

The Cabinet of Ministers of the Azerbaijan Republic

Resolution No. 77

On Approval of Rules of Referral of Specially Protected Water Objects to Individual Categories

Baku, May 1, 2000

Further to the Decree of the President of the Azerbaijan Republic No. 685 of March 13, 1998 On Application of the Water Code of the Azerbaijan Republic Approved by the Law of the Azerbaijan Republic of December 26, 1997, the Cabinet of Ministers of the Azerbaijan Republic hereby resolves as follows:

1. To approve Rules of Referral of Specially Protected Water Objects to Individual Categories (appended hereto).
2. This Resolution shall come into force from the date of signing.

Prime Minister of the Azerbaijan Republic

A. RASI-ZADE

*Approved by the Resolution of the Cabinet of Ministers of the
Azerbaijan Republic No. 77 of May 1, 2000.*

Rules of Referral of Specially Protected Water Objects to Individual Categories

1. These Rules have been prepared in accordance with the Decree of the President of the Azerbaijan Republic No. 685 of March 13, 1998 On Application of the Water Code of the Azerbaijan Republic Approved by the Law of the Azerbaijan Republic of December 26, 1997.
2. Referral of specially protected water objects into individual categories shall be regulated by these Rules.
3. Referral of specially protected water objects into individual categories shall be carried out for the purpose of determination, listing and protection of water territories (sections filled with water) consisting of natural complexes and objects with special historical, scientific, cultural, aesthetic and nature protection significance, flora and fauna species entered into the Red Data Book.
4. Specially protected water objects may exist as separate natural territories or as a part of a specially protected natural territory designated in accordance with the legislation of the Azerbaijan Republic.
5. There shall be the following categories of specially protected water objects:
 - areas of internal waters of the Azerbaijan Republic and of the Azerbaijan Republic section of the Caspian Sea (lake);
 - water-marshy areas;
 - running water courses and water collectors designated as rare natural landscapes;
 - zones of protection of source and mouth of water objects;
 - places of spawning and wintering of valuable fish types;
 - water objects with integral link to forests, flora and fauna and other specially protected natural resources;
 - basins of underground water reserves.
6. Further to the Water Code of the Azerbaijan Republic, referral of specially protected water objects into categories of special protected water objects of republic, regional or local importance shall be carried out by the Committee for Melioration and Water Economy in conjunction with the State Committee for Ecology and Control Over Use of Nature and Committee for Mineral Reserves (for underground water reserves basins).
7. Representations with respect to referral of specially protected water objects into individual categories, complete or partial, permanent or temporary withdrawal thereof from economic operation shall be made by the Committee for Melioration and Water Economy, State Committee for Ecology and Control Over Use of Nature and Committee for Mineral Reserves (for underground water reserves basins).
8. The following measures shall be undertaken for the purpose of referral of specially protected water objects of republican and regional importance into any individual category or temporary withdrawal thereof from economic circulation:
 - such objects shall be verified and thoroughly studied in accordance with materials of relevant scientific research and design institutions, public and state organisations, as well as in accordance with other formal documents evidencing special importance of water objects within the territory of the Azerbaijan

Republic, and such objects shall be grouped and listed further to substantiation of their special importance;

- subject to importance of specially protected water objects, there shall be prepared substantiated proposals on complete or partial, permanent or temporary withdrawal of such objects from economic circulation;
- there shall be prepared and approved appropriate regulations related to the use of specially protected water objects.

9. Local executive authority shall prepare proposals for the purpose of referral of specially protected water objects of local importance into any individual category or temporary withdrawal thereof from economic circulation and shall submit such proposals to the Committee for Melioration and Water Economy, the State Committee for Ecology and Control Over Use of Nature and the State Committee for Geology and Mineral Resources (for local water reserves basins).

10. In accordance with results of activities undertaken further to clauses 8 and 9 of these Rules, the Committee for Melioration and Water Economy shall, subject to agreement with the State Committee for Ecology and Control Over Use of Nature and the State Committee for Geology and Mineral Resources (for local water reserves basins), prepare appropriate proposals with respect to referral of specially protected water objects of republican, regional and local importance into any individual category or temporary withdrawal thereof from economic circulation and shall submit such proposals for the approval of the Cabinet of Ministers of the Azerbaijan Republic.

11. Transfer of specially protected water objects from one category to a different category shall be carried out by the Cabinet of Ministers of the Azerbaijan Republic in accordance with proposals agreed with the Committee for Melioration and Water Economy, the State Committee for Ecology and Control Over Use of Nature and the State Committee for Geology and Mineral Resources (for local water reserves basins).

12. Boundaries of specially protected water objects shall be designated in the field with relevant water protection signs.

13. Information on determination of boundaries of specially protected water objects and designation of regime of use within such objects shall be submitted for the attention of the public.

14. Activities which may modify natural conditions of specially protected water objects shall be carried out only upon consent of the State Committee for Ecology and Control Over Use of Nature.

15. Where there are no other options for disposal of wastewater into specially protected water objects and water collectors feeding such objects, such disposal shall be permitted subject to the consent of the State Committee for Ecology and Control Over Use of Nature in accordance with Articles 77-79 of the Water Code of the Azerbaijan Republic.

16. Immunity of specially protected water objects shall be withdrawn only in necessary cases under the decision of the Cabinet of Ministers of the Azerbaijan Republic.

17. Persons guilty of breach of regime of special use in the territory of specially protected water objects shall bear liability specified by the existing legislation.