

Consultation of the Parties

Council of Europe Convention on Access to Official Documents (CETS No. 205)

Conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents by Armenia

The Consultation of the Parties to the Council of Europe Convention on Access to Official Documents (CETS No. 205) (hereinafter referred to as “the Convention”), acting under the terms of Article 12, paragraph 2, sub-paragraphs a and b, of the Convention,

Bearing in mind the provisions of Article 11, paragraph 1, of the Convention concerning the role of the Council of Europe Access Info Group (AIG) in monitoring the implementation of the Convention;

Bearing in mind the overarching obligation under Article 2, paragraph 2, of the Convention on each Party to take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention;

Having regard to the Rules of Procedure of the Consultation of the Parties;

Having examined the baseline evaluation report concerning the implementation of the Convention by Armenia adopted by the AIG at its 8th meeting (3–5 February 2025) (the AIG report), which focuses on the Law on Freedom of Information,

1. Welcomes the following elements of the Law on Freedom of Information:

- 1.1. its application to government and administration at national, regional and local level as well as to legislative bodies and judicial authorities both insofar as they exercise administrative functions and as regards their other activities;
- 1.2. the compliance of most of the limitations on the right of access set out in its Article 8 (1) with the limitation grounds envisaged in Article 3, paragraph 1, of the Convention and the principle reflected in the harm test provided for in Article 3, paragraph 2, of the Convention;
- 1.3. the implementation of the principle of Article 4, paragraph 1, of the Convention that applicants for an official document shall not be obliged to give reasons for having access to the official document;
- 1.4. its compliance with the obligations of Article 5, paragraphs 1, 2 and 6, of the Convention regarding the processing of requests for access to official documents;
- 1.5. the implementation of the requirement of Article 6 concerning the applicant’s right to choose the form of access to official documents;
- 1.6. the implementation of the requirements of Article 7 and Article 8, paragraph 1, of the Convention as regards appeals on denials of access;
- 1.7. its measures to implement Article 9 and Article 10 of the Convention regarding respectively complementary measures and documents made public at the initiative of the public authorities;

2. Recommends that Armenia take the following measures identified on the basis of the AIG’s report:

- 2.1. ensure that the the Law on Freedom of Information applies to natural or legal persons insofar as they exercise administrative authority in compliance with Article 1, sub-paragraph 2, a, i, 3, of the Convention (paragraphs 7 and 47 of the AIG Report);
- 2.2. revise the definition of information contained in Article 3 of the Law on Freedom of Information with a view to ensuring that it covers all information held by public

- authorities in compliance with Article 1, paragraph 2, sub-paragraph b, of the Convention (paragraphs 9 and 48 of the AIG Report);
- 2.3. bring Article 6 of the Law on Freedom on Information in line with Article 2, paragraph 1, of the Convention, which obliges each Party to guarantee the right of everyone, including foreigners, without discrimination on any ground, to have access, on request, to official documents held by public authorities (paragraphs 12 and 49 of the AIG Report);
 - 2.4. ensure that the general exemption relating to professional secrecy under its Article 8(1), sub-paragraph 4, complies with Article 3 of the Convention (paragraphs 16 and 51 of the AIG report);
 - 2.5. bring Article 8(3) of the Law on Freedom of Information in line with the principle of the overriding public interest test laid down in Article 3, paragraph 2, of the Convention (see paragraphs 19–20 and 51 of the AIG Report);
 - 2.6. bring Article 9(1) of the Law on Freedom of Information in line with Article 4 paragraph 3, of the Convention by removing the legal requirements that a written request must contain the citizenship and place of work or study of the applicant (see paragraphs 23 and 52 of the AIG Report);
 - 2.7. ensure that all requests for information whether oral or written are dealt with on an equal basis, in compliance with Article 5, paragraph 3, of the Convention (see paragraphs 29 and 53 of the AIG Report);
 - 2.8. ensure that the extension of the time limit for dealing with an access request provided for by Article 9(7) sub-paragraph 3, of the Law on Freedom of Information is used only exceptionally (see paragraphs 30 and 53 of the AIG Report);
 - 2.9. bring Article 9(3), sub-paragraph 3, of the Law on Freedom of Information which allows for refusal of repetitive requests for information in line with Article 5, paragraph 5, sub-paragraph ii, of the Convention (paragraphs 31 and 53 of the AIG Report);
 - 2.10. bringing the rules on partial access to official documents contained in Government Decision No. 1204 of 2015 in line with Article 6, paragraph 2, of the Convention (paragraphs 34 and 54 of the AIG Report);
 - 2.11. ensure the compliance of the Law on Freedom of Information with Article 8, paragraph 2, of the Convention regarding the expeditious nature of the review procedure (paragraphs 39 and 55 of the AIG Report).
3. Requests the government of Armenia to report to the Consultation of the Parties on the measures taken to improve the implementation of the Convention pursuant to point 2 of the present conclusions within one year of their transmission to it.