

New Notification Methods, Frivolous Claims, and Appeal Process Regulations: Recent Changes in Civil Procedure

Over the past few months, several significant changes have been made to the Civil Procedure Code of the Republic of Armenia (hereinafter referred to as the Code). A significant part of the amendments entered into force on 03/14/2024 and are included in the Law HO-82-N "On Amendments and Additions to the Civil Procedure Code of the Republic of Armenia". This article will discuss some of these changes.

This article does not address to the specifics of the new type of special proceedings provided by the Law No. HO-117-N of 02/28/2024, that is, the case of entering the outbreak of the disease without the consent of a person, conducting an epidemiological survey (investigation) and /or preventive and anti-epidemic measures, which will enter into force on 09/27/2024. To the specifics of the proceedings in cases concerning the protective order provided by the Law "On the Prevention of Family and Domestic Violence and Protection of persons Subjected to Family and Domestic Violence", in Law No. ZR-171-N dated 04/12/2024 "On Amendments to the Civil Procedure Code of the Republic of Armenia". On the specifics of the proceedings in cases of challenging the legality of the actions of a notary under Law No. HO-222-N dated 05/02/2024 "On Amendments and Additions to the Civil Procedure Code of the Republic of Armenia". To the additions and amendments made to the Civil Procedure Code of the Republic of Armenia within the framework of the Law "On Enforcement Proceedings" dated 04/11/2024 HO-193-N. Within the framework of these laws, we will touch upon the amendments and additions made to the Civil Procedure code of the RA with additional publications.

1. New ways of judicial notifications

From now on, courts can also send notifications,

on cases under their jurisdiction, via telephone (including text message) or an electronic platform (website, application or other similar means). However, the court will be able to make a notification in this way if the party itself provides the court with its phone number or e-mail address for this purpose.

Procedural documents can also be sent or received, at least through an electronic platform (website, application or other similar means), if the data of the specified means of communication has been provided by the party to the court to receive notifications.

2. New features of the examination of the motion of statute of limitations

The courts were given the opportunity to begin/ conduct the examination of a motion for the limitation period in the cases which are under their proceedings in the absence of the parties.

Motions for the limitation period, as before, may be filed in respect of all or individual claims. And if earlier a motion for the application of the limitation period filed against a separate claim unconditionally led to the separation of a part from the case and examination of the motion, now there may not be a separation of a part from the case, and the court may refer to the motion with a final judicial act, which will be rendered based on the results of the examination of the case on the merits, if

1. the Court, at its discretion, considers that this does not contribute to the effectiveness of the case, or
2. the parties of the case agree with this.

3. Setting the conditions for a frivolous (obviously groundless) claim

On December 27, 2022, an amendment was made to the Code, allowing the case to be examined in an expedited judicial procedure in the event that the claim was clearly unfounded.

And although, or for the reason that the courts do not so often apply the procedure of the expediation of the trial, the legislator has identified cases which presence indicates the obvious groundlessness of the claim, namely`

1. the claim is clearly unlawful, it is obviously subject to rejection, regardless of the facts underlying it,
2. based on the facts underlying the claim, the claim is obviously subject to rejection,
3. the claim was filed by an improper plaintiff or against an improper defendant.

4. Third parties

It provides a person, who has received notification of the involvement from the court as a third party, with the possibility of obtaining access to the case file, excluding access to confidential information before being granted with a procedural status.

Additional requirements and regulations have been set for claims submitted by third parties.

Moreover, these changes will apply to cases initiated after 03/14/2024.

5. Return of the statement of claim

From now on, the heterogeneous judicial practice should begin to comply with the new standards established by the Code. If the court returned the claim and the plaintiff exercised his right to appeal the decision of the court of first instance to return the claim, the plaintiff will have to wait until the termination of his complaint proceedings in the appellate instance. However, if the claim was returned, and the plaintiff used the right to correct the shortcomings and re-file the claim, the court of

the first instance will be authorized to refer to the question of the admissibility of the re-filed statement of claim.

6. The possibility of extending the period for the publication of the judicial act of the Court of Appeal

The Civil Court of Appeal was given the same opportunity as the courts of first instance in terms of the possibility of extending the deadline for the announcement of the decision. The same way as the courts of first instance, the civil court of appeal, when making decision, can extend it up to 15 working days, "when there are objective circumstances beyond the control of the judge that make it impossible to publish a decision within the announced period".

7. Regulations of the grounds for unconditional cancellation by the Court of Appeal

Previously, the absence of the minutes of the court session in the case itself led to the unconditional cancellation of the decision by the appellate instance made by the first instance. According to the new rules, the absence of the minutes of the court session will lead to the cancellation of the decision when the absence of the minutes makes it impossible to establish the presence or absence of circumstances relevant to the consideration of the complaint, if it is impossible to restore the minutes from a special computer recording system.

You can review the above changes [here](#).