

THE LAW OF AZERBAIJAN REPUBLIC

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;
- - ensurance 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 agro technical, 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**

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**Baku
December 30, 1999
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