

FREEDOM OF INFORMATION CENTER OF ARMENIA

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Project Director: Shushan Doydoyan



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ASSETS AND INCOME DECLARATIONS OF RA OFFICIALS FOR 2008

Ministers' incomes

In October 2009 FOICA received from the RA State Revenue Committee all the statements pertaining to the data incorporated in the assets and income declarations by all ministers for 2008. Only the data of Gevorg Petrosyan, Minister of the Labor and Social Affairs were not provided because the latter has been holding this position beginning from the 12th of May 2009.

During 2008 Gerasim Alaverdyan, Minister of Agriculture and Armen Ashotyan, Minister of Education and Science had other positions and respectively submitted assets and income declaration on incomes earned during the time of taking other positions. Gerasim Alaverdyan, Minister of Agriculture previously worked at Control Chamber in a capacity of the head of state budget control department, meanwhile Armen Ashotyan, Minister of Education and Science was a Parliament Member, head of commission.

The analysis of the data provided by the RA State Revenue Committee showed that for the given period of time only 4 of 17 ministers, who submitted the property and income declarations, had purchased any movable or immovable property. So, E. Nalbandyan, Minister of Foreign Affairs alienated «Chevrolet» mark of car in 2008, purchasing nothing instead. G. Sargsyan, Minister of Transport and Communication purchased a building, 2 land-plots, purchasing instead a building and 1 land-plot. Two of the ministers, without alienating anything, purchased new property – a landplot for each: Minister of Sport and Youth and Minister of Urban Development.

In 2008 only Gurgen Sargsyan, Minister of Transport and Communication, had property income by the amount of 18.400.000 AMD. In 2008 income in foreign currency was earned by Edvard Nalbandyan, Minister of Foreign Affairs, which constituted 13.173EUR, and Minister of Agriculture –10.000USD. In 2008 the highest income was registered with H. Kushkyan, Minister of Health. His income amounted to 381.607.396 AMD, which is 131 times more the lowest income (2.903.800 AMD)

which was with Hasmik Poghosyan, Minister of Culture, and 12 times more than the income of G. Sargsyan, Minister of Transport and Communication who is the third in the list by incomes (30.865.620 AMD, including the property income gained. Harutyun Kushkyan, Minister of Health, is followed by G. Sargsyan, Minister of Transport and Communications and A. Ashotan, Minister of Education and Science, owning respectively 30.865.620 AMD and 18.823.430 AMD of income.

As it was noted above, in 2008 the lowest income was with the Minister of Culture, constituting 2.903.800 AMD. She is followed by the Minister of Nature Protection and Minister of Sport and Youth, owning respectively 2.906.178 AMD and 3.131.900 AMD of income. The amount of income gained by the rest of the ministers in 2008 fluctuates from 3 to 12 million AMD. To avoid any inaccuracy, the incomes of the Minister of Foreign Affairs and Minister of Agriculture were not taken into account here, since their incomes consist also of amounts in foreign currency. The income of the Minister of Foreign Affairs amounted to 2.840.049 AMD and 13.173 EUR, meanwhile the income of the Minister of Agriculture was 9.722.600 AMD and 10.000 USD.

As a result of legislative changes the officials are not required to submit assets and income declaration for the affiliated persons any more. This means that the society cannot any longer get information on the assets and income of their spouses, children and other affiliated persons. In any case, the public nature of the statements makes the work of our ministers more transparent, and the public disclosure of their incomes increases confidence in them.

Kilometers the Armenian Ministers Have Passed

Freedom of Information Center sent information requests on 1.10.2009 to all the ministers of Armenia asking to provide information about the amount of petrol consumption in August 2009 and how many kilometers their service vehicles have covered during that period. The initiative contributed not only to make the activities of our ministers transparent to the public but it has another mission also – to find out which ministries implement the claims of the law on freedom of information the best.

First, it's worth comparing the covered roads and petrol consumption of ministers' service vehicles. In August, 2009, the total amount of petrol consumed by Armenian ministers forms 5128 liters and covered 26978km (this data excludes Ministries of Defense and Culture, as they've not provided information to FOICA, as well as Ministry of Territorial Administration, which says the figures of Minister's service vehicle are not recorded). Regarding the consumption of petrol, the leading nominee is the vehicle of the Minister of Territorial Administration which wasted 1075l of petrol in August exceeding about 10 times the vehicle of the Minister of Diaspora which wasted the least – 100l. The toll includes the Ministry of Urban Development the second as the minister's service vehicle consumed 450l.

The Ministries of Transport and Communication; and Justice have shared the third horizontal consuming 400l. The Ministries of Diaspora, Finance, and Sport and Youth Affairs conclude the toll as they have consumed the least amount of petrol – 100, 110 and 139 respectively. The rest of ministerial vehicles consumed from 160 to 360l of petrol. The Urban Development Minister V. Vardanyan's vehicle covered 2743 km in August which opens the ranking table. That figure 4 times exceeds the data provided by the Ministry of Finance – 700km. Minister of Emergency Situations Mher Shahgeldyan's and Labor and Social Affairs Minister Gevorg

Petrosyan's vehicles covered 2700 and 2550 kilometers respectively which place them in the second and third horizontals. The vehicles of Minister of Justice, 2534km; and Transport and Communication, 2500km, yield a little. The service vehicle of the Minister of Finance covered the shortest way – 700km. The rest of the ministerial vehicles covered from 817 to 2077km.

The service vehicles of the Ministers of Diaspora and Emergency Situations waste of 8.5l/km and 8.3l/km which is supposed a high figure. And the vehicles of Ministers of Agriculture, Foreign Affairs and Sport and Youth Affairs waste less 5.43l/km; 5.55l/km and 5,87l/km respectively. The rest of ministerial vehicles waste from 6.095 to 7.69l/km.

Requests have been sent to 18 ministers (including RA Vice PM, Minister of Territorial Administration Armen Gevorgyan). Only Culture Ministry didn't answer to FOICA request. The Ministry of Defense rejected to answer the request claiming that information about Defense Minister's service vehicle can't be given taking into account the activities and functions of the Minister which might contain a military secret. Other requests have been answered completely and accurately. The Ministry of Emergency Situations provided the only electronic answer on 14.10.2009. Other answers to the requests have been sent either via mail or handed by a ministry's representative. The efficiency of the ministries providing answers to the requests also

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differs. The quickest answer to the FOICA request was provided by the Ministry of Foreign Affairs. The answer dated on October 7, 2009, FOICA has received just the same day. The Ministries of Territorial Administration, Transport and Communication, Finance, Urban Development, Labor and Social Affairs follow the Foreign Affairs Ministry, as their answers were received on October 12, 2009; answers from Ministries of Diaspora and Education and Science FOI received on October 13, 2009; Ministry of Emergency Situations – October 14, 2009 and finally, Ministry of Sport and Youth Affairs – October 15, 2009.

The worst result regarding the deadlines has been recorded by the Ministry of Nature Protection – the answer dated on October 28, 2009 FOICA received on October 30, 2009. Health Ministry also registered an inefficient figure – the answer dated on October 23, 2009 was received on October 26, 2009. Other ministries have also registered inefficient figures – Ministry of Defense, Ministries of Energy and Natural Resources – October 16, 2009; Justice Ministry and Ministry of Economy – October 19, 2009. FOICA took into consideration the dates when the answers had been received while analyzing the time frames.

To conclude, the answers might be ready even sooner than they were received either because of the post service or ministry bureaucracy. It's worth stating that the answers from the ministries, excluding Ministries of Foreign Affairs and Emergency Situations were dated 2-7 days earlier, than the date of actual receipt.

FOICA registered no partial responses. Only Ministry of Territorial Administration hasn't provided information about how much minister's service vehicle covered as that information isn't generally recorded. They just don't possess that kind of information. The ministry, instead, provided information about petrol consumption of the Vice PM's service vehicle in August, and stated that 175l of petrol is provided weekly. Though we stated that no partial response was received, several ministries could be differentiated by the content of the information provided by them. It's remarkable that though the Ministry of Environmental Protection response was late, how even it provided the best content of answer. The ministry provided additional information (except the requested information on the amount of petrol consumption in August 2009 and how many kilometers their service vehicles have covered during that period) citing the mark, state registration number of the car, as well as information about the Minister left for holidays in the beginning of August, hence the data covered the period of August 15-31.

The answers received from the Ministries of Emergency Situations and Urban Development are positive also which refers the visits that the ministers have made to the communities. They have also provided clarifying notes about the petrol and run of the vehicles. The Ministry of Diaspora has also provided information about the type of petrol – premium, used for the minister's vehicle.

Find information about petrol consumption and covered roads of RA Ministers' service vehicles for August 2009 in the FOICA website: <http://www.foi.am/am/rcontent/16/1829/>

Regional Governors' incomes

In October 2009 FOICA received from the RA State Revenue Committee all the statements related to the data incorporated in the assets and income declarations by all governors.

During 2008 S. Sahakyan, Governor (marzpet) of Aragatsotn, took the position of Deputy Governor of Aragatsotn, so the assets and income declaration was submitted by him for the incomes gained while taking this position. In 2008, only 2 of 10 governors, who submitted declarations, alienated or purchased any property, more precisely – only immovable property. The Governor of Shirak purchased 1 landplot and 6 buildings and constructions, alienated 2 buildings and constructions not acquiring anything in return.

During 2008 only the Governor of Shirak gained income in foreign currency by the amounted to 78 USD, and the amount of the property income constituted 7.620.000 AMD.

During 2008 the highest income was with the Governor of Lori, which amounted to 35.070.600 AMD. His income approximately 17 times is as much as the lowest income (the Governor of Aragatsotn) gained among the governors in 2008, which made 2.074.713 AMD, and 2 times as much as the highest income of the minister second in the

list in 2008, which was with Lida Nanyan, Governor of Shirak (16.401.983 AMD including property income). The Governor of Lori is followed by the Governor of Shirak with 16.401.983 AMD of income.

In 2008, the lowest income was with the Governor of Aragatsotn. In 2008 being the deputy Governor of Aragatsotn he gained income amounted to 2.074.713 AMD. The amount of the income of each of all the rest of the governors does not exceed 3 million AMD. In 2008 the governors of Armenia all together had 71.310.636 AMD of income (of which 7.620.000 property income) and 78 USD in foreign currency. For comparison only it should be noted that jointly the incomes of all governors are 5 times as less as the highest income gained in 2008 among the ministers, i.e. the income of Harutyun Kushkyan, Minister of Health (381.607.396 AMD).

Find information about data incorporated in the assets and income declarations by all regional governors in the FOI website:

<http://www.foi.am/am/content/101/>

FOI COURT CASES

FOICA vs. “Rule of Law” Party

FOICA applied to court on 26 June, 2009, claiming to oblige “Rule of Law Party” to provide requested information within 5 days. FOICA sent an information request asking to provide:

1. the copy of financial report 2008, which should cover information defined by the RA “Law on parties” article 28, part 3,
2. information about those financial sources which donation valued more than the centuple of minimal salary, defined by the law.

FOICA sent the request to the party's President Arthur Baghdasaryan on 21 April, 2009; the answer was received partially violating deadlines. Center and Norq Marash Court of general jurisdiction discussed FOICA's claim against “Rule of Law Party” chaired by Judge G. Karakhanyan on 4 September, 2009. During the court session the judge demanded the copy of “Rule of Law” Party's financial report from the State registry, herefor the session was postponed.

The final session was scheduled on 22 October, 2009. The court decision was published during the session dated on 22 October, 2009, which rejected

FOICA's case against “Rule of Law” Party. The court defined that if the Center found the provided information incomplete it was supposed to submit another written application to the party, and if the party didn't provide verified information free of charge only in this case the law on Freedom of Information could be considered violated.

Regarding the charities, if the report blank doesn't provide such kind of information, it means they weren't granted any charity, as according to the decree of Justice Minister dated 31.03.1005 the charities exceeding centuple of minimal salary should be registered. To conclude, FOICA should be aware of Minister's of Justice decree, should analyse the report and answer to the second point of its request. But the report covered only 2008 while FOICA requested general information without mentioning any date.

The court defined that the second question was a logical continuation of the first one, yet it's not so, as the second question was a separate one having no dependence to the first. However, the court decision defined that FOICA received complete and comprehensive information.

FOICA vs. National Technical Safety Center SNCO

On September 17, 2009, the Freedom of Information Center sent an information request to the head of the "National Technical Center" state non commercial organization Mr. Ashot Poghosyan to provide the following information:

1. How many private companies conducting an expert examination are registered in the SNCO's Register by August 1st 2009? To whose name are those companies registered? Please indicate names of the companies which received a license.
2. Please, provide the SNCO staff lists for 2008 and 2009 years, and the list asserting the volume of the staff employees' salaries for the same period.

With a half page answer the National Technical Center SNCO informed, that the FOICA had to apply for the requested information to the press secretary of the Ministry of Emergency Situation. On September 29, 2009, FOICA appealed the answer in the Court of the General Competence of Center and Nork-Marash administrative districts demanding complete information from SNCO and exposing of the administrative responsibility.

On January 14, 2010, the Court of the General Competence of Center and Nork Marash administrative districts heard the case "FOICA vs. National Technical Safety Center SNCO". The final session was scheduled on 29 January, 2010, when the court decision will be published.

FOICA vs. the "Armenian National Congress" Pact

On April 21, 2009, the Freedom of Information Center sent an information request to the head of the "Armenian National Congress" Pact Levon Ter-Petrosyan to provide the following information:

1. the copy of financial report 2008, which should cover information defined by the RA "Law on parties" article 28, part 3,
2. information about those financial sources which donation valued more than the centuple of minimal salary, defined by the law.

The FOICA's information request remained unanswered. Thus, on June 26, 2009 the FOICA filed a lawsuit in the Court of the General Competence of Center and Nork-Marash political districts demanding the requested information from the "Armenian National Congress" Pact in five days.

At the preliminary court hearing the representatives of the "Armenian National Congress" Pact didn't appear in the court, but sent a written answer, mentioning, that they didn't have to answer to the FOICA's information request, as they weren't an information holder.

On December 22, 2009, the Court of the General Competence of Center and Nork Marash administrative districts decided to close the court case FOICA vs. the "Armenian National Congress" Pact without examining that according to the essence.

The court case was closed by the following reason: according to the RA Code of Civil Legal Procedure only judicial and natural persons may be as a respondent at the court in civil cases. Thus, as the "Armenian National Congress" Pact is a union of parties, it can not be a respondent at the court, because the "Armenian National Congress" Pact is neither a natural person nor a judicial person. Despite according to the Electoral Code of RA the Pact has certain rights and responsibilities, it is impossible to give the "Armenian National Congress" of the legal action.

It is obvious that unequal conditions are set among the "Armenian National Congress" Pact and other parties which participated in the elections.

FOI LEGISLATION

Package of the Freedom of Information Legislation Reforms

The package of the proposed amendments was developed by the MP Mr. Viktor Dallakyan, co-author of the current FOI Law and the RA Ministry of Justice by the initiative of FOICA. FOICA succeeded to consolidate efforts of all the possible parties, the Government, civil society, National Assembly, and as a result a progressive joint package of reforms was developed. A number of discussions with local and international organizations, state PR departments representatives were organized over the draft. In fact, this process of legislative amendments is very unique for Armenia when the civil society, the government and the National Assembly work together on the reforms.

In November, 2009 the draft legislative package was received its final approval by the RA Government. Afterwards, it was sent to the RA National Assembly as a joint legislative initiative of the Parliament and the Government. The legislative reforms package was discussed in the standing committees of the National Assembly on Human Rights and State–Legal issues. It was approved and finally included in the agenda of the Parliament.

The legislative package includes the following pieces of laws:

- RA Draft Law on making amendments to the RA Law FOI,
- RA Draft Law on making amendments to the RA Law on State Duties,
- RA Draft Law on making amendments to the RA Law on Local Duties and Charges,
- RA Draft Law on making amendments to the Criminal Code,
- RA Draft Law on making amendments to the Administrative Code.

Herebelow, please find the proposed amendments to the RA Law on FOI.

LAW OF THE REPUBLIC OF ARMENIA

ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE REPUBLIC OF ARMENIA

LAW ON FREEDOM OF INFORMATION

Article 1. Remove the words “as well as” from Article 1.2 of the RA Law on Freedom of Information (HO-11) dated 23 September 2003 (hereinafter referred to as Law).

Article 2. In Article 3 of the Law:

- 1) Remove the words “as well as” from para 4;
- 2) Replace the words “and communication” in para 5 with the words “, communication and mass media”;
- 3) Add the words “, electronic” in para 6 after the word “written”;
- 4) Read para 7 as follows:

“Publication - making the information decently (relevantly) available and accessible for population via official bulletins, mass media, internet and other means not prohibited by the legislation.”.

Article 3. Read Article 4 of the Law as follows:

Main principles of securing information freedom are:

- a) Legality,
- b) Preciseness,
- c) Non-discrimination;
- d) Ensuring accessibility of information provision;
- e) Protection of the freedom to seek and get information;
- f) Publicity.

Article 4. Repeal void Article 5 of the Law.

Article 5. In Article 6 of the Law:

- 1) Replace the word “person” in para 1 with the word “individual”;
- 2) Read para 2 as follows:
“Every person shall have the right to use, transfer and disseminate information officially provid-

ed to him/her for any legal purpose and means.”.

- 3) Replace the words “in cases foreseen by the Republic of Armenia Constitution and the Law” in para 3 with the words “only by the law on the grounds foreseen by the Republic of Armenia Constitution”.

Article 6. In Article 7 of the Law:

- 1) Repeal void para 1;
- 2) Replace the words “related to his activity” in para 3 (1) with the words “under his authority”;
- 3) Add the words “and its performance reports” after the word “budget” in para 3 (2);
- 4) Add a new para 21 in para 3 (2) to read as follows:
“21) Activity plans and their performance reports;”
- 5) Remove words “lists of personnel, as well as” from para 3 (4);
- 6) Remove words “policy of the domain cost creation” from para 3 (9);
- 7) Repeal void para 10 (3);
- 8) Replace the words “statistical and complete data” in para 3 (11) with the words “statistical complete data”;
- 9) Repeal void para 3 (12);
- 10) Remove the words “as well as receiving budgetary allocations (funding)” from Para 6 and add the word “21” after the word “2”.

Article 7. In Article 8 of the Law:

- 1) Add (6) in para 1 to read as follows:
“6) It is rare and particularly valuable document of another collection or original of another cultural value protected in a procedure envisaged by the RA archive or legislation or is a document having inadequate preservation.”;

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2) Add (4) in para 3 to read as follows:

“4) It is related to the applicant or another person and the applicant has consent of that person for collecting, storing, using or disseminating that information.”.

Article 8. Read Article 9 of the Law to read as follows:

“ Article 9. Procedure of Getting Information

1. Written, oral and electronic inquiries may be sent to information possessor with a view of seeking and/or getting information.

The applicant shall not be obliged to justify the inquiry.

2. Oral inquiry shall be provided to the managing official of information possessor or person responsible for freedom of information during the performance of his/her official duties.

Written inquiry shall be provided or sent through mail to the address of information possessor.

Electronic inquiry shall be sent at the business e-mail address of the managing official of information possessor or person responsible for freedom of information.

Written and electronic inquiries and their responses shall be registered in application processing procedure set forth by the legislation.

3. Applicants having oral inquiries shall provide their name and surname beforehand.

4. Response to oral inquiry shall be provided orally immediately after listening to the inquiry or in possibly short timeframes.

Information shall be provided through oral inquiry when:

- 1) Information is related to the address of information possessor, business telephones, business e-mail, data of the person responsible for the respective area;
- 2) Information is related to the availability of respective information with the information possessor;
- 3) Information clarifies procedure and terms of receiving citizens by the information possessor.

5. Person receiving oral inquiry may not answer at that moment if answering would hamper performance of his/her main responsibilities with the exception of cases stipulated under Article 8.3 of this Law.

6. Written or electronic inquiry shall contain:

- 1) Name, surname of the applicant, in case of a legal entity – its full name;
 - 2) Address of the applicant (location of the legal entity) or address (including electronic) to which the applicant requests to send the answer;
 - 3) Date of submitting the inquiry;
 - 4) Approximate description or registration data of requested information;
 - 5) In case of written inquiry – signature of the inquiring person and in case of legal persons – signature of its authorized representative;
 - 6) Type of medium on which the applicant prefers to receive information.
7. Response to written or electronic inquiry shall be provided within the following timeframes:
- 1) If information indicated in the inquiry is not publicized its duplicate (copy) shall be provided to the applicant within a 5-day period following the receipt of the inquiry;
 - 2) If information indicated in the inquiry is publicized, information about the medium, place and date of that publication shall be provided to the applicant within a 5-day period following the receipt of the inquiry;
 - 3) If additional work is necessary for the provision of information indicated in the inquiry that information shall be provided to the applicant within a 30-day period following the receipt of the application and the applicant shall be informed about the reasons for delays and about the deadline of providing the information within a 5-day period following the receipt of application;
 - 4) If it is necessary to make payment for the provision of information indicated in the inquiry then information shall be provided to the applicant within a 3-day period following the provision of the invoice and the applicant shall be informed

about the amount and deadline of providing the information it in writing within a 5-day period following the receipt of application.

8. Answers to written and electronic inquiries shall be provided on a medium indicated in the inquiry. If medium is not indicated and it is impossible to clarify for answering the inquiry within timeframes set forth by this Law or when it is impossible to copy (duplicate) the required medium to the medium indicated in the inquiry then answer to the written or electronic inquiry shall be provided on a medium more convenient for the information possessor.

9. Written response shall be provided to the applicant on the letterhead of the information possessor in person or sent through mail, as for electronic response – it shall be sent from the electronic address of the information possessor through e-mail containing:

- 1) Name of information possessor;
- 2) Name, surname, title, business telephone and e-mail address of the person responding to the inquiry;
- 3) Outgoing date and number of the response;
- 4) Incoming date and number of the inquiry;
- 5) Name, date, registration data of the attached material, in case of written response – also number of pages and in case of electronic response – also name of the file;
- 6) In case of written response – signature of the person responding.

10. If information indicated in the inquiry is not published the applicant may per his/her own will examine the information on the spot and take back his/her written inquiry. In this case information will not be provided to him/her on medium.

11. If information possessor does not have the information sought or its provision is outside the frames of its responsibilities it shall inform the applicant about it in writing or through e-mail within a 5-day period following the receipt of his/her written or electronic application and if possible provide information on the location of information possessor (including archive) having the information sought.

12. If information possessor does not have all the data on information sought it shall provide the applicant the data that it has and if possible in its written or electronic response indicate information on the location of information possessor (including archive) having the remaining data related to the information sought.

13. If part of the requested information contains data provision of which is subject to refusal information shall be provided on the remaining part subject to separation.

14. Response shall not be provided to written or electronic application, when:

- 1) It does not contain all the data referred to under 5(1) -5(5) of this Article;
- 2) Amount defined for the provision of information is not paid within 10 days following the notification set forth under 6 (4) of this Article;
- 3) Data of the author's identity turn out to be false;
- 4) It is second written application submitted by the same person for getting the same information within the last 6 months, with the exception of cases stipulated under Article 10.4 of this Law.”.

14. Non working – holidays, weekends and days of mention are taken off from the calculation of the deadlines fixed by the Law.

Article 9. In Article 10 of the Law:

1) Read para 1 as follows:

“1. State duty shall be charged for the provision of information or its duplicate (copy) by state entities and state institutions in compliance with the RA Law on State Duties and local duty shall be charged for the provision of information or its duplicate (copy) by local self-governance entities and community institutions in compliance with the RA Law on Local Duties and Charges if not otherwise stipulated by the Law.

Budgetary organizations may charge payments for the provision of information or its duplicate (copy) amounts of which may not be higher than the amount of state or local duty envisaged for the provision of similar information or its dupli-

cate (copy) if not otherwise stipulated by the Law.

If the requested information is on rare and particularly valuable document of another collection or original of another cultural value protected in a procedure envisaged by the RA archive or legislation then charges exceeding the amount stipulated for getting similar information or its duplicate (copy) may be levied for the provision of such information or its duplicate (copy) in a procedure established by the legislation.”.

2) Replace the words “The payment for providing information defined in the 1st clause of the current Article shall not be paid in the following cases:” in para 2 with the words “With the exception of cases stipulated by the Law duty or other payments shall not be charged for the provision of information by state and local self-governance entities, state institutions and budgetary organizations in the following cases;

3) Replace the word “2nd” in para 2 (4) with the word “1st” and add the words “or electronic” after the word “written”;

4) Add (41) and (42) after para 2 (4) to read as follows:

“41) When information is related to the applicant as well as to personal, family rights, freedoms, responsibilities, right limitations or liability of the applicant natural person or that of his/her dependant, person being under his/her guardianship;

42) When information is related to the names, surnames, education, profession, business telephones, business e-mail and other business addresses of officials of information possessor.”.

5) Read para 2 (5) as follows:

5) In cases stipulated under Article 9.6 (b), (c), (d) and 9.10 of this Law providing information about the medium, place and time of information publication as well as changes of the deadline for the provision of information.

Article 10. Read Article 11 of the Law as follows:

“Article 11. Procedure of Refusing to Provide Information

1. Managing official of information possessor or person responsible for freedom of information shall decline provision of oral information if response to the inquiry is outside the authority of information possessor and/or inquiry does not meet the requirements of Article 9.2 and 9.3 of this Law.

2. Provision of information requested by written or electronic inquiry may be refused only on grounds stipulated by the law.

3. In case of refusing the provision of information or a part of information requested by written or electronic inquiry the information possessor shall inform the applicant about it in writing within a 5-day period following the receipt of inquiry indicating ground for refusal, i.e. respective norm of the Law as well as procedure for appealing the refusal”.

Article 11. Repeal void Article 12.1 and 12.4 of the Law.

Article 12. In Article 13.2 of the Law:

1) Read (2) as follows:

“2) Clearly explains the procedure and conditions of providing information to the person seeking information, provides clarification and advice on provision of information in case of the necessity”;

2) Add a new para (21) after para (2) to read as follows:

“21) Shall help in the formulation of written inquiry and in case of possibility – also prepare the written inquiry;”.

Article 13. Replace the words “para (3)” in Article 14.2 of the Law with the words “para 3 (1) to (3)”.

Article 14. This Law becomes effective on the 10th day following its official promulgation.

**LAW OF THE REPUBLIC OF ARMENIA
ON MAKING AMENDMENTS TO THE LAW OF
THE REPUBLIC OF ARMENIA ON STATE
DUTIES**

Article 1. Add a new para 43 in Article 43 of the Republic of Armenia Law on State Duties dated 27 December 1997 (HO-186) to read as follows:

“91. Except for cases stipulated by this Law local duty for the provision of information or its duplicate (copy) by local self-governance entities and their institutions shall be defined as follows:

“43. Except for cases stipulated by this Law for the provision of information or its duplicate (copy) by state entities and state institutions: In the amount of 1.5% of base duty for every printed or copied page exceeding 10 pages;

In the amount of 30% of base duty for any electronic medium (disk, CD, DVD);

In the amount of 30% of base duty for any cassette;

In the amount of base duty for any videocassette”.

Article 3. This Law becomes effective on the 10th day following its official promulgation.

**LAW OF THE REPUBLIC OF ARMENIA
ON MAKING AMENDMENTS TO THE LAW OF
THE REPUBLIC OF ARMENIA ON LOCAL
DUTIES AND PAYMENTS**

Article 1. Add a new para 91 after Article 10.9 of the Republic of Armenia Law on Local Duties and Payments dated 26 December 1997 (HO-185) to read as follows:

“91. Except for cases stipulated by this Law local duty for the provision of information or its duplicate (copy) by local self-governance entities and their institutions shall be defined as follows:

- a) AMD 15 for every printed or copied page exceeding 10 pages;
- b) AMD 300 for any electronic medium (disk, CD, DVD);
- c) AMD 300 for any cassette;
- d) AMD 1000 for any videocassette.”

Article 2. This Law becomes effective on the 10th day following its official promulgation.

JUSTIFICATION

ON ADOPTING RA DRAFT LAWS ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE RA LAW ON FREEDOM OF INFORMATION, ON MAKING AMENDMENTS TO THE RA LAW ON STATE DUTIES, ON MAKING AMENDMENTS TO THE RA LAW ON LOCAL DUTIES AND CHARGES

The Law on Freedom of Information was adopted on 23 September 2003. During the last 6 years the viability and public importance of the Law was demonstrated, but also several shortcomings were revealed¹, elimination of which will improve applicability of the Law.

The RA Draft Law on Making Amendments and Supplements to the RA Law on Freedom of Information (hereinafter referred to as Draft) suggests:

1. Clarify definition of the concept “publication”, to include official newsletters among the means of publication as well as replace the words “set forth by legislation” with the words “not prohibited by legislation”, which will expand forms of the means for publicizing information (Article 2 of the Draft);
2. Clarify the main principles of ensuring freedom of information by adding the principles of legality, preciseness, non-discrimination and removing the principle for defining a unified procedure for information registration, classification and storage from the principles set out by the Law, since its implementation is practically impossible (Article 3 of the Draft);
3. Remove inconsistencies between the RA Constitution and Articles 6.1 and 6.2² (Article 5 of the Draft);
4. Remove provisions on registration, classification and storage of information processed by or sent

to information possessor, as well as provisions on the procedure of providing information or its copy (duplicate) by state and local self-governance entities, state institutions and organizations, defined by the Government of Armenia, conditioning implementation of the Law with the adoption of other legal acts to the least possible extent (Articles 4, 9, etc. of the Draft);

5. Clarify the list of information subject to mandatory publication (Article 6 of the Draft);
6. Among the grounds for refusing the provision of information add a new ground: provision of information shall be also refused when information is rare and particularly valuable document of another collection or the original of another cultural value protected in a procedure envisaged by the RA archive or legislation or is a document having inadequate preservation (Article 7 of the Draft);
7. Among the grounds for not refusing the provision of information add a new ground: provision of information may not be refused when it is related to the applicant or another person and the applicant has consent of that person for collecting, storing, using or disseminating that information, which is requirement of Article 23 of Constitution (Article 7 of the Draft);
8. Clarify the procedure of getting information regulating electronic receipt of information as well as defining the procedure of paying duties and other

1. Specifically, stemming from objective reasons, Procedures envisaged by Articles 5 and Article 10.1 of the Law were not adopted by the Government of Armenia hampering effective implementation of the Law.

2. In compliance with Article 27.2 of the Constitution any person is entitled to freedom of expression, including freedom of getting information, meanwhile according to Article 6.1 of the Law every person is entitled to this right and according to Article 6.2 freedom of foreigners for getting information is restricted.

charges, thereby completing the process of getting information and contributing to its application in practice without other legal acts particularly those procedures approved by the RA Government Decrees and information possessor (Article 8 of the Draft);

9. Define mandatory requirement or levying duties and charges by state and local self-governance entities, state institutions, budgetary organizations for the provision of information (Article 9 of the Draft);

10. Define 2 new cases for getting information free-of-charge from state and local self-governance entities, state institutions, budgetary organizations:

a) When information is related to the applicant as well as to personal, family rights, freedoms, responsibilities, right limitations or liability of the applicant natural person or that of his/her depen-

dant, person being under his/her guardianship;

b) When information is related to the names, surnames, education, profession, business telephones, business e-mail and other business addresses of officials of information possessor (Article 9 of the Draft).

11. Clarify the procedure of refusing the provision of information bringing ambiguous interpretations of provisions defined by the Law to minimum (Article 10 of the Draft).

In the RA Draft Law on Making Amendments to the RA Law on State Duties and RA Draft Law on Making Amendments to the RA Law on Local Duties and Charges it is offered to stipulate the amount of state (local) duties to be charged for any copied or printed page of information exceeding 10 pages³, as well as for information provided on electronic medium, cassette or videocassette.

3. According to Article 10.2 (2) of the RA Law on Freedom of Information there are no charges for the provision of information not exceeding 10 printed or copied pages.

BLACK LIST 2009

THESE OFFICIALS HAVE VIOLATED PEOPLES' RIGHT OF INFORMATION IN 2009

Mr. Sergey Chalyan	RA Military Commissar
Mrs. Hasmik Poghosyan	RA Minister of Culture
Mr. Aram Harutyunyan	RA Minister of Ecology
Mr. Aram Qochinyan	Governor of Lori region
Mrs. Lida Nanyan	Governor of Shirak region
Mr. Nver Poghosyan	Governor of Gegharqunik
Mr. Paruyr Sargsyan	Head of Zartonq village
Mr. Armen Mathevosyan	Head of Bjni village
Mr. Khoren Avetisyan	Head of Elpin village
Mr. Samvel Vardanyan	Head of Paraqar village
Mr. Kirakos Saghatelyan	Head of Talvorik village
Mr. Gegham Khazaryan	Head of Lenughi village
Mr. Gagik Beglaryan	Mayor of Yerevan
Mr. Arthur Baghdasaryan	Head of "Rule of Law" Political Party
Mr. Levon Ter-Petrosyan	Head of "Armenian National Congress" Pact
Mr. Movses Shahverdyan	Head of Armenian Labor Socialist Political Party
Mr. Tigran Khachatryan	Executive Director of N.2 Medical Center CJC
Mr. Ashot Petrosyan	Head of National Center for Technical Security
Mr. Robert Harutyunyan	Yerevan Urban Development & Investment Programs Department Head

www.foi.am

FREEDOM OF INFORMATION CENTER OF ARMENIA

Address: 4th floor, 1/3 P. Buzand str., Yerevan, Armenia

Tel/fax: 560922

E.mail: foi@foi.am

Homepage: www.foi.am