

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

**ON THE CASE CONCERNING THE CONFORMITY OF ARTICLE 17, PART 2 OF THE  
CIVIL CODE OF THE REPUBLIC OF ARMENIA WITH THE CONSTITUTION OF THE  
REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATION OF THE CITIZEN  
ARTUR KHACHATRYAN**

Rapporteur M. Topuzyan

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

1. To declare Article 17, Part 2 of the RA Civil Code in so far as it does not consider non-pecuniary damage as a type of damage and does not ensure possibility of compensation of moral damage, blocking the effective implementation of rights to access to the court and fair trial, simultaneously, hindering diligent fulfillment of the international obligations of the Republic of Armenia, as contradicting Article 3, Part 2, Article 16, Part 4, Article 18, Part 1, Article 19, Part 1 and Article 43, Part 2 of the Constitution of the Republic of Armenia.
2. To determine 1 October, 2014 as the deadline for the invalidation of Article 17 Part 2 of the RA Civil Code, considering the fact, that the declaration of the norm mentioned in Part 1 of the operative part of this Decision, to be inconformity with the Constitution and invalid from the date of announcement of the decision, shall inevitably lead to the consequences which will distort the legal security to be established on the moment of the invalidation of the given norm, as well as taking into consideration the requirement to have systemized legislative regulation of the institution of compensation of the moral damage, which, in particular will include the notion of “non-pecuniary damage”, provisions for the frames and grounds of implementation of that institution, precise procedure for calculation of the non-pecuniary damage and other issues, based on Article 102, Part 3 of the RA Constitution and Article 68, Part 15 of the RA Law on the Constitutional Court.
3. Pursuant to Article 102, Part 2 of the RA Constitution this Decision is final and enters into force from the moment of its announcement.

5 November, 2013

DCC – 1121