

LAW ON ENVIRONMENTAL IMPACT ASSESSMENT OF THE REPUBLIC OF AZERBAIJAN

This law regulates legal, economic and organizational basis of the environmental impact assessment process implemented in order to study potential impacts of economical, farming as well as city building and construction activities on the environment and human health and the compliance of their results with the quality standards and ecological requirements in accordance with the Article 39 and Paragraph 1, Section 1 of the Article 94 of the Constitution of the Republic of Azerbaijan

Chapter 1 General provisions

Article 1. Basic concepts

1.0. Basic concepts used in the law express the following definitions:

1.0.1. - is an assessment process focused on exclusion of negative effects of proposed economic, farming, as well as city building and construction activities on the environment and human health in view of identification of physical, socio-economic and ecological standpoint, and minimize such impacts, and consequent selection of ecologically efficient ways;

1.0.2. Environmental impact assessment (EIA) document – is a final summary reflecting the results of environmental impact assessment process;

1.0.3. Strategic environmental assessment (SEA) – is a systematic (planned) and transparent decision making process applied in the proposed plans and programs aimed at sustainable use of environment and provision of other feasibly sustainable development aspects, and identified the implementation feasibility in the early stage through assessment of their consequences of negative effects on environment and human health.

1.0.4. Strategic environmental assessment (SEA) document - is a final summary reflecting the results of environmental impact assessment process;

1.0.5. The executor of environmental impact assessment (EIA) process – is a relevant individual or legal entity having scientific and technical and methodical capabilities related to implementation of environmental impact assessment by itself or with its assignment (request);

1.0.6. Specialized executor of environmental impact assessment (EIA) process – is an EIA process executor which has obtained a special certificate of

relevant executive authority on the public environmental examination to carry-out EIA;

1.0.7. Environmental examination – is the definition of compliance of the planned economic, farming, as well as city building and construction activities with ecological requirements, and the level of admissions of these activities;

1.0.8. Public environmental examination – is the environmental examination conducted by a state body;

1.0.9. Community environmental examination – is the environmental examination conducted by local self-governing bodies, non-governmental organizations, individuals and legal entities;

1.0.10. Project client - is an individual and legal entity tasking the projection of planned economic, farming, as well as city building and construction activities;

1.0.11. Environmental quality standards – are environmental indicators meeting with the requirements of technical normative legal acts and standards ensuring the balance of human health and environmental protection;

1.0.12. Harmful effect on environment – is adverse effect to the features and peculiarities which belong to the components composing the ecosystem as a result of economic activity from quantity and quality aspects and overuse of natural resources;

1.0.13. Norms (limits) of possible environmental impacts – are the norms imposed to ensure quality degree of environment and ecological safety;

1.0.14. Environmental risk – is the presumed occurrence of anthropogenic effects which are undesirable for the environmental context and health of population (deliberate, occasional, permanent or catastrophic);

1.0.15. Environmental examination object – is the area of activity with direct or indirect impacts on environment and human health;

1.0.16. Realization of environmental examination object – is accession of farming, city-building and construction activities to implementation turnover which are referred to environmental examination object (hereinafter – economic activity).

Article 2. Environmental impact assessment legislation of the Republic of Azerbaijan

2.1. Environmental impact assessment legislation consists of the legislation of the Republic of Azerbaijan, Constitution of the Republic of Azerbaijan, this law, the laws of the Republic of Azerbaijan on “environmental protection”, and “Environmental safety” the legislations of the Republic of Azerbaijan on civil, city building and construction, other normative and legal acts adopted accordingly as well as international covenants supported by the Republic of Azerbaijan.

.2.2. If the rules defined in the sphere of environmental impact assessment in the international covenants supported by the Republic of Azerbaijan are different than those specified in this law, then the rules of international covenants shall be applied.

Chapter 2

Environmental impact assessment

Article 3. Environmental impact assessment process

3.1. Implementation of the Environmental impact assessment (EIA) process is considered important for the economic activity provided in accordance with the list in the Annex to this Law, and is a basis for the providence of opinion by relevant executive authority on the public environmental examination.

3.2. The party proposing a project bears responsibility to obtain the opinion of the public environmental examination, implementation of EIA, and delivery of the EIA document to relevant executive authority on the public environmental examination prior to initiation of economic activity.

3.3. The goal of EIA is while in the envisaged economic activity is to detect potential adverse effects to environment and human health, assess and eliminate their scale and intensity for the space and time, or to develop and implement actions to minimize them.

3.3. Environmental impact assessment is implemented through consideration of the following in all stages:

3.3.1. Current environmental context in the territory of envisaged implementation of economic activity;

3.3.2. Substantiate and selection of alternative options to achieve the goals of envisaged economic activity;

3.3.3. Compile the environmental management plan;

3.3.4. Socio-economic development perspectives of the region (territory);

3.3.5. Requirements of the legislation of the Republic of Azerbaijan in terms of setting-up industrial monitoring and environmental protection;

3.4. The following environmental impact assessments are implemented in the environmental impact assessment process:

3.4.1. Atmosphere;

3.4.2. Surface and underground waters;

3.4.3. Subsurface of water reservoirs;

3.4.4. Natural and artificial landscapes;

3.4.5. Earth's womb and topsoil;

3.4.6. Flora and fauna;

- 3.4.7. Environmental system context;
- 3.4.8. Health of population;
- 3.4.9. Socio-economic sphere (employment, education, health, traffic and transport and engineering infrastructure);
- 3.4.10. Material and cultural heritage;
- 3.4.11. Climate changes;
- 3.5. Environmental impact assessment process is regulated with this law and the rules adopted on the basis of this law by a relevant executive authority.

Article 4. Environmental impact assessment document

4.1. The environmental impact assessment document on the proposed economic activity is developed by the executor of the environmental impact assessment (EIA) process.

4.2. Environmental impact assessment document which is written in the style and form to be understandable by the people at large, indicating potential environmental impacts and ways of their eliminations, as well as consisting of preamble and result, also is the summary of recommendations on minimizing environmental adverse effects.

4.3. The following shall be included to the environmental impact assessment document:

4.3.1. Types, periods and levels of the environmental impacts of the envisaged economic activity, including information to consider environmental risk;

4.3.2. Forecast of potential changes on environment and their socio-economic outcomes as a result of employment of the envisaged economic activity;

4.3.3. Develop environmental protection measures for all stages of implementation of the envisaged economic activity;

4.3.4. A monitoring plan focused on identification of occurring and potential changes as a result of the impact of the envisaged economic activity;

4.3.5. Project description and technical specifications of the devices and equipment to be used;

4.3.6. Compliance with the requirements of technical and normative-legal acts in this sphere;

4.4. Geological and hydrological data shall also be included to the environmental impact assessment (EIA) document of economic activity related to the use of earth's womb.

Article 5. Documenting environmental impact assessment

5.1. The results and developed documents obtained as a result of environmental impact assessment are the object of the public environmental examination.

5.2. The documents authorising the implementation of the planned economic activity by the executor of environmental impact assessment (EIA) process are included to the list of the documents submitted to the relevant executive authority on the public environmental examination in order to obtain feedback on the environmental impact assessment document.

5.3. Environmental impact assessment related process is coordinated by relevant executive authority on the public environmental examination as a part of the public environmental examination process.

5.4. The executor of environmental impact assessment (EIA) process raise public awareness about the EIA document via internet resources and circulars, and provide detailed information to individuals and legal entities upon their requests. The individuals and legal entities residing in the administrative unit of the implemented economic activity or the property thereof are eligible to make proposals or express their claims against the EIA document. The requests related to the provided proposals or claims shall be replied in writing within 15 days from the date of receipt of such request.

5.5. The executor of environmental impact assessment (EIA) process shall bear responsibility for organizing public hearings of the EIA document. The results of the processed proposals given in the public hearings related to the EIA document as well as the new changes made on the basis of those proposals are discussed with participants. Consecutively, the reasons of the changes as well as claims and proposals made to the draft document by the organizer of public hearing are communicated to the participants of the public hearing.

5.6. The EIA process executor is obliged to submit the EIA document to public hearing. The EIA document without minutes is agreed by the relevant executive authority on the public environmental examination.

5.7. The rules of setting-up and hosting of public hearing of EIA document are defined by the relevant executive authority considering the requirements of this law.

5.8. The specialized executor of EIA process has a privilege and priority to obtain the feedback of the public environmental examination to the EIA document delivered to the relevant executive authority on the public environmental examination.

Article 6. The features of environmental impact assessment for existing objects

6.1. If no environmental impact assessment has been conducted in the initial design stage of the existing object which cause to environmental context and human health in operations or the use of nature (natural resources) differs

from the envisaged terms envisaged in the project, then the environmental impact assessment for the current operation period of the same object shall be conducted.

6.2. If the relevant executive authority on the public environmental examination identifies a grounded change to the environment and human health in the rehabilitation which has not been envisaged in the initial project documents of the existing object, then overall environmental impact assessment is conducted in the form of documentation of additional materials or the change made to the preliminary materials of EIA document.

6.3. Currently the development of the EIA document is not required to restore of the enterprise operating currently while operating or replacement of the existing devices and equipment in accordance with the environmental impact to the existing environmental normative documents (the limit of emission (LE), the limit of releasable discharge (LRD), environmental passport). After implementation of these projects it is required to make relevant amendments and changes in the environmental normative documents of enterprises (objects) considering their periods.

Chapter 3

STRATEGIC ENVIRONMENTAL ASSESSMENT

Article 7. Goal and application of strategic environmental assessment

7.1. The goal in the strategic environmental assessment (SEA) is to ensure sustainable development of environment and environmental safety during implementation of plans and programs with making correct decisions based on consideration of environmental discretions precisely and identification of potential environmental impacts simultaneously with delivery of early and effective information when developing the proposed plans and programs;

7.2. Strategic environmental assessment process is related to the environmental impact assessment, as well as public environmental examination processes and ensures their efficiency and outcomes.

Article 8. Strategic environmental assessment objects and scope

8.1. The objects of strategic environmental assessment are as follows:

8.1.1. State plans, programs and strategies;

8.1.2. General plans of administrative regions, major and detailed plans of cities and other settlements;

8.1.3. The entities, manufacturing, service and infrastructure complexes of strategic importance regardless of property and organizational-legal forms;

8.1.4. Development programs in the especially sensitive territories (environmental disaster, free economic and environmental zones and etc.).

8.1.5. The projects derived from international conventions and concession agreements envisaging the use of natural resources in the Republic of Azerbaijan.

8.2. Strategic environmental assessment is not applied in the plans and programs on emergency situations, civil defence, finance and budget.

Article 9. Key principles of implementation of strategic environmental assessment

9.1. Key principles of implementation of strategic environmental assessment are based upon the norms and principles of international law in terms of environment and environmental assessment and ratified international covenants, environmental, environmental safety, city building, construction, land and civil legislations and other normative and legal acts and technical regulatory acts.

9.2. The referred principles while implementing the strategic environmental assessment are as follows:

9.2.1. Ensure accuracy, transparency and reliability of economic activity of environmental safety related materials on the proposed plans and programs;

9.2.2. Ensure cautious and scientific forecasting of possible environmental outcomes in order not exceed permissible norms by potential impacts related to economic activities on the proposed plan and program projects.

9.2.3. Assessment of practicable environmental risk levels, and suspension or prohibition of the prognosis which has not been scientifically justified or new types of economic activities which donor have any guarantee for ensuring the environmental safety.

9.2.4. Ensure sustainable development of environment;

9.2.5. Public recognition of environmental policy, strategic plans and comprehensive programs which touch upon constitutional rights such as living in safe environment and ensure environmental safety resulting from their implementation;

9.2.6. Implement international (inter-state) cooperation requiring formulation of integrated environmental policy and strategic planning of regional settlement of means of production in the development of comprehensive territorial programs on socio-economic development of trans-boundary territories and common use of the nature (natural resources).

9.2.7. The importance of this assessment for the objects of strategic environmental assessment.

Article 10. Referred information for the performed strategic environmental assessment and the report on SEA

10.1. Strategic environmental assessment (SEA) process is conducted in parallel with the development of plans and programs, and the obtained results are incorporated to the SEA environmental reports and their environmental examinations are performed.

10.2. SEA process is consisted of identification of coverage of the environmental report for verification of the content of it, development of final report on the obtained results, decision making and monitoring of results.

10.3. Detailed information and environmental prognosis are reflected in the SEA environmental report while development of plans and programs. The report provides the defined scope of plans and programs, analysis of preliminary information, comparison and selection of alternatives, monitoring of significant environmental impacts, as well as the results of consultations of the relevant executive authority on the public environmental examination with the community subsequently.

10.4. Development scenarios of relevant activities in accordance with the proposed plans and programs, their technological solutions, spaces for implementation of activities or alternatives on subsequent completion of the activity, including submission, comparison and environmental efficiency of selection of alternative actions shall be justified to prevent negative environmental effects, mitigate their outcome.

10.5. Consultations with the community are launched upon definition of the scope of a plan and program draft.

10.6. The referred information to conducts strategic environmental assessment is as follows:

10.6.1. Expected quality of welfare of population and environment related to natural and man-made factors in various stages of implementation of plans and programs.

10.6.2. Existing and potential actions which have negative effect on the environment and human health;

10.6.3. Results of environmental impact assessment in the decision making stage on initiation of projection and implementation of economic activity objects;

10.6.4. Information of environmental audit of entities;

10.6.5. Results of environmental risk assessment related to the facts of negative effect on environment and human health;

10.6.6. Current status of environmental context of natural ecosystems and natural and economical systems related to economic activity;

10.6.7. Environmental policy and action plan implemented on preventive and mitigating measures by the organization (entity) implementing economic activity in the reviewed territory;

10.6.8. Action plans endorsed on staged limitation and prohibition of dangerous types of economic activity in the reviewed territory;

10.6.9. Economic activity projects included into the drafts of plans and programs referred to SEA object;

10.6.10. The results of public discussions and hearing in the development period of the plans and programs referred to SEA object.

10.7. The rule for implementation of strategic environmental assessment is defined relevant executive authority in accordance with international law related tithe field.

Chapter 4

ENVIRONMENTAL EXAMINATION

Article 11. The goals and roles of environmental examination

11.1. The goal of environmental examination is to define the fullness and accuracy of environmental impact assessment, environmental safety level of the made decisions, the efficiency of the actions proposed for the use of nature (natural resources) and environmental protection in accordance with Article 5.2 of this law, during the activities envisaged on the objects of environmental examination specified in Article 14 of the law.

11.2. The duties of environmental examination are as follows:

11.2.1. To prevent casual decisions which affect environment and human health directly and indirectly In accordance with Article 11.1 of this law, based on the definition of objective assessment of environmental safety level and potential impacts of economic activities envisaged and to be implemented;

11.2.2. To check compliance of projected economic activities with environmental protection legislation, environmental requirements, hygiene-sanitary norms and rules;

11.2.3. To check compliance of the envisaged actions in terms of environmental protection in the socio-economic development forecasts with environmental norms and requirements;

Article 12. Basis of completion of environmental examination

12.1. The followings are guided in completion of environmental examination:

12.1.1. International legal obligations in the sphere of environmental san human safety;

12.1.2. Rule of law (legality), scientific foundation, environmental, socio-economic, engineering-technical, technological, city building, transparency and other principles;

12.1.3. The results of comprehensive environmental, social and economic assessment of the impact of economic activity on human health and environment;

12.1.4. The right to live in the environment for human health, welfare and environmental safety;

12.1.5. The necessity of ensuring the maintenance of environmental balance, biodiversity and genetic fund for the sake of current and future generations;

12.1.6. Potential threat of non-balanced use of nature (natural resources) and making of similar decisions;

12.1.7. Assessment of environmental protection as an integral part of sustainable social and economic development.

Article 13. Principles of completion of environmental examination

13.0. The main principles of completion of environmental examination are as follows:

13.0.1. The importance of implementation of EIA and public environmental examination prior to implementation of the planned economic activity;

13.0.2. Prevent from making casual decisions which would adversely affect to environment;

13.0.3. The like hood of potential environmental danger of all types of economic activity;

13.0.4. Comprehensive assessment of the impact of the envisaged economic activity on environment;

13.0.5. The importance of consideration of environmental safety requirements;

13.0.6. Full of value, accuracy and preciseness of the information submitted to the environmental examination;

13.0.7. Independency of the experts conducting environmental examination;

13.0.8. Scientific justification, objectivity and compliance of expert feedbacks with full and normative legal acts;

13.0.9. Transparency, public awareness and consideration of public feedback;

13.0.10. The responsibility of environmental examination participants and stakeholders for the organization, conduct and quality of examination;

Article 14. Environmental examination objects

14.0. Environmental examination objects are as follows:

14.0.1. Strategic environmental assessment (SEA) objects in accordance with Article 8.1 of this law;

14.0.2. The drafts of normative and legal acts, guideline-methodological documents and technical normative acts in the sphere of environmental protection;

14.0.3. Projects, feasibility analyses (FA) on projection, construction, reconstruction, conversion, cancellation, supply with new machinery and expansion of manufacturing, service fields, infrastructure objects and complexes and EIA documents provided in accordance with list in the Annex to this law;

14.0.3.1. Project documents of environmental protection, disposal, utilization, recycling and use of water, land, air, forest, flora and fauna, minerals and other natural resources, including environmental restoration of areas and soil re-cultivation, state complex development schemes (plans);

14.0.3.2. International agreements, covenants and project documents related to the use of nature (natural resources) including environmental impact assessment documents in the trans-boundary context;

14.0.3.3. Technical and other documents on creation of new machinery and technologies including Nano-technologies, materials and substances;

14.0.3.4. Comprehensive environmental baseline materials, including the documents which justify the granted special protection status, announcement of environmental disaster and emergency situation in the known area as well as rehabilitation programs of those areas;

14.0.3.5. Documents characterizing environmental status of individual regions, areas and objects;

14.0.3.6. Contracts, agreements and covenants on changing the property and organizational-legal forms of operating entities which adversely effect to the environment;

14.0.3.7. Environmental passports of entities, drafts of standards on the emissions to atmosphere, land and water environment (ABTH, permissible threshold of flows PTL)

14.0.3.8. Other documents justifying economic activities related to the use of nature (natural resources).

Article 15. Types and executors of environmental examination

15.1. The types of environmental examination are as follows in the Republic of Azerbaijan:

15.1.1. Public environmental examination;

15.1.2. Community environmental examination.

15.2. Public environmental examination is conducted by relevant executive authority, and community environmental examination is conducted by local self-governing bodies, non-governmental organizations, individuals and legal entities;

15.3. The representative of the bodies implementing the administration in the related field in the process of public environmental examination of the projects and designs on allocation of any economic activity objects in the areas nearby the specially protected natural areas and objects as well as in the EIA process.

Chapter 5

Authorities of the state and local self-governing bodies, non-governmental organizations and individuals in the sphere of environmental examination

Article 16. Authorities of relevant state and local self-governing bodies in the sphere of environmental examination

16.0. The Authorities of relevant state and local self-governing bodies are as follows in the sphere of environmental examination:

16.0.1. Participate in the completion and provision of the requirements of the environmental examination to the drafts of inter-state and other programs as well as treaties;

16.0.2. To make organizational and legal and scientific-technical decisions related to implementation of feedbacks and recommendations of the environmental examination;

16.0.3. In case of necessity for implementation of environmental examination on the complexes and objects having or posing negative effect on environment and human health in the boundaries of the Republic of Azerbaijan with locating in the territory of a foreign country to resolve the related issues in accordance with participation in the EIA process, exchange of information, public awareness on the EIA document and organization of public discussions reciprocally with those foreign countries or in accordance with the international covenants supported by the republic of Azerbaijan.

Article 17. Rights and duties of relevant executive authority on environmental examination

17.1. Rights and duties of relevant executive authority on environmental examination are as follows:

17.1.1. Organize and implement environmental examination for the objects specified in the Article 14 of this law;

17.1.2. To form expert commissions on public environmental examination;

17.1.3. Make proposals on the rules on completion of environmental examination within the framework of environmental protection legislation;

17.1.4. To draft, process and endorse within authorities of the guideline and methodical and technical normative and legal acts ensuring the implementation of this law and environmental impact assessment process;

17.1.5. To provide feedback in accordance with technical normative legal acts on the envisaged economic activity project and requirements of environmental protection legislation;

17.1.6. In case of necessity for implementation of environmental examination on the complexes and objects having or posing negative effect on environment and human health in the boundaries of the Republic of Azerbaijan with locating in the territory of a foreign country to resolve the related issues in accordance with participation in the EIA process, exchange of information, public awareness on the EIA document and organization of public discussions reciprocally with those foreign countries or in accordance with the international covenants supported by the republic of Azerbaijan.

17.1.7. To involve specialized specialists and researchers to implementation of public environmental examination depending on the features of the projects on economic activity;

17.1.8. Implement relevant actions aimed at enhancement of forms, methods and methodologies of public environmental examination and share of information in this sphere;

17.1.9. Ensure supervision of execution of this law and requirements of other normative and legal acts related to this field during organization and implementation of public environmental examination;

17.1.10. To collaborate with other state bodies, offices and organizations within its authorities;

17.1.11. Organize training of experts in the field of environmental examination, their qualifications, extra education and certification;

17.1.12. Receive information on the environmental status from state bodies, offices and organizations;

17.1.13. In case of contradiction of the environmental status and use of nature (natural resources) to involve specialists and international experts as stipulated by the legislation of the Republic of Azerbaijan with the consent of relevant executive authority to conduct environmental examination and EIA;

17.1.14. Make decision on suspension of implementation of projects or the activities of the objects in accordance with the Articles 6.1 and 6.2 of this law before the errors specified by the provided environmental examination feedback;

17.1.15. Use of the rights stipulated by the legislation of the Republic of Azerbaijan.

17.2. The duties of relevant executive authority on environmental examination are as follows:

17.2.1. To conduct public environmental examination process according to requirements of this law and other normative and legal acts;

17.2.2. To send the examination feedback to the participants of decision makers about realization of examination object and project client;

17.2.3. Based on the request of the project client, people conducting community environmental examination to submit normative and legal acts in the sphere of environmental examination, guideline and methodical documents and technical normative legal acts to them for familiarization;

17.2.4. To send information to relevant executive and self-governing authorities, scientific institutions, non-governmental organizations, individuals and legal entities providing proposals on realization of the envisaged activity about consideration of those proposals during public environmental examination;

17.2.5. To define the template and method of issuance of the special certificate verifying the specialized executor of the EIA process as per stipulated by the legislation;

17.2.6. Inform to mass media about results of the conducted public environmental examination based on the inquiry provided in accordance with legislation;

17.2.7. Ensure public awareness on the results of public environmental examination through mass media or public presentations as stipulated by the legislation.

Article 18. The duties of local executive and self-governing authorities in terms of environmental examination

18.1. The rights of local executive and self-governing authorities are as follows in terms of environmental examination:

18.1.1. To propose its representatives to participate in the environmental examination of the object with potential environmental impact within its own administrative territorial units or adjacent administrative territorial units, simultaneously in the composition of expert commission to participate in the EIA process;

18.1.2. To make decisions about public discussion of the results of environmental examination and related surveys the statements of as well as non-governmental organizations operating in the area of environment, as stipulated by the legislation of the Republic of Azerbaijan;

18.1.3. Receive necessary information from relevant executive authority on environmental examination on the environmental impact of the planned environmental examination object in the subordinated and adjacent administrative territory.

18.1.4. Send justified proposals to the relevant executive authority on environmental examination about the planned activity to be implemented in the subordinated administrative territory.

18.2. The duties of local executive and self-governing authorities are as follows in terms of environmental examination:

18.2.1. Assist to organize community environmental examination based on requirements of the affected local population;

18.2.2. Inform to the relevant executive authority on environmental examination on the planned economic activity in the subordinated administrative territory.

Article 19. Rights and duties of non-governmental organizations and individuals in terms of environmental examination

19.1. The rights and duties of non-governmental organizations and individuals in terms of environmental examination are as follows:

19.1.1. Obtain information on all types of implemented environmental examination and their results, and provide independent feedback on them;

19.1.2. To get familiar with environmental examination documents as stipulated by the legislation;

19.1.3. To participate via the agent in the public environmental examination activity;

19.1.4. Implement community environmental examination;

19.1.5. Use of other rights as specified with the legislation

19.2. The duties of non-governmental organizations and individuals are as follows in terms of environmental examination:

19.2.1. To establish an expert commission on community environmental examination and organize its activity;

19.2.2. To implement community environmental examination in accordance with the rules and requirements specified in the bi-laws;

19.2.3. Public awareness on the results of community environmental examination through mass media or public presentations (hearing).

Chapter 6

State environmental examination and rules of implementation

Article 20. Implementation of public environmental examination

20.1. Public environmental examination is considered a type of activity of relevant executive authority.

20.2. Public environmental examination is conducted on the objects specified in the Article 14 of this law which have impacts on the environment and human health during projections of economic activity as well as use of nature (natural resources).

20.3. The rule of implementation of the public environmental examination and template of examination feedback is defined by relevant executive authority.

Article 21. Documents submitted to the environmental examination and requirements thereof

21.1. The documents submitted to the environmental examination of the project client and requirements thereof are as follows:

21.1.1. EIA document developed (submitted) by project client and the documents specified in the Article 14 of this law, and information on socio-economic and environmental assessment process of environmental status and public health of the envisaged economic activity for implementation;

21.1.2. The documents on the permit (license) documents issued by relevant executive authorities aimed at realization of the envisaged economic activity, also the minutes of the meeting (public hearing) held with community as stipulated;

21.2. The following information shall be reflected in the documents submitted to the public environmental examination

21.2.1. Employment of technologies with the use of suitable materials (raw materials), saving energy, reduction of technological losses and use of energy, also with less wastes and zero-waste;

21.2.2. Efficient use and restoration of nature (natural resources), attraction of the wastes to recycling originated from industry and services, their comprehensive processing and utilization;

21.2.3. Ensure the treatment of waste waters, prevent such waters from running into natural and artificial water flows, water basins and the relief of the earth, and use them for technical needs;

21.2.4. Justification of effective and guaranteed actions on protection of atmosphere from pollution;

21.2.5. Justification of the use of water, land, air, forest, flora and fauna, minerals and other natural resources;

21.2.6. Conservation and restoration of lands, flora and fauna, and protection of the status of specially protected natural areas and objects;

21.2.7. Develop actions to ensure the protection of the population and environment from harmful effects of physical, chemical and biological factors of anthropogenic origin;

Article 22. Expert commission on public environmental examination

22.1. In case a need arises for an expert commission in the review process of the project documents submitted for any object this commission is set up by the relevant executive authority on the public environmental examination. The

composition of the expert commission includes agents of the relevant executive authority on the public environmental examination together with representatives of relevant representatives of offices and organizations and independent experts.

22.2. The operations of the expert commissions on the public environmental examination on the state programs, and projects of large and complex objects projects include relevant specialists, and representatives of scientific institutions, non-governmental organizations and community.

22.3. The participating persons as experts in the expert commission on public environmental examination cannot be clients and executors of a relevant project.

Article 23. Public environmental examination implementation period

23.1. Public environmental examination is conducted within 60 (sixty) days upon delivery of the related documents (EIA document in the first turn) fully and ensured the payment of relevant fund for conduction the examination.

23.2. The implementation period of the public environmental examination can be extended to 1 (one) month depending on the complexity of the environmental examination object and volume of the delivered documents.

23.3. Upon settlement of the claims (defined errors) in the public environmental examination, the revised examination materials shall be re-submitted to the relevant executive authority on the public environmental examination. Re-submitted documents are processed within 10 (ten) days and relevant feedback is provided.

23.4. The provision period of feedback cannot be longer than 90 (ninety) days including the implementation of environmental examination.

Article 24. Public environmental examination feedback and implementation

24.1. Public environmental examination feedback is consisted of grounded results about the feasibility of the realized project and permissible limit of potential impacts on environment and human health.

24.2. The positive feedback of public environmental examination is an official permit for realization of environmental examination object.

24.3. The positive feedback issued by the public environmental examination in case of initiation of a project is valid for 5 (five) days.

24.4. If the environmental examination object with positive feedback of environmental examination object has been realized in contradiction with the specifications in the project documents, as well as illicit changes have been made in those documents, then the examination feedback shall be invalid.

24.5. If the public environmental examination feedback is negative about implementation of activity of environmental examination object that project cannot be realized.

24.6. The project client shall be eligible to re-submit the examination materials to the relevant executive authority on the public environmental examination upon settlement of the claims (defined errors) which have been specified in the negative feedback in the public environmental examination.

24.7. Heads of offices, entities and organizations and other officials are responsible for execution of public environmental examination feedback in accordance with legislation.

24.8. Officials of relevant executive authority on the public environmental examination and experts conducting the public environmental examination are responsible for justification and accuracy of their feedbacks in accordance with this law, rules of public environmental examination, requirements of technical normative legal acts and ecological standards.

24.9. The financing for initiation and implementation of a project is authorized only upon the positive feedback of public environmental examination

Chapter 7

Community environmental examination

Article 25. Rules of conducting the community environmental examination

25.1. Community environmental examination is organized and conducted on the basis of the initiative of local self-governing bodies, non-governmental organizations, legal entities and individuals.

25.2. Community environmental examination can be conducted regardless of implementation of public environmental examination for the same object.

25.3. The initiators of community environmental examination shall be informed about the venue and time of the examination to be conducted with the written request filed to relevant executive authorities and local self-governing bodies 5 (five) days prior to implementation of the examination.

25.4. If the requirement and field of activity of conducting the community environmental examination is belonged to the object included to the list of other secrets protected by the state, commerce and law, then the request for completion of community environmental examination can be disagreed.

25.5. The rule of completion of community environmental examination is defined by relevant executive authority.

Article 26. The rights of local self-governing bodies, non-governmental organizations, individuals and legal entities in terms of community environmental examination

26.0. The rights of local self-governing bodies, non-governmental organizations, individuals and legal entities conducting community environmental examination are as follows:

26.0.1. Receive complete set of project documents of environmental examination object from project clients;

26.0.2. To get familiar with the normative and legal acts and technical normative legal acts which define the requirements on implementation of environmental examination;

26.0.3. Communicate the results of community environmental examination to the public at large through mass media, and host public hearings accordingly;

26.0.4. To file a request to relevant state body about cancellation of decisions on accommodation, construction and operation of ecologically harmful objects, limit, cease their operations or change their profiles as stipulated by the legislation;

26.0.5. To make recommendations on development of EIA documents of the projects of the main funds, industries and services fields and objects participating in carrying-out economic activity, and implementation of public environmental examination;

Article 27. Community environmental examination feedback

27.1. Community environmental examination feedback and (or) minutes of community meeting (public hearing) is sent to relevant executive authority on the public environmental examination and also to decision making body (organization) on realization of environmental examination object.

27.2. Community environmental examination feedback is of advisory nature. This feedback can be disseminated through mass media and delivered to local self-governing bodies, project clients and executors and other stakeholders in this sphere.

Chapter 8

Rights and duties of project client on environmental examination project, financing

Article 28. The rights of project client on environmental examination object

28.1. The rights of project client on environmental examination object are as follows:

28.1.1. Receive information on normative and legal acts, guidelines-methodical documents and technical normative legal acts from relevant executive authority on the public environmental examination in terms of environmental examination;

28.1.2. Receive information about implementation period of environmental examination;

28.1.3. To request for elimination of circumstances of violations of the rule of implementation of environmental examination specified with legislation from relevant executive authority on the public environmental examination;

28.1.4. Submit or make written or verbal explanations and proposals related to the objects undergone to EIA and environmental examination;

28.1.5. Get familiar with the results of environmental examination;

28.1.6. To file a complaint to the court against the public environmental examination feedback;

28.1.7. To raise a notion in the court about compensation of the damage inflicted as a result of violation of legislation of the Republic of Azerbaijan in the sphere of EIA and environmental examination.

28.2. The rights of environmental examination object's project client are protected with this law, law on environmental protection and civil legislation.

Article 29. The duties of environmental examination object's project client

29.0. The duties of environmental examination object's project client are as follows:

29.0.1. To submit the documents on objects specified in the Article 14 of this law to the public environmental examination in terms of environmental examination in accordance with requirements of legislation;

29.0.2. Public awareness of the population affected as a result of envisaged economic activity;

29.0.3. To finance EIA and conduct of public environmental examination;

29.0.4. To submit information to relevant executive authority about environmental examination object with the request of the public environmental examination;

29.0.5. To submit necessary materials, information and reports about environmental examination object to local executive and self-governing authorities, and non-governmental organizations and individuals and legal entities which have organized community environmental examination with their requests;

29.0.6. To perform economic activity according to positive feedback of public environmental examination;

29.0.7. To submit the public environmental examination feedback to the bank or non-bank credit organization to finance the realization of environmental examination object;

Article 30. Settlement of disputes related to EIA, SEA and environmental examination

30.1. If a project client or executor on environmental examination object does not agree to the rule, method and results of conduct public environmental examination they file their disagreements reflecting their claims to the relevant executive authority on the public environmental examination in written forms.

30.2. The claim against the decision on the rejection of the disagreement can be filed to higher bodies or the court as stipulated by the legislation.

30.3. The feedback of public environmental examination is invalid in the following circumstances:

30.3.1. Violation of the rule and procedure of conducting EIA, SEA and public environmental examination;

30.3.2. Failure of fulfilment of ecological norms, rules and requirements in the field of environmental protection, use and restoration of nature (natural resources) or distortion thereof;

30.3.3. Violation of civil rights to live in the healthy environment;

Article 31. Financing of public environmental examination

31.1. The costs related to conducting the public environmental examination on environmental examination objects, including their recurrence are paid off by the project client, and are calculated on the basis of the defined estimation documents.

31.2. The funds are transferred to the account of relevant executive authority on the public environmental examination by the environmental examination object's project client in order to fund the public environmental examination. Re-funding of environmental examination constitutes 25 percent of the initial examination value.

31.3. The proceeds received as a result of implementation public environmental examination are utilized for the conduct of public environmental examination, completion of relevant works, including payment of salaries of consultants, off-duty experts and stimulation of the labour of employees of relevant executive authority on the public environmental examination.

31.4. The rule of financing the public environmental examination in the Republic of Azerbaijan is regulated as stipulated by legislation.

Article 32. Financing of community environmental examination

32.1. Financing of community environmental examination is carried out by the funds of non-governmental organizations grants, also the funds allocated by the decisions of local self-governing bodies and stakeholders, as well as on the account of contributions of citizens and legal entities and other sources of finance which have not been prohibited with the legislation.

Chapter 9 **Final provisions**

Article 33. Violation of legislation on environmental impact assessment

3.1. The following circumstances include the violation of legislation on environmental impact assessment:

33.1.1. Failure of submission of the documents to the public environmental examination, which have been specified in the Article 14 of this law;

33.1.2. Falsification of the materials, information and statistics including the results of implemented EIA and environmental examination submitted to the public environmental examination;

33.1.3. Deliberate involvement of the expert to develop fake feedback, conducting the environmental examination;

33.1.4. Impede the set-up and implementation of EIA and environmental examination process;

33.1.5. Failure of materials, information and statistics to the relevant executive authority on the public environmental examination related to environmental examination object;

33.1.6. Realization of a project without positive feedback of public environmental examination;

33.1.7. Implementation of the activities which do not meet or contradicting with the positive feedback documents of public environmental examination.

33.2. The violations of legislation on environmental impact assessment of the Republic of Azerbaijan by the state and local self-governing bodies and their officials, head of expert commission on public environmental examination, banks and credit organizations their officials, individuals and legal entities of the Republic of Azerbaijan:

33.2.1. Violation of rules and requirements on the conduct of public environmental examination, defined with this law and other normative and legal acts;

33.2.2. Violation of the requirements of the legislation of the Republic of Azerbaijan on environmental impact assessment also the legislations on environmental protection and environmental standards and technical normative legal acts;

33.2.3. Failure of performance of duties defined with this law;

33.2.4. Violation of the rules on shaping the expert commission on public environmental examination and set up activities;

33.2.5. Failure of justification of the results of environmental examination feedback on environmental examination object;

33.2.6. Falsification of the results of environmental examination feedback on environmental examination object;

33.2.7. Disclosure of public and commercial secrets in the delivered documents to the environmental examination;

33.2.8. Granting permits to use the nature (natural resources) having direct or indirect impacts on the environment and implementation of other economic activities without obtaining the positive feedback of public environmental examination;

33.2.9. Unauthorized set up and implement EIA and environmental examination process as per legislation;

33.2.10. Loan allocations and financing of project implementation, realization of environmental examination object without the positive feedback of public environmental examination;

33.2.11. Illegal objection against the registration of the request on conducting the community environmental examination accordingly.

Article 34. Responsibility for violation

34.1. The culprits bear civil, administrative and criminal responsibilities for violation of this law as stipulated in the legislation of the Republic of Azerbaijan;

Article 35. International cooperation in terms of environmental impact assessment

35.0. International cooperation in terms of environmental impact assessment is implemented in accordance with the obligations stipulated by the international agreements supported by the Republic of Azerbaijan in the sphere of environmental impact assessment and environmental protection, environmental safety and public awareness, and the following principles are guided in such case:

35.0.1. Priority of ecological safety;

35.0.2. Share of information and experience;

35.0.3. Joint participation in the prevention of economic activity which might pose regional and global problems in the sphere of environmental protection and use of nature (natural resources);

35.0.4. Violation of sovereign rights of the state over its natural resources;

35.0.5. Expansion of international relations in the sphere of environmental impact assessment, SEA, EIA and environmental examination process methodologies, methods and forms, also scientific and technical information sharing in this direction;

35.0.6. Fulfilment of international obligations in the sphere of environmental impact assessment and environmental protection, use of nature (natural resources).

Article 36. Enforcement of the law

36.1. This law is enforced from the date of publishing.

Ilham Aliyev
President of the Republic of Azerbaijan

Baku city “___” _____ 2013

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