

## SUMMARY

The Protection of Rights without Borders NGO (Organization) has implemented the Project “Public Administration System Reforms: Is Armenia Creating a New Reality” from 1 March 2020 to 31 March 2021, with the financial assistance of the National Endowment for Democracy (NED).

In the framework of the Project, the Organization examined 53 out of available 61 judgments as well as 36 decisions out of 55 decisions on the discontinuing the proceeding in regard to appeals filed with the Administrative Court (Court) of the Republic of Armenia against the Cadastre Committee of the Republic of Arm pronounced in the period of 2019 and until 30 June 2020.

The Court fully granted the appeals on 28 cases (53%), 2 cases was granted partially (4%) and 23 appeals were dismissed (43%).

The Court revealed administration related problems in the majority of the reviewed cases. In regard to the majority of the granted cases, the appeals related to the obligation of the the Cadastre Committee to register the property rights of the applicants.

In addition to the proper administration problems, the Court revealed the issues related to the right to property (77%) guaranteed by the Armenian Constitution. This derives from the functions carried out by the Cadastre Committee.

Taking into consideration the specificity of the administration carried out by the Cadastre Committee, particularly the fact that the Committee adopts administrative acts exclusively based on the documents certifying the right, the administration related problems were not a result of a misinterpretation or different interpretation of any norm or problems requiring content analysis, but rather to the “carelessness” of the Committee, improper examination of the documents, violation of the principle of the abuse of formalistic requirements.

In case of the Cadastre Committee, the violation of the principle of the legality of administration was widespread. This appeared both in actions and inaction of the administrative body to carry

out activities envisaged by the relevant legislation, as well as by carrying out functions not envisaged by the current legislation.

In regard to the majority of the cases, the Cadastre Committee imposed unlawfully obligations (a requirement to submit documents) on individuals not envisaged by the relevant legislation and failed to take into account the documents certifying the right and putting the acts adopted by other administrative bodies and the courts under question.

Fewer violations would have been revealed by the court in case, if the administrative body conducted comprehensive, complete and objective examination in the framework of its own proceedings. In such a case, the administrative body would not bypass the scope of documents envisaged and required by the Law on “State Registration of Rights to the Property”, as well as would not put the administrative acts in force, as well as the legally enforced judicial acts under question.

For example, mistakes revealed in numerous court judgments would not be committed, should the Committee properly consider the case files of the preceding proceedings after an application to institute proceedings for registration of the right is lodged, as in such a case it would be evident for the Committee that the state registration of the right for the same real estate property in the past took place based on the map or plan, therefore the obligation imposed on the person to present additional, not envisaged by law documents would be unlawful.

To conclude, if the administrative body conducted comprehensive examination of documents and demonstrated flexible approach, a lot of issues would not have been raised, and the Cadastre Committee would not be obliged to pay court fees in the amount of 456 000 AMD from the state budget for 28 cases in total.