

LAW OF THE REPUBLIC OF ARMENIA
ON JUDICIAL ACTS COMPULSORY ENFORCEMENT SERVICE

Adopted on 18 February 2004

CHAPTER 1
GENERAL PROVISIONS

Article 1. Subject matter of the Law

This Law regulates the main principles of service in the state competent authority performing functions of compulsory enforcement of judicial acts (hereinafter referred to as “the Judicial Acts Compulsory Enforcement Service”), the manner of, and conditions for, taking office, classification of positions and titles, the rights, obligations, liability, legal and social guarantees of officers, as well as other relations pertaining to the service.

Article 2. Judicial Acts Compulsory Enforcement Service

1. The Judicial Acts Compulsory Enforcement Service (hereinafter referred to as “the Compulsory Enforcement Service”) shall ensure the compulsory enforcement of judicial acts specified in the Law of the Republic of Armenia “On compulsory enforcement of judicial acts”.

2. The Compulsory Enforcement Service is a special type of government service; its peculiarities are defined by this Law.

Citizens serving in the Compulsory Enforcement Service are government servants.

3. Service in the Compulsory Enforcement Service shall be implemented through individual and centralised governance, by adhering to the principles of legality, respect for human and citizen's rights and freedoms, honour and dignity, as well as to the principles of humanity and publicity.

4. The Compulsory Enforcement Service shall function within the structure of the Ministry of Justice of the Republic of Armenia.

Marzpets [regional governors] shall have no powers of co-ordinating the activities of the Compulsory Enforcement Service.

The organisation of the Compulsory Enforcement Service shall comprise structural subdivisions and territorial bodies.

The Compulsory Enforcement Service shall consist of the Central Body and territorial bodies of the Compulsory Enforcement Service.

The Central Body of the Compulsory Enforcement Service may have divisions.

The Chief Compulsory Enforcement Officer may have assistants who shall be deemed to be officers of the Central Body.

Territorial bodies of the Compulsory Enforcement Service shall be the marz [regional] (Yerevan city) divisions of compulsory enforcement, and units shall operate within the structure thereof.

The structure and establishment plan of the Compulsory Enforcement Service shall be approved by the Minister of Justice of the Republic of Armenia.

5. Having regard to the peculiarities of the compulsory enforcement service, civil servants may also be admitted to employment in the Service, in accordance with the legislation governing relations pertaining to civil service.

(Article 2 edited by HO-29-N of 16 December 2005, HO-132-N of 15 June 2006 and supplemented by HO-176-N of 15 November 2006)

Article 3. Legislation on the Compulsory Enforcement Service

1. Legislation on the Compulsory Enforcement Service consists of this Law, the Law of the Republic of Armenia “On compulsory enforcement of judicial acts”, other laws and legal acts, as well as international treaties of the Republic of Armenia.

2. Where international treaties of the Republic of Armenia provide for norms other than those provided for by this Law, the norms of the treaties shall apply.

CHAPTER 2

POSITIONS AND TITLES OF THE COMPULSORY ENFORCEMENT SERVICE

Article 4. Positions of the Compulsory Enforcement Service

1. Positions of the Compulsory Enforcement Service are classified into the following groups:

(1) highest positions of the Compulsory Enforcement Service:

- Judicial Acts Chief Compulsory Enforcement Officer of the Republic of Armenia (hereinafter referred to as “the Chief Compulsory Enforcement Officer”),
- Deputy Chief Compulsory Enforcement Officer;

(2) chief positions of the Compulsory Enforcement Service:

- head of division of the Central Body,
- head of Yerevan city division,
- head of marz division,
- deputy head of division,
- head of unit,

- chief counsellor,

(3) leading positions of the Compulsory Enforcement Service:

- leading counsellor,

- first category counsellor,

- senior compulsory enforcement officer,

- compulsory enforcement officer, inspector.

2. Officers (except for civil servants) holding offices — referred to in part 1 of this Article — in the Compulsory Enforcement Service shall be deemed to be officers of compulsory enforcement (hereinafter referred to as “compulsory enforcement officers”).

3. The list of other positions equivalent to chief and leading positions shall be established by the Minister of Justice of the Republic of Armenia.

(Article 4 edited and amended by HO-29-N of 16 December 2005 and HO-132-N of 15 June 2006)

Article 5. Titles of compulsory enforcement officers

1. Compulsory enforcement officers shall be conferred with the following titles of justice which are classified into the following groups:

(1) highest title:

- major general of justice;

(2) chief titles:

- colonel of justice,

- lieutenant colonel of justice;

(3) leading titles:

- major of justice,

- captain of justice,

- senior lieutenant of justice,

- lieutenant of justice.

Titles are classified in a graded manner, from the highest to the lowest.

2. The title of major general of justice established for officers holding highest positions of the Compulsory Enforcement Service shall be conferred by the President of the Republic of Armenia.

3. The titles of officers holding positions of the Compulsory Enforcement Service, except for cases provided for in part 2 of this Article, shall be conferred by the Chief Compulsory Enforcement Officer.

4. Titles shall be conferred by sequence, according to the titles provided for the position held, within a period of 15 days upon expiry of the time limit prescribed by this Law, except for cases provided for by this Law.

5. Titles shall be conferred on an individual basis and for lifetime.

Compulsory enforcement officers as well as citizens who have terminated the service in the Compulsory Enforcement Service may be deprived of title in accordance with the legislation of the Republic of Armenia in case of being convicted of a grave or particularly grave crime.

(Article 5 edited by HO-29-N of 16 December 2005)

Article 6. Titles corresponding to the positions of the Compulsory Enforcement Service

The following highest titles are established for the positions of the Compulsory Enforcement Service:

Name of the position	Highest title
Chief Compulsory Enforcement Officer	major general of justice
Deputy Chief Compulsory Enforcement Officer	major general of justice
head of division of the Central Body; head of Yerevan city division, head of marz division	colonel of justice
deputy head of division, head of unit, chief counsellor	lieutenant colonel of justice
leading counsellor, first category counsellor, senior compulsory enforcement officer	major of justice
compulsory enforcement officer, inspector	captain of justice

(Article 6 edited by HO-29-N of 16 December 2005 and amended by HO-132-N of 15 June 2006)

Article 7. Terms for conferring titles

1. The following terms of service are established for conferring higher titles in accordance with this Law:

- lieutenant of justice – two years,
- senior lieutenant of justice – three years,
- captain of justice – three years,
- major of justice – four years,

- lieutenant colonel of justice – five years.

No term of service with the title of colonel of justice is established.

2. Upon appointment to a position in the Compulsory Enforcement Service, citizens who have served (worked) in another state body and hold a military or special title (class rank, qualification degree) shall be conferred a title corresponding to their military or special title (class rank, qualification degree), within three months following their appointment to position.

3. Correspondence of military or special titles (class ranks, qualification degrees) conferred in other state bodies and of titles established by this Law shall be defined by the Government of the Republic of Armenia.

Correspondence of titles established by this Law and of class ranks of justice of the Republic of Armenia shall be defined by the Government of the Republic of Armenia.

4. In case of holding a military or special title, class rank, or qualification degree lower than that of lieutenant, as well as in case of not holding any title, citizens appointed to leading positions in the Compulsory Enforcement Service for the first time shall be conferred with the title of lieutenant of justice within six months.

5. Conferral of a compulsory enforcement officer with a higher title shall be deferred when:

(1) a decision has been taken with regard to him or her on deferment of the performance appraisal and on secondment for training;

(2) he or she is under a disciplinary sanction;

(3) he or she is under criminal prosecution, or an official investigation is conducted concerning him or her;

In case of deferring the conferral with a higher title, the higher title of the officer shall be conferred within a period of 15 days following the elimination of the obstacles referred to in point 1 of this part.

(Article 7 edited and supplemented by HO-29-N of 16 December 2005 and supplemented by HO-132-N of 15 June 2006)

Article 8. Calculation of term of service with titles

1. The term of service with titles shall be calculated from the date following the signing of the order on conferring the title concerned.

When calculating the term for conferring a higher title, the period of service with a downgraded title shall not be calculated.

2. Creating obstacles to conferral of a title in the manner and within the terms established by this Law shall entail disciplinary liability.

(Article 8 amended by HO-29-N of 16 December 2005)

CHAPTER 3
TAKING OFFICE IN THE COMPULSORY ENFORCEMENT SERVICE

Article 9. Main requirements for taking office

1. The right to take office in the Compulsory Enforcement Service as a compulsory enforcement officer shall be vested in nationals of the Republic of Armenia with higher education, who, irrespective of sex, national origin, race, social origin, property or other status:

- (1) have completed compulsory military service (except for female citizens and for cases referred to in the third paragraph of this part);
- (2) have a command of Armenian;
- (3) their professional knowledge, practical and individual qualities and health condition enable them to perform the duties of compulsory enforcement officer.

Professional requirements as well as requirements for the health condition of compulsory enforcement officers shall be established by the Government of the Republic of Armenia.

Citizens who meet the requirements of part 1 of this Article and are, at the time of application, exempt from compulsory military service on grounds provided for in Article (12)(1)(b) to (e) and Article 13 of the Law of the Republic of Armenia “On conscription”, may also be appointed to a position in the Compulsory Enforcement Service.

1.1 Citizens having applied for appointment to a position in the Compulsory Enforcement Service, who meet the requirements prescribed in this Article for taking a position in the Service (except for the requirements of point 3 of part 1 of this Article concerning professional knowledge, practical and individual qualities) but lack work experience, may, before their appointment to a position, be enrolled in training courses with a duration of one month by the official competent to appoint them to the position. Citizens attending training courses shall not be deemed to be officers. The procedure and conditions for enrolling in and taking training courses shall be established by the Minister of Justice of the Republic of Armenia.

2. A citizen may not take office in the Compulsory Enforcement Service as a compulsory enforcement officer, who:

- (1) has been judicially declared as having no or limited active legal capacity;
- (2) has been judicially deprived of the right to hold a position in civil or other service;
- (3) has been convicted of committing a crime, and the conviction has not been cancelled or has not expired in the prescribed manner;
- (4) is under criminal prosecution;
- (5) does not meet the requirements laid down in part 1 of this Article.

(Article 9 edited by HO-29-N of 16 December 2005 and supplemented by HO-29-N of 16 December 2005)

Article 10. Oath of compulsory enforcement officers

1. Persons appointed to the position of compulsory enforcement officer in the Compulsory Enforcement Service for the first time shall, in front of the state flag of the Republic of Armenia and in the manner established by the Minister of Justice of the Republic of Armenia, take an oath with the following content:

“I (first name, patronymic name, and surname), taking office in the Compulsory Enforcement Service of the Republic of Armenia, hereby swear:

to faithfully serve the people of the Republic of Armenia, to strictly adhere to the Constitution and laws of the Republic of Armenia, to respect human and citizen’s rights and freedoms, to contribute to the preservation of the constitutional order, to fulfil my duties unconditionally and in good faith.”

2. Compulsory enforcement officers shall take an oath only once and individually, by reading out the text of the oath.

3. The compulsory enforcement officer shall sign the text of the oath he or she has read out, which shall be kept in his or her personal file.

Article 11. Appointment to office in the Compulsory Enforcement Service

1. The activities of central and territorial bodies of the Compulsory Enforcement Service shall be lead by the Chief Compulsory Enforcement Officer who shall be appointed to, and dismissed from, office by the President of the Republic of Armenia upon the recommendation of the Minister of Justice of the Republic of Armenia.

(paragraph 2 repealed by HO-132-N of 15 June 2006)

2. The Deputy Chief Compulsory Enforcement Officer shall be appointed to, and dismissed from, office by the Minister of Justice of the Republic of Armenia upon the recommendation of the Chief Compulsory Enforcement Officer.

Compulsory enforcement officers shall be appointed to, and dismissed from, other positions referred to in Article 4 of this Law by the Chief Compulsory Enforcement Officer.

3. Civil servants shall be appointed to, and dismissed from, office in the Compulsory Enforcement Service by the Head of Staff of the Ministry of Justice of the Republic of Armenia, in accordance with laws and other legal acts regulating civil service.

(Article 11 edited by HO-29-N of 16 December 2005 and amended and edited by HO-132-N of 15 June 2006)

Article 12. Conditions for appointment to office in the Compulsory Enforcement Service

1. Only compulsory enforcement officers who have, prior to the appointment, hold a highest position, or a chief position for at least three years, in the Compulsory Enforcement Service, and hold a title not lower than that of colonel of justice, shall be eligible for appointment to the position of the Chief Compulsory Enforcement Officer.

2. Only compulsory enforcement officers who have hold a highest position, or a chief position for at least three years, in the Compulsory Enforcement Service, and hold a title not lower than that of lieutenant colonel of justice, shall be eligible for appointment to the position of the Deputy Chief Compulsory Enforcement Officer.

3. Only compulsory enforcement officers who have hold a highest position, a chief position, or a leading position for at least two years, in the Compulsory Enforcement Service, shall be eligible for appointment to chief positions of the Compulsory Enforcement Service.

4. Promotion of officers in leading positions of the Compulsory Enforcement Service shall be effected only after serving in that position for at least one year.

Leading positions of compulsory enforcement officer and inspector of the Compulsory Enforcement Service shall be filled in the manner prescribed by this Law, based on the results of competition.

5. In case of a vacant position in the Compulsory Enforcement Service, those officers of the armed forces, national security, police, prosecutor's office, as well as the Penitentiary Service under the Ministry of Justice of the Republic of Armenia (including former officers of the mentioned bodies) may be appointed to service, who meet the eligibility requirements for compulsory enforcement officers for the position in question.

When appointing a compulsory enforcement officer, who has served in another body and has been appointed to a vacant chief position in the Compulsory Enforcement Service, to a higher position, the term of service in that other body shall also be taken into account.

Correspondence of positions of the armed forces, national security, police, prosecutor's office, as well as Penitentiary Service under the Ministry of Justice of the Republic of Armenia to the positions of the Compulsory Enforcement Service shall be defined by the Government of the Republic of Armenia.

6. Acting officer may be appointed to a vacant position in the Compulsory Enforcement Service for a period not exceeding one year.

In case of temporary inability to perform the official duties by an officer in the Compulsory Enforcement Service, including cases of official investigation, as well as in case of maternity leave of female officers and parental leave of officers, his or her position may be occupied by seconding an alternate officer of the Compulsory Enforcement Service to the position concerned.

In case of elimination of the grounds specified in the second paragraph of this part, the alternate officer shall be appointed to an equivalent or, upon his or her consent, to a lower position in accordance with this Law.

(Article 12 edited by HO-29-N of 16 December 2005 and amended by HO-132-N of 15 June 2006)

Article 12.1. Competition held for filling a position of the Compulsory Enforcement Service

1. In case of a vacant leading position of compulsory enforcement officer and inspector of the Compulsory Enforcement Service, the Chief Compulsory Enforcement Officer shall call a competition within a month following the vacancy of the position.

2. Announcement on competition for vacancy in the Compulsory Enforcement Service shall be published in press with a print run of at least three thousand, at least one month prior to the date of holding the competition. The form of the competition announcement shall be established by the Minister of Justice of the Republic of Armenia.

3. The Competition Committee shall not allow a citizen to take part in the competition in case the latter does not meet the requirements of Article 9 of this Law.

4. The competition shall also be held when only one person has applied for participation in the competition.

5. The competition shall be held in two stages: test and interview.

6. The test shall be held in writing. Tests shall be drawn up in the manner established by the Minister of Justice of the Republic of Armenia, from a questionnaire posted in computer and random questions therefrom, in order to check the knowledge of participants in the following spheres:

(a) Constitution of the Republic of Armenia,

(b) legislation on the Compulsory Enforcement Service,

(c) legislation of the Republic of Armenia laying down the functions of compulsory enforcement officers (profession-related questions).

The questionnaire posted in computer must be provided to participants not later than one month prior to holding the competition.

Each question included in test assignments shall be in multiple choice format (3-4 options). For the purpose of ensuring confidentiality, the test stage shall be held by applying codes for the participants.

7. Only participants who have correctly completed at least 90 % of the test assignments shall be entitled to proceed to the second stage of the competition, *i.e.*, the interview.

Interview shall be held with participants in order to check their practical skills.

After the interview, the Competition Committee shall hold a ballot for each participant. Each member of the Competition Committee shall cast a vote “for” or “against”.

Participants who, after the voting, have received more than half of “for” votes of the Competition Committee members having taken part in the voting, shall be declared winners of the competition.

8. Competition results shall be announced on the day of holding the competition.

9. A participant (with respect to his or her results), after the competition results are announced, or a member of the Competition Committee, within a day following the announcement of the results, may file a written complaint against the results with the Minister of Justice of the Republic of Armenia.

10. Right after the announcement of competition results, in case there are no written complaints, the relevant Competition Committee shall submit to the Chief Compulsory Enforcement Officer a conclusion on the participants declared as winners. The Chief Compulsory Enforcement Officer shall, within three working days following the receipt of the conclusion, appoint to the relevant position one of the participants declared as winners of the competition.

11. A new competition shall be held in case none of the participants has correctly completed at least 90 % of test assignments, or in case none of the participants of the interview has received more than half of “for” votes of the Competition Committee members having taken part in the voting, and has not been declared as winner of the competition.

Where no application has been submitted for participation in the competition, or one of the grounds prescribed in part 3 of this Article is present in all the submitted applications, as well as where none of the persons who had submitted applications for participation in the competition, appeared, or none of the winning participants has submitted, within three days upon the announcement of competition results, an application for appointing him or her to the position, the competition shall be considered not having taken place, and a new competition shall be held.

The new competition shall be announced after one month, in the manner prescribed in this Article.

12. The Competition Committee shall be set up by the Minister of Justice of the Republic of Armenia. The rules of procedure of the Competition Committee shall be established by the Minister of Justice of the Republic of Armenia.

(Article 12.1 supplemented by HO-29-N of 16 December 2005, amended by HO-132-N of 15 June 2006)

Article 12.2. Setting and conducting probation

1. A person filling a Compulsory Enforcement Service position for the first time shall be appointed with a probation period of up to six months. The duration of the probation for each officer shall be set by the Chief Compulsory Enforcement Officer.

2. During the probation, an officer shall enjoy all the rights and bear all the responsibilities which are established for compulsory enforcement officers by law and other legal acts.

3. The following periods of absence of an officer from work shall not be included in the period set for probation:

(1) period of unpaid leave of the officer in the prescribed manner;

(2) period of the officer's temporary incapacity for work;

(3) period of fulfilling obligations reserved to the officer by state or local self-government bodies.

4. Where the officer does not meet the set requirements as per the current results of the probation, he or she may be dismissed from service before completion of the probation period and shall be given a three-day notice thereon in writing.

Where the officer continues the service after completing the probation, he or she shall be considered to have passed the probation.

(Article 12.2 supplemented by HO-29-N of 16 December 2005 and amended by HO-132-N of 15 June 2006)

CHAPTER 4

PERFORMANCE APPRAISAL AND TRAINING OF COMPULSORY ENFORCEMENT OFFICERS

Article 13. Procedure and conditions for performance appraisal of compulsory enforcement officers

1. Each year, at least one third of compulsory enforcement officers shall be subject to mandatory performance appraisal.

2. Regular performance appraisal shall be held once in three years.

3. Performance appraisal shall be conducted with the immediate participation of the compulsory enforcement officer.

4. The following shall not be subject to performance appraisal:

(1) those holding highest positions of the Compulsory Enforcement Service;

- (2) compulsory enforcement officers holding the position concerned for a period less than one year, unless they have expressed such an intention;
- (3) compulsory enforcement officers on maternity leave or on parental leave for a child under the age of three, unless they have expressed such an intention;
- (4) those subject to dismissal from service in the year concerned on the ground provided for in Article 38(1)(3).

Compulsory enforcement officers on maternity or parental leave shall be subject to performance appraisal not earlier than after one year upon return from the leave, unless they have expressed an intention to undergo performance appraisal earlier.

Compulsory enforcement officers on leave, in secondment, or temporarily incapable for work, who are subject to performance appraisal, shall undergo performance appraisal within a period of two months upon returning to service.

5. Compulsory enforcement officers subject to performance appraisal shall be given at least a one-month notice on the holding of the performance appraisal, except for the case provided for in the second paragraph of part 8 of this Article.

6. Not later than two weeks before the performance appraisal, the immediate supervisor shall submit the performance record of the compulsory enforcement officer.

The performance record shall comprise information on practical and human qualities of the compulsory enforcement officer and include a substantiated evaluation of the results of official practice, which shall be based on the conclusions of the immediate supervisor on the reports on the work performed by the compulsory enforcement officer submitted by him or her once in every six months within the period following the previous performance appraisal.

Compulsory enforcement officer must acquaint himself or herself with his or her performance record at least one week prior to the performance appraisal date.

Failure to submit a performance record in accordance with this Article may not adversely affect the results of performance appraisal of the compulsory enforcement officer.

7. The Performance Appraisal Committee shall be set up by the Minister of Justice of the Republic of Armenia. Having regard to the peculiarities of the service, the Minister of Justice of the Republic of Armenia may set up more than one performance appraisal committees.

The procedure and conditions for performance appraisal shall be established by the Minister of Justice of the Republic of Armenia.

8. Following a performance appraisal, the Performance Appraisal Committee shall take one of the following decisions:

- (1) qualified for the position held;
- (1.1) may occupy a higher position;

- (2) defer the performance appraisal and second the compulsory enforcement officer to training;
- (3) not qualified for the position held.

Performance appraisal of a compulsory enforcement officer seconded for training in accordance with point 2 of this part shall be conducted within one month upon the conclusion of the training, and the officer shall be given a notice thereon not later than five days prior to the performance appraisal date.

9. The compulsory enforcement officer shall be informed of performance appraisal results on the day of holding it. The compulsory enforcement officer shall have the right to file a complaint against the performance appraisal results with the Performance Appraisal Committee within a day after being informed of the results.

10. The Performance Appraisal Committee shall, within seven days following the performance appraisal date, submit to the Chief Compulsory Enforcement Officer the performance appraisal results, including complaints, results of discussion thereof, and decisions taken.

11. Documents certifying the performance appraisal results shall be maintained in the personal file of the compulsory enforcement officer.

(Article 13 edited by HO-29-N of 16 December 2005, amended by HO-132-N of 15 June 2006, supplemented by HO-208-N of 17 November 2009)

Article 14. Training and special education of compulsory enforcement officers

1. Compulsory enforcement officers holding chief and leading positions of the Compulsory Enforcement Service shall be subject to mandatory training at least once in five years.
2. In cases prescribed in Article 13(8)(2) of this Law, compulsory enforcement officers shall pass a three-month training.
3. Upon completing special education, compulsory enforcement officers shall have the right to carry, keep, and use (apply), in the prescribed manner, firearm as well as special means as provided for by law.
4. The procedure and conditions for training and special education shall be established by the Government of the Republic of Armenia.

(Article 14 amended by HO-29-N of 16 December 2005)

CHAPTER 5
TRANSFER OF COMPULSORY ENFORCEMENT OFFICERS TO ANOTHER
POSITION

Article 15. Transfer of compulsory enforcement officers to another position upon their consent

(Article 15 repealed by HO-29-N of 16 December 2005)

Article 16. Transfer of compulsory enforcement officers to another position

1. Compulsory enforcement officers may, due to needs of the service and without their consent, be transferred:

(1) to another position equivalent to the position held, after holding the position concerned for at least one year (prior to the expiration of the one year period – only upon their consent);

(1.1) by transferring — by way of mandatory rotation — heads of divisions of the Central Body, heads of Yerevan city divisions, heads of marz divisions, deputy heads of divisions, heads of units to another position after serving in the given position for minimum three and maximum five years;

(2) to a lower position of the group corresponding to the position held by them, in case the transfer is caused by restructuring or cutting of positions;

(3) to a position lower by one level from the position held, in case a decision on not being qualified for the position held is taken as a result of performance appraisal. When such position is not available, compulsory enforcement officers may be dismissed from service;

(4) to a position equivalent to the position held, or to a lower position, due to health condition, based on a medical opinion.

2. *(part 2 repealed by HO-208-N of 17 November 2009)*

3. Upon his or her request, a compulsory enforcement officer may be transferred to another position equivalent to the position held by him or her, or to a lower position, or to another duty station.

(Article 16 edited by HO-29-N of 16 December 2005, amended by HO-208-N of 17 November 2009)

Article 17. Transfer to another position

Officers holding highest, chief, and leading positions of the Compulsory Enforcement Service shall be transferred, in the manner prescribed by this Law, to another position by the person competent to appoint to the position concerned.

(Article 17 amended by HO-29-N of 16 December 2005 and edited by HO-132-N of 15 June 2006)

CHAPTER 6

RIGHTS AND DUTIES OF COMPULSORY ENFORCEMENT OFFICERS

Article 18. Rights of compulsory enforcement officers

Rights of compulsory enforcement officers shall be the following:

- (1) acquainting themselves with the legal acts laying down their rights and duties in the position held;
- (2) acquainting themselves with all the materials of their personal files, *i. e.*, their performance evaluations and other documents concerning their official practice, and furnishing explanations thereon;
- (3) receiving, in the prescribed manner, information and materials necessary for the performance of official duties;
- (4) taking decisions within the scope of their competence;
- (5) receiving pecuniary satisfaction;
- (6) social protection and security;
- (7) legal protection;
- (8) promotion in title in the prescribed manner;
- (9) appealing against appointment to position and performance appraisal results;
- (10) submitting proposals on issues pertaining to organisation and improvement of service.

Compulsory enforcement officers may have other rights as prescribed by this Law, other laws and legal acts.

(Article 18 edited and amended by HO-29-N of 16 December 2005)

Article 19. Duties of compulsory enforcement officers

1. Duties of compulsory enforcement officers shall be the following:

- (1) complying with the requirements of the Constitution, laws and other legal acts of the Republic of Armenia;
- (2) having knowledge required for performance of professional and official duties;
- (3) to fulfil the duties reserved to them by the legislation of the Republic of Armenia in an accurate and timely manner;
- (4) executing orders, decisions, executive orders, and instructions issued by superior authorities and officials;
- (5) to admit for consideration and process proposals, applications and complaints in the manner and within the time limits prescribed;
- (6) to observe the requirements prescribed by the legislation of the Republic of Armenia for dealing with documents comprising state, official, or other secret protected by law, including after termination of service;
- (7) to submit income declaration;
- (8) to observe the code of conduct of compulsory enforcement officers.

2. A compulsory enforcement officer shall be obliged to submit written explanations in case an official investigation is conducted against him or her. The procedure for initiating and conducting official investigation shall be established by the Minister of Justice of the Republic of Armenia.

3. Other duties may be prescribed for compulsory enforcement officers by this Law, other laws and legal acts.

4. The code of conduct of compulsory enforcement officers shall be established by the Government of the Republic of Armenia.

(Article 19 edited by HO-29-N of 16 December 2005 and supplemented by HO-184-N of 22 October 2008)

CHAPTER 7

POWERS IN ARRANGING THE COMPULSORY ENFORCEMENT SERVICE

Article 20. Powers of the Ministry of Justice of the Republic of Armenia in arranging the Compulsory Enforcement Service

The Ministry of Justice of the Republic of Armenia shall arrange, supervise, and carry out methodical guidance over the activities of the Compulsory Enforcement Service.

The Minister of Justice of the Republic of Armenia:

- (1) shall arrange and exercise overall supervision over the activities of the Compulsory Enforcement Service;
- (2) shall adopt orders and decisions and issue instructions on arrangement of activities of the Compulsory Enforcement Service;
- (3) shall, within the scope of his or her powers provided for by laws and other legal acts, suspend, abolish, invalidate, revoke, or repeal orders and instructions of officials of the Compulsory Enforcement Service contradicting the requirements of the legislation of the Republic of Armenia;
- (4) shall initiate or terminate official investigations, replace the person conducting official investigation;
- (5) may, in the period of official investigation, suspend the powers of the officer;
- (6) shall exercise other powers prescribed by this Law and other legal acts.

(Article 20 edited by HO-29-N of 16 December 2005)

Article 21. Powers of the Chief Compulsory Enforcement Officer

1. The Chief Compulsory Enforcement Officer:

- (1) shall lead and control the activities of the Compulsory Enforcement Service;
- (2) shall ensure the implementation of the requirements of this Law, the Law of the Republic of Armenia “On compulsory enforcement of judicial acts”, other laws and legal acts, as well as the execution of orders and instructions of the Minister of Justice of the Republic of Armenia;
- (3) shall adopt orders and issue instructions on arranging the activities of the Compulsory Enforcement Service;
- (4) shall submit a proposal concerning the structure of the Service to the Minister of Justice of the Republic of Armenia;
- (5) shall file a motion with the Minister of Justice of the Republic of Armenia on applying an incentive or disciplinary penalties to the Deputy Chief Compulsory Enforcement Officer;
- (6) shall examine complaints brought against compulsory enforcement officers and abolish illegal decisions of compulsory enforcement officers;
- (7) shall initiate and conduct official investigations;
- (8) may, in the period of official investigation, suspend the powers of an officer appointed to position by him or her;
- (9) shall provide the logistic support of the Compulsory Enforcement Service;

(10) shall, within the scope of powers reserved by legislation, dispose of the deposit account of the Service and means of the fund of the Judicial Acts Compulsory Enforcement Service for material incentives and development of the system;

(11) shall establish the procedure and time limits for submission of reports by heads of marz (Yerevan city) divisions;

(12) shall arrange for professional and special education of officers;

(13) shall, within the scope of his or her competence, apply incentives to, or impose disciplinary penalties on, officers of the Compulsory Enforcement Service appointed to position by him or her;

(14) shall submit recommendations to the Minister of Justice of the Republic on Armenia concerning the improvement of the legislation pertaining to compulsory enforcement of judicial acts.

The Chief Compulsory Enforcement Officer shall also enjoy other powers established by law and other legal acts.

2. The Chief Compulsory Enforcement Officer shall be responsible for the implementation of the tasks of the Service.

3. In the absence of the Chief Compulsory Enforcement Officer, his or her powers shall be exercised by his or her Deputy. The Deputy Chief Compulsory Enforcement Officer shall also carry out other assignments of the Chief Compulsory Enforcement Officer.

(Article 21 edited by HO-29-N of 16 December 2005 and HO-132-N of 15 June 2006, supplemented by HO-208-N of 17 November 2009)

Article 22. Powers of a head of department

(Article 22 edited by HO-29-N of 16 December 2005 and repealed by HO-132-N of 15 June 2006)

Article 23. Powers of a head of marz (Yerevan city) division

A head of marz (Yerevan city) division shall:

(1) arrange and supervise activities of the Division;

(2) submit reports in the manner and within the time limits established by the Chief Compulsory Enforcement Officer;

(3) ensure the fulfilment of the requirements of this Law, the Law of the Republic of Armenia “On compulsory enforcement of judicial acts”, of other laws and legal acts, as well as the execution of orders, decisions, and instructions of the Minister of Justice of the Republic of

Armenia and of orders and instructions of the Chief Compulsory Enforcement Officer; shall file a motion with the Chief Compulsory Enforcement Officer on applying incentives to officers of the Division and subjecting them to disciplinary liability;

(4) resolve the issue of self-recusal or recusal of a compulsory enforcement officer;

(5) examine complaints filed against the actions of subordinate compulsory enforcement officers, abolish illegal decisions, informing thereon the Chief Compulsory Enforcement Officer or the Head of Department;

(6) dispose of the deposit account of the Division, within the scope of powers reserved by legislation, .

(Article 23 edited by HO-29-N of 16 December 2005)

Article 24. Rights and duties of compulsory enforcement officers in the compulsory enforcement of judicial acts

1. In the compulsory enforcement of judicial acts, compulsory enforcement officers:

(1) shall undertake measures aimed at timely, complete, and proper enforcement of writs of execution;

(2) shall enable parties to enforcement proceedings (hereinafter referred to as “parties”) and their representatives to acquaint themselves with, and draw extracts from, the materials of the enforcement proceedings as well as to get photocopies;

(3) shall examine requests and motions of parties as regards enforcement proceedings, take relevant decisions, clarify the time limits and procedures for appealing against them;

(4) shall, in cases prescribed by law, impose fines on citizens and officials having failed to comply with their decisions;

(5) may, in cases there are circumstances giving rise to doubts as regards their impartiality, recuse himself or herself.

2. In the compulsory enforcement of judicial acts, compulsory enforcement officers shall have the right to:

(1) get necessary information, explanations, and other materials relevant to the case when performing enforcement actions;

(2) verify at employers’ premises the performance of the writ of execution by debtors employed by them;

(3) give assignments to legal persons (hereinafter referred to as “organisations”) and citizens for the purpose of performing specific enforcement actions;

- (4) enter, in the presence of attesting witnesses and in the prescribed manner, a debtor's building (apartment, storehouse, and other premises) and conduct inspection therein;
- (5) impose attachment on, seize, put in storage, and sell property in the manner prescribed by law;
- (6) impose attachment, in the amount indicated in the writ of execution, on money and other assets kept in accounts, deposits of the debtor, or in banks and other credit organisations;
- (7) use the means of transportation of a creditor or debtor for transportation of the property, the costs of which shall be borne by the debtor, and in cases provided for by law – also by the creditor;
- (8) apply, in case the requirements indicated in a writ of execution are not clear, to court which has issued the writ of execution, to clarify the procedure for its enforcement;
- (9) declare, in the manner prescribed by law, search for the debtor and/or his or her property, in cooperation with the Police, where appropriate;
- (10) summon citizens and officials during the enforcement actions;
- (11) perform other actions provided for by the legislation of the Republic of Armenia.

CHAPTER 8

GUARANTEES PERTAINING TO THE OFFICE OF, AND RESTRICTIONS ON, COMPULSORY ENFORCEMENT OFFICERS

Article 25. Pecuniary satisfaction of compulsory enforcement officers

1. Every compulsory enforcement officer shall have the right to adequate pecuniary satisfaction for service.
2. The pecuniary satisfaction of compulsory enforcement officers shall consist of:
 - (1) Basic salary, *i.e.*, post salary, which depends on the status of the position concerned in the compulsory enforcement positions classification system and on work experience of the officer in the field of public administration. The list of offices considered as work experience in the field of public administration shall be established by the Minister of Justice of the Republic of Armenia.
 - (2) Additional salary, *i.e.*, supplements granted for special work conditions and geographical environment.
 - (3) Supplements granted for title.
 - (4) Bonuses granted as a material incentive.
 - (5) A bonus — granted for the proper fulfillment of assignments — from the means of the fund of the Judicial Acts Compulsory Enforcement Service for material incentives and development of the system, which are envisaged for material incentives of judicial acts compulsory

enforcement officers, in the amount of five per cent of the amount or of the value of property levied in execution by him or her (but no more than ten-fold of the post salary).

3. Basic salary scheme of the Compulsory Enforcement Service shall be as follows:

(1) a basic salary scale shall be established for positions – from the minimum to the maximum of post salary;

(2) altogether 11 levels of salary shall be established for the post salary scale, with a post salary calculation coefficient for each level (Table 1);

Table 1. Post salary scheme

Levels of officers' salary	Growth of salary	inspector	compulsory enforcement officer	senior compulsory enforcement officer, leading counsellor, first category counsellor	chief counsellor	head of unit, deputy head of division	head of marz division, head of Yerevan division	head of division of Central Body	Deputy Compulsory Enforcement Officer	Chief Enforcement Officer	Compulsory
		calculation coefficient									
11	no growth	1.40	1.80	2.09	2.43	2.81	3.26	3.78	4.38	5.00	
10	once in three years	1.36	1.74	2.03	2.36	2.73	3.17	3.67	4.26	4.89	
9		1.32	1.68	1.97	2.29	2.65	3.07	3.56	4.13	4.78	
8		1.28	1.62	1.92	2.22	2.58	2.99	3.46	4.01	4.67	
7	once in two years	1.24	1.56	1.86	2.16	2.50	2.90	3.36	3.90	4.56	
6		1.20	1.50	1.81	2.09	2.43	2.81	3.26	3.78	4.40	
5		1.16	1.44	1.75	2.03	2.36	2.73	3.17	3.66	4.30	
4	every year	1.12	1.38	1.70	1.97	2.29	2.65	3.07	3.56	4.20	
3		1.08	1.32	1.65	1.92	2.22	2.58	2.99	3.46	4.10	
2		1.04	1.26	1.60	1.86	2.16	2.50	2.90	3.36	4.00	
1		1.00	1.20	1.56	1.81	2.09	2.43	2.81	3.30	3.90	

(3) the basic salary amount of an officer in a certain position shall be set by way of multiplying the base post salary by the calculation coefficient for the relevant post salary;

(4) when calculating the salary, the transition to the next level in the post salary scheme of officers shall be made based on the work experience of the officer provided for in the Table, starting from the first day of the month following the date of expiry of the year.

3.1. (point 3.1 repealed by HO-132-N of 15 June 2006)

4. The base post salary shall accord with the lowest level of the post salary scale, *i.e.*, coefficient 1.00, based on which all other post salaries shall be calculated by relevant coefficients.
5. The base post salary for each year shall be established by the Government of the Republic of Armenia. The base post salary may not be less than the one established for the preceding year.
6. Supplements to the additional salary shall be established by the Government of the Republic of Armenia.
7. Supplements to the base post salary shall be established for titles, in the following amounts:

Title

Amount of supplement to the base post salary (in per cent)

major general 31

colonel 29

lieutenant colonel 26

major 23

captain 16

senior lieutenant 15

lieutenant 13

(Article 25 supplemented, amended, and edited by HO-29-N of 16 December 2005, amended by HO-132-N of 15 June 2006, supplemented by HO-208-N of 17 November 2009)

Article 26. Allowances in case of death, disability, disease, or bodily injuries of compulsory enforcement officers

The amount as well as the manner of paying allowances payable to the family members or to the dependants of a compulsory enforcement officer in case of his or her death during the performance of official duties, as well as to the compulsory enforcement officer in cases of disability, disease, or bodily injuries, shall be as established by the laws and other legal acts governing the relations pertaining to the social security of military servicemen.

Article 27. Compensation of property damage

1. Property damage caused to a compulsory enforcement officer or to the members of his or her family, which is connected to the performance of official duties of the compulsory enforcement officer, shall be compensated by the State.

2. The manner of, and conditions for, compensation of property damage shall be established by law.

Article 28. Use of means of transportation by compulsory enforcement officers

Conditions of use of public transport by compulsory enforcement officers when performing official duties, as well as the procedure for car allowance shall be established by the Government of the Republic of Armenia.

Article 29. Uniform, identification card, and seal of compulsory enforcement officers

1. When performing official duties, compulsory enforcement officers shall wear a uniform which shall have distinctive emblems and a symbol, the particulars, as well as the manner of wearing and providing whereof shall be established by the Minister of Justice of the Republic of Armenia.

2. Compulsory enforcement officers shall be issued uniform identification cards approved by the Minister of Justice of the Republic of Armenia, as well as personal seals bearing their names and registered and numbered with the Ministry of Justice of the Republic of Armenia.

Article 30. Restrictions applicable to compulsory enforcement officers

1. Compulsory enforcement officers shall not have the right to:

- (1) perform other paid work, except for scientific, pedagogical, and creative work;
- (2) personally engage in entrepreneurial activity;
- (3) be representatives of third persons in relations involving the body where they are in service or which is directly subordinate to, or supervised by, them;
- (4) receive honorarium for publications or speeches ensuing from the performance of their official duties;
- (5) use, for purposes other than those related to service, logistic, financial, and information resources, other state property, and official information;
- (6) accept gifts, money, or services from other persons for official duties, except for cases provided for by the legislation of the Republic of Armenia;
- (7) be a member of any political party, non-governmental organisation (except for organisations based on common scientific, cultural, sport, hunting, and similar interests), including religious organisations and trade unions;
- (8) organise or take part in strikes, meetings, rallies, or demonstrations.

2. Within one month upon appointment to a position in the Compulsory Enforcement Service, in case of having ten and more per cent of share interest (shares, stake) in statutory (share, equity)

capitals of commercial organisations, a compulsory enforcement officer shall, in the manner prescribed by the legislation of the Republic of Armenia, be obliged to put them into trust. Compulsory enforcement officers shall have the right to receive income from property put into trust.

3. Compulsory enforcement officer shall be prohibited from serving with close relatives or relatives by marriage (parent, spouse, child, brother, sister, parent-in-law, spouse's child, brother-in-law, and sister-in-law), if their service is associated with direct subordination or supervision over each other.

4. Compulsory enforcement officers shall not be given a photocopy of the order on their appointment to position, on transfer to other position, on dismissal, or on imposing a disciplinary penalty on them, in case the order comprises state or official secret, or information not subject to publication.

In this case they shall be given an extract from the order, from which the information which comprises state secret or is not subject to publication shall be deleted.

(Article 30 supplemented by HO-29-N of 16 December 2005)

CHAPTER 9

SERVICE AND REST TIME, AS WELL AS THE LEAVE OF COMPULSORY ENFORCEMENT OFFICERS

Article 31. Duration of working time of compulsory enforcement officers

1. Workweek of five days is established for compulsory enforcement officers.
2. Compulsory enforcement officers may be involved in overtime service as appropriate.
3. Involvement of compulsory enforcement officers in overtime service for more than eight hours a day shall not be permitted. Duration of service in a day shall not exceed 16 hours, including overtime service. Duration of overtime service of compulsory enforcement officers shall not exceed 300 hours in a year. Supplement shall be paid for overtime service in the manner and amount established by the Government of the Republic of Armenia.
4. Cases of involvement in overtime service and the manner of calculating the hours shall be established by the Minister of Justice of the Republic of Armenia.

Article 32. Leave of compulsory enforcement officers

1. An annual leave shall be granted to compulsory enforcement officers. Duration of annual leave shall be 28 calendar days, not including holidays and memorial days.
2. Maternity leave shall also be granted to female compulsory enforcement officers, and parental leave shall be granted to compulsory enforcement officers, in accordance with the legislation of the Republic of Armenia.
3. Recall from annual leave shall be permitted only in exceptional cases, based on the needs of the service.
4. Unused days of annual leave for the year concerned may, where compulsory enforcement officers so wish, be added to the annual leave for the next year, or may be substituted by additional monetary remuneration, in the manner established by the Government of the Republic of Armenia.
5. Annual leave for the first year of service shall be granted upon expiry of eleven months of service.
6. Based on the relevant statement from a health care institution, the leave of a compulsory enforcement officer, who has fallen ill during the annual leave, shall be extended by the number of unused days because of the disease.
7. Short-term leaves for up to ten days may, for family leave and other good reasons, be granted to compulsory enforcement officers, which shall not be calculated in the annual leave and shall not be paid.
8. Officers holding highest positions of the Compulsory Enforcement Service shall be granted leaves by the Minister of Justice of the Republic of Armenia, while chief and leading officers shall be granted leaves by the Chief Compulsory Enforcement Officer. (*second sentence deleted by HO-132-N of 15 June 2006*)

(Article 32 amended and edited by HO-29-N of 16 December 2005 and amended by HO-132-N of 15 June 2006)

Article 33. Releasing compulsory enforcement officers from service in case of temporary incapacity for work

In case of temporary incapacity for work, a compulsory enforcement officer may, on the basis of relevant statement from a health care institution, be temporarily released from performance of his or her official duties for not more than 120 consecutive days or for not more than 140 days during the last 12 months.

(Article 33 edited by HO-29-N of 16 December 2005)

CHAPTER 10
APPLYING INCENTIVES AND IMPOSING DISCIPLINARY PENALTIES ON
COMPULSORY ENFORCEMENT OFFICERS

Article 34. Types of incentives applicable to compulsory enforcement officers

1. For long-term service and for proper performance of official duties and assignments, the following types of incentives may be applied to compulsory enforcement officers:

- (1) expression of gratitude;
- (2) lump-sum bonus;
- (3) award of a token;
- (4) early promotion in title;
- (5) reward with a medal.

2. Early lifting of a previously imposed disciplinary penalty may, by the official who has imposed the penalty, be applied to a compulsory enforcement officer as an incentive.

3. The incentive provided for in point 4 of part 1 of this Article may be applied to a compulsory enforcement officer only once during the whole period of service.

4. Several types of incentives may be applied concurrently.

5. The incentives provided for in part 1 of this Article shall be applied by the Minister of Justice of the Republic of Armenia, except for the incentive provided for in point 4 of part 1 of this Article.

The incentive provided for in point 4 of part 1 of this Article shall be applied by the Chief Compulsory Enforcement Officer upon the consent of the Minister of Justice of the Republic of Armenia.

The incentives provided for in points 1, 2, and 3 of part 1 of this Article may be applied also by the Chief Compulsory Enforcement Officer.

6. Types and forms of the medal provided for in point 5 of part 1 of this Article shall be established by the Minister of Justice of the Republic of Armenia.

7. The incentives provided for in points 2, 3, and 5 of part 1 of this Article shall be applied on account of relevant funds envisaged by the State Budget of the Republic of Armenia.

(Article 34 edited by HO-29-N of 16 December 2005 and HO-132-N of 15 June 2006)

Article 35. Disciplinary sanctions applicable to compulsory enforcement officers

1. In cases of non-performance or improper performance of official duties without good reason, abuse of official position, excess of official powers, as well as in cases of violation of rules of

conduct of compulsory enforcement officers, the following disciplinary sanctions shall be applied to compulsory enforcement officers:

- (1) reprimand;
- (2) severe reprimand;
- (3) demotion in position;
- (4) demotion in title by one level;
- (5) dismissal from service.

2. The disciplinary sanctions provided for in part 1 of this Article shall be applied by the Minister of Justice of the Republic of Armenia, except for the disciplinary sanction provided for in point 4 of part 1 of this Article, as well as for cases provided for in part 3 of this Article.

The disciplinary sanctions provided for in points 1 to 5 of part 1 of this Article shall be applied by the Chief Compulsory Enforcement Officer to officers appointed to position by him or her.

The Chief Compulsory Enforcement Officer (except for an officer holding the title of major general of justice) may apply the disciplinary sanction provided for in point 4 of part 1 of this Article upon the consent of the Minister of Justice of the Republic of Armenia.

3. The disciplinary sanction provided for in point 3 of part 1 of this Article may not be applied to the Chief Compulsory Enforcement Officer.

The disciplinary sanction provided for in point 4 of part 1 of this Article shall be applied to the Chief Compulsory Enforcement Officer and officers holding the title of major general of justice by the President of the Republic of Armenia.

The disciplinary sanction provided for in point 5 of part 1 of this Article shall be applied to the Chief Compulsory Enforcement Officer by the President of the Republic of Armenia upon the motion of the Minister of Justice of the Republic of Armenia.

(Article 35 edited by HO-29-N of 16 December 2005, HO-132-N of 15 June 2006, and HO-184-N of 22 October 2008)

Article 36. Procedure for applying and lifting disciplinary sanctions

1. A disciplinary sanction shall be imposed if more than six months have not elapsed since the detection of the disciplinary violation, not including the periods of disease or leave; moreover, the sanction imposed must be proportionate to the nature and level of dangerousness of the committed violation.

2. Disciplinary sanctions applied to compulsory enforcement officers shall be formulated in writing. Only one disciplinary sanction may be imposed for each disciplinary violation.

3. Compulsory enforcement officers shall be notified about the disciplinary sanction within a period of five days following its imposition.

4. Where a new disciplinary sanction has not been imposed on the compulsory enforcement officer within one year following the day of imposition of the disciplinary sanction, it shall be considered expired.

5. The disciplinary sanction may also be lifted by the official who has applied it or by his or her superior, six months after its imposition and before the completion of one year, provided that the compulsory enforcement officer has not committed a new disciplinary violation.

In exceptional cases, more than one disciplinary sanction may be lifted by the Minister of Justice of the Republic of Armenia, in the manner provided for in Article 34(2) of this Law.

6. The disciplinary sanctions provided for in Article 35(1)(3) to (5) of this Law may be applied to compulsory enforcement officers based solely on the findings of official investigation.

7. Powers of a compulsory enforcement officer may be suspended in the period of official investigation, if there are sufficient grounds to believe that he or she will obstruct the conduct of the official investigation if he or she continues holding the position. In that case, pecuniary satisfaction shall be paid to him or her.

8. Where criminal prosecution is conducted against a compulsory enforcement officer, his or her powers shall be suspended until the termination of criminal prosecution or until the entry into force of the judgment on the case concerned. In that case, pecuniary satisfaction shall be paid for up to two months, and the rest of the payment shall be made in case the criminal prosecution is terminated on the ground of innocence, or a judgment of acquittal is rendered.

(Article 36 edited by HO-29-N of 16 December 2005)

Article 37. Restrictions on issuing orders to compulsory enforcement officers

1. Compulsory enforcement officers may not be issued such oral or written orders or instructions which:

- (1) contradict the Constitution, laws and other legal acts of the Republic of Armenia;
- (2) are beyond the powers of the person issuing or executing the orders or instructions.

2. When being issued orders or instructions referred to in part 1 of this Article, compulsory enforcement officers must act in accordance with the requirements of laws, informing the superior thereon.

3. Failure to execute an obviously illegal order or instruction shall release the compulsory enforcement officer from liability for not executing the order or instruction.

(Article 37 edited by HO-29-N of 16 December 2005)

CHAPTER 11
DISMISSING COMPULSORY ENFORCEMENT OFFICERS FROM POSITION AND
TERMINATION OF SERVICE

Article 38. Dismissal from the Compulsory Enforcement Service

1. Compulsory enforcement officers shall be dismissed from Compulsory Enforcement Service:

- (1) in case of termination of the nationality of the Republic of Armenia;
- (2) at their own initiative, upon a letter of resignation;
- (3) upon attaining the age limit as provided for in Article 40 of this Law;
- (4) in case of cutting of positions, dissolution or reorganisation of a subdivision, where it is not possible to appoint the compulsory enforcement officer to an appropriate position, and the cutting of positions is a result of cutting of the total number of positions;
- (5) in case of being unfit for service due to a disease;
- (6) in case of being judicially declared as having no or limited active legal capacity;
- (7) due to disciplinary violations, if two and more disciplinary sanctions have been applied to them in the course of a year, at least one of which is a disciplinary sanction prescribed in Article 35(1)(3) to (4) of this Law, or in case the disciplinary sanction provided for in Article 35(1)(5) is applied;
- (8) in case of violating the requirements of Article 30 of this Law;
- (9) in case of failure to submit their income declaration in the manner prescribed by law;
- (10) in case of entry into force of a court judgment of conviction;
- (11) in case of failure to appear for service for not more than 120 consecutive days during a year or for not more than 140 days during the last 12 months, due to temporary incapacity for work, not including maternity or parental leaves;
- (12) in case of being elected to, or appointed on, political or discretionary posts;
- (13) in case of failure to pass the probation established by this Law;
- (14) based on the performance appraisal results, when it is impossible to appoint to a lower position because of lack of appropriate vacant position.

The duties of a compulsory enforcement officer shall be deemed to be terminated upon his or her death.

(Article 38 edited and supplemented by HO-29-N of 16 December 2005 and amended by HO-132-N of 15 June 2006)

Article 39. Dismissal from position held in the Compulsory Enforcement Service

Compulsory enforcement officers shall be dismissed from the position held in the Compulsory Enforcement Service:

- (1) at their own initiative, upon a letter of resignation;
- (2) when being appointed to another position in case of cutting of positions, dissolution or reorganisation of a subdivision;
- (3) in case of inability to proceed with the service in the position concerned due to limited health condition;
- (4) based on the performance appraisal results;
- (5) in case of being subjected to disciplinary sanction prescribed in point Article 35(1)(5) of this Law;
- (6) in other cases provided for by this Law.

(Article 39 amended by HO-132-N of 15 June 2006)

Article 40. Age limits in the Compulsory Enforcement Service

1. The age of 60 shall be considered the age limit for compulsory enforcement officers of the highest group.

The age of 55 shall be considered the age limit for compulsory enforcement officers of chief and leading groups.

2. The official competent for appointing to a position of the Compulsory Enforcement Service may extend the period of service of a compulsory enforcement officer for up to five years in case of attaining the age limit by the compulsory enforcement officer.

The Chief Compulsory Enforcement Officer may, upon the consent of the Minister of Justice of the Republic of Armenia, extend the period of service of a compulsory enforcement officer upon attaining the age limit.

3. Dismissal from Compulsory Enforcement Service in accordance with Article 38(1)(3) of this Law shall be effected on the first day of the month following the attainment of the age limit prescribed in part 1 of this Article.

(Article 40 edited by HO-132-N of 15 June 2006)

Article 41. Severance payments made to those dismissed from the Compulsory Enforcement Service and pension provision

Severance payments made to those dismissed from the Compulsory Enforcement Service, privileges, pension provision and conditions for granting pension, the types thereof, monetary allowance and payments related to retirement, manner of calculation of the length of service, as well as other relations pertaining to social security shall be as defined by laws and other legal acts governing the social security relations of military servicemen.

(Article 41 edited by HO-29-N of 16 December 2005)

CHAPTER 12

**REINSTATEMENT TO SERVICE OR POSITION IN THE COMPULSORY
ENFORCEMENT SERVICE**

Article 42. Reinstatement to service or position

Compulsory enforcement officers who, in the prescribed manner, have been identified as groundlessly transferred within service, demoted in position or title, as well as dismissed from service, shall be subject to reinstatement to service, title, or position.

Article 43. Procedure and time limits for applying for dispute settlement

Where a compulsory enforcement officer disagrees to the transfer within service, demotion in position or title, imposition of disciplinary sanction, dismissal from service, he or she may file a judicial appeal against it within a one-month period after the date of acquainting himself or herself with the relevant order upon signature.

Article 44. Conferring a title and calculating the length of service upon reinstatement to service

1. When calculating percentage supplements and granting pension, the time span between the groundless or illegal dismissal and reinstatement shall also be calculated as part of consecutive term of service of an officer dismissed in an unjustified or illegal manner and further reinstated.
2. Officers dismissed from service, demoted in title or position in an unjustified or illegal manner, shall, for the period extending to the reinstatement thereof, be granted monetary compensation in the amount of pecuniary satisfaction not paid to them, but not more than for three months.

Officers who, within the period extending from dismissal to reinstatement, have been employed in other organisations or have been engaged in entrepreneurial activity, shall receive remuneration in case the monthly income received from another employment is less than the post salary corresponding to the position held. The remuneration shall be paid in the amount of difference between the post salary of the their last position held within service and monthly income received in the period of being dismissed from service, but not more than for three months.

(Article 44 edited by HO-29-N of 16 December 2005)

CHAPTER 13 OTHER PROVISIONS

Article 45. Respect for the rights and legitimate interests of citizens and organisations

Compulsory enforcement officers shall be obliged to exercise the rights reserved to them in compliance with law, and to refrain, in the course of their activities, from any violation of the rights and legitimate interests of citizens and organizations.

Article 46. Binding nature of demands of compulsory enforcement officers

1. Demands put forward by compulsory enforcement officers within the scope of their competences shall be binding on all state and local self-government bodies, officials, organisations, and citizens.
2. Compulsory enforcement officers shall, upon their request, be provided free of charge with information and documents necessary for performing their functions, as well as with photocopies thereof.
3. Failure to fulfil lawful demands of compulsory enforcement officers, or obstructing the performance of their duties shall entail liability in accordance with the law.

(Article 46 supplemented by HO-29-N of 16 December 2005)

Article 47. Use of physical force and special means

1. Compulsory enforcement officers shall have the right to use physical force and special means when preventing resistance shown to them or assault against them in connection with performance of their official duties.

2. Use of special means against women with obvious signs of pregnancy, obviously disabled persons, and minors shall be prohibited, except for cases when they show armed resistance and commit actions posing a threat to the life or health of a compulsory enforcement officer.

Article 48. Use of firearm

1. Compulsory enforcement officers shall have the right to use firearm:

(1) to prevent an assault against them, in case there is a real threat to their life or health;

(2) to prevent attempts of unlawful taking of firearm or special means.

2. Prior to use of firearm, a warning shot must be fired.

3. Use of firearm against women with obvious signs of pregnancy, obviously disabled persons, and minors shall be prohibited, except for cases when they show armed resistance and commit actions posing a real threat to the life and health of a compulsory enforcement officer.

4. The procedure for providing compulsory enforcement officers with a firearm, the types of firearms, and the list of special means shall be established by the Government of the Republic of Armenia.

Article 49. Conditions and limits for using physical force, special means, and firearm

1. Compulsory enforcement officers shall have the right to use physical force, special means, and firearm in cases and in the manner provided for in Articles 47 to 48 of this Law, provided other means fail to ensure the performance of duties imposed on them.

2. When using physical force, special means, and firearm, compulsory enforcement officers shall be obliged to:

(1) warn about their intention to use them, giving the person enough time to comply with their demands, except for cases when delay creates immediate threat to the life or health of a compulsory enforcement officer;

(2) use them proportionately to the nature and level of dangerousness of the offence or resistance;

(3) administer first aid to persons having received bodily injuries.

3. In case of using physical force, special means, and firearm, compulsory enforcement officers shall immediately report to their superior, and shall also report to the prosecutor about all cases of using firearm.

The Chief Compulsory Enforcement Officer or his or her alternate official shall immediately inform relevant health care and prosecution bodies about all cases of bodily injuries and death caused by use of physical force, special means, and firearm.

4. Using physical force, special means, and firearm in excess of powers shall entail liability prescribed by law.

(Article 49 edited by HO-92-N of 7 April 2009)

Article 50. Liability of compulsory enforcement officers and oversight upon their activities

1. Administrative and/or judicial appeals may be filed against the actions of compulsory enforcement officers.

2. Compulsory enforcement officers shall be held liable in accordance with the law for any misconduct and other offences committed by them.

3. Damage caused to citizens and organisations by compulsory enforcement officers shall be subject to compensation in the manner prescribed by the Civil Code of the Republic of Armenia.

4. Oversight upon application of coercive measures by compulsory enforcement officers shall be carried out by the Prosecutor's Office, and application of compulsory enforcement measures shall be subject to review by superior or to judicial review. Coercive measures applied by compulsory enforcement officers shall be as follows:

(1) use of firearm;

(2) use of physical force;

(3) use of special means.

The procedure for providing and keeping firearm and special means shall be established by the Minister of Justice of the Republic of Armenia.

Article 51. Citizens performing the technical maintenance of the Compulsory Enforcement Service

Persons performing the technical maintenance of the Compulsory Enforcement Service shall not be considered officers. They shall be admitted to employment by the Chief Compulsory Enforcement Officer in accordance with the labour legislation of the Republic of Armenia.

Article 52. Logistic support of the Compulsory Enforcement Service

The procedure and conditions for logistic support of the Compulsory Enforcement Service shall be established by the Government of the Republic of Armenia.

CHAPTER 14
TRANSITIONAL PROVISIONS

Article 53. Entry into force of the Law

1. This Law shall enter into force on the tenth day following its official publication.
2. The Law of the Republic of Armenia of 3 June 1998 “On Judicial Acts Compulsory Enforcement Service” shall be repealed upon the entry into force of this Law.

Article 54. Adoption of legal acts deriving from this Law

Legal acts deriving from this Law shall be adopted within three months following the entry into force of this Law.

Article 55. First performance appraisal of compulsory enforcement officers

First performance appraisal of compulsory enforcement officers shall be held six months after the entry into force of this Law. Every year, one third of compulsory enforcement officers shall undergo performance appraisal.

Prior to the entry into force of this Law, officers without higher education holding leading and chief positions of the Compulsory Enforcement Service shall continue holding their positions in case of passing the performance appraisal. Performance appraisal of these officers shall be held primarily.

(Article 55 supplemented by HO-29-N of 16 December 2005)

Article 56. Taking into account previously applied disciplinary penalties

Disciplinary penalties applied to compulsory enforcement officers prior to the entry into force of this Law shall remain in force.

When dismissing a compulsory enforcement officer from service or position on the grounds provided for in Article 38(1)(7) and Article 39(5) of this Law, the disciplinary penalties previously applied to him or her and not expired in the prescribed manner shall be taken into account.

Article 57. Previously conferred titles

1. Titles and class ranks previously conferred on officers of the Compulsory Enforcement Service shall, irrespective of the positions held by them, remain in force and be adjusted to the titles established by this Law.

Officers not holding a title (class rank) shall be conferred the lowest title provided for the position held, based on performance appraisal, within six months following the entry into force of this Law.

Titles and class ranks previously conferred on officers holding highest positions shall be considered adjusted to the titles established by this Law and restated, irrespective of the time of appointment to the given position, unless the title or class rank previously conferred is higher than the highest title prescribed for the given position.

2. The length of service with the title previously conferred shall be taken into account when conferring titles in accordance with this Law.

3. Persons holding positions —provided for in the Civil Service Position List — in the Compulsory Enforcement Service shall, in accordance with the Law of the Republic of Armenia “On civil service”, be conferred relevant class ranks established for civil servants.

(Article 57 supplemented by HO-132-N of 15 June 2006)

Article 58. Introduction of the new remuneration scheme

1. The new remuneration scheme shall be introduced from 1 June 2004. Prior to the introduction of the new remuneration scheme, the remuneration of officers shall be provided in accordance with the legislation in force.

2. The introduction of the new remuneration scheme may not result in the reduction of the amount of pecuniary satisfaction of an officer holding a position provided for in the Position List of the Service.

3. Prior to conferring relevant titles, compulsory enforcement officers not holding a title as well as compulsory enforcement officers whose previously conferred titles and class ranks have not been adjusted in the manner prescribed in Article 57 of this Law, shall be paid the supplement provided for the class rank (title) they hold.

Article 59. Liability for violating the Law

Persons violating this Law shall be held liable in the manner prescribed by the legislation of the Republic of Armenia.

**President
of the Republic of Armenia**

R. Kocharyan

16 March 2004

Yerevan

HO-40-N