

**IN THE NAME OF THE REPUBLIC OF ARMENIA
DECISION OF THE CONSTITUTIONAL COURT OF
THE REPUBLIC OF ARMENIA**

**ON THE CASE CONCERNING THE DETERMINATION OF THE ISSUE REGARDING THE
CONFORMITY OF ARTICLE 198, PART 1 OF THE CIVIL CODE OF THE REPUBLIC OF
ARMENIA WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE
BASIS OF THE APPLICATION OF CITIZEN SHAVARSH MKRTCHYAN AND OTHERS**

Rapporteur M. Topuzyan

Based on the review of the Case and being governed by Article 100, Point 1, Article 102 of the Constitution of the Republic of Armenia, Articles 64 and 69 of the RA Law on the Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS:**

1. Article 198, Part 1 of the RA Civil Code is in conformity with the RA Constitution in regard to the constitutional legal content of the provisions of the first sentence of that Part, according to which: each of the participants in joint ownership has the right to conduct transactions for the disposition of the common property unless otherwise follows from an agreement of all the participants, namely the fact that in the cases mentioned below the positive agreement of each of the participants in joint ownership is required for the certain participant to conduct transactions for the disposition of the property, and this fact will state the presence for the participant who made the transaction of the necessary powers. These cases are the following:

a/ when the rights of the participants in joint ownership get state registration, and the fact, that the certain owners hold the right to joint ownership of the property, is clearly mentioned by the Certificate on Registration of the Ownership Right to the Real Estate;

b/ when the rights and encumbrances to the property originate on the basis of law and have legal power regardless of the state registration in cases and procedure stipulated by Article 18 of the RA Law on State Registration of Rights to the Property.

2. Pursuant to Article 102, Part 2 of the RA Constitution this Decision is final and enters into force from the moment of its announcement.