

CONTENTS

THE FOREST CODE OF THE REPUBLIC OF AZERBAIJAN	2
THE LAW OF THE REPUBLIC OF AZERBAIJAN ON WATER SUPPLY AND SEWAGE.....	18
THE LAW OF THE REPUBLIC OF AZERBAIJAN ON THE PROTECTION OF ENVIRONMENT	36
THE LAW OF OF THE REPUBLIC OF AZERBAIJAN ON PROTECTION OF ATMOSPHERIC AIR	51
THE LAW OF THE REPUBLIC OF AZERBAIJAN ON INDUSTRIAL AND DOMESTIC WASTE.....	61
THE LAW OF THE REPUBLIC OF AZERBAIJAN ON ENVIRONMENTAL SAFETY	67
THE LAW OF THE REPUBLIC OF AZERBAIJAN ON LAND FERTILITY	71

THE FOREST CODE OF THE REPUBLIC OF AZERBAIJAN

The present Code establishes legal bases of regulation of forest relations, use, protection, preservation and reproduction of forests, increase of their ecological and resource potential on the territory of the Azerbaijan Republic.

Regulation of forest relations is carried out in view of forest conception as unity of forest vegetation, land, fauna and other components of the natural environment of important ecological, economic and social value.

CHAPTER I. GENERAL PROVISIONS

Article 1. The basic concepts

The concepts used in the present Code, have the following meaning:

Forest - from the biological point of view the unity of interconnected and mutually influencing at development, lands, waters, trees, bushes and grasses, animals, microorganisms and other components of environment;

Plots of forest fund - plots of a forest, and also forest and non-forest plots of land not covered with forest vegetation;

Forest relations - relations in the area of use, preservation, protection and reproduction of forests, lands of forest fund;

Especially valuable large forests - the rare forests consisting from relic and endemic trees and bushes, plots of a forest distinguished with fertility and genetic qualities, and also rarely picturesque;

Forests of gardening zones - the forests located on external borders of cities and other settlements or on plots near to them, with important protective, sanitary-and- hygienic, improving functions and used for rest of the population;

Forests of wild fruit - natural or artificially created forests, forest gardens, gardens, and also plantations with valuable fruit, berries and nut in the amount of economic value, located in the territory of forest fund;

State forest shelter belts - artificially planted forests, which carry out climate- regulation, soil-protection and water-conservation functions;

Non-forest lands - lands envisaged for needs of forestry, and other lands located in borders of forest fund;

Cuttings for reproduction of forest - cutting of mature or overripe trees carried out with the purpose of improvement of a condition of forests and strengthening of their natural protective functions;

Cutting of intermediate using - the cutting connected with forest tending, selective sanitary cutting and improvement thinning, and also other cuttings connected to knocking -over of invaluable groves, trees and bushes that lost protective, water- conservation and other functions;

Relic vegetation - the kinds of vegetation, which remained since times of flora of the last geological periods, adapted to the new habitats, and incorporated in the structure of modern biocenosis;

Arid vegetation - vegetation of territories with a droughty climate on which the amount of evaporated moisture exceeds amount of deposits.

Article 2. The forest legislation of the Azerbaijan Republic

The forest legislation of the Azerbaijan Republic consists of the present Code, other acts of the Azerbaijan Republic.

If the rules envisaged in the international contracts of the Azerbaijan Republic, differ from the forest legislation of the Azerbaijan Republic, the requirements of the international contracts are applied.

Article 3. The goals and objectives of the forest legislation of Azerbaijan Republic

The forest legislation of the Azerbaijan Republic is directed on maintenance of rational use of forests, their protection, preservation and reproduction on the basis of principles of scientifically proven management thereof, preservation of biodiversity of forest ecosystems, increasing of ecological potential of forests taking into account their value.

Article 4. The relations regulated by the forest legislation of the Azerbaijan Republic

Relations in the area of use, preservation, protection and reproduction of forests, the lands of forest fund (forest relations) are regulated by the corresponding norms of the forest and land legislation of the Azerbaijan Republic.

Relations in the area of use, preservation, protection and reproduction of wood-and- shrubby vegetation not included in the forest fund (hereinafter - wood-and-shrubby vegetation), are regulated by the civil legislation, the legislation on flora, the land and water legislation of the Azerbaijan Republic, and by the corresponding Articles of the present Code.

Relations in the area of use and protection of fauna, water objects, bowels, atmospheric air are regulated by the forest legislation of the Azerbaijan Republic in the extent in what it is necessary for rational use, preservation, protection and reproduction of forests, and also lands of the forest fund not covered with forest vegetation.

The ownership relations arising at use, preservation, protection and reproduction of forests, and also the lands of forest fund, are regulated by the civil legislation of the Azerbaijan Republic, if the present Code does not stipulate otherwise.

Administrative relations, including financial, arising at use, preservation, protection and reproduction of forests, and also the lands of the forest fund not covered with forest vegetation, are regulated by the present Code according to the administrative and financial legislation of the Azerbaijan Republic.

Article 5. Objects of forest relations

The objects of forest relations are the forest fund of the Azerbaijan Republic (hereinafter- forest fund), plots of forest fund, wood-and-shrubby vegetation and rights of use thereof.

Article 6. Forest fund, lands and plots of forest fund

All forests, and also lands of the forest fund not covered with forest vegetation (the forest and non-forest lands), form the forest fund of the Azerbaijan Republic.

Borders of forest fund are established by delimiting lands of the forest fund from other lands.

Inclusion of lands in the structure of forest fund and their withdrawal from it are carried out in the order established by the forest and land legislations of the Azerbaijan Republic.

To the forest lands are assigned lands covered with forest vegetation and not covered with it concern, but intended for its restoration (places of cutting down, burnt places, lost timber stands, waste grounds, glades, the areas occupied with nurseries, non-interlocked forest cultures, and others).

To the non-forest lands are assigned lands intended for needs of forestry concern (lands occupied with glades, roads, agricultural lands, and other lands), and other lands located in borders of forest fund (the lands occupied with bogs, stony looses, and other lands inconvenient for use).

Plots of forest, and plots of the forest land, not covered with forest vegetation, and plots of non-forest lands are assigned to plots of forest fund.

Borders of forest fund plots should be designated in a nature with the aiding forestry signs and specified in scheme - cartographical materials (forest maps).

Article 7. Wood-and-shrubby vegetation, not included in forest fund

The following wood-and-shrubby vegetation is not included in forest fund:

Trees and groups of trees located on the lands of agricultural purpose, forest shelterbelts, and another wood-and-shrubby vegetation;

Trees on strips of allotments of trunk-railways and the highways, dividing channels and other water objects;

Trees and groups of trees, including vegetation, in cities and other settlements;

Trees and groups of trees located on personal homestead lands, on summer residences, winterings and garden plots.

Article 8. Ability of rotation of objects of forest relations

The rotation of forest fund, and also sale and purchase, pledge and implementation of other transactions, which attract or can cause alienation of forest fund plots, are not permitted.

Transactions with rights of use of forest fund plots and plots forests, which are not included in forest fund, are carried out in the order established by the present Code. Transactions with rights of use of forest fund plots are carried out in the order established by the forest legislation of the Azerbaijan Republic, and in the part, not regulated by it, by the civil legislation.

Wood-and-shrubby vegetation can pass from one person to another in the order envisaged by the civil legislation and land legislation of the Azerbaijan Republic.

Article 9. Subjects of forest relations

The Azerbaijan Republic, Nakhchivan autonomous republic, municipalities, physical and legal persons

are subjects of forest relations.

On behalf of the Azerbaijan Republic and Nakhchivan autonomous republic, the bodies of public management participate in forest relations within the limits of powers thereof.

Municipalities participate in forest relations within the limits of the competence established by acts, determining their status.

Participants of forest relations are the physical and legal persons who carry out conduction of forestry and use of forest fund.

Participation of the Azerbaijan Republic, Nakhchivan autonomous republic, municipalities, physical and legal persons in the property and administrative relations arising at use, preservation, protection and reproduction of objects of forest relations is established by acts of the civil and administrative legislation of the Azerbaijan Republic in the extent, in what the specified relations are not regulated by the present Code.

Article 10. Forest management stakeholder

Forest management stakeholders are physical and legal persons, to whom are given rights of use of forest fund plots.

CHAPTER II. THE RIGHT OF POSSESSION AND USE OF FOREST FUND AND WOOD-AND-SHRUBBY VEGETATION

Article 11. The right of possession of forest fund

The forest fund in the Azerbaijan Republic belongs to the state and is its property. Forests and the lands of forest fund are not subject to privatization.

Article 12. The right of possession by physical and legal persons of wood-and-shrubby vegetation

Wood-and-shrubby vegetation located on land area, being in the property of a physical and legal person, belongs to him on the law of property, if the legislation does not establish otherwise.

Possession, use and disposal of specified wood-and-shrubby vegetation are carried out by the proprietor according to requirements of the forest legislation and other acts of the Azerbaijan Republic.

Article 13. Forest servitudes

Citizens have the right to stay freely in forests if other is not stipulated by the legislation of the Azerbaijan Republic (public forest servitude).

The right of use by physical and legal persons of forest fund plots and the plots, which are not included in forest fund, can be limited for the benefit of other interested persons on the basis of contracts, and also court decisions (private forest servitude). Provisions of civil, land and other legislation of the Azerbaijan Republic are applied to forest servitudes in that extent, in what they do not contradict the requirements of the present Code.

Article 14. Rights of use of forest fund plots

Rights of use of forest fund plots are carried out taking into account recognition of multipurpose value of forests (simultaneous use by different persons and with different purposes).

By the rules determined by the Law of the Azerbaijan Republic "On land reform", the forest plots and the forest plots, not covered with forest vegetation, can be transferred on a contractual basis to physical and legal persons on the terms determined by the present Code, with the purpose of their restoration.

To the rights of use of forest fund plots are applied provisions of the civil and land legislations of the Azerbaijan Republic if otherwise is not established by the present Code.

Article 15. The bases of origin of rights of use of forest fund plots

Rights of use of forest fund plots originate:

- from contracts;
- from court decisions.
- on other bases allowed by the present Code.

Rights of use of forest fund plots, except for public forest servitude, arise from the moment of the state registration of the contract of rent of forest fund plot, reception of the logging ticket, the warrant or the forest ticket.

Article 16. The order of emergence of rights of use of forest fund plots

Rights of use of forest fund plots arise based on the contract of a rent of a plot (lands) of forest fund,

the logging ticket, the warrant, and the forest ticket.

Forest management stakeholder in cases and on terms, which are determined by the forest legislation of the Azerbaijan Republic, have the right to transfer with the consent of the proprietor the right of use of forest fund plot to the person who is not his assignee, according to the contract.

In case of death of a citizen - forest management stakeholder the right of use belonging to him passes to other person according to the legislation.

By reorganization of the legal person - forest management stakeholder the right of use belonging to it passes to the legal person - the assignee of the reorganized legal person in the order established by the legislation of the Azerbaijan Republic. Transition of the right of use by plots (lands) of forest fund is made out by means of amendments in the contract, the logging ticket, the warrant, and a forest ticket.

Article 17. Realization of rights of use of forest fund plots

Forest management stakeholders carry out rights of use of forest fund plots freely if it does not worsen a condition of forests and lands of forest fund, does not harm to the surrounding natural environment, and also does not break legitimate interests of other persons.

Use of forest fund plots with the purpose and by methods that contradict requirements of the forest legislation of the Azerbaijan Republic is forbidden. Interference of bodies of the public management in activity of forest management stakeholders on use of forest fund plots is not permitted, except for the cases envisaged by the present Code and other acts.

Article 18. Restriction or suspension of rights of use of forest fund plots

Rights of use of forest fund plots can be restricted or suspended in the extent in what it is necessary for maintenance of rational use, preservation, protection and reproduction of forests, and also lands of the forest fund not covered with forest vegetation, maintenance of defense of the country and safety of the state, the public health care, surrounding natural environment, a historical and cultural and natural heritage, the rights and legitimate interests of physical persons.

Article 19. The order of restriction or suspension of rights of use of forest fund plots

Rights of use of forest fund plots can be restricted or suspended by decision of corresponding executive authority in the cases of:

- infringement by forest management stakeholder of requirements of the forest legislation of the Azerbaijan Republic;
- Defaults forest management stakeholder conditions of the lease agreement, the logging ticket, the warrant, and the forest ticket.

If circumstances or the conditions caused restriction or suspension of the right of use of forest fund plots, are eliminated, this right is restored in full.

In case of disagreement of a forest management stakeholder with the decision on restriction or suspension of his right of use of forest fund plot the forest management stakeholder can appeal against this decision in the judicial order.

Restriction or suspension of rights of use of forest fund plots does not exempt forest management stakeholders from disciplinary, administrative civil and criminal responsibility for infringement of the forest legislation of the Azerbaijan Republic.

Article 20. The bases of termination of rights of use of forest fund plots

Rights of use of forest fund plots are terminated at refusal by a forest management stakeholder from rights of use, after expiry of the term of use, at the termination of activity of the legal and physical person-forest management stakeholder and in other cases envisaged by the present Code and the legislation of the Azerbaijan Republic. The compulsory termination of the right of use of forest fund plot is possible only in the following cases:

- infringement by a forest management stakeholder of the forest legislation of the Azerbaijan Republic;
- accidents, natural disasters and other similar circumstances of emergency character;
- non-payment by a forest management stakeholder of payments for use of forest fund plots in the target term;
- infringement by a forest management stakeholder of the established instructions for use plots (lands) of forest fund or the conditions stipulated by the lease agreement, the logging ticket, the warrant, the forest ticket;
- non-observance by forest management stakeholder of fire prevention rules;

- withdrawal of forest fund plots for the public needs.

Termination of rights of use by plots of forest fund does not exempt forest management stakeholders from disciplinary, administrative, civil and criminal responsibility for infringement of the forest legislation of the Azerbaijan Republic.

Article 21. The order of termination of rights of use of forest fund plots

Rights of use of forest fund plots terminate because of cancellation of the contract of rent of a plot (lands) of forest fund, cancellation of the logging ticket, the warrant, and the forest ticket.

At refusal of a forest management stakeholder from the right of use of forest fund plot this right is terminated on the basis of his official application.

Corresponding executive authority with the written notice of the forest management stakeholder carries out the compulsory termination of rights of use of forest fund plots.

Article 22. Leasing of forest fund plots

In accordance with the Article 14 of the present Code, the corresponding executive authority (lessee) may transfer forest and forest plots not covered with forest vegetation, to forest management stakeholder (tenant) with the purpose of their restoration for the term of from one till ten years.

Forest resources (production) extracted according to the contract of rent of forest fund plots are the property of the tenant.

Sublease of forest fund plots is forbidden.

Tenancy of forest fund plots is regulated by the present Code and corresponding acts of the Azerbaijan Republic.

Article 23. Contract provisions of rent of forest fund plot

In the contract of rent of forest fund plot the following conditions are specified:

- Borders of forest fund plot;
- Volumes (sizes) of forest management;
- Term of rent;
- Amount of a rental fee and the order of its paying up;
- Duties of the parties on protection, preservation of forest fund plot and reproduction of forests;
- Other conditions envisaged by the forest legislation of the Azerbaijan Republic and determined under the discretion of the parties.

Article 24. The order of granting of forest fund plots in rent

The order of granting of forest fund plots in rent is established by the corresponding executive authority of the Azerbaijan Republic.

Granting of forest fund plots in rent should be carried out publicly taking into account interests of the population living on the corresponding territory.

Article 25. The logging ticket, the warrant and the forest ticket

The logging ticket is the document giving the right on preparation and export of forest and minor forest resources. In the logging ticket based on the of project forest husbandry are specified the arrangement of the forest fund plot allocated for use, quantity and quality of forest and minor forest resources, their price, term of manufacture of works, conditions and the order of clearing of a place of cutting down, reproduction of a forest .

The warrant is the document giving the right on preparation and removal wind-fallen trees and/or deadwood forest, branches and minor forest resources. The warrant is given out on the basis of the logging ticket.

The forest ticket is the document giving to the owner the right on realization of subsidiary forest management. In the forest ticket are specified parameters of use of forest fund - a kind, an arrangement, amount of forest, term of works, conditions and the price.

Forms of the logging ticket, the warrant and the forest ticket, the order of registration thereof, storage, filling and delivery are established by the corresponding executive authority of the Azerbaijan Republic.

Article 26. The order of granting of forest fund plots in short-term use

Granting of forest fund plots in short-term use for the term of until one year is carried out based on the order established by the corresponding executive authority of the Azerbaijan Republic.

CHAPTER III. PUBLIC MANAGEMENT IN THE AREA OF USE, PRESERVATION, PROTECTION OF FOREST FUND AND REPRODUCTION OF FORESTS

Article 27. The public management in the area of use, preservation, protection of forest fund and reproduction of forests and its main principles

The public management in the area of use, preservation, protection of forest fund and reproduction of forests is carried out by the corresponding executive authority of the Azerbaijan Republic. With the purpose this body:

- Establishes the basic directions of state policy in the area of conducting of forestry;
- Carries out the state control over observance of the forest legislation, including control over use, preservation, protection of forest fund and reproduction of forests, establishes the order of carrying out of this control;
- Adopts legal acts about use of forest fund and about forest fund;
- Carries out investment policy;
- Approves the state programs of use, protection of forest fund and reproduction of forests;
- Establishes norms and instructions for use of forest fund;
- Establishes and approves settlement wood-cutting areas;
- Establishes kinds of payments for use of forest fund, and also the minimal rates of payment for forest, sold in standing condition, amount of discounts on payments for separate forest management stakeholders and the order of their payment, establishes the price for forest products;
- Establishes the republican fund on protection and preservation of forests and their reproduction, establishes the order of use of fund;
- Approves rules of selling of forest in standing condition, forest cutting, protection, preservation of forest fund and reproduction of forests;
- Organizes and coordinates research and construction work on conducting of forestry;
- Establishes the order of conducting the state register of forest fund, the state forest cadastre, monitoring of forests and forest husbandry;
- Carries out the international cooperation in the area of use, preservation, protection of forest fund and reproduction of forests, concludes contracts and organizes their performance;
- Establishes the procedure of the state statistical reporting in the area of conducting of forestry;
- Suspends, restricts, terminates rights of use of forest fund plots, and also the works representing a danger to the condition and reproduction of forests;
- Carries out conducting of forestry and transfer of forest lands in non-forest lands with the purpose not connected with conducting of forestry and use of forest fund, and makes withdrawal of lands of forest fund;
- Declares forest fund plots as zones of ecological emergency and zones of ecological disaster;
- Carries out other powers determined by the legislation.

The public management in the area of use, preservation, protection of forest fund and reproduction of forests is based on the following principles:

- Development of economy;
- Protection of natural environment;
- Rational use of forest fund according to interests of the country.

Article 28. Activity of Nakhchivan autonomous republic in the area of use, preservation, protection of forest fund and reproduction of forests

The activity that is carried out by Nakhchivan autonomous republic in the area of use, protection of forest fund and reproduction of forests, is regulated by the present Code.

Article 29. Powers of bodies of local self-governance in the area of use, preservation, protection of forest fund and reproduction of forests

Powers of bodies of local self-governance in the area of use, preservation, protection of forest fund and reproduction of forests are established according to the Constitution of the Azerbaijan Republic and corresponding acts of the Azerbaijan Republic.

CHAPTER IV. ORGANIZATION OF FORESTRY

Article 30. The basic requirements made to organization of forestry

The organization of forestry and use of forest fund should be carried out based on the principles, which do not render harm to the surrounding natural environment, to natural resources and human health.

Conducting of forestry should provide:

- Preservation and strengthening of environmental, water-conservation, protective, sanitary-and-hygienic, improving and other useful natural properties of forests in interests of protection of human health;
- Multi-purpose and rational use of forest fund for satisfaction of requirements for forest and other forest resources;
- Reproduction, improvement of species' structure and quality of forests, increase of their efficiency, protection and preservation of forests;
- Rational use of lands of forest fund;
- Increase of efficiency of forestry conducting on the basis of uniform technical policy, use of scientific achievements, engineering and the best practices;
- Protection of biodiversity;
- Preservation of objects of historical-cultural and natural heritage.

Article 31. Groups of forests and categories of protection of forests

The forest fund of the Azerbaijan Republic consists of mountain and plain forests. According to economic and ecological value, location and carried out functions the forest fund of the country is attributed to forests of the first group and is divided into the following categories of protection:

- Reserved forests;
- Resort forests;
- Especially valuable large forests;
- Forests of green zones of cities and other settlements;
- Forests of wild fruit;
- State forest shelter belts;
- Other forests.

In case of need in the forests attributed to the specified categories, especially protective plots of forest (anti-erosion forests, plots of forests on banks of rivers, lakes and other water objects, protective belts of forests along the trunk-railways and highways, etc.) and especially protected plots of forest (forests and forest of scientific or historical value, thin arid forests, forests located in places of pilgrimage, etc.) are established.

Attribution of forests to categories of protection, and also transfer from one protection category in other protective category is carried out on the basis of materials of forest husbandry or special inspection in the order determined by the corresponding executive authority of the Azerbaijan Republic.

Article 32. Delimitation of forest lands on each category of protection

At attribution of forests to protection categories simultaneously are established the borders of forest fund plots in each category of protection of forests in the order established by the present Code.

Parameters of especially protective plots of forests are approved by the corresponding executive authority of the Azerbaijan Republic based on materials of forest husbandry or special inspection. The corresponding executive authority establishes the list of especially protected plots of forests.

Article 33. The order of determination of age of cuttings

The age of cuttings is established based on value and efficiency of the forests, functions they carry out, and biological features of growing tree species.

The substantiation of age of cuttings is carried out at forest husbandry or based on results of scientific researches.

The corresponding executive authority carries out determination of age of cuttings.

Article 34. Settlement woodcutting area and the order of its approval

Settlement woodcutting area is established at forest husbandry proceeding from principles rational and long-term use of forest fund.

Settlement woodcutting area is approved by the corresponding executive authority in coordination with the body of protection of the surrounding natural environment. Settlement woodcutting is commissioned since January 1 of the year following the year of termination of forest husbandry works.

At change of borders of forest fund plots, age of cuttings, categories of protection of forests and other changes in forest fund the settlement wood-cutting area is approved again.

Article 35. The order of management of forestry and transfer of the forest lands in non-forest lands for their use with the purpose, not connected with conduction of forestry, and/or the order of withdrawal of forest fund lands

The order of management of forestry and transfer of the forest lands in non-forest lands for their use with the purpose, not connected with conduction of forestry, and/or withdrawal of the lands of forest fund are carried out by the corresponding executive authority of the Azerbaijan Republic.

In this case physical and legal persons to whom the forest fund plots are allocated, pay calculated cost which amount is established based on a cadastral estimation of the given plot which is sent to corresponding forestry.

The losses connected with withdrawal of lands of forest fund, are compensated by a forest management stakeholder in full in the order established by the corresponding executive authority of the Azerbaijan Republic.

Article 36. The order of the coordination of plots of the objects influencing a condition and reproduction of forests

Plots of the objects influencing a condition and reproduction of forests are coordinated with corresponding executive authority with obligatory carrying out of the state ecological examination.

Article 37. The order of conducting forestry of forest fund and the work, not connected with conducting of forestry

Carrying out in forest fund of civil work, extraction of minerals, laying of communication lines and performance of other works which are not connected with conducting of forestry of forest fund and realization of forest management (if for this purpose are not required transfer of the forest lands in non-forest lands and/or their withdrawal), are carried out on the basis of the permission of the corresponding executive authority.

In the given permission are specified the name of carried out works, terms and conditions of their performance, the requirement to protection of the surrounding natural environment.

In a case if performance of these works is connected to cutting, the forestry writes out the logging ticket.

Methods that are applied at realization of the specified works, should not worsen a condition of forest fund, and reproduction of forests.

Article 38. The state register of forest fund

The state register of forest fund is conducted for organization of rational use, preservation, protection of forest fund and reproduction of forests, the regular control over quantitative and qualitative changes of forest fund, maintenance with authentic data on forest fund of bodies of the public management, the local self-governance, and corresponding physical and legal persons.

The data of the state register of forest fund are used at conducting of the state forest cadastre.

The corresponding executive authority establishes the list of parameters of the state register of forest fund, and the form of corresponding documents.

The order of conduction of the state register of forest fund is established by the legislation of the Azerbaijan Republic.

Article 39. The state forest cadastre

The state forest cadastre contains data on registration, on ecological, economic, quantitative and qualitative characteristics of the forest fund.

The data of the state forest cadastre are used at management of forestry, organization of its conduction, transfer of the forest lands in non-forest lands with the purpose, not connected with conducting forestry and use of forest fund, and/or withdrawal of lands of forest fund, determination of amounts of payment for use of forest fund, estimation of economic activity of forest management stakeholders and the persons who carry out conduction of forestry. The corresponding executive authority carries out conduction of the state forest cadastre.

The corresponding executive authority establishes the list of parameters of the state forest cadastre and methods of economic estimation of forests.

The corresponding executive authority of the Azerbaijan Republic establishes the order of conduction of the state forest cadastre.

Article 40. Monitoring of forests

Monitoring of forests represents a system of supervision over use of forest fund, estimation and the forecast of a condition and dynamics of forest fund with a view of the public management in the area of use, preservation, protection of forest fund and reproduction of forests and increase of their ecological functions.

The corresponding executive authority establishes the procedure of monitoring of forests.

Article 41. The state programs of use, preservation, protection of forest fund and reproduction of forests

For use, preservation, and protection of forest fund and reproduction of forests the state programs are developed.

The state programs of use, preservation, and protection of forest fund and reproduction of forests are developed and carried out by the corresponding executive authority.

Article 42. Obligatory certification of forest resources

To obligatory certification are subject wood, sold in standing condition and minor forest resources. The organization and carrying out of obligatory certification of the specified forest resources are carried out in the order determined by the corresponding executive authority of the Azerbaijan Republic.

Article 43. Forest organization and carrying out of forest organization

Forest organization includes a system of actions on maintenance of rational use of forest fund, increase of efficiency of conduction of forestry and realization of united scientific and technical policy in forestry.

At forest husbandry there are carried out:

- Determination in accordance with established procedure of borders of forest fund plots and the interfarm organization of territories of forest fund, national parks, the state natural reserves, other forestry enterprises;
- Performance of land works and special mapping of forest fund;
- Inventory of forest fund with definition of species' and age structure of forests, their conditions, and also definition of qualitative and quantitative characteristics of forest resources;
- Revealing of relic forest vegetation, plots of especially protective and especially protected forests;
- Revealing of plots of the forest fund that require cutting for restoration and intermediate use of forests, afforestation, land improvement, preservation and protection of forests and others forestry actions, and also determination of the order and methods of carrying out thereof;
- Substantiation of classification of forests into categories of forest protection, transfer of forests from one category of protection in other category, transfer of lands not covered with forest in lands covered with forest, non-forest lands in the forest lands;
- Determination of settlement wood-cutting area, the sizes of cutting of intermediate use;
- Scoping of actions on restoration of forests and afforestation, preservation and protection of forests, and also volume of other forestry actions;
- Determination of the sizes of subsidiary forest management and preparation of minor forest resources, the size of use of forest fund for needs of hunting farms and the cultural - improving, tourist and sports purposes;
- Forest biological and other special inspections;
- Supervision over realization of forest organizational projects;
- Other forest organizational actions.

At forest husbandry of forest fund, the projects of forest organization are made. In the projects is given the complex estimation of conduction of forestry and use of forest fund for past period, substantive provisions of the organization and conduction of forestry are developed. The given projects, appendices to them approved in the order established by corresponding executive authority, are obligatory normative and technical documents for conducting the forestry, current and forward planning and forecasting of use of forest fund, and also financing of forestry works.

Forest organization in the territory of forest fund is carried out on united system in the order established by the corresponding executive authority.

Conduction of forestry and forest management without carrying out forest husbandry is forbidden.

Article 44. The information on forest fund

The information on forest fund includes the data of the state registration of forest fund, the data of the state forest cadastre, monitoring of forests, forest husbandry and other data.

The information on the forest fund being in special disposal of the corresponding executive authority

of the Azerbaijan Republic is given to physical and legal persons in the order determined by this body.

Article 45. The state control over condition, use, preservation, protection of forest fund and reproduction of forests

Objective of the state control over condition, use, preservation, protection of forest fund and reproduction of forests is maintenance of observance by all physical and legal persons of the established order of use of forest fund, rules of selling of forest in standing condition, cutting of the main use and cutting of intermediate use, and also other requirements established by the legislation of the Azerbaijan Republic.

The state control over the given area is carried out by corresponding executive authorities within the limits of their competence.

The procedure of the state control over condition, use, preservation, protection of forest fund and reproduction of forests is established by the corresponding executive authority of the Azerbaijan Republic.

Article 46. Requirements to protection of forest fund

Protection of forest fund is carried out by the state.

The following actions are carried out with this purpose:

- Organization of the state control over condition, use, preservation, protection of forest fund and reproduction of forests;
- Prevention and suppression of crimes and administrative offences in the area of use, preservation, protection of forest fund and reproduction of forests;
- Attraction of the physical and legal persons guilty of infringements, to the administrative responsibility in accordance with established procedure;
- Decision-making on restriction, termination and prohibition of the economic and other activity rendering harm to forest fund;
- Realization of other actions envisaged by the legislation of the Azerbaijan Republic.

Corresponding executive authority of the Azerbaijan Republic establishes the organization of protection of forest fund.

CHAPTER V. USE, PRESERVATION, PROTECTION AND REPRODUCTION OF FORESTS AND LANDS OF FOREST FUND, NOT COVERED WITH FOREST VEGETATION

Article 47. The basic requirements to use of forests

Forest management it is carried out with observance of the following requirements:

- Maintenance of continuous and rational use of forests;
- Preservation and strengthening of environmental, water-conservation, protective and other functions of forests with a view of public health care, improvement of natural environment and development of economy;
- Establishment of the order of forest management depending on value of the forests, functions are carried out by them, their location, natural and economic conditions;
- Provision of conditions for reproduction of forests;
- Payable forest management;
- Observance of scientifically proved norms of forest management.

Article 48. Kinds of forest management

In forest fund the following kinds of forest management can be carried out:

- Preparation of forest;
- Preparation of minor forest resources (stubs, bark, birch bark and other);
- Subsidiary forest management (mowing, accommodation of beehives and apiaries, preparation and gathering of wild-growing fruits, mushrooms, berries, nuts and other resources, oak cones, herbs, technical raw material, gathering of moss, the forest substrate, the fallen leaves, reed, cane, clay and other kinds of subsidiary forest management which list is approved by the corresponding executive authority);
- Use of forest fund plots for the research purposes;
- Use of forest fund plots for the cultural - improving, tourist and sports purposes;
- Use of forest fund plots for needs of the hunting farms.

Use of forest fund plots may be carried out both with withdrawal of forest resources, and without withdrawal thereof.

Plots of forest fund may be given for realization of one or several kinds of forest management to one

or several forest management stakeholders.

Article 49. Rights of forest management stakeholders at realization by them of forest management

At realization of forest management the forest, management stakeholders have the right:

- To receive the information on the forest fund plots transmitted to them in use;
- To carry out use of forest fund in the established limits;
- To erect for the period of forest management structures and constructions, points for wood storage, connected with use of forest fund, in accordance with established procedure;
- To have other rights if their realization does not contradict requirements of the forest legislation of the Azerbaijan Republic.

Article 50. Duties of forest management stakeholders at realization by them of forest management

At realization of forest management the forest, management stakeholders are obliged:

- To carry out use forest fund plots according to the forest legislation of the Azerbaijan Republic;
- To observe terms of rent of a plot (lands) of forest fund, a condition of the logging ticket, the warrant, the forest ticket;
- To do not permit rendering of harm to health of the population, the surrounding natural environment; To carry out works in the ways preventing arising of soil erosion, not rendering negative influence of use of forest fund on condition and reproduction of forests, and also on condition of water and other natural objects;
- To observe on given to them in use forest fund plots of the fire prevention rules in forests and to carry out on the specified plots fire-prevention actions, and in case of occurrence of forest fire to provide its suppression;
- To do not leave wood-cutting area with the unfinished cuttings and the prepared forest in places of cutting, to finish preparation and export of forest after the terms determined for it;
- To carry out clearing wood-cutting area from falling debris simultaneously with preparation of wood;
- To carry out reforestation actions in terms and on conditions which are specified in the contract of rent of plots (lands) of forest fund, the logging ticket, the warrant, the forest ticket;
- To bring the plots (lands) of forest fund given in use, in a condition specified in the contract of rent of forest fund plot, the logging ticket, the warrant, the forest ticket, at own expense;
- To hand over forest fund plots to corresponding enterprise of forestry after end of works on them;
- To compensate damages and losses of forestry in accordance with established procedure;
- To bring payments for use of forest fund in due time;
- To observe sanitary rules in forests, to carry out other official requirements established by the corresponding executive authority;
- To do not commit infringement of the rights of other forest management stakeholders;
- To give in accordance with established procedure the information on use of forest fund, and also the information necessary for determination of the amount of payments for use of forest fund, to the enterprises of forestry, bodies of the state statistics;
- To carry out other duties envisaged by the legislation of the Azerbaijan Republic.

Article 51. Protection of the rights of forest management stakeholders

The broken rights of forest management stakeholders are subject to restoration and the losses caused by it, are to be compensate. Disputes on the indemnification are resolved in the judicial order.

At withdrawal for state and other needs of the lands of forest fund to forest management stakeholder are compensated in full the losses connected to this withdrawal, in the order established by the legislation of the Azerbaijan Republic.

Article 52. Compensation damages and losses to forestry

The indemnification and compensation of losses to forestry is carried out in the order determined by the corresponding executive authority of the Azerbaijan Republic.

Article 53. Stay of physical persons in forests

Physical persons have the right to be free-of-charge in territory of forests, to collect for own needs wild-growing fruits, berries, mushrooms, nuts, other forest resources, herbs, technical raw material, to participate in cultural - improving, tourist and sports actions if the legislation of the Azerbaijan Republic do

not envisage otherwise. Gathering and preparation of wild-growing plants and mushrooms, which kinds are brought in the Red book of the Azerbaijan Republic and in the list of narcotic- containing plants and natural narcotic-containing raw material, is forbidden.

Physical persons are obliged to observe fire prevention rules in forests, to do not commit breakage, felling of trees and bushes, damage of forest cultures, pollution of forests, destruction and ruin of ant hills and bird nests, and also to observe other requirements of the legislation of the Azerbaijan Republic.

Stay of citizens in forests with the purpose of hunting is regulated by the present Code and the corresponding legislation of the Azerbaijan Republic.

Stay of physical persons in forests, gathering of forest resources can be limited and forbidden in the order determined by the legislation of the Azerbaijan Republic, in interests of fire safety of forests, preparation of forest seed, forest fruit and other forest resources, and in natural reserves, national parks and in other especially protected natural territories - in connection with the regime established on them.

CHAPTER VI. REPRODUCTION OF FORESTS AND AFFORESTATION

Article 54. The purposes of forests reproduction and afforestation

The purposes of forests reproduction are as follows: duly reproduction of forests on lands not covered with forest, improvement of species' structure of forests, increase of productivity of forests, maintenance of rational use of lands of the forest fund.

The purposes of afforestation are: creation of forests on non-forest lands, reduction of the unproductive lands of the forest fund, creation of protective plantings on lands which are not included in the forest fund.

Article 55. The order of reproduction of forests

Establishment of amount of works on reproduction of forests, ways of their carrying out and definition of reproduced tree species, and also reproduction of forests, preparation of forest seeds and cultivation of planting material are carried out by the forestry according to the projects of forest organization taking into account the changes which have occurred in the forest fund.

Article 56. The basic requirements to increase of efficiency of forests

Increase of efficiency of forests is provided with rational use of forest fund plots and purposeful conduction of forestry.

Increase of efficiency of forests is carried out as a result of realization of system of scientifically proved cutting, reproduction of forests, improvement of their species' structure, creation and effective utilization of constant forest seed basis on a selection-genetic basis, water forest amelioration, care of forests and carrying out of other forestry works.

Actions on increase of efficiency of forests are carried out by the enterprises of forestry according to projects of forest organization.

Article 57. Increase of efficiency of forests

With the purpose of increase of efficiency of forests, it is necessary:

- to carry out care of forests, to carry out works on selection, forest seed- growing and quality testing of valuable tree species, to increase soil fertility, to prevent water and wind erosion of soils, bogging, salinization and other processes worsening a condition of lands, and also other works on improvement of species' structure of forests, increase of their efficiency and protective properties (safety and duly reproduction of oak, beech, nut-tree, cedar and other valuable tree species are provided in this way);
- to carry out cuttings of intermediate using;
- to take measures on effective reproduction of forests, creation of new forests and carrying out of water forest amelioration of wetlands;
- to build roads for forestry purposes.

CHAPTER VII. PRESERVATION AND PROTECTION OF FOREST FUND

Article 58. The purposes and tasks of preservation and protection of forest fund

Forests are subject to protection from fires, illegal cutting, infringement of the established order of forest management and other actions harming forests, and protection against pests and diseases of forest.

Preservation and protection of forests are carried out in view of their biological and other features and include a complex of organizational, legal and other measures on rational use of forests, preservation of forests from destruction, damage, weakening, pollution and other negative influences.

Preservation and protection of forests is carried out by the enterprises of forestry land and corresponding

aviation methods.

Article 59. The procedure of actions on preservation and protection of forests Corresponding executive authorities and the enterprises of forestry carry out actions on preservation and protection of forests, control of pest and diseases of forest and forest fires.

Corresponding executive authorities and the enterprises of forestry restrict or forbid in necessary cases visit of population and entrance of vehicles in forests, and carrying out of the certain kinds of works on separate plots of forest fund for the period of high fire danger in forests.

The order of attraction of physical and legal persons to fighting of forest fires is established by corresponding executive authority of the Azerbaijan Republic.

Article 60. Duties of forest management stakeholders on protection of forests from fires

Forest management stakeholders are obliged to develop and approve in coordination with the corresponding enterprises of forestry the plans of fire-prevention actions, and to carry out them in target dates. The corresponding executive authority establishes requirements to fire-prevention actions.

Physical and legal persons on the territory of forest fund in places of carrying out of works, cultural - mass and other actions are obliged to have fire extinguishing means according to the norms approved by corresponding executive authorities, and also to keep the specified means during the fire-dangerous period in the readiness providing their immediate use.

Article 61. The state fire supervision in forest fund

Corresponding executive authority carries out fire supervision in the forest fund with the purpose control over observance by physical and legal persons of requirements and rules of fire prevention, and with the purpose of suppression of their infringements.

Forest management stakeholders and other physical and legal persons who carry out works on forest fund plots and lands, adjoining the forest fund, and also the persons responsible for carrying out of cultural - mass and other actions in forest fund, for infringement of requirements and fire prevention rules bear administrative, criminal and other responsibility according to the legislation of the Azerbaijan Republic.

Article 62. Protection of forest fund from pests and diseases of forest

Protection of forest fund against pests and diseases of forest is provided with regular tracking a condition of forest fund, revealing of the centers of pests and diseases of a forest, measures on preventive maintenance of occurrence of the specified centers, their localization and liquidation.

Protection of forest fund against pests and diseases of a forest includes the following actions:

- Current, expeditionary, aerovisual and other forest pathological inspections;
- The general reconnaissance and detailed supervision of development of pests and diseases of forest;
- Development of aviation and land measures on pest control and diseases of forest;
- The organization of works on preventive maintenance of diseases of forest and liquidation of the centers of pests and diseases of forest;
- The control over realization of the listed actions.

Actions on protection of forest fund against pests and diseases of a forest are regulated by phytosanitary rules confirmed by the corresponding executive authority.

Article 63. Participation of physical and legal persons, public associations in maintenance of rational use, preservation, protection and reproduction of forests

Protection of forest fund is a duty of each citizen, of physical and legal persons. Physical and legal persons, public associations can participate in maintenance of rational use, protection and reproduction of forests according to the legislation of the Azerbaijan Republic.

**CHAPTER VIII. ECONOMIC REGULATION OF USE OF FOREST FUND, ITS
PRESERVATION, PROTECTION AND
REPRODUCTION OF FORESTS**

Article 64. Payment for use of forest fund

Use of all kinds of forest fund and forest resources, except for the cases envisaged by the present Code and other legislation of the Azerbaijan Republic, is payable.

The aggregate profit of forestry will consist of the income received from payments for use of forest fund

and from forestry activity.

The forest income will consist of payments for selling of forest in standing condition and other uses of forest, and from the indemnification for damages and losses put to forest fund. Payments are calculated based on market prices for forest.

To the incomes received due to forestry activity, are assigned the means, which have arrived from forestry manufacture, manufacture of the forest industry and non- industrial forest manufacture.

Article 65. Fund of protection and reproduction of forests

The fund of protection and reproduction of forests is created with the purpose of maintenance of reproduction, preservation and protection of forests, other actions on forestry manufacture, and financing of programs of development of manufacture of forestry Sources of financing of the fund will consist of forest incomes, public aid to forestry and other means.

Forestry manufacture is financed from the fund of protection and reproduction of forests, and due to budgetary means.

Industrial and non-industrial manufacture is carried out based on a principle of self- financing (self-support).

Article 66. Incentives and privileges in the sphere of forestry

Incentives and privileges are provided for workers of forestry in the order determined by the corresponding legislation of the Azerbaijan Republic (assignment to them of plots of pastures and haymakings, permission to mow a grass in a forest for a forage of personal cattle, reception of fuel-wood with reduced prices, working clothes etc.).

CHAPTER IX. FEATURES OF USE OF FOREST FUND AND WOOD-AND-SHRUBBY VEGETATION

Article 67. Preparation of wood

Preparation of wood in forests is carried out at cutting of the main and intermediate use, and other cuttings (continuous sanitary cutting, clearing of the forest areas for construction of hydrounits, pipelines, roads, electric lines, and also at lining of glades, creation of fire-prevention breaks, cutting for other purposes).

Article 68. Ways of cutting depending on categories of forests

In the forests of national parks the cutting corresponding to reserved regime are permitted only.

In resort forests, in especially valuable large forests, in forests of zones of gardening around the cities and other settlements, wild fruit forests and the state forest shelterbelts the cutting of intermediate using and other cuttings is made.

In especially protected plots of forest, all kinds of consumption can be limited and forbidden.

Cuttings are made for reproduction of forest and cutting of intermediate using according to the rules (provisions) of cutting approved by corresponding executive authority.

Article 69. Organization and order of wood logging at cuttings

The order of allotment of wood-cutting area, their transfer to forest management stakeholders, wood logging at cuttings, and also the amounts of penalties for infringement of forestry requirements are established by the rules of selling of forest in standing condition in forests of the Azerbaijan Republic, approved by the corresponding executive authority of the Azerbaijan Republic.

Article 70. Determination of logging at cuttings

Logging at cuttings on the territory of each enterprise of forestry is carried out in the volume of settlement woodcutting area. Logging at the cuttings exceeding settlement woodcutting areay, is forbidden.

The volume of logging at reproduction of forest and cuttings of intermediate use is established and approved by the corresponding executive authority at forest husbandry, proceeding from a condition of the forest plantings, the established norms of cuttings of forest care, selective sanitary cuttings, reconstruction cuttings.

The volume of wood logging at other cuttings is established by the corresponding executive authority depending on projected works on clearing forest fund from trees and bushes.

Article 71. The order of preparation of minor forest resources and realization of subsidiary forest management

Plots of forest fund are assigned to physical and legal persons in use for preparation of minor forest resources and realization of subsidiary forest management in the order established by the present Code.

The corresponding executive authority approves instructions for use of forest fund for preparation of minor forest resources and realization of subsidiary forest management.

Article 72. The order of use of forest fund plots for the research, cultural - improving, tourist and sports purposes, needs of the hunting farms

Research works may be carried out on forest plots fund by the corresponding organizations. The enterprise of forestry can limit or forbid to physical and legal persons use of these plots of forest fund if the given forest management is incompatible with the purpose of carrying out of research works.

On the forest fund plots given for the cultural - improving, tourist and sports purposes, forest management stakeholder can carry out actions on accomplishment of these plots under condition of preservation of natural landscape, observance of fire prevention rules and sanitary rules in forests.

Plots of forest fund may be given in use to physical and legal persons for needs of the hunting farms.

The order of use of forest fund plots for the research, cultural - improving, tourist and sports purposes, needs of the hunting farms is established by the corresponding executive authority of the Azerbaijan Republic.

Article 73. The order of use of forest fund plots in border zones

Using plots of forest fund in border zones is carried out in the order established by the present Code.

Features of using plots of forest fund in border zones are established by the legislation of the Azerbaijan Republic.

Article 74. The state natural reserves, national parks and the natural parks, which are on the territory of forest fund

For the state natural reserves, which are on the territory of the forest fund, are assigned plots of natural fund in the order established by the legislation of the Azerbaijan Republic, and they carry out functions of public management on these plots. Use, preservation, protection and reproduction of forests on the territory of the state natural reserves, national parks and natural parks is carried out according to the present Code and the corresponding legislation of the Azerbaijan Republic.

Article 75. Wood-and-shrubby vegetation located on lands of agricultural purpose

Wood-and-shrubby vegetation located on lands of agricultural purpose is intended for maintenance of protection of lands from influence of adverse natural, anthropogenic and man-caused phenomena by means of use of soil-protective, water-regulating and other properties of forest vegetation.

Cutting of wood-and-shrubby vegetation located on these lands, should provide improvement of a condition of this vegetation and performance of functions by it. Carrying out of care cuttings, sanitary cuttings, rejuvenation cuttings, and other cuttings of wood-and-shrubby vegetation is permitted.

The order of afforestation on lands of agricultural purpose, care on wood-and- shrubby vegetation, its use, preservation and protection, and also the state control connected to them are established by the legislation of the Azerbaijan Republic.

Article 76. Wood-and-shrubby vegetation located on lands of railway transportation

Wood-and-shrubby vegetation located on lands of railway transportation, is intended for protection of trunk-railways against the adverse natural phenomena, prevention of environmental pollution, reduction of noise affects of railway transportation.

The corresponding executive authority carries out the public management in the area of use, preservation, protection and reproduction of specified wood-and-shrubby vegetation.

Cuttings of care, sanitary cuttings, cuttings of reconstruction, cutting of special purpose and other cuttings of wood-and-shrubby vegetation located on lands of railway transportation are permitted. The order of carrying out of these cuttings is established by the corresponding executive authority.

The corresponding executive authorities carry out the state control over a condition, use, preservation, protection and reproduction of wood-and-shrubby vegetation located on lands of railway transportation.

Article 77. Wood-and-shrubby vegetation located on lands of motor transport and lands of water fund

Wood-and-shrubby vegetation located on lands of motor transport and lands of water fund (on rights of way of highways and channels), is intended for protection of highways and channels from adverse

natural, anthropogenic and man-caused phenomena.

On rights of way of highways and channels is permitted carrying out of sanitary cuttings, cuttings of reconstruction and other cuttings.

The order of afforestation and also the order of use, preservation and protection of wood-and-shrubby vegetation located on lands of motor transport and water fund lands, are established by the legislation of the Azerbaijan Republic.

The state control over use, preservation and protection of wood-and-shrubby vegetation located on lands of motor transport and water fund lands, is carried out by corresponding executive authorities of the Azerbaijan Republic.

CHAPTER X. RESOLUTION OF DISPUTES IN THE AREA OF USE, PROTECTION, PRESERVATION AND REPRODUCTION OF FORESTS, RESPONSIBILITY FOR INFRINGEMENT OF FOREST LEGISLATION

Article 78. The order of resolution of disputes in the area of use, protection, preservation and reproduction of forests

Disputes in the area of use, preservation, protection and reproduction of forests are resolved in the judicial order.

Article 79. The responsibility for infringement of the forest legislation

The persons guilty of infringement of the forest legislation bear disciplinary, administrative, civil and criminal responsibility according to the legislation of the Azerbaijan Republic.

The persons answerable to administrative and criminal liability for capture of forest fund plots without permission are obliged to release the specified plots in target dates.

Article 80. Invalidity of transactions made with infringement of the forest legislation

The transactions made with infringement of the forest legislation, are void.

THE LAW OF THE REPUBLIC OF AZERBAIJAN ON WATER SUPPLY AND SEWAGE

**CHAPTER I
GENERAL PROVISIONS**

Article 1. The basic concepts

Concepts used in the present Law have the following meaning:

system of water supply – a construction or group of constructions, which take away water from a source, purify it and deliver to a consumer, including a network of main (common) and distributive (internal) water pipes (lines);

sewerage system - a network, transporting sewage formed in settlements or because of activity of industrial enterprises, in the point of treatment of wastes; **enterprises of water supply and sewerage** (enterprises of water supply, enterprises of sewerage) - the legal entity, irrespective of ownership form and organizational - legal form, providing within the limits of determined territory (zone) water supply and disposal of sewage;

consumer - legal and physical person using service of the enterprise of water supply and sewerage;

objects of water supply and sewage disposal (object of water supply, object of sewage disposal, object) - any enterprise, establishment, organization, residential building, land plot, construction, building, network of internal (distributive) plumbing and sanitary which are connected or should be connected to systems of common (main) water supply and sewerage;

household (economic) potable water - water used by the population, living in settlement, and by workers of industrial enterprises in the household (economic) purposes and for drink;

water of industrial purpose - water used in industrial, production, technological and other technical purposes;

sewage - waters polluted by consumers at use of water, polluted in connection with industrial technology, and liquid substances mixed in settlement with physiological wastes (excretions) of people, conditionally pure waters that have been discharged in the environment and in sewerage system during occurred accidents;

agent of water enterprise (sewerage) - the official which powers are envisaged by the Articles 49 and 50 of the present Law;

local bodies - corresponding executive authorities and municipalities, which powers in the area of water supply are established by the Water code of the Azerbaijan Republic, other acts and the present law;

owners of object of water supply and water drain (object) - owners, tenants of objects of water supply and sewerage or objects (enterprises, constructions, buildings, houses, apartments), using service of water supply and sewerage.

Article 2. Purpose of the Law

Purpose of the present Law consists in regulation of relations in the area of maintenance of the population, enterprises, establishments and organizations by qualitative water meeting the requirements of state standards in necessary quantity, discharge sewage.

Article 3. The legislation on water supply and discharge sewage

1. The legislation on water supply and discharge of sewage consists of the present law, the Water code of the Azerbaijan Republic and other normative-legal acts.

2. In case of occurrence of contradiction between provisions of the present law and the international rules of law, which party the Azerbaijan Republic is, or the international contracts of the Azerbaijan Republic, the provisions of international law and the international contracts of the Azerbaijan Republic are applied.

Article 4. The rights connected to water use

1. Physical and legal persons in the order and on the conditions envisaged by the present law and other normative-legal acts, have the right to use water resources and with this purpose to build and maintain water pipes and sewer constructions, to remove sewage and wastes.

2. Water (treated sewage) received by the enterprise of water supply and sewerage is considered as its product and is used to destination.

3. Water received by legal and physical persons from the enterprises of water supply, is the property of the specified persons and is used under their discretion, except for the cases envisaged by the present law.

Article 5. Principles of rendering of services on water supply and discharge of sewage

1. The enterprises of water supply and sewerage at realization of the duties are guided by the following principles:

- a) recoupment of the expenses in rendering services on water supply, discharge of sewage and discharge of wastes;
- b) supply of consumers with water of proper quality and in necessary quantity, first of all –with potable water;
- c) the most efficient use of water resources;
- d) creation of reliable system of treatment and discharge of sewage and wastes.

2. The enterprises of water supply and sewerage carry out the rights, powers and duties with observance of the legislation and treaty provisions, concluded with consumers or corresponding executive authority (municipality) on rendering of the services envisaged by the Article 5.1.a.

Article 6. Functions of the enterprises of water supply and sewerage

The enterprises of water supply and sewerage carry out the following functions:

- a) render services in the order envisaged by their charter, and according to duties;
- b) operate water resources, constructions of water supply and sewerage, given in use to the enterprise;
- c) execute decisions of the corresponding executive authority concerning duties of the enterprises of water supply and sewerage.

CHAPTER II

STATE REGULATION IN THE AREA OF WATER SUPPLY AND SEWERAGE

Article 7. Schemes of location and development of systems of water supply and discharge sewage

1. Designing and construction of systems of water supply and discharge of sewage, provision of the population, enterprises, establishments and organizations with water with household (economic), industrial - technological and other purposes, and with potable water, removal, transportation, treatment of sewage, processes of neutralization and discharge of wastes, location and development of facilities on water supply and sewerage are carried out according to republican and regional schemes.

2. The republican schemes are prepared and approved for all territory of the Azerbaijan Republic in the order established by the corresponding executive authority.

3. The regional schemes of Nakhchyvan autonomous republic are prepared and approved by the corresponding executive authorities of Nakhchyvan autonomous republic.

4. The regional schemes of cities and districts are prepared and approved by the corresponding executive authorities with participation of municipalities in the order established by the corresponding normative-legal acts.

Article 8. The state aid to the enterprises of water supply and sewerage

1. With the purpose of ensuring of reliable activity and development of the centralized systems of water supply and sewerage, liquidation of consequences of natural disasters the state aid may be rendered to the enterprises of water supply and sewerage.

2. In case of inefficient use of the means envisaged for the enterprises of water supply and sewerage, the state aid based on decision of the corresponding executive authority may be reduced, and at use of means not to destination – may be completely terminated.

3. The state aid may be given as a subsidy and a credit. The corresponding executive authority establishes a concrete kind, conditions and amount of the state aid.

4. The payment of expenses, incurred by the enterprise of water supply and sewerage because of rendering preferential services to certain categories of the population, is carried out according to the legislation.

Article 9. Definition of territories (zones) and assignment of enterprises responsible for them

1. Based on the present law the corresponding executive authority provides division of territory of the country into zones of water supply and (or) discharge of sewage, including appointment of enterprises responsible for water supply and (or) discharge of sewage in one or several zones. The enterprise of water supply and sewerage, responsible for water supply and discharge of sewage in the certain territory, executes duties and carries out the powers envisaged by the legislation and the contract, made with the

corresponding executive authority.

2. The corresponding executive authority in the order and on the conditions established by the corresponding normative legal acts, in coordination with municipalities can give to the enterprise of water supply and sewerage power for realization of activity outside of zone of rendering of services.

Article 10. Granting of permission on use of water objects

The corresponding executive authority in the order and on the conditions envisaged by the legislation, in coordination with municipalities authorizes for the following:

- a) reception of ground and underground water in certain quantity;
- b) discharge of sewage in these or other ground and underground water pools, and transportation, burial of waste (including liquid wastes) in ground or in water pools;
- c) construction of water dams, water basins and other hydraulic engineering constructions.

Article 11. Activity at emergencies

1. In the present Article under emergencies are implied large-scale accidents, natural disasters that can result in the following consequences:

- a) gross damage of work of constructions on water supply and discharge of sewage;
- b) material damage, destructions covering all population or its greater part, and human victims, or extreme ecological crisis.

2. At occurrence of emergencies the corresponding executive authority, the corresponding enterprise of water supply and sewerage, and municipality operate together.

3. The corresponding executive authority allocates public funds with the purpose of payment of expenses, incurred by the enterprises of water supply and sewerage in connection with liquidation of consequences of emergencies.

CHAPTER III WATER SUPPLY

Article 12. Duties of enterprises of water supply

Each enterprise of water supply, that creates and keeps within the limits of the zone effective and satisfactory system of water supply, provides the following:

- a) supply of consumers with water meeting the norms of quality and corresponding state standards depending on the purposes in necessary amount for household (economic), industrial and other purposes, and also with potable water;
- b) elimination of leakage of water from water pipes in the environment and prevention of occurrence of similar cases;
- c) storage and improvement in the necessary order of the fixed assets, expansion and improvement of services, and realization of other duties according to the present law.

Article 13. Supply of potable water and water with household (economic) purpose

1. The enterprises of water supply should provide objects in concrete territory in the zone of rendering of services with necessary quantity of water in the household (economic) purposes and with potable water, and also to carry out lines of water pipes in the following cases:

- a) at reception of the order of a consumer which is in the zone of rendering of services of the enterprise;
- b) at presence of objects, buildings, including being built or projected that are envisaged to provide with water supply by means of new lines of water pipes;
- c) at conclusion of necessary contracts providing performance of requirements, established by the corresponding normative-legal acts, and payment of cost of services, before water supply of objects in the present territory.

2. The enterprises of water supply in the order envisaged by the legislation or corresponding contracts, can demand from the consumers which require water pipes, to give necessary guarantees (of financial and other character) for the enterprise of water supply at construction of a water pipe or guarantees on performance of other obligations, including obligations on annual payment of expenses during coordinated time after putting the water pipe in operation.

3. Terms and conditions on all questions concerning construction of new water pipes and putting in operation thereof, are established by the contract made by the parties, and in case of absence of such contract - in the order envisaged by the legislation.

4. The enterprises of water supply are obliged to provide objects with water in the household (economic) purposes and with potable water at performance of the above- stated requirements and only in case of supply of the objects envisaged by the present Article.

5. At delayed payment by consumers of the payments envisaged by the present Law, the enterprises of water supply can refuse performance of the duties envisaged by present Article.

6. It is forbidden to the consumers provided with water in the household (economic) purposes and with potable water, to use this water with the purpose not specified in the contract, and to grant the permission for similar use to other consumers.

Article 14. Water supply in industrial purposes

1. Provisions of the present Article can be applied in case of submission of application by the owner of object to the enterprise of water supply for his water supply and if:

- a) the object is completely or basically uninhabited building;
- b) water supply is envisaged not in the household (economic) purposes and supply with potable water, but for satisfaction of other requirements.

2. The enterprise of water supply is obliged to supply with water any object to which the given Article is applied according to the agreed periods and conditions.

3. The enterprise of water supply can refuse water supply in the following cases:

a) if newly created system of water supply can become the reason of huge additional consumption, taking into account available (during application) and predicted obligations of the enterprise of water supply in the area of supply of other consumers with water in household (economic) and other purposes and with potable water;

b) if this will create for the enterprise of water supply an obstacle in realization of its obligations before the current and future consumers, who use water in household (economic) purposes and potable water;

c) if the condition of internal water-distributive network of the consumer does not meet the normative-legal acts on technical operation of water lines.

4. Conditions and terms of water supply of the objects envisaged in present Article, are established on the basis of a contract made by the parties, and in case of absence of such contract - in the order envisaged by the legislation.

Article 15. Water supply for public requirements

1. The enterprises of water supply based on applications supply with water for public needs the enterprises of sewerage, gardening, road facilities and local bodies (municipalities). This concerns treatment of sewer pipes and drainage effluents, washing and watering of highways, and water supply in other public purposes demanding huge consumption of water, including parks, pools, bath-houses, laundries and heating systems.

2. On the basis of the present Article water supply by the enterprises of water supply is provided in compliance with the provisions of agreement, considered mutually advantageous and acceptable for all interested parties.

3. In agreement with the present Article the enterprise of water supply is not obliged to carry out water supply providing these or other additional consumption and works, not specified in the contract. However, based on the arrangement of the parties such works may be carried out by the enterprise of water supply on the expense (in full or in part) of a customer.

Article 16. Wholesale water supply

1. The corresponding executive authority can make the decision on wholesale water supply by one (or several) enterprise of water supply of another (others) enterprises in the following cases:

a) if as a result of delivery of water in the water supply of the enterprise, delivering water, does not emerges water famine and the given enterprise does not incur a material damage;

b) at absence of possibility of conclusion of a contract on water delivery between the enterprises of water supply (parties).

2. According to the present Article in the decision made by the corresponding executive authority the charges incurred by the enterprise of water supply in connection with the given decision should be envisaged.

Article 17. Zones of sanitary protection

1. With the purpose of creation of zones and realization of the regime of sanitary protection, envisaged by the Water code of the Azerbaijan Republic, the enterprise of water supply in the order established by the legislation has the right to forbid in the specified zones activity of owners (users, tenants) of land plots, as well as of other persons.

2. The enterprise of water supply carries out regime of the zone of sanitary protection according to working building norms and rules.

Article 18. Quality of water supply

1. With the purpose of ensuring of the requirements made to quality of water for household (economic) needs and potable water, the enterprise of water supply carries out the following measures:

a) ensuring of quality of water before its reception in the network of distributive water pipes;
b) control of compliance of quality of supplied water with the corresponding state standards;
c) control of water quality in a reservoir and, in case of incompliance of its quality with the corresponding state standards, prohibition of its use.

2. With the purpose of prevention of deterioration of water quality supplied in the main pipelines from one or several sources at maintenance of objects by water for household (economic) needs and potable water, the enterprises of water supply should carry out urgent measures in due time.

3. The enterprises of water supply do not bear the responsibility for deterioration of water after its supply from the main pipeline to consumers in the distributive network, except for the cases, which have occurred through their fault.

4. At occurrence of threat of water deterioration at the moment of its supply from the main pipeline in the distributive system of the consumer through fault of the enterprise of water supply the given enterprise should carry out necessary measures on its liquidation or minimizing.

Article 19. Stability of water supply

1. The enterprises of water supply should provide on main and other water pipes of household (economic) purpose and potable water or the outlets connected to them and used in the fire-prevention purposes, the minimal stable pressure meeting the established specifications.

2. On the basis of the present Article the enterprises of water supply at termination or restriction of water supply with the purpose of elimination of accidents and carrying out of repair - preventive works do not bear the responsibility for stability of water supply.

3. In the decision of the corresponding executive authority on additional maintenance of pressure and stability of water supply at higher level the necessary money indemnification should be envisaged for enterprise of water supply on realization of the specified decision.

Article 20. Water supply at water shortage

1. In case of absence of possibility of water supply in necessary amount and required quality on the main water pipe due to stipulated consumptions the enterprise of water supply on the basis of application of local bodies (municipalities) and at their expense provides water delivery (by means of water carriers or transportation of water tanks) in the places coordinated between the parties, or directly to objects in other ways.

2. Provisions of the Article 20.1 are applied in the event that:

a) quality of water supply for household (economic) needs and potable water is on a low level, or water shortage threatens human health and life. In the specified case local bodies (municipalities) notify about the specified the enterprises of water supply and put forward the requirements so that the enterprise of water supply could determine its possibilities for performance of the specified requirements;

b) enterprise of water supply possesses financial and technical resources for performance with the aid of alternative means of the requirements specified in the Article 20.2(a);

c) local bodies (municipalities) have concluded with the enterprise of water supply the contract on payment at a stated time of charges during alternative water supply and terms of indemnification.

3. Charges, besides cost of the centralized water supply, in connection with alternative water supply of the population are paid to the enterprise of water supply on the expense of corresponding budgetary funds.

Article 21. The announcement of commissioning of water supply system

The enterprise of water supply officially notifies local bodies (municipalities) on commissioning of water supply system in a zone of water supply or in its part and declares about the specified through mass media.

Article 22. Payment of building charges of water supply systems

Charges in connection with creation or construction of systems of water supply may be paid by the enterprise of water supply from the following sources:

- a) payments of owners of objects of water supply;
- b) aggregate profits and funds of the enterprise of water supply;
- c) public funds allocated for partial payment of expenses, spent for development and capital construction of system of water supply, and other payments.

Article 23. Tasks and terms following from connection to the water supply system

1. The enterprise of water supply on the basis of application of any consumer being in its zone of water supply, should connect him to the system of water supply on the following terms:

- a) the addressing consumer is the owner of existing or planned object or its part;
- b) the connection is carried out on the expense of the consumer.

2. The enterprise of water supply can demand in connection with the application the following:

- a) submission of the data necessary for connection to the system of water supply;
- b) observance of the corresponding norms, order and requirements concerning connection at execution of works by the consumer.

3. At rendering services the enterprise of water supply should not prefer unjustly this or that group of consumers or potential consumers. Separate consumers or group of consumers on terms and in the order, envisaged by the legislation, may be refused in rendering of preliminary services.

Article 24. The requirements to connection to water supply system

1. The enterprises of water supply within the limits of the zone of service can in the official order demand from consumers the following:

- a) aconnection to system of water supply on legal bases;
- b) liquidation of this or that illegal connection or the connection that does not comply with the established norms, order and requirements;
- c) realization of the works necessary for rendering of services on water supply.

2. Consumers can apply in writing to the enterprise of water supply about desire to be connected to the water supply system.

Having considered the application within ten days, the enterprise of water supply agrees to connection of object to system of water supply or refuses in the proved order. Refusal in connection may be appealed against in the order envisaged by the legislation.

3. The enterprise of water supply can direct to consumers the notice on their joint connection to the water supply system, with indication of term of connection.

4. In case of non-fulfillment or partial performance by consumers of requirements of the enterprises of the water supply and works necessary for connection in envisaged terms, the enterprises of water supply can carry out these works on the expense of the specified consumers.

5. The charges incurred by the enterprises of water supply in respect to the connection, including joint connection, are paid by all consumers using water because of the specified connection.

Article 25. Expansion of water supply system

1. Owners of the objects which are in the territory where no system of water supply is, or local bodies (municipalities) can address in writing on the enterprises of water supply for expansion of available water supply system. Works on expansion of water supply system and connection of objects are carried out on the expense of the body, which has addressed in the specified occasion or the owner of object.

2. In case if cost of expansion of available of water supply system (including main water pipes) exceeds payment which is necessary to bring by consumers, the enterprise of water supply can demand from the addressed persons to pay beforehand a part of the charges required for expansion of water supply system. In the specified case, the given payment is levied in addition to the payment required for usual connection.

**Article 26. Rights of the enterprises of water supply on restriction
and suspension of water supply**

1. The enterprises of water supply have the right to do not carry out the duties envisaged by the present law and other normative-legal acts, or to restrict water supply in the following cases:

- a) at use of water in the main pipelines envisaged for household (economic) needs, and potable water in other purposes;
- b) at occurrence of necessity for carrying out of the building, repair - preventive and emergency works demanding restriction or termination of water supply, and in purifying water basins;
- c) at increase of a degree of turbidity of superficial waters in reservoirs or occurrence in water basin of emergency ecological situation;
- d) in case if the consumer does not pay cost of services of the enterprise of water supply. After payment by the consumer of all duties, including the charges connected to termination of delivery of water, water supply can be restored;
- e) in case if the network of distributive water pipes, water reservoirs (water basin), connecting devices, gates, taps on the object are in a unsuitable condition or do not meet the requirements of the corresponding state standards;
- f) at non-fulfillment of necessary measures against leakage and pollution of water on the object and non fulfillment by the consumer of well-founded demands of the enterprise of water supply;
- g) at infringement by the consumer of provisions of the present law on rational use of water and its protection from pollution;
- h) at illegal connection;
- i) in case if the consumer interferes the authorized person in realization of the duties connected with prevention and suspension of infringement by him of the requirements of the present law;
- j) at non-fulfillment by the consumer of other requirements envisaged by the present Law;
- k) under the written request of the consumer.

2. At termination or restriction of water supply based on the Article 26.1. (a, d, h) the enterprise of water supply can demand from the consumer to pay expenses, connected with suspension, restriction and restoration of water supply.

3. In case if these or other objects belong to the consumer and are provided by means of one distributive pipe, rights of the enterprise of water supply on suspension of water supply of this or that object may be applied in respect to other objects.

4. At failure to meet requirements of the present Article by one or several consumers taking place on the object (in one building, house) the enterprise of water supply can suspend water supply of the given object. In the specified case the organization responsible for operation of the object can demand from the consumer which become the reason of termination of water supply, to compensate all charges incurred by the enterprise of water supply in connection with the termination of water and renewal of its supply, including possible additional charges if normative-legal acts do not establish other conditions of suspension of water delivery.

**Article 27. Duties of the enterprise of water supply in case of restriction
and suspension of water supply**

1. In case of suspension of water supply in connection with necessary works the enterprise of water supply carries out the following duties:

- a) provides performance of the pointed out works at a stated time;
- b) carries out suspension of household (economic) water supply of object and supply with potable water for the term of more than 24 hours for performance of corresponding works only with a condition of provision of emergency water supply (by means of time water pipes or other ways) of the given object.

2. At preliminary reception from the consumer of the application on refusal of water supply with the indication of date the enterprise of water supply should suspend water supply.

Based on provisions envisaged by the Article 28 of the present Law the enterprise of water supply can suspend water delivery only after the preliminary warning about specified the consumer, except for emergency circumstances or cases of insignificant restriction of water supply.

Article 28. The warning on restriction of water supply

1. In the cases envisaged by the present law, the enterprise of water supply terminates, restricts or regulates water supply under the condition of obligatory warning of the consumer.

2. In the warning the following is underlined:

- a) zone of water supply to which the warning applies;

- b) period (if days and hours are not specified) of suspension, regulation or restriction of water supply;
 - c) rules of performance of requirements of the warning;
 - d) purposes of realization of the specified activity;
 - e) other questions connected to the specified activity.
3. The consumers may be warned in the following ways:
- a) through mass media;
 - b) by means of mobile loudspeakers in the zone of water supply;
 - c) by mail or through other communication facility.
4. All consumers should carry out the requirements envisaged by the warning.

Article 29. Temporal interdictions on water use

1. At occurrence of serious shortage of potable water supply the enterprise of water supply can suspend or restrict delivery of water for the following purposes:
- a) irrigation of private gardens;
 - b) public purposes.
2. The enterprises of water supply should preliminarily through mass media inform on terms, territory and date of restriction or suspension of water supply.
3. The persons who violate provisions of the present Article within terms of suspension or restriction of water supply, bear the responsibility in the order envisaged by the legislation.
4. At announcement according to the present Article on suspension or restriction of water supply the payment due to deduction by the enterprise of water supply during the specified period, should be reduced in the proved form. In case the advance payments have been withheld, the given sum concerns to payments, which will be withheld during the subsequent period.

Article 30. Calculation of volume of delivered water

1. The enterprise of water supply establishes volume of water delivered to the consumer by means of water metering devices or by calculation in the order envisaged by the corresponding normative-legal acts.
2. Delivery of new objects without installation of water metering devices is forbidden.

Article 31. Installation and operation of water-metering devices

1. Water-metering devices are installed on the expense of a consumer based on requirements of the enterprise of water supply corresponding to the present law or the application of the consumer.
2. In the cases envisaged by the legislation, water-metering devices are installed on the expense of the means of the enterprise of water supply.
3. The enterprise of water supply should keep account of all installed water-metering devices.
4. Authorized agent of the enterprise of water supply in the order established by the legislation has the right to be admitted to the device of water supply with the purpose of fixation of parameters of water-metering devices, installation, repair, replacement, removal, change of place, service thereof and cancellation of their parameters.
5. With the purpose of maintenance of correct gauging and registration of water supply the change of place, repair, removal, installation of the water-metering device, elimination of factors preventing its work or other works are carried out by authorized agent of the enterprise of water supply or with his participation.
6. The consumer has the right to address in writing to the enterprise of water supply for check of accuracy of the water-metering device. The enterprise of water supply is obliged to carry out such check on the expense of means of the consumer within three weeks from the date of reception of the application.

Article 32. The duties of consumers connected to calculation of volume of delivered water

1. In connection with calculation of volume of delivered water consumers are obliged to carry out the following:
- a) to provide protection of water-metering device and to keep it in necessary technical condition;
 - b) to carry out necessary measures with the purpose of prevention of distortion of parameters of the water-metering device;
 - c) to provide admission of the authorized agent envisaged by the Article 31 of the present law to the water-metering device;
 - d) to present to the enterprise of water supply parameter of the water-metering device reflecting amount of consumed water, and necessary information on a state of the device.

2. At non-observance by the consumer of requirements of protection of water-metering devices the authorized agent of the water supply enterprise can on the expense of the consumer carry out their repair, repeated installation and elimination of the reasons preventing their work, or other works necessary for measurement and maintenance of correct registration of water supply.

In case of infringement of parameter of the water-metering device the enterprise of water supply establishes volume of water consumed in the specified period taking into account a parameter of the previous corresponding period based on throughput of the pipe. The corresponding executive authority approves the order of determination of the period of infringement of parameter of the water-metering device.

3. The consumer who feels necessity of repeated installation of the water-metering device, should preliminarily address in writing about specified in the enterprise of water supply not later than seven days from the date of occurrence of such need. The parameter of the water-metering device is removed at the moment of its repeated installation.

Article 33. Rights of consumers

Consumers have the following rights:

- a) to erect corresponding installations and structures for realization of use of water objects with the special purposes;
- b) to demand indemnification for water that was not received in amount, envisaged by the contract, except for the cases envisaged by the legislation;
- c) to conclude the contract with the water supply enterprises for connection to a water pipe for reception of water;
- d) to receive potable water and water with the household (economic) purposes according to the quality standards;
- e) to use water repeatedly in connection with industrial necessity;
- f) to carry out other rights envisaged by the Water code and other acts of the Azerbaijan Republic.

CHAPTER IV DISCHARGE OF SEWAGE

Article 34. The basic duties of sewerage enterprise

1. The basic duties of sewerage enterprises are:

- a) transportation, treatment, neutralization of sewage and discharge thereof into the environment or water basins;
- b) expansion and provision of reconstruction of sewer constructions being in common use, maintenance thereof;
- c) taking of measures on elimination and preliminary prevention of leaking- out of sewage from sewer systems in the environment.

2. Discharge of sewage by sewerage enterprise in water objects is carried out in the order envisaged by the legislation.

Article 35. Delivery in operation of new sewer constructions

1. The sewerage enterprises after end of construction of sewer constructions having accepted them on their balance, announce readiness to accept sewage in territory of rendering of services by these constructions and provide connection of objects to these constructions.

Putting in operation of new sewer constructions is carried out in the order established by the corresponding normative-legal acts.

2. After connection of objects to sewer constructions their owners should carry out the payments established according to the present law.

3. After the announcement of putting in operation of sewer constructions all built and reconstructed objects being in the territory of rendering of services by the enterprise of sewerage, should be connected to sewer system. Any private constructions used for discharge of sewage, may be maintained only with a condition of observance of corresponding state standards and the rules established by the corresponding normative-legal acts based on permission of the enterprises of sewerage.

4. Even in a case of refuse of object from connection to the sewer system the sewerage enterprise has the right to demand from the owner of the object payment for use of sewer system in the order envisaged by the legislation.

Article 36. The right of connection to the sewer system being in common use

In case of absence in territories of construction and planning of objects of the sewer systems being in common use, the local bodies (municipalities) or owners of objects with the purpose of connection of objects to the sewer system being in common use, can address to the sewerage enterprise with the written application about provision on their expense of carrying out of sewer pipelines or building of sewer constructions.

Article 37. Connection to the sewer system being in common use and discharge of sewage

1. For connection of separate sewer systems and objects of discharge of sewage to the sewer systems being in common use:

- a) owner of object in accordance with established procedure should address to the sewer enterprise;
- b) sewerage enterprise should guarantee, that such connection does not render adverse effect on a condition of operation of the sewer system being in common use;
- c) sewerage enterprise on the expense of applicant carries out necessary check for confirmation that the condition of sewer constructions and designs of connected object meets the corresponding requirements;
- d) the applicant should pay all expenses (including expenses on excavations on roads) on connection to the sewer system being in common use.

2. In case of infringement by the applicant of rules and requirements of connection to sewer systems the sewerage enterprise can refuse connection of object, implementation in this territory of discharge of sewage and carrying out of drainage works.

3. The applicant in the order envisaged by the legislation can appeal against the decision on refusal of connection of his object to the sewer system being in common use and discharge of sewage.

Article 38. The coordination of issues of connection to sewer systems being in common use, and discharge of sewage

1. With the purpose of connection to the sewer system that is in common use:

a) owner of connected object within one month from the date of reception of the answer of the sewerage enterprise or from the date of the application submits the plan (project) of connection of the object to the given enterprise. The sewerage enterprise within a month considers the specified plan and approves it (with modification in case of need). The owner of object carries out connection according to the authorized plan;

b) sewerage enterprise in order to prevent unreasonable refusal in connection should consider objectively the application about connection;

c) in case of significant excess of cost of expansion of available sewer system, with the purpose of connection of object of the applicant, the sum due for discharge from object of sewage, the sewerage enterprise can demand from the applicant to pay preliminary a part of the sum required for expansion of the sewer system;

d) in case the owner of object cannot provide performance of the works connected to connection of object, at a stated time, such works may be carried out by the sewerage enterprise on the expense of the owner of the specified object.

Article 39. Prohibition of disposal (discharge) in sewer system

1. It is forbidden for consumers to remove (discharge) in the sewer systems being in common use of:

- a) rain waters;
- b) all substances interfering processing or discharge of sewage, wrecking sewer pipes;
- c) mineral oil and calcium carbide;
- d) substances representing hazard to health of people;
- e) not neutralized sewage of isolation hospitals;
- f) forbidden wastes, sewage and substances, except for the cases envisaged in the contract concluded with the sewerage enterprise about discharge of household and industrial sewage.

2. Discharge of sewage in rain sewer system is forbidden.

3. Kinds of manufacture and enterprises or concrete enterprises, disposal (discharge) of which industrial wastes are forbidden, are established by the normative-legal acts.

Article 40. Transfer of separate sewer constructions (equipment, systems) to sewerage enterprises

1. The owner of a separate sewer construction can apply with the request for transfer of a sewer construction belonging to him to the enterprise of sewerage.

2. The sewerage enterprise informs the owner of separate sewer construction on intention to receive the given construction. After that, within two months, the sewerage enterprise and the owner of separate sewer construction will coordinate conditions of transfer of the construction, including the opportunity of payment of indemnification.

3. After delivery of separate sewer construction to the sewer enterprise of the right and a duty of the former owner together with land plot necessary for its operation, maintenance service and repair, is passed to the sewerage enterprise. .

Article 41. Requirements concerning separate sewer systems

1. Construction of separate sewer system or installation of equipment with the purpose of connection to the sewer system being in common use, is carried out with the consent of the sewerage enterprise according to the corresponding normative- legal acts.

2. Authorized agent of the sewerage enterprise has the following rights:

a) to enter on object of sewage discharge with the purpose of control over observance of requirements concerning norms and rules of construction of separate sewer system, installation and safe operation of equipment;

b) to take samples of waters and sewage;

c) to demand in the terms established in the notice, directed to the owner of object in relation with connection of object to the sewer system being in common use, of implementation of the following measures:

- realization of purification, repair or maintenance service of the equipment;

- suspension (full or partial, permanent or temporal) of operation of the equipment at discrepancy to its established norms;

- realization of other necessary measures with the purpose of prevention or suspension of pollution of waters.

3. In case of non-fulfillment by the owner of the object removing sewage, or the separate water drain of the requirements envisaged by the Article 41.2.c, the sewerage enterprise can carry out necessary works on the expense of the owner of object.

Article 42. The right of survey of the damaged separate sewer systems

1. The sewerage enterprise being in common use, has the right to carry out survey of separate sewer systems and carry out necessary works with this purpose, including excavations, in the following cases:

a) in case if technical condition of sewer systems and the constructions connected to sewer systems, being in common use, creates threat to human health and is a reason of serious anxiety;

b) at leaking-out of sewage from sewer systems and pollution of underground waters.

2. All expenses related to works on elimination of revealed malfunctions, specified in the Article 42.1, are paid by owners of the separate water drain (object), except for the following proved cases:

a) exact execution by the owner of object of all requirements made to him earlier about execution of necessary works in target dates;

b) at insufficiency of the bases at the sewerage enterprise to demand from the owner of object of execution of the specified works;

c) at absence of necessity in works executed by the sewerage enterprise or inefficient use of means for performance of the specified works.

Article 43. Suspension of operation of sewer system

1. The sewerage enterprise can forbid use of sewerage or suspend its operation only in the following cases:

a) at installation of the equipment, carrying out of repair works and works on maintenance service on it;

b) at connection of the equipment and its delivery in operation;

c) in necessity of prevention of leaking-out of sewage and pollution of waters.

2. At arising of necessity to liquidate a sewer system in the certain territories or in a long-term suspension of its activity the sewerage enterprise in the order envisaged by the present law should connect objects in the present territory to other sewer system at own expense.

Article 44. Industrial sewage

1. The sewerage enterprises can sign a contract with any consumer (legal or physical person) about discharge, storage and purification of industrial sewage from their objects.

2. With the purpose of control of composition of sewage removed from object in sewer system,

being in common use, the sewerage enterprise on a regular basis carries out supervision on the specified objects.

3. The sewerage enterprise before discharge of this or other industrial sewage in sewerage can demand from the owner of object its preliminary purification. The sewerage enterprises can refuse signing of contract for discharge of industrial sewage in case if this sewage (or in connection with other substances) creates threat:

a) to life, health, property of people being in contact with these waters, and to the environment;
b) to safe operation and technical condition of the equipment of the sewerage enterprise;
c) to technological processes of purification and treatment of sewage. Similar refusal may be done in case of absence of the arrangement in connection with expenses on transportation and treatment of industrial sewage.

4. In case if consumers disagree:

a) with refusal of the sewerage enterprise to conclude contract about discharge of industrial sewage;
b) with conditions of such contract;
c) sum of payments connected to discharge of industrial sewage; - they can in the order envisaged by the legislation, appeal against the decision of the sewerage enterprise in court.

CHAPTER V RIGHTS AND DUTIES COMMON FOR ENTERPRISES OF WATER SUPPLY AND SEWERAGE

Article 45. The right of land use

1. With the purpose of implementation of their duties the enterprises of water supply and sewerage provide building of constructions of water supply and sewerage and for present purposes have the right to use land in the order envisaged by the corresponding legislation.

2. Allotment of lands being in the property of the state or municipalities, is carried out based on the permit of the corresponding executive authority and (or) municipal body in the order envisaged by the legislation.

In the cases that do not contradict the land legislation, use of lands being in private property for present purposes is carried out based on conclusion of contract with the landowner by means of their purchase, reception in rent or delivery of indemnification.

Article 46. Restriction of propriety right on land

In the cases which do not contradict the land legislation, at absence of opportunity to come to the arrangement with the landowner, with the purpose of keeping of the state and public interests, liquidation of consequences or threats of natural disasters the land plot, can be redeemed in the compulsory form from its owner in the order established by the legislation. In the specified case in the order established by the legislation, indemnification is paid to the former landowner with the account of the benefit not received by him, or at his desire, other land plot is given to him.

Article 47. Property of enterprises of water supply and sewerage

1. Non-production constructions, water pipes, equipment and other property, being a component of water or sewer system and acquired or constructed by the enterprise of water supply and sewerage, are considered as their property if the separate contract does not envisage other conditions.

2. In the cases that do not contradict the legislation, constructions and other property, installed by the enterprise of water supply and sewerage or under his order on the land plot, which is in the property of other person, are considered as the property of the enterprise. Such constructions do not transfer to the land owner and the right of reception of share from the income received from their operation is not given to him, if the contract between the enterprise and the land owner made in cases and in the order, established by the legislation, does not envisage other terms.

3. The non-production constructions built, acquired or maintained by the enterprise of water supply and sewerage may be located some distance away from a zone of water supply and discharge of sewage of the given enterprise.

Article 48. The warning on elimination of infringements

1. The enterprise of water supply and sewerage has the right to demand from the owner of object by means of the notice the following:

a) to remove in target dates defects of equipment, used for connection of internal system of water

supply and sewerage to systems of water supply and sewerage, being in common use. In case of consecutive connection to the common system of internal systems of several owners the enterprise of water supply and sewerage can demand elimination of such defects from several owners or from all owners;

b) according to the present law to execute in due time the provisions of contract on rendering of services and duties necessary for execution of provisions of the present Law.

2. In case of non-fulfillment of conditions of the notice the enterprise of water supply and sewerage can:

a) to carry out works necessary for elimination of defects on the expense of the owner who received the notice and is responsible for performance of corresponding requirements;

b) to disconnect object from the system of common water supply or to stop rendering services and to demand from the owner of object to pay the cost of the done works in the order envisaged by the present law;

c) to address in court for performance of the requirements specified in the notice in the order established by the legislation.

Article 49. Authorized agents of enterprises of water supply and sewerage

1. The enterprises of water supply and sewerage according to the present law appoint the authorized agents with imposing on them realization of the rights and duties.

2. The certificate of the established form is given out to authorized agent with his photo and personal signature.

3. In case of need the authorized agent or enterprise of water supply and sewerage that has authorized him with the purpose of rendering assistance can address in corresponding executive authority. The corresponding executive authority in cases and the order, envisaged by the legislation, should render him the necessary aid.

Article 50. The right of admittance on the object using services of water supply and sewerage

1. Preliminarily having notified the owner in the order established by the legislation, the authorized agent, having presented the certificate, has the right to be admitted on object of water supply and discharge of sewage for realization of the following:

a) connection of object to systems of water supply and (or) water drains or with the purpose of reception of debts to disconnect it from systems;

b) taking samples of water or sewage, carrying out of analysis, examination and measuring works, photographing and collection the information;

c) carrying out control over performance by the owner of object or workers of the enterprises rendering services of water supply (water drain), duties and corresponding requirements established by the present law;

d) repair of water-metering devices, disassembling it or reading of its indications;

e) carrying out examination of constructions, devices, mechanisms and units concerning to the area of water supply and discharge of sewage;

f) carrying out all necessary works connected to functions of the enterprise of water supply and sewerage;

g) examining of land plots and water sources on them with the purpose of determination of expediency of purchase of land for needs of water supply;

h) carrying out of control over execution of provisions of the present law or interests of the enterprise of water supply and sewerage on which he works.

2. In the order established by the legislation authorized agents of the enterprises of water supply and sewerage can enter on objects without prior notification with the purposes envisaged by the present Article in the following cases:

a) at force majeure;

b) if the owner of object does not object execution of work;

c) for prevention of water pollution, water use not to destination and misallocation, and suppression of infringement of provisions of the present law.

3. Authorized agents of the enterprises of water supply and sewerage are not authorized to enter into residential buildings since 21:00 P.M. up to 9:00 A.M., except for cases of presence of the proved information on non-observance by owners (tenants) of residential buildings and apartments of the restrictions entered on water use, misallocation of water and its use not to destination, and also infringement of provisions of the present law.

**Article 51. Rights of the enterprises of water supply
and sewerage on performance of works**

1. On performance of works the enterprises of water supply and sewerage have the following rights:
 - a) to carry out excavations;
 - b) to install, use and maintain technical constructions necessary for execution of their functions, bore holes;
 - c) to take necessary samples of ground, waste and sewage;
 - d) to build constructions of water supply and sewerage, to maintain them or to operate them and to carry out other corresponding activity within the limits of the powers according to the present law.

Article 52. Performance of works on the state lands and roads

1. According to requirements of the corresponding normative-legal acts the enterprises of water supply and sewerage carry out measures for carrying out of necessary works on the state lands and roads.
2. The enterprises of water supply and sewerage are obliged:
 - a) at carrying out and after end of works to carry out all necessary measures with the purpose of elimination of the danger menacing the citizens and other users of the state lands and roads;
 - b) to take away construction waste;
 - c) to bring a place of work in a former condition;
 - d) to pay expenses of corresponding bodies, road service and citizens in connection with restoration of roadway coverings;
 - e) to carry out works in the shortest terms and with maximum efficiency.

3. In case of realization by the enterprises of water supply and sewerage of the measures envisaged by the present Article connected to water pipes, drainage systems and other property belonging to others, they have the right to demand compensation of the charges on the expense of the owner of the specified property.

Article 53. The notice on the done works

- In case of execution of works, touching interests of consumers, the enterprises of water supply and sewerage should warn them in the following terms:
- a) in usual cases - not later than 7 days prior to the beginning of works;
 - b) at force majeure - prior to the beginning of works as soon as possible and if it is not possible - just after the beginning of works.

Article 54. Duties on change of places of pipelines

1. Legal or physical persons, in which property (use, rent) the land plot is, in connection with planning of carrying out in territory of location of pipelines or constructions of the certain works (including building) can demand from the enterprise of water supply and sewerage to change a place of pipelines (collectors, channels), being on the specified site and belonging to the given enterprise, or pipelines served by this or other constructions in the cases which do not contradict the legislation. At specified cases expenses on replace of pipelines and other constructions and the damage caused to the enterprise of water supply due to a break in water supply, are paid on the expense of persons who have put forward the similar requirement.
2. At reception of similar requirements the enterprise of water supply should execute all requirements, except for requirements which execution is not possible, and inefficient requirements.
3. The enterprise of water supply and sewerage should on demand of the enterprises of road service or other municipal services (electric power supply, gas, heating, telecommunication) to transfer or remove the constructions if it is caused by urgent need. In the specified case, all works after replacing of constructions and equipment are carried out on the expense of the enterprises, which put forward such requirement.
4. The enterprise of water supply and sewerage in the order established by the legislation can demand from the legal and physical persons who have put forward the requirement about replace of constructions, to pay money or to give mortgaging guarantees in other form. The size of a guarantee depends on cost of the planned works.

**Article 55. Rights of the enterprises of water supply (sewerage)
in the area of rendering of additional services**

The enterprises of water supply and sewerage at the request of this or that consumer at their expense or under the initiative (at own expense) within the framework of the powers can carry out the following:

- a) modernization or repair of this or that equipment;
- b) carrying out of this or that research or survey;
- c) carrying out of these or other works concerning to their powers.

Article 56. Coordination of designing and civil works

1. Designing and construction of objects of water supply and sewerage are carried out in the order envisaged by legislation in coordination with the corresponding executive authority.

The corresponding executive authority considers corresponding applications about designing and construction and within one month from the date of reception of the application informs on the accepted decision.

2. Building and economic activities of consumers rendering direct and indirect influence on water supply, discharge sewage, prevention of flooding, are carried out in the order envisaged by the legislation in coordination with the enterprises of water supply and sewerage and municipalities.

Article 57. Observance of construction norms and rules

1. The enterprises of water supply and sewerage, and owners of separate systems (objects) of water supply and sewerage should observe the state standards and norms in the sphere of construction and architecture.

2. The works carried out with observance of the given norms and standards, should:

- a) be carried out by the experts of corresponding qualification having the permission on work, or under supervision;
- b) be began after reception of consent of the enterprises of water supply and sewerage with notification of the specified enterprises;
- c) be carried out with participation and under the control of authorized agent of the enterprise of water supply and sewerage in agreement with his instructions;
- d) be accepted by authorized agent of the enterprise of water supply and sewerage.

CHAPTER VI ECONOMIC REGULATION AND FINANCIAL ISSUES

Article 58. Payments for receipt of water and discharge of sewage

Payments are established depending on the following:

- a) for receipt of water - on the basis of permission given out according to the present law;
- b) for discharge of sewage and wastes - based on permission given out according to the present law.

The size of payments, rules of their calculation and payment are established by the corresponding normative-legal acts.

Article 59. The rights connected to payments for rendering of services by the enterprises of water supply and sewerage

1. The enterprises of water supply and sewerage on conditions and in the order envisaged by the corresponding normative-legal acts, have the following rights:

- a) according to the present law to put forward offers concerning an establishment of the size of payments and preliminary payments (advance payment) for any kind of services specified in the contract, made during their activity;
- b) to receive from this or that consumer using services of the enterprise of water supply and sewerage, payments established according to the present law and to demand their payment;
- c) to receive in the order envisaged by the legislation additional collections for nonpayment of the specified payments in target dates, and also non- fulfillment of duties in this or that form, or penalties as percent on the delayed debts;
- d) to establish, demand and receive payments for the first or repeated connection of objects of water supply and discharge of sewage in the order envisaged by the legislation.

2. The enterprises of sewerage under a condition of payment of the rendered services in the corresponding order can sign a contract with road service (enterprise) on discharge of waters by means of rainwater drainage.

3. The sum of payments for services of the enterprises of water supply and sewerage is calculated based on the following:

- a) taking into account volume of water, according to parameters of water- metering devices, or amount of the sewage removed from objects;

- b) rules established by the corresponding normative-legal acts.

Article 60. Payments for services of water supply and sewerage

1. The enterprises of water supply and sewerage for rendering of services can offer in a contract to all categories of consumers the following kinds, terms and sums of payment:

- a) payments for amount of water received according to working rules, on the basis of parameters of water-metering devices or parameters of calculations, and the removed sewage;
- b) payments for connection to systems of water supply and sewerage;
- c) single payment for connection to systems of water supply and sewerage;
- d) preliminary payment (advance payment) of the enterprises of water supply and sewerage for installation of industrial gages, including water-metering devices.

2. Depending on quality of water, properties of sewage and wastes, place and season of rendering of services, water supply within 24 hours or regime (with breaks) water supply the enterprises of water supply and sewerage can apply higher or lower factors to the payments (tariffs) established by the corresponding normative-legal acts, specified in the Article 60.1.

3. In case of need the enterprises of water supply and sewerage for rendering of additional services to this or that consumer can suggest to pay to him an additional payment, signing with him the additional contract.

4. The given contract can provide obligations of the consumer on payment of services and regulate the relations arising between the enterprises of water supply and sewerage and the consumer during rendering of services, including the first and repeated connections.

5. According to the contract, the consumer pays the account presented based on actual expenses incurred on the first connection, including work and purchase of materials by the enterprise of water supply and sewerage.

6. In the order established by the legislation the enterprise of water supply and sewerage has the right to write off the sum of delayed payments from the credit account of the consumer. If the sums of credit accounts are insufficient for payment of liabilities, the enterprise of water supply and sewerage can solve the problem with nonpayment of liabilities in the judicial order. The given order is applied after thirty days from the date of representation of the payment account to payment.

7. In case if the sum of credit will be decreased in volume of liabilities for the rendered services the consumer on the basis of the requirement of the enterprise of water supply and sewerage should replenish the depository sum of the credit up to the envisaged level.

8. The sum of the credit is established at a level of the double sum of all payments for the services envisaged by the present Law within a month. Calculation of monthly average payments is conducted based on average estimation of consumption for the last six months or parameters of the water-metering device taking into account norms of use of a category into which the given consumer enters.

The sum of the credit based on the consent of the enterprise of water supply and sewerage may be paid in installments.

9. The issues of credit calculations for services of the enterprises of water supply and sewerage, which were not reflected in the present law, are determined by the current legislation.

Article 61. Obligations of consumers on payment of services

1. Irrespective of availability of a contract between the enterprise of water supply and sewerage and an individual consumer, duties of consumers on payment of services are based on the fact of their residing on object, rent of object or use of objects of water supply in those or other purposes.

2. According to the current legislation the enterprise of water supply and sewerage can receive a payment for actually rendered services and after suspension of use the consumer object, except for a case when the consumer not later than within four working days notifies the enterprise of water supply and sewerage on suspension of use of object.

Article 62. Receipt of liabilities for rendering of services

In case of nonpayment by the consumer to the enterprises of water supply and sewerage of the debt for the services rendered by them within 30 days from the date of representation of the account for payment the enterprise of water supply and sewerage has the right, having warned the debtor not later than three days to disconnect his object from water supply system if the legislation does not envisage other cases. In case of failure to meet requirements about payment of all sum of debt and after switching-off of object the enterprise of water supply and sewerage has the right to demand the unpaid sum in the judicial order, including in the cases which do not contradict the legislation, to claim about payment of the sum of the

debt on the expense of property of the debtor.

**Article 63. Exemption from payment for water used
with the fire-prevention purposes**

1. The enterprises of water supply and sewerage do not receive a payment for services on water supply and discharge of sewage and for amount of the used water in the following cases:
 - a) at fire extinguishing or satisfaction of needs of fire services at force majeure;
 - b) at creation of water resources for the above-stated purposes.
2. In the cases envisaged by the Article 63.1 expenses of the enterprises of water supply and sewerage are paid on the expense of the state budget in the order established by the corresponding normative-legal acts.

**Article 64. Obligations on payment of the enterprises, establishments
and organizations financed from the budget**

1. The enterprises, establishments and organizations financed from the budget (the budgetary enterprises) in the order envisaged by the present law, are obliged to pay cost of all services rendered to them by enterprises of water supply and sewerage.
2. In case the budgetary enterprises will not transfer payments in the stipulated term, the enterprise of water supply and sewerage in the order established by the legislation can replace financial obligations to the budget based on the mutual agreement with the budgetary enterprise.

**CHAPTER VII
RESPONSIBILITY FOR INFRINGEMENT OF THE LEGISLATION
IN THE SPHERE OF WATER SUPPLY AND DISCHARGE OF SEWAGE**

Article 65. General facts entailing legal responsibility

1. According to the legislation legal and physical persons bear the responsibility for the following:
 - a) at misallocation, conspicuous consumption of water or creation of opportunity to others for this;
 - b) at water use with the purpose different from purposes envisaged in the permission on use water, or envisaged by the enterprise of water supply;
 - c) at impeding to performance of those or other works on receipt and treatment of water;
 - d) at impeding to performance by authorized agents of the enterprises of water supply and sewerage of their duties within the framework of the present Law.
2. The persons causing a material damage in cases, envisaged by the present Article, are obliged to indemnify it in the order established by the legislation.

Article 66. Illegal water delivery to third persons

Delivery of water by a consumer to a third person which is not a lawful consumer of the enterprise of water supply, or granting of permission of water use is forbidden to him, except for the following cases of water use:

- a) water use on the object connected to a network of water pipes;
- b) water use for fire extinguishing;
- c) water use based on the contract with the enterprise of water supply.

Article 67. Illegal connection

1. Connection to a system of water supply and sewerage without consent of the enterprise of water supply and sewerage is forbidden, except for the cases envisaged by the present law.
2. Water is authorized to be taken in from the water-distributive hydrants installed on streets only in the household (economic) purposes and for drink or with other purposes established by the enterprise of water supply.

Article 68. Damage of equipment

1. It is forbidden to carry out those or other works in territories where technical constructions of the system of water supply and sewerage are installed, without consent of the enterprises of water supply and sewerage, except for the cases, which do not contradict the present law and the corresponding legislation.
2. Damage (deliberate or careless) or lay-up of technical constructions of systems of water supply and sewerage entail the responsibility according to the legislation.
3. This or that structure or equipment, able to displace, damage or destroy this or that technical

construction of systems of water supply and sewerage and taking place in its sanitary - security zone, may be accepted as the proof of damage of technical construction because of the specified structure and equipment if opposite proofs are absent, to entail the following legal proceedings following from here and envisaged by the legislation.

4. The commitment of the following facts is forbidden:

- a) destruction of protective barriers of water pipes and sewer pipes, and also underground technical constructions in a sanitary - security zone;
- b) lay-up (deliberately or on imprudence) of underground technical constructions, water pipes and sewer pipes, communications, their opening, damage or influence on them in other form;
- c) connection of technical water pipe to water pipe of potable water;
- d) change of parameters of water-metering devices;
- e) realization of works and the activity, rendering influence on normal activity of water-metering devices and demanding their removal.

Article 69. Water use not to destination, conspicuous consumption and pollution

Physical and legal persons in the order envisaged by the legislation bear the corresponding responsibility in the following cases:

- a) at leaking-out of water through fault of the person, use of water not to destination;
- b) in case of excess of the allowed norm of volume of water received by the person;
- c) at pollution of a source of potable water as a result of his deliberate activity or after imprudence, or emergence of threat of its pollution;
- d) at failure on fault of the person of a network of water pipes taking place in his submission and as a result pollution of water being in water main or in the pipes connected to it or arising of threat of pollution.

Article 70. Building of constructions impacting plumbing and sanitary systems

Without official (written) permission of the enterprise of water supply and sewerage it is forbidden:

- a) to carry out those or other excavations and civil works within the limits of the territories established around technical constructions of systems of water supply and sewerage, and also on distance less than five meters from the main concerning to systems of water supply and sewerage, pipelines and other technical constructions;
- b) to destroy or take out ground, stone and other coatings, protections and supports of water and sewer technical constructions.

Article 71. Planting of trees and agricultural plants

1. Planting of trees, bushes and agricultural plants (hereinafter - "plantings") on distance up to five meters on both sides of technical constructions or sewer collectors, central water pipes and sewer mains being in submission of the enterprises of water supply and sewerage is forbidden.

2. In case if plantings prevent approaching to water main, a sewer collector or other technical construction, or become the reason of their damage, the enterprise of water supply and sewerage can make to the owner (user, tenant) of the land plot where the plantings are, the following requirements:

- a) grubbing of plantings;
- b) compensation of damage in connection with damage of constructions;
- c) restoration of the damaged object at own expense in time, specified in the requirement.

3. In case of non-fulfillment by the land owner (user, tenant) of this requirement the enterprise of water supply and sewerage has the right to carry out necessary works at its expense.

Article 72. The responsibility for infringement of the Law

The persons guilty of infringement of requirements of the present Law, compensate material damage put to the enterprise of water supply and water sewerage as a result of infringements committed by them, bear other responsibility in the cases and the order established by the legislation.

The enterprises of water supply and sewerage bear the responsibility for infringement of requirements of the present Law according to the legislation.

The president of the Azerbaijan Republic

GEIDAR ALIYEV

Baku

October 28, 1999

№ 723-IQ

**THE LAW OF THE REPUBLIC OF AZERBAIJAN
ON THE PROTECTION OF ENVIRONMENT**

The present Law identifies the legal, economic and social bases of environment protection. The objective of the Law is to protect environmental balance thus ensuring environmental safety, prevent the hazardous impact of industry and other activities to natural ecological systems, preservation of biological diversity and proper use of natural resources.

The present Law regulates and establishes correlation between society and nature to provide qualitative improvement of environment, proper use and rehabilitation of natural resources, strengthening the conformity with environmental legislative regulations.

**CHAPTER 1
General Provisions**

Article 1. Main concepts and terminology

The terminology and concepts whenever used in this Law have the following meaning:

Environment - a range of animated and inanimate natural environment surrounding mankind independent from his activity;

Ecology - a science investigating the balance of environment and disturbances caused by natural factors as well as anthropogenic (human activity), and physical processes;

Natural resources (stocks) - sources of land, minerals, flora, fauna, water and energy, for meeting the needs of people;

Environment protection – preservation and prevention of material values of nature against deviations from their initial quality and quantity;

Nature exploitation – proper and economically sound exploitation of natural resources with no impact on environmental balance, taking into account social and economical needs of local society as well as the needs of the future generations;

Monitoring of environment – scientifically proved methods of quality and quantity control of emissions of hazardous gases, discharges of solid and liquid wastes as a result of anthropogenic influence;

Ecological system – is a unity of green world, flora, animal world, fauna, land, water sources and rivers, mineral treasures, which are interconnected with each other and are the integral part of environment;

Normalisation of the environmental balance – identification of environmental quality showings necessary for stability of ecological systems and preservation of biological diversity, suitable for human life;

Hazardous impact to environment – the activity that is accompanied by qualitative and quantitative changes in separate components of ecological systems, such as chemical and biological, hazardous physical, technical, wasteful and improper use of natural resources, as well as exploration of out of date mining technology, thus entailing violation of environmental balance;

Quality of environment protection – Initial showings of the environmental balance and goods that meet the standards and norms of technical safety, as well as the standards of human life and environment protection, justified by State bodies.

Article 2. The legislation of Azerbaijan Republic on environment protection

The legislation of Azerbaijan Republic on environment protection consists of Constitution of Azerbaijan, the present Law and other legislative acts. Article 3. The main principals of the environment protection

Environment protection is based on the following principals:

- mutual solution of social and economical, moral and aesthetic problems;
- ensuring natural and ecological balance of definite areas and rehabilitation of destroyed ecological systems;
- effective use and rehabilitation of natural resources, implementation of economic incentives of nature exploitation and environment protection;
- ensuring the protection of biological diversity of environment;
- legal responsibility for violation of the State control and environment protection regulations;
- estimation of existing and prevention of possible environment damages;
- participation of the public organizations and population in environment protection issues;
- international co-operation in environment protection.

CHAPTER 2 RIGHTS AND DUTIES IN ENVIRONMENT PROTECTION

Article 4. The rights and duties of the State in environment protection

1. The rights of the State in environment protection issues are as follows:

1.1 Identification of strategy for preparation and implementation of main policies of the State;

1.2 development and identification of the ways of ratification of the quality norms to maintain the balance between industrial entity and other activities;

1.3 adoption of the bases on the State funds of environment protection;

1.4 adoption of appropriate legislation about handing over the resources to the users, identification of limits and quotas for natural resource utilization, contracts;

1.5 adoption of the list of the ways of natural resource use and methods of issuing the permits in order to hand over the special permits to the users (juridical and physical persons involved in private business);

1.6 identification of the rules related to different aspects of nature protection, and State cadastre and control of natural resources, ratification and implementation of a set of programs concerning utilization, protection and rehabilitation of natural resources;

1.7 identification of the methods of the State monitoring of the environment and natural resources;

1.8 compulsory confirmation of the list of ecologically dangerous types of activities, as well as the list of standardized and certified goods (works, services) of similar nature, and the rules and procedures of permit obtaining, related to environment protection;

1.9 approval of the list of environmental institutions the activities of which are important in terms of the scientific aspect of ecology and biology, and establishment of the State preserves, State national and natural parks and other environmentally sensitive areas;

1.10 identification of the methods of the information distribution and State statistic control over environment protection issues;

1.11 identification of regulations of ecological auditing

1.12 issuing special permits for discharges of hazardous substances and wastes into environment; for environmentally dangerous types of enterprises, as specified in legislation; for making contracts; identifying limits and quotas, as well as special permits for nature utilization;

1.13 approval of the expenses on environment protection and sanitary improvement.

2. The obligations of the State in environment protection are as follows:

2.1 preparation of a program on different aspects of ecological balance of environment and nature exploitation;

2.2 establishment of the State ecological expertise;

2.3 execution of the State control over rehabilitation of environment, flora and fauna;

2.4 creation of the State cadastre (publication of "Red Book") where the unique species of flora and fauna exposed to the risk of total extinction must be included;

2.5 establishment of international co-operation;

2.6 implementation of other legal acts in accordance with the applicable law of Azerbaijan Republic.

Article 5. Responsibilities of the institutions of local governing on environment protection issues

The institutions of local governing take the environment protection responsibilities given them in accordance with the legislative regulations.

Article 6. Rights and duties of citizens in environment protection issues

1. The rights of citizens, persons without citizenship and foreigners (hereinafter referred to as citizens) in terms of environment protection are as follows:

1.1 Any citizen may obtain precise information on measures taken to improve of his/her living standards and health, and suitability of present environment for living;

1.2 Financial coverage of health and property damage caused by violation of environmental regulations;

1.3 To live in an environment, safe for human health and life;

1.4 Use natural resources, take protection and rehabilitation measures, participation in sanitary improvement and nature protection actions, in accordance with applicable law;

1.5 Participate in meetings, pickets, processions and demonstrations, referenda devoted to environment

protection, within the legal limits;

1.6 Apply to Government authorities and bodies concerning any questions on environment protection;

1.7 Offer proposals regarding social ecological expertise;

1.8 Demand cancellation of the decrees through legal and administrative actions against allocation of area under construction, construction, reconstruction and operation of enterprises, organizations and other ecologically dangerous entities that affect environment and human life, and also to demand limitation of the activities carried out by juridical and physical persons and termination of such activities carried out by juridical persons;

1.9 Institute proceedings and call for legal actions against organisations, officials, citizens who are found guilty in violation the environment protection regulations.

1.10 Use other rights identified by legislation as specified in the applicable law.

2. It is civic duty for everyone to protect environment.

Article 7. Rights and duties of social unions in terms of environment protection

1. The rights of social unions in terms of environmental protection are as follows:

1.1 To develop and implement their own ecological programs, protect the rights and interests of people in terms of environment protection, thus involving them in the above activities;

1.2 To provide public control over environment protection;

1.3 To opportunely get precise, detailed and updated information from the state bodies and institutions on conditions and measures taken towards rehabilitation of environment;

1.4 contracted co-operation with international organisations and the State bodies in implementation of certain works, as specified by environment protection law;

1.5 to participate in negotiations of the draft laws on environment protection;

1.6 to demand temporal or permanent termination of activities of an enterprise that affects environment and human health and limitation of activities, location, construction, reconstruction and operation of such enterprises, buildings and installations, hazardous from ecological point of view;

1.7 to raise a questions regarding lack of commitment and application of legal actions;

1.8 to bring to a court the claims of defendants endangered by violation of environment protection regulations that caused health and property damage.

2. The responsibilities of social unions consist of the implementation of their duties in compliance with the regulations about social unions, their activities and environment protection.

CHAPTER 3 NATURE USE

Article 8. Nature users

Juridical and physical persons (including foreigners), Government, non-Government organisations, temporal and permanent, direct and indirect, may become users as specified below:

Foreign user – foreign juridical and physical persons, international organizations and institutions;

Permanent user – is given the right to use natural resources with no fixed terms;

Temporal user – is given the right to use natural resources with fixed terms; Direct user – the rights for nature use is given directly by Government; Indirect user – the direct user gives the rights for nature use.

Article 9. Common and Individual use

1. Natural resources of the Azerbaijan Republic can be used both by common and individual users;

2. The common use of nature is carried out in compliance with the rules, when use of natural resources by people and organizations is free and necessitated by improving of urgent living standards of population.

The use of natural resources is subject to further limitations, as specified by law.

3. When used individually, nature resources distributed to users as specified by law. Natural resources can be used on temporal or permanent, remunerative or irrevocable, direct or indirect bases.

4. Creation of regulations on individual use of nature or limited use of nature (servitude) is subject to be identify by the legislation of Azerbaijan Republic. Article 10 Limits and quotas of rations (norms) of nature use

Limits and quotas of rations (norms) of nature use determine the maximum permissible norms for temporal use of natural resources, discharge of hazardous substances into environment, placement of domestic and industrial wastes. Concerned executive bodies identify the limits and quotas.

Article 11. Special permit for nature use

Special permit for nature use affirms the right to act as an owner in terms of nature use. Special permit for nature use is issued by concerned executive bodies.

Article 12. Nature use regulated by the Government

The government regulates the use, rehabilitation and protection of natural resources. For this purpose the State programs are prepared, as well as monitoring, cadastre and control of natural resources are done.

Article 13. The users rights and responsibilities

1. Users responsibilities are:

1.1 to follow applicable standards of quality and quantity norms of environment, as well as ecology and technology requirements set forth industrial entities and other activities;

1.2 to take measures for environment protection and rehabilitation of nature resources in accordance with existing regulations;

1.3 to pay in time charges and fines imposed for use of natural resources and environment pollution;

1.4 to present necessary information on request of the State controlling bodies, concerning the environment protection;

2. The nature users' rights:

2.1 to use natural resources on purpose;

2.2 to use resources taking them out of their natural environment, at the same time making no harm to the nature.

3. Law protects the users' rights. Once the rights of the users are violated, Azerbaijan Republic restores them in accordance with applicable law.

Article 14. The varieties of nature use activities for which special permits are needed. Special permits are required for use of certain types of nature resources and implementation of number of activities stated below:

- accumulation of environment polluting substances;
- transportation, disposal to landfills and storage of extremely hazardous domestic and industrial wastes;
- ecological auditing;
- activity of an enterprise which may cause high risk of environmental damage.

Article 15. Contracts for use of natural resources

1. According to, and as identified by applicable laws, the contracts for use of natural resources must be signed by user and concerned executive body.

2. When use of natural resources requires special permits, and such permits have not been received, the contract, in this case, loses its validity.

3. The conditions of the contract are considered to be invalid, when they are in conflict with special permit. If the special permit is revoked, then contract becomes invalid too.

4. The contract on use of natural resources comes into force after achieving mutual agreement between executive body and contractor.

CHAPTER 4

STANDARDIZATION AND CERTIFICATION OF ENVIRONMENT, NATURAL RESOURCES, CADASTRE AND MONITORING

Article 16. The state cadastre of natural resources

The State cadastre is a unified system of identified quantitative and qualitative indexes of nature resources aimed at preservation of ecological situation and meeting the economical needs.

The areas to be registered in cadastre are determined by relevant legislation. The methods of cadastre registration are identified by base documents adopted by the concerned executive body.

Article 17. The state monitoring of environment and natural resources

1. The State monitoring systems of environment and natural resources have been identified and is currently used in Azerbaijan Republic.

2. The monitoring of natural resources, environment protection and management of nature use provides

the control of environment and natural resources and accordingly stipulated creation of relevant data banks and information systems. The State monitoring consists of:

- 2.1 Observation of the sources of anthropogenic impact to environment and natural resources;
 - 2.2 observations of spreading, development of exogenous processes and studies of their dynamics;
 - 2.3 investigation of seismically active zones and forecasting the degree of possible outcomes;
 - 2.4 assessment of the investigated and observed items and compare them with their initial state.
3. The methods of the State monitoring of environment and natural resources are specified by the concerned executive body, in accordance with the adopted base document and appropriate decree.

Article 18. Environmental monitoring of enterprises

1. Juridical persons (nature users) are obliged to conduct environmental monitoring of enterprises, their activities, which may cause ecological problems, make reports and take stocks (calculations) of environmental impact
2. Measurement devices used in environmental monitoring of enterprises should meet the standards of metrology.
3. The showing of environmental monitoring of enterprise should be submitted to the concerned executive bodies of Azerbaijan Republic within the time, mutually specified and agreed upon beforehand.

Article 19. Standardized and Certified items in terms of environment protection

Goods, (works, services) and technologies produced in, or imported to Azerbaijan Republic, which may impact ecology, human life and health, rehabilitation and proper use of natural resources, must be considered as the items subject to standardisation and certification in terms of environmental protection

Article 20. Standardization in environment protection

1. The standards and technical requirements set forth environment protection of Azerbaijan Republic must be registered, proved and implemented as specified by legislation.
2. If the existing environment protection regulations are violated when goods are treated, manufactured, supplied (soled), stored, transported, used (exploited) and repaired, any works and services in this case are prohibited.

Article 21. Certification in environment protection

In environment protection issues certification is applied to goods, works services and activities to identify their conformity with standards and technical requirements as specified by legislation.

Once the goods (works, services), acquiring compulsory certification in terms of environment protection have not been certified, then their treatment (implementation) is prohibited.

CHAPTER 5

BALANCING ECONOMY IN TERMS OF ENVIRONMENT PROTECTION

Article 22. Balanced economy in terms of environment protection

1. Economic assessment of environment protection, and use of natural resources will lead to strengthening of ecological safety, development of measures for rehabilitation and proper use of natural resources, with the purpose of nature users to become much more interested in all above activities.
2. Economic bases and spheres of activities in terms of environment protection:
 - 2.1 sponsoring and predicting measures, to be taken towards environment protection;
 - 2.2 payments for nature use;
 - 2.3 payments and fines charged for environment pollution;
 - 2.4 economic incentives in environment protection;
 - 2.5 establishment of funds for environment protection, grants;
 - 2.6 funds allocated from international institutions for implementation of environmental programs.
3. fines coming from organizations, enterprises, citizens can only be used in financing of environmental protection issues.

Article 23. Financing and forecasting of the steps to be taken towards environmental protection

1. All environment protection measures are stipulated by relevant programs, and included to the State programs guided by the concepts of multipurpose use of nature.
2. Development ways of environmental programs and concepts on multipurpose use of nature are described in the Azerbaijan Republic's legislation.

3. Financing of ecological programs and measures in terms of environment are funded from the following sources:

- 3.1 state and local budget;
 - 3.2 environment protection funds;
 - 3.3 ecological insurance;
 - 3.4 payments charged for nature use;
 - 3.5 donations from physical and juridical persons;
 - 3.6 grants and other allocations from the international institutions.
4. Budgets of all levels separately indicate their expenses for funding environment protection issues.

Article 24. Payments for environment pollution and use of natural resources

1. Payments for disposal of industrial and domestic wastes, and use of natural resources are effected by nature users, such as enterprises, organisations and citizens, in accordance with the rules and rates specified by law.

2. Fines for exceeding the limits of environment pollution are payed in accordance with the rules and rates, specified by law.

Article 25. Economic incentives in environment protection

Economic incentives of environment protection are provided by ecological subsidies and other stimulating measures.

Economic stimulation of environment protection can also be provided at the expense of the activities, which are not in conflict with the legislation.

Article 26. Ecological insurance

Ecological insurance insures civil properties of physical and juridical nature users against possible accidents that might cause injury or damage of environment or third person. Physical and juridical persons the activities of whom represent a serious ecological danger are insured under compulsion, in accordance with relevant regulation.

Physical or juridical persons may voluntarily insure themselves against ecological risks. Types, conditions and rules of voluntary insurance are implemented on contract bases between physical persons and insurance agencies.

Article 27. Environment protection funds

1. Environment protection funds are established for financing urgent environment protection measures, any accidents, environment treatment, compensation and other measures taken towards environment protection.

2. In accordance with, and as specified by the legislation any State and social funds can be established aimed at environment protection.

3. The sources for creation of the State environment protection funds are identified hereunder:

- payments for nature use;
- property confiscation, as specified by law;
- money raised from confiscated and eventually sold goods and hunting tools that had been bought and hunted illegally;
- grants;
- donations; and
- other activities that are not in conflict with the legislation of Azerbaijan Republic.

Article 28. Sousing from the State environment protection funds

1. The State environment protection funds are used for the following purposes:

1.1 implementation of resource economizing technologies, scientific researches;

1.2 sponsoring construction and reconstruction of environmentally important objects, carried out be the nature users;

1.3 the works carried out for rehabilitation of nature affected by heavy pollution;

1.4 compensation of harm to human health and environment, as well as rehabilitation works, caused by environment pollution;

1.5 rehabilitation of ecological balance, development and implementation of programs, projects, normative-methodical documents;

1.6 ecological training and education;

- 1.7 protection of nature resources;
 - 1.8 protection and rehabilitation of unique species of flora and fauna subject to total extinction;
 - 1.9 creation and development material and technical bases for environment protection;
 - 1.10 organisation and realisation of environment auditing by the State;
 - 1.11 financial stimulation of specialists working on environment protection.
2. Financing of any event or activities, not related to environment protection is prohibited.

Article 29. Social fund for environment protection

Social fund for environment protection is established by social unions financing, grants, donations from juridical persons, as well as incomes from activities that are not banned by the law. Such funds are established by social unions and used for environment protection measures regulating proper use of natural resources.

Existing and proved charters of the funds in accordance with applicable legislation specify the methods of fund creation, formation of proper usage of financial means.

CHAPTER 6

REGULATING THE ECOLOGICAL BALANCE OF ENVIRONMENT

Article 30. Control of degree of changes in ecological balance

1. Stabilization of ecological balance of environment will provide new opportunities for health and life protection, rehabilitation of natural resources and their proper utilization, as well as conditions suitable to carry out scientific assessments and substantiation for identification of ecological norms and standards.

2. Regulating of the degree of disturbance in ecological balance include:

2.1 identification of impacts of qualitative showings of environment to human health, rehabilitation, proper use and protection of natural resources;

2.2 identification of maximum permissible norms of hazardous impact.

3. The special permits are not available when identified qualitative showings of environment are falsified and replaced by the reduced ones.

4. The special permits can be available when the changes of quality standards in reverse direction is necessitated by specific and particular conditions.

5. Approved quality showings of environment are compulsory for physical and juridical persons. The standards should be published and spread by press.

Article 31. The main showings of the quantitative standards for environment

1. The main showings of the quantitative standards for environment:

1.1 identification of maximum permissible norms for emissions and effluents of toxic materials, noise, vibrations, electromagnetic irradiation and other harmful influences, such as radiation, volume of chemicals used in agriculture, forestry;

1.2 maximum admissible density (viscosity) norms of toxic materials discharged into environment;

1.3 protection, sanitary protection and conditions of other protected zones.

2. Legislation of Azerbaijan Republic may also recognize other environmental quality standards.

Article 32. Rationing of permissible quantities of emissions and effluents into environment

1. Identification of permissible standards of discharged hazardous materials, chemicals and biological substances, in order to protect water, atmosphere, earth and soil, as well as human health, genetic (fund) heritage of flora and fauna species.

2. Identification of maximum permissible norms of discharge points, such as landfills, emissions, effluents and their neutralization, with consideration of human health, flora and fauna.

3. Identification of maximum permissible norms of noises, vibration, electromagnetic fields, radiation and other physical impacts, affecting human health and working capability, as well as flora and fauna.

Article 33. Rationed implementation of agricultural and chemical substances in agriculture and forestry

Exceeding maximum permissible norms in usage and implementation of mineral fertilizers in Agriculture and forestry, aimed at flora and fauna protection and stimulation and protection of plants growth, which may affect the human health and genetic fund, is prohibited.

Article 34 Areas of sanitary and of other protections

Identification of areas of sanitary and of other protections aimed at elimination of bad influences on the same areas, environment and the areas of special protection.

CHAPTER 7

ECOLOGICAL REQUIREMENTS SET FORTH INDUSTRIAL ENTITIES AND OTHER ACTIVITIES

Article 35. Ecological requirements set forth natural resources use

Use of land, fossil, air and water sources, forests, flora and fauna, ecological objects, which are attractive from scientific and cultural point of view, as well as the areas of ecological disaster, are identified by the legislation.

Special permits for the activities to any extent disturbing the balance of ecological systems, leading to destruction genetic fund of mankind, flora and fauna, are not issued.

Article 36 Ecological requirements set forth work protection

When planning residential areas, agricultural and industrial sites, installations, water supply and sewage systems, hydrotechnical installations, communication and transportation means, or other objects, one must take into consideration the qualitative standards of the environment, as well as manufacturers with small amounts of wastes or without any at all, and effective measures of elimination of environment pollution.

Article 37. Ecological requirements set forth the placement (location) of enterprises, installations and industrial units

In terms of ecological standards, the activities of enterprises, installations and industrial units are stipulated by such facts as environment protection, effective use and replenishment of natural resources, as specified by the relevant regulations. When such enterprise, installation, and other industrial units are located, the areas of sanitary protection and other protection should be identified.

Article 38. Ecological requirements set forth the construction and reconstruction of enterprises, installations and other industrial units.

The qualitative standards of environment should be taken into account when enterprises, installations and other industrial units are constructed or reconstructed. Any amendments of approved construction projects and cost estimates that may result in negative environmental consequences, are considered inadmissible. Recultivation of land, rehabilitation and proper utilization of natural resources, general and sanitary improvement of the territory must be carried out simultaneously with the construction works.

Article 39. Ecological obligations and requirements used in period of bankruptcy

1. Once a nature user as a juridical person declared its bankruptcy, the legal actions in this case should also provide investigation of ecological condition.
2. In case of enterprise bankruptcy, while the works are still executed, interests of creditors on ecological obligations should be taken into consideration.

Article 40 Consideration of interests of the ecological requirements and obligations when terminating and restoring the activity of nature user

1. Termination or restoration of the activity of nature user is carried out by taking into account ecological requirements, and based on the ecological expert resolution, containing information on its ecological state, which ultimately should be registered in a statements drawn up in this occasion.
2. Examination of ecological state of the terminated or newly established nature user, is carried out be with participation of the members of the expert group of the State Committee on Ecology.
3. When re-establishing the nature user all ecological liabilities are inherited by his legal successor.
4. When the activity of nature user is terminated, interests of the creditors towards ecological liabilities must be taken into consideration.

Article 41. Ecological requirements set forth the launching period of enterprises, installations and other such units

Exploitation of enterprises, installation and other such units are carried out in total compliance with certain ecological requirements, specified by the environmental conditions of projects.

Enterprises, installations and other such units can not be put into operation until initial projects of land recultivation, rehabilitation and use of natural resources will be implemented, as well as appropriate waste

treatment facilities for neutralization of toxic wastes and substances for keeping within permissible norms will be installed.

Article 42 Ecological requirements set forth exploitation of rural farming and irrigation facilities by industrial, power engineering, transport and communication units

1. Exploitation of the rural farming and irrigation systems, waste treatment facilities preventing environment pollution possibly caused by irrigation, areas of sanitary protection, as well as exploitation of ecologically friendly technologies by industrial, power engineering, transport and communication units, must be carried out in accordance with existing ecological requirements. They must be equipped with efficient treatment facilities to enable the neutralization of toxic wastes and hazardous substances, use safe fuels, economically and effectively use natural resources, and ensuring environmental safety.

2. The construction of nuclear power station is prohibited near to the places of dense population, in zones of high seismicity and the areas of public recreation and health institutions.

3. To reduce the volumes of poisonous gas emissions ecological posts equipped with all necessary tool and devices should be arranged on main highways to provide such controls.

Article 43. Ecological requirements set forth town and other residential areas planning

During the process of planning, construction or reconstruction towns and other residential areas, all the ecological requirements should be met to provide better conditions for life and recreation, as specified by the relevant laws about environment protection.

Collection, recycling, neutralization and burial of domestic wastes must be taken into account when planning towns and other residential areas. Forest-parks and other green zones should be created near to big cities and industrial centers, as well as natural preserves, in order to meet the requirements of limited nature use

Article 44. Ecological requirements set forth the activities dealing with the use of radioactive materials

1. Enterprises, organization, institutions, as well as people, engaged in works related to use, storage, transportation and burial of radioactive materials are obliged to comply with hard rules of prohibiting irradiation level rise, exceeding permissible norms, providing elimination of radioactive pollution and definite measure set forth liquidation of the consequences of possible pollution;

2. The Government regulates transportation, recycling, and burial of reductive materials in landfills. These works are carried out with permission and by compulsory presence of the executive bodies of the region.

3. Import of radioactive materials to Azerbaijan Republic from other countries with the purpose of storage or burial, or transit through its territory is prohibited except the cases specified by law.

4. The concerned bodies should immediately be informed on any cases of radioactive pollution.

Article 45. Ecological requirements set forth the utilization and production of potentially dangerous and chemical and biological substances

Special permits for production and use of potentially dangerous toxic and biological chemicals are issued after conducting toxico-hygienical, toxico-ecological measurements, identification of hygienic and ecological norms and registration in the relevant State books.

Article 46 Protecting nature against physical impact

Organizations and people should take certain measures to eliminate such impacts as noise, vibration, electromagnetic fields, irradiation and others, from the streets, public and residential areas and the p[laces of accumulation of live organisms.

When creating and applying new technologies, transport and communication means, planning and construction of cities and residential areas, as well as industry planning, prevention of ecological balance should be taken into consideration.

Article 47. Protection of environment from industrial and domestic waste

1. Collection, destruction and burial of industrial and domestic wastes should be carried out in the places as agreed upon, and specified by the local self- government institutions.

2. Permits for import of wastes to Azerbaijan Republic, with the purpose of further recycle, storage and burial, can only be issued by the concerned bodies.

3. When it becomes impossible to treat, recycle or neutralize the wastes materials of a certain kind due to the absence of relevant technology, the goods generating such wastes must not be imported to Azerbaijan Republic.

4. Calculations and control of industrial and domestic wastes are carried out in compliance with the regulations specified by law.

5. Except the present Law, ecological requirements set forth waste handling are also regulated by the legislation related to waste materials.

Article 48. Ecological requirements set forth military and defensive institutions

Ecological requirements identified by this Law are entirely applicable to military and defensive institutions, except the particular cases specified by legislative actions of Azerbaijan Republic.

Article 49. Protection of the Earth climate and ozone layer

Existing legislation and international conventions recognized and signed by Azerbaijan Republic regulates protection of the Earth climate and ozone layer.

CHAPTER 8 ECOLOGICAL EXPERTISE

Article 50.

The objectives of the ecological expertise is to identify impact on environment caused by industrial units, examine the results of such impacts and predicting possible ones, in accordance with the environmental requirements and qualitative parameters of environment.

In Azerbaijan Republic, the concerned executive bodies and public organizations conduct ecological expertise.

Article 51. The State ecological expertise (SEE)

1. The State ecological expertise is carried out by the concerned executive bodies.

2. The methods of expertise are identified by the legislation.

3. Production and import of the consumer goods, works, services, supplied by the units that are under the control of the SEE, is prohibited if such goods and services have not been examined and given positive resolution of the expert.

4. In accordance with the legislation, prior to ecological expertise of an enterprise, dealing with underground resource exploration, geological expertise should be applied first.

5. The resolution of the expert is a formal document and subset to compulsory implementation. Violation of requirements of the resolution may entail prosecution.

Article 52. Objectives and responsibilities of the State ecological expertise

1. Activity of SEE is directed to assessment of an enterprise causing impact to environment and identification of the degree of risks of made decisions, identification of effectiveness of taken measures set forth environment protection and use of nature resources.

2. The SEE is an important mechanism used for environment protection, with the rights to interfere, if needed, into lawmaking process in case of any violations of environmental interests.

3. responsibilities of the SEE:

3.1 identification of the level of safety of enterprises, in terms of environment, and their activities which might cause direct or indirect harm to environment and public health thus exposing the present and future generations to danger;

3.2 Identification of conformity with the regulations of environment protection, sanitary-hygienic norms and rules, when the enterprise is yet under construction and planning;

3.3 Identification of the quality of environment protection measures and substantiation of such measures.

Article 53. The bases of the SEE

1. International legal obligations;

2. Integration of the laws and scientific substantiation with economic, social, engineering and technical and architectural and other values;

3. The results of complex i.e. social-economic-ecological assessment of the influence of industrial

sphere on environment;

4. Legitimate right of people to live in a good and prosperous environment;
5. The necessity of protection and preservation of ecological balance, genetic heritage (fund) and diversity of nature, for the sake of the present and future generations;
6. Presumption of potential danger of improper use of nature;
7. Possible accidents;
8. Considering environmental protection as an integral part of the social development process.

Article 54. The units controlled by the SEE

1. The State and local programs related to development and placement of productive capacities in governmental and economical institutions.
2. The documentation of technical and economical substantiation, construction (reconstruction, enlargement, renovation of technology) and destruction of economical capacities, as well as assessment of the project influence on environment.
3. Documentation concerning creation of new techniques, technologies, materials and substances, as well as import of the same from abroad.
4. Draft of scientific methodical and normative technical documentation concerning environment protection.
5. Certain ecological conditions caused by improper work of industry and extraordinary situations.
6. Ecological conditions of the regions and individual (separate) natural objects and systems.
7. Provisions of draft contracts stipulating use of natural resources, as specified by the relevant decrees of the concerned executive bodies.

Article 55. Duties of the clients and financing of industrial activities

1. Financing, implementation of the projects from the list identified by article 54 of this Law is possible only if possible resolution of the SEE is received.
2. Client or a person preparing project documentation are obliged to:
 - 2.1 submit documents to the SEE in time;
 - 2.2 prepare and submit documents in compliance with the SEE requirements;
 - 2.3 finance and conduct scientific (additional works, showings of control, sampling, analysis, etc.) the necessity of which becomes evident in the process of SEE examinations;
 - 2.4 finance the examinations conducted by the SEE;
 - 2.5 provide additional information, necessary for experts' work on their request.

Article 56. Financing the SEE

1. The sources of financing for arrangement the operation of the SEE and the methods must be as identified hereunder:
 - 1.1 The quality and the resolutions if the SEE must not be dependent on the policy of the concerned organizations;
 - 1.2 Conditions, suitable for development and improvement of methodologies of the SEE.
2. The SEE is financed by the state budget, when the documentation by the client, as specified by the concerned executive bodies.

Article 57. Responsibilities of exports and implementation of the SEE's resolution prescriptions

Managers of enterprises, organizations, officials and other persons are responsible for implementation of the prescriptions by SEE, as specified by legislation.

The senior officials and the experts of the SEE bare the legal responsibility, in accordance with law, in giving resolutions in honest and precise manner.

Article 58. Public ecological expertise (PEE)

1. Public organizations and other social institutions may carry out public expertise.
2. The methods of PEE organization and the authorization of other social institutions to carry out expertise are regulated by legislation.
3. Resolution of PEE is optional

CHAPTER 9
EDUCATION, UPBRINGING, RESEARCH, STATISTICS AND INFORMATION ON
ECOLOGY AND ENVIRONMENT PROTECTION

Article 59. General education and upbringing in terms of ecology

1. With the purpose of professional skills improvement of staff as well as public awareness, it is necessary to provide continuous education in all levels, such as pre-school, school, technical college, institute.

2. The State organizations and social unions must carry out distribution of ecological knowledge by means of mass media, in strict compliance with law on mass media usage.

3. The implementation of education on bases of ecology in educational institutions, regardless of their profile and civil status.

4. The officials with negative impact on environment, due to the nature of their activities, must undergo compulsory courses on basics of ecological knowledge.

Article 60. Scientific researches in terms of environment protection

Definite measures must be taken to provide works and activities in environment protection, development of engineering and construction projects in compliance with the legislation.

Expenses on the above measures are paid by budget and other sources. Article 61. The State nature preserves of special protection

The State nature preserves of special protection is a range of ecological, scientific, genetically unique entities, educational and historical values of environment.

The state preservation funds with ecological, scientific, genetically unique entities, educational and historical values, provides the strictly controlled, limited use and bans to use of such values.

Article 62. Natural areas of special protection

1. The natural area bearing ecological, scientific, cultural and aesthetic interest, and consisting of ecological objects, such as areas inhabited by unique species of flora and fauna, situated on lands and water reservoirs (aquatoria), totally or partially, for short or long term isolated from the circulation of industrial world.

2. In view of difference in methods of protection of certain territories of Azerbaijan Republic, some of such areas are given a status of specially protected as identified below:

- 2.1 state natural preserves;
- 2.2 natural and national parks;
- 2.3 natural monuments (relics);
- 2.4 temporal natural preserves;
- 2.5 restricted areas;
- 2.6 zoological parks;
- 2.7 botanical and dendrology parks;
- 2.8 resorts and health centres.

3. Other natural territories may also be identified as specially protected, as specified in the legislative acts of Azerbaijan Republic.

5. The areas of special protection can be of transboundary, international, national and local importance.

6. The laws of Azerbaijan Republic determine Creation of the areas of special protection, methods of their protection and utilization and other legislative acts.

Article 63. The State environment protection statistics

The State statistic in environment protection is conducted by the authorized institutions based on objectivity and in comparison with international statistics data.

In terms of environment protection, the minimal statistic rates, State statistics and methodology of statistics are as specified by law and other legislative acts.

Article 64 Information on environment protection

Information on environment protection assumes: conditions of environment, level of pollution, measures of improvement and protection, financing, state of nature resources and their use, causes environmental impact, rationing of quantitative showings of environment, ecological requirements set forth industrial units and other activities.

In terms of environment protection, officials are banned to submit deliberately falsified, incorrect and

overdue information or hide important ones.

CHAPTER 10 EXTRAORDINARY ECOLOGICAL SITUATION AND AREAS OF ECOLOGICAL DISASTER

Article 65. Extraordinary ecological situations

1. Extraordinary ecological situations mean the situations, when human life and health, flora and fauna are exposed to danger caused by uncontrolled natural disasters.

2. In case of strong ecological disaster, conditions of extraordinary ecological situations are applied to the territories of the disaster.

3. During the disasters, according to the requirements of extraordinary ecological situations, the use of natural resources can be limited or banned at all, as specified by the legislative acts. Measures of rehabilitation and elimination of the consequences of such situation must be taken into account in compliance with the regulations.

Article 66. Areas of ecological disaster.

1. When populations life and health is exposed to extreme danger caused by unfavorable ecological conditions, and the risk of destruction of flora and fauna, as well as ecological balance changes, is extremely high too, such territories should be announced as the areas of ecological disaster.

2. Areas of ecological disaster are divided to several smaller territories (and ranked as the areas of disaster; of ecological decline; of “pre-ecological decline”) according to the degree of disaster.

3. The local executive bodies take measures on rehabilitation of post-disaster areas, improvement of the environment, medical services for local population.

Article 67. Measures carried out in the areas of ecological disaster

The following urgent measures should be taken in the areas of ecological disaster: Stop the operation of enterprises endangering the environment;

Temporarily stop the operation of industries negatively affecting human health and environment;

Limit the use of certain natural zones;

If needed to resettle the local population to safe areas.

Article 68. Social security for people suffered from ecological disaster

Population suffering from the ecological disaster, and living in ecologically dangerous zones has a right to be socially secured and compensated by financial aids, preferences and other types of social security.

Application of the social securities to people attacked by ecological disaster is identified by the legislation.

Article 69. Methods announcing territories as the areas of ecological disaster.

In cases of natural or big ecological disasters in the Azerbaijan Republic, the state of ecological disaster is implemented in some territories.

Executive bodies identify the boundaries for the area of disaster.

CHAPTER 11 CONTROL OF ENVIRONMENT PROTECTION

Article 70. Objectives and forms of environment protection

Environment protection assumes the following:

Observation of any changes in environment caused by negative influence of enterprises, industrial units and other activities to environment; rehabilitation, protection and replenishment of natural resources and their effective use; implementation of qualitative ecological requirements.

Industrial and public environmental control is applied in Azerbaijan Republic

Article 71. State control on environment protection

1. The State control in environment protection is carried out by the concerned executive bodies.

2. Responsibilities and obligations of officials implementing the State control in environment protection:

2.1 In compliance with the legislation, to easily enter the territories of any organisation, enterprises and other object including military and defensive institutions regardless of the forms of estate rank and subordination, to demand any relevant documents and results of analyses (without any payments) necessary for implementing his duties work.

2.2 to inspect implementation of measures for protection and improvement of environment, rehabilitation and use of natural resources, compliance with the qualitative ecological requirements and legislation on environment protection and control of treatment and other neutralising facilities and installations;

2.3 to raise a question on cancellation of validity of special permits, issued for implementing of various activities in environment protection sphere, and contracts for natural resource utilization, if the conditions of these documents have been violated or abused;

2.4 Control the implementation of resolutions given by the State ecological experts;

2.5 Issue a decree in accordance with the legislation, prohibiting import or export of environmentally dangerous raw materials, public goods or wastes to Azerbaijan territory;

2.6 To enquire physical persons to eliminate the consequences caused by violation of regulation on environment protection;

2.7 To raise a question on limitation, cutting financing, of the enterprises, installations and the activities in some cases even their termination, for violation of the regulation on environment protection;

2.8 In the areas of environmental protection and in compliance with applicable laws, investigate the cases of norms and regulations violations caused by administrative negligence, apply prosecution;

2.9 In the areas of environmental protection and in compliance with applicable laws, detect the cases of environmental accidents, ask for volunteer refund, if no response, apply prosecution;

2.10 In the areas of environmental protection and in compliance with applicable laws, review the conformity of local enterprises with environment protection regulations;

2.11 Apply other legal actions as specified by legislation.

3. Implementation of the decrees and prescriptions issued by the person applying State control is compulsory. Any violations may cause prosecution.

Article 72. Industrial control on environment protection

Industrial control on environment protection is carried out in compliance with the regulations identified by the local executives.

Article 73. Public control on environment protection

Public control on environment protection is carried out by public organizations and in compliance with agreements between nature users and local executives.

Article 74. Protection of the persons implementing control on environment protection

Insurance of persons implementing control on environment protection is covered by the Government. The type and amount of insurance coverage is identified by legislation.

Persons implementing control on environment protection are allowed to use carry special tools and firearm as specified by the regulation on their use.

CHAPTER 12 THE STATE ECOLOGICAL AUDIT AND ITS IMPLEMENTATION

Article 75. Ecological audit

1. Ecological auditor provides assistance in preparation of reports on use and rehabilitation of natural resources in conformity with norms and regulations, and independently inspects the compliance of enterprises with environment requirements.

2. Ecological audit is carried out on contractual bases between auditor and enterprise, as specified by law.

3. Advises of auditor – are guided by aimed serves to the environment protection, improvement of its conditions and proper use of natural resources, as specified by law.

Article 76. Ecological auditor

1. Juridical and physical persons authorized by special permits, to act as an ecological auditor.

2. Special permit is a document issued by the concerned executive body and authorizing a person to act as an auditor.

3. Foreign auditors and auditing institutions can be invited to carry out auditing and consultancy.

Article 77. Implementation of ecological audit

The responsibilities of auditor, his attestation, implementation of ecological auditing, rules of such auditing, are identified by legislative norms.

**CHAPTER 13
RESPONSIBILITIES AGAINST VIOLATION OF LEGISLATION ON ENVIRONMENTAL
ISSUES AND DISPUTE SETTLING**

**Article 78. Responsibilities of Juridical and physical person
and officials against violation of environmental regulations**

Juridical and physical person and officials will be prosecuted in accordance with the Azerbaijan legislation, if they violated environmental regulations.

**Article 79. Compensations of the damages caused by
the violation of environment protection**

Compensations of the damages caused by the violation of the regulations of Azerbaijan Republic's legislation on environment protection.

1. Juridical and physical persons must pay the damages of environment, human health, properties of people and organizations, caused by violation of the environmental regulations of Azerbaijan Republic.

2. Compensations for damages and losses are paid voluntarily or by trial in accordance with ratings, specified by legislation. In case of inapplicability of the above measures compensation must be rated by the losses of defendants.

3. Compensations for damages are to be transferred to environmental funds, while the compensations identified legally should be transferred to the account of juridical or physical persons.

4. Enterprises must pay the damages caused by violation of environmental regulation and their activity, if their guilt is proved.

5. Assessment of the level of the damage on human life, health and property is carried out in compliance with relevant legislation, when prosecution identifies the amount of the compensations, to be paid.

6. Damages caused by violation of environment protection regulations are prosecuted in compliance with the provisions of the legal code of Azerbaijan Republic on civil property.

Article 80. The methods of dispute settlement, in terms of environment protection.

All disputes caused by environment protection are settled either by legal acts or in compliance with the regulations, identified by Legislation of Azerbaijan Republic.

**CHAPTER 14
INTERNATIONAL CO-OPERATION
ON ENVIRONMENT PROTECTION ISSUES**

Article 81. International co-operation on environment protection

Azerbaijan Republic favours the international co-operation guided by the principles of the priority to be given to these issues.

**Article 82. International agreements on environment protection
signed by Azerbaijan Republic**

International agreements on environment protection issues, signed by Azerbaijan Republic, come into force in Azerbaijan Republic once any discrepancies of applied standards occurred between international and local regulations.

**The President of the Republic of Azerbaijan
Heydar Aliyev**

**Baku, June 8, 1999
N 678 - IQ**

**THE LAW OF THE REPUBLIC OF AZERBAIJAN
ON PROTECTION OF ATMOSPHERIC AIR**

Atmospheric air is the integral component of the environment influencing health, work capacity of people, flora and fauna.

The present law, establishing legal bases for protection of atmospheric air, is directed on realization of the rights of population to live in favorable environment and to receive correct information on the environment.

I SECTION GENERAL PROVISIONS

Article 1. The basic concepts

1.0. Concepts used in the present law express the following meaning:

1.0.1. Atmospheric air - a natural mixture of the atmospheric gases covering the environment;

1.0.2. Harmful and polluting substances (hereinafter - harmful substances) - substances or mixtures thereof, emitted in atmospheric air and at certain density rendering harmful influence on human health and the environment;

1.0.3. Pollution of atmospheric air - excess of amount of harmful substances in atmospheric air over hygienic and ecological specifications;

1.0.4. Trans-boundary pollution of atmospheric air - pollution of atmospheric air of one country because of propagation of harmful substances, which source is on the territory of the other state;

1.0.5. Adverse meteorological conditions - the meteorological conditions promoting accumulation and propagation of harmful substances in the layers of atmospheric air, adjoining with land surface;

1.0.6. Harmful physical influence on atmospheric air - influence of noise of anthropogenic origin, vibration, ionizing rays, electromagnetic waves, humidity, radiation and other physical factors on change of physical properties of atmospheric air harmful to human health and the environment;

1.0.7. Permissible level of physical influence on atmospheric air - the specification of physical influence reflecting maximum level of physical influence on atmospheric air harmless for human health and the environment;

1.0.8. Permissible limit of harmful physical influence on atmospheric air - the specification established for each source of physical influence, with a condition of non-exceeding of harmful physical influences of each of sources and all of them together over permissible level of physical influence on atmospheric air;

1.0.9. The technical specification of emission (waste) - the specification establishing as much as possible permissible amount of harmful substance emitted in atmospheric air, and other parameters for stationary and mobile sources of harmful substances, including vehicles technological processes and the equipment, calculated taking into account their unit of production, run, capacity of the engine;

1.0.10. Permissible limit of emission (waste) - permissible limit of emission of harmful substances, established in view of technical specifications of emission and pollution of a background for each source polluting atmospheric air, under condition of non-exceeding by harmful substances from stationary sources of hygienic and ecological specifications of quality of atmospheric air;

1.0.11. Temporarily coordinated emission (waste) - a temporary limit of emission of harmful substances in the atmospheric air established for stationary sources under condition of stage-by-stage achievement of permissible limit of emission taking into account quality of atmospheric air and social and economic development of corresponding territory;

1.0.12. Monitoring of atmospheric air - system of supervision and the control with the purpose of studying, estimation and the forecast of a condition, pollution of the atmospheric air, and natural processes occurring in it;

1.0.13. Protection of atmospheric air - the system of measures which are carried out by corresponding executive authorities and local self-government, legal and physical persons with the purpose of improvement of quality of atmospheric air, prevention of influence on atmospheric air, unhealthy for human beings and the environment;

1.0.14. The hygienic standard of quality of atmospheric air - criterion of quality of the atmospheric air, establishing permissible limit of amount of harmful substances, excluding harmful influence of atmospheric air on human health;

1.0.15. The ecological standard of quality of atmospheric air - criterion of quality of atmospheric air, establishing permissible limit of amount of harmful substances, excluding harmful influence of atmospheric air on the environment;

1.0.16. Quality of atmospheric air - set of physical, chemical and biological properties of the atmospheric air reflecting compliance of quality of atmospheric air with hygienic and ecological specifications.

Article 2. The legislation in the area of protection of atmospheric air

The legislation in the area of protection of atmospheric air consists of the present law, the Constitution of the Azerbaijan Republic, laws of the Azerbaijan Republic "On protection of environment", "On ecological safety", and "On hydro-meteorological activity", other normative legal acts and international contracts supported by the Azerbaijan Republic.

II SECTION REGULATION IN THE AREA OF PROTECTION OF ATMOSPHERIC AIR

Article 3. Main principles of state regulation in the area of protection of atmospheric air

3.0. State regulation in the area of protection of atmospheric air is based on the following principles:

3.0.1. Priority of protection of human health;

3.0.2. Provision of ecological conditions favorable for human life, labor activity and rest;

3.0.3. Non-committing of irreparable consequences for an environment from pollution of atmospheric air;

3.0.4. State regulation of emission of harmful substances in atmospheric air and harmful physical influence on it.

3.0.5. Full scope, reliability and publicity of data on a condition of atmospheric air and its pollution;

3.0.6. Scientifically proved, systematic and complex approach to protection of atmospheric air.

Article 4. Objectives of the state in the area of protection of atmospheric air

4.0. The objectives of the state in the area of protection of atmospheric air are:

4.0.1. Establishment of rules of the state account of harmful substances emitted in atmospheric air and harmful physical influences on it;

4.0.2. Drawing up and approval of technical specifications of emission and the permissible limit of emission, and the list of objects where the given limits are applied;

4.0.3. Establishment of payments for emission of harmful substances in atmospheric air, and rules of compensation of the damage caused to human health and the environment because of pollution of atmospheric air and harmful physical influence on it;

4.0.4. Establishment of rules of delivery of the special permit on emission of harmful substances in atmospheric air and harmful physical influences on it;

4.0.5. Establishment of the amount and rules of use of payments for reception of the special permit on emission of harmful substances in atmospheric air and harmful physical influences on it;

4.0.6. Organization of financing of the state monitoring and maintenance of its carrying out;

4.0.7. Establishment of rules of restriction, suspension and termination of emission of harmful substances in atmospheric air and/or harmful physical influences on it with infringement of the conditions stipulated in the special permit on emission of harmful substances in atmospheric air and harmful physical influences on it;

4.0.8. Establishment of rules of certification confirming compliance of fuel, technical constructions, technological processes, engines, transport and other mobile means, and the equipment with requirements on protection of atmospheric air;

4.0.9. Determination and realization of the united state policy in the area of protection of atmospheric air on the territory of the Azerbaijan Republic;

4.0.10. Preparation and realization of target state programs in the area of protection of atmospheric air;

4.0.11. Organization of information of the population about pollution of atmospheric air and implementation of target state programs on protection of atmospheric air;

4.0.12. Realization of measures on protection of the population in the emergencies threatening human health and life because of pollution of atmospheric air;

4.0.13. Establishment with a view of protection of atmospheric air of hygienic and ecological specifications of quality of atmospheric air, utilized capacity of ecological systems and permissible level of harmful physical influences on atmospheric air, and limits of the given level;

4.0.14. Co-ordination of activity of corresponding executive authorities, legal and physical persons in the area of protection of atmospheric air;

4.0.15. Establishment of reduction of emission of harmful substances in atmospheric air, and also terms of realization of the given reduction according to target state programs on protection of atmospheric air and the international obligations of the Azerbaijan Republic in this area;

4.0.16. Realization of other objectives established by the legislation in the area of protection of atmospheric air.

**Article 5. Rights and duties of local self-government bodies
in the area of protection of atmospheric air**

5.0. The rights and duties of bodies of local self-government in the area of protection of atmospheric air are:

- 5.0.1. Development and realization of local ecological programs;
- 5.0.2. Organization and realization within the territory and within the framework of the powers of the control and monitoring connected to this area;
- 5.0.3. Realization of measures on protection of the population in emergency conditions representing threat for human health and life because of pollution of atmospheric air;
- 5.0.4. Co-ordination within the limits of the powers of activity of legal and physical persons in the area of protection of atmospheric air;
- 5.0.5. Information of the population on a condition of atmospheric air, its pollution and implementation of programs on improvement of quality of atmospheric air;
- 5.0.6. Realization of other powers envisaged by the legislation.

**Article 6. Rights of legal and physical persons in the area
of protection of atmospheric air**

6.1. The rights of legal and physical persons in the area of protection of atmospheric air are as follows:

- 6.1.1. Submission of offers to the state bodies and bodies of local self-government;
 - 6.1.2. Reception in the order established by the legislation at the state bodies and bodies of local self-government of the information on pollution of the atmospheric air, harmful physical influences on it and their sources, and also realization of measures on elimination of the given pollution and influence;
 - 6.1.3. Realization in the order envisaged by the legislation of public control over observance of requirements on prevention of pollution of atmospheric air;
 - 6.1.4. Addressing to the corresponding state bodies, bodies of local self-government and courts at infringement of requirements of the legislation in the area of protection of atmospheric air;
 - 6.1.5. Participation in carrying out of actions on protection of atmospheric air and financing thereof;
 - 6.1.6. Participation in the decision-making, connected with manufacture and other activity, able to render harmful influence on quality of atmospheric air;
 - 6.1.7. Prosecution of a claim on compensation of the damage caused to human health and property and the environment because of pollution of atmospheric air.
- 6.2. All legal and physical persons in the Azerbaijan Republic are equal in rights in reception of indemnification for the damage caused to them because of pollution of atmospheric air.

**Article 7. Rights of the non-governmental organizations in the
area of protection of atmospheric air**

7.1. The rights of the non-governmental organizations within their powers in the area of protection of atmospheric air are:

- 7.1.1. Reception in the order established by the legislation at the state bodies and bodies of local self-government, legal persons of information on pollution of the atmospheric air, harmful physical influences on it and their sources, and also realization of measures on elimination of the given pollution and influence;
 - 7.1.2. Participation in preparation and realization of corresponding state and local actions and programs;
 - 7.1.3. Putting before corresponding executive authorities and bodies of local self-government of the questions answering the interests of the population, according to the legislation;
 - 7.1.4. Putting before the international organizations of questions on protection of the rights of the population connected to protection of atmospheric air;
 - 7.1.5. Realization of public control over observance of requirements on prevention of pollution of atmospheric air;
 - 7.1.6. Demanding from legal and physical persons, bodies of the government and local self-government of observance of the legislation on protection of atmospheric air, elimination of its infringement and making complaints in court in this connection.
- 7.2. Representatives of nongovernmental organizations can to enter on the territory of the industrial objects being sources of pollution of atmospheric air and harmful physical influence on it in the order established by the legislation and on terms determined by it.

III SECTION

ORGANIZATION OF ACTIVITY IN THE AREA OF PROTECTION OF ATMOSPHERIC AIR

Article 8. Programs and actions on protection of atmospheric air, financing thereof

8.1. The legal and physical persons being sources of harmful substances emitted in atmospheric air and harmful physical influence on it, carry out measures on protection of atmospheric air in coordination with the corresponding executive authorities.

8.2. Corresponding executive authority, taking into account measures on reduction of amount of harmful substances, data on monitoring of atmospheric air, results of the control over harmful substances and scale of their propagation, prepare and carry out target programs (for the certain period) on protection of atmospheric air.

8.3. Measures on protection of atmospheric air should not cause damage to other objects of the environment.

8.4. With the purpose of the account of offers of the population and the non-governmental organizations on realization of the measures connected to improvement of quality of atmospheric air, projects of programs on protection of atmospheric air may be submit for their discussion.

8.5. Programs and measures on protection of atmospheric air may be financed on the expense of payments for emission in atmospheric air of harmful substances and harmful physical influences on it, the state budget, local budgets, extra-budgetary means, including means of the enterprises and the organizations, the international organizations, donations of physical persons and other sources.

Article 9. Specifications of quality of atmospheric air and physical influence on atmospheric air

9.1. Hygienic and ecological specifications of quality of atmospheric air and the permissible level of physical influence on it are established with the purpose of determination of criteria of safety and/or harmlessness of chemical, biological and physical factors of influence on people, flora and fauna, especially protected natural territories and objects, and also estimation of a condition of atmospheric air.

9.2. Hygienic and ecological specifications of quality of atmospheric air and the permissible level of physical influence on it are established in the order envisaged by the corresponding executive authority.

Article 10. Specifications of emission in atmospheric air of harmful substances and harmful physical influence on it

10.1. Technical specifications of emission and their permissible limits are established with the purpose of regulation by the state of emission in atmospheric air of harmful substances.

10.2. Corresponding executive authority establishes technical specifications of emission for transport, other kinds of mobile means and the constructions being stationary sources of harmful substances emitted in atmospheric air, and a source of pollution of atmospheric air.

10.3. The permissible limit of emission of harmful substances emitted in atmospheric air for each stationary source and their aggregates (object as a whole) is established by the corresponding executive authority.

10.4. In case of impossibility of observance by the legal and physical persons being sources of harmful substances emitted in atmospheric air of the permissible limit of the emission, the corresponding executive authority can establish the temporary coordinated emission of harmful substances.

10.5. Temporarily coordinated emission is established for the term of stage-by-stage achievement of the permissible limit of emission under condition of presence of a plan of measures on observance of technical specifications of emission in atmospheric air of harmful substances and to reduction of their amount. The corresponding executive authority establishes terms of stage-by-stage achievement of the permissible limit of emission. Legal and physical persons prepare actions on reduction of amount of harmful substances emitted in atmospheric air taking into account a degree of hazard to human health and the environment and implement them in coordination with the corresponding executive authority.

10.6. With the purpose of state regulation of harmful physical influences on atmospheric air the permissible level of physical influence on atmospheric air and the permissible limit of harmful physical influence are established.

10.7. The specifications and other parameters, methods of their establishment specified in the Article 10 of the present law on a regular basis are improved by the corresponding executive authorities taking into account the international standards, scientific and technical progress and requirements of an ecological

situation and approved by them in the order established by the legislation.

Article 11. The state registration of harmful and potentially dangerous substances

The corresponding executive authority carries out the state registration of harmful substances, and the substances representing potential hazard to human health and the environment in the order established by the legislation.

Article 12. A special permit on emission of harmful substances in atmospheric air

12.1. Emission in atmospheric air of harmful substances from stationary sources is permitted only based on the special permit given in the order established by the legislation by corresponding executive authority.

12.2. In the special permit the permissible limit of emission in atmospheric air of harmful substances and other conditions providing protection of atmospheric air are established.

12.3. The corresponding executive authority establishes rules of delivery of the special permit to emission in atmospheric air of harmful substances from transport and other mobile means.

12.4. Harmful physical influence on atmospheric air is permitted based on a permit given by the corresponding executive authority.

12.5. Payments for delivery of the special permit to emission in atmospheric air of harmful substances and harmful influence on it are established by the legislation.

12.6. At absence of the special permit to emission in atmospheric air of harmful substances and harmful physical influence on it, and also infringement of the conditions stipulated by the given special permit, emission in atmospheric air of harmful substances and harmful physical influence on it are restricted, suspended or terminated in the order established by the legislation.

Article 13. The general requirements to the economic activities rendering harmful influence on atmospheric air

13.1. With a view of prevention of possible damage as a result of use of new equipment, technology, materials and other production, able to render harmful influence on atmospheric air, the following requirements on protection of atmospheric air are established:

13.1.2. Application and use of new equipment, technology, machinery, technical means, materials, products, other production, that do not meet the requirements, established by legislation on protection of atmospheric air is forbidden;

13.1.3. Import on the territory of the country of transport, other mobile means and the equipment rendering harmful influence on quality of atmospheric air, their spare parts which term of operation established by the legislation has expired is forbidden;

13.1.4. Emission in atmospheric air of substances with unascertained degree of hazard to human health and life, and environment is forbidden;

13.1.5. Manufacture, import and use of fuel on the territory of the Azerbaijan Republic is permitted only at presence of the certificates confirming their conformity to requirements on protection of atmospheric air;

13.1.6. Manufacture, import, operation on the territory of the Azerbaijan Republic of technical constructions, technological processes, engines, transport and other mobile means, the equipment and their spare parts is permitted only at presence of the certificates confirming conformity to specifications of emission;

13.1.7. The certificates confirming conformity of amount of harmful substances at use of technical constructions, technological processes, engines, transport and other mobile means to technical specifications of emission, and also the certificates confirming conformity of fuel to requirements on protection of atmospheric air are given out in the order established by the legislation;

13.1.8. The corresponding executive authority can limit use of products of oil and natural gas, other kinds of fuel polluting atmospheric air as a result of use, and also stimulates manufacture and use of environmentally safe kinds of fuel and other energy carriers.

13.2. The activity directed on change of a condition of atmospheric air and atmospheric processes, can be carried out only based on a special permit given by corresponding executive authority, on conditions that the given activity has no harmful consequences for human health and life, and the environment.

Article 14. Requirements on protection of atmospheric air during designing, location, construction, reconstruction and operation of economic objects

14.1. During designing, location, construction, reconstruction and operation of economic objects requirements on observance of hygienic and ecological specifications of quality of atmospheric air should be

provided.

14.2. Background level of pollution of atmospheric air and change of its quality as a result of realization of economic activities should be taken into account at designing, location of economic objects rendering harmful influence on qualitative specifications of atmospheric air within cities and other settlements, near to them, and also during building, reconstruction of cities and other settlements.

14.3. With the purpose of protection of atmospheric air in residence places of the population sanitary - protective belts of the enterprises and the organizations are allocated in the order stipulated by the legislation. The sizes of such sanitary - protective belts are established by a degree of propagation of harmful substances emitted in atmospheric air, and sanitary classification of the enterprises and organizations.

14.4. In civil-engineering designs of the economic objects, able to render harmful influence on quality of atmospheric air, reduction of amount of harmful substances emitted in atmospheric air and their neutralization according to the requirements established by corresponding executive authority should be reflected.

14.5. Places of building of the economic objects, able to render harmful influence on quality of atmospheric air, should be coordinated with the corresponding executive authority.

14.6. Non-exceeding of emission in atmospheric air of harmful substances and harmful physical influences on it over technical specifications of the permissible limit of emission, permissible limits of harmful physical influences should be provided on economic objects being built or reconstructed.

14.7. Location and operation of economic objects which do not have gas-dust removal constructions and control and measuring means for emitted in atmospheric air of harmful substances, stipulated in the rules of protection of atmospheric air, is forbidden.

14.8. Designing, location, construction and operation of the economic objects, able to lead to deterioration of human health, to heavy consequences for a condition of ozone layer, climate, flora and fauna, for the environment and the population, is forbidden.

Article 15. Regulation of emission of harmful substances in atmospheric air during operation of transport and other mobile means

15.1. Operation of transport and other mobile means, which amount and composition of harmful substances emitted in atmospheric air exceeds technical specifications of the emission established by the legislation, is forbidden.

15.2. Corresponding executive authorities should to carry out the measures providing reduction of amount of harmful substances emitted in atmospheric air during operation of transport and other mobile means.

15.3. Corresponding executive authorities can limit entrance of transport and other mobile means to settlements, places of rest, tourism, objects of public health services and improving objects, to regulate movement of vehicles.

15.4. The control over non-exceeding by harmful substances, emitted in atmospheric air by transport and other mobile means, of technical specifications of emission is carried out by corresponding executive authorities in the order established by the legislation.

Article 16. Regulation of emission in atmospheric air of harmful substances at storage, bury, neutralization and burning of industrial and household waste products

16.1. Storage, bury, neutralization of the industrial and household waste products rendering harmful influence on atmospheric air, in territory of the enterprises, organizations, and settlements is carried out in the order established by the legislation. Burning of the given waste products without special constructions is not permitted.

16.2. Legal and physical persons, which industrial and household wastes are a source of pollution of atmospheric air, should provide transportation of such waste products for storage or bury in special places, and also on the economic and other objects using them as raw material.

16.3. Places for storage, bury and destruction of industrial and household wastes polluting atmospheric air, will be coordinated with corresponding executive authorities and local self-government.

Article 17. Protection of human health and life at change of quality of atmospheric air

17.1. With the purpose of regulation of amount of harmful substances emitted in the atmosphere at arising on the territories of cities and other settlements of adverse meteorological conditions the corresponding executive authorities and local self-government carry out the measures prepared on the basis of corresponding forecasts.

17.2. At reception of forecasts about adverse meteorological conditions the legal and physical persons who emit in atmospheric air harmful substances because of their activity, should carry out measures on

reduction of amount of harmful substances coordination with corresponding executive authorities.

17.3. At occurrence of threat of deterioration of atmospheric air, and also threat for human health and life as a result of emission of harmful substances in the atmosphere during accident corresponding executive authorities and local self-government carry out immediate measures on their protection in the order established by the legislation.

Article 18. Trans-boundary pollution of atmospheric air

At pollution of atmospheric air on the territory of the Azerbaijan Republic because of distribution of harmful substances which source is on the territory of a foreign country, the corresponding executive authority provides realization of corresponding measures according to international contracts supported by the Azerbaijan Republic.

IV SECTION

STATE REGISTRATION OF HARMFUL INFLUENCES ON ATMOSPHERIC AIR AND SOURCES THEREOF, ECONOMIC REGULATION

Article 19. The state registration of harmful substances emitted in atmospheric air, harmful physical influences on it and their sources

19.1. The legal and physical persons being a source of harmful substances emitted in atmospheric air and harmful physical influences on it, are taken on the state registration in the order established by the legislation with the indication of amount and structure of harmful substances emitted in atmospheric air, including the gases having a hothouse effect, substances and physical influences depleting the ozone layer, kinds and sizes of harmful physical influences.

19.2. The list of organizations which are carrying out the account and the analysis of the statistical data in the area of protection of atmospheric air, is established by the corresponding executive authority.

Article 20. Inventory of sources of harmful substances emitted in atmospheric air and physical influence on it

20.1. The legal and physical persons being a source of harmful substances emitted in atmospheric air and physical influence on it, carry out inventory of harmful substances emitted in atmospheric air and physical influence on it in the order established by the corresponding executive authority.

20.2. Lists of sources of harmful substances emitted in atmospheric air and physical influence on it taken on the state account and normalized on enterprises and the organizations, cities and other settlements are established by corresponding executive authority on the basis of the data of inventory of sources of harmful substances emitted in atmospheric air, and physical influence on it.

Article 21. Payments for pollution of atmospheric air with harmful substances and physical influence on it

Legal and physical persons pay in the order established by the legislation a payment for reception of the special permit to emission in atmospheric air of harmful substances from stationary sources and harmful physical influences on it.

Article 22. Compensation of the damage caused to human health, property and the environment because of pollution of atmospheric air

The damage caused to human health, property and the environment as a result of pollution of atmospheric air, is compensated in the order established by the legislation on the expenses of physical and legal persons recognized guilty in pollution of atmospheric air.

V SECTION

CONTROL OVER PROTECTION OF ATMOSPHERIC AIR

Article 23. Monitoring of atmospheric air

23.1. The system of state monitoring is organized and carried out with the purpose of supervision over pollution of atmospheric air, complex estimation and forecasting of its condition, and also provision of corresponding executive authorities and local self-government, the enterprises, the organizations and the population with current and operative information.

23.2. Being the main component of the state monitoring of the environment, the state monitoring of atmospheric air is carried out by corresponding executive authorities in the order established by the

legislation.

Article 24. The state control over protection of atmospheric air

24.1. The state control over protection of atmospheric air should provide observance of:

24.1.1. Conditions of the special permit given on harmful substances emitted in atmospheric air and their harmful physical influences;

24.1.2. Standards, specifications, rules and other requirements of protection of atmospheric air, including realization of industrial inspection over protection of atmospheric air;

24.1.3. Sanitary-protective regime of the objects being a stationary source of harmful substances emitted in atmospheric air;

24.1.4. Realization of target state programs and actions on protection of atmospheric air;

24.1.5. Technical specifications established by the legislation of emission for transport and other mobile means;

24.1.6. Other requirements of the legislation and the international acts in the area of protection of atmospheric air.

24.2. The state control over protection of atmospheric air is carried out in the order established by the legislation by corresponding executive authorities.

Article 25. The industrial (departmental) control over protection of atmospheric air

25.1. The legal persons having sources, rendering harmful chemical, biological and physical influence on atmospheric air, carry out the industrial (departmental) control over protection of atmospheric air and with this purpose appoint the responsible person and/or organize ecological service.

25.2. The legal persons having sources, rendering harmful chemical, biological and physical influence on atmospheric air, carry out protection of atmospheric air in the order established by the legislation.

25.3. Information on ecological service of persons and organizations, which carry out the industrial (departmental) control over protection of atmospheric air, and also results of the control are submitted to the corresponding executive authorities.

Article 26. Public control in the area of protection of atmospheric air

Public control in the area of protection of atmospheric air is carried out in the order established by legal acts of the Azerbaijan Republic about environment protection and the nongovernmental organizations.

VI SECTION

DUTIES OF LEGAL AND PHYSICAL PERSONS BEING STATIONARY AND MOBILE SOURCES OF HARMFUL SUBSTANCES EMITTED IN ATMOSPHERIC AIR, RESPONSIBILITY FOR INFRINGEMENT OF LEGISLATION

Article 27. Duties of the legal and physical persons being stationary and mobile sources of harmful substances emitted in atmospheric air

27.1. The legal and physical persons being stationary sources of harmful substances emitted in atmospheric air, are obliged:

27.1.1. To provide carrying out of inventory of harmful substances emitted in atmospheric air and observance of specifications on permissible limit of harmful substances emitted in atmospheric air and their physical influences;

27.1.2. To coordinate with corresponding executive authorities places of building of economic objects rendering harmful influence on atmospheric air;

27.1.3. To apply low-wasted and wasteless technologies with the purpose of decrease of level of pollution of atmospheric air;

27.1.4. To provide preparation and realization of actions on prevention of emission in atmospheric air of harmful substances, to their secondary use, neutralization, production of such substances;

27.1.5. To carry out measures on prevention of propagation of harmful substances, emitted in atmospheric air at accident, and on elimination of their influence, liquidation of consequences of accident;

27.1.6. To conduct the account of harmful substances emitted in atmospheric air and their sources, and industrial inspection over observance of the established specifications;

27.1.7. To carry out the control over emission in atmospheric air of harmful substances and over construction of the structures constructions and devices envisaged for their neutralization, and to observe rules

of their operation;

27.1.8. To provide observance of the regime of sanitary-protective belts of objects of industrial and other activity rendering harmful influence on atmospheric air;

27.1.9. To provide duly and safe transportation from territories of economic objects of harmful substances polluting atmospheric air in places of special storage or bury, and also on the objects using them as raw material;

27.1.10. To implement orders and written instructions of officials of corresponding executive authorities on elimination of infringement of requirements of the legislation in the area of protection of atmospheric air;

27.1.11. To direct urgently to corresponding executive authorities information on the harmful substances becoming the reason of pollution of atmospheric air because of accident;

27.1.12. To submit in accordance with established procedure to corresponding executive authorities information on issues of protection of atmospheric air;

27.1.13. To observe other requirements established by corresponding executive authorities in the area of protection of atmospheric air.

27.2. During operation of transport and other mobile means legal and physical persons should provide non-exceeding of the technical specifications of emission established by the legislation with harmful substances emitted from the given means in atmospheric air.

Article 28. Responsibility for infringement of the legislation in the area of protection of atmospheric air

28.0. For infringement of the legislation on protection of atmospheric air in the following cases:

28.0.1. At exceeding by emission of harmful substances and harmful physical influences of specifications and limits stipulated by the present law;

28.0.2. At emission in atmospheric air of harmful substances without special permit of the corresponding executive authorities;

28.0.3. At emission of harmful substances and rendering of harmful physical influence over the norms specified in the special permit;

28.0.4. At infringement of service regulations of installations, equipment and devices, constructed with the purpose of control of emission in atmospheric air of harmful substances and harmful physical influence on it;

28.0.5. At operation of new and reconstructed constructions and equipment, that do not meet the requirements of the legislation on protection of atmospheric air;

28.0.6. At application of discovery, inventions, efficiency proposals, new technical systems and substances which do not meet the requirements, established by the legislation in the area of protection of atmospheric air, and do not envisage provision with technical means for control over emission in atmospheric air of harmful substances, and also at import of the similar technological equipment;

28.0.7. At non-implementation of instructions of the bodies, which carry out the state control over protection of atmospheric air;

28.0.8. At pollution of atmospheric air as a result of infringement of rules of gathering, burning of industrial and household wastes, transportation, storage, application of the chemicals protecting plants, providing plant growth, and also mineral fertilizers and other preparations;

28.0.9. At non-observance of the rules of control over a condition of atmospheric air in places of location of enterprises, institutions and organizations the legal and physical persons, and also the officials recognized guilty in the order stipulated by the legislation, bear the responsibility according to the legislation of the Azerbaijan Republic.

Article 29. Rules of the settlement of disputes in the area of protection of atmospheric air

Disputes in the area of protection of atmospheric air are settled in courts or in the order established by the legislation of the Azerbaijan Republic.

VII SECTION INTERNATIONAL COOPERATION IN THE AREA OF PROTECTION OF ATMOSPHERIC AIR

Article 30. The international cooperation in the area of protection of atmospheric air

The Azerbaijan Republic, being guided by principles of observance of priority of ecological safety, carries out the international cooperation in the area of protection of atmospheric air.

Article 31. The international contracts in the area of protection of atmospheric air, which the Azerbaijan Republic has joined

At revealing in the international contracts about protection of atmospheric air, which the Azerbaijan Republic has joined, the rules differing from the legislation of the Azerbaijan Republic, rules of the international contracts are applied.

The president of the Azerbaijan Republic
Baku
March 27, 2001
109-IIQ

GEIDAR ALIYEV

**THE LAW OF THE REPUBLIC OF AZERBAIJAN
ON INDUSTRIAL AND DOMESTIC WASTE**

The present Law establishes the state policy in the area of environment protection from industrial and domestic waste (hereinafter— waste) formed in the Azerbaijan Republic as a result of human activity in the form of substances and things, decrease of danger of influence of the given waste, maintenance of ecological balance in the nature, use of waste as secondary raw material, regulates the relations connected to waste, except for harmful gases, polluted waters and radioactive waste.

CHAPTER I GENERAL PROVISIONS

Article 1. The basic concepts

The concepts used in the present Law, have the following meaning:

- **industrial waste** - substances, things and materials formed during manufacture, in agriculture, in the sphere of service and unsuitable for use on a place of formation, that fully or partly lost primary consumer properties;

- **domestic waste (solid domestic waste)** - things, substances and materials formed in places of residing of the population as a result of its vital activity;

- **hazardous waste** - waste containing in their structure toxic and infectious substances, explosives and inflammable substances, with dangerous properties creating potential or direct danger to life of the population and the environment;

- **safe waste** - waste which do not render direct harmful influence on the environment;

- **secondary raw material** - waste, suitable for reuse and with this purpose collected (prepared) during production of produce and energy and service;

- **unsuitable waste** - waste with limited properties of use, inefficient for reuse from the economic point of view;

- **processing of waste** - the purposeful activity consisting of process of collecting, preservation, sorting, transportation and neutralization of waste;

- **disposal of waste** - activity on preservation or underground disposal of waste;

- **neutralization of waste** - processing of waste on special installations (including incineration thereof) or underground disposal with the purpose of decrease of influence on the environment and human health.

Article 2. The legislation of the Azerbaijan Republic on waste

The legislation of the Azerbaijan Republic on waste consists of the present Law, other corresponding acts of the Azerbaijan Republic and the international agreements which party is the Azerbaijan Republic.

Article 3. Sphere of application of the Law

The present Law in the Azerbaijan Republic is applied to all legal and physical persons who carry out waste control and because of which activity waste emerges.

Article 4. Principles of the state policy in the issues of use of waste

Principles of the state policy in issues of use of waste are as follows:

- protection of public health and ecological balance of the environment;

- substantiation from the scientific point of view of maintenance of economic interest and ecological balance;

- creation of the enterprises working with waste, and with this purpose attraction of means of the state and of commercial enterprises, and also of foreign investors;

- creation and introduction of low –waste technologies;

- use of economic and other stimulating mechanisms with the purpose of introduction of waste in economic circulation;

- control over performance of requirements on environment protection, norms of ecological balance, hygienic specifications and sanitary rules;

- conducting the state account on the basis of classification and certification of waste;

- granting guarantees for reception of the information by public organizations and interested persons;

- taking into account of public opinion at making of decisions protecting interests of the population;

- social protection of the workers who carry out activity on waste;

- taking into account of national interests of the country at realization of the international cooperation on waste.

Article 5. Tasks of the state authorities in the area of regulation of relations in waste control

Tasks of the state authorities in the area of regulation of relations in waste control are as follows:

- realization of the state policy on waste;
- state control over preparation, approval and performance of legislative acts and target programs;
- maintenance of the economic initiative in the order established by the legislation for collecting and treatment of waste;
- allocation of ground areas for disposal, treatment and burial of waste as agreed with corresponding executive authorities;
- coordination of activity of the enterprises and organizations with the purpose of revealing and re-treatment of waste;
- maintenance in waste control of compensation of damage to the environment by the party that caused harm;
- carrying out of the state ecological examination;
- establishment of rules of trans-territorial transportation of waste;
- introduction of a system of special permits to waste control;
- introduction of state standards, norms and specifications in waste control;
- conducting the state registration and reports;
- conducting of the state cadastre;
- provision of information on waste to the population;
- elimination of emergencies and accidents;
- designing and construction of objects for preservation, use and neutralization of waste;
- maintenance of economic, social and legal conditions with the purpose of full use of waste and restriction of conditions for their emergence;
- maintenance by local self-government institutions of waste control according to the legislation;
- realization of other tasks stipulated by the legislation.

Article 6. Propriety relations on waste

Legal and physical persons are considered as proprietors of waste from the moment of their reception if the legislation does not stipulate otherwise.

The proprietor is obliged to organize use of waste as secondary raw material and sending to other enterprises for their re-treatment, to keep account of waste formed during manufacture and reused and to submit respective data to the corresponding executive authorities.

**CHAPTER II
MAIN REQUIREMENTS TO WASTE CONTROL**

Article 7. The main requirements to designing, construction and reconstruction of enterprises, installations and other objects

During designing, construction and reconstruction of the enterprises, installations and other objects legal and physical persons are obliged to observe the standards, norms and specifications established for environment protection. They should receive a positive response of the corresponding executive authorities about the project and to have other documents regulating waste control thereof.

Article 8. Industrial requirements to waste

Legal and physical persons during in the production process are obliged:

- to adhere the standards, norms and requirements on the quality, stipulated for environment protection;
- to carry out waste control on the basis of the special permit;
- to master low-waste technologies;
- to carry out inventory of waste formed during manufacture, to present data on it, and also on waste circulation to the corresponding authorities;
- to establish production control over waste;
- to take measures for prevention of emergencies, but at threat of occurrence of the emergency resulting in ecological balance disruption or in case there will be a failure, to notify about happened the population and the corresponding bodies of the government.

The procedure of carrying out of activity creating dangerous waste, not subject to neutralization, is

established by the legislation.

Article 9. Conditions of waste processing

During processing of waste the following is provided:

- safety for the environment of the technological process directed on reduction of volume of waste, processing and neutralization thereof;
- inadmissibility of mixing of dangerous and safe waste in processing if it is not stipulated by technology;
- decrease of real and potential danger during processing of waste;
- collecting waste on places of their formation and their storage in storehouse specially equipped from the technical point of view, or their storage by kinds on the sites allocated for this purpose;
- storage in proper condition of special storehouses or sites of disposal of the waste subject to processing with the purpose of environment protection;
- isolation from the environment of unsuitable waste on places of their burial and storage, opportunities for their further use are found;
- organization of use of waste as secondary raw material on places of their formation or at the processing enterprises;
- realization of biological, physical and chemical, mechanical and technical, thermal and other methods of processing, neutralization and reduction of volume of waste.

Article 10. The requirements to sites of waste processing.

Finding of places for waste processing, their designing, use and liquidation are made based on corresponding norms and rules.

At choosing of technology and places for waste processing it is necessary to take into account the conditions established by the executive authorities on the basis of requirements of ecological examination about harmful influence on human health and the environment.

Monitoring of the environment should be carried out with the purpose of definition of influence of places of waste processing on the environment.

On places of waste processing boundary marks and control entrances should be fixed, full safety of technological points for the environment is be provided. Disposal and processing of waste on the places not stipulated for this purpose is forbidden. Activity of the enterprises on waste processing should be directed on reduction of volume of waste and its neutralization. The given enterprises carry out the activity in the order stipulated in the charter, and based on the documents confirming the propriety right on waste.

The enterprises on processing of waste should make a plan of measures on liquidation of emergencies, confirmed by the corresponding executive authorities.

Article 11. Requirements to waste disposal

Wastes disposal is carried out based on a permit of the corresponding executive authorities and according to requirements of statutory acts.

At choosing of a place for construction of objects with the purpose of disposal and neutralization of waste it is necessary to carry out special researches (geological, hydrological, etc.) with the permission of the corresponding executive authorities and if necessary to take into account public opinion.

It is forbidden to bury waste on territory of cities and other settlements, resort, medical - improving, wood and recreational zones, on territory of location of underground waters, water basins with technical and potable water, and in zones where there are minerals and mining works are conducted.

Disposal sites of waste are included in the state register of burial places of waste in the order established by the corresponding executive authorities.

Proprietors should carry out monitoring of places of burial in the order established by the corresponding executive authorities.

Proprietors of objects or sites where waste are placed, upon termination of terms of operation of the given objects and sites should carry out necessary regenerative works. With the purpose of effective organization of collecting of waste valuable components are collected per components (waste food and knitted products, various metals, paper, etc.).

Article 12. The requirements to cleaning of settlements from domestic waste Domestic waste with the purpose of neutralization should be placed in the places established by the population. Discharge, burial and storage of waste in not fixed places are forbidden.

The territory where settlements are placed should be cleaned of domestic waste regularly.

Cleaning of territory of settlements according to rules of sanitary, hygienic and ecological specifications, the order of time storage, regular transportation and neutralization of domestic waste is established by the corresponding executive authorities.

Article 13. The requirements to waste transportation

Rules of waste transportation by means of corresponding types of transport, requirements (norms and rules) to performance of cargo handling works and maintenance of ecological safety are established by the corresponding executive authorities.

The persons occupied with transportation bear the responsibility for safety of the environment and human health from the moment of loading waste on transport facility and before their delivery to legal and physical persons receiving it.

Dangerous waste is certified and transported by means of special vehicles. The certificate of waste is the document confirming its quantity and character of influence. Certification of waste is carried out in the order established by the corresponding executive authorities.

Article 14. Import, export and transit transportation of waste

Import, export and transit transportation of waste is realized in the order established by the legislation of the Azerbaijan Republic.

Import on the territory of the Azerbaijan Republic of waste that is not subject to safe processing, and with the purpose of transit transportation, bury and neutralization thereof is forbidden.

CHAPTER III CONTROL OVER WASTE DISPOSAL

Article 15. The state control over waste disposal

The corresponding executive authorities carry out the state control over waste disposal.

The state control over waste disposal includes:

- observance of requirements of the legislation by legal and physical persons;
- bringing to account of guilty legal and physical persons in the order established by the legislation;
- presentation of the claim on compensation of the damage put to the environment and human health as a result of infringements of requirements of the legislation;
- correctness of conducting the account and the reporting carried out by proprietors in connection with waste;
- performance of sanitary, hygienic, antiepidemic actions and actions on nature protection, observance of hygienic and ecological specifications;
- implementation of the actions directed on liquidation of results of accidents and disasters;
- analysis of existing processes of manufacture in connection with waste, research of opportunities for decrease in volume of waste and degree of their safety;
- observance of the rights of the population on reception of the information on waste;
- acceptance of the decision about restriction, stay and imposing of interdiction on the activity creating potential hazard to human health and the environment;
- control over import, export and transit transportation of waste.

Article 16. Production control over waste

The enterprises and organizations conducting economic activities on waste, should carry out production control in this area.

The purpose of production control consists in check of performance of ecological, sanitary and other requirements.

Rules of realization of production control are established by the enterprises and organizations according to the existing legislation.

Article 17. Public control above waste disposal

Public control above waste disposal is carried out by public associations, labor collectives and citizens (population) in the order established by the legislation.

The purpose of public control above waste disposal consists in check of performance of requirements of the present Law by the state bodies and municipalities, and legal and physical persons.

CHAPTER IV ECONOMIC REGULATION OF WASTE DISPOSAL

Article 18. Economic regulation in the area of waste disposal

Economic regulation of waste disposal in the sphere of collecting, accommodation, use and neutralization of waste is based on a principle of payment taking into account their volume, a degree of danger and specifications of allocation.

Payment for collecting, allocation, use and neutralization of waste is established taking into account their volume (weight), a kind and other properties.

The means obtained from payments of legal and physical persons are used for realization of actions on nature protection.

Forms of provision of economic incentives of waste disposal and the mechanism of their application, and also payment for collecting, allocation, use and neutralization of waste, their volume and the order of distribution are carried out by the corresponding executive authorities.

Article 19. Specifications on waste

The corresponding executive authorities establish the specifications regulating a degree of influence of waste on the environment and human health.

The waste becoming object of import, export and sale and purchase, will be certificated in the order established by the legislation.

Article 20. The state account and reporting on waste

Legal and physical persons carry out the primary account of formation, use, allocation, transfer or sale of waste to other persons in the order and the terms established by the corresponding executive authorities, submit reports on it to the corresponding state bodies.

Legal and physical persons provide safety of the information under the account of waste in the terms established by the legislation.

The state account and the reporting on waste is prepared and conducted on uniform system.

Article 21. The state cadastre of waste

The state cadastre of waste includes the systematized data under their account.

The state cadastre of waste reflects a system of division of waste on classes (categories), the list of objects of allocation, bank data and technology of processing of waste.

The corresponding executive authorities establish conducting the state cadastre of waste and maintenance thereof.

CHAPTER V FINAL PROVISIONS

Article 22. The international cooperation

The international cooperation in the area of waste control is carried out according to the international contracts which party the Azerbaijan Republic is.

Article 23. The settlement of questions

Questions at issue on waste are resolved by the corresponding executive authorities and courts in the order established by the legislation.

Article 24. The responsibility for violation of the legislation on waste

According to the legislation of the Azerbaijan Republic the legal and physical persons violating the requirements of the legislation on waste, bear the disciplinary, administrative, criminal and civil-law responsibility.

The president of the Azerbaijan Republic

GEIDAR ALIYEV

Baku

June 30, 1998
514-IQ

**THE LAW OF THE REPUBLIC OF AZERBAIJAN
ON ENVIRONMENTAL SAFETY**

Article 1. Main concepts

Environmental safety - to ensure the safety of vital interests of human and society and lower the risks of anthropogenic impact caused by environment.

Environmental danger - the situation, when vital interests of human and society are in danger and there is a risk of anthropogenic impact.

Dangerous environmental situation - anthropogenic and natural influence, as well as natural disaster that may lead to destruction of nature and ultimately put the vital interests of human and society under a serious risk.

Emergency environmental situation – implementation of urgent measures necessary for safety of human life and health.

Environmental disaster – extreme environmental situation for human life and activity caused by irreversible environmental changes.

Securing of environmental safety – the system of actions directed to prevent rise and development of any environmentally dangerous situations and their results that may have hazardous consequences in the future.

The subject of environmental risk – any enterprise, organization, institution or physical person that may cause the risk due to the nature of its activity.

Article 2. Sphere of influence and objective of the law

The present law regulates the activities and relations of juridical and physical persons, state and local government institutions and officials of such institutions during the implementation of their activities in the sphere of environmental safety.

The objective of the law is to identify the legal bases to prevent human life and health; society with its material and spiritual values; environment, including atmospheric air, cosmic space, water sources, land, soil, natural landscape, flora and fauna from the results of dangerous natural and anthropogenic influences.

Article 3. Environmental safety legislation

Environmental safety legislation consists of Azerbaijan Republic Constitution, the present law, and other legal regulation acts of Azerbaijan Republic, as well as relevant international conventions.

Article 4. State policy on environmental safety

1. The main directions of the state policy on environmental safety as an integral part of human, society and state security are as specified below:

1.1 ensuring that the priority is given to the environmental safety in formation and implementation of development strategy;

1.2 development of international co-operation for achieving environmental safety on world, regional and local levels;

1.3 protection of biosphere and all its components, as well as creation of system of guaranteed, in terms of environmental safety, conditions for human life and activity;

1.4 enabling activities of state and local government institutions on the territory of the country, and regions of the Caspian sea (lake) that are under the Azerbaijan Republic's jurisdiction;

1.5 preparation and consequential implementation of the measures directed to prevent any reasons which may cause state of environmental emergency the result of which may endanger the future generations;

1.6 putting in order (regularizing) the activities of enterprises and other activities, that may impact environment.

2. Exposure of human life and health to danger as a result of breach of legal regulations, in terms of environmental safety, should be considered as a violation of human rights.

3. It is obligatory to be in conformity with the regulations of natural resources possession as a property and implementation of the rights their utilization.

Article 5. Obligations and regulations on environmental safety

1. Regulations on environmental safety:

1.1 identification of the united state policy;

- 1.2 co-ordination of the activities of concerned executive bodies and methodically guide these activities;
 - 1.3 development and implementation of the state programs and projects;
 - 1.4 participation in all environmental safety activities undertaking bilateral measures together with concerned executive bodies;
 - 1.5 identification of conformity with the regulations, according to which the enterprises and activities, that may lead to hazardous environmental consequences in the future, must undergo environmental expert examination in compliance with the applicable law;
 - 1.6 taking legally identified measures for termination of operation of any enterprise and institutions that violate the applicable law;
 - 1.7 taking measures for institution of criminal proceedings against officials who violates the legal regulations, as specified by law;
 - 1.8 receiving information on environmental safety from the executive bodies concerned;
 - 1.9 organization of international meetings and conferences on environmental safety issues, as specified by law, participating in the, making exchange programs of experience, specialists, information and for this purpose establishing bilateral co-operation with the appropriate authorities of foreign countries;
 - 1.10 Implementation of other regulations on environmental safety, as specified in applicable law.
2. Obligations of the State Authorities in terms of environmental safety:
 - 2.1 To carry out state control and follow the environmental safety rules in utilization of natural resources and meeting the environmental safety standards in industrial entities;
 - 2.2 To identify and neutralize the situations and cases that may cause commencement and development of environmental danger;
 - 2.3 To provide and implement availability of relevant information;
 - 2.4 To give the status of the area of extreme environmental emergency to appropriate regions including environmental sensitive regions;
 - 2.5 To confirm the local state standards and other regulations which identify requirements on environmental safety;
 - 2.6 Public awareness on possible environmental state of emergency and danger;
 - 2.7 To provide public training programs on environmental safety standards;
 - 2.8 To implement other environmental duties according to applicable law.

Article 6. Competencies of local government institutions on environmental safety issues

The applicable law identifies competencies of local self-government institutions on environmental safety issues.

Article 7. The rights of citizens and social unions on environmental safety issues

1. The environmental safety of citizens of Azerbaijan Republic, foreigners, and persons without citizenship, (hereinafter referred to as citizens) is provided by the government. Citizens have the equal rights in receiving financial aids if the consequences of environmental accidents damaged or affected their health.
2. The rights of the citizens and the social units:
 - 2.1 To offer proposals to the state and local self-government institutions;
 - 2.2 To receive information from the state and local self-government institutions on the sources of environmental danger that are under their authorization, measures that are taken to prevent such risks of environmental danger;
 - 2.3 To involve social control in order to meet the requirements of environmental safety;
 - 2.4 In case of violation of safety environmental requirements to apply to the state and the local self-government institutions or take the issue into court.

Article 8. Information on environmental safety activity

1. Information on environmental safety activity is provided by the bodies responsible for environmental monitoring
2. The State budget or other financial sources must cover the financing of information supply on environmental safety activity as well as its material and technical basis, as identified in applicable law.

Article 9. Limitations of farming and other activities to provide environmental safety

1. The concerned executive bodies and local self-governing institutions, officials of the same bodies are prohibited to adopt any legislative acts that might allow implementation of the following unfavourable activities:

1.1 without having positive rating of the state environmental expert, and without having a special permit, if any required for implementation of an activity or operation of an enterprise, as provided by regulations, which may cause direct or indirect bad influence on environment;

1.2 any enterprise or activity that may result a serious hazardous impact to environment;

1.3 any enterprise or activity that is in contradiction with the requirements of environmental safety;

1.4 adding new (virgin) lands to the ones that are already cultivated and used for any farming activity without prior rehabilitation of the last as provided by legislation;

1.5 any scientific research, economical and other experiments that are accompanied with the violation of environmental safety regulations;

2. Concerned executive bodies and local self-government institutions, as well as the officials of the same institutions are restricted to undertake any steps or adopt any laws that might favour any activities that eventually may put the environment under a certain risk, as well as other activities as specified below:

2.1 permission for enterprise or activity to operate, if the state environmental expert has detected any risks that may affect the environment;

2.2 import to the territory of the country of the substances, like radioactive wastes, used but still suitable for second use nuclear fuel, toxic and other hazardous domestic and public wastes as identified in the list of such waste materials, provided by law, other radioactive substances and nuclear materials, non-toxic wastes that may not be reused, as well as the materials the use or second use of which may be dangerous;

2.3 activities that violate international environmental safety conventions, and may cause global changes of environment with all its components;

2.4 import and production of goods that are dangerous due to the methods of their treatment, neutralization and used recycling technologies, and other environmentally hazardous goods;

2.5 the use of toxic substances capable to accumulate in human body and environment and which can not be naturally dissociated, and application substances the neutralization process of which may be hazardous;

2.6 use of substances without their prior estimation of the degree of possible impact both to human and environment;

2.7 without development of proper measures for management of uncontrolled breeding, use and distribution of artificially obtained organisms which are not typical for the definite natural zone;

2.8 Laws and other legislative acts, that may motivate other actions indicated in the category of activities identified as environmentally dangerous.

Article 10. Regional definition of the territory of the country based on the degrees of environmental risk

The whole territory of The Republic of Azerbaijan and regions of the Caspian sea (lake) that are under the Azerbaijan's jurisdiction is divided to the zones based on the degree of environmental risk. The environmental safety requirements and restricted operations and other activities are identified by legislation.

Article 11. Settlement of the results of environmentally dangerous situation

1. Concerned executive bodies must carry out co-ordination and implementation of measures taken to settle the environmental impact as a result of dangerous environmental situation.

2. Concerned executive bodies and local self-government institutions must carry out and give priority to rehabilitation of the defined zones of environmental danger.

The requirements for settling the dangerous environmental situation are provided by legislation.

3. The sources of financing for total prevention of dangerous environmental situation and its future consequences are specified hereunder:

3.1 financial means raised from the industrial units that caused the environmentally dangerous situation;

3.2 insurance coverage as a result of dangerous environmental situation caused by negative impact to environment;

3.3 The State funds for environment protection and other categories of the State budget;

3.4 Grants and other allocations from the International Financial Institutions;

3.5 Other sources as provided by legislation.

4. In case of impossibility to detecting a unit that caused environmentally dangerous situation or incapability of such units to financially cover the consequences of the situation, all expenses must be cleared by the State budget and other sources.

Article 12. Financing of the environmental safety activities and the sources of such financing

Financing of the environmental safety activities are carried out by entities polluting environment, the State

funds for environment protection and other categories of the State budget, concerned social foundations, grants and other allocations from the international financial institutions and other financial sources.

Article 13. Violation of environmental safety regulations and responsibility

1. Violation of environmental safety regulations, violation of the present Law and other legislative acts that identify the environmental safety requirements, deliberate destruction or damage paid to the environmentally dangerous industrial objects, or rise of environmental danger and financing the environmentally dangerous activities of an industrial unit.

2. The cases of the violation of environmental safety regulations by the officials:

2.1 approval of the measures that are in contradiction with the environmental safety regulations;

2.2 approval of the State programs that do not meet the requirements of the environmental safety regulations;

2.3 violation of environmental safety regulations when adopting any legislative acts, and rendering the results of expert examination;

2.4 forgery of the data on dangerous environmental situation or rendering an overdue information or its shortened version, failure to comply with the responsibilities to control the sources and levels of environmental risk;

2.5 Other cases in the sphere of environmental safety as specified by applicable law.

3. Violation of the present Law and legislative norms entails legal acts as provided by legislation of Azerbaijan Republic.

The President of the Republic of Azerbaijan

Heydar Aliyev

N 677 - IQ

Baku, June 8, 1999

THE LAW OF THE REPUBLIC OF AZERBAIJAN ON LAND FERTILITY

This Law establishes the legal bases of the restoration, increase and protection of land fertility that are in the Azerbaijan Republic in the state, municipal and private property.

CHAPTER I BASIC PROVISIONS

Article 1. Basic Concepts

Concepts used in this Law express the following meaning:

- land fertility - the ability of land to provide plants with nutritious elements, moisture and other substances important for the life thereof in favorable morphological, physical and chemical, mechanical and biological conditions and on a regular basis;
- endurance of land fertility - the system of legal, economic and organizational measures implemented with regard to the restoration, increase and protection of land fertility;
- restoration of land fertility - the system of measures on control of erosion, also, a set of agrotechnical, ameliorative, phytosanitary and other complex measures implemented with a view of improvement of land fertility deteriorated as a result of harmful influence of natural and anthropogenic processes;
- increase of land fertility - the system of measures undertaken against erosion, also, some agrotechnical, agrochemical, ameliorative, phytosanitary and other complex measures performed with regard to increase of land fertility which natural fertility has decreased as a result of wrong cultivation;
- protection of land fertility - the system of anti-erosion, agrotechnical, agrochemical, ameliorative, phytosanitary and other complex measures directed at the protection of the land plots in economic circulation, and also, of those land plots the fertility of which has been restored and improved;
- land pollution - process of accumulation at land plots of chemical compounds of various origin, heavy metals, radioactive elements, household and industrial wastes, pathogenic and other harmful organisms in the amount sufficient to render harmful influence to human health, the environment and properties of land fertility.

Article 2. Legislation of Azerbaijan Republic on Land Fertility

The legislation of the Azerbaijan Republic on land fertility consists of this Law; some normative-legal acts accepted in relation to this Law, and the land legislation of the Azerbaijan Republic.

The relations arising in connection with the restoration, increase and protection of land fertility regarding entrails of the earth, forests, water, flora and fauna, cultural and natural landscapes, and also the ownership, property and other relations additionally to this Law, are regulated by the corresponding acts of the Azerbaijan Republic.

Article 3. Goals and Objectives of Legislation on Land Fertility

The goal of the legislation on land fertility includes the institution of the general rules of state regulation regarding the restoration, increase and protection of properties of natural land fertility in the Azerbaijan Republic, irrespective of form of property.

Objectives of the legislation on land fertility include the creation of favorable conditions for the effective utilization of land plots. The objective is also to attract unproductive and unused land plots in economic circulation with the improvement of the fertility thereof.

Article 4. Land Plots with ensured Fertility

To the land plots which fertility is ensured because of the thereof target use and a legal regime, are assigned the land plots of agricultural purpose, land plots of little use and unsuitable land plots, used and able to be used for agricultural needs.

Suitability of the land plots for agricultural needs is established by the land legislation of the Azerbaijan Republic.

The rules of the restoration, increase and protection of the fertility of otherwise assigned land plot categories are regulated by this Law, also taking into account the requirements of the corresponding acts of the Azerbaijan Republic.

Article 5. Main Principles of Land Fertility Ensuring

The restoration, increase and protection of land fertility are based on the following principles:

- necessity of state regulation and control for ensuring of land fertility;
- conduction of the restoration, increase and protection of land fertility, on the basis of standards,

norms, rules, regulations and other normative documents approved in the corresponding order;

- carrying out a uniform scientific and technical and investment policy, with regard to the restoration, increase and protection of land fertility;
- co-ordination and matching, in terms of environment protection, of anti-erosion, agrotechnical, agrochemical, ameliorative, phytosanitary and other measures which normally are implemented with regard to the restoration, increase and protection of land fertility.

CHAPTER II

MANAGEMENT OF RESTORATION, INCREASE AND PROTECTION OF LAND FERTILITY

Article 6. Management System in Land Fertility Restoration, Increase and Protection

The management system of the restoration, increase and protection of land fertility incorporates the corresponding executive authorities of the Azerbaijan Republic, municipalities, owners, users and tenants of land in the Azerbaijan Republic.

Article 7. Obligations of State Regarding Land Fertility Ensuring

The state duties, as far as the ensuring of land fertility is concerned, include the following:

- preparation and realization of the basic directions of the state policy with regard to the ensuring of land fertility;
- preparation, adoption of standards, norms, rules, regulations and other normative-legal acts with regard to the restoration, increase and protection of land fertility, control of the observance thereof;
- development, approval and implementation of target state and regional programs with regard to the ensuring of land fertility;
- carrying out of joint scientific and technical and investment policy with regard to the restoration, increase and protection of land fertility;
- co-ordination of activity of the state bodies, municipalities, land owners, land users and tenants of land with regard to the ensuring of land fertility;
- conduction of the stock-taking and monitoring of the parameters describing properties of land fertility;
- preparation and realization of measures on erosion control, agrotechnical, agrochemical, ameliorative, phytosanitary and other complex measures with regard to the restoration, increase and protection of land fertility;
- financing of the design and survey, research and applied works which are implemented on the basis of the state and regional programs concerning the restoration, increase and protection of land fertility;
- realization of other duties assigned to relevant executive authorities by the land and agricultural legislation of the Azerbaijan Republic.

Article 8. Duties of municipalities on ensuring of land fertility

The duties of municipalities regarding the ensuring of land fertility include the following:

- observance of a state policy with regard to the ensuring of land fertility;
- making of corresponding decisions according to the legislation with regard to the ensuring of land fertility attributed to the municipal property;
- development, implementation of local programs with regard to the restoration, increase and protection of land fertility and control for the execution thereof;
- making state bodies and international organizations aware of the issues of land fertility ensuring;
- determination of expenses in the structure of local budgets for the ensuring of land fertility and realization of the thereof financing;
- demanding within the limits of the territories of restriction and suspension of the measures implemented on land plots by owners, users and tenants of the land, able to render harmful influence on the environment and the land plots of other persons;
- realization within the limits of the powers of the control for the effective utilization and protection of fertility of the municipal land plots;
- realization of other duties attributed by the legislation of the Azerbaijan Republic to the competence thereof.

Article 9. Duties of Owners, Users and Land Tenants Concerning the Land fertility Ensuring

The duties of owners, users and tenants of land about the land fertility ensuring include the

following:

- observance of standards, norms, rules, regulations and other normative-legal acts established for the restoration, increase and protection of land fertility;
- at realization of the rights on land plot - observance of obligations, restrictions and servitudes, established by the land legislation of the Azerbaijan Republic;
- informing of the corresponding executive authorities on cases of man-caused pollution and regress of the land plots;
- creation of conditions for conducting of the account and monitoring of agrochemical, phytosanitary, ecological and toxicological inspection parameters of the land use and rent, and also properties of land fertility;
- realization of other duties instituted by the legislation of the Azerbaijan Republic.

CHAPTER III

STATE REGULATION ON LAND FERTILITY ENSURING

Article 10. Target Programs of Restoration, Increase and Protection of Land Fertility

The target state, regional and local programs are developed and implemented for land fertility ensuring.

The development, approval and performance of target state and regional programs are implemented by the corresponding executive authorities, development, approval and performance of local programs - by municipalities.

The corresponding executive authority annually submits to the corresponding executive authority the national report on circulation of land plots, fertility conditions, the state care directed at the restoration and increase thereof.

Article 11. Standardization in the Area of Land Fertility Ensuring

The standardization with regard to the land fertility ensuring include requirements concerning measures on erosion control, agrotechnical, agrochemical, ameliorative, phytosanitary measures which are implemented by means of the state standards authorized by corresponding executive authorities, norms, rules and regulations (requirements of standardization).

The observance of standardization requirements concerning necessary land fertility is obligatory for all landowners and land users.

Article 12. Account and Monitoring of Parameters of Land Fertility Properties

The account of parameters of properties of land fertility is conducted with a view of provision of state bodies, municipalities, legal entities and physical persons with the information on land fertility conditions.

The account of the parameters of land fertility properties is an aggregate of information on the results of erosion control, land, agrochemical, ameliorative, phytosanitary, ecological and toxicological research works conducted on a uniform system basis and entered into the data of state land cadastre.

The monitoring rules of land fertility parameters are regulated by the corresponding normative-legal acts.

The monitoring of fertility properties as a component of land plot monitoring is conducted in the order established by the land legislation of the Azerbaijan Republic.

Article 13. Agrochemical Land Service

With the purpose of study of land fertility properties and determination of requirements thereof in mineral, organic fertilizers and chemical ameliorative substances, residual quantity of nutrients, poisonous chemical substances, heavy metals in a sowing layer, examination of radiation level on the land plots the agrochemical research works are implemented.

The corresponding legislation bodies of the Azerbaijan Republic establish the rules of agrochemical research at land plots.

CHAPTER IV

LAND FERTILITY PROTECTION

Article 14. Organization of Land Fertility Protection

The purpose of land fertility protection is the effective utilization of land plots, preservation of the fertility thereof, non-admission of exclusion of agricultural sites (land plots) from target circulation,

protection of the land plots from harmful natural and synthetic influences.

The land fertility protection is implemented by the means of the application of scientifically sound and valid land use specifications, reflecting optimum land use structure, and effective organization of the territory based on land management.

The basic directions and rules of land fertility protection are established by the land legislation of the Azerbaijan Republic.

Article 15. Exclusion from Economic Circulation of Land Plots, Which Have Lost Fertility and Preservation thereof

With a view of restoration and increase of land fertility properties at the land plots, which have lost fertility due to harmful influence of natural and anthropogenic processes, these land plots are temporarily excluded from economic circulation and preserved.

Depending on a fertility loss degree, three periods are established for the restoration and increase of fertility properties at the suspended land plots. These periods are as follows:

- first period - until three years;
- second period - from three up to five years;
- third period - over five years.

Complex measures on temporary exclusion of land plots from economic circulation and the preservation thereof, irrespective of the property form of same, and the restoration and increase measures of land fertility are implemented by the corresponding executive authorities.

Before completion of works on fertility restoration and increase, at the suspended land plots that lost fertility due to harmful influence of natural and social processes, and also, before the operations aimed at the returning of those land plots into economic circulation, said land plots are transferred to relevant state or municipal reserve land fund. The land cost is paid, for the favor of landowners, land users and tenants of land, in the order established by the land legislation.

On the basis of application of land owners, land users and tenants of land, and with the consent of corresponding executive authority, before returning of the suspended land areas in economic circulation - the land plots of corresponding sizes may be transferred to owners from the reserve state or municipal land fund for temporary use or rent. In such cases cost of the land is not paid to users and tenants of the land.

The rules of suspension and returning of those land plots that have lost fertility into economic circulation are regulated by the land legislation of the Azerbaijan Republic.

Article 16. Ecological Measures on Restoration, Increase and Protection of Land Fertility

Some ecological demands may be made to the use of land plots the use of which may render harmful impact to environment, people, flora and fauna, economic activities or natural processes.

During the realization of anti-erosion control, agrochemical, ameliorative, phytosanitary and other measures at the land plots, it is vital to take into account the established specifications of ecological safety and some environment preservation requirement.

The rights of land owners, land users and tenants of land can be limited by the legislation of the Azerbaijan Republic for the benefit of environment protection, improvement of quality and effective utilization of the land plots or in this connection the corresponding obligations may be assigned to them.

The ecological requirements of the restoration, increase and protection of land fertility are regulated by the corresponding acts of the Azerbaijan Republic.

Article 17. State Control over Land Fertility Ensuring

The purpose of the state control for the land fertility ensuring consists in ensuring of preservation by land owners, land users and tenants of agricultural sites (land plots), also the observance of the requirements of normalization established by the legislation with regard to the improvement of the quality, restoration, increase and protection of the fertility thereof.

The state control for the land fertility ensuring is performed within the limits of the powers of the corresponding executive authorities.

The relevant executive authorities establish the rules of implementation of the state control over the land fertility ensuring.

Article 18. Insurance of Land Fertility

The landowners, land users and tenants of land can insure the fertility of land, according to the

legislation of the Azerbaijan Republic.

CHAPTER V STATE GUARDIANSHIP OVER LAND FERTILITY ENSURING

Article 19. Basic Directions of the State Guardianship Over Land Fertility Ensuring

The state guardianship for land fertility ensuring is implemented in the following directions:

- allocation of investments and stimulation of investment activity with regard to the preservation of the land plots and ensuring of the fertility thereof;
- development of technical, ameliorative and agrochemical service of agriculture;
- conducting research works concerning the restoration, increase and protection of land fertility;
- creation of the favorable economic environment for the manufacturers of machines and technical equipment for the production of pesticides and agrochemical substances, the implementation of anti-erosion control, agrotechnical, agrochemical, ameliorative, phytosanitary and other measures;
- professional training and increase of the qualification thereof, concerning the restoration, increase and protection of land fertility.

Article 20. Funding of Land Fertility Ensuring Measures

The erosion control, agrotechnical, agrochemical, ameliorative, phytosanitary and other measures for the restoration, increase and protection of land fertility, which are based on target state and regional programs, are financed from the state budget.

The restoration, increase and protection of fertility of agricultural sites (land plots), of the land plots of little use, and of the areas that are unsuitable for agriculture purposes are stimulated by the state.

The erosion control measures, also the agrotechnical, agrochemical, ameliorative, phytosanitary and other measures on the basis of local programs, and under the order of land owners, land users and tenants thereof are financed by land owners, land users and land tenants, themselves.

The research, professional training and increase of staff qualification concerning the restoration, increase and protection of land fertility are financed from the state budget and at the expense of extra-budgetary funds.

Article 21. Payment for Preserved Land Plots

Cost for lost fertility because of harmful influence of natural processes and for the suspended land plots is paid from the state budget.

Guilty persons pay cost for lost fertility because of harmful influence of man-caused processes and for the suspended land plots.

CHAPTER VI RESPONSIBILITY FOR INFRINGEMENT OF LEGISLATION ON LAND FERTILITY AND SETTLEMENT OF DISPUTES

Article 22. Invalidity of Transactions

The transactions in violation of the requirements of the legislation on land fertility are invalid.

Article 23. Responsibility for Infringement of Legislation on Land Fertility

The legal entities and physical persons guilty of violation of the legislation on land fertility bear the responsibility pursuant the legislation of the Azerbaijan Republic

Article 24. Settlement of Disputes

The disputed issues concerning the restoration, increase and protection of land fertility shall be resolved in the judicial order, according to the legislation of the Azerbaijan Republic

**President of the
Azerbaijan Republic
Baku
December 30, 1999
788**

GEIDAR ALIYEV