

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. 1. The rights of the State in environment protection issues are as follows:
 - 1.1 1.1 Identification of strategy for preparation and implementation of main policies of the State;
 - 1.2 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 1.3 adoption of the bases on the State funds of environment protection;
 - 1.4 1.4 adoption of appropriate legislation about handing over the resources to the users, identification of limits and quotas for natural resource utilisation, contracts;
 - 1.5 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 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 utilisation, protection and rehabilitation of natural resources;
 - 1.7 1.7 identification of the methods of the State monitoring of the environment and natural resources;
 - 1.8 1.8 compulsory confirmation of the list of ecologically dangerous types of activities, as well as the list of standardised and certified goods (works, services) of similar nature, and the rules and procedures of permit obtaining, related to environment protection;
 - 1.9 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 1.10 identification of the methods of the information distribution and State statistic control over environment protection issues;
 - 1.11 1.11 identification of regulations of ecological auditing
 - 1.12 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 1.13 approval of the expenses on environment protection and sanitary improvement.
2. 2. The obligations of the State in environment protection are as follows:
 - 2.1 2.1 preparation of a program on different aspects of ecological balance of environment and nature exploitation;
 - 2.2 2.2 establishment of the State ecological expertise;
 - 2.3 2.3 execution of the State control over rehabilitation of environment, flora and fauna;
 - 2.4 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 2.5 establishment of international co-operation;
- 2.6 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. 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 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 1.2 Financial coverage of health and property damage caused by violation of environmental regulations;
 - 1.3 1.3 To live in an environment, safe for human health and life;
 - 1.4 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 1.5 Participate in meetings, pickets, processions and demonstrations, referenda devoted to environment protection, within the legal limits;
 - 1.6 1.6 Apply to Government authorities and bodies concerning any questions on environment protection;
 - 1.7 1.7 Offer proposals regarding social ecological expertise;
 - 1.8 1.8 Demand cancellation of the decrees through legal and administrative actions against allocation of area under construction, construction, reconstruction and operation of enterprises, organisations 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 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 1.10 Use other rights identified by legislation as specified in the applicable law.
2. 2. It is civic duty for everyone to protect environment.

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

1. 1. The rights of social unions in terms of environmental protection are as follows:
 - 1.1 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 1.2 To provide public control over environment protection;

- 1.3 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 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 1.5 to participate in negotiations of the draft laws on environment protection;
 - 1.6 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 1.7 to raise a questions regarding lack of commitment and application of legal actions;
 - 1.8 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. 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 organisations 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. 1. Natural resources of the Azerbaijan Republic can be used both by common and individual users;
2. 2. The common use of nature is carried out in compliance with the rules, when use of natural resources by people and organisations 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. 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. 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, rehabilitatin 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 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 1.2 to take measures for environment protection and rehabilitation of nature resources in accordance with existing regulations;
- 1.3 1.3 to pay in time charges and fines imposed for use of natural resources and environment pollution;
- 1.4 1.4 to present necessary information on request of the State controlling bodies, concerning the environment protection;

2. 2. The nature users' rights:

- 2.1 2.1 to use natural resources on purpose;
- 2.2 2.2 to use resources taking them out of their natural environment, at the same time making no harm to the nature.

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

CHAPTER 4

STANDARDISATION 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. 1. The State monitoring systems of environment and natural resources have been identified and is currently used in Azerbaijan Republic.
2. 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 2.1 Observation of the sources of anthropogenic impact to environment and natural resources;
 - 2.2 2.2 observations of spreading, development of exogenous processes and studies of their dynamics;
 - 2.3 2.3 investigation of seismically active zones and forecasting the degree of possible outcomes;
 - 2.4 2.4 assessment of the investigated and observed items and compare them with their initial state.
3. 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. 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. 2. Measurement devices used in environmental monitoring of enterprises should meet the standards of metrology.
3. 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. Standardised 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. Standardisation in environment protection

1. 1. The standards and technical requirements set forth environment protection of Azerbaijan Republic must be registered, proved and implemented as specified by legislation.
2. 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. 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. 2. Economic bases and spheres of activities in terms of environment protection:
 - 2.1 2.1 sponsoring and predicting measures, to be taken towards environment protection;

- 2.2 2.2 payments for nature use;
- 2.3 2.3 payments and fines charged for environment pollution;
- 2.4 2.4 economic incentives in environment protection,;
- 2.5 2.5 establishment of funds for environment protection, grants;
- 2.6 2.6 funds allocated from international institutions for implementation of environmental programs.

3.fines coming from organisations, enterprises, citizens can only be used in financing of environmental protection issues.

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

- 1. 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. 2. Development ways of environmental programs and concepts on multipurpose use of nature are described in the Azerbaijan Republic's legislation.
- 3. 3. Financing of ecological programs and measures in terms of environment are funded from the following sources:
 - 3.1 3.1 state and local budget;
 - 3.2 3.2 environment protection funds;
 - 3.3 3.3 ecological insurance;
 - 3.4 3.4 payments charged for nature use;
 - 3.5 3.5 donations from physical and juridical persons
 - 3.6 3.6 grants and other allocations from the international institutions.
- 4. 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. 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. 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. 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. 2. In accordance with, and as specified by the legislation any State and social funds can be established aimed at environment protection.
3. 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. Sourcing from the State environment protection funds

1. 1. The State environment protection funds are used for the following purposes:
 - 1.1 1.1 implementatin of resource economising technologies, scientific researches;
 - 1.2 1.2 sponsoring construction and reconstruction of environmentally important objects, carried out be the nature users;
 - 1.3 1.3 the works carried out for rehabilitation of nature affected by heavy pollution;
 - 1.4 1.4 compensation of harm to human health and environment, as well as rehabilitation works, caused by environment pollution;
 - 1.5 1.5 rehabilitation of ecological balance, development and implementation of programs, projects, normative-methodical documents;
 - 1.6 1.6 ecological training and education;
 - 1.7 1.7 protection of nature resources;
 - 1.8 1.8 protection and rehabilitation of unique species of flora and fauna subject to total extinction;
 - 1.9 1.9 creation and development material and technical bases for environment protection;
 - 1.10 1.10 organisation and realisation of environment auditing by the State;
 - 1.11 1.11 financial stimulation of specialists working on environment protection
2. 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. 1. Stabilisation of ecological balance of environment will provide new opportunities for health and life protection, rehabilitation of natural resources and their proper utilisation, as well as conditions suitable to carry out scientific assessments and substantiation for identification of ecological norms and standards.
2. 2. Regulating of the degree of disturbance in ecological balance include:
 - 2.1 2.1 identification of impacts of qualitative showings of environment to human health, rehabilitation, proper use and protection of natural resources;
 - 2.2 2.2 identification of maximum permissible norms of hazardous impact.
3. 3. The special permits are not available when identified qualitative showings of environment are falsified and replaced by the reduced ones.
4. 4. The special permits can be available when the changes of quality standards in reverse direction is necessitated by specific and particular conditions.
5. 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. 1. The main showings of the quantitative standards for environment:
 - 1.1 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 1.2 maximum admissible density (viscosity) norms of toxic materials discharged into environment;
 - 1.3 1.3 protection, sanitary protection and conditions of other protected zones.
2. 2. Legislation of Azerbaijan Republic may also recognise other environmental quality standards.

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

1. 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. 2. Identification of maximum permissible norms of discharge points, such as landfills, emissions, effluents and their neutralisation, with consideration of human health, flora and fauna.
3. 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 fertilisers 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 utilisation 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. 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. 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. 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. 2. Examination of ecological state of the terminated or newly established nature user, is carried out with participation of the members of the expert group of the State Committee on Ecology.
3. 3. When re-establishing the nature user all ecological liabilities are inherited by his legal successor.
4. 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 neutralisation 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. 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 neutralisation of toxic wastes and hazardous substances, use safe fuels, economically and effectively use natural resources, and ensuring environmental safety.
2. 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. 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, neutralisation 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 centres, 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. 1. Enterprises, organisation, 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. 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. 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. 4. The concerned bodies should immediately be informed on any cases of radioactive pollution.

Article 45. Ecological requirements set forth the utilisation 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

Organisations 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. 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. 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. 3. When it becomes impossible to treat, recycle or neutralise 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. 4. Calculations and control of industrial and domestic wastes are carried out in compliance with the regulations specified be law.
5. 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 recognised 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 organisations conduct ecological expertise.

Article 51. The State ecological expertise (SEE)

1. 1. The State ecological expertise is carried out by the concerned executive bodies.
2. 2. The methods of expertise are identified by the legislation.
3. 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. 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. 5. The resolution of the expert is a formal document and subject to compulsory implementation. Violation of requirements of the resolution may entail prosecution.

Article 52. Objectives and responsibilities of the State ecological expertise

1. 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. 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. 3. responsibilities of the SEE:
 - 3.1 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 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 3.3 Identification of the quality of environment protection measures and substantiation of such measures.

Article 53. The bases of the SEE

1. 1. International legal obligations;
2. 2. Integration of the laws and scientific substantiation with economic, social, engineering and technical and architectural and other values;
3. 3. The results of complex i.e. social-economic-ecological assessment of the influence of industrial sphere on environment;
4. 4. Legitimate right of people to live in a good and prosperous environment;
5. 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. 6. Presumption of potential danger of improper use of nature;
7. 7. Possible accidents;
8. 8. Considering environmental protection as an integral part of the social development process.

Article 54. The units controlled by the SEE

1. 1. The State and local programs related to development and placement of productive capacities in governmental and economical institutions.
2. 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. 3. Documentation concerning creation of new techniques, technologies, materials and substances, as well as import of the same from abroad.
4. 4. Draft of scientific-methodical and normative-technical documentation concerning environment protection.
5. 5. Certain ecological conditions caused by improper work of industry and extraordinary situations.
6. 6. Ecological conditions of the regions and individual (separate) natural objects and systems.
7. 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. 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. 2. Client or a person preparing project documentation are obliged to:
 - 2.1 2.1 submit documents to the SEE in time;
 - 2.2 2.2 prepare and submit documents in compliance with the SEE requirements;
 - 2.3 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 2.4 finance the examinations conducted by the SEE;
 - 2.5 2.5 provide additional information, necessary for experts' work on their request.

Article 56. Financing the SEE

1. 1. The sources of financing for arrangement the operation of the SEE and the methods must be as identified hereunder:
 - 1.1 1.1 The quality and the resolutions if the SEE must not be dependent on the policy of the concerned organisations;
 - 1.2 1.2 Conditions, suitable for development and improvement of methodologies of the SEE.
2. 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, organisations, 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. 1. Public organisations and other social institutions may carry out public expertise.
2. 2. The methods of PEE organisation and the authorisation of other social institutions to carry out expertise are regulated by legislation.
3. 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. 1. With the purpose of professional skills improvement of stuff as well as public awareness, it is necessary to provide continuous education in all levels, such as pre-school, school, technical college, institute.
2. 2. The State organisations 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. 3. The implementation of education on bases of ecology in educational institutions, regardless of their profile and civil status.
4. 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. 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. 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 2.1 state natural preserves;
- 2.2 2.2 natural and national parks;
- 2.3 2.3 natural monuments (relics);
- 2.4 2.4 temporal natural preserves;
- 2.5 2.5 restricted areas;
- 2.6 2.6 zoological parks;
- 2.7 2.7 botanical and dendrology parks;
- 2.8 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. 5. The areas of special protection can be of transboundary, international, national and local importance.

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

Article 63. The State environment protection statistics

The State statistic in environment protection is conducted by the authorised 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 ophther 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. 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. 2. In case of strong ecological disaster, conditions of extraordinary ecological situations are applied to the territories of the disaster.
3. 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. 1. When populations life and health is exposed to extreme danger caused by unfavourable 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. 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. 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, preferentials 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. 1. The State control in environment protection is carried out by the concerned executive bodies.
2. 2. Responsibilities and obligations of officials implementing the State control in environment protection:
 - 2.1 2.1 In compliance with the legislation, to easily enter the territories of any organisation, enterprises and other object including military and defencive institutions regardless of the forms of estate rank and subordination, to deman any relevant documents and results of analyses (without any payments) necessary for implementing his duties work.
 - 2.2 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 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 utilisation, if the conditions of these documents have been violated ore abused;
 - 2.4 2.4 Control the implementation of resolutions given by the State ecological experts;
 - 2.5 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 2.6 To enquire physical persons to eliminate the consequences caused by violation of regulation on environment protection;
 - 2.7 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 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 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 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 2.11 Apply other legal actions as specified by legislation.

3. 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 organisations 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. 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. 2. Ecological audit is carried out on contractual bases between auditor and enterprise, as specified by law.
3. 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. 1. Juridical and physical persons authorised by special permits, to act as an ecological auditor.
2. 2. Special permit is a document issued by the concerned executive body and authorising a person to act as an auditor.
3. 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 AGAINES VIOLATION OF LEGISLATION ON ENVIRONMENTAL ISSUES AND DISPUTE SETTLIN

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. 1. Juridical and physical persons must pay the damages of environment, human health, properties of people and organisations, caused by violation of the environmental regulations of Azerbaijan Republic.
2. 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. 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. 4. Enterprises must pay the damages caused by violation of environmental regulation and their activity, if their guilt is proved.
5. 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. 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

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