**LAW**

**OF THE REPUBLIC OF ARMENIA**

**Adopted on 21 January 2022**

**ON MAKING SUPPLEMENTS AND AN AMENDMENT TO THE CIVIL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA**

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| **Article 1.** | Article 24 of the Civil Procedure Code of the Republic of Armenia (hereinafter referred to as “the Code”) of 9 February 2018 shall be supplemented with part 3.1 which reads as follows: |

“3.1. Cases concerning disputes related to the procurement envisaged by Chapter 27.2 of this Code shall be examined in the Court of General Jurisdiction of First Instance of the City of Yerevan”.

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| **Article 2.** | Part 2 of Article 121 of the Code shall be supplemented with point 9 which reads as follows: |

“(9) e-mail addresses of persons and their representatives participating in the case concerning procurement disputes envisaged by Chapter 27.2 of this Code”.

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| **Article 3.** | The second sentence of part 4 of Article 129 of the Code shall be restated as follows: “No measure for securing a claim, which will result in suspension of a procurement process, concluding or execution of a procurement contract, suspension of a procedure for selecting a private partner or the implementation of a PPP programme, may be applied for procurement disputes envisaged by the Law of the Republic of Armenia “On procurement”, as well as for disputes related to the procedure for selecting a private partner provided for by the Law of the Republic of Armenia “On public-private partnership””. |

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| **Article 4.** | Part 1 of Article 202 of the Code shall be supplemented with point 8 which reads as follows: |

“(8) procurement disputes prescribed by the Law of the Republic of Armenia “On procurement””.

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| **Article 5.** | The Code shall be supplemented with Chapter 27.2 which reads as follows: |

“**CHAPTER 27.2**

***PROCEEDINGS ON PROCUREMENT DISPUTES***

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| **Article 234.5.** | Procurement disputes examined under special adversary proceedings and time limit for the settlement thereof |

1. The court shall, as prescribed by this Chapter, examine and settle disputes — prescribed by part 1 of Article 46 of the Law of the Republic of Armenia “On procurement” — related to appealing against acts (omissions) and decisions of the contracting authority and the evaluation commission.

2. Procurement disputes shall be examined and settled within thirty days after taking the statement of claim into proceedings. Upon a reasoned decision of the court, the time limit provided for by this part may be extended once, for up to ten calendar days.

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| **Article 234.6.** | Taking the statement of claim into proceedings and the actions of the court thereafter |

1. The court shall decide on the issue of taking the statement of claim into proceedings within a period of three days following its submission.

2. By taking the statement of claim into proceedings, the court shall concurrently render a decision on requiring from the respondent all the evidence in regard to the procurement process under the possession of the respondent.

3. The decision on requiring evidence shall be executed within a period of five days following the receipt by the respondent of the decision.

In case of failure to comply with the decision on requiring evidence from the respondent within the time limit provided for by this part, the case shall be examined based on the evidence available therein, and the facts invoked by the claimant to be confirmed by the evidence under the possession of the respondent, shall be deemed as confirmed.

4. The court shall join under single proceedings the cases concerning the same procurement process and pending in its proceedings, related to disputes envisaged by this Chapter.

5. The decision on taking the statement of claim into proceedings shall be immediately forwarded to the official e-mail address of the authorised body defined in the Law of the Republic of Armenia “On procurement”. The authorised body shall immediately publish the decision provided for by this part in the journal envisaged by point 14 of part 1 of Article 2 of the Law of the Republic of Armenia “On procurement”, with a reference to the suspension date.

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| **Article 234.7.** | Time limit for responding to the statement of claim |

1. A response to the statement of claim shall be submitted within a period of five days following the receipt of the decision on taking the statement of claim into proceedings.

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| **Article 234.8.** | Peculiarities of the procedure for court notification |

1. Participants of the proceedings and their representatives shall be notified on the time and venue of the court session, as well as on performing specific procedural actions as provided for by this Code, by receiving subpoenas and other documents through means of electronic communication to the e-mail address mentioned in the statement of claim, in the procedure prescribed by Article 97 of this Code.

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| **Article 234.9.** | Procedure for examination of cases |

1. The court shall examine cases related to disputes envisaged by this Chapter and render judgments and decisions thereon through a written procedure, except for cases where the court, upon motion of the person participating in the case or on own initiative, has come to the conclusion that it is necessary to examine the case in the court session.

2. A motion on examining the case in a court session may be presented by a person participating in the case prior to expiry of the time limit prescribed for responding to the statement of claim.

3. The court shall render a decision on examining the case in a court session within a period of three days upon expiry of the time limit prescribed for responding to the statement of claim.

4. The issue of examining the case in a court session may also be resolved by the decision on taking the statement of claim into proceedings.

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| **Article 234.10.** | Rules on distribution of burden of proof under a  procurement dispute |

1. The burden of proof as to the circumstances underlying the disputed acts (omissions) and decisions, and as to having observed the procedure established by law, other legal acts based on which such acts (omissions) have been committed and decision has been adopted, shall be borne by the respondent.

2. The respondent may submit evidence justifying the lawfulness of the disputed acts (omissions) and decisions only during the execution period of the decision on requiring evidence, except for the cases where the respondent justifies the impossibility of submitting evidence due to reasons beyond his or her control.

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| **Article 234.11.** | Suspension of procurement process |

1. Appealing against acts (omissions) and decisions of the contracting authority and the evaluation commission (except for decisions provided for by part 2 of Article 6 of the Law of the Republic of Armenia “On procurement”) shall automatically suspend the procurement process for a period comprising the day of publishing the decision provided for by part 5 of Article 234.6 of this Code and until the day of entry into force of the final judicial act rendered by the court of first instance based on results of examination of the dispute.

2. Where it is necessary to continue the procurement process due to public interests or defence and national security interests, the court shall render a decision on cancelling the suspension of the procurement process based on the written motion of heads of bodies established by part 1 of Article 2 of the Law of the Republic of Armenia “On procurement”, and in case of legal entities – the written motion of the head of the executive body. The court shall immediately forward the decision provided for by this part to the official e-mail address of the authorised body defined in the Law of the Republic of Armenia “On procurement” on the very day of rendering the decision. The authorised body shall immediately publish such decision in the journal envisaged by point 14 of part 1 of Article 2 of Law of the Republic of Armenia “On procurement”.

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| **Article 234.12.** | Entry into legal force of judgments rendered with regard to procurement disputes |

1. The final judicial act of the court with regard to disputes related to appealing against acts (omissions) and decisions of the contracting authority and the evaluation commission shall enter into force from the date of its promulgation.

2. The concluding part of the court judgment or another final judicial act with regard to the disputes related to appealing against acts (omissions) and decisions of the contracting authority and the evaluation commission shall be forwarded to the official e-mail address of the authorised body defined in the Law of the Republic of Armenia “On procurement” on the date of its promulgation. The authorised body shall immediately publish the concluding part of the court judgment or another final judicial act in the journal envisaged by point 14 of part 1 of Article 2 of Law of the Republic of Armenia “On procurement”.”

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| **Article 6** | This Law shall enter into force from the first day of the fourth month following the day of official promulgation. |

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| **Acting President of  the Republic of Armenia** | **A. Simonyan** |
| 8 February 2022  Yerevan  HO-7-N |  |

**Date of official promulgation: 8 February 2022.**