paragraph 1 of Article 6 is applicable for the applications on compensation for damages as result of bad approach of the state officials (see: The Tomasi judgment cited at paragraph 61 above, p. 43, paras 121-22) (Case of Aksoy v. Turkey, (Application no. 21987/93), Judgment, 18 December 1996).

In the frames of Council of Europe regarding the issue of compensation of damage by crime the introduced legal principles conclude the following:

- The victim party shall be informed during the criminal proceeding about the possibility of compensation of damage and legal aid and consultation,
- The Court on criminal cases shall have possibility to adopt a decision

on providing compensation to the victim by the offender. For this, the restrictions, limits and technical obstacles, which prevent practical implementation of such a possibility, shall be repelled,

- entire information on damages and losses of victim shall be accessible to the court so that the latter, while decision of the form and measure of the punishment, could take into consideration:
 - a. necessity of receiving compensation by the victim,
 - b. compensation of the damage made by the offender or efforts made for this purpose,
- in the stage enforcement of the judgment, if the compensation is a criminal sanction, it shall be implemented by the prescribed order of collecting fines and there shall be priority regarding any type of other financial sanction imposed on the offender. In all cases, the victim shall be assisted regarding collecting the sum (Recommendation No. R(85)11 on the position of the victim in the framework of criminal law and procedure (Adopted by the Committee of Ministers on 28 June 1985 at the 387th meeting of the Ministers' Deputies)).

Simultaneously, it is also signified that:

- regarding the issue of receiving compensation, in the case of payment of the sums by the insure companies or other organizations and, if possible, in the case of compensation provided by state, assistance shall be imposed (Recommendation Rec(2006)8 of the Committee of Ministers to member states on assistance to crime victims (Adopted by the Committee of Ministers on 14 June 2006 at the 967th meeting of the Ministers' Deputies)).
- States should therefore take the necessary steps to ensure that victims have effective access to all civil remedies, and within a reasonable time,
- States should institute procedures for victims to claim compensation from the offender in the context of criminal proceedings. Advice and support should also be provided to victims in making these claims and in enforcing any payments awarded.
- Compensation should be provided for treatment and rehabilitation for physical and psychological injuries.(annex to Recommendation Rec(2006)8).

9. The RA Constitutional Court finds that at the level of legislative regulation of the challenged issue the abovementioned conceptual approaches fixed in the international practice shall also be taken into consideration as requirements directly deriving from provisions of Article 3 of the RA Constitution.

Meanwhile, till legislative clarifications, the necessity of which is accepted also by the Respondent, the enforcement of the decision adopted by the RA Appeal Court on 14.06.2012 in the name of the Republic of Armenia regarding the judgment of General Jurisdiction Court of Kentron and Nork-Marash Administrative Districts dated 12 October 2008 regarding termination of the part of the civil action and proportionally distributing the sum of AMD equivalent to 25.000 Euros and 4,040,000 AMD, shall be ensured. The materials of the case state that the current situation proves the manifestation of formal approach of enforcement of the principle of rule of law.

The RA Constitutional Court states that from the perspective of protection of subjective rights of the Applicants, thus, the role of the RA Prosecutor's Office should be efficient as on the basis of its writ of execution the means of compensation provided to the Applicants was transferred to the RA state budget.

Proceeding from the results of consideration of the case and ruled by Article 100, Point 1, Article 102 of the RA Constitutional Court, Articles 63, 64 and 69 of the Law of the Republic of Armenia on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. Article 26, Part 1 of the Law of the Republic of Armenia on Compulsory Enforcement of Judgments is in conformity with the Constitution of the Republic of Armenia, taking into consideration the legal positions expressed in this Decision.

2. Pursuant to Article 102, Part 2 of the RA Constitution this Decision is final and enters into force from the moment of its announcement.

Chairman

G. Harutyunyan

28 June 2013

DCC-1102