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DELEGATION OF THE REPUBLIC OF ARMENIA
ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

FSC.EMI/64/18
13 April 2018

ENGLISH only

D- 014

The Permanent Delegation of the Republic of Armenia to the Organization for Security and Co-operation in Europe presents its compliments to the Permanent Delegations of the Participating States to the OSCE and Conflict Prevention Center, and has the honor to submit Armenia's reply to the Questionnaire on the Code of Conduct on Politico- Military Aspects of Security.

The Permanent Delegation of the Republic of Armenia to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to the Permanent Delegations of the Participating States to the OSCE and Conflict Prevention Center the assurances of its highest consideration.

Attachment: 12 pages

Vienna, 13 April, 2018



To All Permanent Delegations to the OSCE and the CPC
VIENNA

REPUBLIC OF ARMENIA
QUESTIONNAIRE ON THE CODE OF CONDUCT
ON POLITICO-MILITARY ASPECTS OF SECURITY

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism.

1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

Armenia has acceded and is a State Party to the following international agreements on prevention of, and combating terrorism:

United Nations

1. Convention on Offences and Certain Other Acts Committed on Board of Aircraft;
2. Convention for the Suppression of Unlawful Seizure of Aircraft;
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
5. International Convention against the Taking of Hostages;
6. Convention on the Physical Protection of Nuclear Material;
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;
10. Optional Protocol to the Convention on the Right of the Child on the Involvement of the Children in Armed Conflicts;
11. Comprehensive Nuclear-Test-Ban Treaty;
12. Second Protocol of 1999 to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict;
13. Convention on the Marking of Plastic Explosives for the Purpose of Detection;
14. International Convention for the Suppression of Terrorist Bombings;
15. International Convention for the Suppression of the Financing of Terrorism;
16. International Convention on Suppression of Acts of Nuclear Terrorism;
17. Convention for the Suppression of Acts of Nuclear Terrorism;
18. International Convention for the Suppression of Terrorism Bombing;
19. The Geneva Convention relative to the treatment of Prisoners of War;

20. Additional Protocol relating to the Protection of Victims of International Armed Conflicts;
21. Non-Proliferation of Nuclear Weapons;
22. United Nations Convention against Transnational Organized Crime;
23. Protocol to Prevent, Suppress and Punish trafficking in Persons, especially women and children, supplementing UN Convention against Transnational Organized Crime;
24. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
25. Protocol against the Illicit Manufacturing and Trafficking in Firearms, their parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;
26. United Nations Convention against Corruption;
27. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
28. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction;
29. Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Combating Crime, in particular in its Organized Forms;
30. Additional Protocol on Combating Terrorism to the Agreement among the Government of the Black Sea Economic Cooperation Participating States on Combating Crime, in Particular in its organized forms;
31. Agreement on Cooperation in the Field of Protection of Civil Aviation from Illegal Interference;
32. Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism;
33. Agreement on the Cooperation between the Ministries of Interior of the CIS Participating States for the Suppression of Terrorism;
34. Proliferation Security Initiative.

Council of Europe, Black Sea Economic Cooperation Organization and CIS

1. European Convention on the Suppression of Terrorism;
2. Protocol amending the European Convention on the Suppression of Terrorism;
3. European Convention on Extradition;
4. European Convention on Mutual Assistance in Criminal Matters;
5. European Convention on the Transfer of Proceedings in Criminal Matters;
6. Additional Protocol to the European Convention on Extradition;
7. Second Additional Protocol to the European Convention on Extradition;
8. Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters;
9. Second Additional protocol to the European Convention on Mutual Assistance in Criminal Matters;
10. Convention on the Transfer of Sentenced Persons;
11. Additional Protocol to the Convention on the Transfer of Sentenced Persons;

12. Criminal Law Convention on Corruption;
13. Additional Protocol to the Criminal Law Convention on Corruption;
14. Civil Law Convention on Corruption;
15. Europol Convention;
16. Convention on Cyber Crime;
17. Additional Protocol concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed through Computer Systems;
18. European Convention on the Compensation of Victims of Violent Crimes;
19. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;
20. Council of Europe Convention on Laundering, Search, Seizure, Confiscation of the Proceeds from Crime and the Financing of Terrorism;
21. Council of Europe Convention on the Prevention of Terrorism; 22. Council of Europe Convention on Action against Trafficking in Human Beings.

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

- a. Law of the Republic of Armenia on Combating Money Laundering and Financing of Terrorism.
- b. Law of the Republic of Armenia on Combating Terrorism.
- c. Criminal Code of the Republic of Armenia.
- d. National Strategy of the Republic of Armenia for Combating Terrorism.
- e. National Strategy for Combating Money Laundering and Terrorism Financing.

1.3. What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

The following agencies are directly engaged in the fight against terrorism:

- National Security Service;
- Police;
- Ministry of Defense.

Within the authorities prescribed by law they:

1. Develop and implement measures aimed at prevention, detection, suppression and mitigation of consequences of terrorist acts, as well as detection and elimination of causes and conditions leading to terrorism;
2. Establish specialized units to counter terrorism;
3. Take part in the preparation of treaties in the field of the fight against terrorism;
4. Develop proposals for improving relevant legislation and submit them to the Government for approval.

With a view to coordinating the antiterrorist activities of the responsible agencies the President may establish, if necessary, an ad hoc body for carrying out counter-terrorist operation.

Stationing of armed forces on foreign territory

2.1 The Republic of Armenia does not have its armed forces permanently stationed on the territory of another participating State.

The deployment of the Armed forces of the Republic of Armenia outside the territory of the Republic of Armenia is authorized by the National Assembly and carried out primarily in the framework of UN SC mandated operations.

a. Kosovo

On September 3, 2003, a Memorandum of Understanding concerning the allocation of an Armenian Rifle Platoon under the Hellenic Armed Forces Contingent in Kosovo was signed between Armenia and Greece which was ratified by the Armenian Parliament on December 13, 2003. In January 2004, a platoon of Armenian peacekeeping battalion arrived in Kosovo to participate in KFOR peacekeeping operation.

In June 2008, the peacekeepers' number was doubled. Armenian "blue helmets" served within the Greek Army battalion.

In December 2011, the Armenian peacekeepers were withdrawn from Kosovo as the MoU between Armenia and Greece expired.

In July 2012, Armenian contingent (35 soldiers) was redeployed in Kosovo, according to the Memorandum of Understanding signed with the US European Command, and was stationed at "CAMP BONDSTEEL" U.S. base, Battle Group EAST.

b. Afghanistan

Since 2010 Armenian contingent has been involved in the NATO-led International Security Assistance Force (ISAF) in Afghanistan and since January 2015, in the Resolute Support Mission (under German command).

The number of personnel currently is 121, which is deployed in Mazare-Sharif region, in 2 locations: Mazar-e-Sharif airport, Camp "Marmal" and in Kabul: Camp "Qasaba".

c. Lebanon

Since February 2012 Armenia has been sending a Military Observer to Lebanon in the framework of UN UNIFIL mission.

Since November 26, 2014, an Armenian peacekeeping platoon of 32 members has been involved in the UNIFIL Mission under the Italian Command. Relevant MOU with Italy was signed on 3rd of June, 2014 in Brussels, Belgium.

d. Mali

Since June, 2015, a representative of Armenian Armed Forces has been deployed in UN MINUSMA mission in Mali to serve as logistic staff officer (permanent location being UN forces HQ in Bamako).

3. Implementation of other international commitments related to the Code of Conduct

Armenia is committed to the strict implementation of the provisions of the Treaty on Conventional Armed Forces in Europe. The Armenian side, remaining committed to its Treaty obligations, exchanges information on the Armed Forces of Armenia, their structure, areas of deployment and the Treaty limited equipment, as well as receives inspections. The inspection reports clearly state that Armenia is fully implementing the Treaty.

The primary means to promote confidence - and security-building measures is the implementation of the OSCE CPC – FSC decisions, inter alia, the OSCE Confidence and Security Building Measures, which includes the implementation of the Vienna Document 2011. Armenia actively participates in the implementation of the latter's provisions, including receiving of inspections and evaluation visits, exchanging relevant annual information and voluntary notification of one military exercise below threshold, in line with the VD + Decision 9/12. The Armenian side actively contributed to the updating of the Vienna Document through supporting most of the suggestions on its modernization some of which were adopted as the FSC Decisions and later incorporated into the Vienna Document 2011. Armenia advocates full and unreserved implementation of the Vienna Document with the understanding that compliance to the VD reduces risk of use of force and promotes trust and confidence.

Armenia is implementing other OSCE Confidence and Security Building Measures, i.e. Annual Exchange on Small Arms and Light Weapons (SALW), Global Exchange of Military Information (GEMI), as well as Information Exchange on Conventional Arms Transfers, Questionnaire on Anti-Personnel Landmines, etc.

It is also worth to mention the positive role of the OSCE Communication Network as an important instrument for facilitating the implementation of various commitments under the VD2011 and the CFE Treaty.

Armenia also provides relevant information to the United Nations, such as:

- Report on the National Legislation on Transfer of Arms, Military Equipment and Dual-Use Goods and Technology;
- National report on Conventional Arms transfers;
- Report on Confidence building measures in the regional and sub-regional context;
- Report on Conventional arms control at the regional and sub-regional levels.

Section II: Intra-State elements

1. National Planning and Decision-Making Process.

1.1 What is the national planning and decision-making process in determining/approving military posture and defense expenditures in your State?

National planning and decision-making process for the determination of the military posture of the Republic of Armenia is regulated in accordance with the Constitution and legislation of the Republic of Armenia.

Particularly, the Strategic Defense Review (SDR) process was conducted from 2008 to 2011, resulting in the identification of the force structure and tasks of Armenian Armed Forces till 2015. Based on this, Armed Forces Development Plan was endorsed and put into action, envisaging the tasks of each component of the forces and their mid-term development vision. Launched on 13 December 2013, the second iteration of SDR was concluded by December 2015. It resulted in the development of long-term development plans and programs of the defense sector from 2016 through 2020 (namely, the Armed Forces Development Plan, and Armaments and Military Equipment Development State Program). SDR resulted in development of insights into the process of Armenian Defense Sector and Armed Forces transformation towards better meeting contemporary security challenges and the ability to deter, counter, and neutralize current and potential threats. Based on the outcomes of SDR, the transformation efforts are carried out in areas of doctrine (methods, tactics, technics and procedures of warfare), defense (strategic) planning, military education, human resources management, and command and control (with introduction of Mission Command as the overarching philosophy of C2). Defense Planning is carried out based on Mid-term expenditure program (3 years) submitted to the Government (through Ministry of Finance). Annual Defense Budget as an integral part of State Budget of the Republic of Armenia is submitted by the Government to National Assembly (Parliament) as the Draft Law on State Budget of the Republic of Armenia (on annual basis, for each fiscal year). Moreover, the New Law on Defense adopted in the fall of 2017 to reflect constitutional changes, introduces defence (strategic) planning process that should be informed by periodical Strategic Defense Reviews. In early 2018 Armenia embarked on a new long-term development path, adopting the “Armed Forces Modernization Program for 2018-2024”. Building on both the outcomes of recent SDR and objectives of “2016-2020 Development Plan”, the new 7-year modernization program is considered the overarching strategic guidance document for functioning and development of defense sector (English and Russian versions of the open part of the document will be publicized soon).

2. Existing Structures and Processes.

On 6 December, 2015, a Referendum on Constitutional Reforms was held in Armenia. The new Constitution envisages transition, upon completion of two-year transitional phase (till 2018), from current semi-presidential to parliamentary form of governance. As for the implications of constitutional reforms on defense sector and armed forces, there will be significant changes in relation to civil and democratic control in terms of enhancing the role of National Assembly and Government in this regard. Armenian Armed Forces have been and will continue to be under strict civil and democratic control. Constitutional reforms will have impact on the “strategic level” of the chain of command and corresponding command and control arrangements.

The armed forces shall fall under the subordination of the Government. The decision on the use of armed forces shall be taken by the Government.

The highest military official of the armed forces shall be the Chief of General Staff, which shall be appointed by the President of the Republic upon recommendation of the Prime Minister, for the term prescribed by law. In a non-war situation, the Chief of General Staff shall be subordinate to the Minister of Defense

At the time of war, the Prime Minister shall act as the Commander-in-Chief of the armed forces.

Harmonization of legislation in the defense sphere with constitutional amendments completed in November 2017 with the adoption of the following two capstone legislations - "Law on Defense" and "Law on Military Service and the Status of Military Serviceman" (both adopted on 29 November, 2017)

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

According to the Constitution of the Republic of Armenia the mission of armed forces is to ensure security, safety, territorial integrity and inviolability of frontiers of the Republic of Armenia. Other roles of armed forces of the Republic of Armenia, as provided by the Law on Defense, are

- protection of fundamental values of national security;
- prevention and neutralization of possible military offensive against the Republic of Armenia;
- participation in the prevention of emergency situations, the reduction and elimination of consequences of possible crises, as well as in civil defense activities such as evacuation, search and rescue and humanitarian activities;
- detection of military threats and their management;
- fulfillment of international obligations, including participation in international humanitarian, rescue, peacekeeping operations;
- participation in the prevention and neutralization of subversive activities and terrorist acts, etc.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

A person is recruited into the service by:

- Conscription (each citizen of Armenia who has reached the age of eighteen years and is eligible to serve in the manner prescribed by the law on Military Duty shall serve 2 years in the national armed forces. The call-up of personnel takes place twice a year. For each call-up the Commander in Chief issues a special Decree and the Cabinet of Ministers adopts a separate resolution,
- Signing a contract (from 3 to 5 years) stipulating the terms of service in the armed forces.
- Contract mandatory service, when instead of serving 2 years, conscripts sign up for 3 years to serve on units conducting combat duty on the border, and upon completion of the tour of duty receive a lump sum of payment.

All three types of services are regulated by "Law on Military Service and the Status of Military Serviceman".

A person is recruited for Service in Security forces in accordance with the Law on "Service in National Security bodies" of 11 April, 2003.

3.2 What kind of exemptions or alternatives to military service does your State have?

Exemption from compulsory military service is prescribed by the Law on Military Duty of 16 September 1998.

In 2003 the Law on Alternative Service was adopted which entered into force on 1st of July 2004.

The Law on Alternative Service defines the procedure of replacing compulsory military service of citizens of the Republic of Armenia with alternative service, performing alternative service, demobilizing into the reserves, and registering.

A conscript citizen shall have the right to assume an alternative service, if carrying out a compulsory military service in military units, as well as carrying, keeping, maintaining and using arms contradict his religion or convictions.

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

There is a complex system of legislative guarantees and safeguards as well as internal and external mechanisms to ensure and protect the rights of the Armed Forces personnel, including conscripts. Besides common guarantees provided by the Constitution and other legislative acts of the Republic of Armenia, the rights and obligations of all forces' personnel are defined by specific laws and regulations of Armenian Armed Forces which also provide the mechanism dealing of complaints. Disciplinary Code clearly defines the disciplinary offences and punishments of disciplinary character for each offence separately. The social rights of personnel of all armed forces are defined by the Law on Social Safety of Military Servicemen and Members of Their Families of 27th of October, 1998.

There are also external and alternative mechanisms of protection of the rights of all forces personnel, such as judicial protection or complaints addressed to Human Rights Defender of Armenia¹, as well as Public Council under the Minister of Defense, which consists of representatives of local NGOs and deals with human rights violations complaints, particularly during the call-up process.

Moreover, for a better promotion of the new policy of civilian democratic control of the armed forces generally, and "citizen in uniform" concept specifically, in 2015 Human Rights and Integrity Building Center² was established which is under direct supervision of the Minister of Defense, and is operationally independent from the military hierarchy³.

It is a multitask Center, aimed at effective coordination of human rights protection in the army, human rights awareness raising, developing of an anti-corruption policy, ethics

¹ The position of Deputy to Human Defender was established in 2014, which is generally covers Military affairs.

² The Center was established on 15 September 2015 by Order N1091 of the Minister of Defense.

³ The Center is headed by the PhD professor specialized in human rights and sociology in the armed forces, previously worked as a military adviser to the Human Rights Defender of Armenia on servicemen's rights protection issues.

management changes in cooperation with international organisations, diplomatic missions, civil society and universities. The Center, among the others, is tasked to:

- coordinate and combine the process of promoting human rights and integrity in different subdivisions of the Ministry of Defense and those of the General Staff of Armed Forces;
- establish proper control over the fulfillment of obligations in the sphere of promoting human rights and integrity;
- introduce new management methods based on respect for human rights as part of a commitment to democratic values;
- initiate, organize, implement, monitor and assess programs related to the defense needs of the Republic of Armenia, as well as to the promotion of human rights and integrity within the framework of cooperation with international partners;
- conduct comprehensive studies (research) of current situation of the human rights promotion and protection in the defense sphere and develop recommendations in that respect;
- organise unannounced visits to subdivisions and military units for the purpose of operative assessment of the state of promoting human rights and integrity in the defense sphere or studying specific target issues;
- provide recommendations, practical and methodological instructions to the subdivisions on topics of promotion of human rights and integrity in the defense sphere, as well as develop corresponding action plans, if needed, and monitor their implementation;
- organise joint conferences, discussions, courses and other events with international partners, academic and educational institutions and non-governmental organisations;
- provide support in systematic review and improvement of concept papers, curricula, regulatory legal acts related to the defense sphere.

The Ministry of Defense actively cooperates with the international organizations in the fields of security sector governance and reform and promoting human rights in Armed Forces. It should be noted that within the Council of Europe national (ongoing) project *Strengthening the Application of European Human Rights Standards in the Armed Forces in Armenia*, it is planned to enhance the capacity of the Center to ensure human rights compliance and promote them within the armed forces.

The OSCE Office in Yerevan was another important partner of the Ministry of Defense in promoting security sector reform and democratic control of Armed Forces. After its closure in 2017 against the will of the Government of Armenia, “Armenia Cooperation Programme”, a framework document of cooperation between Armenia and the Organization for Security and Cooperation in Europe was developed. *Continuity of reforms in the security sector in the Republic of Armenia* is one of the core areas of the ACP.

New course of defense policy taken by Armenian authorities is mostly concentrated on furthering the:

- acknowledgment and entitlement of all members of armed forces to the same rights as other individuals (subject to certain restrictions inherent to military life) in conformity with the jurisprudence of the Court and international human rights law;
- consideration of respect of human rights not merely as a legal obligation of the State, but also as an obligation to create a professional culture within the military that includes respect for human rights as part of a commitment to democratic values;

- establishment of trustworthy relations between soldiers and their commanders, fostering a positive image of armed forces in society;
- increase of civilian democratic control of armed forces, and more operational control of human rights protection in the army;
- elimination of the torture and ill-treatment in the armed forces.

4. Implementation of other political norms, principles, decisions and international humanitarian law.

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

The International Humanitarian Law as a separate discipline is incorporated into academic curriculums of the military institutes of Armenia. Besides above mentioned, short term trainings for the military personnel of armed forces of Armenia on IHL and LOAC are provided by the ICRC on regular basis. Personnel of Peacekeeping Brigade are permanent attendees on this type of trainings.

Human Rights education and training initiatives have been activated and concrete steps have been undertaken in Armenian armed forces since 2010. These efforts have been supported by the OSCE Office in Yerevan, by other IGO's (UNFPA, ICRC⁴, UNICEF etc.), as well as civil society organizations and academic circles. In 2012 "The Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel", developed by OSCE/ODIHR and the Geneva Centre for the Democratic Control of the Armed Forces (DCAF) was translated into Armenian and local experts wrote the teaching manual. Since 2012 each year Human Rights courses have been organized for the military, taught by well-known local NGO experts and academicians from human rights sphere. The specialized courses have been designed and delivered differently, based on needs and frame of responsibilities of target audience (such as Military Police, Peacekeepers, Military Academies, Vice-commanders on personnel affairs etc.). Special attention has been given to preparation of own military staff capable to deliver human rights courses in military academies and run trainings for personnel. Thus, several small – range pilot courses with the elements of TOT (Training of trainers) were organized from 2012 to 2013 in Military Academies.

For 2018 the same format of Human Rights trainings in the Armed Forces is already fixed and planned.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

According to the Constitution of the Republic of Armenia, armed forces are politically neutral and under civilian control.

⁴ ICRC is mostly engaged in IHL trainings and awareness rising.

4.5 How does your State ensure that its defense policy and doctrine are consistent with international law?

The National Security Strategy, Military Doctrine and other documents on defense policy have passed intergovernmental procedures of approval. Any contradictions with international commitments of the Republic of Armenia have been excluded from documents. Moreover, those documents were agreed upon by international experts and Partner institutions. Thus, they passed both internal and external legal expertise and filtration.

Section III: Public access and contact information

1.3 How does your State ensure public access to information related to your State's armed forces?

Public access to information related to the armed forces is open and available to public through:

- Information Department of the Ministry of Defense (MoD),
- “Armenian Army”, military-scientific quarterly published by MoD,
- “Armed Forces”, television program,
- “Armenian Soldier” weekly,
- Press conferences in the MoD,
- Regular “open doors” events in military units.
- MoD “Hot Line”, operational since 11 January, 2017.

MoD Human Rights and Integrity Building Center (HRIBC) hotline was created in January, 2017. In 2017 since its operation the hotline has received 33,439 calls from the citizens related to various defense areas. The calls/complaints have been registered and processed. The hotline was also the first whistleblower submission platform. It gave the MoD leadership a unique opportunity to learn more about the illegal, unethical or incorrect activity within the whole structure. The main goal of the MoD is not only to provide quick responses to the questions and complaints but also to find out existing gaps in the system and close them with institutional changes. Hotline's informational mission should not be ignored as well. Most of the calls refer to informational questions, when public seeks for legal counseling. This increases the public awareness on the ongoing reforms and programs in the defense sector.

The mission is to provide a responsive national hotline for the Armenian citizens where the public can report any suspected illicit behavior, get legal counseling or be informed of the current state of the conscripts.

The hotline works in conjunction with

- Departments, divisions, military units and commissariats under the jurisdiction of the MoD and the Armed Forces
- Law enforcement agencies including police, military police, prosecutor's office, Investigation Committee etc.
- Other ministries including Ministry of Labor and Social Affairs, Ministry of Foreign Affairs etc.

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

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