

**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, organisation, 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. 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 1.1 ensuring that the priority is given to the environmental safety in formation and implementation of development strategy;
  - 1.2 1.2 development of international co-operation for achieving environmental safety on world, regional and local levels;
  - 1.3 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 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 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 1.6 putting in order (regularising) the activities of enterprises and other activities, that may impact environment.
2. 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. 3. It is obligatory to be in conformity with the regulations of natural resources possession as a property and implementation of the rights their utilisation.

#### Article 5. Obligations and regulations on environmental safety

##### 1. 1. Regulations on environmental safety:

- 1.11.1 identification of the united state policy;
- 1.21.2 co-ordination of the activities of concerned executive bodies and methodically guide these activities;
- 1.31.3 development and implementation of the state programs and projects;
- 1.41.4 participation in all environmental safety activities undertaking bilateral measures together with concerned executive bodies;
- 1.51.5 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;
- 1.61.6 taking legally identified measures for termination of operation of any enterprise and institutions that violate the applicable law;
- 1.71.7 taking measures for institution of criminal proceedings against officials who violates the legal regulations, as specified by law;
- 1.81.8 receiving information on environmental safety from the executive bodies concerned;
- 1.91.9 organisation 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 1.10 Implementation of other regulations on environmental safety, as specified in applicable law.

##### 2. 2. Obligations of the State Authorities in terms of environmental safety:

- 2.1 2.1 To carry out state control and follow the environmental safety rules in utilisation of natural resources and meeting the environmental safety standards in industrial entities;
- 2.2 2.2 To identify and neutralise the situations and cases that may cause commencement and development of environmental danger;
- 2.3 2.3 To provide and implement availability of relevant information;
- 2.4 2.4 To give the status of the area of extreme environmental emergency to appropriate regions including environmental sensitive regions;
- 2.5 2.5 To confirm the local state standards and other regulations that identify requirements on environmental safety;
- 2.6 2.6 Public awareness on possible environmental state of emergency and danger;
- 2.7 2.7 To provide public training programs on environmental safety standards;
- 2.8 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. 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. 2. The rights of the citizens and the social units:
  - 2.1 2.1 To offer proposals to the state and local self-government institutions;
  - 2.2 2.2 To receive information from the state and local self-government institutions on the sources of environmental danger that are under their authorisation, measures that are taken to prevent such risks of environmental danger;
  - 2.3 2.3 To involve social control in order to meet the requirements of environmental safety;

- 2.4 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. 1. Information on environmental safety activity is provided by the bodies responsible for environmental monitoring
2. 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. 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 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 1.2 any enterprise or activity that may result a serious hazardous impact to environment;
  - 1.3 1.3 any enterprise or activity that is in contradiction with the requirements of environmental safety;
  - 1.4 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 1.5 any scientific research, economical and other experiments that are accompanied with the violation of environmental safety regulations;
2. 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 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 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 2.3 activities that violate international environmental safety conventions, and may cause global changes of environment with all its components;
  - 2.4 2.4 import and production of goods that are dangerous due to the methods of their treatment, neutralisation and used recycling technologies, and other environmentally hazardous goods;
  - 2.5 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 neutralisation process of which may be hazardous;
  - 2.6 2.6 use of substances without their prior estimation of the degree of possible impact both to human and environment;
  - 2.7 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 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. 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. 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. 3. The sources of financing for total prevention of dangerous environmental situation and its future consequences are specified hereunder:
  - 3.1 3.1 financial means raised from the industrial units that caused the environmentally dangerous situation;
  - 3.2 3.2 insurance coverage as a result of dangerous environmental situation caused by negative impact to environment;
  - 3.3 3.3 The State funds for environment protection and other categories of the State budget;
  - 3.4 3.4 Grants and other allocations from the International Financial Institutions;
  - 3.5 3.5 Other sources as provided by legislation.
4. 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. 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. 2. The cases of the violation of environmental safety regulations by the officials:
  - 2.1 2.1 approval of the measures that are in contradiction with the environmental safety regulations;
  - 2.2 2.2 approval of the State programs that do not meet the requirements of the environmental safety regulations;
  - 2.3 2.3 violation of environmental safety regulations when adopting any legislative acts, and rendering the results of expert examination;
  - 2.4 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 2.5 Other cases in the sphere of environmental safety as specified by applicable law.
3. 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**

**Baku, June 8, 1999**

N 677 - IQ