

LAW
OF THE REPUBLIC OF ARMENIA

Adopted on 20 November 2001

ON THE STATE BORDER

CHAPTER 1.

GENERAL PROVISIONS

Article 1. The state border of the Republic of Armenia

The state border of the Republic of Armenia (hereinafter referred to as "the state border") shall be the line and the vertical surface passing that line, which determine the frameworks of land, water, subsurface, air space of the territory of the Republic of Armenia.

The state border shall be determined by the international treaties of the Republic of Armenia and the law of the Republic of Armenia.

Article 2. Principles of regulation of legal relations on the state border

While determining and changing the state border, regulating the relations with bordering states, as well as the legal relations in borderline regions and in international communication channels, the Republic of Armenia shall be guided by the following principles:

- (a) protection of the territorial integrity of the Republic of Armenia;

- (b) provision of security of the Republic of Armenia and fulfilment of international obligations assumed by the Republic of Armenia;
- (c) multilateral and mutually beneficial co-operation with foreign states;
- (d) peaceful settlement of border issues.

Article 3. State border protection

State border protection is an integral part of provision of the national security of the Republic of Armenia and includes political, legal, economic, military, operative, organisational, technical, regime, nature protection, cultural and other measures, which guarantee:

- (a) inviolability of the state border;
- (b) ensuring of maintenance of state border regime, border regime and state border checkpoints regime by legal and natural persons;
- (c) protection of vital interests of person, society and State from external and internal threats on the state border.

State border protection on the land, boundary waters shall be carried out by border guards, and in air space – by anti-air defence forces. While protecting the state border, anti-air defence forces shall be governed by this Law, the international treaties and other legal acts of the Republic of Armenia.

In the field of state border protection, the Republic of Armenia shall co-operate with foreign states, according to the international treaties of the Republic of Armenia.

The powers of public administration bodies are defined by this Law and other legal acts of the Republic of Armenia.

Article 4. Legislation on the state border

Legislation on the state border comprises the Constitution of the Republic of Armenia, the international treaties of the Republic of Armenia, this Law, other laws and legal acts.

CHAPTER 2.

ESTABLISHING, CHANGING AND MARKING THE STATE BORDER

Article 5. Establishing and changing the state border

The state border shall be established and changed under the international treaties of the Republic of Armenia and the law of the Republic of Armenia.

On the basis of the international treaties of the Republic of Armenia, as a result of inspection of the state border, the documents changing the state border and establishing the state border shall be put into effect in accordance with the legislation of the Republic of Armenia.

Unless provided for by the international treaties of the Republic of Armenia, the state border shall be established:

- (a) on the land — according to the characteristic points and lines of relief or clearly visible landmarks;
- (b) in rivers (streams) — by their centre or by the centre of the main arm of the river;
- (c) in water basins — by the straight line that unites the exits of the state border to the bank of the water basin;

- (d) in the water basins of hydro-systems — according to the line of the state border passing through that territory before filling them;
- (e) on railway and automobile bridges, dams and in other structures — by the centre of those structures or their technological axis, irrespective of passage through the state border.

The state border passing through a river (stream), water basin shall not be moved, both in case of outlining of their banks or change in the water level and in case of drift of the river (stream) in this or that direction.

Article 6. Marking of the state border

The state border shall be marked in the locality with clearly visible border signs, the forms, procedure for installation and the description of which shall be defined by the Government of the Republic of Armenia, according to the international treaties of the Republic of Armenia.

Article 7. The boundary waters of the Republic of Armenia

The boundary waters of the Republic of Armenia are the waters of rivers (streams) and water basins located up to the state border, the banks of which belong to the Republic of Armenia.

CHAPTER 3.

STATE BORDER REGIME

Article 8. State border regime

State border regime shall be determined by this Law, the international treaties of the Republic of Armenia, as well as other legal acts of the Republic of Armenia.

State border regime includes:

- (a) the rules for maintenance of the state border;
- (b) the rules for crossing of the state border;
- (c) the rules for releasing persons, transport means, animals, cargo and other property through the state border;
- (d) the rules for conducting economic activity on the state border;
- (e) the procedure for solving border incidents with bordering states.

Article 9. Maintenance of the state border

The installation and protection of border signs, the control checks thereof, the creation of transparent, sanitary layer along the length of the border and maintenance thereof, joint checks with the bordering state on the state border shall be regulated by the rules for maintenance of the state border. The rules for maintenance of the state border shall be approved by the Government of the Republic of Armenia upon presentation by the authorised state body in the field of national security of the Republic of Armenia.

The authorised state body in the field of national security of the Republic of Armenia shall submit to the Government of the Republic of Armenia the minutes of the joint checks with the bordering state which do not include any change of the border.

As prescribed by legislation and for the purpose of ensuring maintenance and protection of the state border, the land layer located right next to the state border (border layer) shall be provided to the border troops of the Republic of Armenia (hereinafter referred to as "border troops") with the right of free use.

Article 10. Rules for crossing of the state border

Railway, automobile, air and other communication through the state border shall be implemented at the checkpoints established by the Government of the Republic of Armenia, in accordance with the legislation of the Republic of Armenia and the international treaties of the Republic of Armenia.

Checkpoints of border troops shall be established at the state border checkpoints.

At state border checkpoints, the Republic of Armenia shall establish a customs control zone where control is implemented exclusively by customs bodies.

Servicemen of border troops and persons who perform the duties of state border protection shall be given the right to cross the state border under another procedure, upon consent of the bordering states of the Republic of Armenia.

Planes and other aircraft shall cross the state border and make flights in the territory of the Republic of Armenia through airways provided for flights, according to this Law, other laws, the international treaties and other legal acts of the Republic of Armenia. Crossing of the state border and flights outside the airways of the Republic of Armenia shall be permitted by the Government of the Republic of Armenia.

Flights of planes and other aircraft from the Republic of Armenia, as well as their landing when entering the air territory of the Republic of Armenia shall be

implemented at airports open for international flights. Other procedure for flights and landings shall be established by the Government of the Republic of Armenia.

The list of airports open for planes or other aircraft entering or departing from the Republic of Armenia, the rules for staying there, flights and landings shall be established by the Government of the Republic of Armenia, according to the international treaties of the Republic of Armenia. The procedure for transit flight through the air territory of the Republic of Armenia shall be established by the international treaties of the Republic of Armenia.

Planes and other aircraft entering or staying in the air space or airports of the Republic of Armenia, planes and other aircraft departing from the Republic of Armenia shall be obliged to follow flight, customs, sanitary and other rules.

In case of forced entry into the air territory of the Republic of Armenia, as well as forced non-compliance with the rules for flight in that territory or the rules for staying at the airports, planes or other aircraft of foreign states shall be obliged to immediately notify the administration of the nearest airport of the Republic of Armenia and later continue the flight according to the instruction of the administration of that airport or the captain of the plane, who has arrived to help or clarify the matter.

Article 11. Release of persons, transport means, animals, cargo and other property through the state border

The release of persons, transport means, animals, cargo and other property through the state border shall be implemented by the servicemen of border troops through checkpoints established by the Government of the Republic of Armenia in case of availability of corresponding documents defined by the legislation of the Republic of Armenia for entry or departure of persons into or from the Republic of Armenia.

The release of persons, transport means, animals, cargo and other property through the state border shall be implemented in accordance with the international treaties and legal acts of the Republic of Armenia.

The Government of the Republic of Armenia may establish a simplified procedure for release of persons and transport means through the state border.

Article 12. Procedure for transfer of weapons of mass destruction, military cargo and troops through the state border

(title amended by HO-9-N of 24 September 2003)

Transfer of weapons of mass destruction through the state border shall be permitted by the Government of the Republic of Armenia.

The transit of troops and military cargo of a foreign state through the state border shall be permitted by the Government of the Republic of Armenia, in accordance with the international treaties of the Republic of Armenia.

In case of permitting the transit of weapons of mass destruction, troops and military cargo of foreign states through the state border, the Government of the Republic of Armenia shall officially notify the National Assembly of the Republic of Armenia thereon within a five-day period following adoption of the decision on permission.

(Article 12 amended by HO-9-N of 24 September 2003, HO-11-N of 16 December 2016)

Article 13. Border control

Border control is a system of measures that ensures lawfulness of crossing of the state border.

In international communication channels, border control shall be implemented:

- (a) for the purpose of establishing and ensuring control at checkpoints through the use of optical observation devices and special technical means;
- (b) for the purpose of establishing the identity of a person and the right of crossing the state border through verification of documents;
- (c) for the purpose of examining planes, other aircraft and transport means passing through the state border;
- (d) for the purpose of examining animals, cargo and other property passing through the state border and identifying persons trying to illegally cross the state border;

Outside of international communication channels, border control shall be implemented through visual and technical observation, verification of the identification documents of a person, examination of transport means in the border zone.

Article 14. Control when crossing the state border

Persons, transport means, animals, cargo and other property crossing the state border shall be subject to border, sanitary-quarantine, veterinary, phytosanitary and customs control.

The procedure for organisation and implementation of control is established by laws and other legal acts of the Republic of Armenia.

Article 15. Economic and other activity on the state border

Economic and other activity implemented by natural and legal persons of the Republic of Armenia and foreign states, which is implemented by crossing the state border or immediately at the state border, must not damage or hinder state border protection or other actions for protection.

Article 16. Temporary stoppage of communication through the state border in case of threat of infectious diseases in the territory

In case of threat of occurrence, spread of infectious diseases in the territory of the Republic of Armenia or of a foreign state, the Government of the Republic of Armenia may temporarily restrict or stop communication, establish quarantine on the release of persons, animals, cargo, seeds, seedlings, products of plant and animal origin.

Article 17. State border trespassers

State border trespassers are:

- (a) persons who, in any way, have crossed the state border or are trying to cross it outside the checkpoints or at the checkpoints, while breaking the rules established for crossing;
- (b) transport, technical or other means which have crossed the state border without appropriate permission or by violating the established procedure;
- (c) planes or other aircraft which have crossed the state border without appropriate permission or have made violations of flight rules for crossing the state border.

Article 18. Relations with bordering states in regard to border issues

The Republic of Armenia shall solve border issues with bordering states in accordance with the Constitution of the Republic of Armenia, the international treaties of the Republic of Armenia, this Law and other legal acts of the Republic of Armenia.

Article 19. Border representatives of the Republic of Armenia

The Government of the Republic of Armenia shall designate border representatives of the Republic of Armenia to solve the issues related to maintenance of the state border regime, as well as to regulate border incidents.

In the course of their activities, border representatives shall be governed by the legislation of the Republic of Armenia, as well as the international treaties of the Republic of Armenia.

CHAPTER 4.

BORDER REGIME

Article 20. Border regime

The Government of the Republic of Armenia shall, for the purpose of ensuring proper order on the state border, as prescribed and according to this Law and other legal acts of the Republic of Armenia, establish a border regime that regulates the relations of the citizens of the Republic of Armenia and other persons related to entry, temporary stay, residence within the border layer, relocation to the border layer and implementation of other activity therein.

(Article 20 amended by HO-138-N of 20 March 2007)

Article 21. Border zone and border layer

The border zone is the territory that stretches from the state borderline of the Republic of Armenia into the depth of the territory of the Republic of Armenia, with a width of up to 5 kilometres.

With a width of up to one kilometre, the border layer is a part of the border zone that adjoins the state border or the banks of the boundary waters when passing through the state border via aquatic territory.

According to this Article, the boundaries of the border zone and border layer shall be established and changed by the Government of the Republic of Armenia, according to locality.

Article 22. Entry into the border layer

(title edited by HO-138-N of 20 March 2007)

Permission to enter, temporarily stay within the border layer shall be given by border troops with the consent of authorised state bodies of the Police and national security fields of the Republic of Armenia. Where necessary, the command of the border troops can introduce additional temporary regime restrictions of entry and temporary stay within the border layer.

In case of introduction of the temporary regime restrictions, the entry and other activities of persons, transport means, domestic animals, cargo and other property within the border layer shall be restricted or prohibited, by notifying local self-government bodies.

The temporary regime restrictions shall not apply to works of protective purpose, operative works, works for elimination of natural disasters and epidemics.

(Article 22 edited by HO-138-N of 20 March 2007)

Article 22¹. Restrictions applying to persons having entered the border layer

Persons having entered the border layer shall not be allowed to:

- (a) use alcoholic beverages;

- (b) take weapons with them (except for persons performing their official duties and who have the right to bear arms as prescribed by legislation in the given territory), including cold weapons, alcoholic beverages;
- (c) immediately approach the borderline;
- (d) communicate with the personnels of the border duty;
- (e) speak with the representatives of the border troops of the bordering state and its population;
- (f) engage in hunting, industrial fishing, natural wood procurement (except for sanitary cleaning and wood cutting in gardens belonging to citizens under ownership rights or by lease), damage or destroy greenery (except for grass cutting in lands belonging to citizens under ownership rights or by lease), the property belonging to border troops, use of lands, water resources, forests without an appropriate permit, in geological and archaeological studies, mountain works, construction of hydro-structures (except for hydro-structures, the creation of which arises from the requirements of the international treaties of the Republic of Armenia);
- (g) allow domestic animals to graze within the sanitary layer, fill roads, pathways and other structures with water during usage of water.

Border duties shall apprehend persons violating the requirements referred to in part 1 of this Article to the border protection patrol, border violation act shall be drawn up, passes shall be taken, weapons and other prohibited means shall be confiscated, and the violators of the border regime shall be transferred to police bodies.

(Article 22' supplemented by HO-138-N of 20 March 2007, amended, edited by HO-147-N of 10 June 2009)

Article 23. Procedure for implementing economic activity within the border layer

(title edited by HO-138-N of 20 March 2007)

Other activities not related to state border protection within the border layer shall be prohibited, except for cases provided for by law.

Economic activity within the border layer shall be implemented only at daytime. Economic activity within the border layer shall be prohibited at night time, as well as when it is dark, except when it is necessary, with permission of the chief of the border detachment and upon consent of the command of border troops.

Cattle-breeding can be temporarily restricted or prohibited within the border layer for preventing the spread of infectious diseases when there is a threat of an epidemic or breakout of an epidemic.

The use of lands, water resources, forests, subsurface, fauna and flora, geological studies, mountain work, construction of hydro-structures within the border layer shall be implemented as prescribed by the legislation of the Republic of Armenia.

(Article 23 edited by HO-138-N of 20 March 2007)

CHAPTER 5.

STATE BORDER CHECKPOINT REGIME

Article 24. Establishing and maintaining the state border checkpoint regime

The state border checkpoint regime includes:

- (a) the procedure for entry (exit) of persons, transport means, transfer of cargo, other property, animals through state border checkpoints;

- (b) the procedure for stay and movement of persons and transport means at state border checkpoints.

The state border checkpoint regime — the procedure for stay and movement of persons and transport means within open border railway and automobile stations, airport territories for international communication, as well as other actions related to the release of persons, animals, transport means, cargo and other property through the state border — shall be established by the laws and other legal acts of the Republic of Armenia.

The buildings necessary for implementation of border control and customs control shall be selected through the procedure established by the Government of the Republic of Armenia.

Article 25. Procedure for entry (exit) of persons, transport means, transfer of cargo, animals and other property at state border checkpoints

Entry (exit) of persons, transport means at state border checkpoints, transfer of cargo, animals and other property shall be carried out upon permission of border troops in case of availability of corresponding documents.

Article 26. Procedure for stay and movement of persons and transport means at state border checkpoints

The place and duration of parking — at state border checkpoints — of transport means carrying out international transfers of passengers and cargo shall be determined by the administration of the airport, railway station, automobile parking and transport organisations, by agreement with border troops and customs bodies.

During the period of implementation of customs, border and other type of control, the boarding of persons into transport means carrying out international transfers of

passengers and cargo, shall be restricted and, where necessary, may also be prohibited.

The boarding and exit of passengers into and out of transport means departing from and arriving in the Republic of Armenia, as well as loading and unloading shall be implemented upon permission of border troops and customs bodies.

Officials of transport organisations, owners of transport means or their authorised persons shall, by the demand of the representative of border troops and in the presence of the corresponding representatives of customs bodies, be obliged to open sealed wagons, cars, transport means and the cargo transferred thereby.

Transport means carrying out international transfers of passengers and cargo can depart from and enter the territory of the Republic of Armenia, as well as change the parking location only upon permission of border troops and customs bodies.

Article 27. Additional regime rules at state border checkpoints

At state border checkpoints, a territory, construction shall be set aside for direct implementation of sanitary-quarantine, veterinary, phytosanitary control and customs control. Additional regime restrictions shall be introduced at those places within the limits of the procedure and rules provided for by Articles 24-26 of this Law.

Where there is a threat to the interests of the Republic of Armenia on the state border, the commander of border troops can temporarily stop communication at state border checkpoints.

CHAPTER 6.

THE POWERS OF PUBLIC ADMINISTRATION BODIES OF THE REPUBLIC OF ARMENIA IN THE FIELD OF STATE BORDER PROTECTION

Article 28. The powers of public administration bodies of the Republic of Armenia in the field of state border protection

The authorised state body in the field of foreign affairs of the Republic of Armenia shall:

- (a) negotiate over the issues of maintenance of the state border regime, prepare necessary documents and materials within the limits of its competence;
- (b) ensure, within the limits of its competence, foreign policy, international-legal protection on the state border;
- (c) prepare, within the limits of its competence, the documents of entry to and departure from the Republic of Armenia for citizens of the Republic of Armenia, citizens of foreign states and stateless persons;
- (d) solve state border issues and incidents not regulated by the border representatives of the Republic of Armenia in charge of issues of maintenance of the state border regime.

The authorised state body in the field of national security of the Republic of Armenia shall:

- (a) ensure protection of vital interests of the person, state and society in the general system of provision of the security of the Republic of Armenia on the state border;

- (b) conduct analysis and prognosis of political, social-economic and criminogenic situations within the border layer and in international communication channels;
- (c) target the operative-investigative work of national security bodies to the disclosure, prevention and disruption of special services of foreign states, criminal groups and illegal activities of certain persons along the state border.

The authorised state body in the field of defence of the Republic of Armenia shall:

- (a) ensure protection of air space on the state border;
- (b) ensure participation of the armed forces of the Republic of Armenia in state border protection, as prescribed by this Law and the legislation of the Republic of Armenia;
- (c) support, within the limits of its competence, border troops in resource, intelligence and state border protection and other issues.

The authorised state body in the field of Police of the Republic of Armenia shall:

- (a) support, within the limits of its competence, border troops in implementing regime measures in the field of state border protection, in combating illegal activities on the state border, in searching for transgressors of the state border regime, in examining the offences committed by persons subjected to administrative arrest;
- (b) when searching for state border trespassers upon presentation by border troops, resisting an armed intrusion or mass intrusion of citizens of a bordering state into the territory of the Republic of Armenia, ensure the temporary restriction or prohibition for persons to enter certain areas of the locality, ensure social order in the border zone (airports, train, automobile stations and other facilities) during extraordinary situations;

- (c) participate in the legal education of the population jointly with border troops in the border zone, the preparatory works targeted at the prevention of transgression at state border checkpoints.

(Article 28 amended by HO-138-N of 20 March 2007)

CHAPTER 7.

THE POWERS OF ANTI-AIR DEFENCE FORCES IN THE FIELD OF STATE BORDER PROTECTION

Article 29. The powers of anti-air defence forces in the field of state border protection

Anti-air defence forces shall protect the state border in air spaces.

Anti-air defence forces shall be entitled to:

- (a) propose to planes or other aircraft to respond to request signals, make an inquiry about the goals of entering the air territory of the Republic of Armenia;
- (b) propose to planes or other aircraft to change the direction of the flight to separate air corridors for flights, propose to land at international airports or, in case of impossibility, at the nearest airport or in other relevant area;
- (c) accompany and force a plane or other aircraft to land at airports or in another relevant area in case of threat to the security of the Republic of Armenia or when any hostile act is committed against the Republic of Armenia. If a plane or other aircraft continues to commit the mentioned acts, the subdivisions of anti-air defence forces shall destroy the specified plane or other aircraft.

Article 30. The grounds for detention of a plane or other aircraft on the part of border troops

Border troops shall detain a plane or other aircraft located in the territory of the Republic of Armenia, if the plane or other aircraft:

- (a) collects information to the detriment of the security of the Republic of Armenia or commits any other hostile act against the Republic of Armenia;
- (b) has been outside the air corridors separated for flights;
- (c) lands or boards people, loads or unloads cargo at international airports without an appropriate permit, as well as in case of failure by the commander to submit the necessary documents.

Article 31. Protocol on inspection or detention of a plane or other aircraft

A protocol on inspection or detention of a plane or other aircraft shall be drawn up and signed by a representative of border troops or the commander of the detained plane or other aircraft. The protocol shall be drawn up in Armenian and, if necessary, the translation of the text of the protocol shall be provided.

In case of detention of a plane or other aircraft, the documents of the plane or other aircraft or the cargo shall be confiscated and attached to the protocol. If the commander of the inspected or detained plane or aircraft considers the actions of the servicemen of border troops as illegal or he or she does not agree with the content of the protocol, he or she may make an indication thereon in the protocol or separately — in the documents attached to the protocol.

If the commander refuses to sign the protocol, he or she shall make a relevant indication thereon.

Article 32. Consequences of detention of a plane or other aircraft of a foreign state

The detained plane or other aircraft of a foreign state shall be either delivered to the authorised representatives of the relevant foreign states or be expelled from the territory of the Republic of Armenia as prescribed by the legislation of the Republic of Armenia or be confiscated upon a court decision in the cases provided for by the legislation of the Republic of Armenia.

Article 33. Co-operation during protection of the state border

Border troops and anti-air defence forces shall assist each other while protecting the state border, co-ordinate, within the limits of their competences, the actions of other state bodies implementing different types of control over the state border regime without interfering with those actions.

According to the international treaties of the Republic of Armenia, border troops shall co-operate with the relevant bodies of bordering states.

CHAPTER 8.

***INVOLVEMENT OF STATE BODIES, OFFICIALS, CITIZENS
AND ORGANISATIONS IN STATE BORDER PROTECTION***

Article 34. Involvement and responsibilities of state bodies, officials, citizens and organisations in state border protection

State bodies, officials, citizens and organisations shall, within their competences, be obliged to assist border troops in protecting the state border and immediately inform border troops about a danger posing a threat to the state border.

State bodies, officials, citizens and organisations shall be obliged to meet the requirements of the state border regime and the border regime.

Citizens shall be involved in state border protection on a voluntary basis.

CHAPTER 9.

FINAL PROVISIONS

Article 35. Entry into force of the Law

1. This Law shall enter into force from the moment of its official promulgation.
2. The Law of the Republic of Armenia of 17 July 1994 "On the state border of the Republic of Armenia" and the Decision of the Supreme Council of the Republic of Armenia "On implementing the Law of the Republic of Armenia of 26 April 1994 "On the state border of the Republic of Armenia"" shall be repealed upon entry into force of this Law.

**President
of the Republic of Armenia**

R. Kocharyan

Yerevan

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