

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

**ON THE CASE CONCERNING THE CONSTITUTIONALITY OF THE FIRST
PARAGRAPH OF ARTICLE 249 § 2 OF THE CIVIL CODE OF THE REPUBLIC OF
ARMENIA AND ARTICLE 40 § 1 OF THE LAW OF THE REPUBLIC OF ARMENIA ON
STATE REGISTRATION OF RIGHTS TO PROPERTY RAISED BY THE APPLICATION
OF “LARVAR” PRODUCTION COOPERATIVE**

Based on the examination of the case and subject to Article 168(1), Article 169 § 1(8), and Article 170 of the Constitution, as well as guided by Articles 63, 64 and 69 of the Constitutional Law on the Constitutional Court, the Constitutional Court **HOLDS:**

1. The first paragraph of Article 249 § 2 of the Civil Code of the Republic of Armenia complies with the Constitution.

2. Article 40 § 1 of the Law of the Republic of Armenia on State Registration of Rights to Property complies with the Constitution by the interpretation that for the state registration of the right of ownership to the pledged property transferred to the pledgee as a result of civil forfeiture on an out-of-court basis, it is also necessary to submit to the body carrying out state registration of rights to real estate a document confirming the delivery of the notice of civil forfeiture, clearly reflecting the will of the pledgee regarding the civil forfeiture on the pledged property on an out-of-court basis.

3. In accordance with Article 69 § 10 of the Constitutional Law on the Constitutional Court, the final judicial act rendered against the applicant shall be subject to revision upon the grounds of a newly emerged circumstance as prescribed by the Law, since Article 40 § 1 of the Law of the Republic of Armenia on State Registration of Rights to Property had been applied against the applicant by an interpretation other than given by paragraph 2 of the final part of this Decision.

4. Pursuant to Article 170 § 2 of the Constitution, this Decision shall be final and shall enter into force upon its promulgation.

PRESIDENT

A. DILANYAN

November 15, 2022

DCC-1668