

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

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THE CASE ON CONFORMITY OF THE OBLIGATIONS STIPULATED IN THE  
TREATY ON “THE ACCESSION TO THE TREATY OF MAY 29, 2014 ON “THE  
EURASIAN ECONOMIC UNION” SIGNED BY THE REPUBLIC OF ARMENIA” SIGNED  
ON OCTOBER 10, 2014 IN MINSK WITH THE CONSTITUTION OF THE REPUBLIC OF  
ARMENIA

Yerevan

14 November 2014

The Constitutional Court of the Republic of Armenia composed of G. Harutyunyan (Chairman), Justices K. Balayan, A. Gyulumyan (Rapporteur), F. Tokhyan, A. Tunyan, A. Khachatryan, V. Hovhannisyan (Rapporteur), H. Nazaryan, A. Petrosyan,

with the participation of the official representative of the President of the Republic, Deputy Minister of Finance of the Republic of Armenia: S. Karayan,

pursuant to Article 100, Point 2, Article 101, Part 1, Point 1 of the Constitution of the Republic of Armenia, Articles 25, 38 and 72 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 the obligations stipulated in the Treaty on “the Accession to the Treaty of May 29, 2014 on “Eurasian Economic Union” signed by the Republic of Armenia” signed on October 10, 2014 in Minsk with the Constitution of the Republic of Armenia.

The Case was initiated on the basis of the application submitted to the Constitutional Court of the Republic of Armenia by the President of the Republic on October 27, 2014.

Having examined the Application, the written report of the Rapporteurs on the Case, the written explanation and clarifications of the official representative of the President of the Republic, having studied the Treaty and other documents of the Case, the Constitutional Court of the Republic of Armenia ESTABLISHES:

1. The Treaty on “the Accession the Treaty of May 29, 2014 on “the Eurasian Economic Union” (hereinafter “Treaty”) was signed on October 10, 2014 in Minsk between the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation, on the one part, and the Republic of Armenia, on the other part. The Treaty contains 5 Annexure.

By the Treaty in subject the Republic of Armenia joins (accedes) the Treaty on “the Accession the Treaty of May 29, 2014 on “the Eurasian Economic Union,” as well as, as a component of law of Single Economic Space and other international treaties signed in the scopes of the instituted legal Treaty framework, in accordance with the list prescribed by Annex 1 of the Treaty, and becomes the member of the Eurasian Economic Union from the date of entry into force of the Treaty.

Article 1 of the Treaty prescribes that implementation of certain norms of the Treaty on “The Accession to the Treaty of May 29, 2014 on “the Eurasian Economic Union” by the Republic of Armenia and Annex 1 of the Treaty on “The Accession to the Treaty of May 29, 2014 on “the Eurasian Economic Union” by the Republic of Armenia is exercised by the Republic of Armenia in accordance with the terms and transition provisions prescribed by Annex 3 of the Treaty concerning the issues on the Accession to the World Trade Organization. Consistencies on implementation of common customs tariffs of the Eurasian Economic Union (EEU) regarding the goods prescribed by the list envisaged by Annex 4 of the Treaty shall be taken into consideration.

Annex 2 of the Treaty sets the amendments, which are made in the Treaty on EEU and the international treaties signed in the scopes of the instituted legal Treaty framework of the Customs Union and the Single Economic Space, which concern acceding of the Republic of Armenia to the EEU.

Annex 3 of the Treaty prescribes the terms of implementation by the Republic of Armenia and transition provisions of certain norms of the Treaty on EEU and norms of other international treaties stipulated by the Treaty under consideration.

Annex 4 of the Treaty defines the list of the goods regarding which at the transition stage the Republic of Armenia shall exercise import customs duties other than EEU custom tariffs rate.

Inasmuch as the Republic of Armenia does not have common borders with the EEU member states and transmission of goods and means of transportation shall be exercised (shall

pass) through the territory of third states, the peculiarities of transmission of the goods and means of transportation is defined by Annex 5 of the Treaty.

The Republic of Armenia shall undertake the obligation from the date of entering the Treaty into force in its territory to implement the acts of the Eurasian Economic Union bodies, as well as the decisions of the Eurasian Economic Highest Council (Interstate Council of Eurasian Economic Community) Highest Body of the Customs Union)), decisions of the Eurasian Economic Commission (Customs Union Commission) taking into consideration the provisions envisaged in Annex 3 of the Treaty.

The disputes concerning interpretation and/or implementation of the provisions of the Treaty are (shall be) solved in accordance with Article 112 of the Treaty on Eurasian Economic Union.

2. According to the subject of the examination Annex 1 of the Treaty, the Republic of Armenia within the framework of formation of the legal basis of The Customs Union and Single Economic Space joins the following international legal documents:

- “Agreement on Uniform Rules on Determination of the Country of Origin of Goods” of January 25, 2008.
- “The Agreement on Determining the Customs Value of the Goods Transported by the Customs Border of the Customs Union” of January 25, 2008 (with the protocol wording on making amendments and addendums to the Agreement on Determining the Customs Value of the Goods Transported by the Customs Border of the Customs Union, as of 23 April, 2012).
- “The Protocol on the Customs Union Tariff Preferences Uniform System” of December 12, 2008,
- “The Agreement on the Rules Determining the Origin of the Goods from Developing or Least Developed Countries” of December 12, 2008,
- “The Agreement on the Customs Union Code”, of November 27, 2009 (with the protocol edition of April 16, 2010 on making additions and addendums to the “Treaty on the Customs Union Code” of November 27, 2009 ),
- “The Agreement on the Mutual Administrative Assistance of the Customs Bodies of the Customs Union Member States” of May 21, 2010,
- “The Agreement on United Customs Registry of the Intellectual Property Objects of the Customs Union Member States” of May 21, 2010.

- “The Agreement on Certain Issues Related to the Order of Enforcement of Customs duties, Taxes Imposed on Goods Transported in accordance with the “Customs transit” Customs Procedure, the Characteristics of the Enforcement of Customs Duties, Taxes and the Transfer of Seized Money in regards of the Mentioned Goods” of May 21, 2010 (with the protocol edition of December 19, 2011 on making amendments and addendums to “The Agreement on May 21, 2010 “On Certain Issues Related to the Order of Enforcement of Customs Duties, Taxes Imposed on Goods Transported in accordance with the “Customs transit” Customs Procedure, the Characteristics of the Enforcement of Customs Duties, Taxes and the Transfer of Seized Money in regards of the Mentioned Goods”)),

- “The Agreement on the Exchanging and Presenting the Preliminary Information about the Transport Vehicles and Goods Transported by the Customs Border of the Customs Union” of May 21, 2010,

- “The Agreement on the Requirements for the Information Exchange between the Customs Union Member States’ Customs Authorities and Other State Bodies” May 21, 2010.

- “The Agreement on Changing the Bases, Conditions and Procedures of the Customs Payments Terms” of May 21, 2010.

- “The Agreement on the Customs Transit Features of the Rail Transported Goods through the Customs Union Customs Territory” of May 21, 2010.

- “The Agreement on the Order of Implementation of the Procedures of the Customs Operations concerning Transportation and Release of Goods for Private Purposes by Individuals through the Customs Border of the Customs Union”, June 18, 2010 (in edition of the Protocol of October 19, 2011 on Making Addendums and Amendments in “The Agreement on the Order of Implementation of the Procedures of the Customs Operations concerning Transportation and Release of Goods for Private Purposes by Individuals through the Customs Border of the Customs Union”).

- “The Agreement on Free Warehouses and “Free Warehouse” customs procedure” of June 18, 2010.

- “The Agreement on not Applying Certain Forms of Control by Customs Authorities of Customs Union Member States” of June 18, 2010.

- “The Agreement on the Features concerning the Usage of International Carriage of Passengers, as well as Cargo and (or) Luggage Carrier Trailers, Semi-trailers, Containers and

Railway Rolling Stocks in Interior Traffic of the Customs Territory of the Customs Union” of June 18, 2010.

- “The Agreement on the International Post Delivered Goods’ Customs Operations Features” of June 18, 2010.

- “The Agreement on Customs Union Customs Territory Free (Special, Unique) Economic Zones and “Free Customs Zone” Customs Procedure Related Issues” of June 18, 2010.

- “The Agreement on the Order of Transportation of Cash or Monetary Instruments by Individuals through the Customs Union Customs Borders” of July 5, 2010.

- “The Agreement on the Order of Transportation of Cash or Monetary Instruments by Individuals through the Customs Union Customs Borders” of July 5, 2010.

- “The Agreement on the Criminal and Administrative Sanction Features for Violation of the Customs Union and Customs Union Member States’ Legislation of July 5, 2010.

- “The Agreement on the Cooperation and Legal Assistance between the Customs Union Member Countries Customs Authorities on Criminal Cases and Administrative Offenses” of July 5, 2010.

- “The Agreement on Counteracting the Illegal Labor Migration by the Third States” of November 19, 2010.

- “The Agreement on Customs Union Activities within the Framework of the Multilateral Trading System” of May 19, 2011.

- “The Agreement on the Joint Board of the Customs Service by the Customs Union Member States” of June 22, 2011.

- “The Agreement on the Cooperation and Mutual Assistance on the Customs Union Member states’ Customs Service Representatives’ Activity Related Customs Cases within the Framework of the Eurasian Economic Committee” of June 22, 2011.

- “The Agreement on Organizing the Information Exchange in order to Implement the Analytic and Supervisory Functions of the Customs Authorities of Customs Union Member states” of October 19, 2011.

- “The Agreement on Providing Counteracting Measures against the Illegal Income Legalization (Money Laundering) During the Cash and (or) Monetary Instruments Transportation Through the Customs Union Customs Border and Financing the Terrorism” of December 19, 2011.

- “The Agreement on Elimination the Technical Barriers of Reciprocal Trade between the Customs Union Member States and the Members of the Commonwealth of the Independent States (CIS) Non-Members of the Customs Union” of December 17, 2012.

“The Agreement on the Order of Transportation of Drugs, Psychotropic Substances and their Precursors through the Territory of the Customs Union.” of October 24, 2013.

3. The constitutional legal obligations undertaken by Republic of Armenia based on the Treaty subject to the examination, the Treaty on the Eurasian Union of May 29, 2014, as well as to the list set by the Annex 1 to the considering Treaty signed within the framework of the formation of the legal base of the Customs Union and being a part of the law of Single Economic Space and provided by the upper-mentioned international treaties particularly, leads to the following:

— before the Treaty subject to the examination is put into the force, in cases when the Republic of Belarus, Republic of Kazakhstan and the Russian Federation sign or put into force an international treaty not mentioned in Annex 1 to the Treaty related to the operations of the Customs Union and Single Economic Space, it is necessary to accede to that international treaty by separate protocol on the date of its entry into the force, but not earlier than the date when the Treaty is put into force (Article 1, Paragraph 4 of the Treaty).

— from the date of putting into force of the Treaty to apply in the territory of the Republic of Armenia the Eurasian Economic Union bodies’ acts, as well as the decisions of the Eurasian Economic Highest Council, Eurasian Economic Community (the Highest body of the Customs Union), the Eurasian Economic Commission (the commission of the Customs Union) effective from the date of entry into force of the Treaty taking into account the provisions of the Annex 3 of the Treaty ( Article 2 of the Treaty).

— to ensure that the goods, on which lower rates of import customs duties are applied than the EEU common customs tariff, are used only within the boundaries of the Republic of Armenia and to take measures not to allow the export of such goods to territories of other member-states of Eurasian Economic Union, without paying the difference in the amounts of import customs duties estimated by the EEU and CCT rates and the amounts paid for the import customs duties

when imported into the territory of the Republic of Armenia. (Second Indent, Point 40, Paragraph 2 of the Annex 3 of the Treaty).

— to provide the direct application of those decisions of the Eurasian Economic Commission on taking special protective, antidumping and countervailing measures in the territory of Republic of Armenia, which were made after the enforcement of the Treaty by the results of the exams being passed at the customs territory of the Eurasian Economic Union in the moment of entry into force of the mentioned Treaty (Point 47, Paragraph 4 of the Annex 3 of the Treaty)

— to ensure that at the territory of the Republic of Armenia, as a fundamental component of the single economic space, on the basis of the application of harmonized or unified legal terms and marketing principles, a common infrastructure will be formed and comparable and unique mechanisms of economic regulations will be applied (Paragraph 5, Article 2 of the “Treaty on the Eurasian Economic Union”),

— to implement the policy provided by the “Treaty on the Eurasian Economic Union”, which supposes a unified legal regulation, also on the decisions made by the Eurasian Economic Union (Union) bodies within their authorities (Paragraph 6, Article 2 of the “Treaty on the Eurasian Economic Union”),

— to implement a systemized policy provided by the “Treaty on the Eurasian Economic Union” and within the frameworks of the limits and scope provisioned by the international treaties, which is to realize a cooperation with other member states within the bases of the approved general approaches by the Union authorities (Paragraph 12, Article 2, Point 2, Article 5 of the “Treaty on the Eurasian Economic Union”),,

— by the Treaty on the Eurasian Economic Union and within the scope and limits of international treaties should be implemented the agreed policy; that is, to implement such a policy in different fields, which implies a harmonization of the legal process, including on the basis of the decision of the Union authorities. (Paragraph 13, Article 2, Point 2, Article 5 of the “Treaty on the Eurasian Economic Union”).

— to create good conditions for the Union to implement its functions and stay aware of measures, which can put into danger the realization of the Union’s objectives (Paragraph 7, Article 3 of the “Treaty on the Eurasian Economic Union”).

— to provide the implementation of an internal goods' market in the relations with other Eurasian Economic Union member states, the application in the territory of Republic of Armenia of the Common Custom Tariff of Eurasian Economic Union and other common measures of the external goods trade regulations with the 3<sup>rd</sup> parties, the application of one common mode of goods trade in the relations with the 3<sup>rd</sup> parties, the realization of one common customs regulation, the guarantee of free transportation of goods through the territory of the member states without any customs declarations and state control (transport, sanitary, veterinary, phytosanitary quarantine application) except the cases previewed by the “Treaty on the Eurasian Economic Union” (Point 1, Article 25 of the “Treaty on the Eurasian Economic Union”).

— not to apply the import and export customs duties in the reciprocal goods trade between the other member states within the frameworks of the internal market activity, tariff regulation measures, special protective, antidumping and countervailing measures, except the cases previewed by the “Treaty on the Eurasian Economic Union” (Point 3, Article 28 of the “Treaty on the Eurasian Economic Union”).

— to create an appropriate common pharmaceutical market with other member countries within the framework of the Union corresponding to the appropriate pharmaceutical standards based on the principles set by the “Treaty on the Eurasian Economic Union” (Point 30, Article 28 of the “Treaty on the Eurasian Economic Union”).

— to create a common market of medical products (medical devices and medical equipment) in association with other member states within the framework of the Union based on the principles set in the “Treaty on the Eurasian Economic Union”. (Point 1, Article 31 of the “Treaty on the Eurasian Economic Union”).

— to implement a common customs regulation within the frameworks of the Union corresponding to the Eurasian Economic Union Customs code and the international treaties and acts regulating the customs legal relations forming a content of the Union law. (Point 1, Article 32 of the “Treaty on the Eurasian Economic Union”).

— to create a united board of customs services of the Customs Union member countries in cooperation with the other Parties in order to coordinate the cooperation between the customs services of the member-states of the Customs Union, to provide the realization of goals and objectives of the Customs Union, the application of the customs legislation to the issues related to the customs authorities jurisdiction of the of the State Parties and to unify the customs



regulation (the “Treaty on the United Board of the Customs Services of the Customs Union Member States” of June 22, 2011).

— in cooperation with the Union to participate in those spheres of the implementation of the Union’s foreign trade policy, where the Union’s bodies by signing international treaties with the 3<sup>rd</sup> parties, participating in international organizations and applying by themselves certain mechanisms make decisions, which are obligatory for the member countries (Point 3, Article 33 of the “Treaty on the Eurasian Economic Union”).

— to apply import customs duty rate that is 75 % of duties rates of the common customs tariff of the Eurasian Economic Union, on the goods of the origin from developing countries, which are using the common system of uniform tariff preferences of the Union, which are imported to the territory of the customs union by providing preferences. (Point 2, Article 36 of the “Treaty on the Eurasian Economic Union”).

— to imply zero customs duty rates of the common import customs tariffs of the Eurasian Economic Union, on those goods of the origin from least developed countries using the common system of tariff preferences, which are imported into the territory of the Customs Union by providing preferences (Point 3, Article 36 of the “Treaty on the Eurasian Economic Union”).

— to apply the common rules on the determination of the origins of the goods imported into the customs territory of the Union in the territory of the Republic of Armenia (Point 1, Article 37 of the “Treaty on the Eurasian Economic Union”),

— in the case, when by the international treaty of the Union with the third party and(or) the member states with the third party the possibility of counter-measures possibility is provided, to apply the Commission’s decision on taking counter-measures, including increasing rates of import customs duties, defining quantitative restrictions, temporarily suspending granting preferences or the decisions on accepting other means within the framework of powers of the Commission that have an impact on foreign trade with respected state (Point 1, Article 40 of the “Treaty on the Eurasian Economic Union”, Article 2 of the “Treaty on Accession of the Republic of Armenia to the “Treaty on the Eurasian Economic Union”” of May 29, 2010.

— in the cases prescribed by international treaties concluded with third parties until January 1, 2015, to implement the right gained by the Republic of Armenia on applying as a counter-measures unilaterally higher customs duty rates than the common customs tariff of the Eurasian Economic Union, as well as on unilaterally suspending the granting of tariff preferences, if the

administration mechanisms of such counter-measures will not violate the provisions of the “Treaty on the Eurasian Economic Union” (Point 2, Article 40 of the “Treaty on the Eurasian Economic Union”),

— to apply in the territory of the Republic of Armenia the common trade nomenclature of the foreign economic activity of the Eurasian Economic Union and the common customs tariff of the Eurasian Economic Union, approved by the Commission and considered the EU's trade policy instruments (Point 1, Article 42 of the “Treaty on the Eurasian Economic Union”

— to provide the usage of such products only in the territory of the Republic of Armenia, on which lower import customs duties' rates, than the Eurasian Economic Union's common customs tariff, were applied, and to take measures for preventing the export of such goods to other member states without paying the difference between the amounts of import customs duties estimated by common customs tariff rates of the European Economic Union and the amount paid for the import customs duties when importing goods (Point 6, Article 42, Point 6, Paragraph 2 of the Treaty on the Eurasian Economic Union),

— regarding of certain species of agricultural products originating from the third countries and imported into the RA territory, to apply tariff quotas established by the Commission, which are established if similar products are produced (mined, grown) in the Union Customs Territory. (paragraph 1, Article 44 Treaty on the Eurasian Economic Union, Paragraph 5, Annex 6 of the Treaty on the Eurasian Economic Union, Article 2 of the Treaty),

— to exercise a coordinated macroeconomic and monetary policies, to form economic policy within such framework of quantitative values of macroeconomic indicators which determine the sustainability of economic development, if the annual deficit of the consolidated general government budget does not exceed 3 percent of the gross domestic product, general government debt does not exceed 50 percent of the gross domestic product; inflation rate (consumer price index) on an annualized basis (December to December of the previous year) does not exceed more than 5 percentage points of the rate of inflation. (Articles 62, 63 and 64 of the Treaty on the Eurasian Economic Union),

— - to ensure the official publication of all legal acts of the RA relating to trade in services, establishments, investments, and when applicable also on the corresponding website in the information and telecommunications network "Internet" in the way that any person whose rights and (or) the obligations may be affected by such normative legal acts, is able to access them.

(Paragraphs 1-3, Article 69 of the Treaty on the Eurasian Economic Union), ensure legal preciseness of the mentioned legal acts and substantiated expectations of those persons, at least till the date of their entering into force as well as ensure preliminary publication of the mentioned normative legal acts (Paragraphs 1-3, Article 69 of the Treaty on the Eurasian Economic Union),

— not to conclude such bilateral international treaties with Member States which contradict Section 19 of the Treaty on the Eurasian Economic Union, relating to the natural monopoly. (Paragraph 8, Article 78 of the Treaty on the Eurasian Economic Union),

— to conclude an international treaty with the Member States within the Union on the formation of common electric power producing market, based on the provisions of the concept and program for the formation of common electricity market of the Union, approved by the Highest Council (Paragraphs 2-3, Article 81 of the Treaty on the Eurasian Economic Union),

- within the framework of existing technical capacity of the Member States to provide free access to the services of the subjects of natural monopolies in the electric power sector for the Member States, provided the priority use of these services for domestic needs in electricity (power) supply of the Member States in accordance with common principles and rules of the Annex № 21 of the Treaty on Eurasian Economic Union. (Paragraph 1, Article 82 of the Treaty on the Eurasian Economic Union),

— to conclude an international treaty with the Member States within the framework of the Union on formation of common market of gas supply, based on the provisions of the concept and program for the formation of the common gas supply market of the Union , approved by the Highest Council (Paragraphs 2-3, Article 83 of the Treaty on the Eurasian Economic Union),

- to conclude an international treaty with the Member States within the Union on the formation of common market of oil and petroleum products, based on the provisions of the concept and program for the formation of the common market of oil and petroleum products of the Union, approved by the Highest Council (Paragraphs 2-3, Article 84 of the Treaty on the Eurasian Economic Union),

— to cooperate with other Member States in the field of preservation and protection of the intellectual property and regarding them, ensure protection and enforcement of the rights in the RA territory in accordance with International law, international treaties and acts constituting the Union law, and the laws of the Member States (Paragraph 1, Article 89 of the Treaty on the Eurasian Economic Union),

— to carry out activities in the field of protection and enforcement of intellectual property in accordance with the basic international treaties listed in Paragraph 3 of the Article 90 of the Treaty on the Eurasian Economic Union and to undertake commitments to accede to these treaties if the Republic of Armenia is not party to the mentioned international treaties. (Paragraph 3, Article 90 of the Treaty on the Eurasian Economic Union),

— to recognize as mandatory the Treaty on the Activity of the Customs Union within the framework of the Multilateral Trade System of May 19 2011 (Paragraph 4, Article 99 of the Treaty on the Eurasian Economic Union and Annex 3),

— prior to the entry into force of the Customs Code of the Eurasian Economic Union to exercise the customs regulation in accordance with the Treaty on the Customs Code of the Customs Union of November 27, 2009, which is the part of the Eurasian Union law, and other international treaties of the RA. (Paragraph 1, Article 101 of the Treaty on the Eurasian Economic Union), to ensure that the provisions of the Customs Code, adopted by the mentioned treaty, prevail over other provisions of the RA customs legislation (Article 1 of Treaty on the Customs Code of the Customs Union of 27 November 2009 (pursuant to the wording of the Protocol of 16 April 2010 on Amendments and Addendums to the Treaty on the Customs Code of the Customs Union of 27 November 2009),

— to carry out the unification of the treaties with the other Member states on the basis of which the preferences in trade with third parties are granted (Paragraph 1, Article 102 of the Treaty on the Eurasian Economic Union),

— till 2025 to carry out with the other Member states the harmonization of the RA legislation in the field of financial market in accordance with the international treaties within the framework of the Union and the Protocol on Financial Services, after the harmonization of the legislation in the area of financial markets, adopt a decision with the other Member states on the powers and functions of the supranational authority to regulate financial markets and to institute the mentioned supranational authority in 2025. (Article 103 of the Treaty on the Eurasian Economic Union),

— to conclude the RA international treaties in a manner not to conflict with the goals and principles of the Treaty on the Eurasian Economic Union, to conclude bilateral treaties with other member states, which envisage more profound level of integration with the other Member States compared with the provisions of the Treaty of the Eurasian Economic Union or the

provisions of international treaties within the framework of the Union, or provide additional benefits to physical and (or) legal entities, to sign on such terms that it would not affect the rights and fulfillment of the obligations prescribed by the Treaty and by the international treaties in the framework of the Union by any other Member States (Article 114 of the Treaty on the Eurasian Economic Union),

— in the case of not transferring the amount of assessed sum of import customs duties to other Member States to pay to default interest on the entire amount of accumulated debt at the rate of 0.1 percent for each calendar day of delay, including the day on which the assessed sum of the toll was not transferred to the other Member State (Member States). (Paragraph 21, Annex 5 of the Treaty on the Eurasian Economic Union),

— in case of imported (already imported) goods in the RA customs territory from the third countries, to grant the tariff privileges based on the decisions of the Commission. (Paragraph 4, Annex 6 of the Treaty on the Eurasian Economic Union),

— to carry out export and import of goods without the application of bans and quantitative restrictions, except as provided for the cases prescribed by Paragraph 2, Annex 7 of the Treaty on the Eurasian Economic Union (Paragraph 11, Annex 7 of the Treaty on the Eurasian Economic Union),

— in order to ensure equal terms for protection of the consumers' rights and legitimate interests of the citizens of the Member States carry out coherent policies in the domain of consumer protection taking into consideration the RA laws on the protection of consumers' rights and the norms of international law (Paragraph 3, Annex 13 of the Treaty on the Eurasian Economic Union),

— to carry out for the obligatory execution the separate domestic lists on restrictions, exemptions, additional requirements and terms approved by the Highest Council (Point 2, Subparagraph 4, Annex 16 of the Treaty on the Eurasian Economic Union, Article 2 of the Treaty on the Accession of the Republic of Armenia to the Eurasian Economic Union of 29 May 2014),

— except for the cases envisaged in Paragraphs 11-14, Annex 16 of the Treaty on the Eurasian Economic Union, to null the current restrictions and not stipulate new restrictions on transfers and payments in service trade, especially, concerning the incomes, on the funds paid for redeeming the loans and credits recognized by the Member States as an investment; funds

received by the investor for the partial or complete liquidation of the business entity or disposal of investments, funds received by the investor as compensation of damages in accordance with Paragraph 77, Annex 16 of the Treaty on the Eurasian Economic Union and the compensation prescribed by Paragraphs 79 – 81, Annex 16 of the Treaty on the Eurasian Economic Union, the salaries and other remuneration received by the investors and citizens, entitled to work in the RA territory for instituting investments. (Paragraph 8, Annex 16 of the Treaty on the Eurasian Economic Union),

— to conclude agreements on international economic integration with the third states so that they meet the following criteria: cover a significant number of service sectors, as well as does not exclude any groundless manner of providing services or issues concerning its establishment and activity, focus on the elimination of existing discriminatory measures and prohibition of the introducing the new ones; are aimed at liberalization of services trade, its establishment and activities. (Paragraphs 45 and 46, Annex 16 of the Treaty on the Eurasian Economic Union),

— to apply the rules on prohibition of unnecessary obstacles in services trade, establishment and activities, approved by the Highest Council (Paragraph 61, Annex 16 of the Treaty on the Eurasian Economic Union, Article 2 of the Treaty on the Accession of the Republic of Armenia to the Eurasian Economic Union of 29 May 2014),

— to ensure in the RA territory fair and equitable treatment to investments and activities of the investment from the other Member States as the mentioned treatment shall not be less favorable than the investments and activities of the RA (local) investors and regarding treatment of activity of such investments made by the RA (local) investors (Paragraphs 68 and 69, Annex 16 of the Treaty on the Eurasian Economic Union),

— in the same (similar) circumstances, for the investors of any other Member State, to ensure such treatment which shall not be less favorable from the treatment provided to investors of any third state, their investments and related activities such investments (Paragraph 70, Annex 16 of the Treaty on the Eurasian Economic Union),

— to apply a zero VAT rate and (or) the exemption from excise duties in case of exporting goods from the RA territory to the territory of another Member State by the RA taxpayer (Paragraph 3 of the Annex 18 of the Treaty on the Eurasian Economic Union),

— to apply a zero VAT rate and (or) the exemption from excise duties in case of exporting goods (leased assets) from the RA territory to the territory of another Member State under the

Agreement (Contract) on Leases, according to which the right to property passes to the lessee pursuant to the contract on goods credit (goods loan, loans *in rem*), under the agreement on the manufacture of goods to exercise a zero VAT rate (if such an operation is subject to payment of excise duties in accordance with the RA legislation) (Subparagraph 2, Paragraph 11, Annex 18 of the Treaty on the Eurasian Economic Union),

— to enforce the decisions of the Commission on the necessity to abolish the state price regulation and availability or absence of the necessity to abolish the state price regulation (Subparagraphs 1 and 5, Paragraph 87, Annex 19 of the Treaty on the Eurasian Economic Union, Article 2 of the Treaty on the Accession of the Republic of Armenia to the Eurasian Economic Union of 29 May 2014),

— to ensure access to the services of natural monopolies in the sphere of gas transportation through the RA gas transport systems, on equal terms; to ensure access to the transmission system for other Member State, including tariffs for the gas producers, non-owners of the RA gas transportation systems (Subparagraph 1, Paragraph 3 and Subparagraph 2, Paragraph 7, Annex 22 of the Treaty on the Eurasian Economic Union),

— in accordance with international treaties concluded between the Republic of Armenia and Member States, within the existing technical capabilities to provide the following conditions: to ensure the long-term feasibility for transporting the produced oil and oil products by the current transport system in the territories of the Member States, including the system of main oil and product pipelines; for the economic entities registered in the territories of the Member States to ensure access to the transport systems, located in the RA territory, under the same conditions as for the RA economic entities, on territory of which oil and petroleum products are transported, to establish tariffs for transportation of crude oil and petroleum products for economic entities of the Member States at a rate not exceeding the rates established for the RA economic entities, on territory of which oil and petroleum products are transported (Paragraph 6 and Subparagraph 2, Paragraph 7, Annex 23 of the Treaty on the Eurasian Economic Union),

— in case of admitting by the Commission decision on the need to denounce the act of establishing exemptions to ensure the relevant changes in the act (its invalidation) during 2 month period. (Subparagraph 1 and 2, Paragraph 33 of the Annex 25 of the Treaty on the Eurasian Economic Union),

— not to undertake measures, which have the most distorting effect on trade, to apply uniform rules for state support to agriculture concerning the goods of uniform list of goods of the Foreign Economic Activity of the Eurasian Economic Union (LG FEA EEU), which are listed in Article 11, Annex 29 of the Treaty on the Eurasian Economic Union, while undertaking measures, in case of the most distorting effect on trade to pay the compensation equal to the volume of measures, the most distorting effect on trade or volume measures distorting effects on trade exceeding the allowed amount (Paragraphs 6, 11 and 40, Annex 29 of the Treaty on the Eurasian Economic Union),

— in the RA territory to grant the employees of the Member States and their families the right to receive free emergency medical care (emergency and urgent) in the manner and in the terms provided to the citizens of the State of employment, to guarantee free emergency medical services (urgent and emergency) for the employees of the Member States and their families provided by the RA medical organizations (health care) of state and municipal health systems regardless the availability of documents on health insurance, to reimburse the costs of medical organizations (health care) for the provision of emergency medical services to the employees of Member States and members of their families at the expense of the RA relevant budget system in accordance with the current system of financing of health care (Paragraph 4, Annex 30 of the Treaty on the Eurasian Economic Union),

— to respect strictly the international character of the powers of members of the Board of the Commission, Judges of the Court of the Union, officials and employees, and not affect them during the performance of their duties, guarantee the immunity of the property and assets of the Union bodies from any form of administrative or judicial intervention, to guarantee that the premises of the Union, and their archives and documents, including official correspondence, regardless of location, shall not be subject to search, requisite, confiscation or any other form of interference, which hinders the normal functioning of these bodies, to exempt objects and other property intended for official use by the Union from the customs duties, taxes and customs payments, do not bring the officers to criminal, civil and administrative liability for words spoken or written and for the acts performed by them in their official capacity; to exempt them from taxation of wages and other remuneration paid by the Union bodies; to exempt them from the state service duties (Paragraphs 3, 4, 5, 12 and 19, Annex 32 of the Treaty on the Eurasian Economic Union),



—to undertake measures to amend the legislation which prescribes the criminal and administrative responsibility for violation of customs legislation of the Customs Union and customs legislations of the Parties, as well as to undertake measures to bring to a uniform definition of the unlawful nature of such acts. (Article 3 of the Treaty on the Features of Criminal and Administrative Responsibility for Violation of the Legislation of the Customs Union and of the Member States of the Customs Union of July 5, 2010).

4. In accordance with Articles 1 and 9 of the RA Constitution, the Republic of Armenia is a sovereign, democratic, social state governed by the rule of law and independent entity of international relations, conducts its foreign policy in concordance with the principles and norms of international law with the aim of establishing good neighborly and mutually beneficial relations with all states.

Article 6, Part 4 of the RA Constitution prescribes, “International treaties shall come into force only after being ratified or approved. International treaties are a constituent part of the legal system of the Republic of Armenia. If a ratified international treaty stipulates norms other than those stipulated in the laws, the norms of the treaty shall prevail. International treaties contradicting to the Constitution cannot be ratified.”

Article 100, Point 2 of the RA Constitution stipulates that the Constitutional Court shall “prior to the ratification of international treaties determine the conformity of commitments stipulated therein with the Constitution.”

Taking into account these constitutional fundamental requirements, concerning the subject in dispute, the RA Constitutional Court considers significant to clarify:

a) concordance of axiological approaches of obligations undertaken by the Republic of Armenia by this Treaty with the fundamental principles prescribed in the foundations of the constitutional order in the RA Constitution,

b) concordance of the forms and mechanisms of international cooperation with the principles of sovereignty, equality and mutually beneficial cooperation of member states,

c) adherence to guaranteeing the rule of law and norms and principles of international law,

d) consonance of the undertaken obligations, in particular, with the norms and principles envisaged in the frames of the UN, Council of Europe and World Trade Organization,

e) procedure of adoption of decisions by the bodies of the Union and their mandatory nature,,

f) concordance of the procedures of withdrawal from the Treaty with the norms and principles of international law.

5. The Constitutional Court states that the current international developments, globalization processes, tendencies of interstate integration led to more concise mutual cooperation of the countries for the sake of welfare of the nations and citizens and for reaching solution of economic, environmental, social, security and other relevant issues. Dominance of transnational corporations mainly in economic sphere, globalization of the struggle against global disasters, determination of common standards in the field of human rights, and developing value and systemic integration are typical to 21<sup>st</sup> century world order. These processes demand new forms of cooperation amongst them active development of various formats of international and regional cooperation.

The main feature of the new current economic corporation of ensuring free circulation of goods, services, capital and labor force by means of mutual consistence or common policy has become the common tendency of international economic developments. Even developed countries are involved in these processes and there is no alternative in the new millennium. The main issue is to define how expediency and consonance of such integration ensures the principle of constitutional order of the country. Meanwhile, participation of the state in the international units is considered as lawful in case it is in concordance with international treaties and does not lead to restrictions of human and civil rights and freedoms and does not contravene its constitutional order. Such an approach proceeds from the fundamental principles of international law, and it is universal. It is also stated by the circumstance that on the basis of a number of articles of the RA Constitution, norms and principles of international law endow decisive role of diverse legal regulations (particularly, Article 3, Part 2, Article 6, Part 4, Article 9, Article 11, Part 2, Article 18, Part 4, Article 43, Part 2 and Article 44). The Constitutional Court expressed legal position regarding the endowing nature of such articles in particular in the Decision DCC-350 of February 22, 2002.

Taking into consideration the above mentioned circumstance, within the framework of the case under consideration, the RA Constitutional Court finds essential, first to clarify the

correlations of the obligations undertaken by the Republic of Armenia and fundamental norms of constitutional order in the RA Constitution.

6. Article 1 of the RA Constitution stipulates, “The Republic of Armenia is a sovereign, democratic, social state governed by the rule of law.”

The main features of sovereignty of the country from the constitutional legal perspective are: First, state sovereignty, which presumes that:

a) state power shall have supremacy and independence in domestic and international relations,

b) only the sovereign state shall have the status of international legal entity,

c) the sovereign state defines and preserves the legal order domestically in case of need implementing means of state enforcement,

d) state sovereignty applies throughout the entire territory of the country, it excludes diarchy and the only legitimate power institutes legislative, executive and judicial functions.

Simultaneously, state sovereignty does not presume absoluteness of power. In the rule of law state it is first restricted by the fundamental human rights and freedoms as possessing direct effect, they have international as well as supranational (international) legal protection. Meanwhile, in accordance with Part 3, Article 3 of the RA Constitution, “The state shall be limited by fundamental human and civil rights as possessing direct effect.”

Secondly, national sovereignty, the essence of which is recognition of people as the only carrier and source of the power. Article 2, which may not be amended defines, “In the Republic of Armenia the power belongs to the people”.

Thirdly, national sovereignty, which is the right of the nation to decide independently and freely the cultural, socio-economical and political existence. National sovereignty also assumes recognition of the nation’s right to political sovereignty, which is constitutionally and legally stipulated in the Preamble of the RA Constitution.

One of the significant realities of guaranteeing and exercising state sovereignty of the Republic of Armenia is that the legislative body of the country is constitutionally authorized to ratify, suspend or denounce international treaties of the Republic of Armenia (Article 81, Point 2). Meanwhile, the same Article defines that:

The National Assembly shall ratify international treaties:

- a) which are of political or military nature or stipulate changes of state frontiers,
- b) which relate to human rights, freedoms and obligations,
- c) which stipulate financial commitments by the Republic of Armenia,
- d) application of which shall bring about legislative amendments or adoption of a new law, or stipulate norms contravening the laws,
- e) which prescribe ratification,
- f) in other cases defined by the law.

The current Constitution of the RA does not prescribe solution of such issues by the means of referendum with mandatory legal consequences or adoption of the law. Moreover, by the procedure defined by Article 62 of the Constitution, the National Assembly adopts a decision on the issues prescribed in Article 81 of the Constitution as ratification, suspension or denouncement of international treaties of the Republic of Armenia. In its turn, Article 71 and Article 60 of the Law on the Rules of Procedure of the National Assembly prescribe that the resolutions of the National Assembly, except for cases set forth in the Constitution, shall be adopted by the majority of votes of the Deputies having participated in the voting provided that more than half of the total number of Deputies has voted. The RA Constitution does not prescribe any other procedure of adoption of the resolutions of the National Assembly regarding international treaties

Taking into consideration the above mentioned circumstances, the RA Constitution acknowledges the rule of international law for the Republic of Armenia in the following circumstances:

- a) “The state shall ensure the protection of fundamental human and civil rights in conformity with the principles and norms of international law.” (Article 3, Part 2),
- b) Article 9 emphasizes that the foreign policy of the Republic of Armenia shall be conducted in accordance with the principles and norms of international law, with the aim of establishing good neighborly and mutually beneficial relations with all states,
- c) The RA Constitution acknowledges the lawfulness of the international bodies based on Part 4, Article 18, according to which, everyone shall, in conformity with the international treaties of the Republic of Armenia, be entitled to apply to international institutions protecting human rights and freedoms with a request to protect his rights and freedoms,

d) The Constitution (Article 43) authorizes the decisive role of definition of the scopes of limitation of rights.

Taking into consideration the mentioned circumstances, in the scopes of exercising legislative policy prescribed by Part 2, Article 51, of the RA Law on the Rules of Procedure of the National Assembly requires amongst the others in the official conclusion regarding the draft law to state the results of the expert examination concerning its conformity not only to the international treaties ratified by the Republic of Armenia but also to the principles and norms of international law.

7. The RA Constitutional Court also states that internationally recognized fundamental system-value principles of establishment of the rule-of-law, democratic state become the basis of the national legal system. Simultaneously, they cannot be absolute and shall have domestic as well as international legal criteria deriving from the fundamental interests of the Nation and state as:

- a) adherence to the principles of rule-of-law and democratic state,
- b) guarantee of rule of law,
- c) acknowledgement and ensuring the sovereignty of people,
- d) guarantee of the right of voluntary participation of state in the international and regional integration processes and waiving it based on its will and deriving from the People's interest.

The significant components of International law are:

- a) Mutually beneficial arrangements regarding legal regulations,
- b) Establishment of mechanisms for their implementation and supervision,
- c) Reciprocal acknowledgement of legal procedures for overcoming disagreement.

Although the international integration processes are irreversible and decisive for the sustainable development of each country, they also demand relevant legitimate organizational-structural solutions. As mentioned above, the world economy along with the whole system of economic relations and their legal regulations is beyond the state frontiers of any country and has acquired supranational features. Worldwide increasing economic interconnections bring to more common, joint and effective efforts for the solutions of such main worldwide problems as nutritional, energetic, resource, monetary and financial issues. This emphasizes the necessity of the new and mutually beneficial international thorough integration, which becomes the guarantee

for the sustainable development in all countries. Moreover, **in the new millennium mega economics has become an objective reality and proposes its demands of cooperation** to the states, without consideration of which it is difficult to anticipate success.

**Supranational structures are formed for the solution of mutually agreed issues deriving from the objective legal relations of the supranational platform.** This is completely a new quality of supranational cooperation. The expression of the will of national participation by the mandate deriving from the national interests and endowed to the participant due to the ratified international treaty is present in the decisions of the supranational body formed on the basis of voluntary participation of each country. National structures exercise their functions taking into consideration legal regulations of international treaties, which have become inviolable part of domestic legal system.

In the preamble of the RA Constitution, testifying its adherence to the panhuman values, based on the foundations of constitutional order and principles and norms of international law grounded on the implementation of foreign policy, endowing supremacy to international law in the establishment of rule-of-law and democratic state, the Constitution of the Republic of Armenia does not stipulate any restriction in the issues of international and regional cooperation and in the structures ensuring its legitimate competence.

Nevertheless, there are precise constitutional requirements, deriving from the axiology and a number of certain provisions of the RA Constitution.

These are:

- 1) Guaranteeing state, national and domestic sovereignty,
- 2) Legal equality and mutual expediency of international relations,
- 3) Prescription of such possible restrictions of human rights which are relevant to the norms and principles of international law,
- 4) possibility of operation of the decisions of supranational bodies for Armenia, only in the scopes of concordance to the Constitution of the Republic of Armenia.

The RA Constitutional Court holds that any decision adopted by any supranational body with the participation of the Republic of Armenia which is not in conformity with those requirements, is not applicable in the Republic of Armenia. In the case of following those requirements the cooperation of the Republic of Armenia with any regional or international

organization will not raise the issue of constitutionality. This entirely concerns also the considering Treaty and international obligations undertaken by its scope.

8. The RA Constitutional Court, taking into consideration the above mentioned legal positions states in this Case, that in particular the fundamental principles of axiological significance, which underlying the basis of the Treaty in consideration, according to which, within the framework of the Eurasian Economic Union, the axis of interrelations of the states are as following ones are in concordance with the RA Constitution:

- respecting of universally recognized principles of international law including the respect to the sovereign equality of the member states;
- respecting peculiarities of political order of the member states;
- ensuring mutually beneficial cooperation, legal equality, taking into consideration the national interests of the parties;
- preserving principles of market economy and diligent competence (Article 3 of the Treaty on Eurasian Economic Union of May 29, 2014).

From the perspective of constitutionality, the aims of the Union (Article 4) stipulated in the Treaty on Eurasian Economic Union do not raise any problems, according to which it is targeted:

- to create conditions for the sustainable development of the economy of the member states deriving from the interests of improving the standards of living,
- to target to formation of the single market of goods, services, capital and labor in the framework of the Union,
- To ensure complex modernization of the national economics, increasing cooperation and competitiveness in the terms of world global economics.

Formation of the bodies prescribed by the Treaty for exercising these goals where the parties have legally equal participatory role and the pivotal questions are solved by consensus preserving the right to veto for each Party thereto.

9. Considering the issue of necessity and expediency of acceding to the European Economics Union as an issue which could be solved in the scopes of the competence of the National Assembly, from the perspective of constitutionality of the subject of the Treaty in consideration, the Constitutional Court also highlights a number of pivotal circumstances.

First, according to the Treaty on Eurasian Economic Union, the activity of the bodies established in the framework of EEU is based on the following:

- to be guided by the principle of sovereign development of the states;
- to be unconditionally guided by the principle of the supremacy of constitutional human and civil rights and freedom,
- to respect national interests of the parties,
- mutually beneficial and legally equal economic cooperation taking into account the norms, principles and rules prescribed in the frames of the World Trade Organization,
- adhesion to the norms and principles of the UN Charter and International law.

Secondly, in the Highest bodies of the Union: in the Highest Council and Intergovernmental Council and Council of Commission the chairmanship is exercised in accordance with rotation principle (Article 8) and the decisions are exclusively adopted only on the basis of consensus (Articles 13, 17 and 18). Decisions of all other bodies are appealable to the Highest bodies of the Union. Meanwhile, the Highest Council of the Union also envisages a list of “sensitive” issues when the Board of the Commission of the Union also adopts decisions on the basis of consensus (Article 18). Besides, the decisions of the Eurasian Economic Highest Council and Eurasian Intergovernmental Council are subject to implementation by the member states in accordance with the order prescribed by their national legislation (Article 6). The principle of equal representation of the Parties in the Union bodies concerns not only the highest bodies but also other officials of the departments of the Commission (Article 9, Point 2), as well as to the Court of the Union (Court Regulation, Chapter 2, Point 7).

Thirdly, precise exceptions are envisaged in the order of activity of the domestic market which are necessary for the preservation of the human life and health; of public morality and legal order; of environment; of animals and plants; of cultural values, fulfillment of international obligations, for ensuring defense of the country and security of the member states (Article 29). Simultaneously, implementation of economic policy directed to increasing trust towards national values of the member states is being prescribed, both in the domestic foreign exchange market as well as in the international exchange markets (Article 64).

Fourth, the requirement to respect international obligations of the parties, being guided by the well-recognized principles of international law are also expressed in the international treaties signed in the scopes of establishment of the legal-treaty base of the Tax Union and Single



Economic Space presented in Annex 1 of the Treaty. Eurasian economic integration is entirely based on international treaties, and the obligations of the parties are anchored on principles of voluntariness and expediency.

Fifth, a number of peculiarities inherent to the constitutional legal regulations of the Republic of Armenia are taken into consideration by the Annex 2 of the Treaty on the Accession of the Republic of Armenia, according to the Protocol “On Making Amendments to the Treaty on Eurasian Economic Union of May 29, 2014 and international treaties signed in the framework of the establishment of Legal Treaty Base in the Tax Union and Single Economic Space.”

Sixth, amendments and addendums formulated by particular protocols may be done to the Treaty on Eurasian Economic Union and to be considered as the inalienable part thereto.

Seventh, in accordance with Article 118 of the Treaty, the procedure of denouncing the Treaty on Eurasian Economic Union is envisaged in accordance with procedures prescribed for international treaties (in particular, Vienna Convention on the Law of Treaties of May 23, 1969). Meanwhile, if the issue of accession to the Eurasian Economic Union is solved on the basis of Article 1 of the Treaty signed by the Republic of Armenia together with Belarus, Kazakhstan and Russia on May 29, 2014, nevertheless Armenia may start the process of withdrawal of its membership pursuant to Article 118, Point 1 of the Treaty on European Economic Union signed on May 29, 2014. In concordance with it, the RA Constitutional Court considers as legal grounds that on the basis of the principle of respecting sovereignty of the states, validity of the Treaty regarding the state is terminated after expiry of 12 months from the date of receipt by the depositary of a written notification.

10. For ensuring the implementation of the above mentioned particular obligations, the RA Constitutional Court also states that by the RA Law on International Treaties of the Republic of Armenia the RA National Assembly had already regulated the legal terms of ensuring implementation of the resolutions of international bodies with the participation of the Republic of Armenia. In particular, Article 55 of the mentioned Law envisages:

“1. The international agreement of the Republic of Armenia on establishment of an international organization is instituted in accordance with the general procedure established by the norms prescribed in this chapter.

2. Decisions, resolutions, protocols (hereinafter - decision) of governing and other bodies (hereinafter - the body) of the international organization established under the international treaty of the Republic of Armenia, are performed by the Republic of Armenia in accordance with other international treaties establishing the given international organization and regulating its activities (hereinafter - constituent documents).

The decision of authority of the international organization is not considered as an international treaty and it is carried out by the Republic of Armenia in concordance with other international treaties only so far it is endowed with the appropriate legal force by the constituent documents of the international organization.

3. If the constituent documents of international organizations establish that the decisions adopted by its authority are binding for the member states of the organization or the latter made a commitment to implement those decisions, the responsible authority ensures their implementation, if necessary:

- 1) adopting appropriate normative, regulatory or other legal act;
- 2) drafting decree (order) of the President of the Republic of Armenia, decision of Government or the Prime Minister and submitting them to the Government for the examination in the due manner.

If it follows from a study based on the decision of the body of an international organization comprising the adoption of the normative legal act that the relevant issues are regulated by the legislation of the Republic of Armenia, the responsible institution shall submit to the Government a substantiated note on the absence of the need for adoption of a normative legal act.

4. If from the comparison of the decisions of the international organization with the current legislation of the Republic of Armenia it follows that the Republic of Armenia should adopt a new law or make addendums and (or) amendments to the current law, the competent authority shall initiate efforts for drafting a relevant law and implementing procedures for its consideration by the Government.

Relevant procedures shall be implemented within the period specified by the decision of the bodies of international organization, and in the case if no term is prescribed, it shall be implemented in the time limits specified by the schedule approved by the decision of the Prime Minister or the Resolution of the Government in the manner prescribed in Article 54 of this Law.

The provisions of the decision of an international organization body, which contradict the Law of the Republic of Armenia, shall not be implemented until necessary amendments and (or) addendums are made in the relevant law of the Republic of Armenia.

5. If the decision of an international institution, pursuant to the constituent documents, is of consultative (recommended) character, the responsible authority shall determine feasibility of its implementation by the Republic of Armenia.

If the responsible authority considers that it is feasible for the Republic of Armenia to implement this decision, it carries out the relevant procedures on request prescribed in Parts 3 and 4 of this Article after having received the opinion the Ministry of Foreign Affairs on this issue beforehand.

6. Decisions made by the international organization on the issues related to the organization and conduct of this institution (organization, sessions or meetings, decision-making) are implemented by the Republic of Armenia, if they are related to providing any regulatory or other legal act, document, information, based on which this body makes a decision on the merits concerning the examined issue.”

The RA Constitutional Court also states that the mentioned Law was adopted by the National Assembly of the Republic of Armenia on February 22, 2007 and, the mentioned norms were not challenged by the Constitutional Court. Those norms exercise on the grounds that by the undertaken international obligations the Republic of Armenia has been the UN member since March 2, 1992, a member of the Council of Europe since January 25, 2001, a member of the World Trade Organization since February 5, 2003.

Therefore, the RA Constitutional Court also emphasizes that deriving from the practice of ensuring, in particular, ratification of the UN Charter and the Statute of the Council of Europe, ratification of the Convention on Protection of Human Rights and Fundamental Freedoms and recognition of the jurisdiction of the European Court of Human Rights, as well as from the practice of ensuring legal precedents of accession to the World Trade Organization, from the perspective of enhancement of the legal guarantees of the Republic of Armenia acceding to the Eurasian Economic Union, the RA National Assembly shall make a subject of examination the issue of making relevant amendments to a number of legislative acts, which, pursuant to the reference provided by the RA Ministry of Justice, are more than twenty.

Proceeding from the results of consideration of the case and being ruled by Article 100, Point 2, Article 102, Parts 1 and 4 of the Constitution of the Republic of Armenia, Articles 63, 64 and 72 of the Law of the Republic of Armenia on Constitutional Court, the Constitutional Court of the Republic of Armenia HOLDS:

1. The obligations stipulated in the Treaty on “the Accession to the Treaty of May 29, 2014 on “Eurasian Economic Union” signed by the Republic of Armenia” signed in Minsk on October 10, 2014 with the Constitution of the Republic of Armenia are in conformity with the Constitution of the Republic of Armenia.

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

Chairman

G. Harutyunyan

14 November 2014

DCC-1175