

Law of the Azerbaijan Republic

On Protection of the Environment

This Law shall determine legal, economic and social grounds for the protection of the environment. The purpose of the Law shall be ensuring ecological safety in the field of maintenance of ecological balance of the environment, prevention of harmful impact of industrial and other categories of operations upon natural ecological systems, protection of biological diversity and organisation of efficient use of nature.

This Law shall regulate correlation between the nature and the society in an effort of strengthening of legality and application of norms of the law in the field of improvement of the quality of the environment, efficient use and restoration of natural resources, protection of the environment.

Chapter 1. General Provisions

Article 1. Main notions

Basic notions used in this Law are as follows:

Environment - cumulative total of all live and other categories of nature surrounding individuals irrespective of their activities;

Ecology - a science studying environmental balance and natural factors and anthropogenic (human activity) and physical processes affecting such balance;

Natural resources (reserves) - land, natural resources, vegetation cover, flora, fauna, sources of water and energy existing in the environment for the satisfaction of needs of humans;

Protection of the environment - prevention of initial quantitative and qualitative changes in, and protection and safeguarding of material resources existing under natural conditions in the environment;

Use of nature - efficient and effective use of natural resources for the purpose of satisfaction of social-economic requirements of the society, with consideration of needs of future generations, without impairing ecological balance of the environment;

Monitoring of the environment - science based exercise of quantitative and qualitative control over release of harmful gaseous, liquid and solid wastes following effect of natural and anthropogenic impacts;

Ecological system - all vegetation cover, flora, animal world, fauna, land, water reservoirs and rivers, mineral resources, air and energy sources constituting mutually related elements of the environment;

Normalisation of ecological balance of the environment - establishment of qualitative characteristics of the environment designed to determine suitability of the environment for human living and to ensure maintenance of biological diversity and efficient use of ecological systems;

Harmful impact upon environment - activities causing changes in quantitative and qualitative components of the ecological system and associated with breach of technologies applicable to chemical and biological operations, harmful physical, mining technologies and with inefficient use of natural resources;

Qualitative environmental indicators - goods and initial indicators of environmental balance complying with requirements imposed by technical documents and standards as approved by the relevant authorities and designed to ensure protection of health and of the environment.

Article 2. Legislation of the Azerbaijan Republic in the sphere of protection of the environment

Legislation of the Azerbaijan Republic on protection of the environment shall consist of the Constitution of the Azerbaijan Republic, this Law and other normative-legal acts.

Article 3. Main principles of protection of the environment

Protection of the environment shall be based upon the following principles:

Interrelated solution of social-economic, cultural-aesthetic, problems;

Maintenance of ecological balance in the territories and reinstatement of impaired natural ecological systems;

Efficient use and restoration of natural resources, application of economic incentives upon use of nature and protection of the environment;

ensuring maintenance of biological diversity of the environment;

state control, liability for breach of legislation on protection of the environment;

prevention of damages being caused to the environment and valuation of damages caused;

participation of individual and public organisations in protection of the environment;

international cooperation in the field of protection of the environment..

Chapter II. Rights and duties in the field of protection of the environment

Article 4. Rights and duties of the state in the field of protection of the environment

1. Rights of the state in the field of environmental protection shall be as follows:

1.1. to establish main trends of the state policy, prepare strategic measures for the implementation thereof;

1.2. to prepare, and establish rules for the approval of, quality norms related to ecological balance in connection of economic and other categories of activities in relation to protection of the environment;

1.3. to approve regulation on state funds for the environmental protection;

1.4. to take decisions on granting use of natural resources, to establish limits and quotes for the use of nature, to enter into agreements (contracts) in accordance with the legislation;

1.5. to approve the list of forms of use of nature for granting special permissions for users of nature (legal entities and physical persons engaged into entrepreneurial activities) and to approve rules of issue of aforementioned permissions;

1.6. to approve and implement various concepts related to different cases of protection of the environment, complex programs for the use, protection and restoration of natural resources, to establish rules of maintenance of state cadastre and state recordation of natural resources;

1.7. to establish rules of state monitoring upon environment and natural resources;

1.8. to approve categories of economic activities associated with ecological risk, rules for issue of special permissions for such activities, as well as list of identical goods (works, services) subject to compulsory standardisation and certification in relation to environmental protection;

1.9. to approve list of objects of environmental protection with special scientific-ecological and biological significance, to establish state reserves, state national and natural parks, other natural areas and objects requiring special protection;

1.10. to establish rules related to release of information and maintenance of state statistics on environmental protection;

1.11. to establish rules of carrying out activities of ecological auditor;

1.12. to issue special permissions for dangerous categories of economic activities, wastes and release of harmful substances to the environment, to enter into agreements (contracts), to establish limits and quotes, to issue special permission for the use of nature in accordance with the legislation;

1.13. to approve expenditures in the field of protection and improvement of the environment.

2. Duties of the state in the field of environmental protection shall be as follows:

2.1. to prepare programs related to different areas of ecological balance of the environment and use of natures;

2.2. to organise state ecological examination;

2.3. to exercise state control over protection, restoration and use of the environment, flora and fauna;

2.3-1. to exercise state control over the import and circulation of genetically modified plants, including agricultural plant materials, produced using modern biotechnology and genetic engineering techniques, in accordance with the Law of Azerbaijan Republic "On the protection and rational use of genetic stock of cultivated plants;

2.4. to keep state cadastre (Red Data Book) for rare and endangered species of fauna and flora;

2.5. to carry out international cooperation;

2.6. to carry out other duties specified by the legislation of the Azerbaijan Republic.

Article 5. Authorities of local authorities of self-administration in the field of protection of the environment

Local authorities of self-administration shall exercise in relation to protection of the environment duties specified by the applicable legislation.

Article 6. Rights and duties of individuals in the field of the environmental protection

1. Rights of each of citizens, individuals without citizenship and citizens of foreign states (hereinafter referred to as 'individual') shall be as follows:

1.1. to receive information on existence of the environment favourable for life and health, status of such environmental conditions and measures for the improvement thereof;

1.2. to receive compensation for damages caused to their health and property following breach of legislation on environmental protection;

1.3. to live in the natural environment favourable to health and life;

1.4. to use the natural resources, to undertake measures for the protection and reinstatement thereof, to take part in protection and improvement of the environment in accordance with prescribed procedures;

1.5. to take part in accordance with legislation in meeting, assemblies, pickets, demonstrations and marches, referendums on environmental protection;

1.6. to apply to state authorities and organisations in relation to environmental protection;

1.7. to give proposals in relation to public ecological examination;

1.8. to request through administrative and court procedures cancellation of decisions on location, construction, reconstruction and putting into operation of enterprises, facilities and other ecological harmful objects causing negative impact upon health and environment, as well as limitation, suspension of activities of physical persons and legal entities, and liquidation of legal entities;

1.9. to raise claims before appropriate authorities and courts for bringing organisations, officials and individuals guilty of breach of legislation on environmental protection before liability;

1.10. to exercise other rights stipulated by the legislation.

2. Each individual shall protect the environment.

Article 7. Rights and duties of public organisations in the field of protection of the environment

1. Public organisations shall have the following rights in the field of protection of the environment:

1.1. to prepare and carry out propaganda for ecological programs, to protect rights and interests of individuals in the field of protection of the environment, to actively engage individuals to such activities;

1.2. to exercise public control over protection of the environment;

1.3. to receive from state authorities and organisations timely, full and correct information on the status and measures on reinstatement of the environment;

1.4. to cooperate in accordance with legislation, upon contractual provisions with state authorities and international organisations for performance of certain activities in the field of protection of the environment;

1.5. to participate in discussion of draft law related to the area of protection of the environment;

1.6. to request through administrative and court procedures cancellation of decisions on location, construction, reconstruction and putting into operation of ecological harmful enterprises, facilities and other objects, as well as limitation, suspension and termination of economic activities negatively affecting health and environment;

1.7. to raise issues of bringing guilty organisations, officials and individuals before liability;

1.8. to apply to courts with claims for compensation of damages caused to health and protection of individuals as a result of breach of legislation on protection of the environment.

2. Duties of public organisations shall consist of carrying their activities in accordance with laws on protection of the environment and public associations.

Chapter III. Use of nature

Article 8. Users of nature

Users of nature may be legal entities and physical persons (including foreign users), state and non-state organisations, temporary and permanent users, initial and concurrent users:

Foreign users - foreign legal entities and physical persons, international associations and organisations;

Permanent users - users with non-fixed term of right for the use of nature;

Temporary users - users with fixed term of right for the use of nature;

Initial users - users obtaining right for the use of nature directly from the state;

Concurrent users - users obtaining rights upon contracts made with initial users.

Article 9. General and individual use of nature

1. In the Azerbaijan Republic natural resources may be under general and individual use.

2. General use of nature shall be carried out for the purpose of essential life need of population through free-of-charge use of natural resources by individuals and organisations. Where stipulated by the legislation, use of nature may be subject to limitations.

3. In course of individual use of nature natural resources shall be given for use by users in accordance with procedures specified by the legislation. Individual use of nature may be permanent and temporary, paid or free-of-charge, initial or concurrent.

4. Effectiveness of rights of individual use of nature and limited use of nature (servitude) shall be established in accordance with the legislation of the Azerbaijan Republic.

Article 10. Limits and quotes applicable upon normalisation of use of nature

Limits and quotes applicable upon normalisation of use of nature shall, in relation to a specific period of time, establish binding limits upon use of natural resources, release of harmful substances to the environment, placement of industrial and public wastes.

Limits and quotes shall be established by the relevant executive authority.

Article 11. Special permission for the use of nature

Special permission for the use of nature shall confirm the right to engage into entrepreneurial activities in the field of use of nature.

Special permission for the use of nature shall be issued in accordance with procedures stipulated by the legislation by the relevant executive authorities.

Article 12. State regulation of use of nature

State shall regulate use, reinstatement and protection of natural resources. For the aforementioned purpose, there shall be prepared state program, carried out cadastre, monitoring and recordation of natural resources.

Article 13. Rights and duties of users of nature

1. The following shall constitute the duties of users of nature:

1.1. to comply with ecological and technological requirements, existing standards and quantitative and qualitative environmental indicators applicable upon economic and other categories of activities;

1.2. to carry out under prescribed procedures measures in relation to protection of the environment and reinstatement of natural resources;

1.3. to timely pay fees and fines related to use of nature, pollution of the environment;

1.4. to supply appropriate information upon request issued by state authorities exercising state control in the field of protection of the environment.

2. The following shall constitute the rights of users of nature:

2.1. to make purpose-oriented, efficient use of natural resources;

2.2. to make efficient use of allocated natural resources without causing damage to the environment.

3. Rights of users of nature shall be protected by law. Breached rights of users of nature shall be reinstated in accordance with procedures stipulated by the legislation of the Azerbaijan Republic.

Article 14. Types of activities requiring special permission in relation to the use of nature

Special permission shall be required for use of certain categories of natural resources, as well as for engaging into the following categories of operations:

collection of substances causing environmental pollution;

transportation, burial and storage of specially dangerous industrial and public wastes;

ecological audit;

economic activities associated with ecological risk.

Article 15. Agreements for the use of nature

1. Agreement (contract) for the use of nature shall be made between the user of the nature and the relevant executive authority in cases stipulated and under procedures established by the legislation.

2. Agreement (contract) for the use of natural resources without possessing a required special permission for the use of such natural resources shall be null and void.

3. Provisions of the agreement (contract) contradicting terms of the special permission shall be null and void. Agreement (contract) shall terminate in the event of withdrawal of the special permission.

4. Agreement (contract) for the use of nature shall become effective upon being agreed with the relevant executive authority in the field of protection of the environment.

Chapter IV. State cadastre and monitoring of the environment, natural resources, standardisation and certification

Article 16. State cadastre of natural resources

State cadastre upon unified system of natural resources shall be maintained for the purpose of protection of ecological conditions, establishment of quantitative and qualitative indicators of natural resources for satisfaction of needs of the economy.

Areas to be covered by the state cadastre shall be stipulated by the legislation. Rules for maintenance of the state cadastre for such areas shall be established through regulations approved by the relevant executive authority.

Article 17. State monitoring of the environment and natural resources

1. System of state monitoring of the environment and natural resources shall be established and applied in the Azerbaijan Republic.

2. State monitoring of the environment and natural resources shall comprise management of the protection of the environment and use of nature, ensures control thereupon, implies establishment of appropriate databases and information systems. State monitoring shall cover the following:

2.1. observations upon conditions of the environment and natural resources, and sources of anthropogenic impact thereupon;

2.2. observations for studying distribution, development and dynamic of exogen processes;

2.3. observations for studying seismic activities of territories and issuing earthquake forecasts;

2.4. evaluation of status of objects of observation and examination of any modifications in relation to the initial circumstances.

3. Rules for carrying state monitoring of the environment and natural resources shall be established through regulations approved by the relevant executive authority.

Article 18. Enterprise (production) monitoring of the environment

1. Legal entities (users of nature) shall be obliged to undertake enterprise (production) monitoring of the environment, recordation and reporting in relation to effect of their potentially ecologically dangerous operations upon the environment.
2. Measurement devices applied to enterprise (production) monitoring of the environment shall comply with standardisation and metrology requirements.
3. Report on results of the enterprise (production) monitoring of the environment shall be submitted to the relevant executive authorities of the Azerbaijan Republic in the field of protection of the environment within terms established by such relevant executive authorities.

Article 19. Objects of standardisation and certification in the field of protection of the environment

Objects of standardisation and certification in the field of protection of the environment shall include goods (works, services) and technologies produces in or imported into the Azerbaijan Republic, capable of causing harm upon ecological safety, health and live of individuals, reinstatement and efficient use of natural resources.

Article 20. Standardisation in the field of protection of the environment

1. Standards and technical requirements of the Azerbaijan Republic in the field of protection of the environment shall be registered, approved and applied in accordance with rules prescribed by the legislation.
2. Preparation, production, supply (sale), storage, transportation, use (application) and repair of goods (products), performance of works and provision of services with breach of existing standards and technical requirements in the field of protection of the environment shall be prohibited.

Article 21. Certification in the field of protection of the environment

Certification carried out in accordance with procedures stipulated by the legislation shall pursue the purpose of establishing compliance by goods, works, services and operations in the field of protection of the environment with standards and technical requirements.

Production of goods (performance of works, provision of services) subject to compulsory certification in the field of protection of the environment, without such certification, shall be prohibited.

Chapter V. Economic regulation in the field of protection of the environment

Article 22. Economic basis for protection of the environment

1. Economic basis for ensuring protection and use of nature shall be constituted by raising material interests of users of nature in relation preparation, planning and implementation of measures for ecological safety, efficient use of natural resources, reinstatement and expansion of such resources.

2. The following shall constitute areas of activities and economic grounds of protection of the environment:

2.1. forecasting and financing of activities in the field of protection of the environment;

2.2. payments for the use of nature;

2.3. charges and fines for pollution of the environment;

2.4. creation of economic interests in the field of protection of the environment;

2.5. establishment of funds for protection of the environment;

grants;

2.6. funds allocated by international institutions for implementation of ecological programs.

3. Fines levied from enterprises, organisations and individuals for pollution of the environment shall, as a rule, be expended upon financing of activities in the field of protection of the environment.

Article 23. Forecasting and financing of activities in the field of protection of the environment

1. Activities in the field of protection of the environment shall be take into account in the relevant programs, and shall be included into state programs and concepts associated with various spheres of the use of nature.

2. Rules for drafting ecological programs and concepts associated with various spheres of the use of nature shall be established in accordance with the legislation of the Azerbaijan Republic.

3. Financing of ecological programs and measures in the field of protection of the environment shall be carried out on the account of the following sources:

3.1. state budget and local budgets;

3.2 resources from funds for the protection of the environment;

3.3. funds received through ecological insurance;

3.4. payments for the use of nature;

3.5. donations by legal entities and physical persons;

3.6. grants and other resources allocated by international institutions.

4. Financing of activities for the protection of the environment shall be separately indicated in budgets of all levels.

Article 24. Charges for pollution of the environment and use of natural resources

1. Charges for pollution of the environment, placement of industrial and public wastes, as well as use of natural resources shall be levied from enterprises, organisations and individuals — users of nature in accordance with procedures and in the amount stipulated by the legislation.

2. Fines for pollution of the environment in excess of prescribed limits shall be levied in accordance with procedures and in the amount stipulated by the legislation.

Article 25. Economic stimulation in the field of protection of the environment

Economic stimulation in the field of protection of the environment shall be carried out through ecology oriented subsidies and other measures of stimulation nature.

Economic stimulation in the field of protection of the environment may also be carried through measures not contradicting provisions of the legislation.

Article 26. Insurance in the field of environmental protection

1. Legal and physical persons who are users of natural resources, may voluntarily insure the civil liability for damage to the environment and to third parties during the use of natural resources.

2. The owners of real estate shall carry out compulsory insurance of civil liability in connection with the damage that may be caused to health and property of third parties as a result of use of real estate, in accordance with the Law of Azerbaijan Republic "On Compulsory Insurance".

Article 27. Funds for protection of the environment

1. Funds for protection of the environment shall be established for the purpose of financing of urgent measures related to protection of the environment, elimination of harm caused to the environment, implementation of other measures in the field of protection of the environment.

2. State and public funds may be established in accordance with procedures specified by the legislation on protection of the environment.

3. Resources of the state fund for protection of the environment shall be accumulated through fees for use of natural resources, fines levied for breaches of the legislation on protection of the environment, currency obtained from sale of hunting and fishing devices and illegally obtained goods confiscated in accordance with the procedures stipulated by the legislation, grants, donations, as well as other revenues not prohibited by the legislation of the Azerbaijan Republic.

Article 28. Use of funds for protection of the environment

1. Resources from the state fund for protection of the environment shall be expended for the following purposes:

1.1. scientific-research works, application of ecologically clean technologies and technologies providing for saving of resources;

1.2. financing of construction, reconstruction of objects for protection of the environment by users of nature;

1.3. undertaking measures in relation to compensation of damages caused through pollution of the environment;

1.4. payment of compensation for damages caused to health and environment as a result of pollution of the environment and other negative factors;

1.5. restoration of ecological balance of the environment, preparation and implementation of programs, projects, normative-methodological documentation;

1.6. ecological education and training;

1.7. protection of specially protected natural territories and objects;

1.8. protection and reinstatement of rare and endangered fauna and flora species;

1.9. creation and development of material-technical resources of state authorities in the field of protection of the environment;

1.10. organisation and carrying out of state monitoring of the environment, keeping the state cadastre;

1.11. material stimulation for the purpose of providing incentives to specialists working in the field of protection of the environment.

2. Expending resources of funds for protection of the environment for purposes unrelated to protection of the environment shall be prohibited.

Article 29. Public funds for protection of the environment

Resources of public funds for protection of the environment shall be accumulated through funds of public associations, donations by physical persons and legal entities, as well as other revenues not prohibited by the legislation of the Azerbaijan Republic. Such funds shall be established by public associations, and resources shall be expended for protection of the environment, works and activities associated with the efficient and complex use of nature.

Rules application to establishment of public funds, formation and expenditure of resources thereof shall be regulated under regulations (charters) approved by public associations in accordance with the legislation.

Chapter VI. Regulation of ecological balance of the environment

Article 30. Regulation of degree of breach of ecological balance of the environment

1. The purpose of regulation of ecological balance of the environment shall be the establishment of scientifically based permitted levels of impact upon environment guaranteeing ecological safety and public health, ensuring efficient use and reinstatement of natural resources, prevention of pollution of the environment.

2. Regulation of degree of breach of ecological balance of the environment shall include:

2.1. establishment of harmful effect of qualitative environmental indicators upon health, efficient use, protection and reinstatement of natural resources;

2.2. establishment of final limits of harmful impact upon the environment.

3. Special permission shall be issued for the substitution of prescribed qualitative environmental indicators with lower norms.

4. Special permission may be issued for the negative modification of normative requirements depending upon specific circumstances.

5. Approved qualitative environmental norms shall be binding upon all legal entities and physical persons. Such norms shall be published in the press and be distributed.

Article 31. Main indicators of qualitative environmental norms

1. Main indicators of qualitative environmental norms shall include:

1.1. final limits of harmful substances released or disposed of into the environment, noise, vibration, electromagnetic rays and other harmful physical impacts, extent of radiation impact, volume of application of agrarian chemical substances in agriculture and forestry;

1.2. permitted concentration extent of harmful substances in the environment;

1.3. status of protection, sanitary-protection and other restricted zones.

2. The legislation of the Azerbaijan Republic may provide for further qualitative environmental norms. Pollution indicators shall be shown in normative documents.

Article 32. Establishment of norms upon permitted level of release or disposal of harmful substances into the environment

1. Permitted levels of norms of potentially dangerous chemical and biological substances causing contamination of atmosphere, water, land and subsurface shall be established for the purpose of protection of health, flora and fauna, safeguarding genetic funds thereof.

2. Final permitted levels of norms related to disposal, release and burial of harmful substances in connection with each source of hazard shall be established for the purpose of prevention of pollution of the environment with consideration of effect sources of contamination in respective territories upon health, flora and fauna.

3. Final permitted levels of norms related to noise, vibration, electromagnetic rays, radioactive radiation and other harmful physical impacts shall be established for the purpose of protection of health and working ability of individuals, safeguarding the environment favourable for flora and fauna.

Article 33. Regulation of agrarian technical and agrarian chemical activities in agricultural area and forestry

For the purpose of protection of health and genetic fund of individuals, flora and fauna, application of mineral fertilisers in agricultural and forest industry, chemical substances and stimulators for protection of plants, other agrarian chemical materials in excess of norms shall not be permitted.

Article 34. Sanitary-protection and other protection zones

Sanitary-protection and other categories of protection zones shall be established for the purpose of prevention of harmful impact upon environment and specially protected natural objects and territories.

Sanitary-protection and other categories of protection zones and rules of use thereof shall be established in accordance with the legislation.

Chapter VII. Ecological requirements upon industrial and other categories of operations

Article 35. Ecological requirements imposed upon use of natural resources

Ecological requirements in relation to the use of lands, subsurface, air, water reservoirs, forests and other plants, fauna, environmental objects with unique ecological, scientific or cultural value, specially protected environmental natural territories and areas of ecological disasters shall be regulated by normative-legal acts.

No special permission shall be issued for activities causing breach of systems enjoying natural ecological balance, as well as for activities imposing danger of destruction of genetic funds of individuals, flora and fauna and danger upon health and life of the public.

Article 36. Ecological requirements imposed upon design works

Qualitative environmental norms, efficient measures in relation to neutralisation and use of harmful wastes, application of technologies and production methods associated with low level or no wastes, efficient measures for the prevention of pollution of the environment shall be taken into account in course of design works in relation to residential settlements, industrial and agricultural objects and facilities, water supply and sewage systems, hydro-technical installations, transportation and communication devices, technological processes and equipment, other objects.

Article 37. Ecological requirements imposed upon location of enterprises, installations and production facilities

Areas of location of enterprises, installations and production facilities shall be established subject to rules and terms applicable to the protection of the environment, efficient use and reinstatement of natural resources, with consideration of ecological consequences associated with operations of such enterprises, installations and facilities.

Sanitary-protection and other categories of protection zones shall be established in course of determination of location of enterprises, installations and production facilities.

Article 38. Ecological requirements imposed upon construction and re-construction of enterprises, installations and other facilities

Qualitative environmental norms shall be complied with in course of construction and reconstruction of enterprises, installations and other facilities. Modification of the approved project or cost of works shown in budget documentation in disadvantage to the environment shall not be permitted.

Measures related to recultivation of lands, reinstatement and efficient use of natural resources, improvement of territories and of the environment shall be undertaken in course of construction works.

Article 39. Ecological requirements and obligations applicable to bankruptcy periods

1. Ecological status of legal entity (enterprise), being user of nature, shall be examined upon commencement of bankruptcy proceedings.

Conduct of examination of ecological status shall be secured by the property administrator.

2. Interests of creditors related to ecological responsibilities shall be taken into account in course of proceedings on the bankruptcy of the enterprise.

Article 40. Consideration of ecological requirements and obligations in course of liquidation or reorganisation of user of nature

1. Liquidation or reorganisation of user of nature shall be undertaken with consideration of information on examination of status thereof and (or) ecological requirements established in accordance with the ecological examination and results of such audit (examination) shall be shown in the liquidation act (balance-sheet).

2. Examination of ecological status of the user of nature undergoing the process of liquidation or reorganisation shall be implemented with participation of state ecological examination authority.

3. In the event of reorganisation of the user of nature, ecological obligations shall pass to the successor of such user.

4. Interests of creditors related to ecological responsibilities shall be taken into account in course of liquidation of the user of nature.

Article 41. Ecological requirements imposed upon putting into operation and in course of operation of enterprises, facilities and other objects

Operation of enterprises, facilities and other objects shall be carried out through full compliance with all ecological requirements shown in the project related to protection of the environment.

Putting of enterprises, facilities and other objects into operation without provision of such enterprises, facilities and other objects with treatment facilities for neutralisation and use of harmful substance and wastes to the extent of norms allowed by the final permitted level, and without completion of design works related to efficient use and reinstatement of natural resources, recultivation of lands shall be prohibited.

Article 42. Ecological requirements imposed upon operation of industrial, transportation and communication objects, agricultural and melioration facilities

1. Operation of industrial, transportation and communication objects, agricultural facilities and treatment facilities and sanitary-protection zones employed in course of melioration works for the purpose of prevention of pollution of the environment shall be carried out subject to ecologically substantiated technologies and prescribed ecological requirements. The aforementioned shall be equipped with efficient devices for the treatment, neutralisation and use of harmful wastes and material remains, use safe fuel types, make efficient and saving use of natural resources, and undertake measures in relation to ecological safety.

2. Construction of atomic power generation stations in places with high density of population, seismically dangerous zones, places of location of historical and cultural monuments, places ordinarily used by population for leisure and treatment shall be prohibited.

3. For the purpose of reduction of emission of poisonous gases to the atmosphere, highways shall be provided with permanently operating ecological posts equipped with the appropriate devices.

Article 43. Ecological requirements imposed upon town-planning and construction of other residential settlements

Ecological requirements corresponding to the legislation in the field of protection of the environment shall be taken into account in course of designing, construction and reconstruction of towns and other

residential settlements, for the purpose of provision for favourable conditions for living and leisure of the population.

Design and construction works for towns and other residential settlements shall provide for and implement collection, processing, neutralisation, use and burial of public utility wastes. Forest-parks, green zones and reserves subject to the condition of limited use shall be established in large cities and industrial centres.

Article 44. Ecological requirements imposed upon operations with radioactive substances

1. Enterprises, offices and organisations, individuals shall be obliged to comply with rules applicable to transportation, burial, use and storage, delivery, production operations associated with radioactive substances, to refrain from breach of final permitted limits of the danger of radiation, to prevent and to eliminate radioactive contamination of the environment.

2. Transportation, processing and burial of radioactive wastes shall be regulated by the state. Such works shall be undertaken only in territories prescribed by the relevant executive authority, with compulsory presence of the representative of such relevant executive authority.

3. Except for cases stipulated by the legislation, import of radioactive wastes and substances from other countries to the Azerbaijan Republic and transit of radioactive wastes and substances through the territory of the Azerbaijan Republic shall be prohibited. Burial (placing) of radioactive wastes and substances in the subsurface without taking measures against dissemination of radioactive substances in the environment shall be prohibited.

4. The appropriate shall be submitted to the relevant authorities immediately upon establishment of radioactive contamination of the environment.

Article 45. Ecological requirements imposed upon production and use of potentially dangerous chemical and biological substances

Production and application of potentially dangerous chemical and biological substances shall be issued with the special permission upon conduct of requisite toxicological-hygienic, toxicological-ecologic researches, establishment of hygienic and ecological norms and state registration of such norms in accordance with procedures stipulated by the legislation.

Placements and reproduction of biological objects not belonging to local conditions, as well as artificially reproduced biological objects, without appropriate ecological substantiation, shall be permitted under the special permission of the relevant executive authorities.

Article 46. Protection of the environment from harmful physical impact

Organisations and individuals shall undertake measures required for prevention of noise, vibration, electromagnetic radiation and other harmful physical impact in industrial, public and residential spaces, on the streets, places of leisure, territories occupied by living organisms.

Maintenance of ecological balance of the environment shall be taken into consideration in course of planning and construction of cities and other residential settlements, designing, construction and reconstruction of industrial and other facilities, creation of new technologies, transportation and communication devices.

Article 47. Protection of the environment from industrial and utility wastes

1. Collection, disposal and burial of industrial and utility wastes shall be carried out in areas established upon consent of the relevant executive authority and bodies of local self-administration.
2. Import of wastes for processing, burial or storage in the Azerbaijan Republic shall be permitted only upon permission of the relevant executive authority.
3. Import of products not supplied with technologies for neutralisation and use of wastes shall be prohibited.
4. Recordation of production and utility wastes shall be carried out in accordance with the legislation.
5. Ecological requirements imposed upon wastes shall, along with this Law, be also established in accordance with normative-legal acts on wastes.

Article 48. Ecological requirements imposed upon military and defence facilities

Except for specific cases stipulated by the legislation of the Azerbaijan Republic, ecological requirements specified herein shall in full apply to military and defence facilities.

Article 49. Protection of climate and atmospheric ozone layer

Protection of climate and atmospheric ozone layer shall be regulated by the legislation and international treaties (agreements) of the Azerbaijan Republic.

Chapter VIII. Ecological examination

Article 50. Ecological examination

Ecological examination shall mean activities directed at establishment of compliance with environmental qualitative norms and ecological requirements for the purpose of determination, prevention and forecasting of the negative impact of economic activities upon environment and the relevant consequences thereof.

Ecological examination in the Azerbaijan Republic shall be carried out by the relevant executive authority and public organisations.

Article 51. State ecological examination

1. State ecological examination shall be carried out by the relevant executive authority.
2. Rules applicable to the state ecological examination shall be stipulated by the legislation.
3. With respect to objects to be subject to the state ecological examination, production of industrial and food products, performance of works, provisions of services and import of goods, works and services to the Azerbaijan Republic without positive opinion of the expert shall be prohibited.
4. Economic activities related to the use of the subsurface shall, prior to passing ecological examination, pass, in accordance with procedures stipulated by the legislation, through geological examination.

5. Authorities exercising management on the territories of state natural reserves shall participate in the state ecological expertise of projects and schemes for location of economic and other objects.

6. Opinion of ecological examination shall be a formal documents, shall be subject to obligatory execution, and breach of conditions thereof may cause application to the court.

Article 52. Purpose and duties of the state ecological examination

1. State ecological examination shall be organised and carried out by the relevant executive authorities for the purpose of establishment of completeness and correctness of valuation of impact upon the environment, degree of ecological safety of adopted resolution, effectiveness of measures proposed in connection with the efficient use of natural resources and protection of the environment.

2. State ecological examination shall constitute a measure requisite for protection of the environment and shall eliminate occurrences of issue of accidental decision capable of negatively affecting the environment.

3. The following shall constitute the duties of the state ecological examination:

3.1. to establish the extent of ecological safety of current or future economic and other categories of operations, capable of directly or indirectly affecting the environment and health of the public;

3.2. to evaluate compliance by economic and other categories of operations being at the stage of elaboration with the requirements of legislation on protection of the environment, hygienic-sanitary norms and rules;

3.3. to establish the degree of reasonableness of the quality of measures proposed in relation to protection of the environment.

Article 53. Grounds for the state ecological examination

The state ecological examination shall be guided by the following:

1. obligations arising under the international law;
2. principles of legality, scientific explanation, transparency principles, principles of integration of ecological, social, engineering-technological, technical, architectural-planning, economic and other indicators;
3. result of overall social-economic-ecological valuation of impact of economic activities upon the environment;
4. the right of all individuals to enjoy the environment favourable for their health and well-being;
5. necessity for the protection of ecological balance, genetic fund and living nature for the benefit of present and future generations;
6. presumption of potential danger imposed by unregulated use of nature;
7. possibility of occurrence of accidents;
8. valuation of protection of the environment as an indispensable elements of development of the society.

Article 54. Objects of the state ecological examination

The following shall constitute the objects of the state ecological examination:

1. draft state and local programs for the development and allocation of productive forces among country and economy areas;
2. feasibility studies (calculations), projects, environmental impact assessments (EIA) in relation to construction (reconstruction, expansion, supplying with new equipment) and abandonment of economic objects and complexes;

3. documents on creation of new techniques, technologies, materials and substances, including documents on the import of the same from other countries;
4. draft instructional-methodological and normative-technical documentation on protection of the environment;
5. ecological conditions being the result of economic activities or extraordinary situations;
6. ecological status of regions, specific natural objects and complexes (ecological systems);
7. sections containing ecology related provisions in agreements (contracts) made upon resolution of the relevant executive authority for the use of natural resources.

Article 55. Financing of projects for economic activities and duties of the client

1. Financing and implementation of projects related to objects included into the list provided in Article 53 hereof shall be permitted only upon positive opinion of the state ecological examination.
2. In relation to project documentation, a client and a person responsible for preparation of such documentation shall:
 - 2.1. carry out timely submission of documents for the state ecological examination;
 - 2.2. prepare submitted documents in accordance with requirements of the state ecological examination;
 - 2.3. finance and conduct scientific-research and exploration activities (additional investigations, controlling measurements, taking of samples, analysis, etc.) discovered requisite in course of the state ecological examination;
 - 2.4. finance of conduct of the state ecological examination;

2.5. submit, upon request of the authority carrying out examination, additional information required for the purpose of works of the examination commission (group, expert).

Article 56. Financing of the state ecological examination

1. Sources of financing of organisation and conduct of the state ecological examination, rules of expenditure of revenues shall ensure the following:

1.1. quality of the state ecological examination and absence of links between decisions of the state ecological examination and positions of the relevant parties;

1.2. conditions for development and improvement of methodologies used by the state ecological examination.

2. The state ecological examination shall, in accordance with procedures stipulated by the relevant executive authority, be financed on the account of the state budget and funds of the person requesting preparation of documentation.

Article 57. Implementation of the opinion of the state ecological examination and liability of experts

Heads, officials and other employees of enterprises, organisations, offices shall bear liability imposed by the legislation in relation to the implementation of the formal opinion of the state ecological examination. Resolutions contradicting such opinions shall be null and void and shall not be implemented.

Officials of authorities of the state ecological examination and experts engaged into carrying out state ecological examinations shall bear liability for the substantiation, correctness and completeness of their opinions in accordance with requirements of norms and of the legislation on protection of the environment.

Article 58. Public ecological examination

1. Public ecological examinations may be carried out by public associations or other groups composed of representatives of the public.

2. Forms of organisation of the public ecological examination and authorities of public associations in the field of ecological examinations shall be established by the legislation.

3. Opinion issued by the public ecological examination shall be of information and recommendation nature.

Chapter IX. Education, training, scientific researches, statistics and information in the field of ecology and protection of the environment

Article 59. Ecological training and education

1. Relations connected with ecological training and education of the public shall be regulated by respective legislation.

2. Officials associated with activities causing harmful impact upon the environment shall, as an obligatory condition, possess the requisite ecological training and information on principal provisions of legislation in the field of protection of the environment.

Article 60. Scientific researches in the field of protection of the environment

Works carried out in accordance with the procedures prescribed by the legislation shall be conducted for the purpose of scientific researches, development and preparation of engineering-constructor projects.

Settlements of such matters shall be financed on the account of the state budget and other sources.

Article 61. State fund for protection of nature

State fund for protection of nature shall mean cumulative total of environmental objects with ecological, scientific-research, unique genetic, education and historical values.

Protection of the state fund for protection of nature possessing scientific, ecological, historical and generic values shall be implemented through limitation and prohibitions upon use thereof.

Article 62. Specially protected natural territories and objects

1. Specially protected natural territories shall mean sections of land, water (water area) and atmosphere above of such land and water (water area) sections composed of areas of dissemination natural complexes and objects with special ecological, scientific, cultural, aesthetic and health treatment significance in relation to protection of the environment, rare and endangered fauna and flora species, and fully or partially, permanently or temporarily withdrawn from economic circulation.

2. The following statuses shall be awarded to specially protected natural areas, being classified upon purposes of protection and use specifications in the Azerbaijan Republic:

2.1. state natural reserves, including biosphere reserves;

2.2. natural and national parks;

2.3. monuments of nature;

2.4. temporary natural reserves;

2.5. restricted areas;

2.6. zoological parks;

2.7. botanic and dendrological parks;

2.8. health and recreation places and resorts.

3. The legislation of the Azerbaijan Republic may provide for further categories of specially protected natural territories.

4. Specially protected natural territories and objects may be of international, interregional, national, republic, regional or local significance. Health and recreation places and resorts may be attributed to the specially protected areas of international, national and local significance.

5. Rules application to regimes of establishment, protection and use of specially protected natural territories, conditions of operation thereof shall be established by the legislation and appropriate normative-legal acts of the Azerbaijan Republic.

Article 63. State statistics in the field of environmental protection

State statistics in the field of protection of the environment shall be kept by the relevant executive authorities upon fairness of statistical information and comparability of such information with international statistical data.

Minimum contents applicable to reporting indicators in state statistical reports in the field of protection of the environment and rules of keeping state statistics shall be stipulated by the legislation and other normative-legal acts.

Article 64. Information in the field of environmental protection

Information in the field of protection of the environment shall be related to status of the environment, financing of activities related to contamination, improvement and protection of the environment, status, reinstatement and use of natural resources, impacts upon the environment, establishment of quality norms for the environment, ecological requirements associated with economic and other categories of operations.

All matters related to receipt of information in the field of protection of the environment shall be settled in accordance with the Law of the Azerbaijan Republic «On Receipt of Information on Environment».

Chapter X. Extraordinary ecological situation and zones of ecological disasters

Article 65. Extraordinary ecological situation

1. Extraordinary ecological situation shall mean disastrous conditions caused by uncontrollable acts of nature and industrial accidents and leading to breach of ecological balance of the environment and establishment of harmful environment for health and life of individuals, flora and fauna.
2. Upon occurrence of natural disasters, large ecological and other accidents extraordinary ecological situation shall be applied to various areas of the Azerbaijan Republic.
3. Under extraordinary ecological situations economic activities and categories of use of nature may in the appropriate areas be prohibited or limited. Urgent measures shall be undertaken for the purpose of reinstatement of natural resources and of the environment, social protection of population as prescribed by the legislation.
4. Upon occurrence of extraordinary situation causing danger upon natural environment, in addition to measures specified in this Article, it shall further be requisite to undertake other appropriate measures stipulated by the legislation.

Article 66. Zones of ecological disasters

1. In the event of significant damages being caused to the health of population as a result of unfavourable ecological conditions and (or) occurrence of stable and irreversible changes associated with destruction of ecological systems, flora and fauna, sections of land, water reservoirs and air space shall be declared as zones of ecological disasters.
2. Zones of ecological disasters shall be split into small zones (ecological disaster, ecological depression, brink of ecological depression, etc.) depending upon severity of ecological conditions or factors characterising the same.
3. Measures to be undertaken in small ecological disaster zones for reinstatement of natural resources, improvement of the environment, provision of medical aid to population shall be carried out in accordance with programs to be approved by the relevant executive authority.

Article 67. Measures to be undertaken in zones of ecological disasters

The following urgent measures shall be undertaken in zones of ecological disasters:

suspension of economic activities creating unfavourable ecological conditions;

suspension of operations of organisations causing harm to health and the environment;

limitation of various areas of use of nature;

where necessary, relocation of population.

Article 68. Social protection of persons suffering from ecological disasters

Individuals suffering from extraordinary ecological disasters and also residing in ecologically harmful zones, shall be entitled to compensation of damages, including compensation for social disbursements, privileges and other categories of the social protection.

Rules application to allocation of consequences of extraordinary ecological disasters upon persons suffering damages, their social protection shall be stipulated by the legislation.

Article 69. Rules of declaration of extraordinary ecological regime and zones of ecological disasters

Upon occurrence of natural disasters, large ecological and other accidents, extraordinary ecological regime shall apply to various areas of the Azerbaijan Republic in accordance with the legislation.

Determination of boundaries of zones of ecological disasters shall be carried out by the relevant executive authorities.

Chapter XI. Control over protection of the environment

Article 70. Purpose and forms of control in the field of protection of the environment

Control in the field of protection of the environment shall pursue the purpose of observation changes occurring in the environment as a result of economic and other categories of activities, improvement and protection thereof, reinstatement and efficient use of natural resources, implementation of qualitative norms and ecological requirements.

In the Azerbaijan Republic area of protection of the environment shall be subject to state, enterprise (production) and public control.

Article 71. State control in the field of protection of the environment

1. State control in the field of protection of the environment shall be exercised by the relevant executive authorities in accordance with requirements of this Law and the Law of the Republic of Azerbaijan "On regulation of inspections in the field of entrepreneurship and protection of interests of entrepreneurs".

2. Rights of respective executive authorities, exercising state control in the field of protection of the environment shall be as follows:

2.1. in accordance with the legislation, to freely enter (upon presentation of service personal identification cards and for access to the objects of legal entities and individuals, engaged in entrepreneurial activities, also a copy of the decision on the conducting of inspection and the statement on registration of inspection in a unified information register of inspections, in the field of entrepreneurship) into all enterprises, offices, organisations and other facilities, irrespective of the form of ownership and subordination thereof, as well as into military and defence objects, to become acquainted free of charge with documents, as well as results of analysis requisite for the performance of their professional duties;

2.2. to implement measures related to protection and improvement of the environment, reinstatement and use of natural resources, to comply with qualitative norms and ecological requirements imposed by the legislation on protection of the environment, to audit operation of treatment and other neutralisation facilities, controlling devices related thereto;

2.3. to audit compliance with terms and conditions applicable to special permissions issued for engaging into certain categories of activities related to the use of natural resources and protection of the environment, agreements (contracts) and special permissions for the use of nature, to file in accordance with the legislation claims for cancellation thereof;

2.4. to exercise control over implementation of results of the state ecological examination;

2.5. to issue in accordance with the legislation instructions on prohibition of import into the Azerbaijan Republic and transportation by transit through the territory of the Azerbaijan Republic ecological

dangerous goods (products), wastes and raw materials, where such transportation operations are carried out with breach of ecological requirements and qualitative environmental norms;

2.6. to request physical persons and legal entities to eliminate breaches in the field of protection of the environment;

2.7. to file requests for limitation or suspension of operations, including cancellation of financing, prohibition of putting into operations, limitation and termination of economic and other activities at enterprises, facilities and objects operating with breach of ecological requirements;

2.8. in accordance with the legislation, to consider cases of administrative offences in relation to protection of the environment, to submit documents on bringing guilty persons before administrative or criminal liability to appropriate authorities;

2.9. to determine (to participate in determination of) the extent of damages caused as a result of breach of legislation on protection of the environment and to request guilty persons to voluntarily compensate such damages or to file appropriate claims with the court;

2.10. to audit compliance with rules and norms applicable to enterprise (production) control in the field of protection of the environment;

2.11 to exercise other rights stipulated by the legislation.

3. Implementation of the decisions taken in connection with the implementation of state control in the field of environmental protection is mandatory for all legal entities and officials, citizens, and such decisions may be appealed to higher instances or in courts.

Article 72. Enterprise (production) control in the field of protection of the environment

Enterprise (production) control in the field of protection of the environment shall be carried out in accordance with regulations approved by the relevant executive authorities.

Article 73. Public control in the field of protection of the environment

Public control in the field of protection of the environment shall be carried out upon the initiative and by public associations in accordance with agreements made between users of nature and the relevant executive authorities.

Rules applicable to the exercise of public control shall be established by public associations in accordance with their charters.

Article 74. Security of persons exercising control in the field of protection of the environment

Insurance of officials exercising state supervision in the field of environmental protection, from cases of professional disability as a result of occupational accidents and diseases is carried out on a mandatory basis in accordance with the Law of Azerbaijan Republic "On compulsory insurance against professional disability resulting from industrial accidents and occupational diseases".

Rules and rights applicable to possession, keeping and use by persons engaged into exercise of control in the field of protection of the environment of special devices and fire arms shall be stipulated by the relevant legislation.

Chapter XII. Ecological audit and implementation of ecological audits

Article 75. Ecological audit

1. Ecological audit shall mean independent audit of economic and other activities of a user of nature for the purpose of verification of compliance with ecological requirements, norms and rules of protection of the environment, including correctness of reports on use and reinstatement of natural resources.
2. Ecological audit shall be carried out in accordance with the agreement to be made between the user of nature and ecological auditor. In cases specified by the legislation, ecological audit shall be obligatory.
3. Advice of an ecological auditor shall mean issue of advice in relation to protection of the environment and improvement of the quality thereof, efficient and saving use, reinstatement of natural resources, compliance by the user of nature with ecological requirements, norms and rules applicable to protection of the environment.

Article 76. Ecological auditor

1. Ecological auditor shall mean legal entities and physical persons authorised to carry out activities of the ecological auditor in accordance with the special permission.
2. Special permission granting the entitlement to carry out activities of the ecological auditor shall be issued by the relevant executive authority.
3. Foreign auditors and audit firms may be engaged to carrying out of the ecological audit and provision of advice.

Article 77. Implementation of the ecological audit

Terms and conditions applicable upon activities of ecological auditor, attestation of ecological auditors, implementation of the ecological audit, liability, rights and duties of ecological auditors shall be stipulated by the legislation.

Chapter XIII. Liability for breach of legislation on the environmental protection, resolution of disputes

Article 78. Liability for breach of legislation on protection of the environment

Legal entities and individuals, including officials responsible for violation of legislation on protection of the environment shall be liable in cases stipulated by the Civil Code, the Code of Administrative Offences and the Criminal Code of Azerbaijan Republic.

Article 79. Compensation of damages caused by breach of legislation on protection of the environment

1. Damages caused by breach of legislation on protection of the environment to the environment, health, property (assets) of organisations, individuals and of the state shall be compensated in accordance with the existing legislation by legal entities and physical persons causing such damages.

2. Compensation of damages caused by breach of legislation on protection of the environment may be carried out voluntarily or upon court decision in accordance with rates and methods approved by the relevant executive authority, and otherwise, with consideration of losses, in the amount of actual expenses to be required for the reinstatement of the impaired environmental conditions.

3. Proceeds received for compensation of damages shall be transferred to funds for protection of the environment, and in cases specified by the legislation, to the account of legal entities or physical persons suffering the damage.

4. Legal entities and physical persons engaged into activities dangerous for the environment shall, upon proof of their fault, compensate damages caused to the environment.

5. Losses caused upon life and assets of individuals by breach of legislation on protection of the environment shall be compensated in full with consideration of the extent of loss of working ability, expenses and losses required for medical treatment and reinstatement of health of such individuals.

6. Establishment of the extent of damages caused to health and assets of individuals shall be carried out in accordance with the existing legislation, whereas payment of damages shall be made further to the court decision.

7. Damages caused by breach of legislation on protection of the environment shall be compensated in accordance with the procedures stipulated by the Civil Code of the Azerbaijan Republic.

Article 80. Resolution of disputes related to relations on the environmental protection

Disputes related to protection of the environment shall be settled by courts or in accordance with procedures stipulated by the legislation of the Azerbaijan Republic.

Chapter XIV. International co-operation in the field of the environmental protection

Article 81. International co-operation in the field of the environmental protection

International co-operation in the field of the environmental protection shall be undertaken subject to principles of observing prevalence of ecological safety of the Azerbaijan Republic.

Article 82. International treaties of the Azerbaijan Republic in the field of the environmental protection

In the event of any discrepancies between international treaties of the Azerbaijan Republic in the field of the environmental protection and the legislation of the Azerbaijan Republic, provisions of international treaties shall prevail.

President of the Azerbaijan Republic

Heydar ALIYEV

Baku, June 8, 1999

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