

THE LAW OF THE AZERBAIJAN REPUBLIC ON ECOLOGICAL SAFETY

Article 1. Main terms

Ecological safety shall mean protection of vastly significant interests of an individual and of the public, [as well as] on the environment from hazards arising as a result of anthropogenic and natural impacts thereupon.

Ecological hazard shall mean a set of circumstances creating hazards upon vastly significant interests of an individual and of the public, [as well as] on the environment as a result of anthropogenic and natural impacts.

Dangerous ecological situation shall mean a set of circumstances characterised by the destruction of, or negative changes in, the environment arising as a result of anthropogenic or natural impact, including disasters, and, therefore, creating danger upon vastly significant interests of an individual and of the public.

Extraordinary ecological situation shall mean a dangerous ecological situation requiring undertaking of necessary urgent measures for the purpose of protection of lives and health of individual, as well as of the environment.

Ecological disaster shall mean extraordinary ecological conditions characterised by irreversible changes in living and working conditions of individuals and in the environment.

Provision of ecological safety shall mean a system of measures for the prevention of arising and expansion of dangerous ecological situation, as well as for the elimination of consequences thereof, including consequences which may cause impact in future.

Subject of ecological hazard shall mean any enterprise, office, organisation, as well as physical person whose activities may be the cause of dangerous ecological situation.

Article 2. Scope of application and the purpose of the Law

This shall regulate relations between legal entities and physical persons, state and local self-administration authorities, their officials in the area of ecological safety in course of conduct of their activities.

The purpose of this Law shall be establishment of the legal framework for the purpose of protection of lives and health of individuals, the public, material and moral values thereof, the environment, including atmospheric air, cosmic space, water objects, subsurface, soils, natural landscapes, flora and fauna from hazards which may arise as a result of impact of natural and anthropogenic factors.

Article 3. Legislation on ecological safety

Legislation on ecological safety shall consist of the Constitution of the Azerbaijan Republic, this Law, other normative-legal acts and international agreements of the Azerbaijan Republic.

Article 4. State policy in the area of ecological safety

1. Being an indispensable element of the safety of individual, society and of the state, the following shall constitute principal trends of the state policy in the area of ecological safety:

1.1. prevailing provision for the ecological safety in course of formation and implementation of the state development strategy;

1.2. expansion of international co-operation for the purpose of provision of the ecological safety on the international regional and local levels;

1.3. creation of the system for ensuring ecological safe conditions for lives and activities of individuals with the condition of protection and preservation of the biosphere and all the components thereof;

1.4. provision for the activities of state and local self-administration authorities through the territory of the country, including in the Azerbaijan Republic sector of the Caspian Sea (lake);

1.5. formation and regular implementation of measures for the purpose of prevention of dangerous and extraordinary ecological situations, elimination of consequences thereof, including consequences capable of affecting future generations;

1.6. regulation of economic and other categories of operations affecting the environment from the standing of provision for the ecological safety.

2. Causing damages to or creation of hazards over lives and health of individuals as a result of breach of norms of legislation on ecological safety shall be treated as breach of human rights.

3. Compliance with requirements related to the ecological safety shall be a requisite condition for the exercise of rights of ownership, possession or use of natural resources.

Article 5. Rights and duties of the state in the area of ecological safety

1. Rights of the state in the area of ecological safety:

1.1. to establish a single state policy;

1.2. to co-ordinate the activities of the relevant executive authorities and to undertake methodological management of such activities;

1.3. to prepare and implement projects and state programs;

1.4. to carry out mutually with the relevant executive authorities actions in connection with the provision of the ecological safety;

1.5. to establish norms of compliance with the ecological safety, including carrying out compulsory state ecological examination of future economic and other activities which may give rise to dangerous ecological situations;

1.6. to undertake actions stipulated by the legislation for the suspension of activities of enterprises and organisations guilty of breach of legislation;

1.7. to take measures for bringing officials guilty of breaching the legislation before the liability imposed by the law;

1.8. to acquire the relevant information on the ecological safety from the relevant executive authorities;

1.9. to arrange and to participate in international events dedicated to the provision of the ecological safety, to co-operate with the relevant authorities of foreign countries in the area of exchange of experience, specialists and information;

1.10. to exercise other rights specified by the legislation in the area of ecological safety.

2. Duties of the state in the area of ecological safety:

2.1. to undertake state control, including control over ecological safe use of natural resources and compliance by economic subjects with ecological safety requirements;

2.2. to reveal and to forecast situations and circumstances which may cause arising and expansion of dangerous ecological situations;

2.3. to organise and implement information supply;

2.4. to grant the appropriate territories the status of the zone with extraordinary ecological situation, including zones of ecological disasters;

2.5. to approve state standards and other norms establishing ecological safety requirements;

2.6. to inform the public on dangerous and extraordinary ecological conditions;

2.7. to ensure training of individuals in the area of ecological safety;

2.8. to perform other duties specified by the legislation in the area of ecological safety.

Article 6. Authorities of local self-administration authorities in the area of the ecological safety

Authorities of local self-administration authorities in the area of the ecological safety shall be established in accordance with the legislation.

Article 7. Rights of individuals and public organisations in the area of ecological safety

1. Ecological safety of citizens of the Azerbaijan Republic, citizens of foreign states and persons without citizenship (hereinafter referred to as ‘individuals’) shall be maintained by the state. Such persons shall have equal rights for the receipt of compensation for the damages caused through dangerous ecological situations.
2. Rights of individual and public organisations:
 - 2.1. to submit proposals to state and local self-administration authorities;
 - 2.2. to obtain in accordance with the prescribed procedures and within the framework of their authorities, from state and local self-administration authorities information on sources of ecological hazards, dangerous ecological conditions and actions undertaken for the purpose of elimination thereof;
 - 2.3. to exercise public control over compliance with the requirements related to the maintenance of the ecological safety;
 - 2.4. to apply to state and local self-administration authorities, courts in relation to cases of breach of legislation on the ecological safety.

Article 8. Information supply for activities in the area of ecological safety

1. Information supply for activities in the area of ecological safety shall be carried out by authorities engaged into environmental and natural monitoring.
2. Financing and procurement for the purpose of information supply in the area of the ecological safety shall be financed in accordance with the procedures specified by the legislation on the account of the state budget and other sources of financing.

Article 9. Limitations upon economic activities and other actions for the purpose of maintenance of the ecological safety

1. Passing and implementation of resolutions by the relevant executive authorities and local self-administration authorities, their officials for the purpose of permitting of carrying out the following categories of activities should be prohibited:
 - 1.1. economic and other activities which directly or indirectly negatively affect the environment, without obtaining a positive opinion of the state ecological examination, as well as without receipt of a special permission for the cases where receipt of such permissions is stipulated by the legislation;
 - 1.2. economic and other activities which may cause severe ecological consequences;
 - 1.3. economic and other activities which fails to comply with the requirements for the maintenance of the ecological safety;

1.4. including new (productive) lands into economic and other categories of circulation without reinstating, in accordance with the procedures specified by the legislation, unproductive lands;

1.5. scientific-research, economic and other experiments carried out with breach of legislation on the ecological safety.

2. Passing of resolutions by the relevant executive authorities and local self-administration authorities, their officials for the carrying out of the following categories of ecologically dangerous activities should be prohibited:

2.1. economic and other activities constituting in accordance with the opinion of the state ecological examination the source of ecological hazard;

2.2. import of radioactive wastes, processed nuclear fuel suitable for the re-use, toxic and other industrial and public wastes listed in the schedule to be stipulated by the legislation, other radioactive substances and nuclear materials, non-toxic wastes which cannot be reused, as well as substances associated with ecologically unsafe application and processing technologies;

2.3. activities causing global changes in the environment and its components, including activities breaching international agreements on ecological safety;

2.4. import and production of goods, as well as other ecologically dangerous products associated with ecologically unsafe processing, utilisation and re-application technologies;

2.5. application of toxic substances accumulating in a human body and in the environment and not capable of natural fragmentation, as well as of toxic substances associated with ecologically unsafe neutralisation technologies;

2.6. application of substances with uncertified degree of hazard upon environment and humans;

2.7. application, reproduction and distribution of artificially obtained organisms which are not characteristic to the local environment and which are not associated with the preparation of set of efficient measures for the purpose of prevention of uncontrolled reproduction and dissemination;

2.8. other activities referred in accordance with laws and other normative-legal acts on the ecological safety into the category of ecologically dangerous operations.

Legal entities and physical persons shall also be prohibited from engaging into the aforementioned categories of activities.

Article 10. Division of the territory of the country into zones in accordance with the degree of ecological hazards

All the territory of the Azerbaijan Republic, including the Azerbaijan Republic sector of the Caspian Sea (lake) shall be divided into zones in accordance with the degree of

ecological hazards. Requirements on the maintenance of the ecological safety and categories of economic and other categories of activities prohibited in such zones shall be stipulated by the legislation.

Article 11. Elimination of consequences of dangerous ecological situations

1. State control over co-ordination and implementation of activities for the elimination of harmful impact upon the environment shall be carried out by the relevant executive authorities.

2. In zones of dangerous ecological situations the relevant executive authorities and local self-administration authorities shall implement measures for the reinstatement of the environment as a matter of first priority.

Requirements upon elimination of dangerous ecological situations shall be stipulated by the legislation.

3. The following shall constitute sources of finances for the full elimination of dangerous ecological situations and future implications thereof:

3.1. funds of subject of economic activities being guilty for arising of dangerous ecological conditions;

3.2. insurance payments for damages caused to the environment through dangerous ecological situations;

3.3. dedicated funds from state funds and the state budget related to the environmental protection;

3.4. grants and financial aid of international institutions;

3.5. other sources of financing stipulated by the legislation.

4. Where it is not possible to determine subjects of ecological hazard being guilty for the arising of dangerous ecological situations, or where subject have insufficient funds, consequences shall be eliminated on the account of the state budget and other sources.

Article 12. Financing and sources thereof in the area of activities on ecological safety

Financing of activities in the area of ecological safety shall be carried out on the account of funds of subjects of ecological hazard, other dedicated funds from the state fund and the state budget related to the environmental protection, financial assistance provided by the relevant public funds, through grants and from international institutions, as well as other sources of financing. Procedures of application of such funds shall be stipulated by the legislation.

Article 13. Cases of and liability for the breach of legislation on ecological safety

1. Breach of legislation on ecological safety shall include breach of this Law and other normative-legal acts enacted for the purpose of establishment of requirements in relation to the ecological safety, deliberate damaging or destruction of objects capable of causing dangerous ecological situations, or creation of the fear of ecological hazards, or as well as financing of ecologically unsafe operations of subjects of economic activities.

2. Cases of breach of legislation on ecological safety by officials:

2.1. approval of requirements contravening legislation on ecological safety;

2.2. approval of state programs failing to comply with requirements on the maintenance of the ecological safety;

2.3. passing of resolutions with breach of requirements applicable to the maintenance of the ecological safety, including issue of opinions of state ecological examinations;

2.4. manipulations with or delay with release of information on dangerous ecological situations, or release of incomplete information, as well as failure to perform duties of control related to the level and sources of ecological hazards;

2.5. other cases stipulated by the legislation on the ecological safety.

3. Liability for the breach of this Law and other normative-legal acts in the area of the ecological safety shall be established in accordance with the legislation of the Azerbaijan Republic.

The President of the Azerbaijan Republic

Heydar ALIYEV.

Baku, June 8, 1999.

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