

**New types of cases examined in the special adversary proceedings:
cases on public or alternative service and on challenging the legality of
the notarial actions: Reference to the changes in the Civil Procedure Code
of the RA**

Over the past few months, several significant changes have been made to the Civil Procedure Code of the Republic of Armenia (hereinafter referred to as the Code). A significant part of the amendments will enter into force on 01.01.2025 and are included in the Law HO-222-N "On Amendments and Additions to the Civil Procedure Code of the Republic of Armenia". This article will discuss some of these changes.

This article does not address to the specifics of the new type of special proceedings provided by the Law No. HO-117-N of 02/28/2024, that is, the case of entering the outbreak of the disease without the consent of a person, conducting an epidemiological survey (investigation) and /or preventive and anti-epidemic measures, which will enter into force on 09/27/2024. To the specifics of the proceedings in cases concerning the protective order provided by the Law "On the Prevention of Family and Domestic Violence and Protection of persons Subjected to Family and Domestic Violence", in Law No. ZR-171-N dated 04/12/2024 "On Amendments to the Civil Procedure Code of the Republic of Armenia". To the additions and amendments made to the Civil Procedure Code of the Republic of Armenia within the framework of the Law "On Enforcement Proceedings" dated 04/11/2024 HO-193-N. Within the framework of these laws, we will touch upon the amendments and additions made to the Civil Procedure code of the RA with additional publications.

1. The disputes connected with passing of public or alternative service, its implementation, dismissal from service.

By virtue of the changes in the law, the

disputes related to public or alternative service transition, implementation, dismissal from service (hereinafter also referred to as public or alternative service disputes) will be examined by courts of general jurisdiction. It is worth noting that the administrative court of RA will continue to examine the above-mentioned cases until the law enters into force.

It should also be noted that the legal regulations regarding public or alternative service disputes are included in Chapter 24 of the Code under the heading "Procedures on individual labor disputes", under which conditions, with certain exceptions, the legal regulations defined for disputes examined by special adversary proceedings are applicable to the resolution of public or alternative service disputes.

The court establishes the actual circumstances on public or alternative service disputes on position ("ex officio") which means the court is not connected by the proofs, petitions, offers, explanations and objections and may freely, on his own initiative, take adequate measures to obtain possible and accessible information about the real facts necessary to resolve a particular case.

In addition, a special short term has been established for submitting a claim to the court with public or alternative service disputes: one month from the moment of the entry into force of the relevant legal act or from the moment of the performance of the relevant action (inaction).

In disputes related to employment issues, as well as in disputes regarding public or alternative service, the responsibility to prove the facts of compliance with the legal procedure or the procedure defined by other normative acts

or internal legal acts of the employer, which underlie the contested individual legal act or action/inaction, rests with the respondent. The respondent is also obligated to present the evidence substantiating these facts within one week after the initiation of the claim.

Unlike the public or alternative service disputes currently being reviewed in the administrative court of Armenia, the Law amendments directly stipulate that the court must declare the contested individual act invalid in all cases if it does not specify the relevant factual or legal basis, or when the competent authority or official has violated the procedure established by law, other normative acts, or the internal legal acts of the employer when adopting the individual act.

Both cases concerning the enforcement of calculated and unpaid wages and other payments related to employment relations, as well as cases regarding the enforcement of payments in public or alternative service disputes, may be examined under accelerated trial.

The disputes connected with challenging the legality of the notarial actions.

From the date of entry into force of the law, January 1 2025, cases challenging the legality of notarial actions or the refusal to perform notarial actions, as well as cases seeking compensation for damages caused by the refusal to perform notarial actions (**hereinafter referred to as cases challenging the legality of notarial actions**), will be included in the list of cases subject to special adversary proceedings and will be examined in general jurisdiction courts. Under the previous regulations, cases challenging the legality of notarial actions were examined and will continue to be examined in the administrative court of Armenia until the Law enters into force.

2. The Law sets specific, shortened time limits for filing claims in cases challenging the legality of notarial actions.

Specifically, such claims may be submitted to the court within three months from the date when the claimant became aware or could have become aware of the performance or refusal of the contested notarial action. Additionally, in cases challenging the legality of notarial

actions, the person may also file a claim for compensation for damages caused as a result, with the statute of limitations for such claims being three years.

In cases challenging the legality of notarial actions, the claims presented are generally similar to those presented in cases examined under the ordinary claim procedure.

Cases challenging the legality of notarial actions follow rules regarding the submission of evidence and the distribution of the burden of proof that are similar to those used in employment dispute cases. Specifically, while the court accepts the claim for consideration, it also issues a decision requiring the respondent to provide all relevant evidence. Additionally, the respondent has the obligation to prove that the procedure for performing or refusing to perform the notarial action complies with the requirements established by law and other legal acts.

In cases challenging the legality of notarial actions, the court issues a decision either declaring the action unlawful and remedying its consequences or ordering the performance of the requested action, as well as awarding damages if such a claim is present.

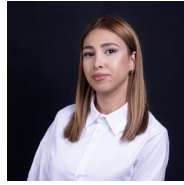
It should be noted that the changes in the Law do not apply to petitions seeking the annulment of orders issued by a notary for the enforcement of monetary claims. However, the aforementioned changes are applicable to cases challenging the legality of actions by officials authorized to perform notarial acts.

You can review the above changes [here](#).

About Author

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Sofya Kharatyan heads the family law practice of Concern Dialog. She provides counselling on marital and family matters, acts as a representative in the mediation stage of family disputes, and represents in guardianship and trusteeship bodies, in courts. Additionally, she provides consultation and representation in initiating and ongoing cases under the Hague Convention on "Civil Aspects of International Child Abduction."

Sofya Kharatyan is also actively involved in other civil litigations. She has 5 years of experience practising as an attorney. Joined Concern Dialog team in 2020.

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The firm is renowned for its work in the areas of corporate law, labour law, competition law, tax law, contract law, family law (including child abduction cases), and regulatory issues. Concern Dialog has extensive experience in regulatory matters in TMT, mining, energy, utilities, banking and finance, medical services, real estate, and not-for-profit sectors. In addition to its renowned consulting and transaction practice, the firm's litigation practice is regarded as one of the leaders in Armenia for landmark litigation and arbitration cases.

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