

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

**ON THE CASE OF CONFORMITY OF POINT 4, PART 2, ARTICLE 158**  
**OF THE ADMINISTRATIVE PROCEDURE CODE OF THE REPUBLIC**  
**OF ARMENIA WITH THE CONSTITUTION OF THE REPUBLIC OF**  
**ARMENIA ON THE BASIS OF THE APPLICATION OF JACLYN**  
**AYANYAN, TSAGHIK AYANYAN AND KARINE AYANYAN**

**Rapporteur A.Gyulumyan**

Proceeding from the results of consideration of the case and ruled by Point 1 of Article 100, Article 102 of the Constitution of the Republic of Armenia, Articles 63, 64 and 69 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia HOLDS:

1. To recognize the term “making comparative analysis” prescribed in Point 4, Part 2, Article 158 of the RA Administrative Procedure Code in the framework of the legal positions expressed in this Decision pursuant to which regarding the comparative analysis of existing contradiction between the challenged judicial act and judicial act of the Cassation Court of the case of similar factual circumstances or their comparison, statement of their inconformity serves as substantiation that the interpretation of any norm of the challenged judicial act, according to the Applicant, contradicts the interpretation of the norm provided in the decision of cassation Court. At the stage of receiving the application for examination with such analysis cannot be dismissed as it is blocking the access to the court.

2. On the basis of Part 12, Article 69 of the RA Law "On Constitutional Court" the final judicial act imposed against the Applicant, due to the new circumstances in accordance with the order prescribed by law, is subject to review as the challenged provision was applied against the Applicant in an interpretation which differed from the constitutional-legal context expressed in Point 1 of the conclusive part of this decision.

3. In accordance with Article 102 (2) of the RA Constitution this decision is final and enters into force from the moment of its announcement.

November 22, 2016

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