

IN THE NAME OF THE REPUBLIC OF ARMENIA
DECISION OF THE CONSTITUTIONAL COURT OF
THE REPUBLIC OF ARMENIA

ON THE CASE OF CONFORMITY OF POINT “A” OF PART 1 OF ARTICLE 54 OF THE LAW OF THE REPUBLIC OF ARMENIA ON BANKRUPTCY WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATION OF ANAIDA AGHAJANYAN, VLADIMIR AGHAJANYAN, ARMEN AGHAJANYAN AND ARMINE AGHAJANYAN

Rapporteur K.Balayan

Based on the review of the Case and governed by Point 1 of Article 100 and Article 102 of the Constitution of the Republic of Armenia (with Amendments through 2005), 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. Point "a" of Part 1 of Article 54 of the RA Law on Bankruptcy is in conformity with the Constitution of the Republic of Armenia in the constitutional legal content according to which the manager within one year after the entry into legal force of the decision on recognizing the debtor bankrupt may apply to court to receive back gratuitous transfers to the persons affiliated by the debtor, made by the debtor within five years the debtor was recognized bankrupt, which will be assessed by the court as **the transfers, which knowingly testify on the intention of the debtor to evade obligations to creditors.**
2. Based on Article 69 of the RA Constitutional Court Law, the final judicial act against the applicants is subject to review in accordance with the procedure stipulated by the law on the basis of newly revealed circumstances, taking into consideration that the provision in dispute was not applied to the Applicants in the interpretation provided by the Constitutional Court in this Decision.
3. Pursuant to Part 2 of Article 102 of the Constitution of the Republic of Armenia (with Amendments through 2005) this Decision is final and enters into force from the moment of the announcement.

January 31, 2017

DCC-1340