

## **THE "ENVIRONMENTAL PROTECTION" LAW OF THE AZERBAIJAN REPUBLIC**

This Law governs the legal, economic and social framework for environmental protection. The purpose of this Law is to guarantee environmental safety and the ecological balance of the environment, prevent the impact of socioeconomic and other activities, preserve biological diversity, and effectively manage the use of nature.

This Law governs mutual relations between society and nature for the purpose of improving the quality of the environment, using and renewing natural resources efficiently, and enforcing environmental protection laws and legal procedures.

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1. Basic Terms and Definitions**

The following terms and definitions are used in this Law:

**environment** - the animate and inanimate nature around people, regardless of their activity;

**ecology** - a science that studies the ecological balance and the natural factors, anthropogenic (human) activity, and physical processes that affect this balance;

**natural resources** - the earth, minerals, plant cover, flora, fauna, and water and energy sources that are present in the environment and meet human needs;

**environmental protection** - the protection and conservation of all life forms and the prevention of qualitative and quantitative changes;

**nature use** - the use of nature for the purpose of meeting the socioeconomic needs of humans and making efficient and economical use of natural resources without upsetting the ecological balance and with provision for the needs of future generations;

**environmental monitoring** - scientific quantitative and qualitative monitoring of pollutant emissions and liquid and solid discharges resulting from natural and anthropogenic impacts;

**ecosystem** - a unique combination of plant cover, flora, wildlife, fauna, earth, watersheds, and energy sources that interact and are part of nature;

**ecological balance standards** - quality standards and data governing the use of the environment for human needs, the preservation of biological diversity, and the sustainable use of ecosystems;

**environmental impact** - chemically, biologically, and physically hazardous technical operations and operational errors that cause qualitative and quantitative changes in different ecosystem components and activities involving the wasteful use of natural resources;

**environmental quality parameters** - products that meet the requirements of health and environmental regulations and standards approved by the proper governmental authorities and will not upset the ecological balance [?].

## **Article 2. The Environmental Law of the Azerbaijan Republic**

The environmental law of the Azerbaijan Republic shall consist of the Constitution of the Azerbaijan Republic, this Law, and other laws and regulations.

## **Article 3. Basic Environmental Principles**

Environmental protection shall be based on the following principles:

- the balanced achievement of social, economic, moral, and aesthetic objectives;
- the maintenance of ecological balance in areas and the rehabilitation of damaged natural ecosystems;
- the efficient use and renewal of natural resources and economic incentives for environmental protection;
- the preservation of biological diversity;
- national enforcement and accountability for violations of environmental laws;
- the prevention and assessment of environmental damage;
- the participation of the general public and civic organizations in environmental protection;
- international cooperation in the field of environmental protection.

## **CHAPTER II POWERS AND DUTIES IN THE ENVIRONMENTAL FIELD**

### **Article 4. The Powers and Duties of the State in the Environmental Field**

1. In the environmental field, the state shall have the power to:

- 1.1. formulate the basic principles of national policy and strategic actions to implement it;
- 1.2. define procedures for the development and approval of environmental quality standards for economic and other activities;
- 1.3. approve the charters of national environmental funds and ensure that they are used for their intended purpose;
- 1.4. issue decisions on natural resources use, set nature use limits and quotas, and sign contracts as provided by law;
- 1.5. approve natural resources use regulations and permit issuance procedures for issuing proper permits to natural resources users,;
- 1.6. approve and implement conceptual plans and comprehensive programs for the use, conservation, and renewal of natural resources and determine national inventory and national registration procedures for natural resources;
- 1.7. determine official monitoring procedures for the environment and natural resources;
- 1.8. approve a list of environmentally hazardous economic activities, the procedures for issuing permits for said activities, and a list of products (work performed and services rendered) requiring environmental standardization and certification;
- 1.9. approve the list of special environmental sites of scientific, environmental, and biological importance and establish national reserves, national and nature parks, natural areas, and other protected sites;
- 1.10. determine the procedures for providing environmental information and official statistics;
- 1.11. determine environmental audit procedures;
- 1.12. issue special permits for hazardous industrial activities and pollutant emissions and discharges, sign contracts, and determine natural resource use ceilings and quotas;

- 1.13. approve expenditures in the field of environmental protection and rehabilitation;
2. The duties of the government in the field of environmental protection;
  - 2.1. design ecological balance and natural resource use programs;
  - 2.2. arrange official environmental reviews;
  - 2.3. enforce laws and regulations in the field of environmental, wildlife, and plant protection and conservation, rehabilitation, and use;
  - 2.4. maintain a national list of rare and endangered plant and animal species ("The Red Book");
  - 2.5. engage in international cooperation;
  - 2.6. perform other duties as provided by the law of Azerbaijan;

## **Article 5. The Environmental Powers of Local Governments**

Local governments shall exercise powers in the field of environmental protection as provided by law.

## **Article 6. Rights and Obligations of Citizens in the Field of Environmental Protection**

1. Citizens, stateless persons, and foreigners (hereinafter "citizens") shall have the right to:
  - 1.1. obtain accurate information on the environment as it affects their lives and health, its condition, and efforts to improve its condition;
  - 1.2. receive compensation for damage to health and property caused by violations of environmental law;
  - 1.3. live in an environment that is good for life and health;
  - 1.4. use natural resources in accordance with the prescribed procedures, take actions to conserve and renew natural resources, and participate in protecting and improving the environment;
  - 1.5. participate in meetings, rallies, picket lines, marches, demonstrations, and referenda devoted to environmental protection;
  - 1.6. petition governmental environmental protection agencies and organizations;
  - 1.7. propose citizen environmental reviews;
  - 1.8. request administrative and judicial revocation of decisions concerning the siting, construction, renovation, and operation of plants and other environmentally hazardous facilities that will affect human health and the environment and the restriction, suspension, or termination of the activities of individuals and legal entities;
  - 1.9. file suit in court against organizations, public officials, and citizens for violations of environmental law;
  - 1.10. exercise other rights as provided by law;
2. Everyone shall be obligated to protect the environment.

## **Article 7. The Rights and Obligations of Civic Organizations in the Field of Environmental Protection**

1. Civic organizations in the field of environmental protection shall have the right to:
  - 1.1. design and promote their environmental programs, protect the rights and interests of citizens, and involve citizens in this activity;
  - 1.2. exercise public oversight in the field of environmental protection;
  - 1.3. obtain complete and accurate information from the governmental authorities on the condition of the environment and its recovery;

- 1.4. perform certain services under contract with governmental authorities and international organizations as provided by environmental law;
- 1.5 participate in the discussion of environmental projects;
- 1.6. request administrative and judicial revocation of decisions concerning the location, construction, renovation, and operation of plants and other environmentally hazardous facilities that will affect human health and the environment and the restriction, suspension, or termination of the activities of individuals and legal entities;
- 1.7. raise the issue of holding organizations, public officials, and citizens accountable;
- 1.8. file suit in court against organizations, public officials, and citizens for violations of environmental law.

2. Civic organizations shall be obligated to act in accordance with environmental law and the law governing civic organizations.

### **CHAPTER III NATURE USE**

#### **Article 8. Nature Users**

Nature users may be legal entities and individuals (including foreign users), government agencies, non-governmental organizations, permanent and temporary users, original users, and secondary users:

- foreign users - foreign legal entities and individuals, international associations and organizations;
  - permanent users - users entitled to use nature for an indefinite period;
  - temporary users - users entitled to use nature for a fixed period;
- original users - users that acquired nature use rights directly from the government;
  - secondary users - users obtaining nature use rights from original users.

#### **Article 9. Common and Individual Nature Use**

Resources in the Azerbaijan Republic may be used in common and individually.

2. Nature shall be used in common free of charge for the purpose of meeting the basic needs of the public. Nature use may be restricted in cases provided for by law

3. Natural resources shall be made available to users in accordance with the procedures specified in the law during the period of nature use. Individual use of nature may be ongoing or temporary, for payment or free of charge, and original or secondary.

4. Individual or limited nature use rights (easements) shall be governed by the law of the Azerbaijan Republic.

#### **Article 10. Nature Use Limits and Quotas**

Nature use limits and quotas shall define the maximum levels of natural resources use for a specific period and govern the disposal of environmental, domestic and industrial wastes.

Limits and quotas shall be set by the executive authorities.

#### **Article 11. Special Permit for Nature Use**

Special natural use permits shall certify the holder's authorization to engage in a specific activity.

Special nature use permits shall be issued by the proper executive environmental protection authority.

### **Article 12. Government Regulation of Nature Use**

The government shall regulate the use, renewal, and conservation of natural resources by designing national programs, keeping national resources inventories and records, and monitoring.

### **Article 13. Duties and Rights of Nature Users**

1. Nature users shall be obligated to:

- 1.1. comply with applicable environmental and technical requirements and regulations, and qualitative and quantitative environmental standards;
- 1.2. take the actions necessary to protect the environment and renew natural resources;
- 1.3. pay natural resources use and environmental pollution fees and fines;
- 1.4. submit necessary information at the request of environmental authorities;

2. Nature users shall have the right to:

- 2.1. use nature for its intended purpose;
- 2.2. use allocated resources without causing economic damage;

3. The rights of nature users shall be protected by law. Restitution shall be made for violations of the rights of nature users in accordance with the procedures prescribed by the law of Azerbaijan.

### **Article 14. Activities Requiring a Special Nature Use Permit**

A special permit shall be required for use of the separate kinds of natural resources and following nature use activities:

- accumulation of environmental pollutants;
- the transportation, burial, and storage of hazardous industrial and domestic wastes;
- environmental audits;
- potentially environmentally harmful industrial activities;

### **Article 15. Natural Resource Use Contracts**

1. An agreement (contract) for use of natural resources shall be concluded between the user and proper executive authority in the cases provided for by law and in accordance with the prescribed procedure.

2. A natural resource use contract concluded by a nature user shall be invalid if the nature user does not have a special permit in cases where special permits are required.

3. The terms of the contract shall be invalid when the special permit is inconsistent with the contract. The contract shall be invalid if the special permit is revoked.

4. A natural resource use contract shall only take effect after it has been endorsed by the proper executive environmental authority.

**CHAPTER IV**  
**INVENTORYING AND MONITORING THE ENVIRONMENT AND**  
**NATURAL RESOURCES AND STANDARDIZATION AND CERTIFICATION**

**Article 16. National Inventory of National Resources**

A uniform national inventory of natural resources shall be taken and maintained for the purpose of obtaining quantitative and qualitative environmental data and meeting economic requirements.

The areas where the national inventory is taken shall be delineated by appropriate legislation. The procedures for taking the national inventory in these areas shall be governed by regulations approved by the executive authority.

**Article 17. Governmental Monitoring of Environment and Natural Resources**

1. A governmental environmental and natural resources monitoring system shall be established and maintained in the Azerbaijan Republic.

2. The monitoring system shall be used to manage the environment and natural resources and shall include the establishment of the appropriate databases and information system. The system shall monitor:

- 2.1. the state of the environment and natural resources and anthropogenic impact on same;
- 2.2. the emergence, development, and trends of exogenous processes;
- 2.3. the seismic activity of areas and monitoring for earthquake forecasting purposes;
- 2.4. the condition of monitoring areas and their changes relative to the baseline;

3. The procedures for governmental environmental and natural resources monitoring shall be governed by regulations approved by the executive authority.

**Article 18. Industry Environmental Monitoring**

1. Legal entities (nature users) shall be obligated to conduct industry monitoring and prepare and file assessments of the impact of their activities.

2. The measuring systems used in industry monitoring must meet standardization and meteorological requirements.

3. Industry monitoring reports shall be submitted to the proper executive authorities of the Azerbaijan Republic according to the schedule approved by said authorities.

**Article 19. The Objects of Environmental Standardization and Certification**

The objects of environmental standardization and certification shall include the environmental safety of products (work performed, services rendered) and technologies produced in or imported into the Azerbaijan Republic that may be hazardous to human life and health or the renewal and efficient use of natural resources.

**Article 20. Standardization in the Field of Environmental Protection**

1. The environmental standards and technical requirements of the Azerbaijan Republic shall be registered, approved and applied in accordance with the procedures prescribed by law.

2. In the event of violations of applicable environmental standards and technical requirements, the design, manufacture, sale (marketing), storage, transportation, use (operation) and repair of products and the performance of work and services shall be prohibited.

### **Article 21. Environmental Certification**

Certification as prescribed by law shall be conducted to determine whether the products, work, services and activities in the environmental field meet applicable standards and technical requirements.

The manufacture (performance) of any products (work, services) subject to mandatory certification that do not have the proper certificates shall be terminated.

## **CHAPTER V ECONOMIC REGULATION IN THE FIELD OF ENVIRONMENTAL PROTECTION**

### **Article 22 The Economic Principles of Environmental Protection**

1. The economic principles of environmental protection and natural resources use shall be designed to give nature users greater incentives to design, plan, and implement environmental safeguards, and use, renew, and augment natural resources more efficiently.

2. The economic framework for environmental protection shall include:

- 2.1. the planning and funding of environmental programs;
- 2.2. nature use fees;
- 2.3. nature use fees and sanctions for pollution of environment;
- 2.4. economic incentives in the field of environmental protection;
- 2.5. the establishment of environmental protection funds; -grants;
- 2.5. funds allocated by international organizations for environmental programs.

3. Pollution fines paid by businesses, organizations and individuals shall be used to fund environmental programs.

### **Article 23. The Planning and Funding of Environmental Programs**

1. Environmental protection efforts shall take the form of national programs and basic conceptual plans for different kinds of natural resources use.

2. The development of environmental programs and conceptual plans for different kinds of natural resources use shall be governed by the law of the Azerbaijan Republic.

3. Environmental programs and efforts shall be funded from the following sources:

- 3.1 national and local budgets;
- 3.2. environmental funds;
- 3.3. environmental insurance funds;
- 3.4. nature use fees;
- 3.5. voluntary contributions from legal entities and individuals;

3.6. grants and other appropriations by international organizations.

4. Environmental funding shall be included as separate line items in budgets of all levels.

#### **Article 24. Fees for Pollution and Use of Natural Resources**

1. Compensation for environmental pollution and the disposal of industrial and domestic waste and natural resource use fees shall be collected from enterprises, organizations, and individuals.

2. Fines for excessive pollution shall be paid in accordance with the procedures and amounts established by law.

#### **Article 25. Economic Incentives in the Environmental Field**

Economic incentives in the environmental field shall include reasonable subsidies and other incentives.

Economic incentives in the environmental field shall be provided in a manner not contrary to law.

#### **Article 26. Environmental Insurance**

Environmental insurance in the use of natural resources shall include insurance for the civil liability of natural resource user legal entities and individuals for the damage that may be caused to the environment and third parties in the event of a certain insured casualty.

Legal entities and individuals engaged in environmentally hazardous activities shall be insured in accordance with the mandatory procedures prescribed by law. Legal entities and individuals may also obtain environmental risk insurance on a voluntary basis. The kinds, terms and rules of voluntary insurance shall be negotiated by the insured legal entities and individuals and the insurers.

#### **Article 27. Environmental Funds**

1. Environmental funds shall be established for funding urgent environmental protection, rehabilitation, and damage compensation programs.

2. National and private environmental funds may be established in accordance with the procedures prescribed by law.

3. The national environmental fund shall be established from nature use fees, fines for violations of environmental law, the proceeds from the sale of confiscated hunting and fishing implements and the illegal fruits of their use, grants, voluntary contributions, and other sources not contrary to the law of Azerbaijan.

#### **Article 28. The Use of National Environmental Funds**

1. National environmental funds shall be used for the following purposes:

1.1. research and the introduction of resource-saving and environmentally sound technologies;



- 1.2. financing the construction and renovation of environmental protection facilities by nature users;
  - 1.3. programs to repair the damage caused by pollution;
  - 1.4. compensation for damage caused to public health and the environment by pollution and other adverse impact;
  - 1.5. restoring the disturbed ecological balance, the design and implementation of programs and projects, and the drafting of standard procedures;
  - 1.6. environmental training and education;
  - 1.7. protected areas;
  - 1.8. the protection and restoration of rare and endangered plants and animals;
  - 1.9. infrastructure and equipment for environmental authorities;
  - 1.10. the organization and conduct of official environmental monitoring;
  - 1.11. incentive payments for environmental specialists;
2. The use of environmental funds for purposes other than protecting the environment shall be prohibited.

### **Article 29. Private Environmental Funds**

Private environmental funds shall be established with funds from civic organizations, grants and donations from legal entities and individuals, and other sources not contrary to the law of Azerbaijan. These funds shall be established by civic organizations and shall be used for purposes of environmental protection and the effective and comprehensive use of natural resources.

Decisions concerning the funds in question approved by the concerned civic organizations shall govern the procedure for establishing and using said funds.

## **CHAPTER VI REGULATION OF THE ECOLOGICAL BALANCE OF THE ENVIRONMENT**

### **Article 30. Regulating the Degree of Disturbance of the Ecological Balance**

1. The purpose of governing the ecological balance of environment shall be to define applicable scientifically based environmental impact standards that will safeguard environmental safety and public health, ensure the efficient use and renewal of natural resources, and prevent environmental pollution.
2. Regulating the degree of disturbance of the ecological balance shall include the following:
  - 2.1. determining the effect of environmental quality data on public health and the efficient use and renewal of natural resources;
  - 2.2. determining permissible maximum impact levels;
3. Established environmental quality standards may not be replaced with lower standards.
4. Depending on the specific condition of the environment, environmental standards may be adjusted downward.
5. All approved environmental quality standards shall be mandatory for legal entities and individuals. These standards must be published in the media and disseminated.

### **Article 31. Basic Environmental Quality Standards**

1. Basic environmental quality standards shall include the following:

- 1.1. maximum permissible pollutant discharges and emissions into the environment, noise, vibration, electromagnetic radiation and other harmful physical factors, radiation hazard levels, and maximum application standards for agricultural chemicals in agriculture and forestry;
- 1.2. applicable maximum concentrations of environmentally hazardous substances;
- 1.3. the status of protected areas and health and other buffer zones.

2. The law of Azerbaijan may impose other standards as well. Pollution standards must be included in the regulations.

### **Article 32. Permissible Pollutant Discharge and Emission Standards**

1. Permissible levels of potentially hazardous chemical and biological substances polluting the air, water, soil, and subsoil shall be determined for the purpose of protecting public health, plant and animal life, and gene pools.

2. Permissible levels of noise, vibration, electromagnetic radiation and other harmful physical factors, and radiation hazards shall be determined for the purpose of protecting public health, plant and animal life, and gene pools.

3. Permissible levels of noise, vibration, electromagnetic radiation and other harmful physical factors, and radiation hazards and other physical factors shall be determined for the purpose of protecting public health and fitness and plant and animal life.

### **Article 33. Regulating the Use of Agricultural Technology and Agricultural Chemicals in Agriculture and Forestry**

In order to protect human health, gene pools, plants, and animals, the use of chemicals, growth stimulators, other chemicals, and agricultural technology in excess of prescribed standards shall be prohibited.

### **Article 34. Health and Other Buffer Zones**

Health and other buffer zones shall be delimited for the purpose of preventing adverse impact on the environment and protected natural sites and areas.

Health and other buffer zones and the procedures for their use shall be governed by legislation.

## **CHAPTER VII ENVIRONMENTAL REQUIREMENTS IN ECONOMIC AND OTHER FIELDS**

### **Article 35. Environmental Requirements for the Use of Natural Resources**

Environmental requirements shall be governed by laws and regulations for the use of soil, mineral resources, air, water bodies, forests and other vegetation, animals, environmental objects of particular scientific and cultural value, protected natural areas, and environmental disaster zones.

Hazardous activities that will upset the natural ecological balance or destroy the gene pools of humans, plants, and animals and activities that are hazardous to human life and health shall be prohibited.

### **Article 36. Environmental Requirements for Design**

The designers of plants, buildings and facilities, industrial and agricultural operations, water and drainage systems, hydraulic structures, transportation and communications facilities, industrial processes, products, equipment, and other items, must take environmental quality standards into consideration and provide for the treatment and disposal of hazardous wastes, the implementation of low-waste or waste-free technologies, and effective safeguards for preventing environmental pollution.

### **Article 37. Environmental Requirements for the Siting of Plants, Buildings, and other Facilities**

The sites of plants, buildings, and other facilities shall be chosen in a manner that will protect the environment and ensure the efficient use and renewal of natural resources.

Health and other buffer zones shall be delimited in the process of selecting sites for plants, buildings, and other facilities.

### **Article 38. Environmental Requirements for the Construction and Renovation of Plants, Buildings, and Other Facilities**

Plants, buildings, and other facilities may only be built on the basis of a favorable review from an official environmental review board. Reducing the cost of an approved project design or project operations to the detriment of environmental safety requirements shall be prohibited.

Steps must be taken to rehabilitate the land, ensure the renewal and efficient use of natural resources, reclaim the land, and improve the environment in the construction process.

### **Article 39. Environmental Requirements and Obligations during Bankruptcy**

When the issue of bankruptcy of a legal entity nature user is raised, the entity's environmental condition shall be audited.

Environmental audits for bankruptcy purposes shall be conducted by an independent expert.

When a report of bankruptcy of a business is received by a proper executive authority, the creditors' interests in environmental obligations must be taken into consideration.

**Article 40. The Consideration of Environmental Requirements and  
Obligations in the Liquidation and Re-Organization of a Nature User**

1. When a nature user is liquidated or re-organized, it shall undergo an environmental audit and (or) when re-organization documents are prepared, the recommendations of environmental experts shall be included in the re-organization documents and subsequently implemented.
2. The official environmental review authority shall participate in environmental audits of nature users undergoing liquidation or re-organization.
3. When a nature user is re-organized, environmental obligations shall devolve upon its legal successor.
4. Environmental requirements for nature use must take creditors' interests into account.

**Article 41. Environmental Requirements for the Operation of  
Plants, Buildings, and Other Facilities**

Plants, buildings, and other facilities must be operated so as to meet all the environmental requirements specified in the environmental design.

The operation of plants, buildings, and other facilities shall be prohibited if businesses, organizations, and institutions are not equipped with waste treatment systems and equipment capable of maintaining maximum permissible pollutant levels and a natural resource conservation and land reclamation plan has not been prepared.

**Article 42. Environmental Requirements for the Operation of Industrial,  
Energy, Transportation, and Communications Systems and Agricultural and Irrigation  
Systems**

1. Industrial, energy, transportation, communications, and agricultural systems and communication, and agricultural and irrigation systems shall incorporate pollution control systems, health buffer zones, and environmentally sound technologies and meet specific environmental requirements. They must be equipped with effective waste treatment and management systems, utilize efficient fuels and natural resources in an economical and efficient way, and include environmental safeguards.
2. The construction of nuclear power plants shall be prohibited in densely populated areas, in the vicinities of historical and natural landmarks, and in traditional public recreational and health resort areas.
3. For the purpose of reducing air pollution, vehicle emissions inspection stations with the proper equipment shall be built on the highways and shall operate on a regular basis.

**Article 43. Environmental Requirements for Urban and Other  
Community Planning**

Environmental requirements must be taken into consideration in designing, building, and renovating towns and other communities in order to ensure good living and recreational conditions for the residents.

In designing, building, and renovating cities and other communities, provision must be made for the collection, processing, treatment, and disposal of domestic waste. In big cities and industrial centers, forest parks, green belts, and preserves must be established under restrictive nature use procedures.

#### **Article 44. Environmental Requirements for Handling Radioactive Materials**

1. Businesses, institutions and organizations shall be obligated to comply with regulations for transporting, burying, using, storing, transporting, and producing radioactive materials, to refrain from exceeding maximum permissible radiation standards, and take actions to clean up radioactive contamination.
2. Transportation, processing and burial shall be regulated by the government. These operations shall be conducted in areas designated by the proper executive authority and in the presence of an official of this authority.
3. Unless provided otherwise by law, the importation of radioactive waste from other regions and abroad into the Azerbaijan Republic for purposes of storage and burial and the transportation of said waste in transit through the Republic shall be prohibited. Radioactive wastes and materials may not be buried underground without safeguards to prevent the release of radioactive materials into the environment.
4. The proper authorities shall be informed immediately of the detection of environmental radioactive contamination.

#### **Article 45. Environmental Requirements for the Manufacture and Use of Potentially Hazardous Chemical and Biological Substances**

The production and use of potentially hazardous chemical and biological substances shall be specially permitted only after the requisite health toxicological and environmental toxicological tests have been conducted, environmental standards have been determined, and the substances have been officially registered as prescribed by law

If adequate environmental data are unavailable, the artificial introduction and breeding of plants and animals that are foreign to a location shall be allowed with the special permission of the proper executive authorities.

#### **Article 46. Protecting the Environment from Physical Factors**

Organizations and citizens shall be obligated to take the necessary precautions to prevent and eliminate noise, vibration, electromagnetic radiation, and other harmful physical factors in industrial, public, and residential areas, streets, and recreational areas.

The need to maintain an ecological balance shall be taken into consideration in designing and building towns and other communities, designing, building, and renovating industrial and other buildings, and introducing new technologies and transportation and communications systems.

#### **Article 47. Protecting the Environment from Industrial and Domestic Waste**

1. Industrial and domestic wastes shall be collected, disposed of, and buried in places designated by orders of local executive authorities with the approval of the proper executive environmental authorities.

2. The transportation of wastes in the territory of the Azerbaijan republic for purposes of recycling, burial, or storage shall only be permitted with the express approval of the proper executive authority.

3. The importation of any products that do not have proven waste management technologies shall be prohibited.

4. Official records of industrial and domestic wastes shall be kept in accordance with the procedures prescribed by law.

The requirements for waste shall be governed by this Law and regulations that apply exclusively to waste.

#### **Article 48. Environmental Requirements for Military and Defense Units**

Unless provided otherwise by the law of the Azerbaijan Republic, the environmental requirements defined by this Law shall fully apply to military and defense units.

#### **Article 49. Protection of the Earth's Climate and the Ozone Layer of Atmosphere**

Protection of the Earth's climate and the ozone layer of the atmosphere shall be governed by the law of Azerbaijan and international treaties (agreements) to which Azerbaijan is a party.

### **CHAPTER VIII ENVIRONMENTAL REVIEWS**

#### **Article 50. Environmental Review**

Environmental review is defined as determination of the potential adverse impact of human economic activity on the environment and determination of the compliance of economic activity with environmental standards and requirements for prevention and forecasting purposes.

Official environmental reviews of the Azerbaijan Republic shall be conducted by the proper executive authorities and civic organizations.

#### **Article 51. Official Environmental Review.**

1. Official environmental reviews shall be conducted by the proper executive authorities.

2. Official environmental review procedures shall be governed by the law.

3. The production and distribution of manufactured goods and foods, the performance of services and work, and the importation of said goods, work, and services into the Azerbaijan Republic shall be prohibited without a favorable official environmental review opinion concerning the items subject to review.

4. Any project involving the use of mineral resources shall be subject to a geological review in accordance with the procedures prescribed by law prior to an environmental review.
5. An official environmental review opinion is an enforceable official act, and non-compliance with its requirements may be the subject of litigation.

#### **Article 52. The Purpose and Objectives of an Official Environmental Review.**

1. An official environmental review shall be organized and conducted by the proper executive authorities to determine the completeness and accuracy of environmental impact assessments, compliance with applicable safety regulations, and the effectiveness of the proposed environmental safeguards for industrial and other activities.
2. An official environmental review is designed to establish rules essential for environmental protection and prevent decisions that may have an adverse environmental impact.
3. The objectives of an official environmental review:
  - 3.1. Determination of the magnitudes of the environmental hazards of industrial and other activities that may now or in the future directly or indirectly impact the environment and public health;
  - 3.2. Assessment of the compliance of the planned economic and other activities with the requirements of the law and public health codes;
  - 3.3. The suitability and quality of the proposed environmental safeguards;

#### **Article 53. The Basic Principles of Official Environmental Reviews**

Official environmental reviews shall be based on the following principles:

1. The requirements of international law;
2. A combination of legality, scientific validity, transparency, environmental, social, engineering, technical, planning, economic and other principles;
3. A comprehensive socio-environmental-economic assessment of the impact of economic and other activities;
4. Guarantees of the right of all people to good environmental conditions for their health and well-being;
5. An emphasis on the importance of the protection and preservation of the ecological balance, gene pool, and biological diversity for present and future generations;
6. The presumption of the potential risk of uncontrolled nature use;
7. The prediction of potential emergencies;
8. Environmental impact assessments shall be considered an integral part of social development.

#### **Article 54. The Subjects of Official Environmental Reviews**

The subjects of official environmental reviews are as follows:

1. All types of documentation related to the development and use of the country's and industries' productive assets;
2. Feasibility studies, projects, environmental impact assessments (EIAs) of industrial facilities and complexes, including the construction (reconstruction, renovation, and installation of equipment) and liquidation of joint ventures with foreign legal entities and individuals;
3. Documentation related to the production and importation of new equipment, technologies, products and materials;
4. Drafts of environmental law, statutes and legal, procedural, and technical documents;
5. The condition of the environment as a result of industrial or other activities;
6. Environmental conditions in a region and different natural components and complexes (ecosystems);
7. The environmental sections of draft agreements and contracts related to the use of the natural resources of the Azerbaijan Republic.



#### **Article 55. Funding of Industrial Projects and Responsibilities of Client.**

1. Funding for the projects enumerated in Article 53 of this Law shall only be permitted after projects have been approved by an official environmental review.
2. The client and preparer of the project documentation shall be responsible for:
  - 2.1. submitting the documents enumerated in Article 53 of this Law to the official environmental review board;
  - 2.2. preparing the documents submitted in accordance with official environmental review requirements;
  - 2.3. funding and performing work (additional research, measurements, sampling, analyses etc.) required by the official environmental review board;
  - 2.4. funding the official environmental review;
  - 2.5. providing any information deemed necessary for the work of the review board (panel, expert) at its request.

#### **Article 56. Funding of Official Environmental Reviews.**

1. Funding sources and procedures for the organization and conduct of official environmental reviews shall be designed to ensure:
  - 1.1. the impartiality of the review from the standpoint of the parties concerned;
  - 1.2. the conditions for development and improvement of official environmental review;
2. Official environmental reviews shall be funded from the national budget and by the client.

#### **Article 57. Execution of the Decisions of the Official Environmental Review Board and the Accountability of the Reviewers.**

Senior officials, officials, and other employees of organizations, enterprises and companies shall be held accountable by law for complying with the official opinion of an official environmental review board. Decisions contrary to said opinions shall be considered invalid and unenforceable.

Officials and other employees of an official environmental review board shall be responsible for the accuracy, adequacy and completeness of their decisions.

#### **Article 58. Civic Environmental Reviews.**

1. Civic organizations and other groups of people may conduct civic environmental reviews.
2. The organizational forms and powers of civic organizations in the field of civic environmental reviews shall be governed by law.
3. Civic environmental review opinions shall be informative and deliberative in nature.

**CHAPTER IX**  
**EDUCATION, TRAINING, RESEARCH, STATISTICS AND INFORMATION**  
**IN THE FIELD OF ECOLOGY AND ENVIRONMENTAL PROTECTION**

**Article 59. General Environmental Training and Education.**

1. Ongoing and coherent environmental training and education in preschools, schools, educational institutes and universities shall be provided in order to improve the level of environmental knowledge in the society and the quality of professional training for specialists.
2. Government agencies and civic associations shall disseminate environmental knowledge in the mass media in a manner not contrary to law in order to spread environmental knowledge among the general public.
3. Basic environmental science must be included in the curricula of all educational institutions, irrespective of their specialization or form of ownership. Educational programs and textbooks shall be drafted in compliance with the law.
4. Officials responsible for adverse environmental impact shall be required to undergo mandatory environmental education and learn the basics of environmental law.

**Article 60. Scientific Research in the Environmental Field.**

Appropriate efforts must be made as prescribed by law to organize environmental research and development.

These efforts shall be funded from the national budget and other sources.

**Article 61. The National Conservation System**

The National Conservation System shall include several environmental components of unique environmental, scientific, genetic, educational, and historical interest.

The National Conservation System shall be protected by imposing restrictions and bans concerning objects of scientific, environmental, historical, and genetic value.

**Article 62. Protected Areas**

1. Natural complexes and sites of special environmental, scientific, cultural, and aesthetic interest inhabited by endangered species and land or water areas wholly or partially and temporarily or permanently off-limits to human activity shall be considered protected areas.
2. The following status shall be assigned to the areas in question on the basis of their specific protection and use attributes:
  - 2.1. National preserves, including biosphere preserves;
  - 2.2. National and nature parks;
  - 2.3. Natural landmarks;
  - 2.4. Temporary nature preserves;
  - 2.5. Wildlife sanctuaries;
  - 2.6. Zoos;

- 2.7. Botanical gardens and arboretums;
  - 2.8. Health resorts.
3. Other protected areas may be established as provided by the law of Azerbaijan.
4. Protected areas may have international, regional, national or local status.
5. The procedures for organizing protected areas, their protection and use status, and their operating conditions shall be governed by the laws and pertinent regulations of Azerbaijan.

#### **Article 63. Official Environmental Statistics.**

Official environmental statistics shall be kept by the proper executive authorities on the basis of the principles of objectivity and compliance with international statistical practices.

The minimum content requirements and procedures for maintaining official environmental statistics shall be governed by laws and regulations.

#### **Article 64. Environmental Information.**

Environmental information shall include information on the condition of the environment, the funding of activities related to environmental pollution, rehabilitation, and protection, the renewal and conservation of natural resources, environmental impact, environmental quality standards, and environmental requirements for industrial and other activities.

Officials in the environmental field shall be held accountable for knowingly providing false information or delaying or withholding information.

### **CHAPTER X ENVIRONMENTAL EMERGENCIES AND ENVIRONMENTAL DISASTER AREAS.**

#### **Article 65. Environmental Emergencies**

1. Environmental emergency - a disaster caused by the impact of inexorable forces of nature or an industrial accident resulting in the disturbance of the natural balance and hazards for human, plant, and animal life.
2. Environmental emergencies may be declared as provided by law in specific areas of the Azerbaijan Republic due to natural disasters or major environmental and other disasters.
3. In the event of an environmental emergency, certain kinds of industrial activities and nature use may be prohibited or restricted. Emergency measures shall be taken to rehabilitate natural resources and the environment and provide relief for the public as prescribed by law.

#### **Article 66. Environmental Disaster Areas**

1. Environmental disaster areas may be declared in areas where public health has been significantly impaired and (or) environmental systems have been destroyed and plant and animal life has been lost as a result of adverse environmental conditions.

2. Environmentally disaster areas shall be divided into smaller zones on the basis of emergency conditions and dominant factors.

3. Measures designed to renew natural resources and rehabilitate the natural environment and provide medical care for the public shall be taken in the smaller zones in accordance with programs approved by the proper executive authority.

#### **Article 67. Measures to be Taken in Environmental Disaster Areas.**

The following urgent measures may be taken in environmental disaster areas:

The industrial activity resulting in the adverse environmental situation may be suspended;  
The operation of businesses and organizations that are harmful to public health and the environment may be suspended temporarily;  
Certain kinds of nature use may be restricted;  
Residents may be evacuated if necessary.

#### **Article 68. Relief for Victims of Environmental Disasters**

Citizens who have sustained damage as a result of an environmental disaster and citizens residing in environmental disaster areas shall be entitled to compensation for said damage, including pensions, benefits, and other aid.

The procedures for compensating the victims of environmental disasters shall be governed by social welfare legislation.

#### **Article 69. Procedures for Declaring an Environmental Emergency and Environmental Disaster Area.**

Environmental emergencies shall be declared as provided by law in specific areas of the Azerbaijan Republic in the event of an environmental disaster or major environmental or other emergency.

The proper executive authorities shall determine the boundaries of environmental disaster areas.

### **CHAPTER XI ENVIRONMENTAL ENFORCEMENT**

#### **Article 70. The Methods and Forms of Environmental Enforcement**

Environmental enforcement shall include monitoring environmental changes caused by industrial and other activities and its rehabilitation and protection, the efficient use of natural resources, and compliance with environmental quality standards and requirements.

Environmental enforcement in the Azerbaijan Republic shall be conducted at the governmental, plant (industry), and civic levels.

#### **Article 71. Government Environmental Enforcement**

1. The proper executive authority shall be responsible for environmental enforcement.

2. Officials of the proper executive environmental authorities shall have the authority to:

2.1. gain unimpeded access (upon presenting their credentials) to organizations and other facilities, including military installations, in accordance with the procedure prescribed by law regardless of their ownership, to examine relevant and necessary records, test results, and other documentation and use their facilities free of charge;

2.2. enforce environmental protection and rehabilitation and natural resources renewal and use programs and compliance with environmental quality standards and inspect the performance of treatment systems;

2.3. inspect compliance with special natural resources use and renewal permits and specific environmental safeguards and compliance with nature use agreements (contracts) and move to suspend said permits and agreements as provided by law;

2.4. inspect compliance with the decisions of an official environmental review board;

2.5. make decisions as provided by law concerning the importation and transit into and through the Azerbaijan Republic of freight (products), wastes, and raw materials that do not comply with environmental requirements and may adversely affect environmental quality;

2.6. require legal entities and individuals to remedy the effects of environmental violations;

2.7. move to restrict or suspend temporarily activities at plants, facilities and enterprises in violation of environmental requirements, suspend funding, and prohibit the use of the offending equipment, restrict industrial and other activities and petition to terminate such activities;

2.8. examine cases of environmental administrative violations and refer cases to the proper authorities for adjudication;

2.9. determine (assist in determining) damages resulting from environmental violations and request voluntary restitution or file a lawsuit;

2.10. audit compliance with environmental enforcement procedures and standards at plants (industry);

2.11. Exercise other powers as provided by law.

3. Decisions of the proper executive environmental authorities shall be binding on all legal entities, individuals, and citizens. Such decisions may be appealed in court.

#### **Article 72. Plant (Industry) Environmental Enforcement.**

Plant (industry) environmental enforcement shall be conducted in accordance with procedures approved by the proper executive authority.

#### **Article 73. Civic Environmental Enforcement.**

Civic environmental enforcement shall be conducted by civic associations on the basis of agreements between nature users and the proper executive authorities.

Civic enforcement by civic associations shall be conducted in accordance with their charters.

**Article 74. The Security of Environmental Enforcement Agents.**

Insurance shall be provided for persons engaged in government environmental enforcement by the government. This mandatory insurance and benefits shall be governed by law.

The authority of persons engaged in environmental enforcement to keep, bear, and use special equipment and firearms shall be governed by law.

## **CHAPTER XII ENVIRONMENTAL AUDITS AND THEIR CONDUCT**

### **Article 75. Environmental Audits.**

1. An environmental audit shall be defined as an independent inspection of the financial and industrial operations of citizens and organizations, including the proper preparation of financial reports concerning the use and renewal of natural resources, in order to ensure compliance with environmental standards and procedures.
2. An environmental audit shall be conducted according to an agreement between the nature user and environmental auditor. Environmental audits may be mandatory in certain cases provided for by law.
3. Environmental audit consulting shall be defined as consulting services provided by an auditor (auditing service) for the purpose of protecting the environment, monitoring its quality, ensuring the efficient use and renewal of natural resources, and ensuring citizen compliance with environmental standards.

### **Article 76. Environmental Auditor**

1. Environmental auditor - legal entities and individuals licensed to provide auditing services.
2. The proper executive authority shall issue audit licenses.
3. Foreign auditors and auditing services may be hired to provide environmental audit and consulting services.

### **Article 77. The Conduct of an Environmental Audit.**

The procedures and conditions for environmental audits, the certification of the auditors, and the powers, obligations, and liability of auditor organizations shall be governed by law.

## **CHAPTER XIII LIABILITY FOR ENVIRONMENTAL VIOLATIONS AND DISPUTE RESOLUTION.**

### **Article 78. Liability for Violations of Environmental Safety Law.**

Individuals and legal entities guilty of environmental safety violations shall be held accountable as provided by the law of the Azerbaijan Republic.

### **Article 79. Restitution for Damage Caused by Environmental Safety Violations.**

1. Legal entities and individuals responsible for damage to the environment, public health, and property of citizens, organizations, and the state shall make restitution as provided by law.
2. Restitution for damage caused by environmental safety violations shall be made voluntarily or by order of a court in accordance with the procedures approved by the proper executive authorities, or in other cases, to the extent necessary to rehabilitate the environment.

3. Damages shall be paid to environmental funds, and in certain cases, to the individuals or legal entities that sustained the damage.

4. Legal entities and individuals engaged in environmentally detrimental activities shall make restitution for said damages upon proof of their culpability.

5. Full restitution shall be made for damage to the life and property of citizens caused by environmental safety violations, including damage payments and medical expenses for disabled persons.

6. Damage to health and property shall be assessed as provided by law, while restitution shall be determined by decision of a court.

7. Restitution shall be made for damage resulting from environmental violations. Damages occurred in the result of violation of the environmental protection legislation in accordance with the Civil Code of the Azerbaijan Republic.

#### **Article 80. Environmental Dispute Resolution.**

Disputes in the field of the environmental protection shall be resolved by court proceedings or in accordance with the procedure established by the law of Azerbaijan.

### **CHAPTER XIV INTERNATIONAL COOPERATION IN THE ENVIRONMENTAL FIELD**

#### **Article 81. International Cooperation in the Environmental Field.**

In accordance with the basic principles of environmental safety, the Azerbaijan shall engage in international cooperation in the environmental field.

#### **Article 82. International Environmental Treaties to Which the Azerbaijan Republic is a Party**

When the provisions of international environmental treaties to which the Azerbaijan Republic is a party differ from the law of the Azerbaijan Republic, the provisions of the international treaties shall prevail.