

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

ON THE CASE OF CONFORMITY OF ARTICLE 1086 OF THE RA CIVIL CODE, ARTICLE 236 OF THE RA LABOR CODE, THE DECISION NO 579 OF THE RA GOVERNMENT OF 15 NOVEMBER 1992 “ON APPROVAL OF THE RULES ON THE COMPENSATION PROCEDURE FOR DAMAGE CAUSED AS A RESULT OF MUTILATION, PROFESSIONAL DISEASE AND OTHER HEALTH INJURY RELATED TO PERFORMANCE OF WORK RESPONSIBILITIES BY THE EMPLOYEES OF ENTERPRISES, INSTITUTIONS AND ORGANIZATIONS (IRRESPECTIVE OF THE FORMS OF PROPERTY)” AND THE DECISION NO 914-N OF THE RA GOVERNMENT OF 23 JULY 2009 “ON APPROVAL OF THE PROCEDURE FOR CAPITALIZING THE RESPECTIVE PAYMENTS AND PAYING TO THE INJURED IN CASE OF LIQUIDATION OF A LEGAL ENTITY OR BANKRUPTCY THEREOF RECOGNIZED AS RESPONSIBLE IN DUE MANNER FOR DAMAGE CAUSED TO LIFE OR HEALTH” WITH THE CONSTITUTION ON THE BASIS OF THE APPLICATION OF THE HUMAN RIGHTS DEFENDER

Based on the review of the case and governed by Clause 1 of Article 168, Clause 10 of Part 1 of Article 169, Article 170 of the Constitution, as well as Articles 63, 64 and 68 of the Constitutional Law on the Constitutional Court, the Constitutional Court **HOLDS:**

1. Article 1086 of the RA Civil Code is in conformity with the Constitution.
2. Article 236 of the RA Labor Code is in conformity with the Constitution.
3. The legal regulations prescribed by the Decision No 579 of the RA Government of 15 November 1992 “On Approval of the Rules on the Compensation Procedure for Damage Caused as a Result of Mutilation, Professional Disease and Other Health Injury Related to Performance of Work Responsibility by the Employees of Enterprises and Organizations (Irrespective of the Forms of Property)” are in conformity with the Constitution by the interpretation that prior to the entry into force of the amendment made by the RA Government by the Decision No 1094-N of 22 July 2004, the employees having suffered mutilation, professional disease and other health injury related to the performance of work responsibilities of the organization in case of termination of activity shall, in case of lack of or insufficient capitalized funds, retain the right to receive compensation at the expense of the state budget.
4. The legal regulations prescribed by the Decision No 914-N of the RA Government of 23 July 2009 on Approval of the Procedure for Capitalizing the Respective Payments and Paying to the Injured in Case

of Liquidation of a Legal Entity or Bankruptcy thereof Recognized as Responsible in due manner for Damage to Life or Health" are in conformity with the Constitution.

5. Pursuant Part 2 of the Article 170 of the Constitution this Decision shall be final and shall enter into force upon its promulgation.

CHAIRMAN

A. Dilanyan

November 30, 2021

DCC-1618