

Data 4

Laws-Environmental Sector

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4.1 List of laws

The table below lists laws and other legal documents in the environmental sector, which are relevant to the work of the BCE. There may be further documents to which the study team has not had access.

	Reference	Title	Availability*
1.	Temporary branch instruction HP 83-31	Temporary branch instruction on determination of permissible emission for industries	R
2.	CoM Decree 493 - 15 December 1983	On approval of regulations on protection of wooden-and-bush plants not included in State forestry fund	R
3.	Decree 64 : 8 February 8 February 1983	Law on hunting activity and hunting farms management	R, E (summary)
4.	State Standard (soviet) 17-2-2-03-87	Vehicle emission standards	R
5.	State Standard (soviet) 42-128-4690-88	Sanitary regulations for maintenance of residential areas	
6.	Soviet Law	Law on atmospheric protection	
7.	25 February 1992	<i>Law on the protection of nature and the use of nature</i> : Superseded	
8.	CoM Decision 122 : 3 March 1992	Fees for pollution into atmosphere	
9.	Decree 130 : 21 May 1992	Naming of state committee	
10	Law 371: 10 November 1992	Law of the Azerbaijan Republic "On sanitary epidemiological well being"	
11	SCE - 1994	Regulations on protection of surface water from wastewater	A
12	Decree 155 - 1* : July 1996	Privatization and state lands	
13	Law 116, 5 July 1996	Law on water amelioration and irrigation	
14	CoM Decree 26, October 1996	Regulations for water payments	
15	Law : 17 November 1996	On utilisation of energy resources	
16	Decree 24 December 1996	On land usage fees	
17.	Decree 498 : 25 July 1997	Implementation of law on protection of peoples health	
18	Law 294 : 6 May 1997	On pesticides and agrochemicals	A, E (partly)
19	Decree 618 : 25 July 1997	Enforcement of the Law on pesticides and agrochemical substances	A, E

	Reference	Title	Availability*
20	Decree 120 : 20 October 1997	On approval of Normative acts related to enforcement of the Law on pesticides and agrochemicals	A
21	Decree 685 : 26 December 1997	Water code of Azerbaijan Republic	
22	Law : 30 December 1997	On Sanitary epidemiological safety of the population	
23	Law 483: 30 December 1997	On protection of population from radiation	
24	Law 457 : 27.03.98	On fish industry	
25	Law 4583,17 April 1998	Law "On hydrometeorological activities"	
26	CoM resolution 155 17July1998	On approval of regulations on issuing licences for storing and burying radioactive and ionised waste	
27	Law 514, 30 August 1998	Law "On industrial and domestic wastes"	
28	Presidential Decree N:3, 26 October 1998	Decree on implementation of law "On industrial and domestic wastes"	
29	Law, 22 December 1998	Law "On state land cadastre, land monitoring and land arrangement"	
30	Presidential Decree N:113, 12 March 1999	Decree on implementation of Law "On state land cadastre, land monitoring and land arrangement"	
31	Law 6-497 dated 26 June 1997, amended 2 April 1999	Law "On protection of peoples health"	
32	Law : 25 June 1999	Land Code of Azerbaijan Republic	
33	Law 677, 8 June 1999	Law "On environmental safety"	
34	Law N678, 8June1999	Law on environmental protection	R, E (full and summary)
35	CoM resolution 112, 29 June 1999	On approval of Regulations regarding the licensing of utilisation and liquidation of toxic waste	
36	Law 695, 25 June 1999	On approval of Land Code of the Azerbaijan Republic	
37	CoM resolution 121, 26 July 1999	On approval of Regulations regarding the licensing of articles related to the development of specially protected geological sites that have a significant value for science, culture, aesthetics and health treatment	
38	CoM resolution 122, 26 July 1999	On approval of Regulations regarding licensing of the utilisation of production waste connected with subsoil works	
39	CoM resolution 13, 26 July 1999	On approval of Regulations regarding the collecting of minerals, paleontology and other geologic materials	
40	Law 765, 30 November 1999	Law on Municipal Service	A, E

	Reference	Title	Availability*
41	Presidential Decree 172, 4 July 1999	Decree on implementation of Law "On environmental safety"	
42	Presidential Decree 173, 4 July 1999	Decree on implementation of Law "On environmental protection"	
43	Law 730, 29 October 1999	On joining the European convention "On the protection of European nature and the environment"	
44	Law 772, 7 December 1999	Law on financial basis of municipalities	E
45	SC Charter: 1999	SCE Charter 1999	E
46	SC Charter: 1999	BCE Charter 1999	E, R
47	2000	Law on foodstuffs (not yet approved by the President)	A, E
48	Presidential Decree 267	Decree on approval of Law on foodstuffs	A
49	Decree 45, 25 February 2000	About implementation of Decree on approval of Law on foodstuffs	A
50	Decree, 6 March 2000	Implementation of regulations on mineral extractions	
51	Decree 294, 6 March 2000	Implementation of the Law on Fauna	
52	Law, 24 March 2000	Law on specifically protected areas and objects	A, E (summary)
53	CoM resolution 15, 3 February 2000	Approval of rules on guarding, protection of the forest fund and restoration of forests	
54	CoM Decree 124, 13 July 2000	List of goods exempted from VAT imported to Az from outside CIS (includes foodstuff)	
55	Presidential Instructive Order 472, 15 July 2000	On establishment of an administrative body for liaising with the secretariat of the convention on international trade of endangered species of fauna and flora (CITES)	
56	CoM resolution 115, 9 July 2000	Regulations regarding compensation related to the use of information regarding hydrometeorology and natural environmental monitoring	
57	Presidential Instructive Order 351	On approval of certain legislative acts regarding Law on subsoil	
58	Constitutional Code	Administrative Violations Code (gives rights to impose penalties)	
59	Law 894, 13 June 2000	Law on Non-Governmental organisations	

* Availability to the JICA team. A: Azeri, R: Russian, E: English.

4.2 Law on Environmental Protection

4.2.1 The Law

CHAPTER I.

GENERAL PROVISIONS

The present Law determines the legal, economic and social basis of environmental protection. The purpose of the Law is to ensure environment protection through the preservation of the ecological balance, the prevention of harmful impact of economic and other activities on natural ecological systems, the conservation of biological diversity and the rational organisation of nature utilisation.

The present Law regulates interrelations of the society and the nature in order to strengthen legislation and legal rules in the area of environmental improvement, rational utilisation and restoration of natural resources and environmental protection.

Article 1. Main terms and definitions

The following main terms and definitions are used in this law:

- Environment - the animate and inanimate nature surrounding human activity and not depending on it;
- ecology – science studying environmental balance and nature, as well as anthropogenic (resulting from human activity) factors and physical processes affecting this balance;
- natural resources (reserves) – land, mineral resources, vegetation, flora, fauna, water and energy sources available in the environment that can be used for the satisfaction of human needs;
- environmental protection – conservation of nature and prevention of quantitative and qualitative changes of the initial material wealth of the environment;
- nature utilisation – rational and economic utilisation of nature resources to satisfy social-economic needs of the society; avoiding disturbance of the ecological balance and taking into account the needs of future generations;
- environmental monitoring – conducting scientific observation of quantities and qualities of hazardous gas, liquid and solid wastes spreading in the environment as a result of natural and manmade impacts;
- ecological system – the unity of interactive components including flora, fauna, land, water basins, rivers, mineral resources, air, energy resources comprising the environment;
- standardisation of the ecological balance of the environment – the development of environmental qualitative indicators in order to define the suitability of the environment for human life, protection and conservation of biological diversity and to ensure the sustainable use of ecological systems;
- hazardous impact on the environment – activity accompanied by violation of technology in chemical, biological, hazardous, physical, technical, mine works causing qualitative and quantitative changes in separate components of ecological systems, the disturbance of ecological balance and by wasteful use of nature resources;
- environmental qualitative indicators - products, which meet the requirements of regulatory technical documents and standards providing for human health and environmental protection; and which are approved by authorised government bodies, as well as primary indicators of environmental balance.

Article 2. Legislation of the Republic of Azerbaijan on environmental protection

The legislation on environmental protection consists of the Constitution of the Republic of Azerbaijan, the current law and other normative-legal acts.

Article 3. Main principles of environmental protection

Environmental protection main principles are:

- the comprehensive resolution of social-economic, moral and aesthetic problems;
- the ensuring of the ecological balance and restoration of damaged environmental system;
- the rational utilisation and restoration of nature resources, application of economic incentives for environmental protection;
- conservation of biological diversity;
- state control over and liability for breaches of environmental protection legislation;
- prevention and assessment of damage caused to the environment;
- participation of the public and public organisations in environmental protection;
- international co-operation in the field of environmental protection.

CHAPTER II.

RIGHTS AND RESPONSIBILITIES IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 4. Rights and responsibilities of the State in the field of environmental protection

1. Rights of the State in the field of environmental protection are:

1.1. to prepare the main directions of state policy and strategic measures for its implementation;

1.2. to develop quality standards (regulations) on ecological balance and determine procedures for their approval;

1.3. to approve regulations on state funds for environmental protection;

1.4. to adopt resolutions on nature resources utilisation according to legislation, to determine limits and quotas for nature utilisation, to conclude agreements (contracts);

1.5. to approve the list of types of nature utilisation subject to special permits granted to nature users (individual and legal persons involved in private business activity) and approve procedures for issuing these permits;

1.6. to approve and to implement concepts related to different areas of environmental protection and complex programs on nature resources utilisation, protection, restoration, to determine procedures for state cadastre (register) and state registration of nature resources;

1.7. to determine procedures for state monitoring of nature resources and the environment;

1.8. to approve the list of economic activities that are hazardous from an environmental point of view, procedures to issue special permits for these economic activities, as well as to approve the list of associated products (services and activities), which are subject to compulsory standardisation and certification in the field of environmental protection;

1.9. to approve the list of sites of special ecological, scientific and biological significance in terms of environmental protection, to establish state protected nature reserves, state national and nature parks and other nature areas, which are to be specially protected;

- 1.10. to determine procedures for the dissemination of information and state statistic record-keeping in the area of environmental protection;
 - 1.11. to determine procedures for environmental audits;
 - 1.12. according to the procedure established by legislation, to issue special permits for hazardous types of economic activities, wastes and hazardous discharges into the environment, to conclude agreements (contracts), to determine limits and quotas and to issue special permits for nature utilisation;
 - 1.13. to decide on expenditures for measures for the protection and improvement of the environment.
2. The State responsibilities in the area of environmental protection are the following:
- 2.1. to develop programs on ecological balance of the environment and various areas of nature utilisation;
 - 2.2. to organise the State Ecological Expertise (environmental impact assessment);
 - 2.3. to exercise state control on the protection, restoration and utilisation of flora and fauna;
 - 2.4. to keep the State Cadastre (Register) of Rare and Disappearing Species of Animals and Vegetation (to publish the “Red Book”)
 - 2.5. to implement international cooperation;
 - 2.6. to fulfil other responsibilities according to the legislation of the Republic of Azerbaijan.

Article 5. The authority of self-governing local bodies in the area of environmental protection

Self-governing local bodies carry out their functions according to relevant legislation.

Articles 6. Citizens' rights and responsibilities

The rights of citizens, persons without citizenship, foreigners (hereinafter referred to as citizens) are the following:

- 1.1. to obtain reliable information on the suitability of the environment for human life and health, on the state of the environment and the measures undertaken to improve it;
- 1.2. to obtain compensation for the damage caused to their health and property by violation of environmental legislation;
- 1.3. to live in an environment, which is favourable to life and health;
- 1.4. according to determined procedures to utilise natural resources, to implement measures aimed at their protection and restoration and to participate in the protection and improvement of the environment;
- 1.5. to participate in meetings, demonstrations, pickets and referendums on environmental protection according to the legislation;
- 1.6. to apply to state government bodies and organisations on environmental protection;
- 1.7. to submit opinions on public ecological expertise (environmental impact assessment);
- 1.8. to demand, through administrative or court procedures, the annulment of decisions on siting, construction, reconstruction and commissioning of enterprises, installations and other facilities, which have negative impact on public health or the environment; as well as limiting, suspending of activities of legal and natural persons, and liquidating legal persons;

- 1.9. to bring actions to corresponding bodies and courts against organisations, officials and citizens for the violation of environmental legislation;
- 1.10. to exercise other rights stipulated by legislation.
2. Environmental protection is each citizen's responsibility.

Article 7. Rights and responsibilities of public organisations in the field of environmental protection

1. Public organisations are entitled to the following rights:
 - 1.1. to develop and defend their environmental programs, to defend citizens' rights and interests in the field of environmental protection and to involve citizens in this activity;
 - 1.2. to exercise public control in the field of environmental protection;
 - 1.3. to obtain complete and reliable information on the state of the environment and measures for its improvement from government bodies and organisations;
 - 1.4. in accordance with the legislation to co-operate with government bodies, international organisations in carrying out certain activities in the field of environmental protection on the basis of agreements concluded;
 - 1.5. to participate in discussions of draft environmental laws;
 - 1.6. to demand, through administrative and court procedures, limiting, suspension or cessation of construction, reconstruction, commissioning of environmentally hazardous enterprises, installations and other facilities, including the economic activity of facilities which have a negative impact on the environment and public health;
 - 1.7. to raise issues related to the conviction of organisations, officials and citizens;
 - 1.8. in accordance with the legislation, to initiate legal processing for damages caused to citizens' health and property by violation of environmental legislation.
2. The public organisations shall carry out their activities in compliance with environmental legislation and legislation on public organisations.

CHAPTER III

NATURE USERS

Article 8. Nature users

- Nature users may be legal and natural persons (including foreign users), government, private enterprises (permanent and temporary), primary and secondary;
- foreign users are foreign legal and natural persons, international groups and organisations;
- permanent users are those users who have been granted rights on a permanent basis;
- temporary users are those users who have been granted rights for a definite term;
- primary users are those users, who have obtained their rights directly from government authorities;
- secondary users are those users, who have obtained their user rights from primary users by an agreement.

Article 9. Public and private nature utilisation

Nature utilisation in Republic of Azerbaijan may be public and private.

- Public utilisation is the use of natural resources by citizens and organisations free of charge and the use of natural resources to satisfy the vital needs of population. Nature utilisation may be restricted in cases set out by legislation.
- For private nature utilisation, nature resources are made available to users by a procedure set out in legislation. Private nature utilisation may be permanent or temporary, free of charge or subject to fee, primary or secondary.
- Rights for private or limited (servitude) nature utilisation are determined by legislation.

Article 10. Limits and quotas for standardisation of nature utilisation

Limits and quotas for nature use regulation set maximum permissible limits for the use of natural resources, for harmful discharges into the environment and disposal of household and industrial waste for a certain period of time.

Limits and quotas are determined by the relevant bodies of executive power.

Article 11. Special licenses for nature utilisation

Special licenses for nature utilisation grant rights to use nature for economic activities.

Special licenses for nature utilisation are issued by the relevant bodies of executive power according to the procedure set by legislation.

Article 12. Government regulation of nature utilisation

The government regulates the utilisation, restoration and protection of natural resources.

For this purpose, government programs and cadastres of natural resources are developed, monitoring is conducted and records are kept.

Article 13. Responsibilities and rights of nature users

Responsibilities of nature users are the following:

- to comply with ecological and technical requirements to economic and other activities, standards as well as quantitative and qualitative environmental standards (regulations) in force;
- to implement measures for environmental protection and restoration of natural resources according to established procedure;
- to pay on due time the established fees and fines for nature resources utilisation and for pollution of the environment;
- to provide upon request necessary information to the government bodies exercising state control in the field of environmental protection.
- Rights of nature users:
- to use natural resources in an expedient manner and for the agreed purpose;
- to use permitted nature resources economically and without harm to the environment;
- Nature users' rights are protected by law. In case nature users' rights are breached, they shall be restored according to the procedure set by the legislation.

Article 14. Activities subject to special licenses for nature utilisation

Special licenses are required for using various types of natural resources as well as for the following activities:

- collection of polluting substances;
- transportation, burying and storage of especially hazardous industrial and household waste;

- environmental auditing;
- economic activities with potential hazard to the environment.

Article 15. Contracts on nature utilisation

Nature users and the relevant bodies of executive power shall conclude agreements (contracts) on nature utilisation in the cases stipulated by the legislation and according to a determined procedure.

When a special license is required for natural resources utilisation and is not granted to the nature user, the corresponding contract on natural resources utilisation is invalid.

In the event of inconsistency between the special license and the agreement (contract), the provisions of the agreement shall be invalid. If a special license is revoked, the corresponding contract shall be considered invalid.

An agreement (a contract) on natural resources utilisation shall come into effect after having been agreed with the relevant government body of executive power in the field of environmental protection.

CHAPTER IV

STATE CADASTRE AND MONITORING OF THE ENVIRONMENT AND NATURAL RESOURCES, STANDARDISATION AND CERTIFICATION

Article 16. State Cadastre of natural resources

The State Cadastre of natural resources shall be maintained according to a unified system in order to preserve environmental conditions, meet economic needs and determine quantitative and qualitative indicators of natural resources.

The areas to be included in the state cadastre shall be determined by relevant legislation. Procedures to maintain the State Cadastre in these areas shall be determined by a regulation approved by the relevant body of executive power.

Article 17. State monitoring of the environment and natural resources

The system of state monitoring of the environment and nature resources shall be established and function in the Republic of Azerbaijan.

State monitoring of the environment and nature resources provides for environmental protection and management of natural resources utilisation and control over it, and means to establish relevant information databases and information systems. State monitoring covers the following:

- observations of the state of the environment and natural resources and the sources of anthropogenic (manmade) impact on them;
- study of the spreading, development and dynamics of exogenous processes;
- study of seismic developments and earthquakes forecasting;
- assessing the state of the sites observed and identifying changes from their original condition.

Procedures to conduct state monitoring of the environment and natural resources shall be determined by a regulation approved by the relevant body of executive power.

Article 18. Institutional (industrial) monitoring of the environment and natural resources

Legal persons (nature users) must conduct institutional (industrial) monitoring of the environment, keep records and report on their activity which may be environmentally hazardous.

Measuring devices used for institutional (industrial) environmental monitoring must meet standardisation and metrology requirements.

Reports on indicators of institutional (industrial) environmental monitoring must be submitted to the relevant bodies of executive power in the field of environmental protection by an agreed deadline.

Article 19. Products and activities subject to environmental standardisation and certification

Products (works, services) and technologies, which are produced in or imported to the Republic of Azerbaijan and which may present risks to ecological safety, human life and health, restoration and rational utilisation of natural resources are subject to environmental standardisation and certification.

Article 20. Environmental Standardisation

Environmental standards and technical requirements of the Republic of Azerbaijan shall be registered, approved and applied according to a procedure determined by legislation.

Development, preparation, supply (selling), storage, transportation, usage (exploitation) and repair of products (goods), provision of works and services, which breach relevant environmental standards, are prohibited in the Republic of Azerbaijan.

Article 21. Environmental Certification

Products, works, services and activities are certified according to a procedure determined by the legislation in order to assess their compliance with standards and technical requirements.

If products (works, services) subject to compulsory environmental certification do not have the relevant certificates, their production (provision) shall be prohibited.

CHAPTER V

ECONOMIC REGULATION IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 22. Economic foundations of environmental protection

Economic foundations of environmental protection and regulation of nature utilisation are to increase economic incentives for nature users to provide ecological safety, utilize nature resources rationally, to develop measures for their restoration and increase.

Activity areas and economic foundations of environmental protection:

- forecasting and financing measures of environmental protection;
- fees for nature utilisation;
- fees and fines for environmental pollution;
- economic incentives in environmental protection;
- establishment of environmental protection funds, grants;
- funds provided by international agencies to implement environmental programs.

As a rule, fines for environmental pollution collected from industries, organisations and individual citizens shall be allocated to the financing of environment protection measures.

Article 23. Forecasting and financing environmental protection measures

Environmental protection measures shall be taken into consideration in relevant programs and included in state programs and concepts in different fields of nature utilisation.

Ecological programs and concepts in different fields of environmental protection are regulated by the legislation of the Republic of Azerbaijan.

Ecological programs and measures of environmental protection shall be financed from the following sources:

- government budget and local budgets;
- environmental protection funds;
- ecological insurance;
- fees for nature utilisation;
- voluntary donations from legal and natural persons;
- grants and other allocations by international agencies.

Financing of environmental protection measures shall be indicated separately in budgets at all levels.

Article 24. Fees for environmental pollution and natural resources utilisation

Fees for environmental pollution, disposal of industrial and household waste, as well as natural resources utilisation shall be collected from nature using enterprises, organisations and individual citizens according to a procedure and in the amounts determined by legislation.

Fines for environmental pollution in excess of the determined limits shall be imposed according to a procedure and in the amounts determined by legislation.

Article 25. Economic incentives in the field of environmental protection

Economic incentives for environmental protection shall be implemented through environmental subsidies and other incentive measures.

Economic incentives of environmental protection shall be implemented through measures which does not contradict the legislation.

Article 26. Ecological insurance

Ecological insurance means insurance of civil liability of legal and natural persons to cover damages to the environment and third parties if insurance case takes place.

Legal and natural persons which undertake environmentally hazardous activity are subject to compulsory insurance according to a procedure determined by the legislation. Legal and natural persons may voluntarily insure themselves against ecological risks. Types, conditions and procedures for voluntary ecological insurance shall be determined by a contract between the insured and the insurer.

Article 27. Environmental protection funds

Environmental protection funds are established in order to finance urgent environmental protection measures, eliminate damages caused to the environment and pay compensations for damages as well as to undertake other environmental measures.

State and public funds of environmental protection may be established according to a procedure determined by the legislation.

The State Fund of Environmental Protection is financed from fees for nature utilisation, fines for the violation of environmental legislation, fishing and hunting tools confiscated according to a procedure determined by legislation, as well as proceeds from the selling of illegally acquired products which have been confiscated, grants, donations as well as other proceeds, which do not contradict the legislation.

Article 28. Usage of state environmental protection funds

The State Environmental Protection Fund shall be used to finance the following:

- scientific research, resource saving and environmentally clean technologies;
- the construction, reconstruction of environmental protection facilities by nature users;
- measures to remedy to the damage caused by environmental pollution;
- payment of compensations for damage caused to public health and the environment as a result of pollution and other negative impacts;
- development and implementation of programs, projects, normative-methodological documents to remedy environmental damage;
- ecological education and training;
- protection of specially protected natural areas;
- protection and restoration of rare and disappearing species of flora and fauna;
- establishment and development of material and technical basis of government bodies in the field of environmental protection;
- organisation and conducting of environmental monitoring;
- incentives for specialists working in the field of environmental protection.

It is prohibited to spend environmental funds for purposes other than the ones related to environmental protection.

Article 29. Public environmental protection funds

Public environmental funds are formed by funds of public organisations, grants, voluntary donations of natural and legal persons as well as other resources in compliance with the legislation of the Republic of Azerbaijan. These funds are established by public organisations and allocated to activities and measures related to environmental protection, effective and comprehensive utilisation of natural resources.

The establishment of public funds, their resources and expenditures shall be determined by charters approved by public organisations in accordance with the legislation.

CHAPTER IV

REGULATION OF ECOLOGICAL BALANCE OF THE ENVIRONMENT

Article 30. Regulation of the extent of disturbing ecological balance of the environment

1. The purpose of regulation of the environment in ecological respect is to determine the standards of permitted environmental impacts. These standards should be scientifically based and ensure protection of ecological safety and public health, rational utilisation and restoration of natural resources, prevention of environmental pollution.

2. The following is included in the regulation of the extent of disturbing ecological balance of the environment:

2.1. determining hazardous impact of environmental quality indicators on public health, rational utilisation, protection and restoration of natural resources;

2.2. determining maximum permitted levels of harmful impacts on the environment.

No special permission shall be given to the substitution of the established environmental quality standards by less stringent standards.

A special permission may be granted to less stringent normative indicators depending on special ecological conditions.

Approved environmental quality standards are mandatory for all legal and natural persons. These should be published and disseminated.

Article 31. Main indicators of environmental quality normatives (standards)

The following are the main indicators of environmental quality normatives (standards):

Maximum permitted limits for discharges and emissions into the environment, noise, vibration, electromagnetic radiation and other physical influences, levels of radiation, quantities of agro-chemical substances used in agriculture and forestry;

maximum permitted concentrations of harmful substances in the environment;

state of protection zones, sanitary protection and other protected areas.

The legislation of the Republic of Azerbaijan may consider other quality environmental standards. Pollution indicators must be covered in normative documents (regulations).

Article 32. Determining levels for potential quantities of harmful substances discharged into the environment

For the purpose of protecting public health, flora and fauna, conserving their gene pool, maximum permitted quantities of potentially hazardous chemical and biological substances polluting air, water, land and mineral resources shall be determined.

Standards for maximum permitted levels of harmful substances discharged and disposed into the environment from every polluting source shall be determined in order to prevent environmental pollution with due consideration of the impact of all polluting sources on public health, flora and fauna on relevant territories.

Standards for maximum permitted levels of noise, vibration, electro-magnetic fields, radioactive radiation and other harmful physical influences shall be determined in order to protect public health and people's ability to work, as well as to protect the environment favourable to flora and fauna.

Article 33. Regulation of agro-technical measures and application of agro-chemical substances in agriculture and forestry

To protect public health and gene pool, flora and fauna, it is not allowed to exceed maximum permitted limits when applying mineral fertilisers, chemical substances for the protection of plants and stimulators, other agro-chemical substances. It is prohibited to exceed standards when undertaking agro-technical measures.

Article 34. Zones of sanitary protection and other protected zones

Zones of sanitary protection and other protected zones are identified in order to prevent harmful impacts on the environment and specially protected nature items and territories.

Zones of sanitary protection and other protected zones, as well as their management procedures are determined in accordance with legislation.

CHAPTER VII

ECOLOGICAL REQUIREMENTS FOR ECONOMIC AND OTHER ACTIVITIES

Article 35. Ecological requirements to natural resources utilisation

Ecological requirements to the use of land, mineral resources, air, water basins, forests and other plants, animals, environmental sites and items of unique ecological, scientific and cultural value, specially protected natural areas and areas where there is a risk of ecological disasters shall be regulated by normative legal acts.

No special permission shall be given to activities that may disturb natural ecological balance systems destroy humans, plants and animals gene pool or endanger human life and health.

Article 36. Ecological requirements at a designing stage

Environmental quality indicators, neutralisation and utilisation of harmful wastes, low waste and waste free technologies and production, effective measures to prevent environmental pollution must be taken into consideration in designing residential areas, industrial and agricultural facilities and installations, water supply and sewerage systems, hydrotechnical installations, transport and communication facilities, technological processes and equipment, other facilities.

Article 37. Ecological requirements for siting of enterprises, installations and production facilities.

Territories for siting enterprises, installations and production units are selected in compliance with the requirements of restoration and rational utilisation of natural resources and with due consideration of future ecological implications of the activities concerned.

Zones of sanitary protection and other protection zones are identified during siting of enterprises, installations and other production facilities.

Article 38. Ecological requirements relating to construction, reconstruction of enterprises, installations and other facilities

Environmental quality standards are to be complied with during construction and reconstruction of enterprises, installations and other facilities. Changes in the approved project or the value of project's work in cost estimation documents, which are detrimental to the environment are prohibited.

Measures on land remediation, restoration and rational utilisation of natural resources, land planning and improvement of the environment must be undertaken during construction works.

Article 39. Ecological requirements and liabilities in the event of bankruptcy

In the event of a bankruptcy case against a legal person who uses natural resources, an assessment of the company environmental status must be conducted. .

The assessment of the environmental status must be undertaken by the property administrator.

Creditors' interests with regard to environmental liabilities of the company subject to bankruptcy must be taken into consideration in the decision on the bankruptcy case.

Article 40. Consideration of ecological requirements and liabilities in the liquidation of enterprises which use natural resources

Ecological requirements based on the results of the assessment of the ecological status and (and/or) environmental impact assessment must be taken into consideration during the liquidation and establishment of a company which uses natural resources. The results of the assessment (the environmental impact assessment) must be included in the liquidation document (balance).

The assessment of the ecological status of a nature user, which is being liquidated or reorganised, shall be undertaken with the participation of the government body responsible for ecological expertise (environmental impact assessment).

Ecological liabilities of a reorganised nature user shall be passed on to its legal successor.

Creditors' interests pertaining to ecological liabilities of company which uses natural resources shall be taken into account during its liquidation.

Article 41. Ecological requirements during commissioning and operation of enterprises, installations and other facilities

Enterprises, installations and other facilities shall be operated in full compliance with all ecological requirements included in the project.

It is prohibited to commission enterprises, installations and other facilities that lack treatment facilities and equipment to neutralise and utilise harmful substances and waste in compliance with maximum permitted standards; or before completion of the planned activities aimed at the rational use and restoration of natural resources, as well as soil re-cultivation.

Article 42. Ecological requirements concerning operation of industrial, power-generating, transport, communication, agricultural and land reclamation facilities

Requirements related to treatment facilities to prevent environmental pollution, sanitary protection zones, environment-friendly technologies and other identified environmental requirements must be taken into account during operation of industrial, power-generating, transport, communication, agricultural facilities and land reclamation works. The facilities must ensure that they are equipped with highly effective equipment for the treatment, neutralisation and utilisation of residues of harmful wastes and substances. They must use ecologically safe fuels, utilise natural resources in an economical and rational way and undertake environmental safety measures.

Construction of nuclear power plants is banned in areas with high population density, seismically hazardous zones, areas with historic and natural monuments and areas traditionally used for public recreation and medical treatment.

Duly equipped permanent ecological posts shall be established on highways in order to reduce the emission of harmful gases into the air.

Article 43. Ecological requirements relating to city planning and construction of other settlements

Ecological requirements must be taken into consideration in order to ensure favourable conditions for human life and leisure during planning, construction and reconstruction of cities and other settlements in accordance with environmental legislation.

Collection, treatment, neutralisation, utilisation and burial of domestic waste must be taken into consideration and implemented during planning, construction and reconstruction of cities and other settlements. Forest-parks, green zones and reserves with limited nature utilisation must be established in cities and other settlements.

Article 44. Ecological requirements relating to work with radioactive materials

Enterprises, organisations, institutions and individual citizens shall comply with identified rules for transportation, burial, utilisation, storage, and production of radioactive materials, prevent the exceeding of maximum permitted levels of radioactivity and take measures to prevent and eliminate radioactive contamination of the environment.

Transportation, re-use and burial of radioactive waste are regulated by the government. These activities shall be undertaken only in areas selected by the relevant government body of executive power and with compulsory direct involvement of its designated representative.

With the exception of certain cases set out in legislation, import and transit of radioactive waste and materials for storage or burial from other countries are prohibited in the Republic of

Azerbaijan. Burial (disposal) of radioactive waste or materials on land without taking measures to prevent spreading of radioactive materials in the environment is forbidden.

In case of disclosure of radioactive pollution, the relevant government bodies must be immediately informed.

Article 45. Ecological requirements relating to the production and utilisation of potentially dangerous chemical and biological substances

A special permission for the production and application of potentially dangerous chemical and biological substances shall be issued after the conducting of necessary toxicology-hygiene, toxicology-ecological research, the establishment of hygiene and ecological standards and the registration of the substances according to the procedure set out in the legislation.

The relevant body of executive power may issue a special permission to locate and reproduce biological items not specific to the local conditions, as well as artificially produced, without relevant ecological verification.

Article 46. Protection of environment against hazardous physical impact

1. Organisations and individual citizens shall undertake necessary measures for the prevention and elimination of noise, vibrations, electromagnetic radiation and other hazardous physical impacts in industrial sites, public and dwelling places, animal habitats.
2. Requirements to protection of the ecological balance of the environment must be taken into account when planning and constructing towns and other settlements, designing, constructing and reconstructing industrial and other sites, creating new technologies, as well as means of communication and transportation.

Article 47. Protection of the environment from industrial and household wastes

3. Collection, elimination and burial of industrial and household waste are carried out on sites identified with the agreement by the relevant bodies of executive power and bodies of local self-governance.
4. Import of waste to the Republic of Azerbaijan for treatment, burial and storage is subject to approval by the relevant government body of executive power.
5. Import of products without technologies on neutralisation and utilisation of waste is prohibited.
6. Registration of industrial and household waste is carried out under procedures determined by legislation.
7. The current Law and normative-legal acts on wastes determine environmental requirements to waste handling and management.

Article 48. Ecological requirements to military and defence facilities

Ecological requirements to wastes determined by this Law shall be fully applied to military and defence facilities, with the exception of special cases set out in the legislation of the Republic of Azerbaijan.

Article 49. Protection of global climate and ozone layer

The protection of global climate and ozone layer is regulated by the legislation of the Republic and international treaties (agreements), to which the Republic of Azerbaijan is party.

ECOLOGICAL EXPERTISE

Article 50. Ecological expertise

Ecological expertise is the identification of conformity of the environmental conditions with qualitative standards and ecological requirements in order to identify, prevent and forecast possible negative impact of economic activity on the environment and related consequences.

Ecological expertise in Azerbaijan is conducted by the relevant body of executive power and public organisations.

Article 51. State ecological expertise

State ecological expertise is conducted by the relevant body of executive power.

Procedures for state ecological expertise are set by legislation.

The production of food and manufactured goods, conduct of works and provision of services or their import to the territory of the Republic of Azerbaijan are prohibited in the absence of a positive expert conclusions on the relevant projects, subject to state expertise.

Economic activity relating to the use of mineral resources is subject to geological expertise prior to ecological expertise.

The ecological expertise conclusion is an official and obligatory document and court proceedings may be initiated in case its requirements are not complied with.

Article 52. Goals and objectives of state ecological expertise

1. The State ecological expertise is organised and conducted by the relevant body of executive power for the purposes of complete and correct assessment of the environmental impact of economic and other activities, the level of ecological safety of decisions made, effectiveness of the measures proposed for the rational utilisation of natural resources and environmental protection.
2. The State ecological expertise is a necessary environmental protection measure, which prevents from making accidental decisions that may cause a negative impact on the environment.
3. The objectives of the State ecological expertise are the following:
 - 3.1. determining the level of ecological danger resulting from prospective and actual economic and other activities, which may, at present or in the future, directly or indirectly, have an impact on the state of the environment or public health;
 - 3.2. assessing compliance of planned economic and other activities with the requirements set by environmental protection legislation, sanitary standards and rules;
 - 3.3. assessing the quality of environmental protection measures.

Article 53. Bases of the state ecological expertise

The State ecological expertise is guided by the following:

1. International legal obligations;
2. Principles of legality, scientific justification, transparency, principles of integrated, social, engineering, technological, technical, architectural and design related, economic and other evaluations;
3. Principle of integrated social-economical-ecological evaluation of the impact of economic activity on the environment;
4. The right of each individual to an environment favourable to his health and welfare;

5. Principle of the conservation of the ecological balance, gene fund and biodiversity for present and future generations;
6. The presumption of potential danger caused by unregulated utilisation of nature;
7. The probability of disasters;
8. The consideration of environmental protection as an inalienable part of social development.

Article 54. Scope of the state ecological expertise

The scope of the state ecological expertise includes:

1. Draft state and local programs relating to industrial development and siting at the national level and by economy sectors;
2. Feasibility studies (calculations), construction projects (reconstruction, expansion, new technical equipment) and closing down of structures and facilities of national economy, environment impact assessment (EIA) documentation;
3. Documentation relating to the development of new equipment, technologies, materials and substances, including those imported from abroad;
4. Drafts of instructional and normative-technical documentation on environmental protection;
5. The evolution of environmental conditions as a result of economic activity or emergency situations;
6. Environmental conditions at the regional level and environmental conditions of individual nature items and complexes (ecosystem);
7. Environmental provisions of drafts agreements (contracts), which include requirements to natural resources utilisation on the basis of a decision of the relevant body of executive power.

Article 55. Financing of economic projects and duties of the customer

1. The financing of economic projects listed in Article 54 of this Law, is allowed only if a positive Conclusion of the State Ecological Expertise has been issued;
2. The customer or developer of project documentation is required to ensure:
 - 2.1. the timely presentation of documentation to the State Ecological Expertise;
 - 2.2. that documentation submitted complies with the requirements of the State Ecological Expertise;
 - 2.3. the financing and carrying out of scientific research as well as survey work, which have been demonstrated as necessary during the conduct of the State Ecological Expertise (additional surveys, controlling measurements, sample collection and analysis);
 - 2.4. the financing of the conduct of the State Ecological Expertise;
 - 2.5. the submission of additional information as necessary for the work of expert commission (group, expert) on request of the body conducting expertise.

Article 56. Financing of the State Ecological Expertise

1. The sources of financing for the organisation and conduct of the State Ecological Expertise, procedures on the use of incoming resources must ensure the following:
 - 1.1. the decisions of the State Ecological Expertise and their quality shall not be affected by the relevant counterparts;

1.2. the conditions for the development and improvement of the methodology of the State Ecological Expertise;

1.3. the State Ecological Expertise is financed at the expense of the State Budget and payments by customers ordering documentation according to procedures determined by a relevant body of executive power.

Article 57. Implementation of the Conclusion of the State Ecological Expertise and responsibility of experts

Managers of enterprises, organisations, institutions, officials and other employees are responsible for the implementation of the official Conclusions of the State Ecological Expertise according to legislation. Decisions, contradictory to the above mentioned conclusions are invalid and cannot be acted upon.

Officials of the State Ecological Expertise bodies and experts conducting the State Ecological Expertise are responsible for substantiation, correctness and comprehensiveness of their conclusions according to the requirements of environmental legislation and standards.

Article 58. Public ecological expertise

Public organisations and other public groups can conduct a public ecological expertise.

The organisation of the public ecological expertise and the responsibilities of public organisations in the field of ecological expertise are determined by legislation.

The conclusions of the public ecological expertise may only be used for information and recommendation purposes.

CHAPTER IX

EDUCATION, TRAINING, SCIENTIFIC RESEARCH, STATISTICS AND INFORMATION IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 59. General environmental education and training

In order to raise environmental awareness and improve professional training of specialists in the Republic of Azerbaijan, there should be provided continuous and consistent environmental training and education encompassing in-service training and improvement of qualifications of specialists at all level of pre-school, school, secondary professional and tertiary education.

State bodies and public organisations must carry out information and promotion actions in the mass media for the dissemination environmental knowledge among the population. These actions must comply with legislation.

The teaching of environmental studies basics must be envisaged in all educational institutions irrespective of their type and ownership rights. For these purposes, curricula are developed and textbooks are compiled according to the legislation.

Officials dealing with activities, which have a negative impact on the environment, shall possess the necessary ecological background and knowledge about the basics of environmental legislation.

Article 60. Scientific research in the field of environmental protection

Works are carried out in order to conduct scientific research and develop engineering-construction projects in the field of environment protection according to the legislation.

These works are financed by the state budget and other sources.

Article 61. State Nature Reserves Fund

The State Nature Reserves Fund – is the ensemble of all environment items of ecological, scientific, educational and historical value, or of rare genetic origin.

Protection of the Fund of State Nature Reserves of scientific, ecological, historical and genetic value is achieved by the establishment of restrictions and prohibitions on their use.

Article 62. Specially protected natural areas

Specially protected natural areas are land and water areas consisting of natural ecosystems and items of special ecological, scientific, cultural, aesthetic significance in the field of environmental protection as well as habitats of rare and disappearing fauna and flora species, which are completely or partially, permanently or temporarily withdrawn from economic turnover (where economic activities are banned completely or partially, permanently or temporarily).

The following status may be awarded to specially protected natural areas of the Republic of Azerbaijan depending on their protection purposes and utilisation peculiarities:

- 2.1 State nature reserves, including biosphere reserves;
- 2.2 National and nature parks;
- 2.3 Nature memorials (heritage);
- 2.4 Temporary nature reserves;
- 2.5 Zakazniks (protected areas where economic activities are allowed);
- 2.6 Zoological parks;
- 2.7 Botanic and dendrology parks;
- 2.8 Protected recreation sites and health resorts.

The legislation of the Republic of Azerbaijan may envisage other kinds of specially protected nature territories.

Specially protected nature areas may be of international, interregional, state or local significance.

The establishment, procedures for protection and usage of specially protected nature territories, requirements regarding their activity are regulated by the legislation of the Republic of Azerbaijan and corresponding normative-legal acts.

Article 63. State statistics in the field of environmental protection

State statistics in the field of environmental protection are kept by the relevant bodies of executive power based on the principle of objectivity of statistic information and compatibility with international statistics.

The minimal number of indicators of State Statistic Report in the field of environmental protection and rules for keeping state statistics are determined by legislation and other normative-legal acts.

Article 64. Information in the field of environmental protection

Information in the field of environment protection includes the information on the state of the environment, the financing of measures to deal with pollution, improvement and protection of the environment, on conditions, restoration and utilisation of natural resources, on environmental impact and environmental quality standardisation, on ecological requirements for economic and other activities.

Officials shall not intentionally provide false information, delay information or conceal it.

CHAPTER X

EMERGENCY ENVIRONMENTAL STATE AND ECOLOGICAL DISASTER ZONES

Article 65. Emergency ecological conditions

Environmental emergency situation is a state of disaster in which the environment becomes dangerous for human life and health, flora and fauna due to the disturbance of the ecological balance as a result of impacts caused by inevitable natural calamity or industrial accident.

The environmental emergency situation is declared on separate territories of the Republic of Azerbaijan in case of natural calamities, major ecological and other disasters, in accordance with the legislation.

Under the state of environmental emergency, certain types of economic activity or nature utilisation may be prohibited or restricted on the relevant territories. Operative measures for the restoration of natural resources and the environment, and the social protection of population established by the legislation, shall be undertaken.

Article 66. Environmental disaster zones

Territories, sections of water basins and air space, where long lasting irreversible changes have taken place in relation to the destruction of natural ecological systems and deterioration of flora and fauna, are declared ecological disaster zones, if considerable damage is caused to public health as a result of the unfavourable ecological situation.

Ecological disaster zones are subdivided into minor zones (ecological disaster, ecological recession, and ecological pre-recession) depending on the gravity of ecological conditions or factors conditioning the establishment of ecological disaster zones.

Measures on natural resources restoration, environmental improvement, medical aid in minor ecological disaster zones are undertaken on the basis of programs approved by the relevant body of executive power.

Article 67. Measures undertaken in ecological disaster zones

The following urgent measures must be undertaken in ecological disaster zones:

- cessation of the economic activity at the origin of the unfavourable ecological situation;
- temporary suspension of industrial activities which cause harmful impact on public health and the environment;
- restriction of individual natural resources utilisation;
- people reallocation when necessary.

Article 68. Social protection for victims of emergency environmental disasters

Victims of emergency environmental disaster, as well as people living in ecologically dangerous zones are entitled to compensation for the damage caused, including allowances, privileges and other kinds of social protection.

Procedures for relating victims to emergency ecological disasters and their social protection are laid down in legislation.

Article 69. Procedures for the declaration of environmental emergency situation and establishment of ecological disaster zones

The state of ecological emergency is established on separate territories of the Republic of Azerbaijan according to the legislation in case of natural calamities, major ecological and other catastrophes.

Relevant bodies of executive power determine the boundaries of ecological disaster zones according to legislation.

CHAPTER XI

CONTROL OF ENVIRONMENTAL PROTECTION

Article 70. Goals and forms of control in the field of environmental protection

Control in the field of environmental protection means the monitoring of changes in the environment as a result of impacts from economic and other activities, the improvement and protection of the environment, the restoration and rational natural resources use, compliance with quality standards and ecological requirements.

State, institutional (industrial) and public controls are exercised in the field of environmental protection in the Republic of Azerbaijan.

Article 71. State control in the field of environmental protection

1. State control in the area of environmental protection is exercised by the relevant bodies of executive power.
2. Officials exercising state control in the field of environmental protection are entitled :
 - 2.1. to have free access to enterprises and institutions, organisations and other sites, irrespective of the form of ownership and subordination, including military and defence sites according to the procedure established by the legislation, to review necessary documents, including the results of analyses free of charge while carrying out their official duties (if they have produced relevant service identification papers);
 - 2.2. to implement measures in the field of environmental protection and improvement of the environment, restoration and utilisation of natural resources, enforcement of quality standards and ecological requirements of environmental legislation, to inspect operations of treatment and disposal facilities and their monitoring equipment;
 - 2.3. to monitor compliance with the conditions set in special permission issued for natural resources utilisation and for some types of environmental protection activities, to monitor the implementation of the conditions of agreements (contracts) for nature utilisation, to apply for their termination according to legislation;
 - 2.4. to control the implementation of the results of ecological expertise;
 - 2.5. in accordance with the legislation to issue orders to prohibit import as well as transit transportation through the territory of the Republic of Azerbaijan of environmentally hazardous loads (goods), wastes and raw materials with the violation of environmental requirements and qualitative environmental standards;
 - 2.6. to order legal and natural persons to cease environmental violations;
 - 2.7. in relation to breaches of environmental legislation to apply for limitations and temporary cessation of activities of enterprises, facilities and sites, including the suspension of their financing, ban to commission their operation, limitation of economic or other activities or termination of those activities.
 - 2.8. according to the procedure established by the legislation to review cases on administrative violations in the field of environmental protection, to transmit materials on administrative or criminal liabilities to relevant agencies;

2.9. to identify (to participate in the identification of) damage resulting from breaches of environmental legislation, and require voluntary compensations by the guilty party; or to claim compensations in court on the basis of the results from the aforementioned identification;

2.10. to monitor compliance with rules and norms of institutional (industrial) control in the field of environmental protection;

2.11. to exercise other rights established by the legislation.

The implementation of decisions of government officials who exercise state control in the field of environmental protection is mandatory for all legal persons, government officials and citizens. An appeal can be lodge against the decisions through disciplinary procedure or in court.

Article 72. Institutional (industrial) control in the field of environmental protection

Institutional (industrial) control in the field of environmental protection is conducted in accordance with the provisions approved by the bodies of executive power.

Article 73. Public control in the field of environmental protection

Public control in the field of environmental protection shall be conducted by public agencies on their initiative according to agreements between nature users and the relevant bodies of executive power.

The rules of conducting public control shall be established by public organisations according to their Charters.

Article 74. Protection of people conducting control in the field of environmental protection

The government shall provide for the insurance of the government officials who conduct state control in the field of environmental protection. This mandatory insurance, including procedure for the payment of compensations, shall be established by the legislation.

Rights and rules for keeping, carrying and using special devices and fire weapons by people who exercise control in the field of environmental protection shall be established by the relevant legislation.

CHAPTER XII

ENVIRONMENTAL AUDIT AND ITS CONDUCT

Article 75. Environmental audit

An environmental audit is an independent inspection of economic and other activities of a nature user to ensure their compliance with environmental requirements, norms and rules, including correct reporting on the utilisation and restoration of natural resources.

Environmental audit shall be conducted on the basis of an agreement between the nature user and the environmental auditor. Environmental audit is mandatory in cases stipulated by the legislation.

The consultation of an environmental auditor means the provision of advice by an environmental auditor on environmental protection and improvement of the quality of the environment, rational and economical utilisation and restoration of natural resources, compliance with environmental requirements, norms and rules by the nature user.

Article 76. Environmental auditor

Environmental auditors are legal or natural persons, who have been granted the right to conduct environmental auditing activities by a special permission.

A special permission which gives the right to conduct environmental auditing activities shall be issued by the relevant executive authority.

Foreign auditors and auditing agencies may be involved in environmental auditing and consultations.

Article 77. Conduct of environmental auditing

Rules and conditions for environmental auditing activities, certification of environmental auditors, conduct of environmental audit, environmental auditors' responsibilities, rights and obligations shall be stipulated by the legislation.

CHAPTER XIII

RESPONSIBILITY FOR VIOLATION OF ENVIRONMENTAL LEGISLATION, SETTLEMENT OF DISPUTES

Article 78. Responsibility for the violation of environmental legislation

Legal and natural persons including government officials, who are charged with breach of the environmental legislation, shall be held responsible in accordance with the legislation of the Republic of Azerbaijan.

Article 79. Compensation for damage resulting from a breach of the environmental legislation

Legal and natural persons, who have caused damage to the environment, public health, property of organisations, citizens and government by violation of environmental legislation shall compensate for the damage in accordance with the legislation in force.

Compensation for damage resulting from the violation of the environmental legislation shall be made voluntarily or under a court decision following calculation rules in accordance with the levels and methods approved by the relevant body of executive power; in case there are no such rules, compensation shall equal the amount of factual expenses, which are needed to restore the damaged environment taking losses into account.

Money collected as compensation, shall be allocated to environmental protection funds or to the account of the legal or natural persons who have suffered the damage (in cases set out by legislation).

Legal or natural persons undertaking activities, which have an hazardous impact on the environment must remedy damages to the environment, if their fault has been proven.

Damage caused by the violation of environmental legislation to the property and life of citizens shall be fully compensated with due consideration of the extent to which a victim has lost his/her ability to work, expenses needed for his/her treatment and health rehabilitation, as well as losses.

Damage to the property and health of citizens shall be identified according to the legislation in force; and compensation shall be established by a court decision.

Damage caused by violation of environmental legislation shall be compensated according to the procedure provided for by the Civil Code of the Republic of Azerbaijan.

Article 80. Rules for the settlement of disputes in the field of environmental protection

Disputes in the field of environmental protection shall be settled by courts or according to a procedure provided for by the legislation of the Republic of Azerbaijan.

CHAPTER XIV

INTERNATIONAL CO-OPERATION IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 81. International co-operation in the field of environmental protection

Azerbaijan conducts co-operation in the area of environmental protection guided by the principles of adherence to pre-emption of ecological safety.

Article 82. International environmental agreement acceded to by the Republic of Azerbaijan

Should the norms of international agreements be different from the ones set by the legislation of Republic of Azerbaijan, the norms of international agreements shall prevail.

The President of the Republic of Azerbaijan

Heidar Aliyev

4.2.2 Presidential Decree

PRESIDENTIAL DECREE

ON THE IMPLEMENTATION OF THE LAW ON ENVIRONMENTAL PROTECTION

In relation to the fact that the Law on Environmental Protection has become effective and to ensure the implementation of this law, I decree:

1. To authorise the Cabinet of Ministers of the Republic of Azerbaijan within three months:
 - to prepare suggestions to bring legislative acts currently in force in conformity with the Law on Environmental Protection and submit proposals to the President of the Republic of Azerbaijan;
 - to ensure the conformity of implementing acts (regulations) of the Cabinet of Ministers and relevant central bodies of executive power with the present Law and inform the President of the Republic of Azerbaijan;
 - to submit proposals concerning the government bodies of executive power which will take responsibilities of “the relevant bodies of executive power” set out in paragraphs 1.4, 1.9 (in the Clause related to the organisation of state reserves, state national and nature parks, other nature territories and sites requiring special protection), paragraphs 1.12 and 1.13 in Clause 1 of Article 4; in Clause 2 of Article 10; in Clause 2 of Article 11; in Clause 1 of Article 15; in Clause 2 of Article 44; in Clause 2 of Article 45; in Clauses 1 and 2 of Article 47; in Clause 7 of Article 54; in Clause 1 of Article 63; in Clause 2 of Article 69; in Clause 1 of Article 73 and Clause 2 of Article 76 of this Law;
 - to settle other issues raised by the Law on Environmental Protection within the limits of its responsibility.
2. To determine that

- the functions of “the relevant body of executive power” provided for by Paragraphs 1.1 - 1.3 and 1.5 - 1.11 (in the Clause identifying sites of environmental protection of special scientific, environmental and biological significance) of Article 1, paragraph 2.1 (within the limits of its authority) of Clause 2 of Article 4; Clause 2 of Article 16; Clause 3 of Article 17; Clause 2 of Article 56; Clause 3 of Article 66 and Clause 2 of Article 79 of the Law on Environmental Protection shall be exercised by the Cabinet of Ministers;
 - the State Committee of the Republic of Azerbaijan shall exercise the authorities of “the relevant body of executive power” provided for in Paragraphs 2.1 (within the limits of its authority), 2.2-2.6 of Clause 2 of Article 4; Clause 4 of Article 15; Clause 3 of Article 18; Clause 2 of Article 50; Clause 1 of Article 51; Clause 1 of Article 52; Clause 1 of Article 71 and Article 72 of the present Law.
3. To entrust the State Committee of the Republic of Azerbaijan on Ecology and Nature Utilisation Control to undertake measures within its jurisdiction.

Heidar Aliyev
President of Republic of Azerbaijan

Baku, 4 August 1999

4.3 Charter of the BCE

Charter of Baku City Committee for Ecology and Nature Utilisation Control, Baku, 1999, Approved by Mr. A.Sh. Hasanov, the Chairman of Azerbaijan Republic State Committee for Ecology and Nature Utilisation Control, 11.11.1999

I. GENERAL PROVISIONS

1. Baku City Committee for Ecology and Nature Utilisation Control (hereinafter referred to as Baku City Committee for Ecology) is a superior authoritative body implementing state control and inter-field management in the area of nature protection and rational utilisation of natural resources.

2. The Baku City Committee for Ecology is subordinate and reports to the Azerbaijan Republic State Committee for Ecology and Nature Utilisation Control.

3. The Baku City Committee for Ecology shall ensure appropriate application of legislation of the Azerbaijan Republic, guided by the Azerbaijan Republic Constitution and laws, Presidential decrees, resolutions and orders, resolutions of the National Assembly of the Azerbaijan Republic, international environmental agreements acceded to by the Azerbaijan Republic, other normative acts (regulations), as well as orders, regulations, instructions of the State Committee for Ecology and the present Charter.

The Baku City Committee for Ecology and its officials are in due order responsible for their actions.

4. The Baku City Committee for Ecology may establish small, joint and other enterprises.

5. The decisions adopted by the Baku City Committee for Ecology within their authority are mandatory upon Head Departments, unions, joint enterprises, enterprises and organizations, non-government agencies, foreign legal and physical persons, cooperatives, commercial entities, as well as individual citizens, which are located in Baku city and its administrative regions, irrespective of their subordination and type of activity.

6. The Baku City Committee for Ecology shall not perform the functions of Head Departments, local bodies of executive power, unions, enterprises, institutions and organizations in their respective areas of nature protection and rational utilisation of natural resources. They must coordinate their activities in the field of regulation of natural resources, environmental protection, utilisation of natural resources.

If necessary, the Baku City Committee for Ecology within its authority shall make decisions together with other relevant organizations or in coordination with them.

7. In the field of nature protection, utilisation of natural resources and within its authority, the Baku City Committee for Ecology shall coordinate the activities of local offices of the Azerbaijan Republic Ministry of Internal Affairs, the Committee for Control over Occupational Safety in Industries and Control over Mining Works, the Ministry for Land Improvement and Water Economy, the Committee for Geology and Mineral Resources, Hydrometeorology Committee, "Azerbaliq" State Concern, "Azerbmesha" Production Enterprise and others.

8. The Baku City Committee for Ecology shall maintain relations with non-government agencies, general public, assist them in the activities of environmental protection, organize the work of public inspectors in the field of environmental protection and guide this work.

9. The Baku City Committee for Ecology Shall duly cooperates with international organizations , bodies and other legal persons within its authority in the issues related to environmental protection and nature utilisation.

10. The Baku City Committee for Ecology shall inform general public about state of the environment and nature protection through mass media.

II. MAIN DUTIES AND FUNCTIONS OF THE BAKU CITY COMMITTEE FOR ECOLOGY

11. The following are the main functions of the Baku City Committee for Ecology in the field of environmental protection and nature utilisation:

- on the territory of its activity control protection, rational utilisation and restoration of soil, underground and surface waters, ambient air, flora (including forests) and fauna (including fish), mineral resources;
- control over provision of favorable sanitary and ecological situation of the environment, improvement of environmental conditions;
- control over destruction of expired and poor quality food products, or sending them for secondary processing;
- submit suggestions to the State Committee fore Ecology about information dissemination with the purpose of involvement of general public in the solution of environmental problems, environmental education, upbringing and awareness raising, learning, applying and researching experience of developed countries in environmental management;
- control over protection of forests and plants in towns and improvement of their natural water protection, soil protection, recreation and other facilities;

12. According to its entrusted duties, the Baku City committee for Ecology shall:

- 1) Shall manage environmental protection activity in the city of Baku and its surroundings on the basis of initial usage of economic instruments of nature protection and nature utilisation, encouragement of economic use of natural resources in all branches of national economy, application of low waste and waste free technologies, re-use of industrial waste, implementation of other scientific and technical achievements.
- 2) Shall participate in the development of ecological normatives, regulations and standards relating to control over nature protection and utilisation, environmental pollution control, food products and agree them with other organizations.

- 3) Shall learn and apply local and foreign experience in the implementation of environmental norms and standards in the area of nature protection and rational utilisation of nature, food and other products.
- 4) Shall participate in making proposals that would ensure the impact of activation of investment processes in relation to the implementation of measures of environmental safety, nature utilisation and environmental protection, food and other products as well as participate in the development of suggestions related to nature protection and rational utilisation of nature resources
- 5) Agree short term and long-term plans for enterprises, institutions and organizations in the area of nature protection and rational utilisation of nature resources irrespective of their ownership.
- 6) Together with the sanitary service, the Baku City Committee shall participate in the joint identification of the amount of charges for the discharge of polluting substances into the environment within normatives and limits and identification of the amount of fines for the discharge in excess of normatives and limits; and inform relevant polluting entities on the territory of its jurisdiction. The Baku City Committee shall collect charges for the permissible (within set normatives and limits) discharge of polluting substances in the environment and fines for the breach of the aforementioned normatives and limits, as well as charges and fines (including payments in foreign currency) for the disposal, storage (burying) of wastes.
- 7) The Baku City Committee shall keep records of water and air cleaning facilities belonging to enterprises, units and organizations on the territory of its activity, as well as monitor their inventory and effective operation.
- 8) The Baku City Committee shall organize activities to normalize environmental situation, as well keep qualitative and quantitative records of dangerous impacts on the environment;
- 9) On the territory of its activity, it shall analyze and summarize experience in the application of economic mechanisms in the area of rational and complex utilisation of nature resources and industrial waste and in the area of environmental safety of food and other products. Taking into consideration environmental protection requirements, it shall develop suggestions concerning improvement of environmental protection legislation and economic mechanism of nature utilisation, new methods of economic incentives for production, necessary economic experimentation in this area, as well as create conditions for the implementation of those suggestions after they have been duly approved.
- 10) It shall conduct ecological expertise of environmental territorial complex plans, plans of complex utilisation of water, land and other resources and their protection, projects of construction (reconstruction) of enterprises and other facilities, as well as of equipment, technologies, materials and substances having an impact on the environment and state of nature resources, of food and other products of operating facilities. It shall assess environmental substantiations and factual consequences of environmental impact of different economic activities. In exceptional cases, the Baku City Committee shall develop normative documents upon the instruction by the SCE Chairman.
- 11) The implementation of the Baku Committee's conclusion on ecological expertise is mandatory. The Azerbaijan Republic Committee for Ecology may designate repeated expertise.
- 12) The Baku Committee shall develop suggestions on the establishment of specially protected nature territories and sites and submit them for the approval by the SCE.
- 13) Jointly with relevant executive power bodies and scientific institutions, the Baku Committee shall develop a territorial information database on environmental pollution and negative environmental impact, inform relevant bodies and publish information in the press, duly exchange it with regional and international organizations. The Committee

shall participate in the organization and conduct of environmental monitoring activities, learn and disseminate advanced experience in this area.

- 14) The Committee shall organize actions to educate careful relation to the environment in people, and increase the level of environmental education of general public. Jointly with government, non-government, academic and public environmentally active organizations, the Committee shall organize the dissemination of knowledge about environmental and personal health impact of consumption of food and other products not meeting environmental standards of rational utilisation of nature resources, as well as hold public awareness campaigns, conferences, exhibitions and other events.
- 15) The Committee shall participate in commissions established to accept and operate newly constructed (reconstructed) facilities with potential environmental impact, as well as environmental protection facilities. Within the limits of its authority, the Committee shall approve all materials concerning selection of sites and allocation of land for different types of economic activity.
- 16) The Committee shall cooperate with foreign and international organizations in the area of environmental protection and nature utilisation and upon the SCE's approval make agreements on the solution of environmental problems with foreign companies.
- 17) The Baku City Committee for Ecology shall arrange professional capacity building of its employees.
- 18) Within the limits of its authority and by an established procedure, the Baku City Committee for Ecology shall issue permissions for the discharge and disposal of harmful substances into the environment, usage of air for production purposes, utilisation of raw materials, industrial and household wastes, digging of water wells, use of fauna (including fish), flora (including forest), collection of wild and medicinal plants and other nature derivatives, as well as utilisation of food products.
- 19) On the territory of its jurisdiction, the Baku City Committee for Ecology shall exercise management of hunting and fishing areas, implement government management of protection and rational utilisation of fauna (including fish), flora (including forests), participate in the development of regulations (including charges levels), instructions and other normative documents in the area of protection and rational utilisation of fauna (including fish) and flora (including forests).
- 20) The Baku City Committee for Ecology shall control (monitor) the following:
 - a) the state of ecological systems, nature genetic fund, food and other consumption goods, biological balance, as well as the sources of air pollution, surface and underground waters, mineral resources, land, flora (including forests) and biological waterbeds, habitats of wild animals.
 - b) Compliance on its territory with the following by state, cooperative and joint enterprises, institutions and organizations, foreign legal and physical persons, officials and individuals irrespective of their subordination;
 - The Azerbaijan Republic environmental legislation, quality normatives, regulations and standards for food and other consumption products in the area of environmental protection and rational utilisation of nature resources, resolutions by local executive bodies not contradicting nature protection legislation; resolutions, orders, directions, instructions and mandatory orders by the Azerbaijan Republic State Committee for Ecology and the Baku City Committee for Ecology;
 - Collection of payments (including in foreign currency) charged for nature resources utilisation and environmental pollution and expenditure of the funds collected for environmental protection purposes;

- Limits and normatives for the discharge and disposal of polluting substances into the environment from stationary and other polluting sources determined by special permits as well as time limits for the implementation of plans to reduce the amount of those wastes to the levels of set normatives;
 - State of the environment and nature resources, compliance with environmental standards and norms, while producing materials and substances impacting human health, developing projects construction (reconstruction) of small scale enterprises and other facilities;
 - Requirements for environmental protection and rational utilisation of nature resources while designing, constructing, reconstructing and putting into operation new small scale enterprises, plants and other facilities, improving the existing and introducing new available technological processes and equipment, materials and substances with a potential impact on the environment;
 - Requirements for avoiding environmental pollution, littering or overuse of the environment and requirements for complex utilisation of nature resources while extracting mineral resources, conducting explosive works, siting and operating waste heaps, waste disposal locations;
 - Requirements for environmental protection while transporting, storing or using means for plant protection, stimulators of plant growth, mineral fertilizers and other chemical substances, whose use is allowed in agriculture;
 - norms and instructions set in the area of mining deposits of mineral resources, utilisation of industrial waste in mining industry, as well as timeframes and quality requirements for re-cultivation of quarries with mineral resources, timeframes needed for their preparation for re-use;
 - legislation on fishing regulation and protection of fish resources, their rational utilisation, other acts aimed at encouraging fishing;
 - regulations developed in the area of exploitation of natural resources for production purposes, rational and complex utilisation, their protection and rehabilitation;
 - regulations for operating facilities of water protection, rational utilisation of systems of water economy, water storage lakes and other hydro-technical facilities;
 - norms, regulations and regime of water use by industrial and other facilities;
- c) Implementation of the following by cooperative enterprises, institutions and organizations, joint enterprises, foreign legal and physical persons, as well as individual citizens irrespective of their subordination;
- plans and tasks in the area of environmental protection, rational and complex utilisation of nature resources, their conservation and rehabilitation;
 - requirements of plans on the installation and putting into operation of plants, facilities and equipment for cleaning from polluting substances discharged into the natural environment, on the control of polluting sources and provision with cleaning equipment;
 - water protection measures in coastal areas (zones), measures to combat harmful impacts on water (floods, coastal erosion, etc.);
 - recycling, re-using or rendering harmless expired, poor quality and not meeting ecological requirements food and other consumption products according to the requirements of specified procedures;

- complex of measures in the area of protection of land from salination, bogging, pollution with wastes, harmful chemical substances or other chemical substances, their protection from other types of pollution during construction or mining works;
 - measures to reduce and prevent pollution with substances discharged from vehicles or plants;
 - measures to prevent pollution of habitats of fish and other water organisms, to eliminate other negative impacts on bio-fauna as a result of conducting explosive works, drilling, mineral resources production, construction of water abstraction wells, laying pipelines, cables, etc.
- d) to keep databases (cadastres) of land, water, mineral resources, fauna and flora;
- e) to keep records of nature resources utilisation by government, cooperative and private enterprises, institutions and organizations, of the quantities of harmful substances discharged into the natural environment, disposal of industrial, household and other waste, their storage and burial;
- f) rational utilisation of water sites, protection of surface and underground waters from pollution, littering or overuse, regulation of planned and expedient utilisation of underground waters;
- g) state and rational operation of cleaning facilities; compliance with instructions and conditions to discharge wastewater;
- h) ensuring rational utilisation of land and forest resources during the construction of land improvement facilities, extraction of mineral resources, as well as other economic activities related to changing the condition of nature sites or forming landscape;
- i) utilisation of land for the purposes of its allocation to land owners and land users and undertaking land protection measures by agricultural (government and farmer) enterprises, institutions and organizations, timely implementation of organizational, economic, agro-technical, land improvement, hydro-technical, anti-erosion and anti-landslide measures, undertaking measures in the area of elimination of negative impact of sources of soil erosion, ensuring the functions of protective forests, operation of anti-erosion hydro-technical and coastal protection facilities;
- j) to submit suggestions to relevant government bodies on the rehabilitating of the land deserted as a result of any type of exploitation of nature resources to the state fit for usage for the purposes of agriculture, forestry and fishing, or to the state providing for regional ecological balance in accordance with the conditions of this land's separation, as well as on the allocation of the aforementioned lands to land users and land owners;
- k) ensuring water protection, water cleaning, field protection and other protection functions in forestries, on agricultural areas, valuable landscapes and forests;
- l) undertaking bio-technical measures to conserve and raise the quantities of wild animals and birds on specially protected areas;
- m) compliance with regulations concerning the protection of fauna, state hunting fund, hunting instructions and management of hunting;
- n) disposal of waste rocks resulted from extraction of mineral resources and industrial waste in order to eliminate their negative impact on the environment;
- o) application of scientific and technical achievements providing for environmental safety of industrial production and efficient utilisation of nature resources;

- p) keeping statistical records on the environment and rational utilisation of nature resources and ensuring the correctness of those records;
 - q) implementation of norms, regulations and legislation on utilisation and protection of nature sites of international and intrastate significance located on the territory of Baku city, protection of rare and disappearing species of fauna and flora listed in the “Red Book” of Azerbaijan Republic, not allowed for trade or whose protection is regulated by international agreements;
- 21) The Baku City Committee for Ecology shall give submissions (recommendations):
- a) to banks to suspend financing the construction, reconstruction and expansion of industrial facilities that have violated environmental legislation;
 - b) to Ministries, Committees and Main Departments about the prosecution of senior management of enterprises, institutions, organisations located on its territory for gross and repeated breaches of environmental legislation, environmental normatives and regulations, environmental requirements for food and other consumption products, standards of nature utilisation by their relevant organisations;
 - c) to relevant government bodies (according to subordination) and banks - about withdrawal of bonuses from senior officials, engineering personnel of government, cooperative, non-government and other organisations, enterprises, institutions for the violation of environmental legislation, environmental normatives, regulations or standards, for failure to implement plans or measures on environmental protection and rational utilisation of nature resources.

III. RIGHTS OF THE BAKU CITY COMMITTEE FOR ECOLOGY

13. Baku City Committee for Ecology is entitled to the following:

- 1) To hear reports of senior management of enterprises, institutions and organisations (irrespective of their ownership) on the implementation of measures of environmental protection and rational utilisation of nature resources, compliance with environmental requirements for food and other consumption products; to penalise for gross violations or raise issues of penalising before relevant organisations.
- 2) To submit suggestions on environmental protection and rational utilisation of nature resources to Baku executive power;
- 3) On its territory to have unimpeded access to enterprises, organisations, storage sites, ships, warehouses, trading sites and other areas irrespective of their subordination, including the sites belonging to the Ministry of Defence, Ministry of National Security, Ministry of Internal Affairs.

Irrespective of their subordination, enterprises, institutions and organisations are obliged to provide relevant officials from the Baku Committee for Ecology (during the execution of their duties) with telephone communication, vehicles, special uniform during check-ups (inspections), as well as to render any other necessary assistance.

- 4) On its territory to claim compensations for environmental damage as a result of pollution or ineffective utilisation of nature resources from enterprises, units, institutions, organisations, joint enterprises, other legal persons, individual citizens irrespective of their subordination, to withdraw compensation payments directly from a violator’s bank account in a mandatory order, remit the funds collected (including in foreign currency) to nature protection funds and special accounts.
- 5) To require Main Departments, enterprises or units polluting the environment or not undertaking relevant measures to reduce the discharge of polluting substances into the environment, to commission research institutions, designing organisations to develop

- efficient and clean technologies from the environmental point of view, or to acquire these technologies, as well as to participate in monitoring.
- 6) To forbid the designing, construction, reconstruction or expansion of industrial and other sites, causing the breach of environmental legislation, as well as to suspend operations of industrial and other enterprises violating environmental norms and regulations, the manufacture of products whose use may harm people's health, pollute or damage nature sites.
 - 7) To consider materials on administrative violations in the area of environmental protection, inefficient utilisation of nature resources, producing poor quality food or other products, to conduct interrogations, obtain explanations and impose fines on violators, impose other administrative penalties on them, if necessary refer violators to law enforcement bodies according to the established procedure.
 - 8) To participate in the development of ecological normatives in the area of environmental protection and rational utilisation of nature resources.
 - 9) To confiscate items, tools, mechanisms and other devices used in actions violating environmental protection legislation, to confiscate illegally obtained products, and to submit confiscated items, tools and others according to the established procedure.
 - 10) To obtain from enterprises and organisations necessary information on the state of the environment, nature resources utilisation, their rehabilitation, implementation of environmental protection measures, statistic information, as well as urgent information on accidents and emergencies and keep materials with the aforementioned information.
 - 11) On its territory to require necessary information and explanations, as well as obtain information free of charge from legal and physical persons, including foreign legal and physical persons;
 - 12) According to the established procedure to apply for the cancellation of permits for burial and storage of industrial, household and other wastes, discharge of harmful substances into the environment, water usage for special purposes, digging of wells, conducting works in water sites and coastal zones, usage of fauna and flora, exploitation of mineral resources, use of air for production or research purposes, land allocation.
 - 13) To establish commissions to identify the state of the environment and develop measures for its improvement, to call meetings on issues relating to the authority of the Baku Committee for Ecology, to make suggestions to SCE on the establishment of self-financing laboratories and other units to solve environmental problems.
 - 14) To involve scientific research, designing organisations, higher educational institutions, scientific-technical and information centres, other bodies and organisations, as well as individual scientists and specialists for the solution of problems related to the development of long-term problems, complex territorial plans on environmental protection in Baku, conduct of ecological expertise and protection of nature resources, their rational utilisation and other issues.
 - 15) To demand the establishment of points (posts) equipped with devices for continuous monitoring over discharge of polluting substances on sites, operation of those points and control over continuous supply with information to the Baku Committee for Ecology by those points from physical and legal persons, including foreign, directors of cooperatives, state and private enterprises, main departments, state committees, ministries whom those sites belong to.
 - 16) To publish newspapers on environmental protection and nature utilisation, to give interviews to magazines and newspapers in the aforementioned area, to advertise and provide information in mass media, to environmentally educate general public.

- 17) The Baku City Committee for Ecology reports to the SCE, it must implement SCE's resolutions, orders and instructions. The Baku City Committee for Ecology is entitled to make agreements, to be a plaintiff or a defendant in court on its own behalf.

IV. STRUCTURE AND MANAGEMENT OF BAKU COMMITTEE FOR ECOLOGY

14. The Committee will conduct its activities in close cooperation with local executive power bodies, sanitary-epidemiological, court, investigation bodies, environmental protection services, scientific, public organizations, mass media, information organizations.

15. The senior management Baku City Committee for Ecology consists of the Chairman and his/her Deputies.

16. The Baku City Committee for Ecology is managed by the Chairman who is appointed by the SCE Chairman:

- 1) The Chairman of the Baku City Committee for Ecology:

Shall make recommendations to the Chairman of the State Committee for Ecology on the recruitment and dismissal of staff according to the Committee's staffing schedule.

- Manages and is responsible for the activities of the Baku City Committee for Ecology;
- Appoints to and releases from positions the Baku City Committee's staff according to the staffing schedule;
- On behalf of the Committee takes actions not indicated in the power of attorney, represents the Committee in all government and non-government organizations, makes agreements, including recruitment contracts, powers of attorney, issues orders and resolutions relating to all issues within the limits of his/her authority;
- Makes recommendations to the SCE Chairman on rewarding the Committee's staff for timely completion of specific tasks and for high achievements;
- Submits agreed staffing schedule for the approval by the SCE Chairman;
- Approves the City Committee's work plan and agrees it with the SCE Chairman;
- Ensures timely submission of the Baku Committee's short term plans and financial reports to the State Committee's for Ecology;
- Ensures appropriate conditions for the staff's efficient and productive activity;
- Makes recommendations to the SCE Chairman to provide for financial and technical conditions of the Committee's activity;
- Considers cases on administrative violations and imposes administrative penalties in accordance with existing legal procedures;

17. The Baku City Committee for Ecology consists of the following departments and divisions:

- a) Financial management and reporting division;
- b) Chemical division;
- c) Air protection division;
- d) Division for environmental control over food products;
- e) Division for water protection;
- f) Division for the protection of soil, mineral resources and flora;

- g) Department for the protection of fauna and specially protected nature territories;
- h) Division for control over construction sites and ecological expertise;
- i) Division for dissemination of environmental knowledge and information;
- j) Administrative division.
- k) Heads of divisions and departments manage the activities of relevant units, according to the present Charter and are responsible for the implementation of functions and objectives of the Committee in accordance with the present Charter, as well as of the Committee senior management's orders, instructions and tasks.
 - They shall distribute workload among the division's staff and manage the implementation of their functions by the Division's staff;
 - Shall ensure the implementation of records and reporting on initial inspection documents;
 - Shall regularly submit documents and suggestions on inspection materials, organization of work, on the work performance of the divisions' employees;
 - Shall ensure the implementation of functional duties by inspectors and specialists of the City Committee for Ecology, implement orders, resolutions and instructions of the Committee's senior management;
 - Shall ensure the implementation of work plans by employees in relevant fields they are responsible for;
 - Shall control compliance with the conditions of the ecological expertise and contracts of projects and the requirements of other environmental normative documents;
 - Shall compile acts, protocols, certificates and other primary documents concerning inspections conducted, keeps records of payments and claims for compensations for environmental damage, makes justified proposals to the Baku Committee's senior management on measures to be undertaken, and on penalizing the ones responsible for violations;
- l) The Chemical Division:
 - Specialists in chemistry and other fields in the Chemical Division execute analytical control over environmental pollution;
 - The Chemical Division shall execute analytical control over pollution sources according to the approved schedule and conduct analytical monitoring in order to learn environmental pollution levels. It shall develop and submit proposals on the results to relevant divisions, the Chairman and his/her deputies;
 - Shall monitor coordination of environmental self-control schedules prepared by environmental self-control services and laboratories at enterprises, the implementation of those schedules, compliance with environmental standards and methodic instructions on analyses;
 - Shall conduct operative analyses and investigations in case facts of emergency extreme pollution occur, if necessary involve specialists of relevant organizations in this process, inform the Committee's senior management about the current situation and actions taken.
- m) on the State Protected Areas attached to the Baku City Committee the following actions shall be taken:
 - On relevant territories, local inspectors shall undertake measures to ensure compliance with environmental legislation in accordance with orders, resolutions

and instructions of the Baku City Committee's Chairman and according to the plan approved, control and coordinate the work of game wardens;

- On the State Protection Areas game wardens shall perform their duties in the area of fauna and flora protection according to environmental legislation, and organize their work according to local inspectors' directions;
- the Baku City Committee shall identify the amount of payments and compensations for violating the standards for the discharge of polluting substances into the environment, demand and ensure the payments by responsible enterprises, organizations and individuals.

18. In the Baku City Committee each employee's duties and rights shall be identified according to duly developed and approved job (position) descriptions and the present Charter.

19. The SCE has identified special uniforms for the Baku Committee's senior officials and inspectors.

20. The Baku City Committee's employees are allowed to keep and carry weapons according to an established procedure.

21. The Baku City Committee possesses a round stamp, other stamps and letterheads, a bank account. The Committee is entitled to open other accounts.

V. FUNDING AND EXPENDITURES

22. The Baku City Committee shall be funded from the state budget and other sources stipulated by legislation.

- 1) The Committee's extra-budgetary funds shall be formed from proceeds from works and services on the basis of contracts or joint activities with ministries, committees, societies, enterprises, organizations, foreign companies, physical and legal persons, from services in the field of development of environmental standards, environmental impact assessments, etc. Extra-budgetary funds shall be expended according to approved expenditure estimates.

VI. RESPONSIBILITY

23. The Baku City Committee for Ecology is responsible for performing the functions determined in the present Charter according to the SCE's work plan and undertaking the measures planned.

***BAKU CITY COMMITTEE FOR ECOLOGY
AND NATURE UTILISATION CONTROL***

M.P. AHMADOV