REGULATIONS ON MARTIAL LAW

This document provides legal information on martial law as well as updates on the existing regulations related to the martial law regime.
Contents

Part I

Regulations regarding martial law regime
- What is martial law?
- When is martial law declared?
- Which body is authorized to declare martial law?
- What measures can be taken? What restrictions can be applied in case of martial law?
- What guarantees are there for the rights of individuals and legal entities during martial law?
- What are the responsibilities of individuals and officials during martial law?
  - Responsibility of individuals and officials during the operation of martial law.
  - Criminal liability.
  - Administrative liability.

Part II

Martial law regime in the Republic of Armenia
- Rules in force during the legal regime of martial law
- The Law of the Republic of Armenia "On granting tax privileges during the period of martial law"
- RA Law “On amendments to RA Labor Code”

Contacts
Part I

Regulations regarding martial law regime
1. What is martial law?

Martial law is a temporary measure carried out exclusively in case of an armed attack on the Republic of Armenia, its immediate danger or the declaration of war, which defines:

- special legal regime for the activities of public administration, local self-government bodies, organizations
- Allows the establishment of certain restrictions on the rights of legal entities, citizens of the Republic of Armenia, foreign citizens and stateless persons, additional restrictions on them.

2. When is martial law declared?

A state of martial law is declared only in the presence of circumstances that directly threaten the sovereignty, security and territorial integrity of the Republic of Armenia, and consequently the lives and security of its citizens.

Such circumstances are:

a) the invasion of the territory of the Republic of Armenia by the armed forces of another state, the occupation of any territory of the Republic of Armenia as a result of such an invasion;

b) the existence of an immediate danger of invading the territory of the Republic of Armenia by the armed forces of another state;

c) bombing of the territory of the Republic of Armenia by the armed forces of another state;

d) the attack on the armed forces or other troops of the Republic of Armenia by the armed forces of another state, regardless of their location;

d) actions of another state, which allow a third state to use its territory to carry out an armed attack on the Republic of Armenia;

e) armed encroachments of armed groups, destabilizing forces or mercenaries on the territory of the Republic of Armenia or acting on its behalf by another state.

3. Which body is authorized to declare martial law?

The Government of the Republic of Armenia declares martial law. In case of declaring martial law, the Government of the Republic of Armenia addresses the people with a message;
In case of declaring martial law, a special sitting of the National Assembly of the Republic of Armenia is immediately convened by force of law. The National Assembly can decline the regime of martial law.

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4. What measures can be taken? What restrictions can be applied in case of martial law?

- Implementation of special financial, credit, tax, customs, border-banking state policy in accordance with the legal regime of martial law, restrictions on the circulation of certain types of financial and economic activities, including the provision of services, goods and financial resources;

- Defining the tasks to be performed by the organizations (regardless of the organizational-legal aspect) of the production of the products of special importance for the economy, defense and the vitality of the population of the Republic of Armenia;

- Restriction or prohibition of the sale of weapons, ammunition, explosives-toxic substances, special means; suspension of the activities of organizations using chemical and biologically hazardous substances. If necessary, it is allowed to temporarily confiscate weapons, ammunition, toxic substances from citizens, and weapons, ammunition, military and training military equipment, explosives and radioactive materials from organizations;

- In special cases, in connection with the need to carry out protection, accident recovery and other urgent works, involvement of the population able to work and means of transport;

- Establishment of a special order of sale, purchase, circulation of food, medicine, essential goods;

- Restriction of the right of free movement in the territory declared martial law, as well as the establishment of a special regime for entering or leaving the territory, which includes restrictions on foreign citizens entering and staying in the territory;

- Restriction of the right to freedom of assembly, prohibition of strikes, other measures to suspend or suspend the activities of organizations, propaganda against the defense and security of the Republic of Armenia in the conditions of martial law;

- Restriction of freedom of expression in the manner prescribed by law, such as temporary confiscation or detention of printing materials, radios, amplifiers, duplicators, special rules for the accreditation of journalists, and special rules for the use of the media.

- It is not allowed to hold a referendum during martial law.

- No national Assembly elections are held during martial law or state of emergency.

- A draft decision of the National Assembly on expressing no confidence to the Prime Minister during a state of emergency or martial law may not be submitted or discussed

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5. What guarantees are there for the rights of individuals and legal entities during martial law?
Individuals suffering from the circumstances that served as a basis for declaring martial law or actions to eliminate them are compensated for the material damage suffered, the necessary assistance shall be provided in accordance with the procedure established by the Government of the Republic of Armenia.

Individuals and legal entities whose property and other means have been used to eliminate the consequences of martial law have the right to receive adequate compensation in accordance with the procedure established by the Government of the Republic of Armenia.

6. What are the responsibilities of individuals and officials during martial law?

Individuals and officials are obliged to fulfill the requirements of the forces ensuring the legal regime of martial law in the area of declared martial law, as well as to participate and to support the implementation of measures aimed at ensuring the legal regime of martial law.

7. Responsibility of individuals & officials during the operation of martial law.

Individuals or officials who have violated the requirements of the legal regime of martial law shall be liable in accordance with the law.

7.1. Criminal liability.

Continuing to carry out economic activity suspended due to violation of the rules of martial law is punishable by imprisonment for a maximum of three years.

Violation of the rules of publication or dissemination of information during martial law, which has caused significant damage to the rights or legitimate interests of individuals or organizations or the legitimate interests of society or the state, is punishable by a fine of 2,000 to 3,000 times the maximum wage or imprisonment for up to 2 years.

Measures established during the martial law and violation of temporary restrictions, which negligently caused the death of a person or other serious consequences, is punishable by imprisonment for a maximum of five years.

Obstructing the activities of the bodies ensuring the legal regime of martial law, which negligently caused the death of a person or other serious consequences, is punishable by
imprisonment for a maximum of six years.

Desertification committed during martial law, war, or war is punishable by six to twelve years in prison.

7.2. Administrative responsibility

Restriction of the right to move freely in the territory declared martial law or violation of the special regime of entering or leaving the territory shall be punishable by a fine in the amount of two hundred to three hundred times the minimum wage.

Violation of restrictions on the circulation of certain types of financial and economic activities, including the provision of services, goods and financial resources, shall result in a fine in the amount of five hundred to one thousand times the minimum wage.

Violation of the established special order of sale, purchase, circulation of food, medicine, essential goods, shall result in imposition of a fine in the amount of five hundred to one thousand times the established minimum wage.

Violation of the ban on being on the streets and other public places without identification documents in case of curfew shall result in a fine in the amount of one hundred to two hundred times the minimum wage.

Violation of the rules of publication or dissemination of information by a media operator during martial law, non-observance of the special accreditation procedure by a journalist, violation of special rules for the use of means of communication shall result in a fine in the amount of seven hundred to one thousand times the minimum wage.

Violation of the rules of publication or dissemination of information by persons not engaged in media activities during the state of martial law or violation of the rules of restriction of freedom of expression shall result in a fine in the amount of three hundred to seven hundred times the minimum wage.

Violation of the restriction or prohibition of the sale of weapons, ammunition, explosives-toxic substances, special means, violation of the special regime of circulation of narcotic, psychotropic, strong-acting drugs, drugs, ethyl alcohol, alcoholic beverages, alcohol-containing products, impose a fine in the amount of five hundred to a thousand times the minimum wage.

Refusal of a person able to work to engage in protection, civil protection measures, accident rehabilitation or other urgent work in the prescribed manner shall result in imposition of a fine in the amount of three hundred to five hundred times the minimum wage.

In case of martial law, organizing strikes, holding rallies, participating in them, violating the ban on other activities that suspend or suspend the activities of organizations shall result in a fine in the amount of four hundred to seven hundred times the minimum wage.

Failure to perform or improperly performed by organizations (regardless of the organizational-legal aspect) of the Republic of Armenia's economy, defense, production of products of special importance for the life of the population (including production and import of medicines, medical products) shall result in a fine from five hundred to one thousand times the minimum wage.

Obstructing the activities of the bodies ensuring the legal regime of martial law shall result in the
imposition of a fine in the amount of two hundred to five hundred times the minimum wage.
Part II
Martial law regime in the Republic of Armenia
The organization and holding of rallies, strikes, and participation in rallies are prohibited throughout the territory of the Republic of Armenia;

Publications, information materials, interviews, reports on the movement of civilians (groups) due to the hostilities in the Republic of Armenia, their directions, military equipment, armed forces and other troops, civilians (groups) due to hostilities, losses caused by hostilities, the public dissemination and transfer of other information directly related to them (hereinafter referred to as the report), including on websites, social networks (hereinafter referred to as publications) shall be made exclusively with reference to official information (hereinafter referred to as official information) provided by state bodies in full, reflecting official information (without editing);

Publication of statements criticizing, refuting, questioning or otherwise devaluing actions (including speeches, publications) of state and local government and officials is prohibited.

Propaganda against the defense and security of the Republic of Armenia and the Republic of Artsakh is prohibited, including the publication of programs questioning the defense capacity of the Republic of Armenia and the Artsakh Republic.


Restrictions on the right of free movement may be applied throughout the territory of the Republic of Armenia. The National Security Service of the Republic of Armenia, the Police of the Republic of Armenia, the Ministry of Defense of the Republic of Armenia, the Ministry of Emergency Situations of the Republic of Armenia may prohibit persons from entering or leaving any administrative unit or any separate territory (road) of the Republic of Armenia. due to the need for security.
The Law of the Republic of Armenia "On granting tax privileges during the period of martial law"

On October 21, 2020

The law defines that:

1) Importation of goods with the status of goods of the Eurasian Economic Union by taxpayers from the member states of the Eurasian Economic Union during the period of martial law is exempt from value added tax, excise tax and (or) environmental tax, if those goods are provided free of charge (donated) to the Ministry of Defense, the Ministry of Emergency Situations and (or) the Ministry of Health,

2) According to the RA Tax Code, persons bearing the obligation of marking are released from that obligation in case of free delivery (donation) of the goods subject to marking to the Ministry of Defense, the Ministry of Emergency Situations and (or) the Ministry of Health.


On October 21, 2020

The law aims to create an opportunity for commercial banks and credit organizations to forgive the debt obligations of individuals who have died or become disabled as a result of hostilities, as well as their spouse, cohabiting child or cohabiting parents, without incurring additional tax liabilities.

The law creates an opportunity for commercial banks to forgive both unreliable and reliable credit liabilities.

The law envisages considering the forgiveness of the loan as a deductible income for individuals, so that tax agents do not have to calculate for the forgiven amount and pay income tax to the budget.

If fully adopted, these amendments will apply to loans received by persons defined by this law before the end of martial law after September 27, 2020, interest accrued on them, penalties and (or) fines.

The law stipulates that the following shall not be considered income for profit taxpayers for the purpose of determining the profit tax base.

Assets deducted from gross income for tax purposes (including interest, penalties and / or penalties accrued before and after being declared unreliable) if forgiven, recognized as unreliable in respect of dead or disabled natural person, his / her spouse, cohabiting child or cohabiting parent as a result of military operations registered in banks and credit organizations and jointly approved by the Government authorized body and the Central Bank of the Republic of Armenia.
The amount of the forgivable loan and (or) fines, granted by the banks or credit organizations to a sole proprietor or notary, which has died or has become disabled as a result of hostilities during the state of martial law, his spouse, his cohabiting child or cohabiting parent.

In order to determine the tax base of resident banks, credit organizations, assets not yet recognized as unreliable in accordance with the procedure established by the Government and the Central Bank of the Republic of Armenia in respect of a natural person who died or became disabled as a result of hostilities during those martial law registered in those banks and credit organizations (including interest, penalties and / or fines) shall be deducted from gross income.

The law also stipulates that, in order to determine the tax base, deductible income is considered to be:

- Income of a natural person who has died or become disabled as a result of hostilities during hostilities in a state of martial law, his / her spouse, cohabiting child or cohabiting parent as a result of a loan forgiveness granted by a resident bank or credit organization.

**RA Law “On amendments to RA Labor Code”**

*On October 09, 2020*

The law stipulates that:

- In case of both voluntary mobilization and conscription of the employee, the employer is obliged to maintain his workplace (position).
- The employees shall be exempted from performing employment duties based on the notice of conscription or a reference on being engaged in military defense operation on voluntary basis.
- The remuneration shall be decided based on mutual agreement of parties; the only obligation for the employer is to maintain the position.
- The period when the employee was engaged in military operations both on voluntary and mandatory basis, shall be included in calculating work experience,
- The period of military operations as well as the remuneration provided by the employer shall not be calculated for defining the average salary,
- Working year, for which annual leave is granted, shall also include the period of mandatory or voluntary participation in military operations.

The new amendments are in force starting from 27.09.2020 - the commencement of martial law.

**RA Government decision "On a temporary ban on the import of goods of Turkish origin"**
The decision states to temporarily ban the import of a number of goods of Turkish origin to the Republic of Armenia.

Products of Turkish origin, the import of which is banned, include in particular confectionery, medicines, pharmaceuticals, clothing, clothing accessories, machinery, equipment and mechanisms, non-precious metals and articles prepared from these, petroleum products, perfumes, laundry means and other products.

The decision will enter into force on December 31, 2020 and will operate for a period of 6 months, in accordance with the provisions of the Treaty on the Eurasian Economic Union of May 29, 2014.

Notice: With respect to determining the country of origin of the product. According to the RA Law on Customs Regulation, the country of origin of a product is the country where the product was fully produced or last sufficiently processed. Sufficient processing criteria are the works resulting in:
1) any change of the first four digits of the product code in the FEZ NL;
2) the Percentage of cost and added value of materials of national origin used in the production of the given product not less than 30% of the release price (supply) of the product. Moreover, the release price of that product does not include indirect taxes, trade overlays and other costs related to transport, insurance and maintenance.

The decision to approve the list of measures to ensure the implementation of the law "On Making Amendments to the Law on Protection of the Population in Emergency Situations"

On October 16, 2020, the Prime Minister of the Republic of Armenia signed a decision approving the list of measures to ensure the implementation of the Law on Making
Amendments to the Law on Protection of the Population in Emergency Situations.

According to Article 19 of the Law, natural and legal persons, whose property or other means have been used for the implementation of measures to protect the population in emergency situations, have the right to receive adequate compensation in the cases defined by the Government of the Republic of Armenia.

By the decision of 16.10.2020, it was determined that by the first ten days of November 2020, a draft law on the procedure, cases and amount of compensation for the use of property of individuals will be submitted to the RA Prime Minister's Office.

In addition to the above, the staff of the RA Administration is expected to submit a draft on the conditions of material and technical support and funding procedure of state bodies during the quarantine period.
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