

## PROCEDURE

### for Issuing and Rejecting Force Majeure Certificates

The Chamber of Commerce and Industry of the Republic of Armenia /hereinafter referred to as the RA CCI/, based on Article 6(d) of the Law on Chambers of Commerce and Industry as well as Clauses 2.4.13 of the RA CCI Charter and RA CCI panel session decree of 3 April 2020, hereby stipulates the procedures for issuing and rejecting force majeure certificates by the RA CCI.

#### 1. For the purposes of the Procedure, the basic concepts are defined as follows:

**1.1 Force majeure:** emergency and unpreventable occurrences and circumstances that have arisen independently of the will of the parties and also, regardless of the efforts of the latter, have hindered the actions by the parties to fulfill their obligations.

Such force majeure occurrences and circumstances shall include as follows:

- declared pandemics, or epidemics;
- declared emergency and unpreventable events and circumstances due to natural and man-made disasters;
- declared extraordinary manifestations of natural forces (including floods, earthquakes, storms, tornadoes, heavy rains and thunderstorms, snowstorms, landslides);
- declared strikes, social unrest, terrorism, wars, uprisings, interruptions in gas imports to the country, including other cases envisaged by the law of the Republic of Armenia.

**1.2 Applicant:** legal entities or sole proprietors registered in the Unified State Register of Legal Entities and Individual Entrepreneurs of the Republic of Armenia as well as foreign legal entities or foreign organizations not acting as legal entities under a foreign state law that applied for a certificate with the RA CCI and are responsible for authenticity of the documents they submitted and reliability of the information contained therein.

**2.** The certificates shall be drawn up and issued by the RA CCI in compliance with the law of the Republic of Armenia.

**3.** To draw up and issue certificates, the RA CCI shall register applications in the prescribed procedure.

#### 2. Procedure for Applying for Certificates

**2.1.** To obtain a certificate, the applicant shall submit to the RA CCI a substantiated written application for force majeure certificate featuring the number and date of the contract/foreign trade contract and the force majeure section of the contract, if any, and the document confirming payment by the applicant for the RA CCI services.

**2.2.** A copy of the contract to confirm the force majeure. The application may have enclosed any additional information and documents whereof the applicant considers it necessary to inform the RA CCI.

**2.3.** The submitted information and documents /copies of documents/ must be certified and/or approved in the prescribed procedure. The RA CCI shall be entitled to require submitting original documents and any other additional documents as necessary (government decrees, departmental acts, etc.).

**2.4.** The application and its enclosures may be sent by the applicant in advance both by e-mail and to the RA CCI website, in Pdf format and must compulsorily bear an electronic signature.

### **3. Procedure for rejecting a certificate**

**3.1.** Upon receiving an application, the RA CCI shall examine the submitted information and decide within five business days on issuing a certificate.

**3.2** The deadline for drawing up and issuing the certificate may be extended for the term required to obtain information from the competent authorities of the Republic of Armenia.

**3.3.** Certificates may be rejected:

- a) if the documents submitted by the applicant contain unreliable or contradictory information;
- b) if the extraordinary and unpreventable occurrences and circumstances substantiated in the application, which arose against the will of the parties and also, regardless of their efforts, hindered the actions by the parties aimed at fulfilling their obligations, do not correspond to the reality;
- c) in case the requirements set forth in Clause 2 of this Procedure are violated;
- d) if no document confirming payment by the applicant for the RA CCI services of drafting and issuing the certificate is submitted.

**3.4.** In case of rejecting certificate, the RA CCI shall no later than within 3 business days upon making such a decision, notify the applicant in writing, by e-mail or in case of applications sent to its website, by any other means of telecommunication, of rejecting the certificate and must mention the circumstances underlying the rejection.

### **4. Language of certificate and other mandatory requirements**

**4.1.** Upon written request of applicants, the certificate may also be drawn up in English and Russian, if such a requirement is stipulated by the law of the country where the supply is made.

**4.2.** The original of the certificate shall be drafted on an A4 white paper (210 x 297 mm) prepared on the copies being blank forms for documents provided with a certain degree of protection. Copies of the certificate shall be made on white paper without use of protection levels and bear the note: "Copy".

**4.3.** The original and one copy of the certificate shall be handed over to the applicant and the second copy of the certificate shall remain with the RA CCI.

Upon written request of the applicant, an additional copy of the certificate may be issued.

## **5. Terms of Certificate**

**5.1.** In case of any changes in the information mentioned in the certificate, another certificate may be issued upon applicant's written request, in the manner and within the terms provided for by this Procedure.

**5.2.** In case of loss of or damage to the original certificate, a copy thereof may be issued.

To obtain a copy of the certificate, applicants shall submit to the RA CCI a free-form application.

A copy of the certificate shall be issued on a new form.

The validity term of the copy of the certificate may not exceed the validity term of the original.

**6.** The application and copy of the certificate shall be stored at the RA CCI archive for a term of 3 years and in case of expiration of the term, it shall be transferred to the authorized agency in the manner prescribed by law.