

THE LAW OF AZERBAIJAN REPUBLIC ON ENVIRONMENTAL IMPACT ASSESSMENT

The present Law defines the impact of projects and also strategic documents about the use of natural resources, as well as, economic, industrial, urban development, construction and installation activities on the environment and human health and legal, economic and organizational basis of environmental impact assessment, strategic environmental assessment and environmental examination process implemented for the purposes to studying the compliance of its results to the environmental quality standards and ecological requirements and regulates relations established in this field.

CHAPTER I GENERAL PROVISIONS

Article 1. Definitions

1.1. The terms used in the present Law are defined as follows:

1.1.1. Project – the use of natural resources, as well as, economic, industrial, urban development, construction and installation activities;

1.1.2. The Party proposing the project – the entity or the individual who will implement the project;

1.1.3. Planning authority – relevant executive authority or local government agencies, as well as, state-owned enterprises that develop strategic document and submit it to relevant executive authority for approval;

1.1.4. Strategic document – plan, program, concept, strategy or any other strategic document required by legislative, regulatory or administrative regulations or developed by the relevant executive authorities and state – owned enterprises for their adoption by legislative body or relevant executive authority, as well as, amendments made to these documents;

1.1.5. Environmental impact – any impact of the implementation of the offered project or strategic document on the environment, human health and safety, flora and fauna, soil, water, air, climate and landscape, biodiversity, historical monuments and other objects or interaction between these components, as well as, impacts on the cultural and natural heritage, as well as, socio – economic condition as a result of changes in these components;

1.1.6. harmful effect on the environment – negative impact in terms of quantity and quality on the properties and characteristics of components comprising ecological system as a result of the execution of the project and strategic document and wasteful use of natural resources;

1.1.7. environmental quality standards – environmental indicators meeting the requirements of technical normative legal acts, as well as, standards that provide human health, environmental protection and balance;

1.1.8. Limits of possible impact on the environment – limits set for the protection of the degree of environmental quality and ecological safety;

1.1.9. ecological risk – the possibility of occurrence of anthropogenic impacts that are undesirable (deliberate, accidental, permanent or catastrophic) for environmental condition and human health;

1.1.10. environmental impact assessment – evaluation process that defines the impacts of the project offered on the environmental and human health determining physical, biological, socio-economic and environmental potentials and creates basis to minimize these effects;

1.1.11. environmental impact assessment report – final review developed by the party proposing the project or the consultant on environmental assessment on its behalf, reflecting the information mentioned in the article 6.4 of this Law and the results of environmental impact assessment;

1.1.12. strategic environmental assessment – evaluation process that is applied to strategic documents which can have a significant impact on the environment, directed to the exclusion of potential impacts on the environment in the initial phase, as well, negative impacts or to its reduction in the minimum level, at the same time, selection of environmentally efficient ways determining its socio- economic and

ecological potentials, provided sustainable development of the environment and created basis for the adoption of planned decisions;

1.1.13. strategic environmental assessment report - final review developed by the planning authority or the consultant on environmental assessment on its behalf, reflecting the information mentioned in the article 13.2 of this Law and the results of strategic environmental impact assessment;

1.1.14. consultant on environmental assessment - physical or legal person having scientific, technical and methodological skills and opportunities related to the activity in this field, that implements environmental assessment and develops relevant reports based on the order of the party proposing the project or the planning authority;

1.1.15. Determining the application of environmental assessment - The procedure on determining the environmental assessment and necessity of the implementation of strategic ecological assessment in accordance with this Law;

1.1.16. Determination of the scope - the procedure on the determination of volume and type of information that are necessary to be collected and verified, as well as, methods to be applied during environmental impact assessment and strategic environmental assessment;

1.1.17. document on the determination of the scope - document developed by the party proposing the project or planning authority or consultant on environmental assessment on its behalf and submitted to relevant executive authority carrying out state ecological expertise for its approval;

1.1.18. state ecological expertise - environmental assessment procedure carried out by the relevant executive authority for the purpose of determination of the activities that are the object of the expertise which is intended to be carried out meeting the ecological requirements and the permissibility of realization of these activities;

1.1.19. ecological expertise client - legal or physical person, as well as, the party proposing the project or planning authority or the consultant on environmental assessment on their behalf applying to the relevant executive authority implementing state ecological expertise for the purpose of implementation of any activity that is the object of ecological examination;

1.1.20. The object of ecological expertise – field of activity that has direct and indirect impacts on the environment;

1.1.21. Realization of the ecological expertise object – execution of the activity that is the object of ecological examination;

1.1.22. Project's declaration of intent – document submitted by the party proposing the project or consultant on the environmental assessment on his/her behalf, as well as, other physical and legal persons with his/her instruction to the relevant executive authority carrying out state ecological expertise for its approval together with the document mentioned in the article 1.1.17 of this Law for the purpose of disclosure of project's intent and determination of the scope of project's impacts on the environment;

1.1.23. A declaration of intent on strategic environmental assessment – document submitted by the planning authority or consultant on environmental assessment on its behalf, as well as, other physical and legal persons by his/ her instruction to the relevant executive authority carrying out state ecological expertise for its approval together with the document mentioned in the article 1.1.17 of this Law for the purpose of disclosure on the development of strategic document and determination of the scope of project's impacts on the environment;

1.1.24. public - one or more physical or legal persons, as well as, their associations, organizations and groups.

Article 2. Legislation of Azerbaijan Republic on Environmental Impact Assessment

2.1. The legislation of Azerbaijan Republic on Environmental impact assessment consists of the Constitution of the Republic of Azerbaijan, the present Law, Laws of Azerbaijan Republic “On Environmental protection” and “On Environmental safety”, civil, urban planning and construction legislations of Azerbaijan Republic, other normative legal acts adopted in accordance with them, as well as, international agreements joined by the Republic of Azerbaijan.

2.2. When the rules specified in the field of environmental impact assessment in international treaties joined by the Republic of Azerbaijan are different from the rules mentioned in the present Law, the rules of international treaties are applied.

CHAPTER 2

ENVIRONMENTAL IMPACT ASSESSMENT

Article 3. Purpose and application procedure of environmental impact assessment

3.1. The purpose of environmental impact assessment is to reveal the existence of possible negative or positive impacts on the environment, assessment or exclusion of their scale of time and intensity or preparation and implementation of relevant actions for the reduction of negative impacts to the minimum level.

3.2. The implementation of the environmental impact assessment process is considered to be important on the types of activities relevant to the list in the Annex of the present Law and it is the basis for the issuance of opinion by the relevant executive authority carrying out state ecological expertise before the implementation of the project.

Article 4. Project's declaration of intent and determination of its scope

4.1. The party proposing the project should submit the declaration of intent on the project together with the document defining the scope of environmental impact assessment to the relevant executive authority carrying out state ecological expertise for approval.

4.2. The document that defines the scope of environmental impact assessment submitted together with the project's declaration of intent should reflect the information about the followings:

4.2.1. The party proposing the project;

4.2.2. General description, purpose, specifications, essence and risk level of the proposed project;

4.2.3. The absence of the proposed project or its alternatives;

4.2.4. Expected significant impacts on the environment;

4.2.5. Possible adverse impacts on the environment in transboundary context.

4.3. Rules mentioned in the article 5 of this Law are the basis for the determination of the scope (as well, volume) of environmental impact assessment.

4.4. Time and place of public hearing is proposed when project's declaration of intent is submitted to the relevant executive authority carrying out the state ecological examination. The document on the determination of the scope of environmental impact assessment is summarized after public hearing organized by the party proposing the project or consultant on environmental assessment on its behalf with the

participation of representatives of relevant executive authorities on environment.

4.5. The project's declaration of intent and the document on the determination of its scope should be posted on the website of relevant executive authority together by the party proposing the project with the announcement of public meeting and awareness by other mass media should be provided, as well as, the submission of the copy based on the written request of public should be ensured.

4.6. The purpose, place and date of meeting, the procedure of its conduction, as well as, means of obtaining documents should be mentioned in the announcement of public hearing. Hearing should be declared open for each representative of public.

4.7. Public hearing organized by the party proposing the project is chaired by the representative of relevant executive authority with the participation of the representatives of relevant executive authorities on the environment, as well as, the consultant on environment carrying out the assessment.

4.8. The party proposing the project should include the results of public hearing in the document on the determination of the scope of environmental impact assessment and submit it to the relevant executive authority carrying out the state ecological expertise for approval within 7 (seven) working days.

4.9. The party proposing the project is responsible for properly mentioning the results of public hearing and consultations with relevant executive authorities in the document on the determination of the scope of environmental impact assessment.

4.10. After the project's declaration of intent and document on the determination of the scope of environmental impact assessment is approved, its result should be delivered to public being posted on the website of relevant executive authority carrying out the state ecological examination.

4.11. Organization and conduction of public awareness, public hearing and public discussions is regulated in the manner specified by the Law of Azerbaijan Republic "On public participation", as well as, international agreements signed by the Republic of Azerbaijan.

Article 5. Rules for the implementation of environmental impact assessment process

5.1. The following ecological risk levels are specified for the purpose of determination of environmental quality standards, applicable legislation in the field of environmental protection, as well as, the scope of environmental impact assessment by the party proposing the project or consultant on environmental assessment on its behalf together with the relevant executive authority based on this Law taking into consideration the current environmental status of the area where the implementation of the project is planned, the essence of the project, sensitivity of environment and people to the potential impacts on the project, degree of significance and resistance of impacts, as well, impacts beyond the boundaries of the project area:

5.1.1. The Projects that have direct and lasting impact on environment and of which negative impacts are expected not only in the project area, but also beyond its boundaries are attributed to the projects with high environmental risks. Detailed environmental and social impact assessment on these projects should be implemented;

5.1.2. The projects of which less impacts are expected, significant impacts within sanitary protection zone of expertise facility are expected, as well as, projects with the potential of mitigation of impacts are attributed to the medium - risk projects. Social impact assessment is not intended while preparing the environmental impact assessment report on these projects;

5.1.3. The projects having less impacts on environment, as well, of which positive impacts are expected are attributed to the less environmentally risky projects and the environment impact assessment report is not required. State ecological expertise is conducted by compiling Ecological sections reflecting the information mentioned in the article 23.2 of this Law in the manner appropriate for the relevant legislation on these project;

5.1.4. The types of activity mentioned in the Annex to this Law are only attributed to high and medium risk levels.

5.1.5. Determination of environmental risk levels is regulated by the rules adopted in accordance with this Law, based on the consultation with the relevant executive authority carrying

out the ecological expertise after the disclosure of the project's intention by the party proposing the project.

5.2. The assessment of the following impacts on the environment is carried out in the environmental impact assessment:

- 5.2.1. atmospheric air;
- 5.2.2. surface and underground waters;
- 5.2.3. bottom surface of the water reservoirs;
- 5.2.4. natural and man-made landscapes;
- 5.2.5. subsurface and ground cover;
- 5.2.6. flora and fauna;
- 5.2.7. biodiversity, condition of ecological systems;
- 5.2.8. public health;
- 5.2.9. socio-economic sphere (employment, education, health, transport and engineering infrastructure);
- 5.2.10. material and cultural heritage;
- 5.2.11. climate changes.

5.3. Environmental impact assessment process is regulated by the present Law and rules adopted according to this Law by the relevant executive authority.

Article 6. Environmental impact assessment report

6.1. Environmental impact assessment report on the suggested project is developed by the consultant on environmental assessment. Costs of conducting environmental impact assessment, as well as, implementation of consultations and development of report are paid by the party proposing the project.

6.2. Environmental impact assessment report is a set of serious and detailed research mentioning the initial status of environment in the planned activity area, potential environmental impacts and ways of their elimination, and also consisting of the parts of introduction and conclusion, as well as, recommendations on the reduction of negative impacts on the environment.

6.3. Details, scope and type of information included in the environmental impact report, as well as, methods and ways for the submission of information should be appropriate to the relevant requirements mentioned in the document on the determination of its scope.

6.4. Environmental impact assessment report includes the following information:

6.4.1. Description, purpose, stage and ecological risk level of the project proposed;

6.4.2. description of alternatives of the proposed project, as well as, the state of absence of the project, ecological justification of project assessing environmental impact on the suggested variants;

6.4.3. Socio – economic development perspectives of administrative-territorial unit of the project area and forecasting the changes that can occur in the environmental condition related to the execution of project and their socio- economic results and suggestion of the coordinated solutions;

6.4.4. Description and sensitivity assessment of environment, as well as, existing ecological, geological and hydrogeological condition of the project area that will be affected;

6.4.5. Potential impacts on environment and their sources (including specifications of facilities and equipment to be used) relevant to the article 5.2 of this Law on the proposed project, assessment of types of impact, sustainability and degree of importance;

6.4.6. scientific forecasting of ecological risks, as well as, development scenarios in cases of emergencies and accidents;

6.4.7. description of measures of prevention, reduction and mitigation of negative impacts on the environment;

6.4.8. mentioning the forecasted methods and main considerations, as well as, relevant ecological information sources;

6.4.9. lack of information and note of uncertainties faced during the preparation of the required information;

6.4.10. monitoring, management programs and description of analyses after the project;

6.4.11. environmental management plan prepared on all phases of the implementation of the project;

6.4.12. non-technical description written in the manner and style understandable by the general public, as well as, visual presentations (relevant maps, graphs and schemes).

Article 7. Documentation of environmental impact assessment

7.1. Documents developed on environmental impact assessment is the object of state ecological examination.

7.2. When the activity on the planned project is a type of activity that can be implemented by obtaining special permit (license) or permission in the manner specified by the legislation, documents on giving special permit (license) or permission for the implementation of this type of activity can be added to the list of documents submitted to the relevant executive authority on state ecological expertise for giving an opinion.

7.3. Time and place of public hearing is proposed submitting initial environmental impact assessment report by the party proposing the project or consultant on environmental assessment on its behalf, as well as, other physical and legal persons by its instruction to the relevant executive authority carrying out state ecological examination.

7.4. The party proposing the project declares hearing open for each representative of the public posting the announcement on the organization of public hearing on the official website of the relevant executive authority at least prior 7 working days to become familiar with environmental impact assessment report, as well as, informing the public by means of other media outputs.

7.5. The purpose, place and date, procedure of conducting, as well as, means of obtaining relevant documents should be noted in the announcement of public hearing.

7.6. The party proposing the project is responsible for ensuring public awareness using relevant information means in the area affected, as well as, giving detailed information to physical and legal persons based on their requests.

7.7. Public hearing organized by the party proposing the project is chaired by the representative of relevant executive authority with the participation of the representatives of relevant executive authority on environment and health, as well as, consultant on environment carrying out the assessment.

7.8. Physical and legal persons living and having property in the administrative-territorial unit in which the implementation of project is intended are entitled to offer an environmental impact assessment report and give remarks. The party proposing the project should respond to the application related to the given offer or remark in a written form within 15 (fifteen) days from its receipt.

7.9. The party proposing the project, as well as, consultant on environmental assessment on its behalf is responsible for the proper

reflection and justification of the results of transboundary consultations in case of conducting, as well as, consultations and public hearing with the relevant executive authority on state ecological examination.

7.10. State ecological expertise opinion give on environmental impact assessment report should be delivered to the public being posted on the website of relevant executive authority carrying out ecological examination.

7.11. Organization and conduction of public awareness, public hearings and public discussions are regulated by the Law of Azerbaijan Republic on "Public participation", as well as, international agreements signed by the Republic of Azerbaijan.

7.12. Taking into consideration the public hearing, at the same time, the results of consultations carried out, the party proposing the project or consultant on environmental assessment on its behalf, as well as, other physical and legal persons by its instruction submit the finalized environmental impact assessment report to the authority carrying out the state ecological expertise for giving ecological expertise opinion.

7.13. Ecological expertise client obtains state ecological expertise opinion for the environmental impact assessment report submitted to the relevant executive authority carrying out state ecological examination.

7.14. Environmental impact assessment report which is not the minutes of public hearing is not agreed by the relevant executive authority on state ecological examination.

7.15. Relevant executive authority on state ecological expertise giving positive opinion on the execution of projects determines the conditions for environmental protection taking into consideration the results of final environmental impact assessment report, public hearing and discussions, the results in case of transboundary consultations, and the opinions on expert commission mentioned in the article 23 of this Law.

7.16. Information justified about consideration of troublesome issues on results relevant to the article 7.14 of this Law and suggestions presented should be reflected in the ecological expertise opinion on the project.

7.17. The requirements of environmental protection should be specified in the manner mentioned in the legislation on environment and human health especially taking into consideration the issues of studying impacts on sensitive environmental components and human health, natural protection zones, cultural and natural heritage in the project area on the

implementation phases of the project in the state ecological expertise opinion given on the project.

7.18. Monitoring should be carried out by the party proposing the project in accordance with the terms given for the purpose of analyses after the execution of the project in the state ecological expertise opinion and its results should be submitted to the relevant executive authority. Conducting monitoring is regulated by the existing legislation.

Article 8. Features of environmental impact assessment

8.1. Preparation of environmental impact assessment report is not required for the re- establishment of enterprises (facilities) currently operating and being relevant to the applicable ecological normative documents (Disposable waste limit (DWL), Permissible discharge limit (PDL), Ecological passport) on the indicators of environmental impact during its activity or changing the existing facilities and equipment in those enterprises. It is required to make changes and amendments in ecological normative documents of enterprises (facilities) taking into consideration their term after the implementation of these projects.

8.2. When the relevant executive authority on state ecological expertise determines that there are significant changes of reconstruction works not specified in the initial project documents of the existing facility that can have negative impact on environment and human health, environmental impact assessment is implemented in the form of change made to the environmental impact assessment on the facility, documentation of additional materials or initial materials of existing environmental impact assessment.

8.3. If terms of use of nature (natural resources) of the facility implementing the types of activity mentioned in the list in Annex to this Law significantly differ from those envisaged by the project, then, again environmental impact assessment of that facility should be carried out on the whole facility.

8.4. Environmental impact assessment is regulated by the rules adopted by the relevant executive authority according to this Law.

Chapter 3

STRATEGIC ENVIRONMENTAL ASSESSMENT

Article 9. Purpose and process of implementation of strategic environmental assessment

9.1. The purpose of strategic environmental assessment is to accurately take into account the ecological considerations while preparing strategic documents that can have impact on environment by the relevant executive authority, enable for the adoption of ecologically effective decisions by submitting initial information based on the determination of potential impacts on the environment and human health and ensure sustainable development and environmental safety during the execution of strategic documents.

9.2. Strategic environmental assessment is related to the processes of environmental impact assessment, as well as, state ecological expertise and ensures initial application of the principles of human health and the environmental protection.

9.3. Strategic environmental assessment is carried out by the preparation of strategic documents, strategic environmental assessment report is prepared on the obtained results and state ecological expertise is conducted.

9.4. Strategic environmental assessment consists of determination of the scope of strategic environmental assessment report, assessment of potential risks on environment and human health, analyses of possible alternatives, preparation of final report of obtained results, conducting consultations with the relevant executive authorities and public, taking into consideration the results obtained in the decision making process related to the adoption of strategic document, as well as, giving reasonable notification about final decision by the planning authority and verification of results.

Article 10. Objects and scope of strategic environmental assessment

10.1. The objects of strategic environmental assessment are strategic documents that can significantly affect the environment.

10.2. Strategic environmental assessment is applied to the strategic documents developed on agriculture, forestry, fisheries, energy, industry, transport, waste and water management, use of land resources, tourism and telecommunication, as well as, strategic documents such as development programs in especially sensitive areas (ecological disaster, free economic and ecological and economic zones etc.), general plans of administrative regions and general and detailed plans of towns and other settlements.

10.3. Strategic documents arising from international conventions and concession agreements envisaging the use of natural resources in the Republic of Azerbaijan are referred to the scope of strategic environmental assessment.

10.4. Strategic documents envisaging the implementation of projects in the future that can have significant impact on environment and human health on the list in the Annex to this Law and developed by the relevant executive authorities, and referred to the scope of strategic ecological assessment are basis for the application of strategic environmental assessment.

10.5. Strategic environmental assessment is not applied to the strategic documents developed (or served) for emergency cases, civil defense, financial and budget services.

10.6. The planning authority can decide about non -implementation of strategic environmental assessment provided that giving opinion related to lack of significant negative impact on the environment and human health and amendments of relevant executive authorities on environment and health really being less, in case of implementation of strategic assessment on the document before the adoption of the relevant strategic document during the amendments made to the strategic documents referred to the scope of application of strategic environmental assessment.

Article 11. Main principles of the implementation of strategic environmental assessment

11.1. Main principles of the implementation of strategic environmental assessment are based on norms and principles of international law in the field of environment and ecological assessment, international contracts joined by the Republic of Azerbaijan, environmental, ecological safety, urban planning, construction, land and civil legislations of the country and other normative legal acts and technical normative legal acts.

11.2. The principles of strategic environmental assessment are as follows:

11.2.1. provision of environmental safety and sustainable development;

11.2.2. provision of accuracy, transparency and reliability of information on environment safety on strategic documents;

11.2.3. provision of caution by means of potential environmental scientific forecasting on strategic documents, as well as, reasonable forecasting on the provision of environmental safety from scientific point of view or studying the application of new economic activities without guarantee;

11.2.4. public approval of ecological policy and strategic documents of which the results of implementation refer to the constitutional rights of citizens to live in a healthy environment and ensure ecological safety;

11.2.5. implementation of international (interstate) cooperation requiring the compliance of strategic planning methods and procedures and formation of integrated environmental policy in the development of strategic documents on the joint use of nature (natural resources) and socio-economic development in the border areas;

11.2.6. adjacency to other strategic documents.

Article 12. Determination of the scope of strategic environmental assessment

12.1. The planning authority developing strategic document should submit the description or draft of the strategic document, as well as, Declaration of Intent on strategic environmental assessment to the relevant executive authority implementing state ecological expertise for its approval together with the document specifying the scope of strategic environmental assessment for the purposes of determination of the scope of strategic ecological assessment in the preparation stage as soon as possible before finalizing strategic document.

12.2. The document determining the scope submitted together with the Declaration of Intent on strategic environmental assessment should reflect the information on the followings:

12.2.1. Planning authority;

12.2.2. purposes and essence of the proposed strategic document;

12.2.3. relation of the proposed strategic document with other existing or planned strategic documents;

12.2.4. territory, volume, terms of implementation and resources of strategic document on projects and other activities;

12.2.5. possible impacts on environment as a result of the execution of strategic document in transboundary context.

12.3. Time and place of conducting public hearing is suggested while a declaration of intent on SEA is submitted to the relevant executive authority carrying out the state ecological examination. The document determining the scope of strategic environmental assessment is finalized after public hearing held with the participation of representatives of relevant executive authority on environment and health organized by the planning authority.

12.4. Announcement of the meeting with public by the planning authority should be posted on the website of the planning authority at least 7 working days prior together with the declaration of intent on SEA and document on the determination of its scope and should be declared open for each representative of public ensuring public awareness by means of other mass media outlets.

12.5. The purpose, place and date of the meeting, procedure of conducting, as well as, means of obtaining documents should be noted in the announcement of public hearing.

12.6. The planning authority is responsible for the provision of public awareness using relevant media outlets in the area affected, as well as, giving detailed information to the physical or legal persons based on their requests about it and also submission of its copy.

12.7. Public hearing organized by the planning authority is chaired by the representative of the relevant executive authority with the participation of the representatives of environment and competent executive authority, as well as, consultant on environment implementing the environmental assessment.

12.8. The planning authority includes the results of public hearing in the project document determining the scope of strategic environmental assessment and submits it to the relevant executive authority carrying out the state ecological expertise within 7 (seven) working days for its approval.

12.9. The planning authority is responsible for the proper reflection of the results of consultations with the relevant executive authorities and public hearing in the document.

12.10. The document on the determination of the scope on SEA, results of public hearing and discussions by the relevant executive authority on state ecological examination, in case of transboundary

consultations, taking into consideration the results of process, environmental terms are determined.

12.11. Organization and conduction of public awareness, public hearing and public discussions is regulated in the manner specified by the Law of Azerbaijan Republic “On public participation”, as well as, international agreements signed by the Republic of Azerbaijan.

Article 13. Strategic environmental assessment report

13.1. Strategic environmental assessment report on strategic document is developed by the consultant on the environmental assessment. Costs of implementation of strategic environmental assessment, conduction of discussions and development of strategic environmental assessment report are paid by the relevant planning authority.

13.2. Strategic environmental assessment report includes the following information:

13.2.1. The content, main objectives of strategic document and its relation with other strategic documents;

13.2.2. Targets on the environment and human health adopted in international, national and other levels with strategic document and criteria for their being taken into consideration;

13.2.3. Existing condition of natural eco – systems and natural and economic systems, environment, as well as, human health in the area covered by the strategic document that can be significantly affected;

13.2.4. The state of environment in case of non – execution of strategic document;

13.2.5. Significant impacts on the environment, as well as, potential environmental problems that can occur related to the execution of strategic document;

13.2.6. Prevention, reduction or mitigation measures of negative effects on environment from the execution of strategic document;

13.2.7. Justification of the selection of alternatives, description of information or information gaps on environmental efficiency, assessment methods, as well as, technical and non- technical solutions;

13.2.8. Provision of targets on the environment and human health proposed during the execution of strategic document, as well as,

monitoring measures for the purposes of verification of taking measures envisaged in accordance with the obtained results;

13.2.9. possible environmental impacts in transboundary context;

13.2.10. legislative framework referred on the strategic document;

13.2.11. results of public hearing and discussions.

13.3. Scope of information given in the strategic environmental assessment report, its methodology, as well as, mechanisms for the submission of information should be in accordance with the requirements on the document of determination of the scope of strategic environmental assessment approved by the relevant executive authority.

13.4. Strategic environmental assessment report is the object of the state ecological expertise together with the draft of strategic document.

13.5. Strategic environmental assessment report submitted to the relevant executive authority carrying out expertise for the purposes of obtaining state ecological expertise is delivered to public on the website of the planning authority and relevant executive authority together with the draft of strategic document and public hearing is declared.

13.6. The planning authority should post information about the organization of public hearing on the official website at least 7 working days prior in order to get familiar with the strategic environmental assessment report, as well as, declares hearing open for each representative of public informing the public by means of other media outlets.

13.7. The purpose, place and date, procedure of conducting, as well as, means of obtaining documents should be noted in the announcement of public hearing.

13.8. The planning authority is responsible for ensuring public awareness using relevant information means in the area (or areas) affected, as well as, giving detailed information about this to physical and legal persons based on their requests.

13.9. Public hearing organized by the planning authority is chaired by the representative of relevant executive authority with the participation of the representatives of relevant executive authority on environment and health.

13.10. Opinion of state ecological expertise is given by the planning authority after public hearing conducted with the participation of the relevant executive authority on the environment, as well as, health.

13.11. Results on the negative impact of the strategic document on environment, the content, targets and opinion on the execution of strategic document and suggestions, as well as, recommendations on monitoring measures for the purposes of verification of implementation of terms of which taking into account is considered to be necessary during the execution of strategic document are given in the state ecological expertise issued related to the strategic document on strategic environmental assessment.

13.12. Relevant executive authority on state ecological expertise giving positive opinion on the execution of plan determines the results of public hearing and discussions on SEA, the results of process in case of transboundary consultations and environmental terms taking into account the opinions of expert commission mentioned in the article 23 of this Law.

13.13. Opinion on SEA should be posted on the website of relevant executive authority carrying out state ecological expertise and delivered to the public.

13.14. The planning authority is responsible for taking into consideration the results of public hearing and consultations with relevant executive authority, as well as, transboundary consultations, if any, as well as, for the justification of measures that are not taken into account.

13.15. Organization and conduction of public awareness, public hearing and public discussions is regulated in the manner specified by the Law of Azerbaijan Republic "On public participation", as well as, international agreements signed by the Republic of Azerbaijan.

13.16. The planning authority makes final decision taking into consideration the opinion and suggestions made after obtaining the opinion of state ecological examination, as well as, consultations and public hearings with relevant executive authority on strategic document.

13.17. The planning authority should make final decision on the results that are not taken into consideration by it, as well as, considerations and recommendations on environment and human health taken into consideration in the strategic document arising from the results of consultations with relevant executive authorities and public on strategic environmental assessment, prepare the reasonable document of notification and submit it to the consulting parties.

13.18. The planning authority, as well as, competent executive authorities should inform relevant executive authorities on environment

and health about the results of monitoring carried out on the execution of strategic document for the purposes of verification of execution of measures taken into account on the results obtained related to the protection of environment and human health.

13.19. Implementations of Strategic Environmental Assessment is regulated by the rules adopted in accordance with the present Law.

CHAPTER 4 ECOLOGICAL EXPERTISE

Article 14. Purpose and duties of ecological expertise

14.1. The purpose of ecological expertise is to determine the completeness and accuracy of environmental impact assessment during the activities mentioned on the ecological expertise facilities specified in the article 17 of the present Law, the degree of environmental safety of the decisions adopted, the effectiveness of the proposed measures on the use of nature (natural resources) and protection of the environment.

14.2. Duties of ecological expertise are as follows:

14.2.1. prevent making random decisions that can directly or indirectly impact on the condition of environment and human health at present and in the future by determining the objective assessment of the level of environmental safety of activity types which are the object of ecological expertise and potential impacts according to the article 17 of the present Law;

14.2.2. determine the compliance of activity types which are the object of ecological expertise with the legislation on the environmental protection, ecological requirements, norm, standards and rules;

14.2.3. determine the compliance of measures mentioned on the environmental protection in the socio - economic development forecasts with the ecological norms and requirements.

Article 15. Basis of conducting ecological expertise

15.1. The followings are considered essential while conducting ecological expertise:

15.1.1. national and international legal obligations in the field of environment and human health;

15.1.2. the rule of law (legality), scientific validity, ecological, socio - economic, engineering - technical, technological, urban planning, publicity, sustainable development and other principles;

15.1.3. results of complex environmental, social and economic assessment of human health and environmental impact of activity types that are the object of ecological expertise;

15.1.4. their right to live in a healthy environment for human health, welfare and environmental safety;

15.1.5. necessity of ensuring sustainable development of environment, protection of ecological balance, biological diversity and gene pool;

15.1.6. potential danger of use of nature (natural resources) that are not regulated and possibility of making ecologically effective decisions on this;

15.1.7. assessment of environmental protection as an integral part of sustainable social and economic development of the society.

Article 16. Principles of conducting ecological expertise

16.1. The principles of ecological expertise are the followings:

16.1.1. importance of conducting ecological expertise on the activities which are the object of planned ecological expertise;

16.1.2. prevention of making random decisions that can negatively affect to the environment and human health at present and in the future;

16.1.3. analysis of the possibility of potential environment hazard of activities which are the object of ecological expertise;

16.1.4. complex assessment of environmental impact of the intended projects;

16.1.5. importance of taking into consideration the ecological safety requirements in accordance with the legislation of Azerbaijan Republic;

16.1.6. completeness, correctness and accuracy of information submitted to the expertise;

16.1.7. independence of experts conducting ecological expertise;

16.1.8. scientific justification of expert opinions, their being objective, complete and compliance with regulations;

16.1.9. transparency, public awareness and taking into consideration the public opinion;

16.1.10. responsibility of ecological expertise participants and stakeholders for the organization, conduction and quality of expertise.

Article 17. Objects of ecological expertise

17.1. The objects of ecological expertise are the followings:

17.1.1. Strategic document envisaged by the articles 10 and 13 of this Law and strategic environmental assessment documents;

17.1.2. drafts of normative legal acts, methodological guidance documents and technical regulations in the field of environmental protection;

17.1.3. projects on design, construction, re-establishment, conservation, liquidation, supply with new equipment and expansion of production, service industries, infrastructure facilities and complexes that can affect to environment and human health, feasibility studies (FS) and environmental impact assessment documents matching to the list in the Annex to the present Law;

17.1.4. project documents of state complex development schemes (plans) including environmental protection, water, soil, air, forest, flora and fauna, minerals and other natural resources, as well as, waste disposal, processing, recycling, neutralization and use, ecological restoration of areas and land reclamation;

17.1.5. international contracts, agreements and project documents related to the use of nature (natural resources), as well as, documents on environmental impact assessment in transboundary context;

17.1.6. technical and other documents on the establishment of new techniques and technologies, including nanotechnologies, materials and substances;

17.1.7. complex ecological research materials of the areas, including, documents on giving special protection status to these areas and justification of announcement of ecological disaster and ecological emergency in the certain areas, as well as, rehabilitation programs of those areas;

17.1.8. documents characterizing environmental condition of several regions, areas and facilities;

17.1.9. agreements and contracts on changing property and organization - legal forms of enterprises negatively affecting the environment;

17.1.10. ecological passport of enterprises, limit of wastes that can be disposed to soil and water environment, projects on the standards of disposable waste limits;

17.1.11. other documents justifying the activities on the use of nature (natural resources).

CHAPTER 5

RELEVANT EXECUTIVE AUTHORITY CARRYING OUT ECOLOGICAL EXPERTISE AND ITS POWERS

Article 18. Implementation of state ecological expertise

18.1. State ecological expertise is carried out by the relevant executive authority in the Republic of Azerbaijan in accordance with the present Law.

18.2. State ecological expertise is carried out on the facilities mentioned in article 14 of this Law that affects environment and human health during designing for the purposes of use of natural resources, as well as, economic, industrial, urban development, construction or installation activities.

18.3. The representatives of the authorities carrying out the management in this field participate in the process of environmental impact assessment, as well as, state ecological expertise of the projects and schemes of location of facilities on activity types that are the object of any ecological expertise in areas close to natural territories and facilities that are especially protected.

18.4. Procedure for carrying out state ecological expertise and sample of state ecological expertise is specified by the relevant executive authority.

Article 19. Powers of relevant executive authorities in the field of ecological expertise

19.1. Powers of relevant executive authorities in the field of ecological expertise are as follows:

19.1.1. participate in the implementation and provision of requirements of ecological expertise on the drafts of interstate and other programs, as well as, agreements;

19.1.2. adopt organization – legal and scientific – technical decisions on the implementation of opinion and recommendations of state ecological expertise.

Article 20. The rights and duties of relevant executive authority on ecological expertise

20.1. Relevant executive authority on ecological expertise has the following rights:

20.1.1. organize and carry out ecological expertise on the facilities mentioned in the article 17 of this Law;

20.1.2. form expert commission on ecological expertise;

20.1.3. make suggestions on the rules for carrying out ecological expertise within environmental protection legislation;

20.1.4. develop drafts of methodological guidance documents and technical normative legal acts ensuring the execution of this Law and environmental impact assessment process and approved within its powers;

20.1.5. give relevant opinions on the requirements of technical normative legal acts and environmental protection legislation on the envisaged projects;

20.1.6. When it is necessary to carry out ecological expertise on the facilities and complexes with expected negative impact or negatively affecting to environment and human health within the territory of Azerbaijan Republic, being located in the territory of foreign country, resolve the issues in this field, public awareness and organization of public discussions on the document of environmental impact assessment, conduction of exchange of information, participation in environmental impact assessment and strategic ecological assessment process in accordance with the international contracts joined by the Republic of Azerbaijan or based on the mutual discussions with relevant authorities of those foreign states;

20.1.7. involve qualified specialists and researchers in this field to the process of carrying out state ecological expertise depending on the characteristics of project and strategic document;

20.1.8. improving the quality of forms and methods and methodology of ecological expertise and holding relevant events for the purposes of conducting exchange of experience in this field, as well as, increasing transparency within its activity and forming a centralized electronic database of information for strengthening of coordination with other structure of relevant executive authority;

20.1.9. ensure the control on the execution of the requirements of the present Law and other normative – legal acts related to this field during the organization and conduction of ecological expertise;

20.1.10. cooperate with examination bodies of other state authorities, offices and organizations within its powers;

20.1.11. organize the preparation of consultants on ecological expertise, their specialization and further education, as well as, ensure the issuance of expert certificated to consultants on environmental assessment;

20.1.12. obtain information from other state authorities, office and organizations on the condition of environment;

20.1.13. when it is detected that the interests of other states are affected in the field of use of nature (natural resources) and environmental condition, agreeing with relevant executive authority, involve other state's specialists and international experts to the implementation of ecological expertise in the manner specified by the legislation of Azerbaijan Republic;

20.1.14. When environment and human health is significantly affected outside the borders of Azerbaijan Republic, take necessary steps in accordance with the international contracts signed by the Republic of Azerbaijan, as well as, its legislation and make decision on carrying out transboundary procedure for informing the countries that are potentially affected about this matter by the party proposing the project and ensuring its participation in the process of environmental impact assessment;

20.1.15. make decision on temporary termination of the operation of facilities relevant to the articles 8.1 and 8.2 of this Law or the application of project till the elimination of shortcoming mentioned in ecological expertise opinion;

20.1.16. use other rights specified by the legislation of Azerbaijan Republic.

20.2. The duties of relevant executive authority on ecological expertise are as follows:

20.2.1. carry out ecological expertise in accordance with the requirements of this Law and other normative acts;

20.2.2. send the expertise opinion to the authorities participating in making decision about realization of ecological expertise object and to the ecological expertise client;

20.2.3. submit normative - legal acts, methodical guidance documents and technical - normative legal acts in the field of ecological expertise to the ecological expertise client based on his/ her request for getting familiar with them;

20.2.4. send information to relevant executive authorities and local government bodies, scientific institutions, non-governmental organizations, physical and legal persons submitting suggestions on the realization of activities mentioned about taking into consideration of those suggestions during ecological expertise;

20.2.5. provide information about the results of state ecological expertise carried out to mass media based on the given request in accordance with the legislation;

20.2.6. ensure the awareness of public about the results of state ecological expertise in the manner specified by the legislation.

20.3. Sample of certificate that certify the status of consultant on environmental impact assessment and procedure for its issuance is approved by the relevant executive authority.

Article 21. Rights and duties of local executive authorities and government bodies in the field of ecological expertise

21.1. Local executive authorities and government bodies in the field of ecological expertise have the following rights:

21.1.1. suggest its representatives to the composition of expert commission to participate in the ecological expertise of the facility which is expected to affect the environment, at the same time, in the process of environmental impact assessment in its administrative territories or neighboring administrative territorial units;

21.1.2. adopt relevant decisions on public discussion of the results of ecological expertise, requests related to this, as well as, declarations of non-governmental organizations operating in the field of ecological field in the manner specified by the legislation of Azerbaijan Republic;

21.1.3. obtain necessary information from relevant executive authority on ecological expertise about the environmental impact of the ecological expertise object planned in subordinate and neighboring administrative areas;

21.1.4. send reasonable suggestions from ecological point of view to relevant executive authority on ecological expertise on the activity which is mentioned to be applied in the administrative area;

21.2. Duties of local executive authorities and government bodies, as well as, non-governmental organizations and physical persons in the field of ecological expertise are the followings:

21.2.1. participate in ecological expertise process based on the requirements of local population whose interests are affected and require the public awareness in accordance with this Law;

21.2.2. give information to relevant executive authority on ecological expertise about the execution of the project that is planned to be implemented in the administrative territory area within 1 (one) months.

Article 22. Rights and duties of non – governmental organizations and physical persons in the field of ecological expertise

22.1. Non- governmental organizations and physical persons in the field of ecological expertise have the following rights:

22.1.1. get information about the results of conducting state ecological expertise and give an independent opinion on them;

22.1.2. get familiar with the documents on state ecological expertise in the manner specified by the legislation;

22.1.3. participate in state ecological expertise by means of its representative;

22.1.4. use other rights specified by the legislation.

CHAPTER 6

RULES FOR CONDUCTING STATE ECOLOGICAL EXPERTISE

Article 23. Documents submitted to state ecological expertise and requirements set for them

23.1. Documents submitted to the state ecological expertise by the ecological expertise client are the followings:

23.1.1. environmental impact assessment report, strategic environmental assessment report, ecological documents developed (submitted) by the ecological expertise client or information on socio - economic and environmental assessment of impact of projects of which implementation is intended on the environmental condition and human health;

23.1.2. documents on consent (permission) given by the relevant executive authorities for the purposes of realization of the intended project, as well as, minutes of meeting (public hearing) held with the public in the manner specified;

23.2. General information according to this Law, as well as, about the followings should be reflected in the documents submitted to state ecological expertise:

23.2.1. use of suitable materials (raw materials), energy saving and use of alternative and renewable energy sources, application of no waste technologies, as well as, technologies reducing technological losses and energy consumption;

23.2.2. efficient use of nature (natural resources) and its restoration, involvement of wastes created in production and service processes to recycling, their complex processing and utilization;

23.2.3. provision of treatment of waste water, prevention of disposition of such untreated water to natural and artificial water flows, water basins and the relief in the specified limit and their use for technical needs;

23.2.4. justification for the effective and guaranteed measures on the protection of atmospheric air from pollution;

23.2.5. justification for use of water, soil, air, forest, flora and fauna, minerals and other natural resources;

23.2.6. protection and restoration of soils, flora and fauna, protection of the status of specially protected natural territories and objects, as well as, eco- systems and biodiversity;

23.2.7. development of measures ensuring the protection of population and environment from harmful effects of physical, chemical and biological factors of anthropogenic origin.

Article 24. Expert commission on state ecological expertise

24.1. If there is a need for the expert commission during review of project documents submitted on the facility, this commission is organized by the relevant executive authority on state ecological expertise. The composition of expert commission includes the representatives of competent bodies, enterprises and organizations and independent experts along with the employees of relevant executive authority on state ecological expertise.

24.2. Specialists on relevant field, representatives of scientific institutions, non - governmental organizations and public are involved in the activity of expert commissions on state ecological expertise of

documents on the projects of large and complex facilities and complexes and state programs.

24.3. Persons participating as experts in expert commission on state ecological expertise cannot be ecological expertise client and executor.

Article 25. Term of conducting state ecological expertise

25.1. Complete submission of necessary documents related to state ecological expertise (first of all, environmental impact assessment report) and payment of relevant fund for conducting expertise is implemented within 60 (sixty) days from its provision by ecological expertise client.

25.2. Depending on the complexity of ecological expertise object and volume of the documents submitted, term for conducting state ecological expertise may be extended for 1 (one) month.

25.3. After the elimination of remarks (shortcomings identified) by state ecological expertise, expertise materials which are amended should be submitted to the relevant executive authority on state ecological expertise. The submitted documents are reviewed within 10 (ten) days and relevant opinion is given.

25.4. Including conduction of ecological expertise, in any case, duration of giving relevant opinion cannot be more than 90 (ninety) days.

Article 26. Opinion of state ecological expertise and its execution

26.1. Opinion of state ecological expertise is the opinion given by the relevant structure of relevant executive authority on state ecological expertise consisting of reasonable results about the permitted limit of impacts on environment and human health during the activity and possibility of realization of object projected.

26.2. Positive opinion of state ecological expertise for the realization of ecological expertise object is an official ecological permission.

26.3. When serious changes that occur in the environmental conditions and observed with growing impacts on the environment after starting the execution of the project, the opinion of state ecological expertise should be reviewed.

26.4. The opinion of state ecological expertise shall be cancelled in the following cases by relevant structure of competent executive authority on state ecological expertise:

26.4.1. when terms and conditions of the given opinion of state ecological expertise are violated;

26.4.2. when regularly the violation of legislation is detected on the activity for which a positive opinion of state ecological expertise has been given by the authority exercising state control over environmental protection;

26.4.3. when incorrect and distorted information and violations are detected in the documents submitted on the ecological expertise object for which positive opinion of state ecological expertise has been given;

26.4.4. when there is relevant resolution of the court;

26.4.5. in other cases specified by the legislation.

26.5. The opinion of expertise shall be deemed invalid when ecological expertise object for which positive opinion of state ecological expertise has been given is realized not in accordance with the mentioned points in the project documents, as well as, making changes in those documents in violation of legislation.

26.6. When the opinion of state ecological expertise on the ecological expertise facility is negative, that project or strategic document cannot be realized.

26.7. Ecological expertise client is entitled to resubmit expertise materials to the relevant executive authority on state ecological expertise after the elimination of remarks (shortcomings identified) mentioned in the negative opinion of ecological expertise.

26.8. Managers of enterprises and organizations, and other officials are responsible for the execution of ecological expertise opinion in accordance with the legislation.

26.9. Officials of relevant executive authority on state ecological expertise and experts carrying out ecological expertise are responsible according to the legislation for validity and accuracy of their opinions in accordance with the present Law, procedure for conducting ecological expertise, requirements of technical normative acts and ecological standards.

26.10. Launch of the execution of the project and financing it for its implementation is allowed only when there is positive opinion of ecological expertise.

26.11. Opinions of ecological expertise on the projects should be posted in the website of relevant executive authority carrying out state

ecological expertise not being later than 7 (seven) working days and public should be provided with information by the party proposing the project or the planning authority.

CHAPTER 7

RIGHTS AND DUTIES OF ECOLOGICAL EXPERTISE CLIENT ON ECOLOGICAL EXPERTISE OBJECT, FINANCING

Article 27. Rights of ecological expertise client on ecological expertise object

27.1. The rights of ecological expertise client in ecological expertise object are the followings:

27.1.1. get information from the relevant executive authority on state ecological expertise on normative – legal acts, methodological guidance documents and technical – normative legal acts in the field of ecological expertise;

27.1.2. get information on the term of conducting state ecological expertise;

27.1.3. require the elimination of violation of rule for conducting ecological expertise specified by the legislation from the relevant executive authority on state ecological expertise;

27.1.4. submit or present oral and written explanations and suggestions to the ecological expertise object of which state ecological expertise is conducted based on the application made by it;

27.1.5. get familiar with the results of state ecological expertise;

27.1.6. file a complaint to the court from ecological expertise opinion;

27.1.7. claim at the courts on the compensation for the damages caused as a result of violation of requirements of the legislation of Azerbaijan Republic in the field of ecological expertise conducted on ecological expertise object based on the application made by it;

27.2. The rights of ecological expertise client on ecological expertise object are protected by the present Law, law on environmental protection and civil legislation.

Article 28. Duties of ecological expertise client on ecological expertise object

28.1. Duties of ecological expertise client on ecological expertise object are the followings:

28.1.1. submit documents on the facilities mentioned in the article 16 of the present Law to ecological expertise in accordance with the requirements of legislation in the field of ecological expertise;

28.1.2. inform the population and public affected as a result of the execution of the activity planned by it in accordance with the relevant legislation;

28.1.3. finance conducting state ecological expertise;

28.1.4. provide information about ecological expertise object with the request of relevant executive authority on state ecological expertise;

28.1.5. submit necessary materials, information and calculations about ecological expertise object to local executive authorities and government bodies, as well as, non – governmental organizations, physical and legal persons by their requests;

28.1.6. implement the project in accordance with the positive opinion of state ecological expertise;

28.1.7. submit the opinion of state ecological expertise to bank or non-bank credit institutions for financing the realization of ecological expertise object.

Article 29. Settlement of disputes in the field of state ecological expertise

29.1. Ecological expertise client on the ecological expertise object or the party proposing the project, as well as, consultant on environmental assessment on its behalf submits remarks reflecting differences of opinions to the relevant executive authority on ecological expertise in a written form in case of disagreement related to the procedure, method and results of state ecological expertise.

29.2. It may be appealed to supreme authority or court from the decision on the results of consideration of differences of opinion in the manner specified by the legislation.

29.3. The opinion of state ecological expertise shall be deemed invalid in the following cases:

29.3.1. violation of procedure and rules for conducting environmental impact assessment, strategic environmental assessment and state ecological expertise;

29.3.2. non – implementation or distortion of ecological norms, rules and requirements in the field of environmental protection, use of nature (natural resources) and their restoration;

29.3.3. when the rights of citizens to live in a healthy environment are violated.

Article 30. Financing state ecological expertise

30.1. Costs related to state ecological expertise on ecological expertise object, as well as, its re- conduction are paid by ecological expertise client and it is calculated in accordance with the relevant legislation based on specified estimate documents.

30.2. Funds are transferred to the account of relevant executive authority on ecological expertise by ecological expertise client on the object of ecological expertise for the purposes of financing state ecological expertise. Financing of repeated ecological expertise is determined in the amount of 25 percent of value of initial expertise.

30.3. Funds coming from the implementation of state ecological expertise, as well as, its repeated implementation are spent for conducting ecological expertise by the relevant executive authority and implementation of relevant works for this purpose, as well as, payment of salaries of consultants, freelance experts and stimulation of labor of employees of relevant executive authority on ecological expertise.

30.4. Procedure for financing state ecological expertise in the Republic of Azerbaijan is regulated by the legislation.

CHAPTER 8 FINAL PROVISIONS

Article 31. Violation of legislation on environmental impact assessment

31.1. The following cases are considered the violation of legislation on the environmental impact assessment by ecological expertise client:

31.1.1. failure to submit the documents mentioned in the article 17 of the present Law to the state ecological expertise;

31.1.2. falsification of the materials, information and indicators submitted to state ecological expertise, as well as, the results of environmental impact assessment, strategic environmental assessment and ecological expertise;

31.1.3. instigate the expert conducting state ecological expertise to develop false opinion;

31.1.4. create obstacles for the organization and implementation of state ecological expertise;

31.1.5. failure to submit materials, information and other indicators on ecological expertise facility to the relevant executive authority on ecological expertise;

31.1.6. realization of the project and strategic document without a positive opinion of ecological expertise;

31.1.7. implementation of activity that doesn't correspond or contradict to the documents with a positive opinion of ecological expertise.

31.2. The cases of violation of legislation on environmental impact assessment of Azerbaijan Republic by state and local government authorities of Azerbaijan Republic, their officials, heads of expert commissions on ecological expertise, experts on ecological expertise, bank and credit organizations, their officials, physical and legal persons are the followings:

31.2.1. violation of rules and requirements specified by the present Law and other normative legal acts on conducting ecological expertise;

31.2.2. violation of the requirements of legislation of Azerbaijan Republic on environmental impact assessment, as well as, legislation, ecological standards and technical normative and legal acts in the field of environmental protection and environmental safety;

31.2.3. non - implementation of duties specified by the present Law;

30.2.4. violation of rules for the formation of expert commission on ecological expertise and organization of their operation;

31.2.5. failure to justify the results of opinion of ecological expertise on ecological expertise object;

31.2.6. falsification of the results of the opinion of ecological expertise on ecological expertise object;

31.2.7. Disclosure of state and commercial secrets in the materials submitted to the ecological expertise;

31.2.8. giving permission for the use of nature (natural resources) for special purposes and implementation of other activities directly or indirectly affecting the environment without a positive opinion of ecological expertise;

31.2.9. organization and implementation of environmental impact assessment and ecological expertise without having authority in the manner specified by the legislation;

31.2.10. allocation of credit and implementation of financing for launching the execution of the project and realization of ecological expertise object without a positive opinion of ecological expertise;

31.2.11. protesting the public awareness contrary to the relevant legislation.

Article 32. Responsibility for the violation of the Law

32.1. Persons accused of violation of the present Law shall incur civil, administrative and criminal responsibility in the manner specified by the legislation of Azerbaijan Republic.

Article 33. International cooperation in the field of environmental impact assessment

33.1. International cooperation in the field of environmental impact assessment is implanted in accordance with the obligations arising from international agreements signed by the Republic of Azerbaijan in the field of environmental impact assessment and protection, ecological safety, public awareness and the followings principles are taken as a basis in this case:

33.1.1. priorities of ecological safety;

33.1.2. exchange of information and experience;

33.1.3. joint participation in the prevention of activities that can cause regional and global problems in the field of environmental protection and use of nature (natural resources);

33.1.4. non - violation of sovereign rights of states on their natural resources;

33.1.5. expansion of international relations in the field of environmental impact assessment, implementation of strategic environmental assessment, environmental assessment, as well as, exchange of scientific and scientific - technical information in these fields on the methodology, method and forms of ecological expertise;

33.1.6. environmental impact assessment and its protection, use of nature (natural resources), as well as, implementation of international obligations in the field of public awareness on environment;

Article 34. Enforcement of the Law

34.1. The present Law shall enter into force after 2 (two) months from the date of its publication.

Article 35. Other provisions

35.1. If the facility that has existed till the effective date of the present Law and of which environmental impact assessment has not been implemented in the initial designing phase carries out the activity which is not mentioned in the list in annex to this Law, environmental impact assessment of that facility for the present operational period should be conducted within 6 (six) months.

Ilham Aliyev
President of Azerbaijan Republic

Baku city “ ___ ” _____ 2015

№ _____

Annex

to the Law of Azerbaijan Republic
“On environmental impact assessment”

LIST
of types of activity to which environmental impact
assessment is applied

1. Development, production and transportation of hydrocarbon reserves;
2. Construction and operation of oil and gas refineries;
3. Construction of pipelines with the length of 20 km and more and diameter of 500 mm and more for the transportation of oil, gas or chemical solutions;
4. Main storage facilities for oil, petrochemical and chemical products;
5. Construction of thermal power plants with power 300 MW and more heat capacity, as well as, high-voltage power lines with power 220 kilovolts, length more than 15 km;
6. Construction and operation of nuclear power stations and other nuclear reactors, as well as, power plants or reactors or major changes related to the activity (in addition to the stations of research purposes with the power no more than 1 kilovolts);
7. Construction and operation of metallurgical plants;
8. Construction and operation of production areas of chemical substances;
9. Construction and operation of production areas of construction materials;

10. Construction and operation of highways, railway lines (including the stations of washing and cleaning carriages);
11. Construction and operation of airports;
12. Construction and operation of berths for ships the weight of which is higher than 1350 tons (except for ferries) for loading and unloading purposes related to sea trading port, as well as coastal ports;
13. Disposal and processing of hazardous and non-hazardous wastes, as well as, construction of plants and landfills for these purposes;
14. Treatment and reuse of production and domestic waste water;
15. Construction of dams, water reservoirs and reservoirs with the height of 15 meter and more;
16. Distribution of water resources between river basins;
17. Urban planning activities;
18. Construction and operation of water supply and sewage systems of towns;
19. Construction of water pipelines with the length of 20 km, diameter of 500 mm and more when the use of water sources (volume of use) is more than 10 million cubic meters;
20. Construction of irrigation systems, as well as highways, irrigation canals and reservoirs with the area more than 1000 ha;
21. Paper and pulp production areas;
22. Exploration and exploitation of sources of construction materials;
23. the extraction, extraction, processing and refining of metal ores on mining activity;
24. construction and operation of production areas of industrial products;
25. Projects on the construction and operation of tourism and recreational facilities with a capacity of more than 300 people;
26. Construction and operation of production enterprises of qualified poultry and livestock on the production of agricultural products;
27. Construction and operation of large manufacturing firms (industrial parks);
28. Construction and operation of mechanical engineering industries;
29. Large-scale construction measures in the zones referring to water fund (creation of artificial islands etc.);

30. Large -scale destruction of forests or large- scale afforestation activities in large areas;
31. Use of renewable energy sources (wind, geothermal, biogas etc.);
32. Construction and operation of new metro stations, bridges, and tunnels;
33. Large-scale agriculture, as well fishing (including aquaculture).